

## TUESDAY, 2 SEPTEMBER 2008

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

*Vice-President*

### 1. Opening of the sitting

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

### 2. Documents received: see Minutes

### 3. Debates on cases of breaches of human rights, democracy and the rule of law (announcement of motions for resolutions tabled): see Minutes

### 4. Social package (First part) (debate)

**President.** – The next item is the Statements by the Commission and the Council on the Social Package (First part).

**Vladimír Špidla**, *Member of the Commission*. – (CS) Mr Vice-President, ladies and gentlemen, two months ago the Commission adopted a renewed social agenda. It is designed to help the Union to solve the social problems which Europe will have to tackle in the 21st century. It contains an ambitious and cohesive set of measures in the field of social policy, enabling Europeans to grasp the opportunities open to them.

As has been said already, the renewed social agenda was discussed by Ministers for Labour and Social Affairs at an informal meeting of the Social Council held in early July at Chantilly.

I was pleased to receive a report on the very positive welcome of the renewed social agenda by Member States and I await with interest the conclusions which the Council should receive by the end of this year. I have already had the opportunity to present this package to the Conference of Presidents and the Committee on Employment and Social Affairs. A suitable time has also arisen for an in-depth debate here in Parliament. I am convinced that today's exchange of views will help us to reach a consensus on the question as to what kind of social Europe we wish to build for European citizens.

I should like to remind you of developments up to now. This complex package is the result of two years of joint efforts. The Commission has been working with all interested parties, including representatives of workers and employers, civil society, Member States and regional and local bodies. The package forms a cohesive whole, emphasising links to other areas, such as education, health, environment, the information society and the economy, and it clearly shows that economic and social objectives are two sides of the same coin and must operate in close cooperation for the benefit of the people. It is an ambitious package, attempting to offer practical responses to the concerns of the people and to improve their living conditions. It is also a very comprehensive package – the largest that the Commission has ever adopted in one go – with 18 initiatives presented together with the report. In excess of another 20 relating to a wide range of topics are also under discussion.

Today we are looking at two measures: at a proposed directive to combat discrimination and at a revised directive on the establishment of European Works Councils. First of all, however, I should like to say a few words about the basic principles of this package.

The renewed social agenda is based on three main principles: opportunities, access and solidarity. We Europeans value the worth of individuals and want everyone to have an equal opportunity to achieve their potential. This means removing the obstacles which people have to overcome and creating the conditions to allow everyone to grasp the opportunities offered while still respecting European diversity and avoiding discord.

Europeans' faith in equality gives rise to a shared belief in social solidarity: solidarity between generations, between regions, between those at the top and those at the bottom, between wealthy and less wealthy Member States, and also with our neighbours and friends in other parts of the world, since solidarity is an integral

part of the functioning of the European Community and of our relations with other countries throughout the world.

Ladies and gentlemen, as you know, the extent of legal protection against discrimination differs at present in the EU depending on the reasons for the discrimination. Discrimination is not, however, restricted to one area. This is why we have proposed, as part of the package, a horizontal directive prohibiting discrimination on the basis of age, sexual orientation, religious belief and disability outside the employment field. A horizontal directive will provide Member States, economic entities and citizens with the greatest degree of clarity and legal certainty.

This draft is a response to repeated calls from Parliament and meets the political undertaking which the Commission made upon taking office. It is a flexible instrument based on principles already adopted in Member States and embedded in existing regulations.

I should like to emphasise that tackling all the reasons for discrimination in the same way does not mean that uniform rules have to apply in all areas. In insurance and banking, for example, it will be possible to apply different approaches on the basis of age or disability. However, such differences will have to be supported by convincing grounds and reliable statistical data. Elderly people will still be able to enjoy preferential rates on public transport and at cultural events, and it will still be possible to restrict access to certain goods in order to protect people's health, for example the sale of alcohol to underage youths.

The directive covers the supply of all goods and services and relates to both business and private individuals, but only insofar as the commercial supply of goods and services is involved.

The directive will also be proportionate with regard to the burden it imposes in accordance with the concept of proportionality embedded in both the existing anti-discrimination directives and the UN Convention on the Rights of Persons with Disabilities, which has been signed by Member States and the European Community.

The draft directive prohibits discrimination, but at the same time respects the other fundamental rights and freedoms, including the protection of private and family life and acts undertaken in this context and also the freedom of religion and the freedom of association.

Another problem to which I should like to draw attention is discrimination against the Roma, which the Commission has repeatedly condemned as incompatible with the principles of the EU. The package contains a declaration of our renewed undertaking to ensure equal opportunities and to fight against discrimination and also a Commission Staff Working Document on Community Instruments and Policies for Roma Inclusion.

It is a response to the request from the European Council in December 2007 that the Commission should review existing policies and instruments and submit to the Council a report on the progress achieved.

According to the Commission Staff Working Document, the necessary legislative, financial and coordinating instruments are in place and are being used, but not yet to a sufficient extent. The renewed social agenda includes several initiatives intended to improve the Union's ability to react more effectively to changes. We are convinced that European social dialogue and the European Works Councils have a special part to play in this context. The European Works Councils Directive has been crying out for updating for some time.

At the present time, there are 820 European Works Councils in the Union, representing 15 million workers. However, recent cases show that they are not quite doing their job and employees are often not kept well informed or consulted with regard to company restructuring. The initiative therefore aims to strengthen the role of social dialogue within companies at the supranational level.

It is a balanced draft which should guarantee that employees' representatives are kept adequately informed and consulted prior to decisions relating to circumstances affecting them and should also allow businesses to adapt to globalisation.

The Commission would of course prefer to give priority to a solution first discussed by representatives of workers and employers, but the fact that we did not manage to persuade them to come to the table for discussions last June forced the Commission to submit a draft on its own initiative.

We nonetheless value the joint letter which representatives of workers and employers sent to the Council and Parliament in August. We appreciate the efforts made by both sides to reach agreement on this complex topic and I am also pleased that they decided to accept the Commission's draft as a basis for further work. I really hope that Parliament will bear in mind the practical proposals made by representatives of workers and

employers when they come to the first reading. I believe that we shall achieve a rapid resolution. As far as it is able, the Commission will try to smooth the path as much as possible.

Now I must say a few words about the impacts of globalisation. Company restructuring is sometimes unavoidable, but the impacts on employees and their families may be very painful. The European Globalisation Adjustment Fund exists to help in such situations. So far the Fund has helped 7 250 employees to find new jobs. We can be pleased about this, but it must be ensured that the Fund is accessible to all those who might benefit from it.

The report contained in the social agenda package states that, of the EUR 500 million available annually, just 4% was used in 2007. Thought must therefore be given as to how to improve the results of the Fund's activities.

As regards workforce mobility, I should like to say that the 1996 Directive concerning the posting of workers supports the free movement of services and also offers protection against the abuse of workers and guarantees them observance of fundamental rights in the Member States to which they are posted. Recent rulings by the Court of Justice on this matter have thrown up a whole series of questions. The reactions to them are quite legitimate and we must together find an answer to them. I am convening a forum to discuss this topic on 9 October, when this complex problem will be discussed with political bodies, representatives of workers and employers, representatives of European institutions and experts in the fields of law and the economy.

The Commission will of course continue to listen to all comments, but we do not as yet see any need to amend the Directive. In any case, however, we shall ensure that there is no conflict between the fundamental freedoms embedded in the Treaty and citizens' fundamental rights.

Ladies and gentlemen, this new social agenda affirms the undertaking of the European Union to promote a strong and real social dimension for Europe, a social Europe, which will meet the expectations of our fellow citizens. Of course, this is impossible without including an educational dimension, which is very important. In this context, I should like to mention the following three documents:

1. Council Recommendation on mobility of young volunteers across Europe;
2. Communication entitled 'Improving competences for the 21st Century: an Agenda for European Cooperation on Schools';
3. Green Paper: Migration & mobility: challenges and opportunities for EU education systems.

It is our joint wish to strengthen and deepen the social dimension of Europe. The 18 measures contained in the package represent the first step in our efforts in this direction. I know that I can rely on you, whose job it is to represent the voice of the people, to consider these proposals and political documents in depth and with care. It is of fundamental importance for their future.

**Xavier Bertrand**, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, we are here to talk about social Europe. We shall talk about social Europe, and I am glad to be doing so today before the European Parliament, which is a key player in the institutional structure of Europe, an essential partner with which the French Presidency is keen to work as closely as possible.

I have said it before and I will say it again now: 2008 is to be the year in which social Europe is re-energised. Something that I believe all our European players want to see. The June summit in Luxembourg, the Chantilly meeting in July, are milestones along that route. We were keen for the French Presidency to tackle the issue of revising the European Social Agenda, which Commissioner Špidla talked about just now. This is a key issue which demands the ability on our part to define a social vision for Europe and to translate that vision into concrete action. The discussions at Chantilly, in which Parliament took part through your committee chairman Mr Andersson, enabled us to reaffirm a number of common values which we all share, and it is precisely these that define Europe's ambitions for social policy. Those values are social dialogue, intergenerational solidarity, action against poverty and discrimination, equality between the sexes, social protection, occupational mobility, and the importance of services of general interest in guaranteeing social cohesion and social responsibility in business and industry. Observed from Beijing, Washington, the Cape, New Delhi or from Brisbane even, these values give the European social model its originality.

Chantilly was an opportunity for us to remind the world that these values are central to Europe's development strategy, to the Lisbon strategy. In other words, Chantilly provided a reminder that this social model, these common values, constitute a European strength in our globalised world.

Why? Because the knowledge-based economy, the innovation economy, can only be built by focusing firmly on developing human capital and on lifelong learning. Because the economy as a whole loses out when whole categories of the population are shut out of the world of work for long periods of time, cannot contribute to wealth creation and cannot access goods and services. Because workers too are more productive when they have good terms of employment and social protection which cushions them against the hard knocks that life delivers.

Economic progress does not mean sacrificing social progress, far from it. I am not alone in seeing the two as indissociable. Without social progress, economic progress will run out of steam sooner or later. So Europe must advance on both fronts: economic progress, yes, and social progress too.

Along with this conviction which we collectively reaffirmed, we took on board another fact: the European social model needs to change, to adapt to globalisation, climate change, demographic change and the growing diversity of European societies. So we need to adapt our labour markets and introduce flexicurity, that is to say new securities and flexibilities for both workforce and employers.

And things are moving. At first the term 'flexicurity' frightened people, alarmed them. But now it represents a European ideal aspired to by all players, including the social partners. The word has become commonplace, an everyday term, which proves that things are indeed changing, that mindsets are changing.

Something else which must be addressed if we are to move our social model forward is the guarantee of social cohesion, with measures to combat new forms of poverty, specifically where they affect children. It is time we joined forces to prepare our societies better for this demographic change, strengthening intergenerational solidarity and ensuring that people have access to high-quality social services of general interest.

This process of adjustment has been under way for a few years already. Thanks to initiatives by the Commission, the Council of Ministers, the European Parliament and the social partners, we are making progress on specific initiatives which respond to popular concerns in Europe. How do we allow freedom of movement for workers within Europe and at the same time safeguard the employment rights of those who move? How do we improve the management of restructuring operations by involving the workforce Europe-wide? How do we ensure that people are able to work and thus play a part in society and what can we do to counter discrimination more effectively?

These endeavours will continue throughout the French Presidency. Especially – and I say this in all honesty – since the upcoming elections mean that the second half of 2008 will be our last shot at securing results in this parliamentary term on a number of issues. All of us will shortly be held to account by our fellow Europeans at the ballot box.

The people of Europe expect results here. The reactions to recent rulings by the European Court of Justice are proof of that. This is an area where the European Parliament can help us, along with many other areas which I will touch on briefly.

Firstly, revision of the European Works Council directive, which Vladimír Špidla talked about just now. This is a major undertaking that will strengthen social dialogue in Europe. The present directive applies to more than 14 million workers and 820 employers. Revision of the directive will increase the number covered still further.

At Chantilly we brought together representatives of the European Trade Union Confederation and of Business Europe to hear their views on the revised text put forward by the Commission. They were happy with the proposal as a working base and said they could negotiate to overcome points of disagreement. They are now finalising a number of common proposals which they will announce in due course.

If this comes to fruition, if the social partners produce common proposals on revision of the directive, this will be helpful to our work, the work of Parliament and the Council. So why not reach agreement at first reading as quickly as possible? If at all possible, by the end of the year?

Concerning our second focus of work: I must of course mention the proposal for a directive on protection from discrimination beyond the workplace, which the Commission also adopted on 2 July. This was much discussed at Chantilly and the Presidency opened talks on this text from the beginning of July. Parliament will be consulted on this matter but I should point out that the Commission's proposal, covering four grounds for discrimination, took account of the resolution which Parliament adopted last spring on the report by Elizabeth Lynne.

The third matter which also received a lot of attention was social services of general interest. All the Member States are talking about these. They are all talking about the same thing even if, admittedly, they are not all saying exactly the same thing. But adoption of the Protocol to the Lisbon Treaty and evaluation of the Altmark package gives us an opportunity to think about the contribution which these services make to social cohesion in Europe, the need to ensure that they are of high calibre and the importance of giving them a sound legal framework. We hope to work on a roadmap with the Commission, and with anyone keen to contribute, to identify a number of intermediate objectives so that progress on this highly important matter can be sustained.

Then, of course, there are the directives on temporary work and working time. On both these, the ball is in the European Parliament's court, for the second reading. We must try to avoid conciliation. Millions of temporary workers in Europe are waiting impatiently for the directive on temporary work to come into force and there is pressure on some Member States to settle the question of on-call time. So I can only encourage Parliament to keep us informed of what happens, with due regard, here too, to the counterbalancing factors of which I am well aware. But here too, people have expectations of us and all eyes are upon us.

I am also mindful, on the subject of mobility, of the need to reach agreement on the implementing regulation on the coordination of social security schemes.

The French Presidency needs the European Parliament's support on these various issues in order to achieve concrete results. Those results – you know this, but I will say it again – are keenly awaited by the people of Europe, who expect us to pursue our European social vision to the benefit of their everyday lives, to make Europe more a part of everyday existence. We know today that we need not less Europe but more Europe. We know full well today that we need not less social Europe but more social Europe. We know full well, ladies and gentlemen, the challenges we have to meet.

**Joseph Daul**, *on behalf of the PPE-DE Group.* – (FR) Mr President, President-in-Office of the Council, President of the Commission, Commissioner Špidla, ladies and gentlemen, the Group of the European People's Party and European Democrats sets great store by social justice. Upholding European social models is one of our priorities in an increasingly globalised world. And for this reason, as Chairman of the EPP Group, I welcome the Commission's proposal on the new social package. This text offers some answers to questions of fundamental importance to our societies, such as demographic change, globalisation and poverty reduction.

My group feels that the Commission should go still further and take more specific measures. Alleviating poverty, getting population groups who are excluded from the labour market into employment, promoting worker mobility and improving workers' education and training – these are things that call for a specific programme, concrete measures and strong commitment on the part of the European Union and its Member States.

Demographic change is a major challenge for our economies. Workers over pensionable age, women, young people and above all persons with a disability – generally speaking everyone who has been out of the labour market for a long period of time – must be given a new chance. We must help these people to find work or get back to work. To that end we want concrete measures to promote lifelong learning.

Persons who *are* in work continue to face inequalities. We are very concerned by the continuing pay gap between men and women. That is something which ought not to exist in the Europe of 2008. Similarly, appropriate care facilities must be provided to help people combine work and family life. We thus call on the Commission and Council to take specific measures here. My Group is opposed to all forms of discrimination. So we approve of the Commission's declared intention to plug the loopholes which persist in the relevant legislation. Action on discrimination against disabled people in particular must be intensified.

Ladies and gentlemen, we believe that the most effective instrument we have for upholding social models in this age of globalisation is economic growth. But we are convinced that in order to attain the objectives of the Lisbon Strategy we must promote the cause of business and industry, because it is enterprise that basically drives job creation. We must improve the image of the entrepreneur in Europe and encourage young people to set up their own businesses. We must also encourage a competitive environment for our businesses, giving special support to small and medium-sized enterprises which are the leading creators of jobs.

With this in mind we urge all players in the field to work for more flexicurity in Europe. The concept has proved its worth in those countries that have adopted it. It allows businesses the flexibility they need to be internationally competitive, whilst protecting workers at the same time. I welcome the Commission's intention

to promote social dialogue. For us, partnership based on trust within businesses is key to their success in the marketplace.

Ladies and gentlemen, in the current treaties social matters are still essentially the province of the Member States. That may, and must, change but until it does we have to abide by the subsidiarity principle. We have no choice. That does not stop the Commission from conducting impact studies, condemning inequalities and seeking to assess the social consequences of any new proposed legislation. Indeed I urge it to do so. The social and societal challenges we face are considerable: we need to reform our economies, adapting them to be more competitive, so that fewer people suffer exclusion. There cannot be social progress without economic growth, but the economy cannot be competitive without social progress. The EPP-ED Group is determined, now more than ever, to achieve results here.

**Martin Schulz**, *on behalf of the PSE Group*. – (DE) Mr President, ladies and gentlemen, listening to the speeches delivered by the previous speakers – by Commissioner Špidla, by the President-in Office of the Council, Mr Bertrand, and by you, Mr Daul – one has the impression that all is well. You are progressing nicely, and 2008 will be remembered as the year when the European social model was relaunched.

That all sounds very fine, but the reality is harsher. Yes, the real picture looks quite different. The real picture is one of gross social inequality in the European Union. Profits spiral ever higher while wage levels stagnate. The income gap has become an ever-widening chasm. The loss of purchasing power that has hit ordinary people in the European Union, compounded by the drastic increases in energy prices, is a veritable impoverishment programme. This is a problem that we must address in the European social model, and not just with fine words. What you are initiating, Mr Špidla, is good, and we welcome it.

Ladies and gentlemen, we shall be dealing in detail with our views on the various proposals. For this reason I can make a few basic remarks about what we expect of a European social model. Fifteen years ago, if people in the European Union – in whatever country – had the feeling that something was going wrong, that some long-established national standard was endangered, they responded by looking to Europe to put things right; they felt the need to rectify matters in the European framework, because people believed then that European rules in a European framework would provide protection transcending national boundaries.

Today, fifteen years later, just try telling anyone that we will put things right in Europe. It would strike fear into employees, because they believe that this Europe, in its present-day disposition, can no longer guarantee them social protection.

If you take the time to analyse the Irish referendum and the voting behaviour of young people, you will see these people saying that Europe is a great idea. But when they look at how it is organised and constituted today, they are not impressed with its organisation or its disposition. Since we are entering an election campaign, it is only right to ask why there was such optimism fifteen years ago about the future of social policy in Europe, and why there is such pessimism today. Our reply as Socialists must be that Europe is governed by the Right. You delivered a fine Socialist speech, Minister; what you said here was marvellous. But what line did your government take in the Council on the Working Time Directive?

(Applause)

Your governing party is a member of the European People's Party, whose member parties provide the vast majority of the heads of government in the European Union. In the Commission, they provide an absolute majority of the Commissioners as well as the President of the Commission. The European People's Party is the largest political group in this House, but, to hear you speak, one would think you had nothing at all to do with the stunted social development of Europe. Europe is governed by the Right and is being guided in the wrong direction, and that must be rectified in the European elections.

(Applause)

You will have a good opportunity to get us back on track when the time comes to implement the measures you have outlined. The European social model is one of our priorities, you said. For our group, it certainly is! What do people feel seriously threatened by in the European Union? Uncontrolled financial markets. Uncontrolled hedge funds and private-equity firms that buy some company or other, cherry-pick its assets and dump its employees on the streets – simply to maximise the investors' profits.

My honourable colleague Paul Nyrup Rasmussen has presented us with a very good report. We need qualified majority voting on this issue, so that the Commission can launch an initiative for the regulation of hedge

funds and private-equity firms. Who is it that refuses to support such a move? You, the European People's Party, whose representatives on the Committee on Economic and Monetary Affairs are against it.

This is why we need to spell out very clearly that the struggle for the European social model is also the struggle for a basic philosophy. Mr Bertrand rightly ascribed the success of the European Union to its having married economic progress with social progress. That was always the underlying philosophy in Europe – for the Christian Democrats too, by the way. For decades, these were two sides of the same coin, until the neo-liberal mainstream began to tell us in the early nineties that lower wages, longer hours and less say in company management were the basic recipe for faster economic growth. For decades, of course, there have been people – and they are still present in great numbers today, even within the Commission – who attach more importance to horse racing than to the European social model but are responsible here for the internal market and who have been telling us, and still tell us – the prime example being Mr Trichet, who does so at every press conference – that wages in Europe are too high. Perhaps they are in the case of board members at the European Central Bank, but not for ordinary workers in Europe.

We shall therefore have to ensure that a general change of political direction takes place, a change of direction that will actually put the European social model back where you want it, Mr Bertrand, so that every economic advance achieved by the European Union will also have a beneficial impact on the lives of all citizens of the European Union.

You are right, of course, in saying that the EU can only compete in the world, be it in Beijing or Brisbane, if we develop this internal market. We want to do that; we want an internal market that can perform. We want an efficient and competitive European continent. But the reason why we want it is to create wealth that accrues to everyone, not only to investors in major corporate groups, in large joint-stock companies and in the big banks.

As long as we have this philosophy in Europe that awards European prizes to people who boast, when presenting their companies' performance figures at press conferences, of having made billions throughout Europe on which they do not pay any taxes in Europe, because their profits are European and not national and are therefore exempt from national taxation, and as long as we continue to put tens of thousands out of work to perpetuate this state of affairs and maintain our shareholders' profits – as long as this remains the reality of the European social model, we can talk here as much as we like, but the people will never identify with this Europe.

We do wish, however, to consolidate the European ideal and to further the cause of integration. For this reason, let me remind the House that a European social model is judged by its fruits. The same applies to you, Mr Bertrand, in the Council and to you, Mr Daul, here in Parliament.

**Graham Watson**, *on behalf of the ALDE Group*. – Mr President, this social package is a welcome step forward in the building of a European community which cares for its citizens.

The people who cast votes against the European Constitution and the Lisbon Treaty sent a clear message. The message is they will not give the European Union new powers simply because we want them. Our people want to know what kind of European Union we are building.

This package is extensive and controversial, and we must make sure that people know the benefits that it will bring to their lives.

There is much to praise, as Commissioner Špidla says, in the European Works Council Directive and, of course, in the proposal on patients' rights in cross-border health care, for which my group has fought so hard.

But I want today to concentrate on two specific measures in this package. First, the revision of the Globalisation Adjustment Fund, which helps people who have lost their jobs to find new ones. At present, a thousand posts must be under threat before a company can apply. Liberals and Democrats welcome the proposal to lower that threshold and to simplify claims procedures, not because the European Union should plan work for Europe – that role is best filled by the internal market – nor in the belief that the EU should provide unemployment benefit – that is for Member States. Rather, we welcome this proposal because it is based on a sound liberal principle: that employment is the best source of welfare.

With growth grinding to a halt and some Member States already in recession, this policy will help prevent a spiral of sudden job losses that create welfare dependency.

Second, the Anti-Discrimination Directive: my group has fought for this from the beginning of this Commission's term of office.

The definition of discrimination will now cover the main spectrum of minorities – older people, gay people, disabled people, people of all faiths and none – and it will apply to clients and consumers, as well as employees.

This, too, is a liberal measure which will proffer practical benefits, the kinds that come from knowing you can do your job and live your life free from the tyranny of prejudice.

The draft directive should go further than it does. There are still loopholes, still opportunities for discrimination to rear its head. Why, for example, Commissioner, is it right to outlaw discrimination in the workplace, but to allow Member States to use discriminatory schoolbooks in the classroom?

Nonetheless, Europe is breaking down the barriers of discrimination, piece by piece.

My group welcomes the commitment of the Commission and the Council to further that process, just as we insist on the full involvement of this House in framing the measures that complete it.

In February Mr Barroso brought to us a major package of measures to fight climate change. Today, the Commission's proposals on social policy demonstrate to its detractors that Europe cares for community cohesion and that liberal economic policies need be no threat to progressive policies for a healthy environment and a society served by solidarity.

Mr Schulz bemoans the predominance of centre-right governments in the European Union, but we live in a democracy and people choose their governments. They are distinctly unconvinced by what the Socialists are offering.

**Jan Tadeusz Masiel**, *on behalf of the UEN Group*. – (PL) Mr President, the Union for Europe of the Nations Group very much welcomes the European Union's new social package. The social dimension is what most distinguishes Europe from other world powers such as the United States or China. In the west twentieth-century Europe was built to a great extent on social values. It provided a valuable social model for the new Member States upon their accession to the European Union in 2004 and 2007, since in many of them, after the recovery of political and economic independence at the end of the 1980s, capitalism sought to assert itself in its worst form, violating workers' rights and showing no respect for human dignity.

In the 21st century we all have to contend with globalisation, which can be an opportunity but also a threat to humankind. Brussels must therefore send clear signals to the Member States encouraging them to preserve and further develop the social gains that serve the interests of all citizens of the European Union.

**Jean Lambert**, *on behalf of the Verts/ALE Group*. – Mr President, I very much welcome what the Minister has said this morning, and hope that much of it will be echoed by the Council, although the evidence so far does not give us great cause for confidence that it will.

Many of us still see question marks hanging over our protection of the social aspect in the face of market dominance. We are invited in this package to consider the impact of the recent European Court of Justice rulings. Well, many of us have indeed considered them and consider them extremely worrying, when we are constantly being asked to justify measures on the basis of their not disturbing markets rather on the basis of their delivering a high quality of services and quality of workers rights etc. This is evidenced in the social package, where we are now looking at recognising the fact that we have poverty among people actually in work, and that we are still looking at a growing gap between rich and poor. While welcoming the sentiments on dealing with poverty expressed in the Commission's package, what we are really looking for is concrete action.

We obviously welcome the horizontal directive on equalities. That is something we have championed throughout this Parliament. It is important for all sorts of reasons, not least because it now actually offers the possibility of full participation in society.

We also welcome many of the proposals on the Roma. We welcome the Commission's commitment and want to see all Member States responding positively, rather than entrenching prejudice and bigotry. Training on equal opportunities is an important part of the skills agenda, especially for those delivering policy in the areas concerned.

We welcome the existence, at least, of the proposals on the European Works Councils, although we have a number of criticisms about what is in them. As regards the mobility aspect of the package, we now also need



to be looking at the impact of mobility in social terms: what happens to people, in particular the economically inactive who move and find themselves disbarred from Member States' health-care systems; what happens to people as they age, having moved to other Member States, and what will their future bring?

We also welcome the proposal on 'New skills for new jobs', and trust this really will link in with the climate change agenda, which also needs to look at new skills in old jobs, because most of the workforce have now passed the stage of formal education, making lifelong learning crucial. We must ask how we are going to deliver the skills we actually need in order to make our climate change targets practicable.

**Gabriele Zimmer**, *on behalf of the GUE/NGL Group*. – (DE) Mr President, three points from the present discussion stick in my mind. The first is the desire expressed by the Minister for the Interior, Mr Bertrand, to make 2008 the year when the European social model is relaunched. Then there are the words spoken by Commissioner Špidla, who said that the social package met public expectations within the European Union, and lastly there is your statement, Mr Schulz, that Europe is governed by the Right.

I believe that all three statements require critical analysis. Firstly, how can the representative of the French Presidency declare the aim of making 2008 the comeback year for the social model when the French Government declined even to refer to social policy as a priority of its Presidency? In my view, the social package is far from meeting people's expectations, because it simply does nothing at all to bridge the social divides in Europe and does not even take any action to halt the widening of these divisions, to freeze the situation as it now stands. The process is set to continue in spite of the social package.

Lastly, Mr Schulz, I can happily give you a taste of your own medicine. It was back in the 1990s, when Socialist governments were in power, that this development took root. We should have expected you to say that, in the wake of Lisbon, there will be a new construct in 2010, a new strategy which will focus sharply on protection of the European social model and which will reorder our priorities once more.

As for the social package itself, it does not come up to expectations. It is high time we broke out of the situation in which the decline in proper employment is accompanied by a growing number of jobs from which people cannot earn their livelihood. We must finally stop using mere job numbers as our criterion in the European Union and focus instead on jobs that pay a decent wage.

This social package contains no announcement of the inclusion, wherever necessary, of a social progress clause in all European treaties. Nor is there any answer to the question whether those who play an important part in defending social rights within the European Union are to be given more instruments and more powers in the European Works Council Directive. The proposal merely invokes the *status quo* and maintains the present line with no additions.

We reject this package as an excessively abstract and misguided approach. In their subsequent contributions to this debate, members of my group will be commenting on the individual components of the proposal.

**Derek Roland Clark**, *on behalf of the IND/DEM Group*. – Mr President, the Lisbon Treaty was dismissed by the legitimate Irish referendum, so of course you need a big programme to divert attention. Hence this new package. Well, it is not really new. It is a rehash of earlier proposals. But it is big. It has EU legislation, social dialogue, cooperation, funding, partnership, dialogue, communication... and that is just one page.

Allow me to focus on funding. A prosperous economy will provide the funds, but you have lumbered yourselves with the euro, where the ECB's interest rate is trying to cover such diverse economies. One size fits all, some say. Actually it is one size that fits no one.

In the UK the Bank of England cannot get it right for all our regions. Indeed, the weekend papers remarked that the economic North-South divide in the UK is now greater than ever before.

The EU is protectionist. You are afraid of globalisation. Do not fight it. Do not combat it. Join it. Join the world market of an ever-growing population. Encourage enterprise by slashing red tape. Call a halt to the never-ending stream of directives and regulations which only hinder business. Accept the rest of the world on even terms and the European economy will increase, bringing the greatest social package of all: more and better jobs.

In conclusion, one notes that it falls to the French presidency to kick-start this venture, but will they? According to *EurActiv* on 3 July, the Commission and the French presidency have both declared social policy a priority in 2008. But if we read the *Deutsche Welle* of 2 July, French President Nicolas Sarkozy has made it clear that

social policy will not be a top priority. Issues like immigration, climate change and energy will take centre stage.

So which statement do you believe? For my part I think the French will do as they always do and look after themselves. For that I congratulate them. I wish my government did the same.

**Carl Lang (NI).** - (FR) Mr President, Minister, ladies and gentlemen, it is normal in this House for us to rabbit on about social policy. Unfortunately the European social model is now no more than a myth, because the social reality in our country of France, and my own region in particular, Nord-Pas-de-Calais, is that we have a state of social decline, despair, social precarity and working conditions, mass unemployment and – something else that is altogether alarming and huge – a falling birth rate.

Our thinking is still based on the social model of the 1960s, that is to say a model that assumes full employment and a large workforce. But for the last thirty years we have had mass unemployment and a sharply declining birth rate, which has taken us from baby boom to old folks boom and plunged the funding of our pensions into crisis.

We must stop thinking that we have to defend the European social model at all costs and get ready instead to reorganise it. Our economic and historical analysis suggests that this should be done in two ways: first, we need a family policy that will bring the birth rate back up, otherwise we shall not be able to fund our pension schemes in the decades ahead and, secondly, we need a policy to re-energise the single market and get people back to work.

In order to re-energise the EU single market we must reindustrialise and, unfortunately, if we persist with our almost religious faith in free trade and uncontrolled liberalism, we shall be unable to do what we must do to make our businesses competitive on our own home market.

For these reasons our future efforts and our goal of improving social conditions must be rooted in this idea of national and Community preference and national and Community protection.

**Thomas Mann (PPE-DE).** - (DE) Mr President, the Lisbon Strategy for Growth and Employment has contributed to the creation of more and better jobs – a success that is being disputed by those who find it hard to come to terms with this Europe of change, outsourcing, rationalisation and takeovers. No one who is constantly made to feel dispensable on a personal level can begin to relate to the export boom of the European economy. As one of the countermeasures to this sense of insecurity, we need a coherent new social strategy. The package on the table, however, is so comprehensive that it cannot possibly be implemented by 2009. This diminishes the credibility of what is essentially a commendable approach.

Commissioner Špidla, our aim cannot be action for its own sake. This is all about sustainability. Nor can our objective be the unadulterated electioneering in which Mr Schulz has just been revelling, but I see he has already left the chamber. We bear a share of the responsibility for ensuring that people are not marginalised and that they do not withdraw into parallel societies or a world of make-believe. This effort begins in schools, where the alarmingly high number of drop-outs must be sharply reduced in order to prevent any further widening of the gulf between those people who have qualifications and those who have none. To this end we need motivating lessons. Talents and skills must be nurtured from an early age – a profitable investment in every case. Our strategy of lifelong learning will then provide the added European value, the widespread wealth creation that Mr Schulz found wanting. So will our educational programmes – Socrates, Leonardo and Erasmus – which must be attuned to the world of work as a matter of urgency. To that end, we must manage to work in tandem with SMEs. Small and medium-sized enterprises provide most jobs, and they have training places to offer. They must also, however, work hard to ensure that they do not stop investing in continuing education and training, otherwise our innovations will dry up.

One resource continues to be criminally neglected, namely older employees. It is high time that their wealth of experience, creativity and resilience was available to our economy. They are still well adrift at the foot of the demographic employment league.

Lastly, the cohesion of our society must be strengthened. In the European Works Council Directive, for example, we need a tenable compromise between employers and employees. We shall do what we can in the Committee on Employment and Social Affairs to contribute to the achievement of that aim. We also need an inter-regional balance, and that is why we provide the European Social Fund, the Regional Fund and the Globalisation Fund. There is one issue, however, that we still regard as extremely critical, namely that of non-discrimination. We in the PPE Group reject the horizontal directive. It would exacerbate the legal

uncertainty that already prevails and further diminish the scope for national creative action. If the social agenda in its entirety is to succeed, primary responsibility must remain in the hands of the Member States. It is more efficient to coordinate and communicate nationally, regionally and locally, and it is time to start adopting best practices instead of merely observing or analysing them. Then there would be a good chance of achieving the social and economic change we want and need and of bringing the European social model to life.

### IN THE CHAIR: MR DOS SANTOS

*Vice-President*

**Harlem Désir (PSE).** - (FR) Mr President, Commissioner, President-in-Office of the Council, ladies and gentlemen, this new social agenda comes late in the day and it is a feeble response to the precarious situation, inequalities and effects of recession currently plaguing the workforce and many of our fellow citizens in Europe.

With more than 70 million people in poverty, even where unemployment levels are falling, with precarious living and working conditions and the growth of atypical forms of employment, we really do need a solid social base, a Europe that protects us. This is one of the focuses of the French EU Presidency. And as you said, Minister, 2008 was supposed to be a come-back year, the year in which social Europe was re-energised. Regrettably, your Government did not make the social dimension one of the four priorities for its Presidency. As we approach the end of the European Commission's term we have proposals, some of which, it must be said, do at last reflect things which the European Parliament and our Group in particular has called for: a genuine directive against discrimination in all areas, not just disability; at long last the raising of moves to strengthen and revise the directive on European works councils, and measures to ensure that our existing principles and laws on equal pay for men and women are properly upheld in the Member States.

But just look at the shortcomings, the gaps in this new social agenda! I will name two of them in particular. One is the response to recent judgments by the European Court of Justice in the Laval, Rüffert and Viking cases, which weaken our resistance to social dumping in the European Union. We think that the assurance given in the Commission's communication, that the Commission will provide legal clarity and interpretative guidelines on this directive, is not enough. Due note must be taken of the fact – and we have held Parliamentary hearings organised by the Employment and Social Affairs Committee – that the directive is inherently defective and that Union law must, by revising the directive on the posting of workers, make it clear that the Union's economic freedoms, freedom of establishment, cannot stand in the way of fundamental workers' rights, the right to collective bargaining, rights on pay, the right to strike in defence of their interests, if need be.

So we want the revision of this directive to be placed on the agenda and we want a social safeguard clause guaranteeing that in future no directive, no Union policy, no treaty principle can be applied to the detriment of workers' rights; so that where one country has a higher standard of workers' rights than another, that higher standard can never again be lowered by invocation of the country of origin principle, as we saw with the first version of the services directive – the Bolkestein directive.

Secondly, Mr Bertrand tells us that social services of general interest, operations in the general interest, should be encouraged for the wellbeing of our social model. But we have had no proposal for a directive on services of general *economic* interest. We cannot properly protect social services of general interest and implement Article 14 of the Lisbon Treaty, which provides the legal base for such services to be commissioned and funded, unless the Council puts a request to the Commission and unless the Commission uses its right of initiative so that we can at last talk about a legal framework that will protect public service operations, guarantee the independence of local authorities in the local services they provide and give us the assurance that future Court of Justice rulings will not threaten this fundamental feature of the European social model, so that people feel, not as Mr Schulz said, that Europe works against their social model but on the contrary that the Commission and the other European institutions work to safeguard it.

**Bernard Lehideux (ALDE).** - (FR) Mr President, the Commission may have carried out a slick public relations exercise with its 'package' presentation of texts which are very different in nature and quality, but ultimately it has exercised its right of initiative on matters of major importance. It is moving in the right direction and we should applaud that.

So the ball is back in our court and above all perhaps in the Council's. Everyone knows that Parliament will be quite tough and will look to produce innovative texts that reflect the needs of Europe's citizens. Will the same be true of the Council? It is perhaps doubtful, as we know. I hope they will listen to you, Minister.

Bombastic talk that produces only ambiguous and non-binding texts seriously undermines the credibility of the work we do. Let us take three examples among many.

I have long been one of those calling for an overall directive against all forms of discrimination. For that we should take as the basis the Lynne report of May 2008, which is far more ambitious than the Commission proposal.

Second example: works councils. We shall take care to ensure that the text clarifies their international powers and responsibilities. Consultation of the social partners is increasingly crucial in the case of restructuring operations by concerns which operate in more than one EU country. We shall make sure that the workforce is consulted in advance of any restructuring and that works councils are able to give their views on matters which are often highly technical.

Third example: social services of general interest. We have wasted enough time here. Operatives in this field are confused. There is huge legal uncertainty, damaging the quality of services that are essential to cohesion in our societies. And here we are, about to waste another year. It is irresponsible.

To me this is proof that the Commission's work, which appears to cover a broad sweep of areas of activity, is not good enough because it knowingly disregards certain essential points.

I will end by insisting that the social package should be just one step along the way. I am convinced that the open coordination method has gone as far as it can in some areas. We must resolve to go for more cooperation but also more harmonisation, wherever possible.

**Ryszard Czarnecki (UEN).** - (PL) Mr President, the Council representative called for a more social Europe. I would respond to the Minister with a call for more common sense. That would be better. The European Union can of course propose a great deal, but it must be stressed that social policy is an area in which Member States have sovereign powers of decision. In short, what we need is less rhetoric and more concrete action.

The European Union is proposing as many as 19 interesting initiatives, of which only three are legislative proposals. What is perhaps the most important proposal, that on cross-border health care, will not be discussed today. That is very regrettable, and it is a pity that the discussion will have to wait until the French Minister of Health shows up at our sitting. In conclusion, it must be stressed that EU Member States allocate as much as 27% of their GNP to social policy, compared to 15% in the USA. The question is whether the money is well spent.

**Elisabeth Schroedter (Verts/ALE).** - (DE) Mr President, Commissioner, Minister, ladies and gentlemen, it seems to have taken the 'no' vote in Ireland, the victory of the opponents of a communal Europe, to shake the Commission out of its lethargy. The fact is that the Commission has long been distancing itself from the interests of the Union's citizens by pursuing its neo-liberal policy. The demand for a more socially responsible Europe has long been on the agenda.

It is downright embarrassing to see the omissions of past years finally being piled on the table at the end of this term of office. I also find it brass-necked that the whole thing is being sold to us under the fanciful title of a new social agenda. The issues under discussion in July should have been dealt with long ago. When we examine their substance, it seems as though the Commission has not yet learned its lesson after all. Apart from two exceptions, today's proposals say nothing of solidarity, equal opportunities, social balance or public participation. On the contrary, they are largely another product of a basic neo-liberal attitude.

The Commission calls for more mobility of labour. At the same time, it is seeking court judgments that would reduce the protection of posted workers. As an afterthought it says that we shall resolve the problem in a forum. Workers, however, need protection, not a forum. Do you really believe it will help people who are being deprived of their wages every day if you tell them to wait until you have discussed their problems in some forum? Moreover, Commissioner, the amended Works Council Directive, which is nine years overdue, does not deliver on your promises. Parliament will have to make numerous improvements to this draft. For example, there is no provision at all for sanction mechanisms.

Let us move on, though, to the subject of solidarity. The Health Directive ignores criticism by opening the door to more market-driven health services, thereby undermining the principle of solidarity in the Member States' welfare systems. It jeopardises solidarity instead of bolstering it. There are few components of this package that truly reflect people's desire for a progressive European social policy. One that I should like to highlight is the new directive against discrimination outside the workplace. This instrument, however, was first announced in 2004, and parliamentary pressure is the only reason why the Commission has finally

presented it. It is clear that a majority of Parliament will support this directive too. It will likewise need improving in many places, however, especially as regards the rights of people with disabilities.

On the whole, the name 'social package' is quite simply a misrepresentation. In my opinion, the Commission's record on social policy tells a sorry tale.

**Dimitrios Papadimoulis (GUE/NGL).** – Mr President, President-in-Office of the Council, in recent years your policy, the fundamentalism of the marketplace, has dangerously increased inequalities and eroded the welfare state.

The package you have presented to us with fine words is but an empty tunic. Of the 19 proposals only 3 are of a legislative nature and one of these, the proposal for cross-border health services, introduces the Bolkestein directive by stealth, since it adopts a neoliberal stance.

While you utter these fine words in presenting this empty tunic, the Sarkozy government is playing a key role in the Council by passing a deplorable directive on working hours. This constitutes a major social regression.

Rather than try to create a good impression with your fine words and keep an eye on the Euro elections, which are looking awkward since the Irish 'no' vote, you would do better to propose specific measures and allocate revenues from the Community budget.

A word to Mr Schulz, too, if he is listening to me. It is true that right-wing governments have contributed much to the demolition of the European social model. In several countries, Mr Schulz, as in your country, Germany, or in the Netherlands or Austria, they have teamed up with the Social Democrats to destroy the European social model.

**Hanne Dahl (IND/DEM).** – (DA) Mr President, I would like to use my speaking time today to focus on the health policy agenda. The current proposal for the Directive on patients' rights in cross-border healthcare has been improved significantly in relation to the original proposal. However, unfortunately no change has been made in connection with the fundamental grounds for all matters that fall under the internal market. Consideration for the free market always wins over consideration for the people.

It goes without saying that we all want to be able to receive the best treatment as quickly as possible if we become seriously ill. Unfortunately, the directive does not in any way ensure that this will be the case. It ensures that the wealthiest patients from the wealthiest countries in the EU will receive the best possible treatment. This means that there is a great risk of patients becoming divided into a group A and a group B. The patients with the most resources will have the opportunity to seek the best treatment in other countries, whereas those without funds or power will not have this opportunity.

The directive secures an entitlement to treatment in another country at the cost of that same treatment in the patient's home country. This also creates the risk of having A and B countries. The cost of the same treatment will naturally vary from country to country. The current directive allows market conditions to determine the outcome, but this is a high-risk approach. When the market reacts, the losers will always be those who cannot cope under the prevailing market conditions.

**Andreas Mölzer (NI).** – (DE) Mr President, in my view, a European response to constant waves of price rises and increasing poverty is long overdue, and indeed it is gratifying that the new draft EU-wide social package makes a start in the right direction. The intention to facilitate access to health care in other European countries, for example, is to be welcomed. In practice, holidaymakers, for instance, are all too often shamelessly exploited today, being presented with doctors' bills for which they are only partly reimbursed, if at all, when they go back home. Conversely, individual Member States owe each other millions of euros – mere declarations of intent are not enough in such cases.

Nor is it sufficient to beat the drum for causes such as a better balance between family and working life. So that more people can afford to have children, it is essential to act against wage dumping and social dumping – a task which, sad to say, is being largely neglected. It is a travesty that the EU decrees, on the one hand, that public contracts must be put out to public tender and that the clause requiring successful tenderers to pay at least the statutory minimum wage is then revoked by the European Court of Justice on the grounds of incompatibility with the directives on services in the internal market and on the posting of workers. In this the EU has shown its true colours as a purely economic community that fobs off the socially underprivileged with peanuts and empty words.

Empty catchphrases can no longer pacify the citizens of the EU, nor can they cushion the impact of a falling birth rate and increasing poverty. Maybe you can say what you like on paper, but people are undoubtedly tired of empty promises.

**Philip Bushill-Matthews (PPE-DE).** - Mr President, let me start by thanking Martin Schulz for reminding everybody that the centre-right is the largest grouping in this Parliament, that the centre-right has the largest number of Commissioners and, indeed, that the centre-right has the largest number of governments in the EU Member States. I would remind him in turn that there is a reason for that: the reason is that it is what the people have decided. The people have decided this because they have recognised the growing gulf between the rhetoric of the left and the reality, and they have rejected it. I would also remind him, as a good democrat, to remember that the people are, of course, always right.

Turning to the social package in general, on our side we welcome the thoughtful comments of the Commissioner and his initiative regarding the revised Social Agenda, in particular the theme which reminds all of us that the EU is about people, about giving people more and better opportunities, and in particular equipping and empowering them to cope with the challenge of change.

I would just like to pick up three points very briefly from the excellent contribution from my colleague, Joseph Daul. One is the important role here of the Member States, of subsidiarity. Many Member States have different approaches, but all of them should take heart from the themes and the direction that he has outlined.

The second point is about the importance of jobs. Harlem Désir talked very appropriately about the rights of workers. We respect the importance of the rights of workers, but my political group would also highlight the rights of non-workers – those people who currently do not have a job, who have been frozen out of the job market for whatever reason, and who want to have a job. They are increasingly important, especially in these difficult times of global credit crunch where unemployment is likely to get worse before it gets better. So we have to make certain that everything that we do helps the creation of jobs and helps more individuals into those jobs.

The third point concerns small and medium-sized enterprises (SMEs), which he also mentions. I noted in yesterday's *Financial Times* that there was a reference to the agreement within the UK regarding temporary workers, and the SMEs said that they had not even been consulted about that. The point I would make is not a UK point, but there is a genuine problem – and I say this to the Commissioner – of really involving SMEs in the consultation process, because SMEs are not only the largest number of employers but they also have the largest number of employees. We know from the problem of referenda – on the Lisbon Treaty, for example – that if you try to impose something from the top, it does not work: you have to connect with the people, and more people work for SMEs.

Finally, concerning European works councils – to which both the Commissioner and the President-in-Office have referred, and on which I am rapporteur – certainly my political group will recognise the reality that there has been welcome agreement from the social partners. I personally do not like the agreement very much, but I absolutely welcome the fact that there is an agreement and I believe we in Parliament should try to build on that, as we will also try to build on the agreement regarding working time and temporary workers; we wish to move fast, because we want to deliver real social progress rather than just make pretty political speeches with an eye to the next election.

**Magda Kósáné Kovács (PSE).** - (HU) Thank you, Mr President. The Commission's preliminary announcement of the social package filled the Social Democratic parties and citizens who feel responsible for resolving social problems with hope. Accumulated debts and the series of questions that have just been asked have given an almost surprising picture of how little we have progressed despite our efforts and how many unsolved problems there are. It is a fact that the economic growth of the last fifteen years has not closed the gap between rich and poor, but has actually widened it. However, the rivalry of poverty has taken on a new dimension. Every country has its poor people, and the amount and quality of poverty is different in individual Member States, but we know that it hurts in the same way. However many of the eighteen or so documents indicated in the social roadmap are drafted, the identification of European citizens with the Union can only be reinforced by what is specific and obvious and offers the opportunity for common progress instead of reciprocal tension between rival poverties.

I am pleased that, after many requests from the Council and the European Parliament, the Commission has prepared an assessment of the situation of Roma and of the practices relating to them. Unfortunately, however, it does not outline the framework of a long-term Roma policy. Another question is whether this document does enough to exhort to concrete action, whether it holds out the prospect of an accurate assessment or of

Member States failing to take steps and deviating from the desired practice. I feel that the proper resolution is lacking.

We are also pleased about the anti-discrimination directive. The Parliament and the Commission were divided about having to regulate the prohibition of discrimination in a comprehensive directive, and in accordance with the social-liberal viewpoint we ultimately failed to classify the groups that are discriminated against. We can expect the directive to enable the comprehensive protection of people and groups who are threatened in many ways. There is a very great need for this, since hate-mongers, racists and those who want to give only to the worthy may also find supporters among the rival poor. Voters are always right, but they may be misled by populism. Thank you.

**Gérard Deprez (ALDE).** - (FR) Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, as a member and also Chairman of the Civil Liberties Committee, I shall confine myself to the proposal for an anti-discrimination directive.

First of all we congratulate you, Commissioner, on finally getting the Commission to adopt a proposal for a directive which seeks to counter discrimination based on religion, belief, disability, age and sexual orientation. Until recently we were afraid – as you know, we were anxious and we made our anxiety known – that you might limit yourselves to a mini-directive dealing only with discrimination based on age and disability.

You will not be surprised to learn that I find it unfortunate, on a matter as fundamental as this, that the European Parliament is merely to be 'consulted', but my distinct impression is that the Presidency is amenable to any proposals or suggestions which the European Parliament might make. So we shall get to work straight away, Commissioner, and I myself can see three aspects of the text which we shall try to improve.

Firstly we need to be more precise on a number of concepts or the demarcation between some of them. I am thinking of the area of 'objectively justified' differences in treatment. I have no quarrel with these, obviously, but these objectively justified differences in treatment must not be allowed to metamorphose directly or indirectly into discrimination. That can happen very quickly.

Secondly, the directive must not be stripped of its substance by the overhasty inclusion of notions like public safety or public order, as I think is currently happening in one big country in the south of the European Union, which shall remain nameless.

Thirdly, we must try harder on the question of sanctions. When you write in Article 14 'Member States shall lay down the rules on sanctions applicable to breaches of the national provisions adopted pursuant to this Directive', Commissioner, that does not get us very far.

In short, I trust that this directive, the repository of so much expectation, does not turn out in reality to be a big mini-directive, big on principles but very small on details.

**Wojciech Roszkowski (UEN).** - (PL) Mr President, economic growth should serve to improve the material situation of our societies. However, in putting comfort and security first, we are liable to forget that the social model of the economy means in practice greater bureaucracy. If we also forget that the surest foundation for social policy is economic growth, we may lose ourselves in fine-sounding slogans that have no connection with reality and may also, like the provisions on non-discrimination, breach the principles of subsidiarity and common sense.

How can we break the vicious circle? The new social agenda is only a partial answer to this challenge. It talks too much about rights and privileges and too little about the fact that they cannot be guaranteed without a well-organised effort and responsibility for the economic effects at each stage. From each according to his means, to each according to his needs. That is a utopia that is bound to result in a shortage of goods and services of suitable quality.

**Tatjana Ždanoka (Verts/ALE).** - Mr President, following on from my colleagues I would like to speak about the fight against discrimination. First of all I would like to thank the Commission for its courage in coming with a horizontal approach in the draft directive on equal treatment outside the workplace. We have to take into account that some Member States keep blocking the adoption of this necessary document.

Nevertheless, there is room for the European Parliament to make improvements. I do not understand why there is an opt-out for private persons as regards supply of goods and services. The existing Race Directive does not include such an opt-out. Unfortunately, multiple discrimination is also not appropriately addressed in this draft, so I hope that we will all work on this directive further.

**Jacky Hénin (GUE/NGL).** - (FR) Mr President, 51 years into their lifetime, the EU institutions are only now discovering the social dimension. The discovery is only relative, because social concerns are conspicuously absent from the French Presidency's priorities; it is disturbing to institutions so close to the world of business and which confuse the general interest of the peoples of the Union with the private interests of money markets, and it is a discovery inescapably prompted by the Irish, Dutch and French 'no' votes and the many social movements supporting wage demands in the Union.

Yes, the Commission and most of this House find themselves obliged to recognise that the Union is populated not only by shareholders and consumers, but also by the workforce, whose labour creates Europe's wealth.

As a result the Commission finds itself obliged to dig out and dust off the directive on European works councils: this was a worthy initiative but its substance is poor. European works councils must be made into a genuine forum for social democracy, giving employees the power of action they need to influence the strategy choices of their employers.

Yes, Europe urgently needs true social democracy to prevent bad moves such as raising working time to almost 70 hours a week.

So for the sake of the workers, let us move faster, much faster.

**Nils Lundgren (IND/DEM).** - (SV) Mr President, at this sitting we will be debating the renewed social agenda, the millennium goals and much else besides. In a couple of hours we will vote on cultural programmes, the labelling of organic products, and requirements for harmonising taxation, all issues in which the Union should not involve itself at all.

This concentration of political power means that the distance between those governing and those governed increases. Indignation is rising among citizens. The establishment is forced to take increasingly tough measures to ride roughshod over the will of the people. It would be far better to produce a report about what we mean by the term subsidiarity and have a thorough debate about that. We should do that before we try to regulate centrally how the social partners should behave in 27 different countries.

In my own country there is great anger over the fact that the EU and its judges can take the liberty of controlling the establishment of a labour market system other than the one which has grown up amid considerable national unity over the past 70 years.

**Jana Bobošíková (NI).** - (CS) Ladies and gentlemen, the proposed directive on the implementation of the principle of equal treatment, which prohibits any kind of discrimination outside the workplace, is a superfluous regulation which we should not discuss at all. I should like to point out that discrimination is already prohibited by three EU directives, the UN Charter of Fundamental Rights and Freedoms, the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities. Equal treatment is also governed by the Amsterdam Treaty and the Lisbon Strategy.

I should also like to point out that the directive requires two very dangerous things. It requires positive discrimination and it requires the principle of transferring the burden of proof from the prosecutor to the defendant. This is contrary to European legal traditions and may give rise to injustices and new wrongs.

Ladies and gentlemen, I am convinced that the European Union is still a democratic and civilised area, where people with real abilities receive recognition, and an area which offers a helping hand to the weak. However, human capabilities, either innate or developed through education, are individual and different in every person and thus logically unequal. If we try to eliminate inequalities of this type through regulation, then we are arrogantly overlooking cultural diversity and interfering with the natural development of society, and worst of all, we are putting equality above the freedom of choice. The directive on equal treatment should therefore not come into being at all.

**Juan Andrés Naranjo Escobar (PPE-DE).** - (ES) Mr President, Commissioner, President-in-Office of the Council, ladies and gentlemen, this social package will only be able to bear fruit and be effective if we are able to agree the substance of the key initiatives. It is obvious that unemployment is the greatest of all social ills which we must combat. It is what most destabilises a society and is at the root of other, lesser evils. Therefore, the best social policy is one which helps create jobs.

We must move right away from the false dilemma between solidarity and competitiveness because they are not incompatible. However, in order to construct a healthy, effective social policy and eradicate poverty, we



need growth and stability. Therefore our social model needs to come to terms with the new reality. Globalisation also brings opportunities: those who adapt come out as winners, those who do not as losers.

Europe is facing neither a classic crisis of growth nor cyclical problems but profound changes; the welfare of future generations depends on our wisdom to take good decisions today. Population ageing and demographic decline have already reached Europe; they are not a threat but a reality: closing our eyes to them will not help at all.

What answers can we give today to the many consequences of the trend? Very few. For example, we do not have the tools or the incentives to make flexible, planned retirement possible which will allow our people to work beyond the average age at which people leave the labour market. Achievement of a uniform level of protection against discrimination and exclusion is crucial but the mass of European legislation does not guarantee that discrimination has been eradicated; accordingly, work to eradicate these bad social practices needs to start in schools.

School failure and drop-out rates are a tragedy of our times and may well be for the future. We have much riding on this area; this is where we have to focus our minds, focus the added value the Union can bring, to end the situation and put a stop to it.

In short, ladies and gentlemen, we do not need to abandon our social model, but renew it, giving it greater flexibility, greater mobility and greater security so that the most vulnerable are not left by the wayside.

**Stephen Hughes (PSE).** - Mr President, I would like to thank Commissioner Špidla for the fact that we have a social package at all because, as I have said many times before, his task in the Barroso Commission cannot be easy.

The package itself actually illustrates the tensions inside the Barroso Commission, between those, on the one hand, who want to stick to the neoliberal agenda come hell or high water, and those on the other who see an urgent need to make Europe matter to its citizens.

Our people need to be assured that Europe is part of the solution, and not part of the problem, when it comes to tackling the issues raised by globalisation, demographic change, climate change and other global challenges.

If that is what we need to do, I am sad to say that this package simply is not up to the task. It is a grudging package of too little, too late. Even the good elements are spoiled by the knowledge of just how grudgingly they were included. The horizontal directive to combat discrimination is a good example. It is in the package, but we all know just how bitterly President Barroso opposed its inclusion, right up to the 11th hour.

The European works council directive proposal is another example. The content is extremely weak when compared to the earlier communication from the Commission to the social partners. I think that the neoliberal forces in the Commission and their allies here need to wake up and recognise the reality we face. Many millions of our citizens are living in fear, poverty and exclusion, and more and more have joined them during the Barroso years.

All in all, I see this as a belated attempt by President Barroso to persuade the Left here that he has a social conscience, and that he is worthy of support for a second term as Commission President.

Well I am not fooled, and many of my colleagues are not fooled either. As I have said, it is much too little and much too late – much too late, in fact, to guarantee safe passage of the sparse worthwhile elements before the election next year.

President Barroso is insulting the intelligence not only of the Left in this House but also of the millions of citizens out there who deserve better.

**Ona Juknevičienė (ALDE).** - Mr President, the Commission's first year report on the European Globalisation Fund states that over 13 000 redundant employees in eight Member States are being helped. 3.7% of available funds have been distributed. Obviously it is very slow.

The Commission's suggestions are to simplify procedures, broadly promote the programme, spread best experience and expand the duration of assistance, and I welcome these measures. The fund was established to show solidarity with the redundant employees of companies failing due to globalisation. Therefore it is most important that these funds reach real people who need help. They shall not be distributed among intermediaries, trainers or brochure publishers. In one year we will find out what the actual results are. It is not how much money has been distributed, but how many redundant employees found new jobs.

I call on the Commission and Member States to establish proper criteria and benchmarks in order to evaluate the results achieved. We must ensure efficient use of the European budget.

**Ewa Tomaszewska (UEN).** - (PL) Mr President, I am pleased to see that the new social agenda includes the revision of the directive on European Works Councils in the package of future activities.

We recently debated the problems caused by the lack of precision in the provisions of the directive, whose purpose was to ensure employees' rights to information and consultation. The directive on part-time work and combating poverty among workers in full-time employment is also exceptionally important. I am hopeful about the emphasis on the situation of young people, their access to education and health care, and prevention of their exclusion. The professional mobility of future workers is their chance in life, but it is also a chance for the economy. The emphasis on the protection of patients' rights is a fundamental requirement in the protection of public health provision. However, the green paper on health sector employees which we are awaiting will be important for the implementation of these measures.

**Ilda Figueiredo (GUE/NGL).** - (PT) Mr President, this so-called social package merely sows illusions regarding the seriousness of the social inequalities affecting the 80 million or so people who live in poverty, including the ever-increasing millions of poorly paid workers with insecure jobs and the millions of unemployed, while the scandalous profits of economic and financial groups and multinational relocations continue.

The real causes of this situation have been overlooked – the perpetuation of the neoliberal policies the proposed health services directive would intensify, the job flexibility the working time proposals would exacerbate, and the attack on public services and production sectors strategic to development.

We therefore call for a genuine social package that rejects the new proposed working time directive, promotes a reduction in the working day without loss of pay, revokes the stability pact and the liberal Lisbon Strategy, changes the European Central Bank's criteria and false independence, creates an employment and social progress pact as an alternative, promotes investment and support for micro and small enterprises and public services, and respects the dignity of working people.

**Marie Panayotopoulos-Cassiotou (PPE-DE).** – Mr President, Commissioner, President-in-Office of the Council, 'people are those who determine the value of things': so said the ancient Greeks. Thus if people take responsibility for implementing this package presented to us today, if they can harmonise the old measures and proposals with the new, then these people will in fact not be used as resources, but will be active agents as employers, employees, the unemployed, those engaged in small and large businesses, men and women, the young and the elderly. There will be no discrimination in the EU over democracy and subsidiarity, no jingoistic verbiage about who is in power, or about right- or left-wing affiliations, as has been heard here. Next to me is my colleague Mr Óry, who tells me that in his country the socialist government is fighting against social benefits.

We cannot therefore blame the global crisis; we must see things positively. We must face our own, demographic crisis, in the best possible way. Let us remember the old commitments, the Barcelona decisions on the harmonisation of family and professional life, the European Alliance for Families, the European Youth Pact, the common immigration policy and the enhancement of mobility in education and training for job mobility. There must be respect for the diversity, traditions and language of migrant employees. Social discrimination has to be opposed, and the rights of the weak and disadvantaged, and of children, have to be upheld as we in the European Union have championed them. Poverty must be fought, so we shall devote the year 2010 to the struggle. We must strengthen the social and territorial cohesion of our regions through dialogue, goodwill and transparency in the use of financial mechanisms.

**Alejandro Cercas (PSE).** - (ES) Mr President, Commissioner, Minister, I add my voice to those of my fellow Members who view this agenda as a step forward, albeit a very modest one which is clearly very far removed from the needs facing us today in Europe. Therefore, Commissioner, I regret to say that you were wrong to state a moment ago that this agenda dispels public concerns. The public are concerned and with very good reason when faced with a European Union which does not resolve the basic problems they worry about every day.

The agenda has a very grand title, the agenda for the 21st century. Regrettably it has one feature which has already been condemned: it is an internal commitment to the contradictions within Europe, with those of us who want more of Europe and those who would like there to be less of it; it is therefore a forest of empty rhetoric and a desert of specific content. Only three directives are being summarised by the European left, and in fairly critical terms.

Are these Europe's ambitions for the 21st century? No, Commissioner. Debating social problems is not only our ambition. The European Union, not just Europe, needs answers and it is very difficult for those answers to be achieved if, as the agenda states, they have to be found at national level. There are some answers at national level and there should be other answers at European Union level; the construction of the internal market should go hand in hand with rules which give it a human face, which prevent social dumping and which implement each and every one of the powers enshrined in the Treaties.

It is all very well to debate the problems but it would be better to resolve them and not create new problems with measures such as the working time directive.

Commissioner, Europe needs stronger initiatives; Europe needs a much more go-getting agenda in order for it to be close to the public and I hope that at the next elections, and this is not an entirely rhetorical matter, the Europeans who are seeking other policies give European politicians a new, more social face.

**Sophia in 't Veld (ALDE).** - Mr President, I welcome the long-awaited proposal on completion of the anti-discrimination package, which means that we can finally end the hierarchy of rights. A European Union in which some Europeans are more equal than others has failed in its mission.

I completely concur with the wise words of Gérard Deprez: the directive needs substantial improvement. It contains far too many escape clauses, which risk codifying existing discriminatory practices rather than ending them. Family law and public order are, and remain, a national competence, but in practice they are being used – or misused – as a pretext for discrimination, mainly against homosexuals. It is a shame that the Commission seems to be condoning this.

Freedom of religion is a fundamental right and one that I will defend ferociously, but it is an individual right: it is not a collective right for certain groups that entitles them to discriminate and not apply the law.

Finally, I would like to add that, ironically, this package seems to provide a higher level of protection against discrimination on all grounds apart from gender discrimination. The gap between the directive on gender discrimination and this directive will have to be closed.

**Kyriacos Triantaphyllides (GUE/NGL).** – Mr President, the debate on the social package requires us to be critical, as, quite apart from the timing, which arouses suspicion about the hidden agenda, we also fundamentally disagree with its content.

The package has arrived at a time of increasing reaction and popular displeasure with the social face of Europe. We are not the ones saying this; none other than EU data are painting a gloomy picture of the future: such is the prevailing mood among European citizens, especially young people, and it is constantly getting worse.

Perhaps the package is aiming to restore citizens' trust before the Euro elections.

We on the left cannot accept the contents of the package, since its legislative rules strengthen market liberalisation, as is the case with the proposed directive on cross-border health care, which is based on the previous Bolkestein proposals.

At the same time, the Commission's proposal on cross-border health care is leading to class-based health segregation: the rich and educated are being given the option of shopping around for health care wherever it is in their best interests.

A more social Europe needs a broader philosophy, not the announcement of measures that scratch at the surface of the problems involved and remain within the narrow confines of the EU's character today.

**Anja Weisgerber (PPE-DE).** - (DE) Mr President, Europe is more than a common market. Besides being an economic entity, Europe is a community based on common values. I understand the European Union as a response to globalisation. In a globalised world, a certain social framework at European level provides essential protection. That is the idea behind the European social model, and it is an idea that I support.

On the other hand, however, we must also succeed in international competition. In the Lisbon Strategy we emphasise our goal of developing the Union into the world's most competitive knowledge-based economic framework. To that end we must focus most of our attention on small and medium-sized businesses, for they are the pillar of economic development.

We must also accept that it is legitimate to ask how our rules affect these firms. The anti-discrimination policy is a good example. It goes without saying that I am opposed to discrimination, but in my view, and in the view of another 261 Members of the European Parliament, a comprehensive framework directive is not the right way forward; in particular, it is not the right way to protect the victims. We shall achieve the exact opposite and are more likely to marginalise these people. A great deal of legal uncertainty has been created for the Member States and for European citizens. At the present time, numerous Treaty infringement proceedings are pending against 14 Member States for failure to implement the four existing directives. The first thing we should be doing is to implement the existing legislation before creating any new rules. A new anti-discrimination directive will simply not give us the clarity that Commissioner Špidla promised.

The new rules raise many questions. Who, for example, can invoke the right to freedom from discrimination on grounds of religious or ideological beliefs? Does that right extend to Scientologists or members of right-wing extremist groups? Is every restaurant, however small, now required to have a wheelchair ramp in order to guarantee unhindered access? The draft directive may provide for exemption from disproportionate measures, but how are such measures to be defined – by a national law or by a court ruling? Imprecise, amorphous instruments like the framework directive are impractical and, most importantly, do not help victims. That is not the idea behind the European social model. It will not work like that.

**Anne Van Lancker (PSE).** - (NL) Mr President, Commissioner, Minister, at the time I was rapporteur for the social action plan presented to us by Mrs Diamantopoulou and completed under the previous French Presidency under Mrs Aubry. What concerns me, ladies and gentlemen, is how European social ambitions have systematically crumbled away. To my mind there are clear political reasons for this. It is noticeable how the Commission always stresses that social policy must remain a national matter. Commissioner, the social package contains very interesting working documents and statements, but only four legislative initiatives. However welcome, that is certainly a very meagre result! As if protecting social rights, creating a social level playing field, is no longer a European responsibility in the Europe of 27.

Together with the EPP and the social organisations, we expect, on top of this social package, at least stronger legislation in regard to posting that protects social rights, better legislation to eliminate the wage gap between men and women, a framework law to protect social services and binding commitments in the fight against poverty. What we need is a real social pact, with a coherent vision and a serious commitment to a social Europe, so that at least we show citizens that Europe is more than just a market. I hope, Mr Bertrand, that we can for now count on the support of the French Presidency in this fight.

**Elizabeth Lynne (ALDE).** - Mr President, for years I have campaigned with others for comprehensive anti-discrimination legislation to outlaw discrimination in access to goods and services for disabled people and older people. I know that employment is covered on all grounds already, but for years we have been promised action and then nothing has happened.

Today we can say that we are on the brink of achieving that legislation, not just covering age and disability but sexual orientation and religion, as I called for in my report. I would like to thank the Commission for bringing this forward and Commissioner Špidla in particular for his tenacity. We know that the proposed legislation is not perfect and we will want to see changes. It would also have been better if it had been subject to codecision. But, having said that, I am delighted to be able to stand here and say that we are at long last on our way to seeing all EU citizens treated as equals.

**Georgios Toussas (GUE/NGL).** – Mr President, the so-called ‘social package’ that the European Commission has presented is a failed attempt to defuse the indignation the Commission’s unpopular policy has aroused among employees. It fails to stem the rising tide of doubt about itself and the structure of the EU, as also expressed by the resounding Irish ‘no’ vote.

Working-class people and the poor find themselves in the line of fire because of a long, harsh, anti-popular attack by the EU, which aims to increase the profitability of its own cartels.

Working-class people and the poor have to put up with the deregulation and privatisation of public bodies and services of strategic importance, the complete breakdown of labour bargaining, the undermining of collective employment contracts, the widespread implementation of flexicurity, temporary flexible forms of employment and the extension of the Bolkestein directive to cover the health authorities sector.

The Council has decided to partition working time into active and inactive segments. This obliges employees to work 65 to 77 hours a week. The institution of heavy and unhealthy labour is rendering hundreds of thousands of Greek workers useless.

According to the formal statistical data from the European Agency for Safety and Health at Work – Mr President, please bear with me for a few moments, as the information I am about to impart is very important. Let me point out the following: according to the formal data, every 4½ seconds an employee has an accident and every 3½ minutes an employee loses his life. There are 7 million accidents every year...

*(The President cut off the speaker)*

**Manfred Weber (PPE-DE).** - (DE) Mr President, Commissioner, Minister, ladies and gentlemen, let me begin by dealing with two points from the debate. Firstly, Europe is not governed by the Right, but by the Liberal Centre-Right. I must point out that we had a Social Democratic Government in my own country, and five million people were unemployed when it left office. Today we have three million unemployed, which means that two million people are back in work today. That is real social policy; that is social progress.

Secondly, as a Member of this House, I personally feel angry when we ourselves speak so badly of our European ideal. Europe is a social project today. When I think that the single market is creating millions of jobs and is giving people prosperity and good prospects and that our cohesion policy, our European Social Fund, is providing us with billions to practise solidarity on a European scale, to be a model of European solidarity, I must urge everyone, in spite of all our problems, to refrain from denigrating our own project.

I should like to devote special attention to the discrimination issue, because we are dealing with it in the Committee on Civil Liberties, Justice and Home Affairs. Everyone rejects discrimination. It poisons our society, and Europe must set an example in the fight against discrimination. Everyone in this House, I hope, will endorse that view.

Nevertheless, questions may be asked. Firstly, does the directive constitute a proportionate measure? The issue of the burden on small businesses has already been addressed.

Secondly, what about the implementation of the present legal provisions? An evaluation has already been made on paper, but what is the position on the ground with regard to the application of the existing directives? That question has to be asked before any new directives are created.

Thirdly, do we really have gaps in European legislation? Does Europe have sole responsibility for social policy? All Member States of the EU are democracies, and they all have structures built on the rule of law. We must therefore ask whether there is any compelling need for Europe to be nicer, kindlier and more convincing in the realm of social policy. Can we not just rely for once on subsidiarity working and the Member States managing to cope with their own tasks in these fundamental areas of activity?

**Andrzej Jan Szejna (PSE).** - (PL) Mr President, social Europe is a splendid goal, and a great deal has already been done towards achieving it. Nevertheless, the existing inequalities and the new challenges facing the world create the risk of permanent social divisions in our societies at many levels: between children from rich and poor families, between the well and less well educated, between men and women, between immigrants and those who have been Europeans for generations, between persons of different sexual orientations, different ages or in different states of health. I could give many other examples. The struggle against inequality in and outside the workplace is a fundamental task for us. The European Union and the Member States must respond to real needs, create real opportunities and new hopes in the interests of all the citizens of Europe.

The new package of Commission initiatives in the field of the European social model is a long overdue and incomplete supplement to activities undertaken at national level in the struggle to improve the standard of living of European citizens, reinforce their rights and combat discrimination. I am hopeful that the new directive on equal treatment, which as a socialist group we have long been demanding, will enable us to say we are really combating all forms of discrimination. Revision of the directive on European Works Councils, which is at present fulfilling its role as an instrument for social dialogue, is a positive element in the social package. We still have to contend with incomplete protection of workers in the drastic restructuring processes imposed by globalisation. Legislation on social policy is also of enormous importance for the political awakening of Europe and Europeans and the restoration of faith in a common project, especially in view of the institutional crisis and the imminent elections to the European Parliament.

#### IN THE CHAIR: MR ONESTA

*Vice-President*

**Jean Marie Beaupuy (ALDE)** - (FR) Mr President, Minister, Commissioner, the long and lively debates we have had on the European Globalisation Fund ring in my ears to this day. Our fellow Member Mrs Bachelot,

with whom I worked on this fund along with Mr Cottigny, persuaded us to take some extremely important decisions. And what do we see today? Barely 4% of the aid budgeted for this European fund was distributed in 2007.

You have already indicated, Commissioner, verbally and in writing, that you plan to revise the criteria. Is this revision of the criteria adequate to deal with the issues? No, it is not! When 96% of this aid is not being used, we really have to ask the basic question: is our aim in adopting this decision on the European globalisation fund appropriate? We face demographic challenges, as you said, and we face many economic challenges, given the reality of globalisation, of technology.

I urge you Commissioner, on this Globalisation Fund, not only to revise the criteria but also to look at the very purpose of what we are doing here.

**Peter Liese (PPE-DE).** - (DE) Mr President, ladies and gentlemen, I cannot conceal my disappointment at the statements from the Council and the Commission. Many words were spoken about the European social model, and some of the Commission's proposals overshoot the mark, in my opinion – my fellow group members have made several points about the anti-discrimination directive. When it comes to the nuts and bolts of legislation designed to protect workers, however, the Council and the Commission bottle out.

The President-in-Office did, however, refer to the compromise adopted in June on agency and other temporary work, but somehow or other – I believe it was out of shame – the Council and the Commission managed to adopt the Working Time Directive. What the Council adopted in June, I have to say, is by no means a glorious chapter in the history of Europe's social model. Before I entered Parliament, I was a doctor on the staff of a hospital, and I know that many salaried doctors and many other employees were initially pleased when the European Court of Justice ruled that time spent on call constituted working time. I also know, however, that there are difficulties in implementing this ruling and that time spent on call may have to be weighted on the basis of costs and frequency of call-outs. What the Council has done, however, in virtually reversing the ruling of the Court of Justice and even ignoring the improvements that the Commission's proposal had made to some aspects of the previous legal position is unacceptable.

We need a compromise, and this Parliament pointed the way at first reading with proposals such as the use of a quotient. But if a doctor is on call in a hospital, for instance, and a patient with a life-threatening condition could arrive at any moment, that cannot be regarded as a rest period, which would be possible under the Council's compromise. This is another area where further improvement is needed, otherwise the whole debate on the European social model will serve no purpose.

**Evangelia Tzampazi (PSE).** – Mr President, President-in-Office of the Council, Commissioner, ladies and gentlemen, current economic and social circumstances call for a strengthened social Europe. Whereas 16% of today's European population is on the bread line, discrimination is still marked and generally widespread.

Economic policies increasing unemployment, and insecurity, deepen citizens' crisis of confidence at the expense of Europe and its prospects. In this context, the renewed social agenda represents a step forward in the field of social legislation after a long period of inertia.

Nevertheless, only three of the raft of proposals are legally binding while the rest are recommendations and non-legislative communications. We are therefore coming to the conclusion that the new social package will have a limited effect on the lives of European citizens.

The intentions are good, as can be seen from the new draft directive against discrimination. This represents an important success for the Socialist Group in the European Parliament, since it supported the proposal for a horizontal directive in order to end the hierarchical system of Community protection from discrimination. Nevertheless, the new social agenda appears to lack ambitious goals and clarity, and has serious shortcomings.

For this reason, clear policy measures, a halt to rapidly increasing inequalities, and the improvement of living and working conditions are required.

**Viktória Mohácsi (ALDE).** - (HU) Mr President, the Commissioner summed up his expectations beautifully in his speech, but the documents available to us do not reflect that. There is a small, tiny semantic problem: discrimination must not be called the widening of opportunities. I have been speaking only about the segregation of Roma children for four years. In addition to this, half our children, several million Roma children, are classified as disabled. What is this, if not discrimination? Omitting the topic of segregation when creating the Horizontal Directive is an unforgivable crime. Commissioner Barrot should be involved in the work too, and Parliament's demands should not be left out either! We want, in at least four resolutions, a

Roma integration package with legislation and a budget, and a group to coordinate the Committees in the interests of implementing any future programmes effectively. Commissioner Špidla cannot resolve this matter by himself. Thank you.

**Iva Zanicchi (PPE-DE).** - (IT) Mr President, Commissioner, ladies and gentlemen, the document on the social package which has just been presented represents a major challenge for European development in the context of the Lisbon strategy, which European decision-makers adopted as the guideline for a worthwhile and unstoppable process aimed at integrating, modernising and developing our common home.

The package contains measures in the areas of employment, social affairs, education, youth, health, the information society and economic affairs, all fundamental aspects which directly affect the daily lives of us all, as European citizens, and which must therefore be the subject of thorough, coordinated and above all transparent study.

As a member of the Committee on Employment and Social Affairs, I would like to emphasise the importance of and the need for this proposal which, in tackling the areas just mentioned, makes a comprehensive attempt to grasp, examine and resolve topics such as demographic change, globalisation and the importance of the human factor.

I am pleased that the Commission intends to review Directives 92/85 and 96/39 in terms of maternity leave as this is a move to improve the quality of family life for all those women who, whilst caring for a family, have to face the world of work on a daily basis.

I would like the Commission to answer a couple of questions in connection with the fight against poverty – and I am not talking here about third world poverty but about poverty within the boundaries of the Community – a problem which looms larger every year, affecting every single member of the European Community. In this connection I would like to ask: what specific methodology will the Commission employ in order to resolve a problem which year after year, as I said, is systematically afflicting the European economies and, as a result, impacting directly on the standard of living of millions of European citizens?

Secondly, I would like to know – and as a woman I feel directly involved in this matter – what action the Commission intends to take against the discrimination against women which still persists in society, even in 2008, especially in the field of employment and specifically as regards salaries? What specific measures can be put in place to end this imbalance?

In conclusion, I would like to thank Commissioner Špidla for his work in drafting this document. I would like to thank the Council representatives and once again I would like to stress the importance of this social package in the context of the revised social agenda.

**Jan Cremers (PSE).** - (NL) Mr President, ladies and gentlemen, Minister, Commissioner, as well as welcome proposals in the field of anti-discrimination and cross-border health care, the social agenda of the Commission contains the long-awaited proposal on European Works Councils. The Commission also opposes the review of the directive on posting, a directive that has come under fire after some very controversial judgments by the European Court of Justice. I want to touch briefly on both subjects.

First of all, the rights of European workers to be informed and consulted. We all know what the problem is there. Too little compliance (only one of the three firms concerned has a European Works Council), information and advice rights are not sufficiently regulated and there is a lack of facilities. I very much regret that the Commission has not proposed a policy of penalties for non-compliance. In my view, too, the subsidiary provisions fall short of what is desirable and has been agreed in good models, namely several regular meetings a year, which can easily be arranged with the necessary training and support. One meeting a year is not much more than symbolic policy and social consultation in the undertaking is much too important for that.

Secondly, the Secondment Directive. In the first restriction by the European Court in regard to the working conditions in force in a Member State, it still seemed to be about a policy change in European law, initiated by the Court, without the support of the European legislator. After the Luxembourg case, it is clear that the Commission too is deliberately bent on dismantling the principles contained in the directive. What was once intended as a directive to protect workers against exploitation and unfair competition in the cross-border supply of services has thus, thanks to the Court of Justice and the Commission, become a threat to the obligations applicable in a Member State in regard to the working conditions to be observed. The Commission

needs to assume its legislative responsibility in this area again and make certain that in future Member States remain able to apply their generally applicable rules on employment law and collective agreements.

**Evelyn Gebhardt (PSE).** - (DE) Mr President, I merely have a list of questions to ask. Why so little so late? Why did we declare last September that 2008 was to be the year of Social Europe but not regard social welfare as one of the priorities of the Council Presidency? Why did the Right wage such a lengthy struggle against social rights in the Services Directive if they are portraying themselves today as true advocates of social justice? Why did my committee vote in July against the Hamon report and in favour of the Handzlik report, the exact opposite of what has been stated here today? Why have these things happened?

Please be honest and say what you are really doing instead of giving the public the opposite message. I simply must ask you to do that; it is really vital. But why do you pursue such policies? Purely and simply because you on the Right have espoused the wrong philosophy. You assume that people are there to serve the economy. We Socialists take the opposite view, namely that the economy is there to serve the people, and we must fashion our policies accordingly.

**Gabriela Crețu (PSE).** - (RO) I was hoping these proposals would stimulate the reduction of social gaps between the European citizens. Unfortunately, the package only faces us with another gap, the one between good intentions and the necessary instruments for achieving them.

This also happens where there is a European regulation requiring Member States to take action.

An example is the wage discrimination against women in the labour market. There is legislation in this field, repeated commitments, yet without any improvement over the last eight years. Even supposing that employers had understood the economic advantages of correct payment and their legal obligations, difficulties are insurmountable. A system of non-discriminatory labour assessment to represent the common criterion for comparing different activities is missing. Without it, the principle of equal pay for work of equal value remains an illusion, as well as the reduction of the industry gap.

Job classification systems are defective, if they exist. We already have Court decisions admitting that, by using physical work as a basis, they ignore various abilities required for labour and create discriminations.

The method of open coordination has praiseworthy social objectives, but even the indicators measuring some of these objectives are missing from the list of common indicators.

The conclusion is sad: the lack of interest in gender issues is equalled only by the lack of political will for effective common regulations in the labour market.

**Donata Gottardi (PSE).** - (IT) Mr President, Minister, Commissioner, ladies and gentlemen, despite all the analyses and studies, including those regarding the proper transposition of the anti-discrimination directives, the key elements are still effectiveness and innovation.

How is it possible to draft the projected new so-called 'horizontal directive', which at the moment is nothing more than an extension beyond the workplace of protection in a number of areas, when the question of positive action is still being regarded in terms of safeguarding non-prohibited measures rather than seeking new measures?

There is a small – but too timid – sign of progress in the call for a renewed general commitment in this field, ending with the call for better application of instruments devoted to the Roma, as if invoking something which we have not managed to achieve. Are we just writing rhetoric? In this context, I fear that we are! For example, it seems pointless at this stage putting questions to the Commission and highlighting cases of discrimination or failures on the part of national or sub-national legislation.

Too often, indeed almost always, the response merely refers to the existence of European protective legislation: fresh water, no progress, silence! Nonetheless, we are debating the cardinal principal of equal treatment and I am referring to cross-border posted workers.

Perhaps the new social agenda is a good exercise, but the package of proposed topics is more reminiscent of a puzzle, comprising cards not yet stacked at the end of a parliamentary term which has finalised a series of measures aimed at a genuinely innovative project. Talking of discrimination and stereotypes, Minister, please thank your President for the tie.

**Richard Falbr (PSE).** - (CS) Mr President, in light of the fact that the words 'too little too late' have already been uttered many times when assessing the social package, I shall give my assessment: the mountain has



given birth to a mouse. My question is: 'what have you been doing for four years?' You have been putting forward socially unacceptable proposals, the culmination being the Working Time Directive so highly vaunted by the Council and the Commission. As a result, there is no option but to regard the proposed social package, despite some of its positive aspects, as propaganda aimed at attaching the label 'social' to the European Commission's letterhead. Most of the proposals need not be discussed at all, so it is nothing more than a flash in the pan. It is quite easy to proclaim that the common market is for the people and not the people for the market and that, if binding rules are to be laid down on the behaviour of companies in the market, then it is necessary to lay down minimum rules on the position of EU employees, a minimum wage set as a percentage of the average wage in all Member States, the same treatment and the same wages for employees working in countries other than their own. It is enough to declare that the Union upholds observance of the International Labour Organization conventions on maximum working time, freedom of trade union association and collective bargaining.

Competition between Member States as to who has the lowest taxes and wages and the least transparency in the position of trade unions will happily continue and the open method of coordination is just another ineffective way of dealing with something that nobody wants to do. To those who criticise the French Presidency, I should like to say: 'Wait until the Czech Presidency. You ain't seen nothing yet.' A few weeks ago, the President vetoed an act prohibiting discrimination, saying it was superfluous.

**Karin Jöns (PSE).** - (DE) Mr President, I feel compelled to say that this social agenda leaves me stone-cold. Not a single nettle has been firmly grasped. This surely cannot be a serious attempt to reform European works councils, since it makes no provision for more meetings or for sanction mechanisms in the event of infringements. The absence of any willingness to reform the Posting of Workers Directive is equally unacceptable.

Commissioner, the lack of a clear position on working hours in a social agenda is further evidence that this Commission does not baulk at the idea of 65-hour working weeks either. This no longer bears any relation to the European social model to which my group aspires and which we Socialists are seeking to establish.

May I also say to the Council that it is intolerable how you are putting management and labour organisations under pressure – to put it politely – over the European works councils.

My group will not have any part in this charade. If Europe's labour force is not to turn its back completely on the European Union, we must afford it better protection from the effects of globalisation and waste no time in paving the way for cross-border collective wage agreements.

**Monica Maria Iacob-Ridzi (PPE-DE).** – (RO) I would like to raise for discussion some ideas regarding the legislative package in the Social-European agenda.

I appreciate very much the European Commission's initiatives in this field and those presented in its communication named "Improving competencies for the 21<sup>st</sup> century – European cooperation on schools."

In addition to these initiatives, I would like to propose to the European Commission to launch a pilot project for creating a European scholarship for children in economically and geographically disfavoured regions.

At European level, 19 million children and young people are subject to poverty and 6 million abandon high school every year. In Romania, for instance, according to a Eurobarometer study, young people in the rural environment and those in mountain or isolated regions have a 5% chance of attending higher education. This percentage is very far from the European Union's 85% objective of young people who have access to secondary university education.

Member States lack the necessary financial means to remedy this worrying situation themselves. Consequently, the European Union should fight by any possible means, such as legislation, funds, European policies, to promote the opportunities and access of all young people to education.

**Proinsias De Rossa (PSE).** - Mr President, the leader of the ALDE Group, Mr Watson, says that a job is the best social welfare. Unfortunately there are too many millions of people in Europe working for less than what they might get if they were drawing social welfare. The poor and the low-paid die younger, suffer more physical and mental illness, are hospitalised more, are imprisoned more, are excluded from participating fully in society, are denied full cultural, civil, social, and indeed secure lives, and their children are largely condemned to the same vicious cycle of deprivation – unless, that is, we as politicians pursue social and

economic policies which are integrated and interdependent. People must be treated as citizens, not as economic units.

Does this agenda achieve this? Regretfully, no. This is not to deny the positive elements – for instance the horizontal directive on discrimination. Nor indeed do I deny that Commissioner Špidla has struggled hard in a hostile environment to get this package approved. We will work with him to make it better. The Commission and the Council have nine months to prove their bona fides on social Europe. The people will then give their verdict.

**Mieczysław Edmund Janowski (UEN).** - (PL) Mr President, Commissioner, we are today discussing very important issues of employment, social rights and health protection. All of this has a dimension in relation to the family, the basic unit of society. It also concerns those with disabilities, retired persons and pensioners, as well as the very painful problem of unemployment. Establishing a proper relationship between pay and work, together with dignified social security, is not some sort of favour. It is a duty imposed on us by our concern for the future of Europe. The funds allocated to social policy by the Member States must be better directed, as must the European Social Fund.

Our continent is now ageing very quickly. But do we see the shortcomings of European policy on the family? What do we have to say about family incomes? Where is our solidarity with the poor? I use the word solidarity advisedly at a time when we are celebrating the 28th anniversary of the establishment of the Solidarity movement and trade union, which contributed to the great changes that have taken place in Europe.

**Maria Petre (PPE-DE).** - (RO) I am glad that today we are discussing the relaunching of the social package.

Europe needs social progress, Europe in general, with its old or new members. The united Europe is dealing with the same challenges: demographic ageing, loss of jobs from the perspective of globalization, poverty among children

Commissioner Špidla, I welcome your approach of the issue of solidarity between generations. We need a new stimulant in this matter, but I equally welcome the reiteration of the idea of solidarity between regions because it is here that we can measure most accurately social cohesion or its absence.

**Jan Andersson (PSE).** - (SV) Mr President, I apologise for my late arrival. I had a meeting in Sweden late last night and have only just arrived. I do not know what has been discussed already but let me start by saying that we naturally welcome the social package. We think that it is a little bit late and that it could have been launched earlier in the term, but at least we have got it now. It is clear that ambitions in the European Parliament are somewhat greater than those in the package, but I would nevertheless like to highlight three positive elements which we can work on.

I personally work a great deal with the judgments of the European Court of Justice and their consequences. I welcome the more open attitude we are now seeing in the Commission, such as the forum which is now to be held. I hope it will be a success.

Another positive thing is the ILO Convention, which is also linked to the judgments of the European Court of Justice, in that the Member States are urged to sign the ILO Convention.

Thirdly, the social integration programme, which will be presented in October and the fight against poverty, exclusion, etc. I hope that we will be able to work on these issues successfully together. They are incredibly important.

**Richard Corbett (PSE).** - Mr President, if you have a market at European level – which we do, with the single European market – you of course need common rules for that common market so that it works fairly and efficiently, not least in the social field. That is why we set employment standards and employment law and rules to protect workers' rights – the Working Time Directive, health and safety legislation, the Parental Leave Directive, information and consultation of workers.

Yet the British Conservative Party – and I see that there is not a single member of that party present in the Chamber to discuss this at the moment – wants the United Kingdom to opt out completely from the Social Chapter of the Treaty, should they ever come back to power in the United Kingdom. Do they think for one moment that the rest of the European Union would accept that one single Member State opts out of the obligations that we have jointly developed at European level to govern our market? Do they really think that sort of unfair competition, by lowering health and safety standards and weakening the rights of workers,

would be acceptable? Of course it would not! The British Conservatives are a recipe for disaster for Britain and for Europe.

**Xavier Bertrand**, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, an impassioned debate, but a debate on social Europe, and the fact that we are having this debate is proof of a meeting of minds. Our debate also shows how hard it is, nowadays, to separate the consideration of social issues at Community level from policy debates at national level. It proves too, in a way, that we are making progress on European integration.

Some people have levelled accusations at the Presidency. I shall not go into the detail of those accusations. I am not here to argue – like you, I am here to move social Europe forward.

Is social Europe a priority for the French Presidency? The question has been asked. The clear answer is yes, and, as you well know, on this we shall all be judged not by our aspirations at the outset, our initial ambitions, but purely by what we have achieved. We know now that there is a greater likelihood of achieving those results, results that are positive, and positive for social Europe. I am a firm believer in pragmatism.

On these various subjects, then, as President Nicolas Sarkozy said in his address to Parliament – works councils, temporary work – we are committed to getting the first one finalised, whilst the second is currently in Parliament's hands, as I said. And, I say again, we shall all shortly have to stand up and be counted. I will not dwell on questions such as whether a conservative government might be more 'social' than another. I would just say that I myself, in France, am Minister for Labour Relations and Solidarity. Because if you want to share wealth, you first have to create it. And how do you create it? Through labour. That is how you create wealth. Nor do I want to mention that back then, in 1993, when the famous working time directive was put forward, it was a French Socialist government and a Socialist minister – Mrs Aubry – who defended this directive and its opt-out. And what are we doing today about this famous directive? Let us look at it realistically: does it or does it not represent an improvement on the current situation, where we are in a veritable no man's land after 48 hours? Everyone knows it in all honesty. Only it is important to say that whilst this directive may not necessarily embody the initial 1993 idea, which was to get rid of the opt-out, it now provides a framework and additional guarantees for today's, not yesterday's situation. Can we say that? Certainly we can, because I believe that public debate and political debate should be instructive. Either opt-outs continue, and are properly regulated, because we now know from the case-law to date that on-call time is a major issue. Or we can be pragmatic, take the view that it represents progress and accept a revision which will resolve some issues and improve the position, even though obviously today's outcome will not necessarily please everyone and I am well placed to appreciate that.

Then there is the matter of the Court rulings. This is not about judging a judgment, far from it. But we need to look at today's situation in the light of the Court judgments. What is the new legal position? And we need to hear the views of the states primarily affected. I have discussed this with my opposite numbers. The social partners must also give their views on the subject, and not necessarily separately. Together would be far better, so that we can draw our conclusions accordingly. As far as this is concerned the Presidency will bring no preconceived ideas to the debate. Should the directive be revised? I have heard the question repeatedly and not only in this House. The answer to it should, I believe, come after the debate and not necessarily at the start of it. Otherwise that means one has preconceived ideas, and I do not.

On the matter of social services of general interest, it seems to me that all Member States are keen to preserve the organisation of the general service remit that is specific to each individual country. But let's face it, there is disagreement as to what should be done at Community level. Some take the view that subsidiarity is the only answer, whilst others think there should be a Community legal framework. This, clearly, is not going to be decided in a hurry. Our proposal for a roadmap with the Commission is an attempt to ensure that these issues are addressed properly in line with the Union's timetable.

Many other exciting topics have been raised. On action against discrimination, the Presidency has promised to move the new directive forward. Finalising this, as you know, requires unanimity of the Member States.

On a number of occasions I have heard the word availability mentioned. That is most fitting, because efficacy requires availability. We have to be clear about this now. Is social Europe able to progress or not? For me the answer is a resounding yes, and we *must* move social Europe forward. Are we not well into 2008? We are, I agree. Is it too late? Certainly not! It is never too late. Have we the desire to move forward? Obviously we do. But the question is this: are we going to move social Europe forward together? Here, ladies and gentlemen, is where we must all stand up and be counted!

**Vladimír Špidla**, *Member of the Commission*. – (CS) Ladies and gentlemen, I believe that the depth and passion of the debate has clearly shown that a social Europe is on the march again. The debate has touched upon a whole series of detailed problems and I think that there is no need to respond to them individually, since there will be opportunities in future discussions to pursue the arguments and find an appropriate balance. Nevertheless, I should like to respond to certain things more generally.

First of all, this agenda, since it is so wide-ranging, considers a social agenda and social policy to be a manifestation of a complex political approach and to be the consequence of a complex approach in a whole series of policies. It is clearly a mainstream concept, in no way a social policy pushed to the side, with a series of undoubtedly interesting and technical aspects, but nonetheless clearly marginalised.

This agenda has put social policy at the heart of European politics. Of course, the question arises as to whether this agenda, and I think this should quite seriously be dismissed, is not simply of technical political interest. It is not, since the approach to it was formulated years ago. It is also included in a whole range of European Commission documents which have also been discussed by Parliament. It is not associated with any significant event, as the Irish referendum was, for example.

This agenda shows, among other things, that the Commission has been decisive in designing the agenda as a procedure which attempts to use all the instruments available to the European Commission at European level, legislation, the open method of coordination and all other methods. It therefore contains not only legislative proposals, but also, of course, proposed communications and proposals for other documents.

I wish to emphasise that this agenda is realistic within the options that can be influenced by the European Commission. The different proposals will undoubtedly be debated in Parliament and they will clearly be amended on many occasions but, nonetheless, they are real proposals which can be discussed. The debate also raised the thought, albeit only partially, and I think I should respond to it, that the proposals in the field of health care are some kind of back door into the Bolkestein directive in the field of health care. This is not the case. These proposals are not designed as the free provision of services, but will facilitate Europeans' access to health care. These proposals undoubtedly include a whole series of very delicate aspects and it is clear that they will be discussed seriously and in depth but, nevertheless, their basic trend and consequence will be an improvement in health care for European citizens.

Another thought which I should like to emphasise is the idea of combating poverty. This idea of combating poverty is clearly formulated and the debate has brought out the question: 'by what methods?' The agenda does not assume that there is just one effective method for combating poverty, but aims to attack poverty from different angles. Attempting to limit early school-leaving combats poverty. Attempting to open up access to life-long learning combats poverty. The clearly formulated intention that retirement systems should emphasise equity and social effectiveness also combats poverty. The issue of discrimination and the directives concerning anti-discrimination are also ways of combating poverty, since opening up access for people who are disabled, preventing discrimination against people who have grown old in service, and so on also combat poverty.

The question also arose about equal opportunities for men and women. I should like to say that other directives cover equal opportunities for men and women and, in view of this, it was not essential to explicitly include equality between men and women in the proposed directive.

There was also a debate in relation to ILO conventions. I should like to emphasise clearly that this agenda undoubtedly shows how strongly the Commission and Europe are engaged with the concept of decent work on a global level. Just like the directive which will implement the agreement between workers and employers in the maritime field, it is a clear indication of how Europe views the different ILO conventions. In all the documents, the European states are invited to ratify the entire collection as quickly as possible.

Ladies and gentlemen, the debate was deep and, at times, tough. I think that it is a debate which indicates the significance of European social policy.

**President**. - The debate is closed.

The vote will take place during the next part-session, somewhere in Europe.

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

**Petru Filip (PPE-DE)**, *in writing*. – (RO) Mr. President, following the conventional statements according to which 2008 shall be the year of relaunching social Europe, the so-called social package represents a set of

legislative initiatives whose convergence remains in the phase of intention for the moment. Maybe the time has come for us to approach more firmly and diligently a set of matters whose direct impact on the citizens is greater than ever.

Under these circumstances, we need to undertake the mission of ensuring non-discriminatory living and working conditions for all the Community citizens. First of all, in this context, resuming discussions on a Community minimum wage seems not only opportune but also necessary. Secondly, the same thing is also valid for creating unitary conditions in all the EU countries regarding the Community labour market. It is not right that, even today, the attitude of several EU governments toward the European citizens is differentiated according to their country of origin.

In the same context, the Commission's initiative to improve the visibility and work methods under the EU Strategy on social integration and protection and to consolidate its interaction with other policies appears to be significant. I gladly took note of the Commission's proposal for a horizontal directive on combating discrimination in fields other than employment.

**Livia Járóka (PPE-DE), in writing. – (HU)** One of the most important results of the European Commission's renewed social policy agenda must be the restoration of the appropriate rights of European Roma as European citizens and the halting of their social exclusion. I am pleased that the document supports this.

In the areas mentioned by the Agenda, the Roma are in a substantially worse situation than the majority of society in the areas of education, employment, living conditions, discrimination and health.

Lifelong learning programmes that give Roma suitable skills for employment and self-employment could be a useful tool in the fight against unemployment.

Anti-discrimination tools must be transplanted into national rights so that those who suffer from discrimination can turn to the courts, and the national authorities and equal opportunities bodies can recognise and impose sanctions for infringements.

The Structural Funds could be much more effective in reducing the social exclusion of Roma but, in order to achieve this, at least the right of discussion has to be given to Roma NGOs in selecting, planning, implementing and evaluating projects that are financed by the Funds, and programmes to equip Roma NGOs for preparing the successful bids that are necessary must be started up.

We hope that the Social Policy Agenda will be able to provide suitable answers to these questions. I feel it is important that we are able to discuss these topics at the large-scale Roma conference being organised on 16 September, and I hope that the question of social inclusion of the Roma will be put on the agenda of the European Council both separately and as part of the social agenda.

**Sirpa Pietikäinen (PPE-DE), in writing. – (FI)** Mr President, ladies and gentlemen, the Commission's social package is a long-awaited reform to the building of the Union's social dimension. Like many of my colleagues, however, I would like to have seen the Commission adopt a slightly bolder and more ambitious approach to its proposals and reforms. In my opinion, the package was especially wanting when it came to safeguarding basic public services.

The package does, however, contain many good proposals. I would especially like to thank the Commission for deciding, after long deliberations, to draw up a horizontal anti-discriminatory directive that covers all grounds for discrimination. Citizens who encounter discrimination in different forms and for different reasons should not be treated unequally. The horizontal approach is the only real way of guaranteeing equal treatment for all. Furthermore, the proposal to strengthen the role of the European Works Councils is very welcome.

The proposal for a directive on patients' rights in cross-border health care, which received relatively less publicity, will have a tangible impact on the ordinary lives of many Europeans. With European borders opening up and increased opportunities in the health care sector, it is especially important to clarify who is responsible for a patient's health and how far that responsibility extends. The Commission's proposal for a directive is a welcome clarification of pan-European rules.

Despite its shortcomings, the package is definitely a step in the right direction, and I hope that the Commission will continue its efforts to improve the feelings that European citizens have about social security in the years to come. In this connection, I would like to urge the Commission to get on with its plans to draft a directive on extending maternity leave from 14 to 18 weeks. May the directive become future practice as quickly as

possible. I would like it, however, if the Commission's proposal were to focus in particular on extending parental leave and thus improve the rights and opportunities of both parents to stay at home after their child is born.

**Katrin Saks (PSE), in writing.** – (ET) Martin Schultz is undoubtedly right to say that the social package could have been stronger. The Commission should have produced the package sooner so that we could have dealt with this important matter, not as the elections approach but sooner, when there was time to weigh up all the nuances of this important package carefully, and it is undoubtedly important.

Among other things, I would like to pick out the Commission communication on the European Globalisation Fund. Although it has provided assistance to several thousand people in, for example, Germany, France, Portugal and Finland, the survey for 2007 shows that a fairly large proportion of the Fund was not used.

Textile workers in Lithuania received compensation from the EGF in August. This is a good sign that the new Member States too can successfully seek assistance to help with the changes globalisation requires.

The Commission will soon investigate the criteria on which decisions to grant assistance are based. I would like to stress that in small countries like Estonia many businesses have had to lay off hundreds of people because of globalisation. Simplifying the process of applying for EGF assistance would undoubtedly make it possible for assistance for those people to be simplified too.

**Silvia-Adriana Țicău (PSE), in writing.** – (RO) The Treaty of Lisbon acknowledges the fact that the Union should rely on a social market economy that provides its citizens with access to decent work and life conditions, education, health and social protection services.

The Union's population is getting older. If, in 2007, citizens over 65 years of age represented 17% of the Union's population, in 2030 this percentage will reach 24.6%.

The latest Eurostat statistics show that, as of 2015, the number of deaths will exceed the number of births, thus leading to a decrease in the number of European citizens from 521 million in 2015 to 506 million in 2060.

Under these circumstances, migration seems to remain the main population growth factor in the Union. Yet, migratory flows affect Member States differently. If, between 1985 and 2007, Ireland recorded a 21.8% population growth, in Bulgaria the population decreased by 14.4% during the same period.

What are the solutions that the social package provides to these challenges? The Union citizens are waiting for firm actions for the creation of well-paid jobs, the guarantee of access to quality education, health and social protection services.

The social package represents the insurance policy for the future of the Union and it is essential for its long-term development.

**Bernard Wojciechowski (IND/DEM), in writing.** – There is no doubt that the European social model needs to be reformed. Especially, that the outdated welfare system still dominates in many of the larger Member States. Any talk of a European social model seems like a step in the wrong direction.

No social agenda or social policy document published by the Commission is likely to promote real economic growth or job creation. With the US economic crisis swiftly appearing on the shores of our continent, our governments should react to make sure that our citizens feel as little of the negative impact of a recession as possible. EU bureaucracy will not stop an economic crisis or a recession. Member States should focus on liberalising their economies, lowering taxes and interest rates, and cutting red tape especially for small-businesses.

Centralised intervention in the economy has always failed. The top-down measures proposed by the Commission might not only not help our citizens fend off unemployment but may actually hinder employment and economic growth.

*(The sitting was suspended at 11.40 pending voting time and resumed at noon)*

**IN THE CHAIR: Edward McMILLAN-SCOTT***Vice-President*

**Dimitar Stoyanov (NI).** - (BG) President, I would like to inform Parliament that in violation of the Protocol on the Privileges and Immunities of the European Communities, on July 30 I was arrested and beaten by the police, and I was also threatened that my throat would be slit.

It is a shame that Parliament still has not voiced any opinion on this crime, which was committed against me. And I want to ask the colleagues who have gathered in this hall: "What are you waiting for, colleagues, that my throat be slit open in actual fact? That the threats be fulfilled and they kill me?" A cruel injustice was perpetrated against a Member of the European Parliament and you remain silent. Thank you.

**President.** - Thank you for informing us of that, Mr Stoyanov. We will pass that on to the relevant body within the institution.

**5. Voting time**

**President.** - The next item is the vote.

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

**5.1. Youth in Action programme (2007-2013) (A6-0274/2008, Katerina Batzeli) (vote)**

*- Before the vote:*

**Katerina Batzeli, rapporteur.** - Mr President, with regard to the four reports to be voted on, let me point out on behalf of the Committee on Culture and Education that the multiannual programmes in the field of culture, education, youth and citizen participation in community activities are some of the most important activities of the EU and especially of the European Parliament.

Decisions on the choice and funding of the different activities covered by these programmes ought thus to rely on clear and objective criteria. Simplified procedures should be adopted to avoid unnecessary delays for European citizens.

The four comitology reports, which the European Parliament is being asked to adopt today in plenary, aim to ensure transparent, fast and effective procedures. This will simultaneously strengthen the European Parliament's role in this field of procedures.

The fact that these parliamentary proposals have been accepted by both the Commission and the Council is particularly satisfying and gives hope for future interinstitutional agreement.

Finally, I would like to thank the Commission, the Council under the Slovenian Presidency, and the current French Presidency for the spirit of cooperation and agreement and for the way they have managed these four Community programmes.

**5.2. Culture Programme (2007-2013) (A6-0273/2008, Katerina Batzeli) (vote)****5.3. 'Europe for Citizens' programme (2007-2013) (A6-0275/2008, Katerina Batzeli) (vote)****5.4. Action programme in the field of lifelong learning (A6-0276/2008, Katerina Batzeli) (vote)****5.5. Protocol to the EC-Uzbekistan Partnership and Cooperation Agreement (A6-0306/2008, Jacek Saryusz-Wolski) (vote)**

**5.6. Protocol to the EC-Kyrgyzstan Partnership and Cooperation Agreement (A6-0307/2008, Jacek Saryusz-Wolski) (vote)**

**5.7. Protocol to the EC-Tajikistan Partnership and Cooperation Agreement (A6-0320/2008, Jacek Saryusz-Wolski) (vote)**

**5.8. Separate liability of Montenegro with regard to the long-term loans to Serbia and Montenegro (formerly the Republic of Yugoslavia) (A6-0281/2008, Helmuth Markov) (vote)**

**5.9. Organic production and labelling of organic products (A6-0311/2008, Neil Parish) (vote)**

**5.10. Southern Indian Ocean Fisheries Agreement (A6-0315/2008, Philippe Morillon) (vote)**

**5.11. Draft amending budget 5/2008 (A6-0328/2008, Kyösti Virrankoski) (vote)**

**5.12. European Judicial Network (A6-0292/2008, Sylvia-Yvonne Kaufmann) (vote)**

**5.13. Application of the principle of mutual recognition to judgments in criminal matters (A6-0285/2008, Armando França) (vote)**

– *Before the vote:*

**Armando França, rapporteur.** – (PT) This report was a good example of understanding and cooperation in Parliament and of cooperation between Parliament and the Council. I therefore thank my fellow Members, the representatives of the Council, the technical staff and everyone involved in this complex and difficult report.

The framework decision will be very important for criminal justice in the EU. It promotes the principle of mutual recognition, ensures that the rights of the defence and guarantees of the accused are strengthened, makes the enforcement of decisions rendered *in absentia* quicker and more effective, and helps to combat crime in Europe. The future framework decision will also help to strengthen the primacy of the law and the rule of law, and promote European integration. The strong consensus obtained in the LIBE Committee was crucial and should be reiterated here and now. Thank you everyone.

**5.14. Fisheries and aquaculture in the context of ICZM in Europe (A6-0286/2008, Ioannis Gklavakis) (vote)**

– *Before the vote:*

**Ioannis Gklavakis, rapporteur.** – Mr President, ladies and gentlemen, let me briefly mention Integrated Coastal Zone Management, designed, above all, to protect fisheries and fish farming. The debate on the report has been cancelled owing to the debate on the situation in Georgia, which is an urgent and important matter. That is why I am speaking today.

My report is mainly about the protection of the environment, hence I ask for your votes in support of it. I note that the Committee on Fisheries has voted unanimously.

My report contains different proposals, four of which are particularly important. The first is the completion of the marine survey plan; second, the long-term plan but also continuing discussions, at which representatives of all professions, especially fishermen, participate. Thirdly, there is the possible formation of a central coordinating body, as there has been a lack of coordination between bodies in past years. Fourthly, a schedule should be set up because, since 2002, when there were similar talks, some actions have been taken without a defined timescale.



I suggest that what we decide upon should take place according to a timed schedule. Because I believe that all of us desire the protection of the ocean, I ask you to vote in favour and I thank you in advance.

#### **5.15. Use of the Visa Information System (VIS) under the Schengen Borders Code (A6-0208/2008, Mihael Brejc) (vote)**

#### **5.16. Strengthening of Eurojust and amendment of Decision 2002/187/JHA (A6-0293/2008, Renate Weber) (vote)**

– Before the vote on Amendment 19:

**Evelyn Gebhardt (PSE).** - (DE) Mr President, as I indicated before the vote, there is an oral compromise amendment that I discussed with Mrs Weber and Mr Demetriou – a compromise between amendments 37 and 39. The compromise amendment would read as follows:

‘Other forms of offences where there are factual indications that a criminal organisation or serious crimes are involved.’

(DE) That is how the compromise would be worded, and both amendments 37 and 19 would then be covered.

(The oral amendment was accepted.)

#### **5.17. Evaluation of the Dublin system (A6-0287/2008, Jean Lambert) (vote)**

#### **5.18. Certain issues relating to motor insurance (A6-0249/2008, Nikolay Mladenov) (vote)**

#### **5.19. Coordinated strategy to improve the fight against fiscal fraud (A6-0312/2008, Sharon Bowles) (vote)**

**President.** – That concludes the vote.

### **6. Explanations of vote**

*Oral explanations of vote*

#### **- Report: Sylvia-Yvonne Kaufmann (A6-0292/2008)**

**Hubert Pirker (PPE-DE).** - (DE) Mr President, I was unable to give my explanation because of the noise level, and I would like to do that now. I voted for the Kaufmann report because of the need to make it clear that the European Judicial Network is a necessity, since it has functioned effectively over the last ten years in conjunction with the system of judicial assistance. It is now a matter of making a clear distinction between the Network and Eurojust. Both institutions have their justification. The aim is that Eurojust and the European Judicial Network should complement each other or cooperate, as appropriate, and thus guarantee security for the Member States.

#### **- Report: Armando França (A6-0285/2008)**

**Hubert Pirker (PPE-DE).** - (DE) Mr President, with regard to the enforcement of judgments delivered *in absentia*, it is of no use to us in the European Union if we have excellent police cooperation on the one hand while on the other hand the system of criminal prosecution does not work as well as it could.

In this respect, I believe our decision has closed a loophole. The mutual recognition of judgments by criminal prosecutors will mean that judgments in criminal cases, including those delivered *in absentia*, can be enforced in other countries. That is a vital step in enabling the judicial authorities to assist police forces in their work.

**- Report: Mihael Brejc (A6-0208/2008)**

**Hubert Pirker (PPE-DE).** - (DE) Mr President, the aim of the Brejc report is to give us the means to ensure at long last that the Visa Information System is used and checked whenever nationals of non-EU countries enter the Schengen area. We know that many persons are illegally resident in the EU because their visas have expired or have been invalidated. Through this cooperation between the Schengen system and the Visa Information System, we are creating conditions in which we can eliminate visa abuses in the European Union and ensure that persons entering and leaving the European Union are legally entitled to do so.

**Frank Vanhecke (NI).** - (NL) Mr President, of course I have no objection, like most people I assume, to improvements being made to the Schengen countries Visa Information System, but what we have here in this report is really too ridiculous for words. The Visa System was actually to be made more flexible because of waiting times at the borders! Anyone who has ever travelled knows that there just have to be waiting lists and that these are sometimes necessary. I wonder what assessment could be made for border guards to decide when there is a danger and when there is not. Who knows where terrorist and other risks come from?

I also have no problem with us being all the more behind the times in this. The Europeanisation of our border controls has been done thoughtlessly, without preparation and under pressure from ideological extremists who consider the security of citizens to be less important than the great ideal of the new European Soviet Union.

**Daniel Hannan (NI).** - Mr President, I rise – as is becoming traditional on these occasions – to point out that the harmonisation of European policy in the fields of justice and home affairs has only the flimsiest of legal bases. Much in the reports on which we have just voted – the Kaufmann, França, Brejc, Weber and Lambert reports – is there to give force to aspects of policy, to initiatives and, in the case of Eurojust, to an entire institution, that have no proper legal mandate. It is true that such a mandate would have been provided by the European Constitution or Lisbon Treaty, but it is equally the case – as it seems periodically necessary to remind this Chamber – that the Constitution was rejected three times: by 55% of French voters, by 62% of Dutch voters and by 54% of Irish voters.

The ability to have a monopoly on penal coercion via a criminal justice system is perhaps the supreme defining attribute of statehood. We can define a state as a territory with agreed rules enforced by a common authority. If the European Union wishes to give itself that supreme attribute of statehood, it should have the decency to ask its peoples' permission first in referendums. *Pactio Olisipiensis censenda est!*

**- Report: Renate Weber (A6-0293/2008)**

**Hubert Pirker (PPE-DE).** - (DE) Mr President, this report is about strengthening Eurojust. This is another set of instruments whose ultimate purpose is to intensify police cooperation and make it effective. It has become apparent that very many institutions are involved in judicial cooperation within a given country. Our proposal for the establishment of a coordination system within and between Member States therefore makes very good sense, simply because it guarantees efficient cooperation, particularly in combating terrorism and other forms of organised crime.

One particularly heartening measure I wish to highlight is that liaison magistrates are to be established in non-EU countries, similar to what we already have in the police framework, so that cooperation with those countries can then be improved accordingly. In short, this system will enable us to build another *cordon sanitaire* to protect the European Union.

**- Reports: Jean Lambert (A6-0287/2008), Sharon Bowles (A6-0312/2008)**

**David Sumberg (PPE-DE).** - Mr President, may I begin by saying what a great pleasure it is to see you in the chair here in Brussels for a full plenary session. One small step for Mr McMillan-Scott; one giant leap, perhaps, for the European Parliament. Who knows? Do not hold your breath.

I rise in relation to the Lambert report – and also in relation to the Bowles report, if you are calling me on that. The Lambert report I find difficult to support. There are references in it to the idea of distributing illegal immigrants among the vast majority of EU countries, which I think is completely impractical. More important from the United Kingdom's point of view is the fact that, uniquely or semi-uniquely (because Cyprus is in the same position) we are an island. Therefore I think it is important for the United Kingdom to retain control of its own borders, controlled by the United Kingdom authorities not by the European Union which has large and leaky borders. Therefore I think the Lambert report is unacceptable on that basis.

The Bowles report is unacceptable because, although it has some good intentions, it is effectively blaming tax havens for the high taxation many of us have to endure. But the reason why we endure high taxation – certainly in the United Kingdom – is because we have a Labour Government bent and determined to increase the tax take and burden the British people and the British taxpayer with it.

The essence of high taxation is a national problem and should remain so, and governments nationally should take responsibility for it. It should not be a responsibility of the European Union.

**- Report: Jean Lambert (A6-0287/2008)**

**Frank Vanhecke (NI).** - (NL) Mr President, the rapporteur, Mrs Lambert, is right when she says that the Dublin objectives for asylum shopping have never been achieved; quite the reverse, in fact. That is true. She is also right to say that the system unavoidably places an unreasonably heavy burden on the Member States on the borders of the European Union. That is also true. It is therefore a good thing that support for those States is being urged.

On the other hand, I do think a number of important points are missing from the report and I do not agree at all with most of the assumptions and aims of the rapporteur; on the contrary. One example: the assessment by the Commission already stated that tens of thousands of asylum seekers go into hiding because of the Dublin system, and yet the rapporteur argues against detention. That cannot be more serious. The close cooperation between the European Member States on asylum might pay off, but in that case it is necessary to do away with a whole bunch of politically correct ideas that fill this report.

**Philip Claeys (NI).** - (NL) Mr President, it is impossible to summarise all the problems with the Lambert report within one minute, so I shall confine myself to a couple of points. As regards the protection of children, the report states that, in the event of uncertainty as to age, children should be given the benefit of the doubt. Something like that sounds good, but in fact it is a direct invitation to even more fraud with identity papers.

The report also states that the definition of a family member is too restrictive, which again is an open invitation to even more abuses. In Africa, for instance, more or less everybody is family to everybody and if we have to take that into account we might as well throw all the gates open immediately.

The report also opposes access to the Eurodac database for police services and the law-enforcement agencies of the Member States because, I quote 'this would also increase the risk of asylum seekers being stigmatised'. That is a ridiculous idea, especially since Eurodac could contain a wealth of information in the fight against illegal immigration, international crime and terrorism.

**- Report: Sharon Bowles (A6-0312/2008)**

**Christoph Konrad (PPE-DE).** - (DE) Mr President, ladies and gentlemen, the Bowles report includes an examination of the problem of VAT fraud – and rightly so, for it runs to EUR 20 billion a year. I support the proposals on this matter. It is important to point out, however, that we need a change of system – structural reform – in this area. What we have been hearing from the Commission in this context has never been more than a statement of intent to step up intergovernmental cooperation in this matter and to engage in evaluation, research and so on.

Given the volume of fraud that is taking place, it is high time the Commission abandoned its passive stance and supported the reformist Member States that actually intend to introduce this reverse-charge procedure. This is also a call to Mr Kovács to have an overdue rethink on this issue. I hope that we shall receive an appropriate proposal before this parliamentary term is over and that the proposals from the Austrian and German Governments will be endorsed.

**Ivo Strejček (PPE-DE).** - Mr President, I voted against the Bowles report.

There are three points I would like to stress. First, the report calls for better tax and fiscal coordination. I suppose it to be harmful to tax competition, because tax competition is sound and fruitful. Second, the way to eliminate tax fraud is not through a reduction in competition but by the strict elimination of tax exemptions. Third, tax fraud in VAT should be eliminated by the unification of VAT rates, which will result in the fast reduction of exemptions and loopholes.

The Bowles report offers different remedies. That is why I voted against.

**Astrid Lulling (PPE-DE).** – (FR) Mr President, as I said yesterday, I am against all types of fiscal fraud, and I asked the Commission and the Council to act expeditiously to remedy the disastrous effects of VAT evasion: losses have been estimated at EUR 20 billion per year, or nearly one fifth of the EU budget.

I referred to a model developed by RTvat and presented by that organisation to this House which would reduce VAT evasion by approximately EUR 275 million per day and would reduce the administrative burden, particularly for SMEs. I think that the Commission should analyse these proposals, because models do exist. Naturally, there has to be the political will to adopt them.

I was nonetheless unable to vote for the report because my Group's amendments – including the amendment stating that healthy tax competition will help to maintain and increase Member States' tax revenues and the amendment which opposes widening the scope of the Savings Tax Directive – were not adopted. However, we are clearly opposed to the widening of the Directive's scope to cover all legal entities and all sources of financial revenue.

In this context, I believe that we must not forget that 'too much tax kills tax', and that those Member States which are in favour of such measures should be very vigilant because people in Macao, Singapore and Hong Kong are already rubbing their hands with glee at the prospect that we are moving in this direction. This is why I did not vote in favour of the report because I want this to be clear and precise.

**Avril Doyle (PPE-DE).** – Mr President, I just wanted a word on the Bowles report, which was on a coordinated strategy to improve the fight against fiscal fraud. To read that, one would think it would be very difficult to be against the report or indeed any parts of it.

The reality is that while I fully support a coordinated approach in the fight against fiscal fraud – and we do need serious examination and coordination in this area – any suggestion of tax approximation and/or a decrease in tax competition throughout the EU of 27 Member States as part of the solution in the fight against fiscal fraud is wholly unacceptable.

I am not sure if Europe – as in the Commission – realises the damage that is being done in Member States by constant references to centralising, controlling or reducing Member State competence in the tax area in any way. It was a huge issue – albeit a non-issue in terms of relevance to the Lisbon Treaty – during the debate on our referendum on 12 June. Would that we could, but we could not dissuade those that feared Europe – as in the European institutions' wish to control tax centrally in varying degrees for varying reasons – that the Lisbon Treaty lent any support to that concept. Please be very wary of messing in this particular area.

#### **- Reports: Sylvia-Yvonne Kaufmann (A6-0292/2008)**

**Frank Vanhecke (NI).** – (NL) Mr President, I did not vote against the Kaufmann report, although I am not at all convinced that the Europeanisation of our judicial systems or the establishment of a European public prosecutor's office are necessarily the right way to improve the working of the police and justice or the punishment of even cross-border crime. Quite the opposite.

However, I am urging very wide-ranging and closer cooperation between all sovereign European security services and in that respect I can largely support a number of recommendations, improvements in the Kaufmann report, improvements to the European Judicial Network. Nevertheless, all this must not result in an overpaid and arrogant European justice system that is cut off from the real world, such as we have seen in the past few months, meddling in a way that goes far beyond the necessary cooperation between sovereign Member States. For that second reason, therefore, I abstained from the final vote on the Kaufmann report.

*Written explanations of vote*

#### **- Report: Katerina Batzeli (A6-0274/2008)**

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) I voted for the legislative resolution based on the report by Greek Member Katerina Batzeli, approving, at first reading under the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision No 1719/2006/EC establishing the Youth in Action programme for the period 2007 to 2013. I welcome and support the amendments which have replaced the advisory comitology procedure with an obligation on the Commission to inform the European Parliament and the Member States without delay about any measures taken for the implementation of the decision without the assistance of a committee, in order to allow selection decisions to be implemented more quickly and efficiently.

**Alessandro Battilocchio (PSE)**, *in writing*. – (IT) I voted in favour of Mrs Batzeli's report and I greatly welcome the substantial increase in the relative funds. The 'Youth in Action' programme has been an important instrument in recent years for involving the rising generation of our Union in the great European project: a vital link, therefore, for bringing the new generation closer to Europe and enabling them to take part in several really interesting political and cultural initiatives. The European Commission is doing the right thing in pursuing this route: as a young representative of this Parliament, and knowing the commitment and the aims of Mr Figel, I can safely be optimistic about the success of the new programme for 2007-2013.

**Slavi Binev (NI)**, *in written form*. – (BG) President, colleagues,

The Youth in Action programme is a tool that helps us engage our children in constructive activities, through which they can develop a spirit of leadership, solidarity and tolerance. At the same time, it is the best way we can show young people that we care about the resolution of their problems and can associate them to the idea of a common European home! For this reason, a high degree of efficiency at the management of the funds intended for Europe's youth is of key importance for the future of the union.

Encouragement of initiative, reduction of administrative load and achievement of a higher degree of transparency are among the main priorities of this Parliament. Ms Batzeli offers solutions that reduce the time for which funds reach winner projects, which is a positive sign to young people. At the same time, the amendments uphold the place of the European Parliament in the control of the expenditure of Community funds. That is why I gave my vote in favour of the report on amendments to the Youth in Action Programme.

I congratulate the rapporteur on the excellent job done!

**Neena Gill (PSE)**, *in writing*. – I was very happy to vote in favour of this report, as I believe the Youth in Action programme is an excellent initiative. Schemes such as these will be vital in encouraging engagement between young people and Europe.

This engagement is sorely needed. Time and again I hear from my constituents that the European Union does nothing for them. Without funding for civil society programmes, those who believe in the importance of the European project will have a hard time confronting criticism of democratic deficits and unresponsive institutions.

And this negativity is particularly strong among the young. Whenever I visit schools in my constituency I am struck by their cynicism about the EU's role. A report such as this therefore represents a timely response to a pressing – and growing – problem.

But the report has faced opposition from scaremongers who claim it will strengthen the Commission. What is clear is that all information provided will need to be objective if it is to be effective. Yet I would ask Members to question how strengthening civil society and the role of the young citizen could possibly give the Commission more power.

**Hélène Goudin and Nils Lundgren (IND/DEM)**, *in writing*. – (SV) Culture is about fundamental long-term issues affecting nations and civilisations. For this reason, the June List considers that cultural policy should be run by politicians who are close to their citizens and should therefore predominantly be addressed at national level. We consider that cultural programmes have received far too generous appropriations in the EU's budget for a matter which in all essentials should be down to the Member States. We are generally in favour of more funds for culture, but we are against more funds being allocated by EU institutions which are far removed from the citizens.

In the vote on today's four reports by Mrs Batzeli, we only had to reach an opinion on amendments of a more technical nature about the structure of the implementation of the programmes. However, we chose to vote against these reports in order to make it clear that we are opposed to such major cultural investments being made at EU level.

**David Martin (PSE)**, *in writing*. – I welcome Katerina Batzeli's report on the Youth in Action Programme. Grants provided by the programme are a key element in allowing young Europeans to fully benefit from the opportunities the EU offers. The report aims to reduce bureaucracy and simplify the decision making involved in the selection of grants. I therefore support its recommendations.

**- Report: Katerina Batzeli (A6-0273/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) I voted for the legislative resolution based on the report by Greek Member Katerina Batzeli, approving, at first reading under the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision No 1855/2006/EC establishing the Culture Programme (2007-2013). I welcome and support the amendments which have replaced the advisory comitology procedure with an obligation on the Commission to inform the European Parliament and the Member States without delay about any measures taken for the implementation of the decision without the assistance of a committee, in order to allow selection decisions to be implemented more quickly and efficiently.

**Nicodim Bulzesc (PPE-DE)**, *in writing*. – (RO) I voted in favour of this report because it aims at reducing the decision-making time for granting European financing through the Culture Programme 2007-2013.

The experience of past years has shown that the procedure for granting financing through this mechanism is quite slow and the European cultural operators may have financial problems for this reason.

Taking into consideration that the cultural institutions and artists requesting these funds generally have a delicate financial state, I welcome any action designed to facilitate access to European funds is welcomed.

**David Martin (PSE)**, *in writing*. – Katerina Batzeli's report on the Culture Programme for 2007-2013 streamlines the process by which financial support through the programme is decided. Making that process more efficient will benefit programmes such as the European Capitals of Culture. I therefore voted in support of the report.

**Zdzisław Zbigniew Podkański (UEN)**, *in writing*. – (PL) Mr President, the reports by Katerina Batzeli put to the vote, which concern the Youth in Action programme (2007-2013), the Culture Programme (2007-2013), the Europe for Citizens' programme (2007-2013) and the Action programme in the field of lifelong learning, show that the procedures followed in the adoption of multi-annual programmes in the field of culture, youth education and active citizenship clearly make the preparation and implementation of those programmes more difficult. The question is: does that result from the European Commission's bureaucratic style of operation or from a lack of understanding of the important subject of active citizenship?

Culture and education cannot abide bureaucracy. Hence the repeated calls from the European Parliament's Committee on Culture and Education for 'a swift, effective and transparent procedure which will, nevertheless, safeguard the right of scrutiny and information in regard to decision-making'. Without swift decisions the hoped-for effects will not be felt. These facts fully justify voting in favour of the reports, especially as culture in the widest sense is the wealth of nations and the guarantee of their development and endurance.

**- Report: Katerina Batzeli (A6-0275/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) I voted for the legislative resolution based on the report by Greek Member Katerina Batzeli approving, at first reading under the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision No 1904/2006/EC establishing for the period 2007 to 2013 the programme 'Europe for Citizens' to promote active European citizenship. I welcome and support the amendments which have replaced the advisory comitology procedure with an obligation on the Commission to inform the European Parliament and the Member States without delay about any measures taken for the implementation of the decision without the assistance of a committee, in order to allow selection decisions to be implemented more quickly and efficiently.

**Alessandro Battilocchio (PSE)**, *in writing*. – (IT) Thank you, Mr President, as with the previous reports, I am convinced about this one and am voting in favour of the work done by my colleague Mrs Batzeli.

The 'Europe for Citizens' programme has been an important step in recent years in the difficult task of bringing Europe closer to its citizens: all too frequently in the past, Europe has been regarded as distant, a bureaucratic entity cut off from the everyday reality of its citizens.

Today, since we are holding the plenary in Brussels, by way of exception, we have an opportunity to send a signal which will be greatly welcomed by European citizens: let us start talking about having a single headquarters of the European Parliament in Brussels. Our citizens are increasingly perplexed at this monthly 'transfer' which involves ever greater organisational efforts and financial burdens. Let us start to discuss this matter without taboos.

**David Martin (PSE), in writing.** – I welcome the proposals to cut bureaucracy in the decision-making process for the Europe for Citizens programme. More efficient selection of grants for town-twinning and support for civil society will improve the EU's capacity to encourage its citizens to engage with Europe. With this in mind, I voted in support of Katerina Batzeli's report on the programme 'Europe for Citizens' 2007-2013 to promote active citizenship.

**- Report: Katerina Batzeli (A6-0276/2008)**

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) I voted for the legislative resolution based on the report by my Greek fellow Member Katerina Batzeli approving, at first reading under the codecision procedure, the proposal for a decision of the European Parliament and of the Council amending Decision No 1720/2006/EC establishing an action programme in the field of lifelong learning. I welcome and support the amendments which have replaced the advisory comitology procedure with an obligation on the Commission to inform the European Parliament and the Member States without delay about any measures taken for the implementation of the decision without the assistance of a committee, in order to allow selection decisions to be implemented more quickly and efficiently.

**David Martin (PSE), in writing.** – The lifelong learning programme helps finance education schemes like Erasmus. It is through such schemes that people across Europe not only experience Europe's cultural richness, but also the wealth of learning opportunities the EU offers. I therefore voted in favour of Katerina Batzeli's report on an 'Action programme in the field of lifelong learning'.

**Andreas Mölzer (NI), in writing.** – (DE) It is counterproductive to encourage our own people to learn on the one hand but come up with 'blue card' plans on the other, as the increase in atypical employment and fiercer competitive pressure have already ensured that good basic and further training is no longer a defence against unemployment.

There are enough well-qualified people who are rejected by companies simply because they are out to employ the cheapest possible holders of PhD or Masters' degrees in McJobs or no longer wish to offer anything other than atypical employment contracts.

There is a fundamental need to launch training offensives in order to eliminate the shortage of skilled labour which is used to justify the present state of affairs. If that proves impossible, preference should be given to a seasonal-migrant model. This will prevent the recurrence of waves of mass immigration.

**Dumitru Oprea (PPE-DE), in writing.** – (RO) I voted in favour of Mrs. Katerina Batzeli's report for several reasons.

It is well-known that education and training are essential priorities for the European Union, in order to achieve the Lisbon objectives. The goal of the lifelong learning programme should be the maintaining of a flexible, autonomous society, based on knowledge, with a quantity and quality economic-cultural development, all following a line and in the spirit of a strong(er) social cohesion. For this reason, lifelong training should involve all social factors.

Obviously, like any other programme of such size, it should be clear, coherent, regularly monitored and assessed after each implementation phase, in order to allow (re)adjustments, especially as regards the priorities of implementing the actions.

Nevertheless, the lifelong learning programmes should also focus on mature people. The fact that, most of the time, emphasis is laid on education in the first part of life and, afterwards, the individual's knowledge becomes limited, every citizen should be stimulated and motivated to participate in a form of lifelong learning, which would ensure potential employment on the labour market, no matter what the age.

This is even more important if we relate to the statistics regarding the ageing labour force and decrease in the active population.

**Mihaela Popa (PPE-DE), in writing.** – (RO) Today, all of Europe is dealing with a series of essential and dramatic changes for the citizens of all ages.

The importance of education and training in the Lisbon Strategy for growth and employment has been acknowledged and the European Council has repeatedly emphasized the role of education and training in the European Union's long-term competitiveness.

Today, we can no longer forecast that people will remain for their entire life in the same business sector or in the same place. Their professional evolution will follow unpredictable paths and they will need a broad range of general skills in order to adjust.

In order to prepare them for life and society, schools should guide them toward lifelong learning, a comprehensive European Union programme, which sees people able to learn at all ages, thus remaining lively and active members of society.

This is why I voted this report completely confident, because we need to develop the programmes designed for these purposes and here I refer in particular to the recent EU Member States.

**- Report: Jacek Saryusz-Wolski (A6-0306/2008)**

**Marian Zlotea (PPE-DE), in writing.** – (RO) The partnership and cooperation agreement (PCA) between the European Communities and the Member States, on the one hand, and the Republic of Uzbekistan, on the other hand, became effective on 1 July 1999, before the European Union's enlargement with the Republic of Bulgaria and Romania. The protocol to PCA had to be drawn up in order to allow the new Member States (Romania and Bulgaria) to join this agreement.

I consider that the Parliament should have more initiatives of this type, taking into consideration the partnerships signed with the other countries in the region as well. In relation with the situation in the region, this year, the conclusion of a European Union – Azerbaijan partnership is required in order to provide Europe with the possibility to continue its energy projects.

Azerbaijan needs to receive special attention from the European Union, also starting from the reality of this country's very balanced policy and availability to contribute to the achievement of the European Union's energy projects.

**- Report: Helmuth Markov (A6-0281/2008)**

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) Following the referendum held in Montenegro on 21 May 2006 on the country's independence, in which a majority (55.4%) voted in favour of an independent Montenegro, the Montenegrin parliament proclaimed Montenegro fully independent under international law on 3 June 2006. Serbia recognised Montenegro's independence on 5 June 2006, and the Serbian parliament adopted a decision defining Serbia as the successor to the State Union of Serbia and Montenegro, which was the new name for the Federal Republic of Yugoslavia under the terms of the Constitutional Charter of 4 February 2003. It is against this background that I voted for the European Parliament legislative resolution approving, under the consultation procedure, the proposal for a Council decision establishing a separate liability of Montenegro and reducing proportionately the liability of Serbia with regard to the long-term loans granted by the Community to the State Union of Serbia and Montenegro (formerly the Federal Republic of Yugoslavia).

**Brian Simpson (PSE), in writing.** – I shall be voting in favour of Helmut Markov's report. I believe it is absolutely essential for stability and security in Europe that we do all we can to help both Serbia and Montenegro recover from the economic and social upheaval that took place with the break-up of Yugoslavia and the subsequent disastrous wars.

I would hope that, in particular, infrastructure and transportation would feature prominently. If we are to be realistic in our aspirations for both countries, then this agreement is essential and should be strongly supported. It is my hope that at some future date both Serbia and Montenegro can join the European Union.

This agreement is the first step on the road to that aspiration.

**- Report: Neil Parish (A6-0311/2008)**

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) On the basis of the report by my excellent British fellow Member Neil Parish, I voted for the legislative resolution approving, under the consultation procedure, the proposal for a Council regulation amending the Council Regulation of June 2007 on organic production and labelling of organic products. The Council Regulation of 28 June 2007 on organic production and labelling of organic products is supposed to come into force as a mandatory requirement from 1 January 2009. The purpose of this proposal is to postpone the compulsory use of the EU logo pending the design of a new logo in order to help to avoid confusing consumers by changing EU logos within a short time period, and creating an additional financial burden for operators, who would have to change their packaging and



print-outs within a very short time frame. It is therefore proposed to postpone the compulsory use of the EU logo until 30 June 2010.

**Glyn Ford (PSE)**, *in writing*. – I back this report from the Committee on Agriculture and Rural Development on organic production and labelling on organic products. I am not entirely convinced that it is always better to absolutely maximise organic production and consumption. I believe science has improved food productivity and food safety in some important areas. My own consumption reflects this belief. Nevertheless, those who take a more fundamentalist view are entitled to be reassured that 'organic' really is organic, and not just a label used to extract a price premium from gullible and ill-informed consumers.

**Hélène Goudin and Nils Lundgren (IND/DEM)**, *in writing*. – (SV) Demand for organically produced food and other goods is high and growing, and in order to meet this demand, consumers must naturally be able to identify these products on the market. Therefore labelling is required if the market is to function in this respect.

However, we have previously voted against EU labelling of organic products, as it is our conviction that market forces, spearheaded by aware European consumers, are capable of performing this task alone. If political regulation is required in the area of labelling of organic products, this should be carried out at national level.

In the vote on this report, however, we were only faced with the question of postponing the compulsory use of the EU logo on organic products. We voted in favour of this proposal.

**Ian Hudghton (Verts/ALE)**, *in writing*. – I voted in favour of the Parish report which accepts the Commission's proposal to delay the introduction of the use of a compulsory EU organic label. It should be noted, however, that voluntary use of such a label is not prohibited and any such moves which are of benefit to consumers should be encouraged.

#### **- Report: Philippe Morillon (A6-0315/2008)**

**Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE)**, *in writing*. – (SV) We voted in favour of the report, as the amendments which Parliament proposes would mean requiring the consent of the European Parliament to conclude agreements. We are in favour of a thorough review of the EU's Fisheries Agreements and see this as a positive first step which gives us greater opportunities for influence.

We take the scientific reports which show that the seas are being exhausted very seriously. Therefore we do not see the EU's Fisheries Agreements as a means of combating poverty and encouraging development which is sustainable in the long term. We would like to change the EU's fisheries policy such that it leads to rebuilding fish stocks. Through changes in the EU's trade and aid policy and various forms of partnership, we also seek to support sustainable development in the countries in which Fisheries Agreements with the EU currently constitute a major source of income.

**Ian Hudghton (Verts/ALE)**, *in writing*. – I supported the Morillon report relating to the Southern Indian Ocean Fisheries Agreement. I consider that fishing nations should control their own fisheries whilst cooperating internationally through regional fisheries organisations.

The EU has a coastal interest in the Indian Ocean and accordingly must fulfil obligations under the UN Convention on the Law of the Sea. I look forward, however, to the day when France, and other EU nations, have direct control of their own fishing interests.

**Margie Sudre (PPE-DE)**, *in writing*. – (FR) The European Parliament has just given its assent to the Southern Indian Ocean Fisheries Agreement signed by the European Community in 2006. Having fishing interests in the area because of La Réunion, the Community was obliged to cooperate with the other parties involved in the management and conservation of resources in the region under the terms of the UN Convention on the Law of the Sea.

This new regional fisheries organisation establishes a specific institutional framework with, as its cornerstone, the permanent Scientific Committee, whose main task is to conduct a scientific assessment of the fishery resources and the impact of fishing on the marine environment, taking into account the environmental characteristics of the area. The Agreement also encourages cooperation in the field of scientific research.

On the basis of these scientific recommendations, the parties will be in a strong position to draw up conservation and management measures that are best able to meet the challenges facing the area. The Agreement marks a genuine step forward in promoting fishery resources and sustainable development.

**- Report: Kyösti Virrankoski (A6-0328/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) I voted for the European Parliament resolution based on the report by my fellow Member Kyösti Virrankoski on Draft amending budget No 5/2008 (PDAB 5/2008), which covers the revision of the forecast of traditional own resources (TOR, i.e. customs duties, agricultural duties and sugar levies), VAT and GNI bases, and the budgetisation and financing of the UK rebate, which have the effect of changing the distribution between Member States of their own resources contributions to the EU budget.

**- Report: Sylvia-Yvonne Kaufmann (A6-0292/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) I voted for the legislative resolution based on the report by German Member Sylvia-Yvonne Kaufmann, approving, under the consultation procedure, the initiative of a number of Member States to strengthen the European Judicial Network. The resolution first of all calls on both the Council and the Commission to give priority to any future proposal to amend the text of the initiative by using the urgent procedure, in accordance with the Lisbon Treaty once it comes into force. I support the strengthening of the 'data protection' element and the fact that the Judicial Network contact points are to provide the national members of Eurojust with certain information. I particularly welcome the reference to the future Framework Decision on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters.

**Koenraad Dillen, Carl Lang and Fernand Le Rachinel (NI)**, *in writing*. – (FR) Just for once, Brussels wants to take back through the window what the French, Dutch and Irish threw out the door in the 2005 and June 2008 referendums: the establishment of a single European Public Prosecutor's Office.

The temptation proves too great for our pro-European sorcerer's apprentices. Whatever it takes, any objections, rejections and legitimate resistance by the peoples of Europe must be overcome and ignored in order to communitise by force all justice, security and immigration issues.

Europe is sorely mistaken. The requisite cooperation between Member States in judicial, police and even criminal matters must not result in their subjection to a supranational legal order that has been established in spite of all the differences existing between the legal systems and traditions of the Member States.

We reject this supranational legal order that would go against the very principles and values that we hold dear.

**Luca Romagnoli (NI)**, *in writing*. – (IT) Mr President, ladies and gentlemen, I am voting in favour of Mrs Kaufmann's report on the European Judicial Network. I concur with its content and its objective, which is to strengthen existing structures and to unify their action. The significant changes in recent years in connection with judicial cooperation in criminal matters have made it necessary to introduce and strengthen structures which are able to provide assistance and coordination at European level.

Despite the fact that the principle of mutual recognition is beginning to be put into practice, there are still many practical difficulties and an increasing number of highly complicated transnational cases where the provision of assistance and support to the competent national authorities is becoming increasingly necessary.

**Carl Schlyter (Verts/ALE)**, *in writing*. – (SV) I am completely opposed to including religion, sexuality, political opinions, etc. as relevant information to be sent between authorities, but in this report this is only mentioned in conjunction with additional safeguards and as an attempt to tighten up existing legislation. Therefore I am voting in favour.

**- Report: Armando França (A6-0285/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) I voted for the legislative resolution based on the report by Portuguese Member Armando França supporting the initiative by a number of Member States (the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Slovak Republic, the United Kingdom and the Federal Republic of Germany) to amend a series of framework decisions (2002/584/JHA on the European arrest warrant, 2005/214/JHA on the mutual recognition of financial penalties, 2006/783/JHA on the principle of mutual recognition of confiscation orders, and 2008./.../JHA

on the principle of mutual recognition of judgments in criminal matters) in order to make provision for the enforcement of decisions rendered *in absentia*. I support the proposal for a series of procedural guarantees to strengthen the rights of persons judged in absentia, and the efforts to eliminate different approaches towards 'grounds for non-recognition' of such decisions.

**Edite Estrela (PSE)**, *in writing*. – (PT) I voted for Mr França's report on the application of the principle of mutual recognition to judgments in criminal matters because I believe it is important to establish uniform rules for the mutual recognition of decisions rendered *in absentia*.

I congratulate the rapporteur on the proposals presented in the report, which I consider to be crucial for harmonising procedural guarantees in all Member States and for reinforcing the protection of fundamental rights, such as the right to a defence and the right to a trial.

**Glyn Ford (PSE)**, *in writing*. – I will be supporting this report on mutual recognition of judgments in criminal matters. I take the view that those convicted of crimes should not be able to hide within the interstices of the European Union. Anyone convicted within one Member State should be considered guilty across the Union. If we doubt the independence and integrity of courts in any State of the Union, that State should have its membership suspended. Otherwise, just as we make no distinction between criminals in Manchester or London, neither should we if it is Madrid or Lisbon.

**Kartika Tamara Liotard (GUE/NGL)**, *in writing*. – (NL) I voted against the França report on application of the principle of mutual recognition to judgments in criminal matters, because the report is aimed at harmonising criminal justice at European level.

I believe that criminal justice is a responsibility of Member States and not the EU. It should not therefore be harmonised.

**Erik Meijer (GUE/NGL)**, *in writing*. – (NL) I voted against Mr França's report on the application of the principle of mutual recognition to judgments in criminal matters because the aim of the report is to harmonise criminal law at European level. I think that criminal law is the responsibility of the Member States, not the EU. I am, of course, in favour of the right for defendants to have proper representation, but there is no need for harmonisation.

**Rareş-Lucian Niculescu (PPE-DE)**, *in writing*. –? (RO) Mutual recognition is the cornerstone of judicial cooperation at European level and any clarification of the instruments for enforcing this principle is welcome.

The decision approved today is opportune. Nevertheless, I would like to draw attention to another problem, namely the way in which some Member States implement important instruments, such as the European arrest warrant.

In January 2007, the Romanian authorities issued a European arrest warrant in the name of the Czech citizen František Příplata, sentenced to eight years in prison for incitement to serious crime, in the case of the 2000 assassination of a Romanian trade union leader. Yet, the Czech Republic, on whose territory the killer is, enforces the procedure of hand over only for crimes committed as of 1 November 2004.

Consequently, eight years after the crime was committed, the sentenced person has not yet been extradited and the execution of the sentence has not yet started.

I believe the Member States that understand enforcing the judicial cooperation instruments in this manner should seriously consider the opportunity of keeping such reserves.

**Nicolae Vlad Popa (PPE-DE)**, *in writing*. – (RO) I voted in favour of Armando França's report on the enforcement of the principle of mutual recognition to confiscation orders and of the *Framework Decision 2008/.../JHA* on the recognition and enforcement of the principle of mutual recognition to judgments in criminal matters imposing punishments or measures involving deprivation of liberty for their enforcement in the European Union.

There are ever-increasing cases in which dangerous criminals use the freedom of movement and the elimination of borders within the European Union to avoid judgment.

I support this report unconditionally because it ensures a unitary regulation in the field of decisions rendered "in absentia", an extremely necessary regulation in order to avoid the possible blocking of the judicial system by those who run from justice to another European Union country.

**Carl Schlyter (Verts/ALE)**, *in writing*. – (SV) Parliament's amendments focus on increased protection of individuals and thus seek to improve the existing regulatory framework. Therefore I am voting in favour.

**Andrzej Jan Szejna (PSE)**, *in writing*. – (PL) I fully support the initiative to amend the legal provisions governing application of the principle of mutual recognition of judgments.

Every effort must be made to render judicial cooperation between Member States as effective as possible. At the same time, we must seek to ensure that all citizen's rights, including the fundamental right to defence in criminal proceedings, are fully preserved.

In my view the proposed amendments will not only considerably facilitate cooperation between courts but will above all help to reinforce the rights of the citizen with respect to the administration of justice throughout the European Union, especially the right of defence and the right to a retrial.

**- Report: Ioannis Gklavakis (A6-0286/2008)**

**Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE)**, *in writing*. – (SV) This own-initiative report highlights fisheries and aquaculture within the context of Integrated Coastal Zone Management in Europe.

Ecologically sustainable management of aquatic and fisheries resources is naturally important for protecting the environment in which we live. Unfortunately, the report ignores the problems which the fisheries sector in the EU brings with it. Therefore we have chosen to abstain. Overcapacity in the fishing fleets in the EU is leading to far too large catches. This threatens the marine ecosystem and edible fish stocks.

We would like to see a major reduction in fishing vessels, and fishing quotas which are set on the basis of biologically safe and scientific grounds. Of course, the employees affected by the restructuring must be offered labour market training and reasonable financial support in order to be able to take work in other parts of the economy which need labour.

**Emanuel Jardim Fernandes (PSE)**, *in writing*. – (PT) I voted for the report by my fellow Member Mr Gklavakis on Fisheries and Aquaculture in the context of Integrated Coastal Zone Management (ICZM) in Europe, and congratulate him on its quality. I do so because it stresses the economic and social importance of these activities for coastal regions, and calls for them to receive assistance within the framework of ICZM. For this reason too it is essential for the national and regional governments of the outermost regions to prepare integrated ICZM strategies to guarantee the balanced development of their coastal regions.

I also strongly support the rapporteur's suggestion of using the European Fisheries Fund for the long-term funding of measures within the framework of ICZM, since it supports actions which contribute to the sustainable development of fishing regions in a transversal approach to all maritime activities taking place in those regions.

Finally, it is important to stress that regional planning has so far been largely land-based and has failed to take into account the impact of coastal development on certain maritime activities. This has led to the degradation of marine habitats, which is why a new approach is crucial.

**Ian Hudghton (Verts/ALE)**, *in writing*. – The Gklavakis report rightly recognises the importance of fishing to coastal communities and the retention of cultural traditions. All too often, this very human aspect of the fishing industry seems to have been overlooked in the implementation of the CFP. The report correctly notes the need for bodies at EU, national and regional levels to cooperate in matters of coastal management, and I consider that, within this context, coastal areas and nations must take the lead role, with the EU acting as a facilitator.

**Sebastiano (Nello) Musumeci (UEN)**, *in writing*. – (IT) Fisheries and aquaculture are two of the principal activities underlying the economic and social development of the coastal zones of the European Union. It is therefore necessary to manage them in such a way as to ensure sustainable exploitation of fisheries whilst also satisfy the increasing demand for fisheries products.

To that end, the EU states need to implement a series of measures aimed at protecting coastal zones and promoting a clean marine environment. In view of the cross-border nature of many coastal processes, there is a need for cooperation between Member States and between them and neighbouring third countries.

One such measure concerns the planning of housing developments for tourism purposes. For many regions, the tourism industry is an important contributor to local GDP. However, I think that we should support 'eco-friendly' tourism, in other words a form of tourism which dovetails with countryside and environment protection policies.

There is also a need for coordination in terms of industrial activities: just think of the importance of an effective common policy on waste water management for ensuring the compatibility of an important economic activity with the need and duty to preserve the marine environment.

Inshore, small-scale fishing is a very important source of income for thousands of families and keeps alive a centuries-old tradition which, in my view, Europe should support and preserve.

**Luca Romagnoli (NI)**, *in writing*. – (IT) I am voting in favour of the Gklavakis report which underlines the need for a European coastal zone strategy with a view to sustainable development.

An integrated coastal zone management strategy can in fact provide a suitable framework for the sustainable exploitation of these zones and the activities carried out in them. I fully endorse the position of the rapporteur when he says that there is a need for long-term planning involving all the sectors concerned.

I applaud that view and would also like to emphasise that this should just be the start of a greater focus on the sector, and I invite the Commission to implement a meaningful policy in this field.

**Kathy Sinnott (IND/DEM)**, *in writing*. – I abstained on this vote because I am in favour of sustainable fisheries everywhere and I support the coastal communities and fishermen of Ireland. The Common Fisheries Policy, while focusing on both of these ends, has led to the opposite: destruction of the marine environment, decrease of fish and impoverishment of the marine environment.

#### **- Report: Mihael Brejc (A6-0208/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. (FR) – On the basis of the report by my excellent Slovene fellow Member Mihael Brejc, I voted for the legislative resolution approving, at first reading under the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code. In view of the expectations that Europe's citizens have when it comes to internal security, I wholeheartedly support the amendments to be made to the Schengen Borders Code in order to guarantee the effective use of the Visa Information System (VIS) at our external borders. The aim of this proposal for a regulation is to establish common rules for the compulsory use of the VIS (i.e. a systematic search using the number of the visa sticker, combined with finger print checks) at the external borders and thereby to continue to develop an integrated border management system in the European Union.

**Koenraad Dillen, Carl Lang and Fernand Le Rachinel (NI)**, *in writing*. – (FR) Although it would like to be able to boast the opposite, Europe has made no progress in the area of freedom, security and justice. Quite the contrary, since the deplorable Schengen Agreement was first implemented, the lifting of internal border controls has led to an explosion in organised crime and all forms of trafficking.

The European Union, a real sorcerer's apprentice in terms of security, with methods that all too often pose a threat to the security of states and their peoples, has imposed on us this area of insecurity lacking in freedoms and justice.

The Schengen Borders Code will not help because it is the very foundations of the Schengen Agreement that are inadequate and unacceptable.

Common security will prevail only if each state regains full sovereignty in the management of its borders and its migration policy. The pinnacle of the absurd is reached when this involves transferring even more responsibilities to a Union that is already paralysed.

**Jörg Leichtfried (PSE)**, *in writing*. – (DE) I voted for Mihael Brejc's report on the use of the Visa Information System under the Schengen Borders Code.

The common rules for the external borders of the Schengen area must be amended, and the use of the Visa Information System must be made more efficient and uniform. These things must be done very judiciously and carefully, since data privacy and human rights are always paramount and must be respected.

Blanket checking of fingerprints at the borders with the aid of the Visa Information System will lead to unnecessarily long queues and to lengthy delays at border crossing points, even for people who do not require visas.

The report now proposes only random searches of the information system. Officers on duty at the border will continue to check whether incoming travellers meet all the requirements for entry to the EU, but they can also decide themselves whether to do a VIS search as well. This approach will still guarantee a very high level of security but will ensure that people are not kept waiting at border crossings any longer than is strictly necessary.

**Andreas Mölzer (NI)**, *in writing*. – (DE) Strengthening the Visa Information System (VIS) is undoubtedly a good way to make combating fraud easier in future and – provided that data protection is ensured – is therefore to be welcomed. Nonetheless, if the collection of fingerprints and face scans is necessary for the granting of Schengen visas in future, this will lead to quite considerable upheavals in the embassies concerned. In the debate in Germany, it has been suggested that some embassies have neither the personnel nor the facilities to cope with this change. The possible outsourcing of data storage to external companies, which is also under discussion, gives grave cause for concern, however, and could potentially open the way for future visa scandals.

*The VIS has positive aspects, but overall, it has not been properly thought through, which is why I was unable to vote in favour of the report.*

**Luca Romagnoli (NI)**, *in writing*. – (IT) I am voting in favour of the Brejc report. I support the proposal and its aims. In certain periods, our borders are crowded with people wanting to enter the Schengen area.

The proposal does introduce a relaxation of the normal system of controls but it also aims to protect travellers and to spare them long hours of waiting at frontiers to comply with those controls. However, the derogation should remain just that and not become the general rule, and I agree that the duration and frequency of the derogation should be limited as far as possible. All in all, I welcome the introduction, in that connection, of specific conditions governing the applicability of the derogation.

**Andrzej Jan Szejna (PSE)**, *in writing*. – (PL) I am in favour of amending Regulation No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code.

I consider it unnecessary and too time-consuming to carry out checks on third-country nationals holding a visa every time they cross the border. It causes excessively long waits at border crossings.

A reduction in the intensity of border checks will not in my opinion affect the level of security in the EU. I therefore consider that limiting the checks carried out by the border guard in command to random VIS checks is the right solution.

**Marian Zlotea (PPE-DE)**, *in writing*. – (RO) Today, I voted in favour of the Brejc report because, for the efficiency of external border controls, the use of the VIS (Visa Information System) is of fundamental importance. The Visa Information System should be consulted systematically by the border police agents for any person holding a visa in order to ensure border security.

The expansion of the Schengen zone has eliminated barriers in the European Union. Third country citizens are still checked only once at the entry. 50% of the illegal immigrants enter the EU legally, but exceed the period of stay because there is no visa control system.

We want Europe to be safer and, at the same time, welcoming for those who come for tourist or business purpose. The amendment voted today in the European Parliament is to the advantage of the EU citizens and third-country nationals, who do not need a visa because, in this way, the jams at the land border-crossing points would significantly decrease.

#### **- Report: Renate Weber (A6-0293/2008)**

**Jean-Pierre Audy (PPE-DE)**, *in writing*. – (FR) On the basis of the report by Romanian Member Renate Weber, I voted for the European Parliament legislative resolution supporting the initiative of a number of Member States (Belgium, the Czech Republic, Estonia, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia and Sweden) to strengthen Eurojust. I support the strengthening of the 'data protection' element of the proposal and the fact that the European Parliament is to receive more information so that it is better able to monitor the tasks and duties of Eurojust, which was set up in 2002 as

a European Union body with legal personality whose role is to promote and improve coordination and cooperation between the competent judicial authorities in the Member States. It has become clear from Eurojust's experience that its operational efficiency needs to be improved by ensuring that its National Members have equivalent status. I also support the emergency cell for coordination, the national coordination systems, the partnerships with the other Community security and protection instruments (Europol, Frontex, OLAF), and the possibility for Eurojust to second liaison magistrates to third countries.

**Patrick Gaubert (PPE-DE), in writing.** – (FR) I welcome the adoption of Mrs Lambert's report on the evaluation of the Dublin system. The report rightly recalls that, overall, the objectives of the Dublin system have, to a large extent, been achieved, but that, owing to the lack of precise data, it has not been possible to evaluate the cost of the system. Some concerns remain in terms of both the practical application and the effectiveness of the system.

The report opens the debate on the future of the common European asylum policy which was launched in June 2007 with the publication of a Green Paper.

The report points out that the following aspects of the system should be clarified or modified: observance of the basic principle of *non-refoulement*; applicants must receive all relevant information concerning the Dublin system in a language which they understand and they must have access to legal aid throughout the procedure, they must also have the right to a suspensory appeal against any transfer decision; the criteria for determining the age of minors should be harmonised; mechanisms should be devised for blocking transfers to countries which plainly do not uphold applicants' rights.

**Bruno Gollnisch (NI), in writing.** – (FR) Under the pretext of reinforcing the operational capacities of Eurojust in the fight against various forms of crime, this proposal's main objective is to pander to the obsession with political correctness of proponents of the thought police.

The thinly disguised aim is the monitoring of all remarks under threat of penalty, whether they are made in writing or spoken at meetings. Various speakers in this House have already called for the adoption of a framework directive to condemn as criminal offences alleged acts of racism and xenophobia and, with a view to ensuring the speedy transposition of such a directive into national law, to establish a single European Public Prosecutor – the EU's new Torquemada of 'political correctness'.

Regrettably, the more the European Parliament, an institution which proclaims itself to be the temple of democracy, gains decision-making powers, the more fundamental freedoms – particularly the freedom of research, opinion and expression – are flouted. In fact, this totalitarian Europe is far more dangerous than the 'monsters' which it claims to be fighting. The primary objective of the proponents of Euro-globalist and immigrationist ideology is to rid themselves of troublesome opponents by adopting repressive European criminal legislation.

We do not accept this.

**Georgios Toussas (GUE/NGL), in writing.** – The Council's proposal and the related report on the amendment to the Eurojust Regulation give even greater power to this repressive EU mechanism.

Eurojust's jurisdiction is extended to almost all areas of penal matters and its powers of intervention with national judicial authorities have been strengthened. Transmitting information and personal data (including DNA data) from a Member State to Eurojust becomes obligatory and a network of national Eurojust associations is created. Eurojust's ties are closer with other repressive mechanisms of the EU (European Judicial Network, Frontex) and of third countries. Reinforcing Eurojust bolsters Europol and generally increases files kept on EU employees and foreigners. This is helped by updating the Schengen and VIS surveillance systems and by incorporating the Prüm Treaty into Community law. Behind the excuses of terrorism and organised crime lies an attempt to arm capital against the intensified popular reaction engendered by EU policy and Member State governments. The rampant growth of mechanisms of repression at national and EU level further exposes the reactionary nature of the EU, and more than ever goads the people to resist and overthrow this imperialist structure.

**- Report: Jean Lambert (A6-0287/2008)**

**John Attard-Montalto (PSE), in writing.** – The Maltese Islands are the Southern frontier of the EU. Situated in the middle of the Mediterranean, they are receiving a disproportionate number of irregular immigrants. The majority file for asylum status.

Frontex – which was hailed by Government representatives as a solution to curtailing the number of irregular immigrants – has been a complete failure.

We have been requesting the sharing of the burden, with little or no response. Now that this legislature has entered its final year, we are proposing mechanisms for burden-sharing. Finally we are acknowledging the need 'to help alleviate the disproportionate load which could fall on certain Member States, in particular the border Member states'.

The fact that we have acknowledged the need 'for the provision of mechanisms other than financial to correct the adverse effects of the implementation of this system for the smaller Member States at the Union's external borders' is most welcome, as it refers to Malta in everything but name.

The EU has not lived up to its spirit of solidarity where this issue is concerned. It is about time that we cut the rhetoric and get down to the substance.

The EU must realise that its smallest state cannot continue to absorb the vast number of immigrants seeking refuge and asylum.

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) I voted for the report by British Member Jean Lambert on the Dublin system, and I applaud the work done by my friend Patrick Gaubert, who was the rapporteur for our PPE Group. The purpose of the Dublin system is to determine the Member State responsible for examining an asylum application made in the territory of one of the EU Member States, Norway or Iceland. Although, generally speaking, the aims of the Dublin system, in particular the establishment of a clear and viable mechanism for determining the Member State responsible for examining an asylum application, have largely been achieved, problems remain with the efficiency of the system and its application in practice, as well as with the cost, which has not been evaluated. All of this shows the urgent need for a European immigration and asylum policy, and I welcome the work done by the current President of the Council with responsibility for this field, my friend Brice Hortefeux, the French Minister for Immigration, Integration, National Identity and Mutually-Supportive Development, who has just chaired the European ministerial conference on the right of asylum on 8 and 9 September 2008 in Paris.

**Jan Březina (PPE-DE), in writing.** – (CS) I voted against the report on the evaluation of the Dublin system because I believe that it would not improve the system but, on the contrary, would create an obstacle to its effective operation.

In particular, I consider it essential to warn against the introduction of an automatic suspensory right of appeal against a decision to transfer an asylum seeker to another Member State. In addition, the very qualified stance on the use of detention centres for the transfer of asylum seekers to the State competent to assess the asylum application will definitely not contribute to an improvement in the effectiveness of the system but, on the contrary, will call it into question and make it unclear.

The report thus actually tends to remove or at least weaken the tools with which Member States can ensure that their decisions are enforceable within the framework of the Dublin system and this should not be approved. It is wrong because the undefined humanitarian aspect in assessing asylum applications must not result in Member States' decisions remaining simply paper decisions in the event of non-cooperation on the part of applicants.

I also cannot identify with the call to introduce European burden-sharing mechanisms, since I am of the view that the existing mechanisms for the financial compensation of the States most affected by asylum applications are quite sufficient and there is no reason to interfere with the sovereignty of Member States in the field of asylum by means of further regulation.

**Koenraad Dillen, Carl Lang and Fernand Le Rachinel (NI), in writing.** – (FR) It is with some irony that we note that, for the first time, a European Parliament report describes the massive influx of immigrants into an EU Member State as a 'burden'.

Should immigration not be more of an opportunity that is beneficial to all the peoples of Europe?

Let there be no doubt about this: the absurdity of the obligation to take in asylum seekers and strict compliance with the principle of *non-refoulement* are not being called into question. The report highlights only the deficiencies of the Dublin system with regard to the determination of which Member State is responsible for processing asylum applications. This is self-evident given the ever-increasing migration flows to countries that, for the most part, are located on the southern periphery of the EU.



Once again, the report offers a fallacious solution to the technical and human problems associated with migration waves. The establishment of a common asylum system, which is bound to be ineffective in a constantly enlarging EU with porous borders, is not what is needed. Quite the reverse, Member States should be given the right to take their own decisions on migration and the management of their borders.

**Konstantinos Droutsas (GUE/NGL), in writing. – (EL)** The Dublin system has proved in practice to be a mechanism promoting the EU's overall anti-refugee policy. The various injustices in its application set out in this report confirm its reactionary nature.

The EU, which bears a significant share of responsibility for the creation of hundreds of thousands of refugees through its support for unpopular regimes and by stirring up internal strife, wars and imperialist interventions, instead of providing for asylum victims and respecting their rights, has in recent years continually hardened its position towards them.

One aspect of this is the unacceptable bouncing back and forth of asylum seekers from one EU country to the next. This is sanctioned by the Dublin Regulation, and was made a reality by the creation of Frontex for the expulsion of refugees from the EU's borders, by the recent directive on their detention for up to 18 months, by approving the extension of the use of Eurodac for other purposes as well, such as to keep files on them, and by the generally inhumane treatment.

It is therefore clear that we need to fight hard to repeal this regulation and the EU's anti-refugee policy in general. We must respect the right of asylum seekers to flee to whatever country they deem most suitable and ensure that the Member States comply with the 1951 Geneva Convention.

**Pedro Guerreiro (GUE/NGL), in writing. – (PT)** We believe the report contains positive points in its assessment of the Dublin system in relation to asylum applications in signatory Member States.

Among other aspects:

- We subscribe to its denunciation of transfers of asylum applicants to Member States that do not guarantee full and fair treatment, the restrictive definition of family member, and the fact that extending access to the EURODAC database entails the risk that information may pass to third countries;

- We also subscribe to the proposals that ensure that asylum applicants have a right to a suspensory appeal against a decision to transfer responsibility to another Member State, that safeguard the principle of *non-refoulement* and the principle that a claim should never be closed for procedural reasons, and that safeguard family reunification and the principle of the child's best interests (age-assessment, non-detention, definition of family member etc.).

However, we disagree with its classification and acceptance of instruments in force at EU level and its support for developing the communitarisation of asylum policy, a federalist approach that we believe is the reason for the setbacks currently affecting asylum applicants at EU level.

Hence our abstention.

**Anna Hedh (PSE), in writing. – (SV)** I voted in favour of Jean Lambert's own-initiative report (A6-0287/2008) on the Dublin system, although it contains opinions which I do not share. The reason why I voted yes is that I concur with the strong criticism found in the report of the way in which the current EU rules undermine the rights of asylum seekers, for example, by transferring asylum seekers to Member States which are unable to guarantee complete and fair treatment. However, I am against total harmonisation of the EU's asylum policy.

**Ian Hudghton (Verts/ALE), in writing. –** I voted in favour of my colleague, Ms Lambert's, report on the evaluation of the Dublin system. In particular, I would like to highlight the sections which emphasise that in decisions relating to children, the best interests of the child must be paramount at all times.

In my own country, Scotland, we have the disgraceful situation at the Dungavel detention centre, where children of asylum seekers are effectively imprisoned. Such practices can never be described as being in the best interests of the child, and I support the Scottish Government's efforts to close that institution and return responsibility for immigration to Scottish control.

**Andreas Mölzer (NI), in writing. – (DE)** It is important that some rules governing asylum procedure are being clarified, including those that determine where responsibility lies for curbing multiple applications. Whilst the Committee on Civil Liberties, Justice and Home Affairs calls for greater protection of children in

asylum procedures, more and more unaccompanied children are turning up at the external borders of the EU, seeking to exploit the special protection they enjoy from deportation and refoulement. Time and again they risk their lives in search of cunning new escape routes.

If the rules we have created as safeguards are now developing into incentives for more and more new forms of risk-taking, we shall have to think about new strategies.

The present report contains some building blocks, but on the whole I believe it does not go far enough, which is why I was unable to endorse it.

**Dimitrios Papadimoulis (GUE/NGL), in writing.** – I have voted in favour of the Lambert report on the evaluation of the Dublin system. The report raises concerns over the system's shortcomings, calling on the Commission to take measures against states that do not ensure full and fair treatment of the asylum applications they receive.

After the unacceptable draft Directive on non-refoulement, adopted in June, the European Parliament is stressing today that asylum seekers have rights under European legislation and that the Member States have obligations.

Greece is a systematic offender of asylum seekers' fundamental rights. It has unacceptable conditions at reception centres and one of the lowest rates of acceptance of applications. Certain Member States have already refused to implement the Dublin Regulation when Greece is the country responsible; more still are talking about following suit. We invite the Commission to propose substantial and effective measures to ensure that asylum applications are treated correctly by the Greek authorities.

**Daciana Octavia Sârbu (PSE), in writing.** – (RO) Asylum legislation and practices still differ between Member States and the asylum applicants are treated differently from one country to another.

Unless a satisfactory and uniform level of protection is reached across the entire European Union, the Dublin system will always produce unsatisfactory results, both from the technical and human point of view and the asylum applicants will continue to have solid reasons to address their application to a certain Member State in order to benefit from the most favourable decisions at national level.

The large number of multiple applications and the small number of transfers performed indicate deficiencies in the Dublin system and the need to create a common European asylum system.

The implementation of the Dublin Regulation may result in the unequal distribution of responsibility, in case of the people requesting protection, to the detriment of some Member States that are particularly exposed to migratory flows only due to their geographical position.

According to the Commission's evaluation, in 2005, the 13 Member States situated at the Union's external borders, had to deal with increasing challenges raised by the implementation of the Dublin system and, therefore, the first-country-of-entry criterion, provided under the Dublin system, placed the Member States situated at the external borders in a very difficult situation.

**Carl Schlyter (Verts/ALE), in writing.** – (SV) This own-initiative report focuses on potentially improving and increasing the protection provided for asylum seekers, but I distance myself from the statement in the report that a common asylum system would resolve this problem.

Despite this, I am voting in favour as the majority of the report is positive for asylum seekers and it is they who are the focus of the report.

**Olle Schmidt (ALDE), in writing.** – (SV) Today the European Parliament adopted a report which clearly and critically points out the weaknesses of the current Dublin system. There is no doubt that we need a common migration and asylum policy at EU level in an increasingly borderless Europe. The question is merely how this is to be achieved.

Folkpartiet agrees with the majority of the criticism and consider that it is right to send a sharp signal that a change in a more humanitarian direction should be initiated. Therefore I voted in favour, with certain reservations.

Amendment 5 criticises some countries for systematically depriving asylum seekers of their liberty by placing them in detention. I considered that this criticism should remain, particularly since Sweden is one of the countries which has historically been guilty of precisely this. However, I do not agree with the proposal of

the Confederal Group of the European United Left/Nordic Green Left to completely prohibit the use of detention, although I do think that it is something that should be applied only as a last resort. I abstained on Amendment 6, on introducing a proactive duty to trace family members for organisations such as the Red Cross and Red Crescent. Such a duty can only be imposed upon an agency and should not be placed on a civil organisation. As neither the original text nor the amendment expressed any other option, I chose to abstain.

**Søren Bo Søndergaard (GUE/NGL), in writing.** – (DA) Although Mrs Lambert's report on the evaluation of the Dublin system (A6-0287/2008) contains viewpoints and proposals that I do not support, I decided to vote in favour of the report in the final vote. I did this first and foremost in order to express my approval of the report's clear criticism of the way in which existing EU regulations undermine the rights of asylum seekers, for example by contributing to the transfer of asylum seekers to Member States that cannot guarantee full and fair processing of their applications.

**Bart Staes (Verts/ALE), in writing.** – (NL) The agreements on Dublin II are based on the political fiction that the 27 Member States trust each other when it comes to dealing with asylum applications and that all Member States assume their responsibilities in the same principled way.

I myself investigated the reception of Chechen refugees in Poland, because a number of Chechen refugees were sent back to Poland from Belgium on the basis of Dublin. There were strong protests. That was why I made my own investigation. In fact you can see the pictures on my website.

Whilst there is not an adequate and consistent level of protection in all 27 Member States, in my view Dublin II is not much more than a political fiction and it creates gross injustice. I saw for myself in Poland that the basic principles of the Dublin rules are not being put into practice. The quality of the reception, the reception of children and the failure to provide schooling, the unhygienic conditions refugees have to live in, the lack of health care: all these vary a great deal from one Member State to another.

The Lambert report identifies the problems, starts from an accurate assessment and offers solutions in a number of areas. It deserves our full support.

#### **- Report: Nickolay Mladenov (A6-0249/2008)**

**Małgorzata Handzlik (PPE-DE), in writing.** – (PL) One of the consequences of the free movement of persons in the European Union is the growth in cross-border car traffic. It raises the need to establish provisions at European level in the field of motor insurance so as to protect accident victims effectively.

The efficiency of the claims representative system established by the insurance company in the victim's country of permanent residence is exceptionally important for the achievement of this aim. It is the claims representative's duty to inform the victim how to pursue his claim against a foreign national, and it would increase consumer confidence if the information package accessible before conclusion of the insurance contract included full information on the rules governing the functioning and application of the claims representative system and its benefits for the victim.

Another important issue raised by the rapporteur is whether legal expenses insurance should be compulsory in all Member States. I support his view that maintenance of the existing voluntary system is the right solution. The increase in consumer confidence brought about by a compulsory system would be outweighed by the increase in the cost of the insurance itself and the delays resulting from settlement of cases by the courts. It is nevertheless essential that measures be taken immediately with regard to the availability of legal protection insurance, especially in the new Member States.

**Ian Hudghton (Verts/ALE), in writing.** – The Mladenov report gives an appropriate degree of prominence to consumer organisations in the evaluation of motor insurance. Consumer bodies do indeed have an important role to play in this area, alongside the EU's institutions, Member States and the insurance industry itself.

**Arlene McCarthy (PSE), in writing.** – I would like to thank Mr Mladenov, our Committee rapporteur.

This report on aspects of motor vehicle insurance is a good example of how Europe is delivering practical and pragmatic benefits of EU membership for its citizens.

With 1.2 million road accidents in Europe every year, regrettably some citizens will be victims of a car accident, as a driver, passenger or pedestrian.

Yet many people are not aware that EU law exists to help resolve insurance claims without having to deal with a foreign insurance company in a foreign language.

This EU law exists to enable citizens to go home and get the claim settled quickly and easily in their own language.

The 4th Motor Insurance Directive also ensures assistance for accident victims by setting up information centres in each Member State.

As the law does not currently provide for compulsory cover for legal costs, citizens should consider the option of taking out legal protection insurance.

Of course, as the Parliament's rapporteur on mediation, I hope parties will use alternative dispute resolution to find a settlement to conflicts while avoiding the costs and delays of court proceedings.

It is with concrete, practical measures like this law that we can demonstrate Europe's value to our citizens.

**Bernard Wojciechowski (IND/DEM), in writing. – (PL)** In 2003-2005 some 17 000 citizens of third countries were sent to another EU Member State to have their application for asylum examined there. Of these, 12% were applications from people who had already sought asylum.

At the present time, the chances of being granted asylum vary considerably from one EU Member State to another. This is shown most clearly by the example of the Iraqis. In Germany they have a 75% chance of asylum, in Greece barely 2%.

It would be advantageous for the EU to liquidate the phenomena of 'refugees in orbit', twofold migration and the simultaneous submission of asylum applications in different countries by introducing a system under which one Member State would be responsible for examining asylum applications.

#### **- Report: Sharon Bowles (A6-0312/2008)**

**Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV)** Fiscal fraud causes major financial losses for Member States and reduces opportunities to maintain and improve the quality of the services that we finance through our taxes.

However, we abstained from voting in the final vote due to several amendments in which tax competition between Member States was seen as something positive and in which the attitude towards the damaging effects of tax havens on the economies of Member States was toned down.

We also chose to vote against the wording in the second part of paragraph 3, which gives too positive a picture of tax approximation between Member States.

**Jean-Pierre Audy (PPE-DE), in writing. – (FR)** I voted for the European Parliament resolution on the own-initiative report on a coordinated strategy to improve the fight against fiscal fraud, drafted by British Member Sharon Bowles in response to a Commission communication on the subject. Fiscal revenue, in other words the total amount of taxes and compulsory social contributions, accounted for 39.3% of the European Union's GDP in 2004, at EUR 4 100 billion. There are very few estimates of the amount of taxes that go uncollected because of fiscal fraud, which is estimated at around 2-2.5% of GDP. Although taxation is a national responsibility, fiscal fraud is an obstacle to the successful operation of the internal market in that it distorts competition between taxpayers. There is no disputing that the fight against tax fraud has a European dimension because of the globalisation of the economy internationally.

**Ilda Figueiredo (GUE/NGL), in writing. – (PT)** We voted against this final resolution, since the majority in the European Parliament overlooks the true causes of the principal fiscal fraud – the existence of tax havens – although there are some positive proposals that we voted in favour.

Although the Parliamentary Committee's report does contain some positive proposals, notably explicit references to tax havens and their greater responsibility for fiscal fraud and the erosion of the fiscal base, which decreases public revenue and reduces the State's capacity to put social support policies into practice, several of these positions were rejected or watered down in the plenary vote.

The political majority in the European Parliament does not genuinely wish to close down the tax havens that shelter large fortunes and huge stock market profits from various more or less unauthorised deals. They wish

to fuel one of the centres of the scandalous profits of capitalism, even if it means lower revenue for states and fewer possibilities for a response from public policies serving workers and the people.

**Bruno Gollnisch (NI)**, *in writing*. – (FR) Mr President, ladies and gentlemen, Mrs Bowles' report is typical of this Parliament: it offers solutions to problems that would not exist without the Europe of Brussels, solutions which, moreover, would merely exacerbate these problems or create new ones.

In this instance, the solutions proposed to improve the fight against fiscal fraud involve the levying of tax in the country of origin and the setting up of a clearing house that would make individual Member States' tax receipts dependent on transfers made by other Member States. Others involve charging VAT at the rate of the importing Member State (instead of the current exemption system) or the application of a reverse-charge mechanism, both proposals which, if adopted, would end up imposing insurmountable administrative and fiscal burdens on companies. In addition, all tax administrations would be allowed direct access to electronically stored data on tax payers in other Member States. The taxation of savings and criminal law in the area of fraud would be standardised. A number of reduced VAT rates would be abolished.

All this clearly shows that the real goal is not so much to fight against fraud, which is a very real and serious problem, but rather to put an end to the fiscal sovereignty of the Member States.

**Hélène Goudin and Nils Lundgren (IND/DEM)**, *in writing*. – (SV) The fight against fiscal fraud is of course worthy of full support. We have therefore voted in favour of the motion for a resolution in its entirety, despite the fact that it contains numerous elements which have not been thought through and are unwarranted. Paragraph 3 states that 'in order to be operational, a VAT system based on the "origin principle" requires tax approximation between countries to avoid tax competition'. We will not support such a wording.

Approximation of the VAT and tax systems of Member States is a very dangerous step away from national self-determination in one of the most fundamental policy areas. The European Parliament must not make such sweeping statements on such an important issue.

Tax competition also has advantages in that countries are able to forge ahead and develop more effective taxes or other solutions to finance public spending, provided that they are free from poorly thought-out EU legislation.

**Marian Harkin (ALDE)**, *in writing*. – I fully support the fight against fiscal fraud and recognise that there needs to be close cooperation between administrative authorities in each Member State and the Commission in order to achieve this.

However, I do not support the inference in the explanatory memo that the introduction of the CCCTB is in any way necessary to counter fiscal fraud. At this stage the CCCTB is only a technical proposition, there is no communication proposed and as such it is premature to suggest that it could help in the fight against fiscal fraud.

**Bogusław Liberadzki (PSE)**, *in writing*. – (PL) Mr President, I am voting in favour of the report <Titre> on a co-ordinated strategy to improve the fight against fiscal fraud (2008/2033(INI)).

Sharon Bowles rightly points out that tax fraud has serious consequences for national budgets. It leads to violations of the principle of fair taxation and is liable to distort competition.

Distortions caused by VAT fraud affect the overall balance of the resource system. According to various sources, VAT losses range from EUR 60 to 100 billion per annum across the European Union, which results in an increased need to call on Member States' own resources based on gross national income (GNI).

I agree with Sharon Bowles' initiative. The problems caused by VAT fraud must be eliminated. To guarantee the proper functioning of the Community we must ensure that the resource system operates fairly and transparently.

**Andreas Mölzer (NI)**, *in writing*. – (DE) After ten years of beating about the bush, we still cannot agree on effective methods with which we can put a stop to VAT fraud – which, after all, involves the evasion of taxes equivalent to between 2 and 2.5% of Europe's economic output.

The reverse-charge system looks quite nice on paper but still seems too embryonic, which is why most of the calls we have been hearing are still for better cooperation between Member States.

Particularly in the area of fraud, we have some Member States with a conspicuously high degree of susceptibility to fraud and with lax controls, compounded by the prevalence of an unacceptable *laissez-faire* attitude to recovery. It strikes me that the parliamentary report does not deliver an emphatic message or offer any new solutions, which is why I have abstained.

**John Purvis (PPE-DE), in writing.** – The UK Conservative delegation regrets that it is unable to support the report by Mrs Bowles. We recognise that tax fraud is a serious problem and that it needs to be tackled with great urgency, and in particular that a solution needs to be found to the so called "carousel" fraud in respect of VAT.

Nevertheless, the failure of the report to positively support tax competition and sovereignty; its unrealistic approach towards tax havens; and its lack of recognition of the direct link between high taxation and high levels of tax avoidance and evasion lead us to request that the European Union think very seriously before proposing tax measures that may only serve to create capital flight, discourage inward investment or indeed encourage even more fiscal fraud.

**Eoin Ryan (UEN), in writing.** – (GA) I am happy to support this report which recognizes that developing a strategy to deal with tax fraud is a matter of necessity. Although the implementation of effective policies is, for the greater part, the concern of Member States, cooperation is needed on a European level. A disproportionate administrative burden should not be placed on businesses, especially, small and medium sized enterprises and given the context of the Commission's policy, red tape and bureaucracy should be reduced.

I supported the author's amendment which emphasizes the importance of fair competition in terms of taxation for the European Union's economy. I am disappointed that the same author referred to the **Common Consolidated Corporate Tax Base** (CCCTB) in the explanatory memorandum. There has as yet not been sufficient examination of CCCTB to guarantee that such a taxation system would have a positive impact and it is likely that more evidence exists to the contrary. This statement is based on poor conjecture and as it is only in the explanatory memorandum we cannot vote on the subject. As a result, I would like to take this opportunity to express my disappointment and to make my objections known.

## 7. Corrections to votes and voting intentions: see Minutes

*(The sitting was suspended at 12.50 and resumed at 15.00.)*

### IN THE CHAIR: MR PÖTTERING

*President*

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

## 9. Presentation by the Council of the draft general budget – Budget 2009 (debate)

**President.** – The next item is the debate on the presentation by the Council of the draft general budget for 2009. I therefore welcome Éric Woerth, Minister for the Budget, Public Accounts and the Civil Service, as the representative of the Council Presidency.

**Éric Woerth, President-in-Office of the Council.** – (FR) Mr President, ladies and gentlemen, it is both an honour and a pleasure for me to speak in your House today for two reasons: firstly, because your Parliament represents the heart of European democracy. The French Presidency has a tremendous amount of respect and admiration for the work that you have done in support of European integration, and the best possible proof of our willingness to help Europe move forward together was provided by the French President in his speech in Strasbourg in July. It is this same spirit that guides me and is shared by my colleagues in the French Government. Secondly, because the draft budget for 2009, which I am presenting to you today, was adopted unanimously by the Council on 17 July. This unanimity shows that this draft budget is balanced and that it allows all EU governments to identify with it.

Our initial contacts have provided a sound basis for the continuation of the budgetary procedure. The dialogue and conciliation meetings have taken place in a constructive atmosphere. We have already reached

agreement on six statements, and I am sure that we shall be able to agree on many other matters of common interest.

I can assure you that the Council is prepared to continue this high-quality dialogue with a view to securing an agreement on the 2009 budget that is satisfactory to all.

This agreement should comply with three principles: the first is to ensure the financing of the European Union's policy priorities – and we have established a financial framework for the period from 2007 to 2013 that we must implement in order to achieve our objectives in terms of competitiveness, cohesion and growth. The second is to observe the rules of budgetary discipline and sound financial management laid down in the Interinstitutional Agreement. Expenditure must remain within the limits fixed by this Agreement and sufficient margins must be maintained under the ceilings for the various headings. The third principle requires that appropriations be adjusted to take into account actual requirements. In particular, we should draw lessons from previous budget outturns so as to be able to determine our real ability to implement sectoral policies. Moreover, since the establishment of the financial perspective in 1988, the Community budget has always been subject to an under-utilisation of payment appropriations. Budget implementation is improving thanks to the efforts made by Commissioner Dalia Grybauskaitė, but uncertainties related to the financial year 2009 clearly remain considerable and there is no evidence, at this point, to suggest that 2009 will be any different from previous years.

It is also important to protect the interests of European taxpayers – this is all the more true in the current economic climate – and so we must avoid, as far as possible, entering in the budget any appropriations that cannot be utilised. The objective of a realistic and balanced budget has consequently been the guiding principle of the Council's work.

Before presenting the fruits of its labours to you, I should like to say a word on the facility for rapid response to soaring food prices in developing countries. Our discussions over the next few weeks will focus on this issue. The European Council of 19 and 20 June provided a strong political impetus by welcoming the Commission's intention to come forward with a proposal for a new fund to support agriculture in developing countries. However, the European Council mandate is quite explicit in this respect: it is in strict compliance with the current financial perspective that a solution has to be found.

I am aware that the European Parliament does not currently share this view. Nevertheless, the Council will evaluate the proposal adopted by the Commission on 18 July from this perspective.

Finally, I would remind you that the European Council reaffirmed only yesterday its readiness to support reconstruction efforts in Georgia, including in areas of South Ossetia and Abkhazia, in addition to the EUR 6 million in emergency aid that have already been disbursed. The EU will therefore take the initiative of convening an international conference shortly to assist reconstruction in Georgia. Yesterday's European Council requested the Council and the Commission to start preparations for this conference.

I should now like to present to you the main thrust of the 2009 draft budget established by the Council.

We are proposing a budget of EUR 134 billion in commitment appropriations, which amounts to EUR 469 million less than in the preliminary draft budget. The increase in commitment appropriations therefore amounts to 2.8% compared to 2008 and, as a result, the EU's overall commitment capabilities are maintained.

As for payment appropriations, the Council has made an adjustment limited to EUR 1.7 billion compared to the preliminary draft budget. As you requested in previous years, the Council has not been making random across-the-board cuts to all headings. This reduction is based instead on a detailed analysis of budget implementation in 2007 and 2008 and on a realistic approach to the potential of Community programmes to be implemented and completed. The draft budget therefore amounts to EUR 115 billion in payment appropriations.

The reduction in the level of payment appropriations in 2009 does not – and I should like to emphasise this point – come as a surprise. It had been taken as read when the financial framework for 2007-2013 was adopted. If the ceiling on payment appropriations in 2009 is far lower than that in 2008 and 2010, this can be explained, in particular, by movements in appropriations for the cohesion policy, which will be affected in 2009 by the end of the 2000-2006 programming period and by a gradual increase during the 2007-2013 programming period. We also have seen no indication that new programmes have been able to get off the ground more quickly. On the contrary, the mechanism for the monitoring of the adoption of management

and control systems and of major projects shows that they are getting off to a slow start. Therefore, out of 433 programmes, there are only two, in Hungary, for which interim payments have been made.

The level of payment appropriations in our draft budget is therefore realistic and adapted to the needs of the Union.

A few points should be emphasised heading by heading.

With regard to the heading 'Competitiveness for growth and employment', the Council attaches great importance to the implementation of the Lisbon Strategy. It has therefore ensured that adequate financing is provided, particularly for research and technological development programmes, trans-European networks and improving the quality of education and lifelong learning. The Council has limited the increase in commitment appropriations on the basis of the analysis of the potential of programmes to be implemented, as I have already said.

Nevertheless, I should like to emphasise that, in this context, the increase in commitment appropriations is quite considerable for priority programmes. For instance, compared to 2008, the Research Framework Programme will receive a 10% increase, the innovation and competitiveness programme a 16% increase and the 'Lifelong Learning Programme', essential for European citizens, will receive a 6% increase.

These examples clearly illustrate the targeted strategy adopted by the Council. Moreover, the Council has reduced payment appropriations (by EUR 471 million) by making cuts on several targeted lines so as to take into account how the appropriations were utilised.

With regard to heading 1b, 'Cohesion for growth and employment', the Council has accepted the amount of commitment appropriations proposed by the Commission in the preliminary draft budget. For payment appropriations, we adopted a balanced approach by introducing, on the one hand, an increase of EUR 50 million for convergence countries and regions and, on the other, a reduction of EUR 300 million in the area of regional competitiveness.

This means a reasonable overall reduction of EUR 250 million in payment appropriations, and I am delighted that we were able to agree on a joint statement on the Structural and Cohesion Funds as well as on the rural development programmes.

With regard to the heading 'Conservation and management of natural resources', the Council has adopted a limited reduction of EUR 382 million in commitment appropriations and of EUR 497 million in payment appropriations. These concern mainly budget lines related to market intervention and clearance of accounts and, to a reasonable degree, rural development.

I would also point out that the budget lines related to food programmes, free distribution of fruit and vegetables, school milk and promotion measures have been maintained. We have also maintained the amounts proposed by the Commission for environmental policies.

With regard to heading 3, 'Citizenship, freedom, security and justice', the Council has made a slight increase in the margins available under the ceilings to reach a total of EUR 76 million by making targeted reductions of EUR 20 million in commitment appropriations. In this context, I should like to emphasise the importance attached by the French Presidency to immigration policy. The amount proposed in the preliminary draft budget for the Frontex Agency has therefore been included.

With regard to heading 4, 'The EU as a global partner', we have sought to anticipate the needs related to Palestine and Kosovo without waiting for the Commission's letter of amendment, which it should be adopting next week. We have therefore set aside additional resources, compared to the preliminary draft budget, of EUR 100 million for Palestine and EUR 60 million for Kosovo.

Regarding the CFSP, the Council has accepted, as a precautionary measure, the commitment and payment appropriations which were entered in the preliminary draft budget and which are in line with the amounts provided for in the Interinstitutional Agreement of 17 May 2006. As for payment appropriations, the reduction made amounts to EUR 393 million, but half of this reduction relates to the reserve for emergency aid and, as you know, the Council considers that it may be possible to finance this reserve by redeploying payment appropriations, as has been seen in recent years.

Finally, with regard to heading 5, 'Administration', the Council has adopted a controlled increase of 3.8% in administrative appropriations which it deems necessary to ensure the proper functioning of the institutions. The margin available under heading 5 therefore amounts to EUR 224 million. The Council has, of course,



accepted the 250 posts linked to the 2007 enlargement. We have also made targeted reductions based on past implementation, rather than making across-the-board cuts, which have become almost a tradition.

Finally, with regard to decentralised agencies, we have taken account of the life cycle of these agencies. We cannot deal with agencies that have already reached cruising speed in the same way as agencies that are still developing their expertise – agencies that are at the development stage – and we have taken into account the surplus generated by some agencies in previous financial years. This is the case for Frontex and Eurojust, two agencies that fall within our priorities.

In conclusion, I therefore feel that the 2009 draft budget represents a balance between the ambitions that we naturally all have for our European Union and sound budgeting for which we are answerable to the citizens. This is clearly essential if citizens are to share this confidence in the European idea.

The view of this House will probably be different, but we are only at the beginning of the budgetary procedure and we still have plenty of time to harmonise our views on the structure of the 2009 budget and to respond to the challenges facing us as a result of the Commission's new proposals. I am sure that the three institutions will therefore make every effort so that, between now and conciliation in November – in two months' time – we can reach a comprehensive agreement on all these issues, and I hope that this agreement will be the best possible compromise for both the institutions and European citizens. You can obviously count on my total commitment with that in view.

**President.** – Thank you very much, Minister. You deserved a rather better turnout, but the quality of our Members counts for a great deal. Today, of course, we are engaging in an initial discussion, and a former minister who once held your office is also in attendance.

**Jutta Haug, rapporteur.** – (DE) Mr President, Commissioner, President-in-Office of the Council, you just said that we are at the start of the budgetary process. As far as Parliament is concerned, that is not the case. We had begun the budgetary procedure and discussions on the procedure and on our budget for 2009 at the start of the year. We have therefore come a long way already. In particular, moreover, we in Parliament are agreed that neither the Commission's preliminary draft budget nor the Council's draft – which, as we know, has pruned back the appropriations for both commitments and payments contained in the Commission's estimates, is particularly inspiring. We certainly do not regard it as an ambitious budget that satisfies the demands made of us in the European Union in every possible area of political activity.

In particular, Parliament has recurring difficulties with the fact that, for all the constant and ubiquitous talk of wanting to tackle climate change, this intention is insufficiently reflected in the budget. We in Parliament – as you can see from the overwhelming support the chamber gave the negotiating team from the Committee on Budgets in the July vote – will ensure that the fight against climate change can be stepped up in many parts of the budget and that this can be done with European funds. We do not believe that such a wide gap can remain between the appropriations for commitments and those for payments as the 15% proposed by the Commission, which has subsequently been further widened by the Council.

Instead, we shall ensure that we obtain a budget which is more in tune with the principles of budgetary accuracy and clarity. No doubt we shall have the occasional heated discussion this autumn. I am very hopeful, however, that we shall arrive at a satisfactory outcome once we have come to an arrangement with each other on certain matters.

**Janusz Lewandowski, rapporteur.** – (PL) Mr President, in autumn we embark, as usual, on the decisive phase of the budget procedure, this time for the year 2009. Our task is to note and take account of all the changes that have occurred since submission of the preliminary budget proposals.

The greatest problem and difficulty for me, as rapporteur on the budget of the European Parliament and the other European institutions, is the uncertainty as to the fate of the Lisbon Treaty. The budget forecasts for 2009 were based on the most likely outcome, namely entry into force of a treaty that fundamentally enlarges the European Parliament's powers of co-decision. Since at the present time there is a question mark over the Treaty, the normal reaction with regard to the budget is to separate the expenditure directly linked with the Lisbon Treaty from the preliminary expenditure for the coming year, and that was the request we put to all the European institutions. We have a response from the European Parliament, which is currently being examined. It is not yet an official document of Parliament's Bureau, but it meets the requirement to separate expenditure linked to the Lisbon Treaty, which can be taken into account later if the situation changes.

Obviously the uncertainty as to the fate of the Lisbon Treaty affecting the budget for 2009 does not excuse us from applying the other principles governing establishment of the expenditure plan for 2009. We have to take account of the new rules on MEPs' remuneration and the remuneration and employment of assistants. We have to cover the costs of the European election campaign and take account of the movements in prices of the various energy sources that occurred in 2008. Above all, 2009 is an election year, in which we must strive for rigour and financial discipline. An expansion of European bureaucracy – European administration, in other words – is not the best message to send to people whom we are asking to renew the mandates of members of the European Parliament.

I would like to draw attention to one more matter that concerns me not as the European Parliament's rapporteur but as a member of a community of democratic nations concerned with human rights and the sovereignty of all the nations of Europe. We should react, on a budgetary level too, to what has happened in Georgia. I believe the European Parliament should take a position on this question at the first reading, since it will be difficult to persuade European taxpayers to continue providing unconditional aid to Russia when it is spending money on wars beyond its borders.

**Kyösti Virrankoski**, *Vice-Chairman of the Committee on Budgets*. – (FI) Mr President, Minister, Commissioner, first of all I would like to say how thankful I am that next year's draft budget is now before Parliament. At the same time I wish to say how sorry I am that our Committee's chairman, Reimer Böge, cannot be present at the debate, as he has important obligations in his country at the same time. For that reason, I will make the speech for the Committee on Budgets for him.

I want to thank the Council and its Presidency for their constructive cooperation, as at the budgetary conciliation meeting in July we made important, joint declarations which relate to the implementation of the Structural and Cohesion Funds, the European Solidarity Fund, the European Globalisation Adjustment Fund, and staff expenditure, besides other matters. This also bodes well for a positive atmosphere at the conciliation meeting in November. Unfortunately, the Council has not been quite as cooperative as regards the financing of the numerous new posts which were discussed and included in the resolutions at the European Council in June, for example.

The Commission's preliminary draft budget was already very meagre. Commitment appropriations stood at EUR 134.4 billion, which is 2.6 billion below the financial perspective, and payment appropriations were even more meagre at EUR 116.7 billion. This is the equivalent in payments of just 0.9% of the EU's GDP, which is substantially below the already extremely compromised financial framework, at an average of 1%. The Council has cut the budget further by a total of EUR 500 million in commitment appropriations and EUR 1.8 billion in payment appropriations.

In my opinion, this much reduced budget does not reflect either the EU's or Parliament's priorities. It is very dangerous to have made cuts to heading 1, which is vital for sustainable growth and employment. The paucity of payment appropriations is a particular threat to structural policy, which is one of Parliament's major priorities. Its implementation has already been greatly delayed in any case.

It is quite clear that heading 1 in the budget needs to be looked at in particular, but so does heading 4, which seems to be chronically underfunded from one year to the next. At this very moment there are difficulties with Kosovo and Palestine.

Finally, I would like to raise two issues. The first is the Food Facility Instrument. The Commission is proposing approximately EUR 1 billion for the development of food aid and production in developing countries. Parliament supports this, but regrets that the Commission has not proposed any suitable instruments. The interinstitutional agreement is a good opportunity for this, and the Committee on Budgets is ready and willing to back it on this issue too.

The European Parliament is also ready to support reconstruction in Georgia. The budgetary procedure also provides opportunities for this. We hope that when the Commission makes promises on behalf of the European Union at the next Conference of Donors they will be discussed with the budgetary authorities beforehand.

**Dalia Grybauskaitė**, *Member of the Commission*. – Mr President, I would like to recall the very good atmosphere of our negotiations which we began in the spring, finalising them before the summer vacation. I hope that we will be able to proceed in this manner throughout the whole procedure.

I would like to draw your attention to the fact that we will have four main blocks of problems in our negotiations. The first one concerns the level of the payment appropriations, which have been cut by the Council by EUR 1.8 billion. In the evaluation of the Commission's proposal, Parliament thinks it is too modest and the Council thinks it is too ambitious; so I hope that we will be able to find a compromise and a proper budget for Europe by the final stage of our negotiations.

The second block of problems is concentrated in Heading 4, and here I would like to mention three elements: additional resources for Kosovo and Palestine; the emergency aid reserve, especially as there will be needs requiring a fast response this year and next year; and of course the upcoming donors' conference to help Georgia, and here – at least today – we do not yet have a decision on the table.

The third block which the Commission sees as a problem concerns administrative expenditure, where as usual the Council approves posts but cuts the financial funding. This means that for the Commission, at this stage and with these proposals, it will not be possible to recruit additional staff, although 250 enlargement-related posts have been approved.

The fourth block concerns the food facility. At the Council's prompting, we made a proposal which has not yet at this stage been approved as an instrument by the Parliament. So this is the fourth block of our negotiations which I see as problematic.

So, in general, there are only these four points which may cause difficulties. For the rest it is very well prepared and very well calculated, and I think that for the most part we can very rapidly reach agreement. If we maintain the spirit of cooperation which we have today, I hope that we will solve all our problems.

**Éric Woerth**, *President-in-Office of the Council*. – (FR) Mr President, firstly, thank you for this discussion. I should like to say to Mrs Haug that this budget clearly is ambitious, even if the levels are not quite the same when you refer to the various headings. However, we naturally share the same objective and we obviously need to reconcile our differences of opinion. We now have two months in which to do so.

Secondly, Mr Lewandowski, regarding your comments on the consequences of the Treaty of Lisbon, we share your desire which is actually to consider that the ratification process has not yet been concluded and that it is therefore wise not to enter these costs in the budget. I think that we clearly share the same opinion on this issue. You mentioned Georgia. The European Commissioner has actually referred to this as one of the major issues that we need to resolve, and the Council has expressed its views on the subject. We must now endeavour to flesh out the policy areas identified yesterday afternoon.

Mr Virrankoski, with regard to the preliminary draft budget, you say that it is already extremely tight and that what we are actually doing is tightening it even more. That is true. However, first we must draw a distinction between commitment appropriations and payment appropriations. In the case of commitment appropriations, there is an increase of just under 3% compared to 2008. I think that this shows how ambitious we are. Regarding payment appropriations, it is true that a reduction of a similar magnitude is planned. I tried to explain that we carried out a very detailed analysis and that this is not the result of a random and undiscerning method of reducing payment appropriations. It is purely and simply the result of an analysis of the rate of utilisation of appropriations of the various policies. I tried to explain this, heading by heading. To go back to heading 1 briefly, it is true that there is a reduction, but, at the same time, within that reduction, there is a planned increase of EUR 50 million for convergence countries and regions; I wanted to mention this. Under heading 4 – the Commissioner mentioned this as well – there is an increase in appropriations for Palestine and Kosovo, and half of the reduction in appropriations entered in the draft budget relates to the emergency reserve that can be financed, as has been the case so far, through the redeployment of resources. Obviously, we have until November to discuss in more detail issues that are specific, clearly defined and subject to certain parameters, and we shall endeavour to find the best possible compromise, a compromise that would, of course, help us forge ahead.

**President**. – That was an important interim debate on the budget. You were all very quick to refer to the crisis and the war in Georgia. As you know, I made a statement to the European Council on that issue yesterday, and I sense that the opinion I expressed yesterday is shared by all sides in the European institutions. Thank you.

## **10. Electronic communications networks and services - European Electronic Communications Market Authority - Common approach to the use of the spectrum**

## released by the digital switchover - Electronic communications networks and services, protection of privacy and consumer protection (debate)

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

– the report (A6-0321/2008) by Catherine Trautmann, on behalf of the Committee on Industry, Research and Energy, on the proposal for a Directive of the European Parliament and of the Council amending Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services, Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and Directive 2002/20/EC on the authorisation of electronic communications networks and services [COM(2007)0697 – C6-0427/2007 – 2007/0247(COD)],

– the report (A6-0316/2008) by Pilar del Castillo Vera, on behalf of the Committee on Industry, Research and Energy, on the proposal for a Regulation of the European Parliament and of the Council establishing the European Electronic Communications Market Authority [COM(2007)0699 – C6-0428/2007 – 2007/0249(COD)],

– the report (A6-0305/2008) by Patrizia Toia, on behalf of the Committee on Industry, Research and Energy, on reaping the full benefits of the digital dividend in Europe: a common approach to the use of the spectrum released by the digital switchover [2008/2099(INI)], and

– the report (A6-0318/2008) by Malcolm Harbour, on behalf of the Committee on the Internal Market and Consumer Protection, on the proposal for a Directive of the European Parliament and of the Council amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on consumer-protection cooperation [COM(2007)0698 – C6-0420/2007 – 2007/0248(COD)].

**Luc Chatel**, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, you only have to look at some figures to see the strategic importance of telecommunications and new information technologies in Europe: telecom technologies alone account for one quarter of European growth and 40% of our productivity gains. If you look at a number of studies that have been conducted, you can see that, over the past 12 years, 50% of the growth gap between the US and Europe is linked to disparities in the development of our information and communication technologies. Europe therefore needs to invest in this sector on a long-term basis. A speedy revision of the EU's electronic communications regulatory framework is consequently essential to promote competitiveness and growth in the European economy.

As I said at my hearing before the Committee on Industry, Research and Energy, the objective of the French Presidency is to reach a political agreement at the Council of Telecoms Ministers on 27 November, the substance of which will, of course, be based as closely as possible on the positions adopted by the European Parliament. To achieve this, the Council has planned to hold some 15 working meetings throughout the second half of 2008. I should therefore like to take a few moments to inform you of the position prevailing in the Council on the main issues which are addressed by the three rapporteurs, Mrs Trautmann, Mrs del Castillo and Mr Harbour. My colleague, Éric Besson, will deal with Mrs Toia's report on the issue of the digital dividend.

I should like to commend the quite considerable amount of work that has been done by the three rapporteurs on issues which I shall discuss in a moment. In my opinion, the work that they have done helps clarify the situation and provides a new basis for entering into discussions with the Council, and I should like to emphasise that there is a broad consensus between our two institutions, Parliament and the Council.

Firstly, I should like to congratulate Catherine Trautmann for the work that she has done so far as rapporteur on the Directive amending the Framework Directives on 'access' and 'authorisation'. I should like to commend her willingness to take into account the challenge raised by the deployment of next-generation networks, a concern which is shared by all stakeholders in this sector and by the Member States.

Mrs Trautmann, your report emphasises the need to continue to promote competition, especially infrastructure-based competition; that is the view of the Council. Your report suggests greater use of the geographical segmentation of the market in order to remove *ex ante* regulatory obligations where competition is effective. This second issue is being debated in the Council.

I should now like to turn to the regulation of the markets, in particular the proposed extension of the Commission's right to veto remedies proposed by regulators. Mrs Trautmann emphasises in her report that the Commission should play the role of an arbitrator rather than of a judge; she is therefore proposing a coregulation mechanism whereby a matter may be referred to the reformed regulator group, for example, when a remedy proposed by a regulator is disputed by the Commission. Parliament's rapporteur is therefore seeking a compromise between the status quo and the right of veto which was originally proposed by the Commission and which, as you know, has met some opposition from the Member States. This constitutes real progress compared to the original text on what is a highly sensitive issue for the Council, which does not seem quite willing, at this moment in time, to give so much power to the Commission.

Another issue that has been the subject of heated debate is functional separation. Mrs Trautmann's report proposes the retention of the imposition of functional separation as an exceptional remedy for national regulatory authorities (NRAs). This exceptional remedy would be more restricted in terms of its implementation, since it would require both the prior agreement of the Commission and a favourable opinion from the Body of European Regulators in Telecommunications (BERT). The approach adopted by the rapporteur generally seems to be consistent with the compromise emerging in the Council in this respect, namely the retention of the imposition of this remedy, without its use, however, being allowed to become widespread.

Another major issue in these negotiations is the management of radio frequencies. Your rapporteur is, like the Council, in favour of a gradual approach to changes in spectrum management that strikes a balance between the principles of neutrality put forward by the Commission and the complexity of the management of this scarce resource. The report finally adopted by the Industry Committee also introduces a new element by advocating the creation of a Radio Spectrum Policy Committee (RSPC) responsible for advising the European Parliament, the Council and the Commission on radio spectrum policy issues. This Committee would be assigned the task of establishing a strategic legislative programme on the use of radio spectrum. On this issue, I believe that the Council has taken into account the legitimate request from the European Parliament for it to be more involved in the formulation of broad guidelines for the management of radio frequencies, but, as you know, the Council also wants to avoid a situation where there are too many bodies responsible for this resource and to preserve the responsiveness required by these markets and by radio frequencies as a strategic resource for innovation.

I wish to commend the quality of the report by Pilar del Castillo on the establishment of the European Electronic Communications Market Authority; I would point out that it touches on a highly sensitive issue, one that is also the subject of a broad consensus between Parliament and the Council. The report, Mrs del Castillo, concludes that the European Authority, in the form originally proposed, is not the right solution to strengthen cooperation between regulators and promote the harmonisation of practices; this is also the Council's position. You are opposed to the creation of a European super-regulator and you are proposing the establishment of a body – BERT – which would be closer to the regulators, which would enjoy greater independence from the European Commission and which would have a much simpler structure and governance than those originally proposed. The Council is aware of all of these arguments but, as you know, a majority of Member States do still have some reservations about the idea of establishing a Community body. Over the next few weeks, the Council must therefore try to strike a balance between two options: the institutionalisation of a private-law body comprising European regulators or the establishment of a Community body whose independence must be guaranteed.

My final comments relate to the report by Malcolm Harbour, whom I wish to thank for the quality of his work; I especially welcome the fact that it takes into account fundamental consumer rights. Parliament, like the Council, supports the measures proposed by the Commission aimed at strengthening consumer protection, an issue that has come to the fore recently given the increased impact of communications services on the daily lives of our citizens.

In particular, Mr Harbour's report proposes that the information to be included in contracts should be specified, that the measures to be taken by Member States for disabled users should be strengthened and that lead times should be reduced for number portability in order to improve competition. The Council broadly endorses all these measures.

I think that the issue of the protection of privacy, which was dealt with under the enhanced cooperation procedure with Mr Alvaro in the Committee on Civil Liberties, Justice and Home Affairs, is also an important matter that needs to be addressed and I am delighted, for example, that unsolicited communications by SMS have been taken into account.

As regards the specific issue of copyright, Mr Harbour's report proposes the retention of the obligation on network providers of electronic communications services to provide subscribers with all useful information on the unlawful uses of networks and services. It also proposes to encourage cooperation between all stakeholders in order to promote the dissemination of legal offers. These appear to be balanced measures, but we shall need to take into account that this is a highly sensitive issue, both for your House and for the Council.

To conclude what I have to say on those areas for which I am responsible, Mr President, before handing over to my colleague, Éric Besson, on the issue of the digital dividend, we feel that Parliament and the Council are very much in agreement on these issues, although it is true that there are slight differences of opinion regarding the level of detail to be included in this Directive. We shall naturally do our utmost to continue working closely with Parliament and the Commission so that compromises may be reached between the three institutions as quickly as possible.

**President.** – Thank you, Mr Chatel. Luc Chatel is the Minister of State for Industry and Consumer Affairs.

We break new ground today by hearing a second representative of the Council, namely Mr Éric Besson, Minister of State to the Prime Minister.

**Éric Besson, President-in-Office of the Council.** – (FR) Mr President, Commissioner, ladies and gentlemen, as my colleague, Luc Chatel, has just said, it falls to me to speak to you about the very important issue of the digital dividend.

On 12 June 2008, the Council adopted conclusions on the Commission Communication entitled 'Reaping the full benefits of the digital dividend in Europe: a common approach to the use of the spectrum released by the digital switchover.' The switch-off of analogue radio broadcasting will free up spectrum in the UHF band, which is particularly appealing due to the propagation properties of UHF radio waves. The switchover to digital broadcasting therefore offers an unprecedented opportunity of which we must reap the full benefits. That is the purpose of Mrs Toia's report on which you will be expressing an opinion, and, at this point, I should like to commend the quality of the work that she has done.

As Mrs Toia has shown in her report, the combined value of the electronic communications services markets that depend on the use of the radio-wave spectrum in the EU amounts to more than EUR 250 billion, or about 2.2% of the EU's annual gross domestic product. Good spectrum management can significantly contribute to the Lisbon goals of competitiveness and economic growth and satisfy a wide range of the social, cultural and economic needs of European citizens. In practical terms, wise and judicious use of the digital dividend will help reduce the digital divide, especially in underprivileged, remote or rural areas. As your rapporteur rightly points out, radio spectrum released by the digital switchover needs to be reallocated as soon as possible.

I can tell you now that the Council essentially agrees with the rapporteur's view that a coordinated approach to the use of spectrum at European level will ensure the optimal use of the digital dividend. The identification of a harmonised sub-band for new electronic communications services will enable operators and equipment manufacturers to benefit from a market of sufficient size. This is a strategic issue for the industrial and political development of Europe.

If Europe succeeds in coordinating action on the digital dividend, as it did for GSM, it will be presented with a historic opportunity of relaunching, over the next 20 years, a major policy for the benefit of its industry and consumers. However, as emphasised by Ministers last June, the Council considers that we should respect the principle to ensure flexibility of usage of the digital dividend notwithstanding constraints necessary to avoid harmful interference or to promote general interest objectives such as large availability of the service or media pluralism and cultural and linguistic diversity. National discussions on spectrum allocation must proceed with all speed, but, if the Community approach is to be successful, it must remain consistent with the national decisions currently being taken on the reuse of frequencies.

I should like to conclude by saying that the Council therefore calls on the Commission – and I know that it has already done so – to initiate the studies and consultations necessary to define a coherent basis for the coordinated usage of spectrum. The Commission is also called on to support and assist the Member States in achieving this goal. The Council is therefore looking forward with great interest to the Commission's report to be submitted by December 2008 on the results of this process and on any further steps required.

**Viviane Reding**, *Member of the Commission*. – Mr President, I wish to begin by thanking the rapporteurs, Catherine Trautmann, Pilar del Castillo Vera, Patrizia Toia and Malcolm Harbour, for very difficult work and very constructive proposals. I would like to thank Parliament generally, because the work has been very hard, and I know it has involved a very thorough and extensive preparation – hearings with the stakeholders and the consideration of literally of hundreds of amendments – and I know that you have also been working against the clock, but it is often in such circumstances that the best results are achieved, and that certainly applies here.

No matter how adequate the existing regulatory framework is in many respects, everybody agrees that there is a real need to improve it. Why? We have to reinforce the protection of consumers by ensuring that they can exercise a properly informed choice between a variety of competing products and services. We have to ensure that when Member States manage their national spectrum – which is a very precious resource, as has already been said – they realise social and economic benefits because their management is efficient, transparent and flexible and because there is better coordination at EU level. We have to make sure that our regulatory system will facilitate and not hinder investments in next-generation networks so that Europe remains competitive in the 21st century.

Finally – and this underlies all our endeavours – we must reinforce the internal market. This is not about paying lip service but about equipping the EU with an efficient competitive single market that brings economy of scale not only to the electronic communications sector but also to the citizens and to the wider economy. It is this economy at large which benefits and which has to be reinforced. Let us take advantage of our European continent: let us get rid of the barriers that lead to the fragmentation and to less economic and social efficiency.

All of these four fundamental subjects – consumer protection, spectrum, investment and the internal market – are very important, and Parliament has understood that. I must congratulate Parliament for identifying the underlying problems and having made the right diagnosis for putting forward real solutions.

Let me now pass to the internal-market mechanisms. That is where the stakes are highest and where the discussion ahead with the Council still promises to be very difficult. I say this in spite of the recognition by the ministers themselves at the end of the Slovenian presidency that we need to improve the consistency of the internal market for electronic communications.

Recognition is all very well, but what are the solutions? Parliament has rightly seen that there is just one debate – not two – when it comes to the body and to the mechanisms for improving the functioning of the internal market, in particular the Article 7 mechanisms for notification of national market reviews. Those are the two sides of the same internal market coin – they belong together.

We all know that the existing arrangements for cooperation between national regulators within the Community framework – i.e. the European Regulators Group (ERG) – have to be improved if they are to be useful. That is why the Commission welcomes the amendments that build on the Commission's proposal for a more transparent, accountable and effective form of cooperation.

Above all, the Commission welcomes Parliament's proposals for a Community body. Such a Community body, with all it entails, has to be fit for purpose: it has to operate in such a way that it is efficient, fair and reliable, and also above the suspicion that it is perhaps closer to some regulators than to others. That is why, if we are to be coherent, we must also be coherent with the financing. National financing, in whatever proportion, will call a body's credibility into question and will open the door to administrative and legal uncertainty.

We know from experience that hybrid financing creates problems, so we have to avoid creating such problems. In this respect, I would like to warn Parliament to be on its guard against what I call the Belgian football club approach, which I must explain to you. You know that the ERG was created by the Commission as an adviser to the Commission. Recently, the national regulators established a private body law under Belgian law to act as a secretariat to the International Regulators Group – the IRG. The IRG operates outside the Community framework – it has a membership beyond the 27 Member States – and in practice nobody understands where the IRG begins and where the ERG ends. The Commission wanted to end this confusion by establishing a clearly defined and accountable authority. We certainly do not want a Belgian private body, alien to the Community approach and the guarantees it provides, to become involved in European decision-making.

That is why there is still a need for further consideration on a number of legal and institutional issues concerning the establishment of the body, in particular its governance structure. We have to find the right

means to safeguard the independence of the national regulators in a way that guarantees a Community-based approach.

But, above all, I must stress the fact that the body is a means to an end and not the end in itself. The body is nothing more than an instrument in order to improve regulatory consistency. That is why the other side of the internal market coin is so important and that is why the European Parliament is absolutely right to reinforce the Article 7 consistency procedure for notifying national market reviews in which, by the way, the body will play its part.

Parliament's new arbitration mechanism in Article 7a shows that the Commission and Parliament stand together in seeing the need for operational consistency mechanisms that will make a real difference.

Parliament's solution is to enable the Commission to step in to require a national regulator to change its regulatory approach if, after a peer review by the body, a problem has been identified. We have to discuss further details of Parliament's approach so as to respect the institutional balance laid down in the Treaty, but what I find absolutely right is the logic of the approach taken, which is to find a balance between the interests of subsidiarity and those of the internal market, and then to draw clear operational conclusions.

Thanks to a peer review carried out through the body, there is a means to benefit from the pooled experience of the national regulators, alongside their sensitivity to what are legitimate local differences. It surely makes sense that when the body advises that there is an internal market problem, in conjunction with the concerns raised by the Commission as the guardian of the Treaty, then there should be consequences.

In the interests of the internal market and of legal (and 'legal' also means business) certainty, there must be a power for the Commission to require the notifying national regulator to change its approach in such a case, because we cannot accept that, having been through the very lengthy Article 7 review process the notifying national regulator can say 'thank you very much for your point of view, but I prefer my approach', and to simply act as if nothing had happened.

That is why I congratulate Parliament, which is right to say that the whole process cannot simply end in a whimper. Industry, consumers and taxpayers will not appreciate it if we build sophisticated and time-consuming regulatory systems which are not capable of making a difference. That is why the system needs to have a backstop, namely that ultimately there can be a binding decision of the Commission.

I mentioned earlier the importance of creating a regulatory framework friendly to new investments. That is why the Commission, in its proposal, not only maintained but reinforced the competition-based approach to regulation as competitive markets drive new investment. That is also why the Commission is grateful to the Committee on Industry, Research and Energy for trying to make the telecom rules more investment-friendly, especially as regards the large investments that are needed to modernise the old copper wires by putting fast optical fibre network into place.

These outdated local loops – and that is the vast majority of European households and small businesses which depend on being connected to the internet – represent the choke point of the high-speed internet, the point where the information superhighway slows down to a crawl, and that is why I applaud Parliament's move to encourage infrastructure competition on these next-generation access networks by proactively promoting the sharing of the ducts that house the new fibres, and the risk-sharing of new facilities. These efforts are welcome and are in line with the recommendation that I am currently preparing to give guidance for national regulators on these issues.

But the upgrading of the choke points in the high-speed internet must not become a new and enduring bottleneck for competition in the future, and we have plenty of evidence that the transition to fibre will make the business case for alternative investors much more difficult, because unbundling of fibre is currently neither technically nor economically possible, which means that alternative operators must invest in their own fibre or use a bitstream service of the incumbent.

We have to face the facts: in many geographical zones, where infrastructure competition proves not to be feasible, appropriate regulation will continue to be the only way to keep competition alive. Competition brings lower prices, better quality of services and more choice, so that consumers are the real winners.

But I do not kid myself. I can see that Parliament shares these concerns. Choice needs to be real; consumers need to be empowered to make the best out of competition, and to be empowered means they need to be informed. That is why the enhanced ability to switch your supplier is so important. I welcome Parliament's



support on the need to ensure that number portability is completed within one day. If it can happen in Australia within two hours, then one day should be entirely feasible in Europe.

I also welcome the clarity that Parliament has added with the changes on enhanced consumer information, so that consumers really know what service they are getting from their providers and can make useful comparisons. This enhanced transparency also serves to support the open architecture of the internet, which we underline; which we want; which we defend. If there are any restrictions on accessing the internet, it is imperative that the consumers are clearly informed of what those restrictions are, and I am glad to see that both the Commission and Parliament stand in agreement on these points.

However, what I find more difficult is to understand why Parliament has changed the text in such a way that subscribers are not similarly empowered and informed when it comes to the privacy of their personal data. I know that Parliament takes the protection of consumers and of citizens' fundamental rights very seriously, and that is why I am so surprised that the breach notification requirements in the Commission's proposals are diluted by the changes now on the table.

The default position should be that subscribers know of a breach of security concerning their personal data so that they can take precautions, and it cannot be left to the service provider to determine whether such a breach is likely to cause a subscriber harm – it is the subscriber and his own data which have to be protected. How, for example, can a provider know how sensitive that information is in an individual case? I would, therefore, urge Parliament to reconsider its position on this issue.

Finally, concerning spectrum: I had no need to persuade Parliament of the importance of this subject. That is why the Commission welcomes the politicisation of the debate surrounding the spectrum issue. This debate goes far beyond the technical level. Even if it will continue to owe a great deal to the hard work and solutions produced by the Radio Spectrum Committee, much has been achieved by the radio spectrum decision. We should preserve this. But Parliament is right: more progress depends on integrating a political layer to this process, so that the stakes can be properly debated. A more efficient – and that means a more coordinated – approach among Member States brings about the prospect of a win-win scenario, whereby the achievement of social and cultural goals is enhanced alongside the great benefit for Europe's economy.

Important progress in maximising the digital dividend and other questions related to this can only be assured with the strategy and important political decisions agreed both by Parliament and the Council. So the Commission supports Parliament's legitimate goal of greater involvement in setting spectrum policy and accepts in principle the changes Parliament is proposing.

Of course, the Council will have its say. I wish to signal that the Commission will stand by Parliament in this debate and will help the Council to arrive at an agreement with Parliament.

#### IN THE CHAIR: MRS ROURE

*Vice-President*

**Catherine Trautmann**, *rapporteur*. – (FR) Madam President, Commissioner, Ministers, ladies and gentlemen, for the reform of the regulatory framework that we are discussing to be justifiable, it has to bring about tangible improvements, both for consumers in terms of prices, access and connection speed and for companies in terms of the prospect of fair competition, new investment and competitiveness.

The large number of stakeholders involved means that there are divergent, even contradictory, interests at play. For my part, from a very early stage, I made a point of listening to views on all sides and also of sending a timely and reliable message to companies and consumers in order to build or rebuild their trust.

Electronic communications are a real opportunity for European growth. The sector accounts for 3% of European GDP. We still need to be able to reap the full benefits of this potential in the EU in terms of investment and the development of services. This requires competition, but not competition alone. Steps need to be taken to create conditions for responsible and sustainable development; in other words, to build an ecosystem for the sort of knowledge economy that we all want to see.

We must now consider ICT as a resource. It is therefore a matter of both public and private concern that requires us to support flexible rules and the responsibility of all stakeholders through cooperation between regulators and the Commission, in the same way that operators and customers cooperate on the basis of a contractual agreement.

There are four key areas that I want to see strengthened: firstly, customer service, whether in terms of access – through the more widespread territorial deployment of networks – fair prices or quality; secondly, sustained industrial activity with a view to stimulating job creation and innovation, since technological progress is also effective in bringing down prices; thirdly, the competitiveness of small and large companies in order to guarantee sustainable competition in the EU Member States and the necessary investment, especially in fibre optics, that will enable us to compete more effectively in a global market; and, finally, legal certainty – the need to ensure the reliability of the system by giving responsibility to those involved and encouraging mutual cooperation, especially among regulators but also between regulators and the Commission.

I was pleased to note that, on this basis, the Committee on Industry, Research and Energy accepted my compromise proposals – often by a large majority – and I should like to thank my colleagues for making themselves so readily available, despite deadlines that were, at times, rather tight but which meant that we have been able to keep to the timetable with a view to achieving the objective of amending this Regulation before the end of the current parliamentary term. This is the result of a collective effort.

I personally feel that the sector has generally responded positively to these guidelines, and I hope that our partners in the Council will do likewise. I have listened carefully to Mr Chatel and Mr Besson and their views, as well as to Commissioner Reding, and I should like to thank them for their informed and generally positive opinions.

To come back to the points that are still under discussion, I should like to talk about the issue of remedies.

Without any encroachment on the powers of national regulators, a consensus has emerged on the need for a more consistent application of remedies at EU level. However, there has been unanimous – or almost unanimous – rejection of the Commission proposal that it should have the right to veto remedies. Under the mechanism provided for in my report, each body has its rightful place: the Commission may raise doubts about a remedy but cannot completely reject it unless BERT also delivers a negative opinion. Conversely, for functional separation to be imposed as a remedy, this would require the agreement of both the Commission and BERT. With a restriction of this nature, such separation remains a tangible threat but one which cannot be imposed lightly.

As regards radio spectrum, our proposals are directed towards more flexible management of this scarce resource but in a moderate and proportionate manner, whilst, at the same time, introducing measures aimed at optimising spectrum management. For us, the first building block is a genuine European spectrum policy that could be presented, once the package has been adopted, at a major conference to be held early in the next parliamentary term.

As regards new networks, these were absent from the Commission proposal, or poorly addressed, at a time when Europe is already involved in this technological revolution. We felt that it was essential immediately to provide the Member States and regulators with the guidelines and tools that they need to encourage investment and manage, where necessary, the deployment of these networks. For this reason, our proposals were validated by a panel of recognised experts just before the summer holidays.

A final issue has arisen rather late in the day: the protection of intellectual property rights. It is unfortunate that this debate has come to the fore at this stage in the review of the telecom package; I think that it would be out of place to discuss mechanisms for ensuring full respect for intellectual property rights here.

I just want to say that I hope that we shall be able to complete the review of this Package without undue pressure and without being disrupted by this issue, albeit an important one, given that creative content is the subject of a Commission communication. I shall deal with the remaining points in the two minutes that I have to conclude.

**Pilar del Castillo Vera, rapporteur.** – (ES) Madam President, I would like to begin by emphasising what Mr Chatel said: the electronic communications sector is responsible for 25% of European growth and 40% of productivity. In short, these numbers confirm the Lisbon Agenda statements on the need to develop a European economy based on knowledge, where the great driver of development is, in fact, electronic communications.

The Commission has demonstrated this knowledge and awareness by proposing a set of measures which redefine the regulatory framework which was adopted in 2002. Several markets have been deregulated and there are still some important regulations pending whose aim is to give full forward thrust to the competitiveness of the internal market.

I shall, however, focus of course on Parliament's position. A position, Mr Chatel, representative of the Council, Mrs Viviane Reding, representative of the Commission, ladies and gentlemen, which has a common denominator, a factor which makes Parliament's position, in my opinion, an extraordinarily consistent, coherent and powerful one. And the common denominator in the reports drawn up by Parliament and approved by the appropriate committees, is simply the concept of shared responsibility.

The report by Mrs Trautmann is based on shared responsibility. The proposal to establish a body of national regulators is based on shared responsibility. We have heard in both cases that shared responsibility is the tool still needed today in the electronic telecommunications market in Europe, and everything that has been proposed stems from that concept of shared responsibility, whether it relates to interplay in shared regulation between the Commission and the board of national regulators, known as BERT, or to the organisation and funding of BERT.

As time is pressing and the debates have already been lengthy and will continue to be in the future, I must now refer solely to BERT. This is a proposal which fits in which the concept of shared responsibility and developing an essentially successful market which still requires a few props up front in order to adjust fully to the rules of competition, a board based on cooperation between the Commission and the Member States in the form of the regulatory bodies. Against that background, and in view of the current situation, the board's duties are better defined, as are its structure, responsibility, accountability and funding.

And to that end I should like to say, Commissioner, ladies and gentlemen, Mr Chatel, that it is essential to maintain cohesiveness and consistency. The co-funding that I have proposed and advocate for the board is compatible with the concept of shared responsibility which forms the backbone of any proposal made by Parliament, both in Mrs Trautmann's report and in my own.

What would not, by contrast, be consistent and cohesive would be for a funding mechanism strictly based on Community funding to slip in through the back door; it would not be consistent with the remainder of the proposal and would therefore bring about an enormous dysfunction with the concept and rationale behind the reform which Parliament is proposing.

I am convinced that both Parliament and the Commission, as well as the Council, are seeking to achieve the same objectives, we have proved as much, and I call for the equilibrium and good understanding we have so far had to continue so that we can pursue that course. The sector we are debating is worth it.

**Patrizia Toia, rapporteur.** – (IT) Mr President, ladies and gentlemen, in the telecommunications world any medium which allows the transmission of voice, data and images is a precious resource. This is why the idea that in a few years' time there will be a significant, not to say massive, quantity of radio spectrum available, in other words new frequencies available for new uses, is a huge social and cultural opportunity as well as an economic and commercial one: in fact, someone has even quantified the commercial value of the digital dividend already.

We therefore need a suitable European policy, capable of exploiting this resource to the maximum, and turning Europe into a driver and not just an assembler of national policies. As we all know, in other parts of the world, such as Japan and the USA, this resource is already being used to great effect, thereby giving businesses in those regions a competitive edge.

We have therefore got some time to make up – or at any rate use rapidly – and even if the digital switchover is completed in 2012 – a date which should be absolutely and comprehensively respected – we need to focus now, without delay, on reforming the radio spectrum and on the digital dividend.

The radio spectrum is a natural and hence a public resource. Its value must therefore be exploited, for economic purposes certainly, but it also has a social value which must be exploited for the benefit of the general public, for example by guaranteeing wide accessibility for all citizens, including the disadvantaged, by bringing broadband services to the most remote areas of our country and thus eliminating the digital divide which is still a feature of so many parts of Europe, and I am not just thinking of rural areas but also of urban and industrial areas.

I was saying that time presses for the digital dividend and I think that we need to use this last part of the parliamentary term to make some progress together, Member States and Europe alike. To the Commission and the Council I would say: move forward together in the direction of a more positive response to the need for harmonisation, a response which, as we have all been saying, will enable us to make optimal and more effective use of the digital dividend. We are hoping for strong coordination at European level and an ability to speak with one voice in the international negotiations, which have opened, I believe, in Geneva.

Our report makes various points and I will just single out one or two: the need for a win-win strategy, as the Commissioner was saying, in other words an allocation of resources which satisfies audiovisual and media operators – who are already present in the field to ensure cultural pluralism and to defend cultural identities – and also answers the needs of and provides adequate space for telecommunications sectors, which need to develop new services and a broad range of technologies to respond to new requirements from modern consumers. This means that media and telecommunications can operate together, in the spirit of colleagues, and on a level playing field.

However, there is a third party who I would like to see being a winner as well as the others: namely those users, even unlicensed users, who are represented by charitable bodies, local entities, small community networks and general interest associations. Another point, with which I will conclude, Mr President, is one on which, as the Council representatives also said, there are differing views, in Parliament and between the various Member States, and that concerns the level of collaboration between the various authorities in this field.

I believe that on the one hand – and here Parliament is in agreement – we must respect the responsibility of Member States in terms of allocating frequencies, but we must also assess together the vital need for harmonisation, because we should all be aware that if we fail to harmonise, if we fail to coordinate and fail to take common decisions, the economic and social value of the spectrum will be diminished. In my mind, I think of the successful and happy outcome of the GSM.

Therefore, on the basis of cost/benefit analyses carried out in various countries, as part of national projects, regarding the dividend sought by our report, on the basis of the broadest possible debate to be held in the Member States, involving both operators and the general public, I believe that in the end, with a big dose of political will at European level, we must all come to recognise the added value of a Europe-wide management of this resource which will, I believe, offer a challenge to Europe both socially and economically.

**Malcolm Harbour, rapporteur.** – Madam President, it is a privilege for me to be back here as rapporteur for the second time, because I was rapporteur for this directive in 2001. It has also been a privilege to work with my colleagues, Mrs Trautmann and Mrs del Castillo, because this has been a team effort. This is a package.

As the Commissioner said, it has been a major achievement. That is why we want to reform and improve consumers' rights, so that they are well informed and able to take advantage of the offers that are available and able to encourage innovation.

We need a structure that will work, of course, and I would remind the Commissioner that it was this Parliament that argued for the Commission's role under Article 7. We supported that role, against the Council at the time. Nobody is more aware than this Parliament of the importance of getting the balance right, but, in looking at the team position, I would almost say that it is time for the regulators not just to accept responsibility, at a national level, for implementing the regulation consistently, but also to take on a share of that Community policymaking work. In my view, whatever we end up with will only work if they have a stake in that body – I will leave you to decide what I mean by that!

I want to pay tribute to all members of the team that worked with me on improving this directive. I thank both the Minister and the Commissioner for the kind remarks they have made about the improvements we have put forward. It is a combination of work on users' rights and on the E-Privacy Directive.

In this Parliament, responsibility for data protection and the residual expertise lies with the Committee on Civil Liberties, Justice and Home Affairs. In my view, it was a mistake to package the two together, but I think we have managed it successfully. My colleague Alexander Alvaro will respond on those aspects, and the Commissioner should thank him for actually putting in the details of how data-breach notification works, because it was entirely unacceptable for the Commission to send us a proposal in which all the implementing details were delegated to a committee. Those are big political decisions. I agree with you that we still have a bit of work to do, but you should certainly thank him in the first place for doing that job for you.

As far as my side is concerned, I am disappointed that the whole of the universal service aspect is coming later. We are doing this in two bites. We are awaiting your report, which will come shortly. I have made the most of the users' rights aspects, but we still have work to do. By that I mean that we want those empowered, well-informed consumers to make their choices on the basis of maximum clear information on price, on what is in the service, on whether there are any restrictions, and on whether the cost of a handset is included if they take a longer contract. We want them to be able to shop easily and to be able to transfer their number

quickly, and I am glad you support us on that point. We also want them to be able to study the length of the contract and for the length of contract not to be used as a restriction when they try to move.

We also want to look at consumers' entitlements. They are entitled to data security. They are entitled to secure and available networks. They are entitled to networks where operators are not blocking anti-competitively a particular content or service. We agree with your idea of having a new quality of service obligation, and think we have improved on that. This is a very important entitlement. Consumers are entitled to good quality universal emergency services and to caller location services. Disabled users in particular are entitled to those services as well, and to better services.

However, I feel that consumers are also entitled to be informed about some of the problems they might encounter, be this potential for infringing copyright, potential for unauthorised use or potential, for example, for buying things that could damage their health, like counterfeit medicines. Why should we not demand that electronic service providers carry public service messages in the same way that television channels do at the moment? That is what we are talking about, colleagues. We are not talking about this as a mechanism for enforcing copyright, which is the responsibility of national governments, but we are talking about making life easier and better for consumers.

We have a bit of work to do, Commissioner, but I am pleased to say that I have agreement on a large packet of compromises and I am confident that they will be adopted. I look forward to working with the French presidency to meet the ambitious timetable, because Europe needs us to meet that timetable.

**Jutta Haug**, *draftsman of the opinion of the Committee on Budgets*. – (DE) Madam President, the interest of the Committee on Budgets in the legislation on electronic communication, the so-called telecom package, is naturally focused on the part involving expenditure from the European budget. In other words, we are interested in the agency – the European Electronic Communications Market Authority proposed by the Commission and renamed the Body of European Regulators in Telecommunications (BERT) by our colleagues in the specialised committee.

To put it plainly, as things stand, we do not have enough money under subheading 1a for this agency in either form. For this reason, we very much welcome the fact that the lead committee has taken our amendments on board in its report and is proposing a structure that puts less strain on our budget. We must all work together, however, to ensure that we make BERT a European body and that we in the European Parliament retain control of it. I must also remind the House that, under Article 47 of the Interinstitutional Agreement, Parliament and the Council must reach agreement on the funding of BERT.

**Karsten Friedrich Hoppenstedt**, *draftsman of the opinion of the Committee on Economic and Monetary Affairs*. – (DE) Madam President, as draftsman of the opinion on the first part – better lawmaking – in the Committee on Economic and Monetary Affairs, I refer the House to my written opinion, but there are three points to which I attach particular importance. The first is the promotion and development of fibre-optic networks, known as next-generation networks. In order to promote these networks, consideration must be given to risk-sharing for the funding of new facilities and to sharing of ducts. Besides the telecommunications companies, other public enterprises must also be involved in duct-sharing.

My second point – and this has already been touched upon – is that the Commission's centralisation drive, pursued by means of the authority, the right of veto and comitology procedure, must be firmly resisted. Thirdly, the precise distribution of frequencies should not be laid down until numerous preliminary questions have been answered. Does responsibility lie with the EU? For which aspects is it competent? What is the real extent of the digital dividend? And what is the impact of specific distribution models?

Secondary services such as wireless microphone systems must not be endangered, for such systems are responsible for major transmissions of events such as the Olympic Games. For that reason the results of the current studies by specialised bodies must be taken into account in the political decision-making process on the distribution of the frequency spectrum.

I hope that we shall then jointly achieve European added value for all stakeholders.

**Gunnar Hökmark**, *rapporteur for the opinion of the Committee on Economic and Monetary Affairs*. – Madam President, Europe's ability to be the leader in the field of telecoms and mobile internet is dependent on our ability to open up to new innovations and new services.

From that perspective, it would be dangerous to try and defend old structures and old players. We need to open up, and that is why it is so important to use the digital dividend in a way that frees up the whole of the

spectrum for new services and new opportunities, while at the same time defending old broadcasters and their services of today.

The possibility of developing different services in all parts of the spectrum must be freed up. Where infrastructure competition is not there already, we must ensure that there is real competition via a functional separation.

**Robert Goebbels**, *draftsman of the opinion of the Committee on Economic and Monetary Affairs*. – (DE) Madam President, allow me, in the space of sixty seconds, to make a few brief remarks on behalf of my honourable colleague Bernard Rapkay. Particularly for us Socialists, the creation of a smooth-functioning internal market in telecommunication services is a very high priority. We welcome the active role of the Commission in this domain. In particular, consumers must be protected against the obvious abuses of power on the part of the large operators. There is clearly still plenty of room for fee reductions. The Commission's initiatives on roaming show that interventions in price-setting are necessary in a market economy too. We prefer to see the visible hand of the Commission than feel the invisible hand of the market, which is often the hand of a pickpocket in consumers' purses and wallets.

*draftsman of the opinion of the Committee on Economic and Monetary Affairs*. – (FR) I shall conclude, Madam President, by thanking all the rapporteurs and especially Catherine Trautmann, who has done a tremendous job, as a result of which we can expect a very large majority tomorrow.

**Sophia in 't Veld**, *draftsman of the opinion of the Committee on Economic and Monetary Affairs*. – (NL) Madam President, the package in itself contains sound proposals for protecting consumer rights and privacy, but unfortunately it lacks coherence and so creates legal uncertainty both for businesses and for consumers, because the scope is completely unclear.

I have the feeling that the Commission has let itself be led more by the internal institutional structures and the legal basis than by the real facts, because what are we actually talking about exactly? Is it about telephone systems? Surely that is completely out of date! Or is it about mobile phones? What is Skype then? What are telephone payment services? Are they telecoms too? What about RFID networks? It is not clear. Why are there rules for reporting breaches for telecom and Internet providers but not, for instance, for banks, insurance companies and social services, which often use the same data? What if the personal data collected by a firm are used by someone else, such as government departments, the police, the judicial authorities, as laid down in the data protection directive? Who is responsible for those data then? What use is that to a citizen? Where can I turn to as a citizen?

Finally, I think we have to start looking urgently with the United States at transatlantic and international standards in this area.

**Reino Paasilinna**, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – (FI) Madam President, Ministers, Commissioners, and Mrs Trautmann in particular, now is the time to think in actual terms of human rights in the information society, which we are improving, with democracy and good business practice as the main objectives. Improvement is therefore necessary, and we are also improving the protection of privacy and security, as in the case of junk mail. We insist on the principle of right of access playing a role and we are legislating on access to services, which is no insignificant matter: charges need to be low and broadband for everyone, for example, is a civil right. We have now strengthened the status of the elderly and disabled in particular, and I think that is a humane and proper goal.

Secondly, the networks need to be competitive and we have to stop operators from preventing competition. Instead, competition needs to be given a boost, and data terminal equipment on which you can only listen to one operator should not be allowed to be made. That would be as crazy as having a radio which only played one station.

Broadcasters should now and always be guaranteed their own frequencies, because they never have the money to take part in auctions. That is actually a firm basis for the information society, and we must always preserve it. We nevertheless need room for 3G, and that is being organised. We also need to ensure there is room for new technologies and innovation.

I have one more thing to say. The fairer and more technically advanced Europe is, the better we will do both as a democratic force in the information society and as a community which fulfils the Lisbon objectives, which at present feel a long way off. It is up to us: this is a legislative package which is a step in the right direction.

**Marian Zlotea**, *Rapporteur for opinion of the IMCO Committee*. – (RO) Mrs. President, dear colleagues, Mrs. Commissioner, dear Ministers, I would like to congratulate the rapporteurs involved in the work with the Telecom package.

I think Mrs. Trautmann's report represents a balanced position and I support the compromise amendments proposed. I am also glad that certain amendments were accepted, in particular those regarding the harmonization of the spectrum, as well as certain measures related to the global telecommunication services.

The European economic growth, as well as the consumer welfare, depends on a dynamic and competitive telecommunication sector. Competitive markets have broadband available, the new comers on the market have brought increased speed and innovating services.

The framework directive in the telecommunication package should focus on increasing investments; we also have to take into account next-generation networks and consumer options have to be more diversified, leading to lower costs and better services to their advantage.

In conclusion, I would like to express my confidence in the changes we intend to bring to the Telecom package, which shall be to the benefit of consumers, providing them with a broad range, lower costs and more diversified services.

**Edit Herczog**, *draftsman of the opinion of the Committee on Internal Market and Consumer Protection*. – (HU) Thank you, Madam President. We can safely say that the Union can be credited with successes in the electronic communications sector over the last decade. Together with this, there are still some cross-border problems and inequalities with regard to access to broadband, the spread of the digital society and services. If we really want a 'common' market, the conditions for it must be created.

As a result of the debates held over the last few months, we voted in favour of creating BERT, which would simplify cooperation by the national regulatory authorities and would guarantee actual participation. We still think that BERT should be accountable to and transparent to the European institutions. However, a condition for this is Community funding; cofinancing by the Member States would apparently ensure greater independence and efficiency, but this is not the case: we would pull this organisation out from under the control of the European Union and the European Parliament. We cannot contribute to this. We must continue to fight, with the Commission, to protect the interests of consumers, so that they should only have to bear the costs of the ever-expanding, new technologies where this is necessary, and so that, similarly to roaming, consumers cannot be swindled through invoicing either. Thank you.

**Manolis Mavrommatis**, *draftsman of the opinion of the Committee on Culture and Education*. – (EL) Madam President, as draftsman of the opinion of the Committee on Culture and Education, let me point out that it is extremely important to treat the intellectual rights of originators as equal fundamental rights.

All of us, especially legislators, should bear in mind that if intellectual creativity is not protected and if, in the name of protecting personal data, the legal rights of originators are infringed, then the artistic content made available to users will also be restricted.

Piracy and the illegal distribution of music and films on the Internet are an indisputable reality. The downside of technology, however, is that the injured party is the originators. Whether we like it or not, they are the source of the material on offer.

On behalf of the Committee on Culture, I thus call on all Members in all committees and political groups to protect European creativity, thus safeguarding artistic content provided via new media.

**Cornelis Visser**, *draftsman of the opinion of the Committee on Culture and Education*. – (NL) Madam President, Commissioner Reding has once again shown her decisiveness with the telecom package. As regards the Commission proposal on the digital dividend, for the Committee on Culture and Education I worked with Mrs Toia very constructively. On behalf of the Committee on Culture and Education, I should also like to thank the chairman of the Committee on Industry, Research and Energy, Mrs Niebler, for her excellent cooperation.

The Committee on Culture and Education sees radio and television as vital media for disseminating culture and language. With the switchover from analogue to digital television, there is room available on the spectrum at the moment. Mobile phone and broadband Internet providers are very interested in those frequencies. The Committee on Culture and Education is not opposed to technological innovation, but it wants the rights of the present users, public and commercial, to be protected. The cultural and linguistic diversity of broadcasts

must continue to be fully guaranteed and the interests of consumers and their investment in television equipment must be safeguarded.

**Gyula Hegyi**, *rapporteur for the opinion of the Committee on Culture and Education*. – Mr President, it is important to underline that the telecom evolution is not only a technological and economic process, but also a social and cultural event. We should maintain and sanction the leading role of Europe in this process.

Two aspects should be taken into consideration: general and democratic access to electronic communications services, which means that everyone should have the right to access such services, and also the principle that culture and educational heritage should be transmitted and respected. The Committee on Culture has tried to strike a balance between these interests.

As the draftsman in the Committee on Culture on the Body of European Regulators in Telecom (BERT), I only focused on the aspects which come under the responsibility of the Committee on Culture. The BERT should be open to contacts not only with industry and the consumer groups, but with culture interest groups as well, as they can provide useful and reliable information on cultural aspects.

I think if we use the telecom evolution properly, the whole process can contribute to making Europe the world's leading knowledge society – which is our main goal.

**Ignasi Guardans Cambó**, *draftsman of the opinion of the Committee on Culture and Education*. – (FR) Madam President, I should first like to congratulate the rapporteurs on their work.

The Committee on Culture and Education has, from the outset, taken this whole issue very seriously because we can no longer legislate on the electronic network or on radio spectrum whilst ignoring the real nature of the content being distributed. This cannot be done on the basis of purely technical or even economic criteria which do not take into account the objectives of cultural policy or the safeguarding of diversity. The reality of a digital world requires us to work together with television broadcasters and electronic service providers and to legislate for an internal market in telecommunications which has become inseparable from the audiovisual market.

We also need a balanced response to the problem of illegal content on the Internet which will compel each of us to face up to our own responsibilities in a struggle that must concern us all if our children and our culture as we know it are to be protected.

I therefore support all these texts in their current form and I hope that our debate and the final vote will not be contaminated by ill-informed external pressure.

**Lidia Joanna Geringer de Oedenberg**, *draftsman of the opinion of the Committee on Legal Affairs*. – (PL) Madam President, European framework legislation on telecommunications was adopted in the 1990s, effectively freeing national markets from state monopolies. It resulted in a significant fall in the prices of calls offered by competing operators. Recent years have seen revolutionary changes in communication technology: cell phones and the development of the Internet and wireless networks have diametrically changed the face of telecommunication. EU law must reflect these changes, including the social implications.

Some 15% of Europeans are disabled, and by 2020 the elderly will constitute 25% of society. It is precisely these people with special needs who should be provided with easier access to telecommunication services. It is necessary to ensure cost-free access to a common alarm number, 112, for people throughout the Union, including users of Internet telephony, and to other electronic voice communication services. Furthermore, customers must have the right to be fully informed both of the legal obligations arising from the use of a given service, for example with respect to author's rights, and of the legally imposed restrictions. Above all, the key to better consumer protection is precise definition of the responsibilities of national regulatory bodies with respect to the day-to-day exercise of consumers' rights.

**Manuel Medina Ortega**, *draftsman of the opinion of the Committee on Legal Affairs*. – (ES) Madam President, the rapporteur, Mrs Trautmann, has said that intellectual property issues should not be part of this debate. I agree with her because I believe that protection of intellectual property, like the protection of privacy and other legal concepts, have already been defined in other legal frameworks.

However, it should be pointed out now that the protection of intellectual property is still important as regards content updates. Telecommunications have been described as super-highways where one can move freely; but if someone commits a crime on the motorway, the police step in. You cannot steal a car, drive it on the motorway and, when the police step in, say there is free movement on the motorway.



I believe that it is important from Parliament's point of view for us to restate the importance of protecting intellectual property, to restate protection for private life, to restate even the right people have to privacy, a right which at the moment is being violated by major telecommunications companies.

**Alexander Alvaro**, *draftsman of the opinion of the Committee on Civil Liberties, Justice and Home Affairs*. – (DE) Madam President, if you granted me the same speaking time as the three previous speakers, that would suit me fine. I should observe in passing, however, that I was under the impression that I would have two and a half minutes.

So as not to waste any of that time, let me thank Malcolm Harbour, Catherine Trautmann and Pilar del Castillo Vera for our truly outstanding cooperation, to which Malcolm has already referred. We tackled this issue without friction in a spirit of mutual trust and in particularly close cooperation. It is, unfortunately, too late now to correct the structural defect of having the two directives lumped together.

Nevertheless, let me say in the brief time at my disposal that I am very pleased that the Commission addressed the general issue of data privacy, albeit rather superficially. The fact is, Commissioner, that you would probably not give me your credit-card details, your telephone number and your address, even if I asked nicely. The problem, when you are on the Net, is that much of this information may well be there already, in places you cannot imagine and where you would not like it to be. To that extent I am pleased that I was able, in cooperation with other groups and Members, to help ensure that the right of consumers to have their personal details treated confidentially and their personal systems protected will be incorporated into this package.

I see that time is running out, but I do hope we shall have more opportunities to discuss this or that issue more thoroughly. May I therefore say thank you again for our constructive cooperation, and perhaps we shall manage to advance the development of data privacy in Europe for the benefit of consumers.

**Angelika Niebler**, *on behalf of the PPE-DE Group*. – (DE) Madam President, Commissioner, President-in-Office, ladies and gentlemen, let me also begin with a word of thanks to our rapporteurs Mrs Trautmann, Mr Harbour, Mrs del Castillo and Mrs Toia and to all the shadow rapporteurs both for the good work performed by everyone and for their fruitful cooperation with those who were less closely involved with this dossier.

The last legal framework for market liberalisation dates from 2002. The importance of the market has already been emphasised today. After all, if I may remind you of a statistic, a turnover of more than EUR 300 billion has been achieved by the telecommunications sector in Europe alone. Thousands of jobs depend on this market, and so it is important that we continue to develop the legal framework which has stood the test since 2002 in such a way that new chapters can be added to this European success story. To this end, of course, we must first and foremost adapt our legal framework to take account of new technological developments.

In the brief time that I, too, have been allocated, let me highlight two points that are of particular importance to me personally. The first is investment in high-tech infrastructure in Europe. We in Europe face the formidable challenge of investing as much as possible as quickly as possible in these new high-speed broadband networks. That is one of the keys to a competitive Europe. We must create the legal conditions in which these investments will bear fruit. On the other hand, we must not create new monopolies and closed markets.

In committee, we ensured that the risk involved in creating the new networks would be fairly distributed and that regulators would have to take this risk-sharing into consideration in future.

In addition, we devoted a great deal of attention to the subject of frequency policy. We favour a more flexible frequency policy in Europe. I believe a good way can be found to share out the digital dividend so as to take account of broadcasters' legitimate interests while providing as much flexibility as possible for new services too.

**Erika Mann**, *on behalf of the PSE Group*. – (DE) Madam President, I only wish to deal with two points. I should like to begin with an area in which we still have one or two matters to clear up with Pilar del Castillo Vera. I refer to the question of how the independence and autonomy of the future small agency can be guaranteed and which is the most appropriate way to fund it. There are highly diverse views on this point. I would very much like to learn from the Council how its debates on this subject are shaping up, and how the Council would like to see the creation of the secretariat or BERT – or whatever name is adopted – being guaranteed and how it envisages the funding method. In this respect, I believe the Commissioner was perfectly correct in stating that we want a European structure and have no wish to create structures that do not dovetail with the European legal system.

There are, as you know, two funding methods under discussion. The first is the mixed financing suggested by the rapporteur and the second is the proposal I made, which my group supports, that we take the funding from the Community budget. Be that as it may, it would be interesting to hear how the Council – which has, of course, had heated discussions on this point – and indeed the national regulators now stand on the funding issue.

My second question, which is also addressed to the Council, concerns the funding of the new networks. Here too, we have adopted various amendments, including one I tabled in the Committee on Industry, Research and Energy, which went into a little more detail on the possible form of a risk-sharing system if companies make the requisite investments and competitors are to have access to the networks right from the start. As far as I have heard, the Council thinks differently and does not wish to go into such detail or give companies a guarantee that any kind of risk-sharing can take place. I should be grateful for your comments on these points.

**Patrizia Toia**, *on behalf of the ALDE Group.* – (IT) Madam President, ladies and gentlemen, the slowdown of production and economic growth in Europe is also being felt by the telecommunications sector which is currently undergoing various crises. It is a sector which demands investment, which is driven by research and innovation, and which also needs a fair amount of time in which to make its own choices. I therefore think that we need to provide all possible support and that our review package regarding the regulatory framework can boost the revitalisation of this sector by providing a stable, solid and effective legal framework.

This I believe is the purpose of our work in Parliament and in the ITRE Committee. We have worked with this aim in mind: to provide a framework, as Mrs Trautmann was saying, which is less complex, clearer and more effective than the previous one, in the conviction that sometimes we do not need more rules or more laws, but instead reliable and effective instruments to apply the existing rules and sometimes even dismantle the current framework.

We have worked hard to create an open, competitive market, trying to resolve the eternal dichotomy between old, not to say historic and formerly monopolistic, operators, and new operators, by saying that there can be room for everyone in a balanced framework as long as there is business acumen and design expertise, and if the resources are available.

Finally, I think we stressed – and I in particular feel that this is a crucial point – that in a more flexible and deregulated framework the role of regulation, of the various responsibilities, of the chain of responsibility, is vital; and I concur with the Commissioner's point just now that it is important for the various bodies in charge of the essential task of regulation to have clearly defined roles and areas of responsibility.

One last point, which has been mentioned by several colleagues in addition to the rapporteur, whose work we have all praised, and that is the role of the consumer: the consumer is often relegated to the background, but we want to bring him to the fore and put him in the spotlight because he, I would say, together with business, is the real driving force in the marketplace.

**Roberts Zile**, *on behalf of the UEN Group.* – (LV) Thank you, Madam President. I would like to start by thanking all the rapporteurs on the electronic communications package for their work, starting with the organisation of hearings and ending with the preparation of the reports. I would also like to thank Commissioner Reding for her reliable and active work in the sphere of electronic communications, both on roaming and also on this package. At the same time, I am not convinced that the amendments made by the various committees to the drafts submitted by the Commission will result in the better use of resources, competition within the single EU market and efficiency for consumers. I will give you just a few reasons why.

Firstly, it is possible that the joint structure formed of the national regulators, BERT, will be a more democratic regulatory structure than the authority proposed by the Commission, but it may be that BERT will function in accordance with worse cooperative principles and will weaken the Commission's capacity to take regulatory decisions. To take a second example, the functional distribution of the telecommunications businesses, separating access to the networks from other retail products, was a courageous proposal by the Commission. It seems, though, that this separation requirement as an exceptional measure, to be imposed by the national regulator, will in fact never be used in many markets. It is no secret that in the smaller EU states the power of regulators to adopt such exceptional measures against large companies will be very limited, and so I am not convinced that in this case Parliament is making progress in terms of strengthening the single European market compared with the European Commission's proposal.

**Rebecca Harms**, *on behalf of the Verts/ALE Group*. – (DE) Madam President, to the many thank-yous we have heard I should like to add a very special one of my own. I was responsible for the framework directive in the Committee on Industry, Research and Energy, and it is thanks to the political instincts of Catherine Trautmann in media matters and her ability to work in a very structured and systematic manner that we in Parliament have perhaps been able to prevent the pursuit of a misguided media policy through the report on the framework directive. We shall see.

Commissioner, in my view, Parliament has made crucial changes to the draft framework directive as regards competition law but also, and more especially, on frequency-trading. I found that your initial proposals for the framework directive were purely market-focused and vastly overestimated the digital dividend. Thankfully, these proposals did not appeal to the members of the Committee on Culture and Education or, subsequently, to the Committee on Industry, Research and Energy. On the contrary, my fellow Members put public cultural and political interests and the general public good at the heart of their deliberations, and I believe this is reflected most clearly in the following elements of the Trautmann report:

Radio frequencies are defined as a public good and will also remain the responsibility of the Member States. Priority will be given to broadcasting in particular but also to opinion-forming services. Your attempt to force broadcasting onto the defensive has failed, Commissioner. It will be easier to introduce pan-European services – that is a good thing, as I am sure you will agree. The Member States will also have primary responsibility for further harmonisation of frequencies. If there are difficulties, decisions will not be taken by the Commission alone – Parliament will also be involved. BERT will play a major role. It goes without saying, as far as I am concerned, that its funding must be European. I hope we shall manage to ensure that it is.

Besides the framework directive and the point about frequencies, I would also like to say something about two other reports, beginning with the Harbour report. In your report, Mr Harbour, there really are some very good provisions for consumers and consumer interests. Greater consideration will be given in future to the interests of people with disabilities, for example. I also believe that you even contribute to media pluralism through your proposed rules on mandatory services.

My group does not agree, however, with the attempt that is made in the report to regulate copyright too. We do not like that at all. Neither the French model – and this is addressed to the Council Presidency too – nor the ‘three strikes’ model has our support – on the contrary. This attempt does not allay any of our concerns about copyright or about the protection of privacy on the Internet.

Let me conclude with a few words on the Alvaro report. You have spoken with great conviction once again, Mr Alvaro, about data privacy. I find, as you have suggested in your speeches, that there is no consistent line yet on matters such as the protection of IP addresses. Our experience of the telecoms scandal and the trade in addresses through call centres has shown that IP addresses must be given maximum protection, and I hope that we shall reach agreement to that effect within the next fortnight.

**Eva-Britt Svensson** *on behalf of the GUE/NGL Group*. – (SV) Madam President, I hope that many of our citizens are following this debate and becoming involved before the vote as it involves such major changes, especially regarding internet services.

The European United Left has three main areas that we would like particularly to highlight:

Firstly, the Confederal Group of the European United Left/Nordic Green Left is against the proposal to establish a new European authority in this area. It will be more expensive and more complicated. It is unnecessary to set up yet another European authority.

Secondly, greater emphasis must be placed on geographical differences and different infrastructure when it comes to electronic services. We must emphasise that access for consumers must be equal so that no more gulfs are built into our societies. There must not be any differences in access to electronic services between those who live in cities and regions with a strong economy and those who live in regions with a weak economy and sparsely populated areas. When it is not society or the state but private players who are to take over such important investments in infrastructure, there is a clear risk that not all citizens will have the same access at the same cost.

Thirdly, the GUE/NGL Group reacts against the major influence exerted by different industrial lobby groups. The telecom package should not affect copyright, but the lobbyists have nevertheless gained a hearing especially for this in the proposal. The proposals of the lobby groups which have been accepted by all groups apart from the European United Left – which was the only group to vote against in the Committee on Internal

Market and Consumer Protection – open up opportunities for controlling downloads and free access, for example to websites such as MySpace and YouTube.

The amendments came in late through the back door and without there having been any great debate among the citizens over these major changes. In Sweden, for example, we have had a wide-ranging debate about file sharing. I am working against the decision to prohibit file sharing at national level and am doing so at EU level too. The risk of now taking a decision at EU level is greater than that of national decisions as the lobby groups have had a major influence and effect in the EU system and because many citizens lack sufficient information when we are debating these issues at EU level. I hope that there will be a powerful surge of opinion from citizens to guarantee freedom of speech and access to internet services.

**Nils Lundgren**, *on behalf of the IND/DEM Group*. – (SV) Madam President, Sisyphus is my middle name. I have been elected by 15% of the Swedish people to oppose here in the European Parliament the EU becoming involved in ever more new areas and thus continuing to centralise and bureaucratised European society. This is a sisyphian task.

Telecoms is one of the areas where the EU has an important function to perform, and I view with satisfaction the proposed telecom package, which is about greater competition and greater protection of privacy, but it seems unavoidable that we will also get centralisation and bureaucratisation. In this respect, there are two elements to which I am opposed. Firstly, it is proposed that spectrum which is freed up by digitalisation should be allocated according to EU rules. Secondly, a new European Electronic Communications Market Authority is proposed.

I urge the chamber to reject both these proposals. Freed spectrum must be allocated by the Member States, and the natural solution is to develop the bodies of the European telecommunications supervisory authorities which already exist.

**Desislav Chukolov (NI)**. – (BG) Mr. President, colleagues, I wonder at the things that were said today, in this hall, and no one underscored the point of preserving the confidence of information. I call upon you that when so important a matter is discussed we in no way follow the example of the United States.

You know that under the pretext called “fight against terrorism and piracy” the supra-national oligarchy is trying to put as many citizens as possible under a total, unconditional and unaccountable before civic society control. The confidentiality of our personal information has to be preserved at any cost. I repeat – at any cost!

Currently, all telephone calls in Bulgaria are controlled. As of next year, those in power in my country want there to be full and unconditional access to all log-files and exchanged electronic messages from every single computer. This is not done out of helplessness. In Bulgaria, as in Europe, there are quite enough well-trained and capable specialists who can fight any kind of computer crime. This is being done, I repeat again, with the objective of total control over the citizens.

The right to freedom also guarantees our right to human dignity. Anyone who tries to deprive us of our dignity should be reproached and exposed, not provided with media comfort to get away with such intentions in this manner.

Some time ago, an apathetic discussion on the matter of citizens' rights in the electronic world was held in Bulgaria. The only conclusion that was made at the time was that no matter what the citizens want, they live with what is imposed on them. I am absolutely firm in guaranteeing all citizens of Bulgaria that Attack party, even at the beginning of its government next year, will repeal any encroachment on correspondence and monitoring in Internet.

In conclusion I would like to say that if our right of private correspondence is restricted once this will remain so forever. Even if terrorists begin to use pigeons for correspondence. Anyone who substitutes freedom for security does not deserve either freedom or security. Thank you.

**Paul Rübigen (PPE-DE)**. – (DE) Madam President, Commissioner Reding, ladies and gentlemen, let me begin by congratulating the Commission. We have now reached the second stage in the process of reducing roaming fees for voice telephony. I believe that this regulation has proved to be very effective in practice. Nevertheless, at the end of the holiday period our consumers will again be hit by alarmingly high bills, because too little progress has been made, if truth be told, in the SMS market and in particular with regard to data roaming.

For this reason I call on the Commission to act in this matter and create a single European market for European consumers. We cannot but observe that this part of the European internal market is not yet in working order and that there is an urgent need to establish a single market in this sphere, especially through the gradual introduction of a common flexible frequency-allocation plan. Efficient management of this scarce resource is especially important.

The digital dividend is a historic opportunity, and it will also be important for the television corporations to be able to transmit their programmes to third-generation mobiles so that we can obtain a common European media area. The digital dividend also creates new opportunities in the realm of European communications.

I would also like to emphasise the importance of implementing the decisions of the World Radio Conference on the basis of this approach, and I call on the Commission – since there is no provision for BERT to deal with these issues – to set up its own authority or group to examine these matters and enact authoritative guidelines for cooperation.

I also believe that BERT should be fully financed from Community funds, because we quite simply need an authority or institution that is committed to the European internal market and because national regulators should be granted more rights in the other Member States.

**Silvia-Adriana Țicău (PSE).** – (RO) Dear colleagues, the development of the information society relies upon the electronic communication networks and services.

The transition from analog to digital television by 2012 will release a significant range of frequencies at European level, thus enabling the development of new technologies and innovating solutions to stimulate the European competitiveness in this sector. In order to fully benefit from the digital dividend in Europe, the European Parliament supports its common, flexible and balanced approach, which enables, on the one hand, the broadcasters to continue to provide and expand their services and, on the other hand, the electronic communication operators to use this resource for providing new services related to important social and economic usages and emphasizes the fact that the digital dividend should be allocated in compliance with the principle of technological neutrality.

The use of the digital dividend may help the achievement of the Lisbon Strategy objectives by supplying improved interoperable social services, such as e-governing, e-health, e-learning, in particular for the people living in disfavoured, isolated or even rural areas.

Acknowledging the Member States' right to decide on the use of the digital dividend, we consider that a coordinated Community approach shall significantly improve the digital dividend value and is the most efficient way to avoid harmful interferences between Member States and between Member States and third countries, and to guarantee that the spectrum users benefit from all the internal market advantages.

Consumer confidence in the information society services depends on the quality of the electronic communication services, their security and the personal data protection. It is essential that the national regulatory authorities consult all suppliers of electronic communication services before they adopt specific measures in the field of electronic communication network security and integrity. I also consider that Member States should establish measures to promote the creation of a market for products and services accessible on a large scale, which shall integrate facilities meant for disabled users.

**Alexander Alvaro (ALDE).** – (DE) Madam President, this gives me an unexpected opportunity to respond to Mrs Harms' contribution, which I shall do with the greatest of pleasure, for the distinction between suggestions and facts, I believe, is certainly discernible in the report. We have essentially incorporated a judgment of the Federal Constitutional Court that created a new fundamental right. The right to the confidentiality and integrity of IT systems was the first thing to be enshrined in this legislative act. We have thus acted faster than any Member State, particularly my own. Publicly accessible private networks have also been included, services like Facebook, Bebo, etc., that have hitherto lain completely outside the scope of directive. What about cookies, similar software or other applications that transmit user data back to home base, as it were, without the consumer's prior consent – will they become a thing of the past? Consumers have given their prior consent, in principle, in respect of everything in their computers, mobiles and other applications belonging to, or even accessible to, third parties. In future, location information can only be captured anonymously or with the prior consent of the consumer. Unsolicited marketing, irritating text messages, stupid e-mails and the like – the directive will rule out all of these things. Notification of the data-protection authorities will be mandatory in future whenever any authority searches for anyone's personal data.

Last but not least, we have created a clearer framework for the notification requirement in the event of security breaches and the loss of data than has existed to date. Since we were talking about suggestions before, I do not wish to omit that we are considering how to deal with IP addresses, because IP addresses – and we must not confuse these things – are not the data that are being traded, which are personal data, credit-card details, etc., and even if they were traded – just to explain this briefly – an IP address is not necessarily a personal characteristic, at least not when your fridge transmits a message to your computer.

*(The President cut off the speaker.)*

**Seán Ó Neachtain (UEN).** – (GA) Mr President, it is absolutely necessary that wherever people live, be it in parishes, big or small, in the countryside or in towns or cities, they have access to broadband and to modern technology. Companies which base themselves in certain areas rely on a fast internet service. Unless broadband service is available in certain areas investment and companies cannot be enticed to set up there.

It is absolutely necessary that governments concern themselves with the inequality that exists between rural and urban areas in terms of digital services and broadband in order to ensure competitiveness and investments for those areas. This is especially obvious in Ireland where there is inequality because of the existence of a private company, Eircom, which controls the internet service and as a result there is a terrible disparity between rural and urban areas. I would like the Commissioner to investigate the situation, because to all appearances, neither the national regulator nor the government seems able to do so.

**David Hammerstein (Verts/ALE).** – (ES) Clearly there is only a faint shadow left of the ambitious project which the European Commission presented a year ago. This is a shame for many reasons, as consumers need independent European management, not a club of national regulators strongly influenced by national champions.

The Greens are against making the European Electronic Communications Market Authority just a club for regulators funded by them, lacking transparency and without sufficient controls or the right of veto on the part of the European Commission. The independence of the new body is questionable.

It is also a shame that because of pressure from the large telecommunications companies, access to major telecommunications infrastructures is not provided to new, innovative undertakings and there has to be a duplication of infrastructure.

The Greens advocate neutrality in technology and the unbundling of operations to do away with the dominant positions of the state telecoms giants. However, the European Parliament has been too timid and influenced by lobbies and has overlooked the interests of new, more innovative undertakings which are providing most wireless services in Europe and offer advantages to consumers.

I regret to say that overall we have allowed an opportunity to give much greater European added value to the telecommunications market to slip through our grasp. Of particular concern to us are some dangerous proposals in the Harbour report which clearly infringe the principle of neutrality of the Net as a means of communication, infringe users' privacy, threaten freedom on the Internet and, above all, clearly exceed the legal scope of the telecommunications package in terms of content, in terms of what is lawful or unlawful, legal or illegal in intellectual property, and in terms of information filters.

This package is about the infrastructure of the market, about consumers, and not how to turn Internet service providers into digital policemen.

**Hanne Dahl (IND/DEM).** – (DA) Mr President, in its current form, the telecommunications package contains many good measures. Ordinary consumers will gain easier access, and it will be cheaper in line with increases in transparency within the market. However, the package also contains some very unfortunate aspects that the previous speaker considered. The question of defining what constitutes lawful and unlawful content on websites opens the door to surveillance, registration and control with regard to all our communication and transactions over the Internet, to an extent that there are countries we would not normally consider to be democratically worthy!

We cannot allow registration, just as we cannot allow service providers to arbitrarily close traffic that someone considers to be harmful. This would be much the same as us employing an army of inspectors at Europe's post offices to remove letters that they consider to make harmful reading for the recipient. Who will have the authority to read my love letters? We must ensure that future legislation does not become an electronic straitjacket, but a framework within which the culture, societal debate and interactive life of the future can unfold.

**Jerzy Buzek (PPE-DE).** - (PL) Madam President, may I begin by congratulating Commissioner Reding. A year after the regulations on roaming we have the next package, which is very important for consumers in particular. I would also congratulate the rapporteurs. No fewer than four reports had to be coordinated, and the coordination seems to have been very successful.

The protection of consumers referred to in the regulations discussed in Malcolm Harbour's report is very closely connected with proper allocation of the digital dividend, which consumers are awaiting. It will be important – as Commissioner Reding proposed – to optimise use of the spectrum through coordination on a European scale. Television and mobile telephony are proposed as the main beneficiaries of the digital dividend, but I want to stress the importance of wireless Internet. In many parts of Europe that is the only possible means of access to the Internet for millions of citizens, especially in rural and remote areas. So if the economic growth of the sector we are discussing is particularly strong, then a significant portion of the resulting dividend should be allocated to broadband wireless Internet.

Research into optimisation and allocation of dividend is another important issue. It could be carried out by the Joint Research Centre, and I would ask the Commissioner whether this is really being considered. These, then, are the three most important requirements: consumers must be able to choose, the regulations must promote investment and competitiveness, and the internal market must be strengthened. In my view, this calls for lobbying not only in Parliament's domain but also with respect to the Council, i.e. in every member State.

**Éric Besson, President-in-Office of the Council.** – (FR) Madam President, thank you for allowing me to speak at this point; I must apologise for having to leave shortly to return to Paris.

My colleague, Luc Chatel, will answer many of the questions that have been raised during this debate. Allow me just to say a few words in response to Mr Harbour's comments on the lack of debate on the scope of the universal service. I should first like to express my agreement with the rapporteur on the fact that broadband access is a major challenge facing our societies, whether in terms of access to knowledge or essential services. As Mr Harbour said, broadband access is not covered by the current scope of the universal service. The French Presidency simply wishes to open the debate on how to ensure broadband access across the whole of Europe.

After listening to the views of the various Member States, it becomes apparent that several potential scenarios are conceivable. The first option would be to extend the scope of the Universal Service Directive to include broadband services; the second would involve freedom of choice and would enable only those Member States to include broadband access in their universal service which wished to do so; and, finally, an intermediate option would make the inclusion of broadband within the scope of universal service compulsory in those Member States where broadband has reached a sufficient level of maturity. We have therefore all been given the opportunity, under the French Presidency, to open this debate and to try to reconcile our positions; this is what the Commission likewise hopes to achieve.

I should just like to say a few words to Mrs Harms: it is not our intention to pit the development of the Internet against copyright protection. In an era of convergence, we need to develop both the channel and the content by improving the networks at the same time as encouraging the creation of content and providing support to authors. As you pointed out, France sets great store by copyright; however, the French Presidency is not seeking to impose the model that we shall be developing in France based on preventive action and graduated response, known in our country as the Creation and Internet Law.

We are acutely aware, as you said, of the need to protect both privacy and personal data. We feel that this is in no way incompatible with any other concerns that we might have.

**Bernadette Vergnaud (PSE).** – (FR) Madam President, Ministers, Commissioner, ladies and gentlemen, after months of discussions, which have not yet been concluded, I think I can say that, as a result of the work done by Mr Harbour and the shadow rapporteur, we have reached compromises that have consumers' best interests at heart. Accordingly, it is essential to encourage better competition by implementing a number of measures to require telecom companies to offer contracts of acceptable duration and to give effect to number portability within one day for subscribers wishing to change to a different service provider.

In terms of protection, the general rules on consumer protection must apply to the telecom sector; cost-control mechanisms have been envisaged as well as improvements to out-of-court settlement procedures in the event of a dispute.

Another very important issue is access to emergency services and the provision of caller location information, which must be made available in a reliable manner, regardless of the technology used.

Protection of privacy has also been a priority, as has child protection: access providers must provide customers with free parental control software.

All these developments had to be secured for the benefit of as many people as possible. Many measures therefore apply to equal access for users with disabilities and people on low incomes; the needs of SMEs have also been taken into account. The report also emphasises the need to extend the scope of universal service, particularly to include broadband; it is very positive that the French Presidency has made this issue one of its priorities.

I should now like to turn to the question of content and copyright which has tended to overshadow the rest of the improvements in the text. Our aim has always been to provide consumers with general information on infringements of copyright, in line with the Commission's original proposal. We shall be working right up to the final vote to improve the wording of the compromises by ensuring that the principle of neutrality in providing access to content is upheld. Some amendments adopted in the Privacy Directive, however, are really causing problems and we shall make sure that they are deleted.

I should like, once again, to thank my colleagues, and I am looking forward to more specific proposals from the Presidency in order to make further improvements to this text before the next part-session.

**Cristian Silviu Buşoi (ALDE).** - Mr President, the telecom package is an important step forward in modernising and harmonising telecommunications in Europe. I worked on the citizens' rights directive and, together with the rapporteur, Mr Harbour, we did a lot of work and we reached consensus on many issues.

This directive will ensure better protection of consumer rights in electronic communications. Number portability, and privacy protection and security in telecommunications are other examples of improvements brought by this directive.

We had a very delicate discussion on network neutrality. My opinion is that extreme network neutrality, as we experienced in some amendments, will make networks more congested, slower, less efficient and more expensive. Network management is necessary to run efficient and intelligent networks and to maximise the overall user experience and value. I am very satisfied that we agreed on amendments regarding the emergency number 112 and, after the directive has been adopted, Member States will make further efforts to inform and educate the public on the use of 112. The 112 number will be made accessible from the entire EU territory and Member States will have to ensure the implementation of caller location.

In addition, access to emergency services through 112 may be blocked in case of repeated misuse by the user and 112 will be more accessible to people with disabilities.

I also hope that the amendment regarding the establishment of an EU-wide early warning system will be adopted. This amendment does not require an agency in Brussels to be set up but the definition of common standards about the warning system to be done jointly by the relevant authorities of the Member States. Of course, the warning would be launched at the local level, but on the basis of common standards that would ensure that all potentially affected citizens of the EU could get and understand this message and act in a way that will save their lives.

I am very sure that the telecom package will support the efforts of companies in improving their performance and investment in new technologies and at the same time will consolidate the consumer rights of European citizens.

#### IN THE CHAIR: Diana WALLIS

*Vice-President*

**Leopold Józef Rutowicz (UEN).** - (PL) Madam President, European society and the world at large are increasingly dependent on electronic communications. They are the economy's nervous system. They are used in education, administration, health care, the media, and in lifelong learning. Alongside the tremendous benefits, electronic communications also involve a number of direct threats to citizens, institutions and businesses.

The expectations of citizens, who are less intensive users of the system, include wide access to services at the lowest possible prices, e.g. for roaming calls between EU Member States, and elimination of the threats to



users of electronic communications referred to in Malcolm Harbour's report and elsewhere. We must meet these expectations on the basis of modern technology and competitiveness, and with the financial support of the European Union, especially in rural and mountainous areas. With a view to the interaction and interconnection of these requirements and regulatory mechanisms, as well as to visibility, we should consider whether it might be advisable to combine the provisions we are discussing in a single directive. May I thank all the rapporteurs for the work they have put in.

**Kathy Sinnott (IND/DEM).** - Madam President, channels of communications are vitally important to our lives today. The availability of broadband needs to be ensured, particularly for those in remote areas and those who are challenged, such as the visually impaired. While we enjoy the freedom which the internet affords, we must recognise that with freedom come responsibilities.

I am a committed proponent of net neutrality. As the world becomes more globalised it is crucial that people have the ability to communicate freely. However, this freedom, which is of great value, must be used with respect. It must be recognised that without this respect the internet harbours the potential for abuse.

We have taken action on some of the worst abuses on the internet, such as paedophilia. However, other abuses also need to be tackled. Internet service providers must play their part in preventing their platform being used for destructive forces like libel, hate and exploitation. I would say to the Commissioner that we need to do everything in our power to protect freedom and, at the same time, to promote responsibility on the internet.

**Jacques Toubon (PPE-DE).** - (FR) Madam President, Minister, Commissioner, ladies and gentlemen, this work has been outstanding. The result that has been achieved by our committees is a balanced one, and, Mr President-in-Office of the Council, you were quite right to want to take it fully into account. I should just like to congratulate my colleagues, Catherine Trautmann, Pilar del Castillo and Malcolm Harbour, on their work.

That being the case, I have no problem telling Mrs Trautmann that I do not agree with her view that we should exclude completely any reference to intellectual property rights. Over and above the platforms and channels that we are discussing, especially in her report, what is of importance to us all is what these platforms and channels allow us to access, in other words, content. Mr Guardans, Mr Medina and Mr Mavrommatis have made that point very well indeed, and I agree with them.

In the Commission text, two references had been made to this issue; it would have been better to have retained them. The debate is now focused on a reference made to the 2001 and 2004 Directives on copyright and on cooperation among the various stakeholders. To what end? To promote legal offers – in other words, content that will enable our industry and our cultural diversity to prosper. The criticisms that have been levelled at these texts – some of which I have heard repeated even here in this Chamber – have, for example, raised the spectre of the Olivennes Agreement. However, the model that we should follow is the Memorandum of Understanding that was adopted on 24 July by the UK Government, OFCOM and the various stakeholders. As far as I am aware, they do not support bureaucracy or Internet dictatorship.

The point is not to prevent laws from being enforced in the Member States, to ensure reconciliation with fundamental rights, and not to prevent new technologies and the new economy from acting for the benefit of our cultural diversity, our cutting-edge industries and the intelligence and talents of European citizens, for these are our most important weapons and our greatest assets in global competition.

**Evelyne Gebhardt (PSE).** - (DE) Madam President, like Mrs Vergnaud, I welcome that one part of Mr Harbour's report which relates to consumer protection and which contains numerous very good decisions. Universal access to these services is a very important principle, and that cannot be emphasised enough. I can assure you once again, Mr Harbour, that this part of the report also has the full backing of my group.

There are, however, parts that require revision. You are quite right, Mrs Reding. In your introductory remarks, you expressed surprise that the European Parliament should seek to dilute the protection of personal data. May I say to you that this is not the opinion of Parliament, for Parliament is not due to vote for another two weeks, and only then shall we see what position it takes on these matters. Until then, we shall be sorting out all the things that are still in a bit of a mess. I promise you that there will be no dilution of data privacy from our group. If no satisfactory agreements materialise in Parliament on data protection, network access and network neutrality, my group will be unable to vote in favour of the package, and then we shall have to see how we move on from there.

**Erna Hennicot-Schoepges (PPE-DE).** - (FR) Madam President, Commissioner, I should like to congratulate you on your dedication, and, of course, I should like to congratulate the rapporteurs and especially Mrs Trautmann, who has worked extremely hard to reach this consensus, which she wanted to be neutral and to have no sectoral distinction. However, as regards rights to use spectrum, it should be noted that investment and depreciation cycles differ from one sector to the next. However, the provisions of the text on the allocation and harmonisation of frequencies and licences place satellite operators in a situation of legal uncertainty given the specific nature of their sector. The new Article 8a, proposed by the rapporteur, does provide certain guarantees, but the wording of this clause must be tightened up in accordance with the principle of subsidiarity and ITU rules. A number of questions also remain open regarding the substance and scope of the Commission's negotiating mandate.

Regarding Mr Harbour's report, I should like to raise the issue of the definition of 'publicly available telephone service', as laid down in Article 1, point 2b. This definition should apply only to two-way services, in accordance with the definition given in the Privacy Directive. Voice over Internet Protocol (VoIP) and games consoles are in no way comparable to traditional telephony services. Their assimilation as such would create a regulatory framework that inhibits innovation and provides uninformed users with tools that they do not see as being intended for certain uses, for example, the possibility of making an emergency call from a games console which can establish one-way communication. It is therefore important to limit the definition to two-way services.

Regarding copyright, I should like to endorse the comments made by all my colleagues who have raised this issue.

**Francisca Pleguezuelos Aguilar (PSE).** - (ES) First I would like to congratulate the rapporteurs on the good work they have done. This reform achieves the objectives set and adjusts to new times and new challenges, both for businesses and for consumers.

Allow me to dwell, however, on one particular point in the Harbour report. It is true that the rapporteur has done a magnificent job but I believe that we should not tackle the group of final amendments on the content of the Net here, in this directive, because in short what those amendments do is allow intermediate service providers to filter and block content on the Net and therefore, ultimately, consumers will lose their anonymity.

Ladies and gentlemen, this stance runs counter to Article 12 of the Electronic Commerce Directive, which already states that intermediate service providers must act as neutral intermediaries when they transmit electronic information.

In a State governed by the rule of law, we cannot do things to the Net which we would not do to other forms of communication. Therefore I ask Mr Harbour to withdraw those amendments so as to restore the balance between copyright and the rights of Internet users.

**Zita Pleštinšá (PPE-DE).** - (SK) I should first of all like to thank the rapporteur for an excellent report. Work on legislative packages is never easy and I welcome its cogency.

I too should like to emphasise that the main objective of this package is to produce better communications services in the use of mobile telephones and broadband internet or cable television connections for consumers. I think that, thanks to our rapporteur, Malcolm Harbour, consumers will be better and more quickly informed.

If consumers decide to change providers, comparable offerings are often unavailable and the process of number transfer still takes far too long. I therefore welcome Malcolm Harbour's report, on the basis of which providers must supply consumers with transparent and above all comparable prices and changing providers while retaining existing numbers will be possible in just one day.

Despite the fact that I would never wish anyone to have to dial 112 for an emergency, it should be emphasised that, on the basis of this directive, the emergency services will have access to information on the caller's location, allowing them to provide assistance more quickly and effectively.

The switch to digital transmission will release spectrum, which should be able in future to provide for broadband internet connections in even the most remote corners of the EU. Commissioner, I believe that the Commission will ensure the most effective use of this 'digital dividend' in the interests of every consumer.

**Stavros Lambrinidis (PSE).** - (EL) Madam President, ladies and gentlemen, we live in a world where everyone, governments, private companies and criminals alike, seek the greatest possible access to our electronic data, in the most unrestricted way possible.

For this reason, any changes to the e-Privacy Directive must do exactly what its title implies: ensure the greatest possible protection of our personal data and private lives.

I am therefore opposed to any attempt at weakening the definition of a piece of personal data relating to European citizens, because since it is personal, it is protected by law. The exceptions sought, especially for IP addresses, covertly contravene existing European legislation.

Furthermore, I do not think that Internet service providers should be allowed to judge for themselves which breaches of their network security harm their users and which do not. They should not decide for themselves when to inform users and the authorities about even blatant acts of neglect.

I respect the role and contribution of private companies, but the economic interests of the Internet giants must not be allowed to dictate the laws adopted by Europe to protect the fundamental rights of its citizens.

**Ruth Hieronymi (PPE-DE).** - (DE) Madam President, many thanks to all the rapporteurs for their work, which was truly excellent. Let me, however, deal with two specific points. The European Union is not only an economic community but is also pledged to uphold common values, and that is why the protection of private data is a vital concern. At the same time, however, technical progress and the protection of cultural and creative works must not be regarded as conflicting aims. Both will be key factors in our future competitiveness. That is why I, along with many other Members who have addressed the House today, am appealing earnestly for a strengthening of the position of holders of rights, in other words those who want to have their copyrights protected. No one else needs this protection, hence the introduction of models for cooperation with Internet service providers. A step in this direction reflects technological convergence as well as convergence in the reinforcement of copyright.

**Katerina Batzeli (PSE).** - (EL) Madam President, Commissioner, when managing and allocating the radio spectrum we must ensure full and effective access for all citizens to this public asset.

The proposals in the reports by Mrs Trautmann and Mrs Toia on the radio spectrum and digital dividend place the issue on a firm footing from the outset. They point first and foremost to the social, cultural and democratic significance, and to the new opportunities offered by the digital dividend we ought to be offering European citizens.

The debate on the digital dividend should not boil down to a black-and-white choice between commercialisation and social benefit. Mapping out a significant strategy at national level, allowing each Member State to set public interest objectives and fulfil and coordinate them – these are the entirely achievable actions we can take at Community level.

However, the new approach taken by the Commission for greater harmonisation at EU level with regard to how to allocate the radio spectrum on the basis of common administration criteria, such as the principle of neutrality of services and the extension of the principle of a general licence, seems to ignore the public nature of the radio spectrum and to favour the commercial aspect.

For this reason, I consider that we must disagree and that we must continue with the proposals put forward by our rapporteurs.

**Dumitru Oprea (PPE-DE).** - (RO) Thanks to the report under consideration, there is an opportunity to stimulate, by making the best of the digital dividend, the larger scale use of broadband technologies in rural, isolated or disfavoured regions, taking into account that there are still many places where digital technology is entirely absent or access to digital services is not possible due to the absence of infrastructure.

I support the acceleration of the drafting, by the Member States remaining behind, including Romania, of national strategies regarding the digital dividend, which shall implement measures designed to enable a faster and easier access of citizens to interoperable social services, in particular to those enabling access to educational, professional training and health systems.

We draw attention to the carefulness necessary to ensure the best possible transparency as regards the reassignment of frequencies released and the investments in next-generation infrastructures, so that all the European Union countries could have access to them.

**Arlene McCarthy (PSE).** - Madam President, I want to take the opportunity as Chair of the Committee on Internal Market and Consumer Protection (IMCO) to thank Mr Harbour and the shadows for producing what I hope this Parliament will consider a balanced and workable proposal on universal services.

I want to draw the attention of this House to one provision – an amendment I made and backed by the committee – to make the introduction of the 11 6000 missing child hotline a legal obligation on all Member States. The Commissioner will be aware that a recent report has shown that, a full 18 months after its introduction in 2007, only seven Member States have assigned the missing child hotline. The voluntary approach is clearly not working. Across Europe every year approximately 1 30 000 children go missing.

These statistics show that this is an area where Europe can help, must act and must identify, track down and recover missing children. Therefore I urge the European Commission and the Member States to support this provision, to speed up the implementation of the missing child hotline and give a major boost to Europe's efforts for an EU-wide missing children amber alert system.

**Pierre Pribetich (PSE).** - (FR) Madam Speaker, I should like to commend Mrs Trautmann, Mrs del Castillo, Mrs Toia and Mr Harbour for a job well done.

How do we reap the full benefits of the digital dividend? That is the question. It is certainly the case that digital broadcasting is releasing and will be releasing frequencies. I deliberately use both the present and future tenses of the verb 'to release' in order to emphasise the fact that this change is not going to come in a flash, with a snap of the fingers; this is something that many players seem to have forgotten when arguing their case. In addition, the amount of investment is likely to frighten off many investors before they can even think about recouping this EUR 250 billion providential windfall. The distribution of these constraints must therefore be factored into our policies.

I should like to use this rather short speaking time to emphasise the compelling need to establish a European frequency policy in which Parliament will be involved as a major player: as such, it will need to be aware of the limitations imposed by the physics of electromagnetic waves, be mindful of the need for frequency spectrum management and show due regard for the role to be played by standardisation bodies in making optimal use of this scarce resource, whilst always bearing in mind the general interest of our fellow Europeans.

I should also like to remind the Commissioner that the roll-out of fibre-optic networks, to paraphrase Jean Cocteau, certainly needs grand declarations of love but it also needs tangible acts of love, accompanied by European funding included in the budget in order to carry them out, to build these broadband networks and to prevent the digital divide in Europe.

**Luc Chatel, President-in-Office of the Council.** - (FR) Madam President, at the end of this debate, I should like to start by thanking you, ladies and gentlemen – I found that both the quality of your deliberations and your commitment to this subject highlight the importance of telecommunications in current European debates. In Europe today, we are seeking economically strategic issues that are of relevance to our fellow citizens. Telecommunications clearly illustrate a major strategic challenge – you have noted their potential impact on European growth – but, at the same time, they concern issues that affect the daily lives of our citizens; this is precisely the kind of issue that Europe needs. After all, it is telecommunications that to a certain extent give Europe a human face.

I should like to commend the very broad consensus that I observed during this debate between Parliament and the Council, particularly on improving spectrum management, enhancing consumer protection and restricting the use of functional separation in order to prevent it from becoming widespread, which is an issue that has been raised several times. I note, however, that our institutions will need to continue working on a number of issues in order to reach a compromise. I am referring, of course, to the introduction of the Commission's right to veto remedies and also to the legal form and the financing of the alternative to the European Regulatory Authority, since its role and remit appear to be shared by Parliament and the Council.

I should like briefly to come back to three issues: the first concerns precisely this question as to how this new body, which has been mentioned by several speakers, is to be financed. As you are aware, ladies and gentlemen, the Member States have not yet adopted a clear stance on this issue and, needless to say, the method of financing will depend primarily on the legal form and remit of that body. As you know – I mentioned this earlier – a majority of Member States still have some reservations about the idea of establishing an additional body. The Council will therefore have to strike a balance between the various options that have been mentioned this afternoon.

With regard to next-generation networks, another issue that was raised, I believe that, as Mrs Trautmann quite rightly pointed out, in order to promote new networks – next-generation networks – the primary concern is to continue to promote competition, particularly competition in infrastructure, which provides an incentive for investors and encourages risk-sharing between the various operators. As you are aware,

discussions are currently taking place in the Council. There is, however, an urgent need to address these issues which require further action and more short-term measures. As you know, the Commission has published a draft Recommendation on this issue; perhaps the Commissioner would be good enough to elaborate on this.

The third issue that I wanted to address, which was likewise mentioned by several speakers, is, of course, the issue of the protection of personal data and, more generally, issues related to content, rather than the channel used to convey content. Éric Besson already said a few words on this subject; I believe that the objective of the French Presidency is not to pit one issue against another or to impose a specific model, but I did appreciate the comments made by a number of speakers this afternoon who said that, whereas we are clearly building this future economy, this future source of growth, for the benefit of the European economy, we must also do so to enable our culture and our cultural players to increase their presence in the global arena. Therefore, I do not think that we can separate the two issues, although I know that other interested parties are also holding important debates on the subject. We have to bear in mind that any efforts to modernise this infrastructure must also be aimed at promoting the dissemination of our content and the protection of copyright with a view to preserving the creative process in the European Union.

Madam President, Commissioner, ladies and gentlemen, that concludes the comments I wished to make in order to wind up this debate.

**Viviane Reding**, *Member of the Commission*. – (FR) Madam President, what do we want to achieve? We want to ensure that all citizens, wherever they live and wherever they travel, enjoy fast access to multiple, safe and affordable services. We want all citizens to have access to a wealth of content that reflects European cultural diversity.

We want strategically important companies to contribute to economic growth and job creation by developing new infrastructure and a wide variety of content. We want the establishment of an unfettered single market, enabling the continent of Europe to lead the way in terms of connectivity, communications and new technologies, but we also hope that Europe will play a leading role in the protection of consumer rights and citizens' privacy. That is what we all here want to achieve, and I think that the many and varied views that have been expressed by this Parliament are directed along these lines and are calling for the adoption of balanced decisions in order to make it possible to reach a consensus.

Of course, none of this would have been possible without the work of the rapporteurs. I should like to pay tribute to them because they have often managed to square the circle. This is a remarkable feat that has been achieved by our rapporteurs but also by Parliament's committees and by the coordinators.

In the coming weeks, we must all – whether it be the Commission, the Council or Parliament – try to bring this project to life, a project that is capable of moving our continent forward and generating a consensus between the Council and the European Parliament. As for myself and my colleagues at the Commission, we shall play the role of honest brokers in order to make this possible.

**Catherine Trautmann**, *rapporteur*. – (FR) Madam President, at the end of this debate, I should like to thank the Council and the Commissioner for listening so carefully to what we had to say; this has enabled them to see that there is quite considerable consensus, a great deal of agreement, in our Parliament on the telecom package.

Nothing could be more common in our everyday lives than a mobile phone, a television set or the ability to communicate. The Single Act established the mobility of persons and goods as a fundamental right, a fundamental freedom. As Mr Paasilinna said earlier, communications are also a fundamental right and a means of giving Europe a soul, sustaining its existence and connecting its citizens. We must therefore have the necessary ambition to make a success of this telecom package.

I therefore urge the Council not to proceed with a compromise or with a willingness to compromise that might unbalance the various points on which we have managed to reach agreement. Between us, and with the help of my colleagues, Malcolm Harbour, Pilar del Castillo, Alexander Alvaro and others – it would be impossible to mention them all – we feel that we have already achieved a great deal on the basis of common sense and shared determination.

In response to the remarks directed towards me earlier by Mr Toubon, I should also like to say that I cannot be criticised for not wishing to take into account the need to support the creative process in Europe. I believe

that it is a powerful driving force for innovation, both in terms of the diversity and the intellectual value that it brings, which is absolutely critical in this day and age.

However, we must also take into account the freedom that must be guaranteed in our texts – we have adopted extremely important texts on the protection of personal data, and we are the only ones to have done so in the world today. We must reconcile these two aspects. There is no conflict between the two: the objective is the same, namely to protect both creative freedom and the freedom of each individual. It is in this spirit that we shall continue to work to improve our proposals.

**Pilar del Castillo Vera**, *rapporteur*. – (ES) Madam President, in this final speech I wish to thank the Council for its understanding approach, which has again been in evidence today. I would also like to thank the Commission very much, especially the Commissioner, for the awareness she has always shown in what I would term her fireproof advocacy of a more competitive electronic communications market and consumer protection. I also wish to express my thanks above all to my colleagues who, here today as on so many days in the past, have shown the extent to which they are aware of the importance of this sector to European economic growth and, therefore, to the employment and welfare of all European citizens.

I would now just like to ask the Council, in this final stage and until the end of the current Presidency, to give this telecoms package at least the same priority as that given to energy – I know energy is very important but this package is no less important – so that we can move forward from the balancing point we have reached, as referred to just now by my colleague Mrs Trautmann.

Parliament is offering a number of proposals which, in my view, are generally fairly well balanced, and will produce a satisfactory outcome to negotiations with the Council and the Commission. Thank you very much. We have high expectations of the Presidency in that regard.

**Patrizia Toia**, *rapporteur*. – (IT) Madam President, ladies and gentlemen, I too would like to thank all the shadow rapporteurs and would just like to draw attention to two points. Someone in this House said that we have adopted a positive approach and I think that this is a trait which characterises all our work, in the agreements that we have reached and in those still to come.

A positive approach means that we have taken a realistic look at the interests at stake, at the value of the industries, at the work performed by workers in this sector and therefore at its significance in the European economy as a whole, but also at the role of the citizen, the consumer, starting with the least advantaged, who are set to benefit from the digital switchover if they are helped to make this transition: I know that some countries, including France, are running information and support campaigns in this connection, but if not followed up these citizens might well have difficulties.

We therefore approached the matter from the consumer, or user, point of view; we looked at the possibility of having new services, even telecommunications services, which are better suited to new requirements, to the need to be better informed, more integrated into the great information network scenario. I think that when Europe adopts this sort of approach, and the market too as far as the consumer is concerned, then Europe comes closer to its citizens; and I think that the roaming costs initiative gave Europe a positive image in the eyes of many citizens and young people, who perhaps did not fully understand the role it could play in specific decisions affecting their life, their finances and indeed their personal budgets.

The second point concerns a balanced approach. I think this is an approach which balances the many interests at stake, even the conflicting ones cited by Mrs Trautmann, and also the many sectors concerned; and here I am thinking of the digital dividend. To have said that there is space for the various operators from the telecommunications to the audiovisual sector in a context which saw a meeting between representatives of the Committee on Culture and the ITRE Committee means, I think, that we have tried to adopt a balanced approach, and hopefully have succeeded.

Finally, I would like to see a strong European approach. To me it would be completely incomprehensible if the proper subsidiarity authorities, the inalienable powers of the Member States, were to prevent the exploitation of that added value which Europe absolutely must manage to exploit. I would like to call on the Commission and the Council to play up this ability to coordinate, harmonise and, in my view, act as Europe's political guide.

**Malcolm Harbour**, *rapporteur*. – Madam President, I find myself in the uncharacteristic position of having the last word in this major debate so I will perhaps make a few broad-ranging remarks at the end.

But first of all I would like, regarding my own report, to thank the many colleagues who have contributed and have reinforced the determination of our committee to make and carry forward those improvements. I would like to assure my colleagues that over the next couple of weeks we will be working to make those further improvements, particularly around the areas of data protection, on which we had a very successful meeting this morning; I think we can reach an agreement there. On the question of data-breach notification, it is perhaps not surprising that we still have work to do because that was an entirely fresh piece of work that we did. I cordially invite the Commission, who have already been involved, to help us complete the drafting because, after all, it was not in their original proposal.

The other point I want to make is addressed to Mrs Harms, as she is the only representative of the Green Party here. I was absolutely astounded to hear from her colleague, David Hammerstein Mintz – who I get on very well with – that he considers my report to be dangerous to net neutrality. We have spent a lot of time crafting a new proposal to actually allow regulators to intervene if they see net neutrality being trespassed upon. Yet Mr Hammerstein Mintz comes to this Chamber, without talking to me beforehand and without submitting any alternative, and tells me my report is dangerous. All I would say to Mrs Harms is that if the Green Group continue with this sort of scaremongering and demonising of our report, it will be dangerous for consumers because it will endanger everything else. I cordially invite them to come round our table and to say why our report is dangerous. Let us see if we can satisfy their concerns. Many of you may well even be receiving daily e-mails. I had one telling me that this report is a danger to net neutrality. All I can say to you is that our intention is entirely the opposite.

In conclusion, we now all have a huge responsibility to help the French presidency reach agreement. I want to emphasise that point. There is a lot of uncertainty out in the real world, among the people who are poised to make the big investments – the next-generation networks – who want this package settled as soon as possible. We can help do that by working together as we have done successfully. It is a really big responsibility. I pledge from my side – and I know my colleagues will come with me on this – that we will spare no effort in working with the French Presidency. I want to pay particular tribute to Mr Chatel and Mr Besson for their deep engagement to this whole process and their real knowledge of the issues. Together I am sure we can get this package through in the quickest possible time.

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

The vote will take place at the next part-session.

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

**Ivo Belet (PPE-DE), in writing.** – (NL) The new telecoms law that we are discussing today has far-reaching consequences for all of us Internet and telecom users.

Our Internet privacy is to be better protected. Personal information stored on the computer or sent on the Internet (including your surfing profile!) cannot be used (misused) unless you have given your express consent beforehand.

Cooperation between the content industry (mainly music and film) and telecom operators is encouraged in order to deal with the problem of piracy (illegal downloads). It is important for consumers to be well informed on what can and cannot be done on the Net, but access to the Internet must in no circumstances be denied.

It will be easier for people to take telephone numbers with them when changing operators. It should not take more than a day to transfer a number, subject to measures to prevent abuse.

It is to be hoped that we can quickly reach agreement on this and that subscribers can enjoy the benefits of these improvements as soon as possible.

**Bairbre de Brún (GUE/NGL), in writing.** – (GA) In today's highly connected, globalised world personal privacy and data protection should be priorities for all of us. Privacy should not be compromised as happened in the case of the Harbour Report. It is not the business of a national or European body to monitor, in an intrusive way, the use people make of the internet.

The European Parliament must act to undo some of the more regressive elements of this Directive. As things stand, the connection that companies and state bodies have with the private use people make of the internet could increase through this Directive. The protection of intellectual property rights cannot be used as an excuse to allow irresponsible bodies access to personal and private data.

**András Gyürk (PPE-DE), in writing.** – (HU) Approving the package of legislation on the agenda is an important step forward in letting broadband communication technologies gain ground. It is crucial for these to spread so that, in line with our intentions, Europe can really become one of the most competitive regions. We now only have to make increased efforts for effective telecommunications regulation because the development of this sector can make a great contribution to increasing employment.

The opening of the telecommunications market has gathered pace since the second half of the 1990s, noticeably improving the level of services. However, we feel that there is still a considerable amount of work to do in the areas of strengthening competition and consequently breaking down consumer prices. In addition to all this, the emergence of new technologies makes a review of the current legislation topical.

We feel it is a very happy development that a prominent pillar of the new framework regulation is a review of frequency distribution practices up to now. In our opinion, the principle of technological neutrality must prevail in this matter, in the interests of increasing competitiveness. It is also an important result that there will also be a new framework for cooperation by the national regulatory authorities in the future.

We should welcome the fact that the new regulation also has a legislative effect on consumer protection that is by no means negligible. It creates more transparent conditions for setting prices and reinforces the freedom to change providers. We feel that the importance of the framework regulation that is to be adopted lies in the fact that it will increase market competition without overlooking an appropriate level of consumer protection.

## 11. Question Time (Council)

**President.** – The next item is Question Time (B6-0457/08).

The following questions are addressed to the Council.

Question No 1 by **Manuel Medina Ortega** (H-0527/08)

Subject: Policy on the supply of agricultural products

In view of the fact that fear of a food shortage has caused alarm at international level (thus prompting certain countries to restrict or impose special taxes on agricultural products intended for export), is the Council now considering the possibility that the common foreign and security policy should focus on the security of the supply of those products and encompass specific agreements with the main countries which supply them?

**Jean-Pierre Jouyet, President-in-Office of the Council.** – (FR) Madam President, Mr Medina Ortega, at its meeting of 19 and 20 June this year, the European Council acknowledged that the recent escalation in food prices is a source of anxiety both in the European Union, where the crisis mainly affects low-income households, and internationally with particular reference to the developing countries. The reasons behind this phenomenon are complex. The first is the growth in global demand, especially among the main emerging economies. The second is related to rising production and transport costs, caused in part by the rise in oil prices. The third is linked to the way the financial markets work, to the speculation on international markets and local food markets. Lastly, some major producing countries have had bad harvests because of poor climate conditions. The General Affairs and External Relations Council next month will consider these questions again, looking firstly at the need to improve food security in coordination with the United Nations, and secondly at the international financial institutions and the G8. The IMF and the World Bank have scheduled meetings and I am very pleased that Mr Ban Ki-moon, Secretary-General of the United Nations, has set up a high-level team to consider the food crisis. The European Union will play a full part in implementing the declaration made at the high-level FAO Conference held in Rome on 5 June this year. Obviously, we will also have to draw on the upcoming United Nations and World Bank meetings, in order to develop and deepen activities aimed at boosting food production in the affected developing countries.

As you can see, the main policies that are concerned in this food crisis and can help resolve it are agricultural policy, development policy and trade policy. The CFSP to which Mr Medina Ortega referred can make a contribution here, but only marginally, in the context of the political dialogue it is conducting with third countries aimed at encouraging them to formulate better agricultural policies; that would improve food security in the developing countries and strengthen regional integration in the most seriously affected areas.

**Manuel Medina Ortega (PSE).** – (ES) Thank you very much for your reply. I see that the Council is indeed concerned about this matter.



I would like to point out that hunger has been a constant feature of European history, for example the famous potato famine in Ireland which led to the depopulation of the island; many other parts of Europe were also depopulated by famine, for example Ukraine.

We are living in a time when we have been given a reminder of what can happen; we are discussing a community of 500 million people who for the most part consume foods from abroad.

Does the Council not believe that the time has come to draft an overall policy for comprehensive food security and for that food security policy to be one of the general policies of the European Union so as to ensure that this type of mass famine does not recur in the future?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Mr Medina Ortega is quite right. I think that during our review of the common agricultural policy, at the meetings we will be holding on development policy and the exchanges of view and summits we will be organising with the developing countries, the Council will indeed focus closely on the question of food supplies and food security. They are two separate issues although they must indeed be looked at together. In any case, one of the French Presidency's ambitions, looking in particular towards the October European Council, is to raise these issues and to look at them together.

**Jim Allister (NI)**. – Rather than the bizarre notion, proffered in the question, of looking at food security under the common foreign and security policy, would it not be better to return to food security as an original prime objective of the CAP, as President Sarkozy promised in his notable speech at the Paris Agricultural Show in February? He set food security, and the EU contributing more to food production in the world, as his top objectives in revamping the CAP. What progress can the French Minister report towards the attainment of those objectives?

**Paul Rübzig (PPE-DE)**. – (DE) Madam President, Mr President-in-Office, we have here a paradigm shift from overproduction in Europe to fear for the security of our food supplies. Do you believe that the WTO negotiations that are now being conducted under French chairmanship have any chance of reaching a satisfactory conclusion by December?

Do you believe that the world market could be a golden opportunity for our agricultural sector? We have seen, of course, that prices have risen very sharply and that these prices naturally offer entirely new income opportunities for our own farmers in countries like France, Britain and, above all, the new Member States, and they would also create great income prospects elsewhere, especially in the LDCs, the poorest of the poor countries.

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) In reply to Mr Allister let me say that I do indeed believe that food security must be a prime objective of our review of the common agricultural policy. It is one of the objectives we want to highlight when we review the common agricultural policy. When we undertake that global review we must, therefore, try to look not only at quantitative CAP objectives but also consider more qualitative aspects, so as to ensure that all our fellow citizens, wherever they may live, have access to high-quality food products.

In regard to Mr Rübzig's question, let me point out that today we are indeed benefiting from high world prices, which is an opportunity for European exports. Given global demand as a whole, we may also turn out to be importers in various areas or find out that we are not producing enough. During the multilateral trade negotiations Europe did what it had to do and, as you know, made a number of concessions in regard to reforms, in the framework of the CAP agreements. It turns out, to our regret, that other countries are responsible for the blockages. It is true that the Doha Round on development should pay more attention to the aspects of food security and balanced global food production than it is doing at present.

**President**. – Question No 2 by **Marie Panayotopoulos-Cassiotou** (H-0529/08)

Subject: European Youth Pact

All areas of policy, in particular facilities for education and lifelong learning, employment and mobility, social integration, health and the possibility of independence and support for initiatives concerning entrepreneurship and voluntary work, concern young people in the European Union. Will the Council, therefore, say how it intends to implement the European Youth Pact (7619/05) and to invest in policies which have an impact on young people?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Mrs Panayotopoulos-Cassiotou, you rightly point out that a whole range of policy areas concern young people. Thank you for doing so. Youth policy is cross-sectoral by its nature. It is precisely the purpose of the European Youth Pact that the European Council adopted in 2005 to mainstream the dimension of youth into various policies, in line with the Lisbon Strategy.

Our objectives are simple, namely to improve the educational potential in Europe, training, youth mobility and the vocational integration and social inclusion of young people. We know that together we must make that pact even more effective and that we need concrete results. To help us achieve that, as from 2009 the Commission will be drafting a three-yearly report on youth. That report will provide an in-depth analysis of the situation of young people in Europe and thereby help us to highlight their concerns.

The EU certainly has major responsibilities here, but today, under the Treaties, Member State action is even more vital and we must ensure that within the EU we focus on best practice, whether at national, local or regional level. We must promote all forms of synergy between the actors involved, such as enterprises, schools, associations, employment bodies, youth workers, researchers, families and also the social partners. In that context, the Presidency of the Council is particularly concerned with promoting cross-border mobility for young people. This issue will come up at the Council of 20 and 21 November, which will consider the report on mobility by a high-level group of experts headed by Mrs Maria João Rodriguez. We want to see Erasmus, which has proved a great success, expanded. We know that cannot be done overnight, but we hope Erasmus will become more democratic, more broadly based.

We also want to promote Leonardo-type apprenticeship programmes at European level. Under the French Presidency we are looking to organise a major event focusing on developing the mobility of apprentices. Similarly, under the French Presidency we want to make the health of young people one of our youth policy priorities, to obtain a better idea of health issues specific to young people, whether relating to hygiene or to combating addiction – to tobacco, alcohol and, of course, drugs.

In 2009, the Council will play an active part in the general process of evaluating European cooperation in the field of youth. Given that this will be a long-term process, it is important to ensure continuity of action between the various presidencies, which is why we have worked with the presidencies to come, the Czech and Swedish Presidencies, to ensure the continuity of this policy that is so crucial to the next generation of Europeans.

**Marie Panayotopoulos-Cassiotou (PPE-DE)**. – (EL) Madam President, I thank the President-in-Office of the Council for his reply and wish the French Presidency all the best in attaining its goals.

Following the conclusion of the Pact there was certainly also an agreement by the Council on the quantitative attainment of targets: a 10% reduction in school absenteeism and a clearly defined quantitative reduction in youth unemployment over a specific period of time after graduation.

To what extent have these been attained at a time when statistics tell us that youth unemployment is still very high?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) It is true that youth unemployment remains very high, although on average the situation within the Union has improved over recent years.

I think we must focus on three areas of action. First, we must ensure that we genuinely adapt training more closely to market requirements, especially to the needs of the employment market, and that training systems are more closely aligned to the competition strategy pursued under Lisbon.

The second is to establish a dialogue with the employers, with the social partners, to promote greater social responsibility on the part of enterprises and the social integration of young people. In that respect all enterprises based in Europe, especially the biggest ones, have a major responsibility.

Thirdly, I believe that in the field of education we must also aim to create networks of excellence and promote mobility between our countries, just as we must promote the mutual recognition of diplomas and qualifications, so as to make the European labour market more fluid.

**Jörg Leichtfried (PSE)**. – (DE) Madam President, Minister, I would like to refer to a specific circumstance that I consider to be very important in the context of this issue. In all the EU-wide surveys that have been conducted, it keeps emerging that it is young people who have the greatest enthusiasm for this European Union. Young people are also the group who most often believe that they can benefit from the Union, in contrast to its fiercest opponents, who are mostly elderly, intransigent, disillusioned men.

It would interest me to learn whether, in the framework of this pact and perhaps in other frameworks too, you have projects that could further stimulate this interest, this favourable response to Europe, among young people.

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Madam President, Mr Leichtfried, perhaps I can present my views in a rather less polarised manner. I do indeed believe that young people are enthusiastic about Europe and it is true we must draw on that, which is not to say that members of another generation, those who built Europe, are less enthusiastic. Unfortunately you have people for and people against at European level. Opinion polls also show – as we saw again recently – that the opponents may sometimes be more radical, and we must do more in-depth work in this regard.

On the planned pact to mobilise young people and make the concept of Europe more concrete, I believe very strongly that we must promote the cross-border mobility of our young people and that – thanks to these programmes, which will receive more funding, although I know this will take several years and is a long-term project – when we review the framework of our common policies we must look at programmes aimed at further improving the mobility of our young people and children, be they students, apprentices or young employees on work experience or vocational training schemes.

I believe that is how we will really make the concept of Europe more concrete, ensure that their enthusiasm bears fruit and produce the new generation of Europeans you and I both hope to see.

**President**. – Question No 3 by **Robert Evans** (H-0532/08)

Subject: EU overseas territorial anomalies

Does the Presidency deem it anomalous to have a country in South America considered to be a part of the European Union when at the same time we are stalling entry negotiations with Croatia, Turkey and other European States, who clearly have a stronger geographical claim?

In the current post-Irish referendum climate, how does Council envisage processing applications such as these? Has this ever been discussed in Council?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Mr Evans, I am glad you are here because I am not quite sure what this question means. Perhaps I have not understood it properly and you will be able to clarify it.

There are, in South America, certain outermost regions that form an integral part of the European Union and are, by that token, eligible for specific policies. There is not, however, any South American state as such that is a member of the European Union – I am being very cautious here for perhaps I did not understand all the nuances of the question.

As for Turkey and Croatia, there has been notable progress since we opened negotiations with those countries. In the case of Turkey, for example, the screening process, which is the first formal step for each chapter, has been completed for 23 chapters; eight chapters have been opened to negotiation, and for one of them the process is provisionally closed. Our presidency believes it will be able to open two further chapters.

In the case of Croatia, the screening has concluded. Twenty-one chapters were opened, of which three are provisionally closed. There was an accession conference on 25 July this year and the first, rather sensitive chapter on the movement of goods was opened and Chapter 20, on enterprise and industrial policy, was closed. As you know, progress with the negotiations depends mainly on the results achieved by the candidate countries. The progress made in meeting the criteria for opening and closing chapters, as well as the requirements set out in the framework of the negotiations, including the revised accession partnerships, are crucial in this respect and we obviously refer to the Commission's judgment. Let me repeat, Mr Evans, that if my reply has been a bit off-centre, I would be very happy if you could tell me exactly what you meant by your question.

**Robert Evans (PSE)**. – I will give a bit of clarification and put my question more broadly. The President-in-Office has answered some of the points that I raised and I thank him for that. He is right. My position is that I think it is an anomaly that we allow countries like French Guiana to be a full part of the European Union with all the benefits and advantages entailed – not just French territories, but Martinique and Guadeloupe come to mind.

And yet within Europe – and the President-in-Office has referred to the negotiation process that is taking place with Croatia and perhaps with Turkey – we put up resistance; there are countries in the European Union which are not happy about that.

But then there are other anomalies closer at hand – the Channel Islands, Jersey and Guernsey, which are not in the European Union, exempt from legislation. They are tax havens where rich people are allowed to avoid paying everything that everyone else does.

Is this position, or are these anomalies, discussed in Council? Can the President-in-Office defend the situation where French Guiana is part of the European Union, and does he think this will continue, not just in the short term but in the long term? Could he look into his crystal ball and give me a bit of insight into the way the European Union is going in a global sense?

**Jean-Pierre Jouyet, President-in-Office of the Council.** – (FR) Thank you, Mr Evans. Indeed, I feared I had understood the meaning of your question correctly and that I would not have to hear the clarification you have given. More seriously though, firstly, the outermost regions, all those that we call overseas, form part of the European Union, an important part, wherever those territories may be located and whether they have ties with France, Spain, Portugal, the United Kingdom or wherever.

You referred to existing overseas *départements*. Those *départements* have been French since the 17th century. Their inhabitants have been French citizens since 1848 – so that is nothing new – and all that has been taken into account from the outset, since the constituent Treaty establishing the original European Community and then the European Union.

Another point you emphasise – but here I think it is a question of extending Europe's influences overseas – concerns the type of policy to be pursued. I believe it is important for us to make efforts there, not because a territory is French but because, let me repeat, it is also a question of influence.

The other point you made, which is something that concerns the Council – and I here I will name no names – touches on a difficult subject, namely how to prevent offshore havens, whether overseas or on or near our continent. It is true that is a problem. Some work has been done at the Ecofin Council. A number of proposals were put forward and we are always trying to combat tax havens effectively, both at EU level and under international agreements to which the EU is a party.

**Justas Vincas Paleckis (PSE).** – (LT) I would like to ask a not particularly serious question: should we be considering changing our name to the European and South American Union? Moreover, following the possible accession of Turkey, should Asia be incorporated as well? On a more serious note, though, EU citizens nevertheless possess very little knowledge of these overseas territories. Would it be possible for the EU information campaign to provide more information on these issues so that these countries feel closer and more familiar, especially to young citizens of the EU? It would then enable them to have better understanding of these territories, and questions like this would not be asked.

**Avril Doyle (PPE-DE).** – My thanks to the Council. I may have missed it, but I did not hear the Minister's response to the second part of Mr Evans's question in relation to the post-Irish referendum climate at Council. First of all, could he indicate exactly what the post-Irish referendum climate at Council is, and whether it is impacting on the processing of the applications from Croatia, Turkey and the other European states which are named? In other words, what is the position now; post the Irish referendum, at the Council table in relation to these applications?

**Jean-Pierre Jouyet, President-in-Office of the Council.** – (FR) In reply, first, to Mr Paleckis, I believe he is quite right. It is true that efforts are being made to educate and inform European citizens more about these remote but European regions. I see that they appear on euro notes, which is at least some progress. We need to go further, however, in terms of information and communication. I would say to Mrs Doyle that the question she raised is a very wide-ranging one. We must therefore concentrate on the ongoing negotiations. As far as the Council is concerned, those negotiations are based on the proposals put forward by the Commission on the basis of the screening reports, which is the entirely usual basis.

We also made it clear that we were prepared to deepen relations with a number of other countries, in particular the Balkan countries, and that given the efforts that have been made, we would like to have closer relations not only with Croatia but also with Serbia and with other countries such as Bosnia and Montenegro.

Then there is the question of partnerships. There will be an important summit between the European Union and Ukraine on 9 September. In the current context of the conflict between Russia and Georgia we will also

try to develop the partnership with Ukraine and, as you know, yesterday we noted the need to strengthen relations with Georgia. That is my update on ongoing relations.

Then there is the problem of the situation regarding the Lisbon Treaty. If we do not have the Lisbon Treaty, a number of Member States including mine – to take off my Union president's hat – have said that in effect the current treaty was a treaty of 27 and that in order to enlarge we did indeed need the Lisbon Treaty. I am telling you honestly, Mrs Doyle, that is the Council's position at present.

**President.** – Question No 4 by **Avril Doyle** (H-0534/08)

Subject: Border Adjustment Measures (BAMs) on less carbon-efficient imports

Could the Council please outline its views on Border Adjustment Measures (BAMs) on less carbon-efficient imports from third countries in the post-2012 trading period of the EU ETS?

**Jean-Pierre Jouyet**, *President-in-Office of the Council.* – (FR) The European Council considered your very important question at its meeting in March this year, when it pointed out that in a highly competitive global context there is a risk of carbon leakage in certain sectors, such as highly energy-intensive industries, which are particularly exposed to international competition. It is a real problem, which needs to be analysed and resolved in a new directive setting up a system of quota exchanges in the Community.

The best way to tackle the question of carbon leakage and ensure that the Community system of exchanging emission quotas remains effective is still by concluding an international agreement, Mrs Doyle. It is clear, however, that we must also be prepared to act if we do not get an international agreement and we are currently discussing the most appropriate measures to keep our industry competitive while also ensuring that the EU plays an exemplary part in combating greenhouse gases.

We believe it is important to do so in a way that will make sure that industries of all kinds have adequate visibility in relation to their investments, especially at a time when the economic climate has worsened and we are facing a slow-down of international growth, with all the signs suggesting that the situation will be the same next year.

In the proposal for a directive, the Commission undertakes, in the light of the outcome of the international negotiations, to submit an analytical report accompanied by appropriate proposals for tackling the problems that may arise from the risks of carbon leakage.

There are two possible options: to adjust the proportion of free quotas and/or to integrate importers of products manufactured by energy-intensive industrial sectors into the Community system, while making sure that system is compatible with the WTO rules. The Presidency of the Council hopes, of course, that the Council and this House will be able to clarify these matters, so as to ensure that Europe has an industrial base that is its own and is competitive and that we know as soon as possible what mechanisms will be applicable, before 2011.

**Avril Doyle (PPE-DE).** – I accept that border adjustment measures must be part of our toolkit, but on the shelf, used as a carrot and not as a stick in facing any international negotiations where, in good faith, we tried to arrive at an international agreement to combat climate change. Could the Minister please comment on Article 20 of the WTO which allows for such a contingency, that is, a ban where conservation of exhaustible 'natural resources' are threatened? Will carbon dioxide reduction goals come within that definition as clean air has heretofore? I would like the Minister to develop his thoughts on this.

**Jean-Pierre Jouyet**, *President-in-Office of the Council.* – (FR) Madam President, Mrs Doyle, I believe, firstly, that as you rightly say we must use the various possible measures as a carrot rather than a stick, to ensure that there is no exemption from the obligation to reduce greenhouse gas emissions. Secondly, we must find the right balance in relation to the demands of the industries, which are not always fair in that respect. In relation to Article 20 of the WTO, we believe this measure does indeed respond to the legitimate objective of conserving exhaustible natural resources. According to the experts' report we have received, it therefore complies with the rules of international trade law.

**Syed Kamall (PPE-DE).** – I should like to welcome the Minister to this part-session here in Brussels, rather than in Strasbourg, and say how much I look forward to seeing the French presidency at future part-sessions here in Brussels, rather than in Strasbourg.

As a follow-up to that, would he accept that one of the best ways to tackle global poverty is to encourage entrepreneurs in poor countries to start businesses and to create wealth through trade? Given his apparent interest in border adjustment measures – which are really import taxes – how does he respond to the criticism that border adjustment measures are anti-development measures and really a European imperialist protectionist measure to keep out exports from developing countries and to keep poor people in poverty?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Madam President, in my capacity as President I shall remain calm in the face of these absolutely unjustified and uncalled-for attacks, because we are certainly not alone in doing business in poor countries!

On a more serious note, I believe the mechanisms we are considering – and here I am also replying to what Mrs Doyle said a moment ago – are not a stick to be used against the developing countries. Looking at it very objectively, however, in the context of finding a balance between competitiveness and combating greenhouse gases, we really must establish a good balance in relation to our major partners. One of those major partners is the United States, which, as far as I know, does not have the same commitments today as we do in this area. Another is Japan, which also has fewer commitments and is making fewer efforts. Then there is Russia, of which I keep being told that it does not have the same values and that we must also know how to speak to it in realistic terms and that it is an emerging big power. There is Brazil, there is India and of course there is China, which is a member of the World Trade Organization. So I really do not see why we should stop being realistic and should be naive. We must wage an exemplary war against global warming. Europe is leading in that field and must continue to do so and keep its advantage in international negotiations such as Copenhagen next year. In that context, however, it has no need whatsoever to feel ashamed of defending its interests against powers that are at least as rich as we are. As was pointed out by other speakers during earlier questions, we have our pockets of poverty in Europe too.

**President.** – Question No 5 by **Colm Burke** (H-0536/08)

Subject: High-Level Forum on Aid Effectiveness in Accra (Ghana) in September

The High-Level forum on Aid Effectiveness in Accra, which is due to take place this September, presents a real opportunity for donors and partner governments to make further commitments that can be timetabled and monitored to make aid work better for the poor.

How can the Council and Member States commit more ambitiously to the targets of the Paris Declaration of 2005? Can the Council and Member States guarantee that not only will governments attempt to improve the efficiency of aid delivery through this declaration, but that the effectiveness of aid – in terms of how it brings about real improvements in the lives of the poor – will also be addressed? Can the Council give an updated response to Parliament's Resolution (P6\_TA(2008)0237) on the follow-up to the Paris Declaration of 2005 on Aid Effectiveness? Now that we are at the halfway mark, how does the Council propose to make governments accountable for meeting their MDG commitments, given the fact that there has been a drop in EU aid figures from 0.41% of GNI in 2006 to 0.38% in 2007, a decrease of about 1.5 billion euros?

**Jean-Pierre Jouyet**, *President-in-Office of the Council*. – (FR) Mr Burke, your question concerns three aspects that are closely bound up with cooperation and development: aid effectiveness, the Millennium Development Goals and the volume of aid.

It is a very topical question, with the third High-Level Forum on Aid Effectiveness in Accra meeting as from today and with less than a month to go before the high-level meeting on the Millennium Development Goals, to be held in New York on 25 September. Another major event will be the Follow-up International Conference on Financing for Development, to be held in Doha from 29 November to 2 December, which will review the implementation of the Monterrey Consensus.

The Council is hard at work in relation to all those conferences and has adopted a number of conclusions since June this year. On aid effectiveness, the Council acknowledges that despite some progress much remains to be done. We need to identify the sectors or projects where the Union can make a difference and bring added value in relation to the other donors. No doubt we must also use the national systems and make the recipients of the aid more aware of their responsibilities. That is the objective we have set ourselves for the Accra conference and we hope to see an ambitious strategic declaration in the context of the Accra action plan, setting out strong, precise and measurable objectives with a timetable for their implementation, to make our partners more aware of the importance of improving aid effectiveness.

The second point concerns the Millennium Development Goals. All the partners, both donor countries and recipient countries, have a common responsibility to achieve these on a basis of sustainable development

and must respect their commitments. The Council adopted the EU Agenda for Action on the MDGs in June this year and we have set out a number of intermediate goals with a view to achieving them.

Lastly, on the volume of aid, it is true that we are concerned at the fall in the collective volume of official development aid, which fell from EUR 47.7 billion in 2006 to EUR 46 billion in 2007. Yet despite that drop, Europe remains the biggest donor, especially in Africa, and we hope the drop will only be temporary. If the statistics provided by the individual Member States are correct, we should have a very large volume of development aid in 2008 and should be able to attain our Millennium Goals for 2010 and 2015. That is why the Council has asked the Member States to establish rolling indicative timetables to show how they aim to achieve their ODA targets.

**Colm Burke (PPE-DE).** - Concerning cooperation within developing countries, I came across one case where the EU was giving EUR 1.2 million to a project in Ethiopia, and found that 17% VAT was being applied by the Ethiopian Government. I wonder, therefore, whether we have made any progress in dealing with developing countries that are receiving development aid.

I also wonder whether we have had any indications from Member States at this stage as to what provisions they are making in their 2009 budgets for aid contributions in 2009. Will there be a reduction owing to the economic downturn in many countries, and is the presidency being proactive with Member States to ensure that this is not the case?

**Jean-Pierre Jouyet, President-in-Office of the Council.** - (FR) I will have to come back to Mr Burke to give him fuller replies, because for the moment I do not have information on Member States' proposals concerning the 2009 budget. What I said was that we asked for indicative budgets. I suggest, therefore, that I come back to Mr Burke later and the Council services will provide him with precise information on the 2009 budget as soon as they obtain it – I have been told that we only have incomplete information at present. If Mr Burke allows me, I will proceed in the same way concerning Ethiopia, to check whether the rules on aid have been observed in relation to the application of VAT.

**President.** – Question No 6 by **Jim Higgins** (H-0538/08)

Subject: EU mission in Chad

Could the Council give an update on the deployment of the EUFOR mission to Chad? Have any unforeseen problems arisen and, if so, what have been the main lessons learnt from this experience?

**Jean-Pierre Jouyet, President-in-Office of the Council.** - (FR) Mr Higgins, the three multinational battalions that make up the EUFOR forces in eastern Chad and the Central African Republic are now fully operational. The force, which is made up of some 3 200 troops, can now conduct all the missions assigned to it by the Council. Let me remind you that Albania, Croatia and Russia, which will soon be deploying four helicopters in the field, also form part of that force. Ukraine has opened negotiations but has taken no further action to date.

As you know, your compatriot, General Patrick Nash, is the commander of the operation and the Presidency of the Council wants to pay special tribute to his professionalism.

Following the joint EU/UN evaluation mission conducted in Chad and the Central African Republic from 18 to 24 June, Javier Solana reported back and made recommendations on the UN's follow-up of the operation. The Council approved Mr Solana's report on 25 June this year and the Secretary-General of the United Nations will draw on it for his report, which will be debated by the Security Council in the near future.

I want to emphasise that ever since its deployment, EUFOR has acted in an impartial, independent and neutral manner. It has helped improve security in eastern Chad and the north-east of the Central African Republic, by deploying within the space of a few months, far from the European bases and in a very hostile environment, a force that is significant and dissuasive by its very presence, patrolling the entire area to help make it more secure, providing escorts for humanitarian organisations at their request, helping open supply routes, protecting sites on request or offering alternative solutions to help them carry out their tasks. Lastly, it has also helped ensure that the local police can be more active and broaden their usual field of action.

EUFOR acts within the terms of its mandate and its activities were observed during the rebel attacks on Goz Beida and Biltine in mid-June this year, when it evacuated, sheltered and safeguarded some 300 humanitarian personnel who had requested this and it also prevented the looting of the market in the Goz Beida area. The Irish troops that were securing a site for displaced people reacted very effectively to direct firing.

In July, during the confrontations between Dadjo and Mouro communities in Kerfi, EUFOR deployed a reinforced company to secure the area and evacuate around 30 humanitarian personnel.

I want to stress that EUFOR coordinates very closely with the UN task force MINURCAT, which operates in the Central African Republic and Chad, and, as I said, it also coordinates very closely with humanitarian organisations.

**Jim Higgins (PPE-DE).** - (GA) When the rainy season ends will war not ensue between government forces and rebel forces? Would the Council be able to tell us which of the other towns are ready to participate in the mission in terms of troops, equipment and as well as money?

**Jean-Pierre Jouyet, President-in-Office of the Council.** - (FR) EUFOR was not involved in the clashes between the government and the rebels, so it is scrupulously carrying out its mission in an entirely impartial manner and keeping entirely clear of the confrontations arising from the domestic problems between the government and the rebels. It is carrying out its mandate in a neutral manner, not interfering in the internal affairs of Chad and the Central African Republic and basically aiming to help improve security in eastern Chad and in the north-east of the Central African Republic. Each time it intervened in the confrontations and the incidents to which I have referred, it did so because humanitarian missions were at risk. It intervened in order to protect those missions.

**Colm Burke (PPE-DE).** - I was in Chad in March of this year three weeks after the rebel offensive. I spent six days there meeting different groups, and one of the things that came across to me was the need to bring representatives of the rebel groups to the table. I am just wondering if any progress has been made on that, either by the UN or by the European Union in the sense that, at the moment, I understand that there are between 7 000 to 10 000 people under 18 years of age carrying arms. If any progress is to be made, then the rebel groups have to be brought to the table by someone. I am just wondering whether any progress has been made on that.

**Marian Harkin (ALDE).** - I just wanted to ask the Minister briefly about his views on the future of this mission. It is, I believe, supposed to end next March. Does he foresee the mission continuing under the UFOR flag for perhaps a further six months after that, or perhaps continuing under the UN flag? Does he envisage any possibility that the mission might end next March? As I said, I would just like his views on the future of the mission.

**Jean-Pierre Jouyet, President-in-Office of the Council.** - (FR) In reply to Mr Burke and Mrs Harkin, I believe we have every reason to be proud of that mission. Let me remind you that it is the largest-scale mission ever deployed.

In reply to Mrs Harkin, we are urging the need for a speedy transition to the United Nations to ensure that eventually MINURCAT can take over from the EUFOR mission. The EU special representative on the ground, Ambassador Torben Brylle, is in contact with the rebel groups. It would be a lie to say that all is well.

I believe that this mission is absolutely essential, that it really does all it can for displaced people, for people who are suffering. We are faced with a real humanitarian tragedy, but it is also true that the mission still lacks resources – as we keep pointing out and lamenting – and that the Council is very keen to strengthen those resources before the United Nations takes over. In any case it will be a long-term enterprise. In reply to Mrs Harkin, let me say that we would therefore prefer a transition to an extension.

**President.** – Questions which have not been answered for lack of time will be answered in writing (see Annex).

That concludes Question Time.

(The sitting was suspended at 19.05 and resumed at 21.00.)

**IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ**

*Vice-President*

## **12. Follow-up to a request for the defence of immunity: see Minutes**



### **13. Special Report from the European Ombudsman following the draft recommendation to the European Commission in complaint 3453/2005/GG (debate)**

**President.** – The next item is the report (A6-0289/2008) by Proinsias De Rossa, on behalf of the Committee on Petitions, on the Special Report from the European Ombudsman to the European Parliament following the draft recommendation to the European Commission in complaint 3453/2005/GG (2007/2264(INI)).

**Proinsias De Rossa, rapporteur.** – Mr President, I am pleased to be here tonight, although I would have preferred it to have been a bit earlier. Nevertheless it is important that this report be debated in Parliament.

This report concerns a complaint of maladministration against the Commission. The case has been referred to the European Parliament by way of a special report from the European Ombudsman. Referring a special report to the European Parliament is the last substantive step the Ombudsman may take in seeking a satisfactory response on behalf of a citizen. It is therefore a rare occasion on which reports of this kind are taken here.

My report, on behalf of the Committee on Petitions, endorses the Ombudsman's conclusion that the failure of the Commission to deal with the petitioner's complaint within what was objectively established by the Ombudsman as several years' unjustified delay constitutes an instance of maladministration.

I would emphasise here that this report does not deal with the content of European law but with the manner in which the Commission failed to deal with a complaint, and I therefore want to indicate that I am not accepting the single amendment which has been tabled by the GUE/NGL Group to this report, which seeks to introduce elements relating to the law itself.

In the original complaint to the Commission in 2001, the complainant, a doctor working in Germany, requested that the Commission open infringement proceedings against Germany, arguing that that country infringed Council Directive 93/104/EC, commonly known as the 'Working Time Directive'. The case was that Germany's transposition of that Directive insofar as the activity of doctors and hospitals was concerned, in particular as regards time spent on call by these doctors, was in breach of the Directive. In the complainant's view, this resulted in a considerable risk for both staff and patients.

The Ombudsman found with regard to that complaint that the 15 months it had taken the Commission before it started to deal with the complaint was a case of maladministration.

In the mean time, new German legislation seeking to properly transpose the Directive was put in place, and the Commission informed the complainant that it needed time to examine this new legislation in order to consider its compatibility with Community law and whether or not it had dealt effectively with the complaint that had been made.

Then, in 2004, it informed the complainant that it had adopted new proposals to amend the original Directive, and it would examine the complaint in the light of those proposals. One year later, in 2005, the complainant again had to turn to the Ombudsman to the effect that the Commission was ignoring the Ombudsman's earlier findings.

There is no evidence, since that proposal was prepared in 2004, that the Commission has taken any further steps in order to proceed with its investigation of the doctor's complaint. Instead of taking one of two possible decisions – either to initiate formal infringement proceedings or to close the case – the Commission abstained from taking any further action as regards its investigation. Indeed, the fact that the Directive was due for amendment (which, incidentally, has still not occurred – and this is now 2008) is in no way relevant to the complaint. Community law does not envisage the possibility of disregarding existing laws and judgments on the grounds that new rules are being considered and may be introduced.

My report further asks the Commission to provide a list naming the Member States whose legislation is not in line with all the provisions of the Working Time Directive and specifying the action it is taking with regard to this. It urges the Commission to take prompt action in accordance with its prerogatives in all cases and in all Member States where the transposition of implementation, or implementation of the existing directives, does not comply with the law laid down by the legislative branch, and indeed the European Court of Justice. I recommend this report to the House.

**Vladimír Špidla, Member of the Commission.** – (CS) Ladies and gentlemen, thank you for allowing me to put my views on the Member's speech and to put my views more generally on the case under discussion. The

complaint relating to the Working Time Directive is connected with the judgments of the Court of Justice in the SIMAP and Jaeger cases concerning on-call working time, as has already been said. This is a matter which the Directive does not expressly address. Furthermore, according to many Member States, the interpretation made by the Court of Justice gave rise to fundamental problems and had a far-reaching impact on the financing and organisation of public health care and emergency services.

In an attempt to tackle the problems caused by these judgments, the Commission undertook extensive consultation in 2004. It came to the conclusion that an appropriate solution was to propose an amendment which would clarify the application of the Directive in the field of on-call working time and time off in lieu. This amendment was presented by the Commission in 2004. In view of the exceptional importance of these matters for public health care services, the Commission decided in 2004 that it would not institute proceedings for infringement of the law in cases where the law would be changed by the proposed amendment. The Commission acknowledges that, in this case, the time taken was unusually long, but I have given the reasons.

In view of the fact that the existing *acquis* remains in force until such time as the proposed amendment enters into force, the Commission left it open as to how to handle this actual complaint, and also other complaints relating to this matter. Furthermore, in justifiable cases, it instituted proceedings for the infringement of the law in connection with complaints relating to the Working Time Directive, but not falling under the jurisdiction of the amendment.

The Commission is also carefully monitoring and analysing resulting amendments to the national regulations in all Member States and the reactions of legislators, national courts and representatives of workers and employers to the decisions of the Court of Justice. This is very important, since the questions included in the actual complaint to which the report refers are in actual fact topical for more than one Member State.

The Commission will shortly submit to Parliament, in about two months time, a detailed report on the implementation of the Working Time Directive, providing complex and up-to-date information on compliance with the *acquis*, including the SIMAP-Jaeger judgments, in all 27 Member States. The report will also include reactions to several proposals in the existing report.

As regards the conclusions relating to the handling of proceedings for infringement of the law in general, the Commission is of the opinion that, in view of the specific context of the complaint under the terms of the Working Time Directive, relating to changes to on-call working time, it is not appropriate to deduce general conclusions on the handling of proceedings for infringement of the law which the Commission normally conducts. The period of one year for decisions on complaints received by the Commission is usually appropriate, but is laid down expressly as a general principle which need not apply in all cases.

**Alejandro Cercas**, *draftsman of the opinion of the Committee on Employment and Social Affairs*. – (ES) Mr President, Commissioner, I am speaking on my own behalf but also on behalf of the 34 Members on the Employment Committee who voted last May in favour of the own-initiative report we drafted for this debate. We all agree with the report and appreciate and value what Mr De Rossa, who has our full support, has done.

We wish to state in a few short seconds that we are concerned not only about the background to the time spent on call by doctors and the Working Time Directive but because we are facing a situation of concern to us: European citizens do not receive a reply when they seek information from the Commission.

Secondly, we are concerned because the Commission would appear to be aware that there is a legislative *lacuna* when it initiates procedures to amend directives.

Although the time I have is very brief, I must tell the Commissioner that regardless of what we or the Commission might think about case-law or the law in force, it is under an obligation to implement the Treaties and move ahead, and that it has no authority to hold any rule or anything which may affect the Community *acquis* in abeyance.

**Mairead McGuinness**, *on behalf of the PPE-DE Group*. – Mr President, I should like to thank Mr De Rossa for his report.

I listened very carefully to the Commission's response, and I would like to repeat that this report is about how the Commission dealt with a complaint. While the subject matter was obviously very controversial and topical, what we are talking about here tonight in this debate is how the Commission deals with complaints. We support the Ombudsman's conclusions in relation to the inordinate delay, as acknowledged by the Commission this evening in this House.

Let me just say that, on the point of complaints, people get in touch with the Commission because they have a problem and expect some sort of response – perhaps not an immediate one, but certainly nothing that takes months and years.

I would bring to your attention an issue concerning Equitable Life, where we had some light-touch regulation and not great clarity about how Community law was actually being implemented – and we have seen the dire consequences of that particular issue.

Lastly, there is a current complaint with the Commission about the application of Irish planning law. While the Commission was very active and supportive initially, I fear that there is now a silence. I would like some progress on that issue.

**Maria Matsouka**, *on behalf of the PSE Group*. – (EL) Mr President, although this report has no legislative content, it is especially important for the interpretation and development of European law. For this reason, I congratulate the Ombudsman on the initiative to draft the special report, and also my colleague Mr De Rossa for supporting the position that the Commission's discretionary power in handling complaints does not allow for arbitrary interpretations, especially against citizens.

The trust we would like European citizens to have in the Union is based both on the introduction of legislation to protect their rights and above all on their correct implementation.

The Commission ought to honour its role as custodian of the Treaties and not allow the Council's decisions to be obstructed when reviewing European law, thus hindering the implementation of existing laws. Moreover, the EU ought to have an immediate effect wherever procedures allow it to.

The Commission is obliged to demonstrate the States' reluctance or inability to apply European legislation. Thus, on the one hand, citizens will learn to check to what extent their national authorities adhere to their European obligations while, on the other hand, governments will at long last have to be answerable for these commitments.

**Marian Harkin**, *on behalf of the ALDE Group*. – Mr President, I should like to congratulate the rapporteur, Mr De Rossa, on his excellent report. As a member of the Committee on Petitions, I am always very conscious of the fact that for many EU citizens we are the face of the EU. When I say 'we' I mean the Committee on Petitions itself, and the Commission, which also evaluates petitions. In this particular instance, the complainant was effectively ignored and the Ombudsman's verdict was that this constituted maladministration.

I am pleased to see that the rapporteur and the Committee on Petitions agree with his position. European citizens have a right to expect that the Commission, as the guardian of the Treaties, will ensure that European legislation is implemented in a timely and effective manner. They have the right to expect a timely response as well as an effective one, and while the Commission has discretion as to how to proceed in a certain case – i.e. whether or not to instigate infringement proceedings – it does not have the discretion to fail to adopt a position within a reasonable amount of time, which was the case in this matter.

With regard to Amendment 1, this is a matter that needs to be dealt with, but separately from this report.

Finally, just a personal comment on the work of the Committee on Petitions: sending in a petition is, for many citizens, their only contact with the EU institutions. It is crucial that this system works in an effective and transparent manner. The Commission is part of the process, but so too is Parliament. We must ensure that sufficient resources are available to the committee to carry out its work in an effective and timely manner.

To fully understand this issue, we need to put ourselves in the shoes of the petitioner and see it from their perspective. As an individual or a small group they are taking on the system. If the system does not respond in an effective manner they see it as a bureaucratic nightmare, and this alienates the petitioner and probably everybody they speak to about the matter. For the sake of the public and of the EU, that is something we must not do.

**Marcin Libicki**, *on behalf of the UEN Group*. – (PL) Mr President, I am speaking today on behalf of the Union for Europe of the Nations, but also as chairman of the Committee on Petitions. I am pleased that all those who have spoken on this item so far are members of that Committee, as indeed is the President chairing today's proceedings. So we are very well acquainted with these issues.

Ladies and gentlemen, the reason for today's report by Proinsias De Rossa, whom I congratulate on an excellent document, is a report from the European Ombudsman, with whom we, as the European Parliament's

Committee on Petitions, work together on a permanent basis. Our collaboration with the European Ombudsman is highly satisfactory. All of us come into daily contact with his work, since the Committee on Petitions is the body which Parliament has made responsible for relations with the Ombudsman.

All of us speaking on this item are aware that the length of proceedings is a nightmare for the European institutions, and therefore obviously also a nightmare for the citizens of Europe. We must accordingly call on the European Commission to make every effort to carry out all the duties imposed on it more rapidly.

I would stress the crucial point in Proinsias De Rossa's report, namely the first paragraph, which states that 'the European Parliament endorses the European Ombudsman's recommendation to the Commission.' Parliament endorses the Ombudsman's recommendation, as it usually does, because, as usual, we consider his demands and arguments well-founded.

**Elisabeth Schroedter**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, ladies and gentlemen, let me begin by addressing the Commissioner. This morning, Commissioner, you tried to tell us what a fine programme the Commission had in store for the people of Europe, one that would provide them with good jobs and show the social face of the EU. But when it comes to taking concrete action, the Commission cops out.

The present case concerns a complaint made by a German doctor and the action taken in response to it. It was quite simply about at least reviewing compliance with the existing minimum standards governing working hours in the European Union. The Commission could not even manage that. Your reaction has been far removed from what one would expect of a guardian of the Treaties. You say nothing for years, and then you even relax the standards. That is what the public perceive as a betrayal of their rights. With this silence and the amendments to the Working Time Directive you have inflicted massive damage on the project of European union. That has to be made clear.

**Lidia Joanna Geringer de Oedenberg (PSE)**. – (PL) Mr President, complaints submitted by citizens are an important source of information about infringements of Community law. The case in hand, which has been dragging on for seven years, concerns the German Government's failure to implement properly the directive on certain aspects of the organisation of working time (that is Directive 2003/88, which revoked and replaced Directive 93/104). In the Ombudsman's opinion, the lack of an effective response on the part of the European Commission constitutes maladministration.

The unjustified period of time, sometimes amounting to several years, which the Commission takes to prepare its response in cases of negligence on the part of Member States gives cause for concern, as do the numerous cases of Member States' failure to comply with judgments of the Court of Justice. Such practices undermine faith in the consistent application of Community law, discredit the aims of the European Union, and diminish citizens' confidence in the EU institutions. The manner in which citizens' complaints are examined must conform to the principles of good administration. Complaints must be examined efficiently and in the shortest possible time.

**Ewa Tomaszewska (UEN)**. – (PL) Mr President, complaints concerning the organisation of working time are matters of urgency. Consider what may happen if working time rules are breached in the case of doctors: that could lead to a surgeon having to perform a complicated operation after being duty for 23 hours. There is a whole series of professions in which improper organisation of working time can endanger life. It is therefore of exceptional importance that complaints be acted on within a reasonable time.

**Mairead McGuinness (PPE-DE)**. – Mr President, I have two points. Firstly, I should like to endorse what Ms Harkin said in relation to resources. Perhaps there is a problem within the Commission in terms of resources: if there is, we should hear that.

Secondly, it takes a very strong-minded citizen to persist with a complaint that is being ignored, and I fear for the many who do not have the time, resources or, perhaps, the ability to keep pushing against the system. How many of those fall by the wayside – or, indeed, is there ever a record kept?

**Vladimír Špidla**, *Member of the Commission*. – (CS) Ladies and gentlemen, I should like to emphasise just a few fundamental points which, in my opinion, still need to be addressed.

In this case, we are dealing with one complaint. This complaint does not constitute a general rule, since reacting in a timely manner to citizens' initiatives is fundamental and one of the most important obligations. I think that, on looking closely at the extent of the agenda, it becomes obvious that the Commission proceeds rigorously in these cases.

This case was exceptional in that its consequences could have affected several individual Member States as a whole. Therefore, in 2004 the Commission used its discretionary right and proceeded as it did. At this moment in time, I think that time has clearly shown that it was not quite the best decision, but it is a decision which was within the discretionary options open to the Commission.

I should like to say that cases of infringement involving a failure to observe the law in matters relating to the Working Time Directive are conducted at the normal tempo, since, as I have already said, whatever the very serious grounds for the decision were, time has shown that it was not the best decision.

**Proinsias De Rossa, rapporteur.** – Mr President, I should like to thank everyone who has stayed back tonight and participated in this debate, and also the Commissioner for his response to the debate. His acknowledgement that there were, in fact, exceptional delays, and that it was not, perhaps, appropriate that that delay should occur, is welcome.

Nevertheless, there is still a difference of opinion between the Committee on Petitions and the Ombudsman on the Commission's interpretation of its right not to deal with a complaint when it considers that it should not. We are of the view that this discretion does not extend to an eight-year delay, which is what we are talking about here.

I welcome the fact that the Commissioner has announced the publication of a report within two months which will outline the compliance of all of the Member States, including as regards the particular complaint that we are dealing with here tonight.

I believe that earlier action by the Commission could well have driven earlier change in the Working Time Directive, and might perhaps have resulted in forestalling, at an earlier date, the risks which patients and, indeed, doctors and nurses in the health service in our hospitals have run over these years, where they have been working and on call for anything up to 100 hours a week.

I think the dispute on this issue highlights the weakness of the current infringement procedures, and the manner in which political considerations as well as resource considerations can come into play on sensitive issues, which should be dealt with in accordance with the law rather than in accordance with political sensitivities.

Finally, it has to be said that normally complaints of this kind are dealt with between the Ombudsman and the agency, the Commission or indeed the Council, against whom complaints have been made. It is very rare that we have to deal with this matter in this House. It is a rare occasion that this House is asked to endorse the decision of the Ombudsman against the Commission. It is a cause of deep regret for me that we have to do this but, unfortunately, that is the case.

Therefore, I would like the Commissioner at some point to indicate, concede and acknowledge that he has accepted that the delay was not acceptable; I would also like to hear from him a commitment that some procedures will be put in place to ensure that complaints will never again be allowed to run to this length of time.

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

The vote will take place tomorrow at 11 a.m.

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

**Anneli Jäätteenmäki (ALDE), in writing.** – (FI) Mr President, I was horrified when I read Mr De Rossa's report on the complaint against Germany about arrangements for doctors' working hours.

It is utterly ineffective administration if the European Commission cannot deal with a petitioner's complaint without a totally unjustified delay of several years. This case constitutes a patent abuse of the discretion that the Commission enjoys when interpreting its obligations. Rather than exercise its discretion, the Commission seems to have acted completely high-handedly.

It is time the Commission came forward and told us how it intends to deal with complaints in a way that is as prompt and effective as possible in the future.

Thank you!

## 14. Equality between women and men - 2008 (debate)

**President.** – The next item is the report (A6-0325/2008) by Iratxe García Pérez, on behalf of the Committee on Women's Rights and Gender Equality, on Equality between women and men - 2008 (2008/2047(INI)).

**Iratxe García Pérez, rapporteur.** – (ES) Mr President, Commissioner, I would like to begin my speech by expressing my thanks to the Commission for its 2008 report on equality between men and women, which takes a comprehensive approach both to policies to mainstream the gender dimension and towards specific positive discrimination measures. Although, admittedly, we should point out that the Commission's report has work matters at its core, it takes no account of many other issues and difficult situations which women encounter and we have therefore tried to incorporate them into this Parliament report.

I also wish to thank all my colleagues who have by their efforts helped improve the report as initially presented. There is common agreement that despite the progress that has been made, there is still much to be done.

In that regard complacency is likely to be our worst enemy. If we are unaware of the challenges and the work which is yet to be done it will be difficult for us to make headway on equality issues.

The outlook of this report is based on the principle of gender mainstreaming, and the report raises various matters which have a bearing on that principle. They are all important and we can not ignore any of them: incorporating women into the labour market, domestic violence, women in education, balancing family life with work, and vulnerable groups such as immigrant women or the disabled. All these aspects must be borne in mind and merit exhaustive study and analysis, but I would like in the time available to me to focus on the aspects which I regard as most important.

Domestic violence is the greatest social scourge of our time, not only in Europe but worldwide. A social injustice in which women, purely because they are women, experience violence at the hands of men because chauvinistic values are still fairly deep-rooted in our society.

Accordingly it is necessary to encourage laws in Member States to combat this social plague. We have a very good example in Spain, where a few years ago the Law against Domestic Violence was incorporated into the national legal order; it recognises the rights of mistreated women and implements a comprehensive policy ranging from prevention, to treatment and reintegration of the women affected.

As far as women and the labour market are concerned, we should be aware that we are a long way still from achieving the objectives of the Lisbon Strategy. Women's employment has risen but unemployment figures for women are still much higher than those for men, and we must therefore take political measures, both through the European Commission and the Member States, which encourage women to join the labour market on the same terms as men.

Another fact of life which we cannot skate over is the difference in wages; this has stood at 15% since 2003. Greater measures which have the agreement of business and the unions are needed.

Also in this report we propose that the Community institutions and the Member States should declare 22 February as International Equal Pay Day. A woman would need to work 52 more days a year to earn the same wage as a man.

On finding a work/life balance, we must change the fact that currently 85% of informal carers are women. We need more public services whose role is to provide childcare and care for dependants.

Similarly, as regards participation by women in public life, we should encourage initiatives to increase participation through social organisations, unions and political parties. Electoral quotas were a decisive step which must continue as we strive for equality in democracy.

There are other key aspects such as access to education, the overturning of social stereotypes, the issues and difficulties facing women in rural communities, which we cannot ignore. We must join forces to that end. We must work closely with organisations and make the fundamental European Union principle of equality between men and women a reality, because by so doing we will be moving towards a Europe with more law and greater social justice.

**Vladimír Špidla, Member of the Commission.** – (CS) Mr President, ladies and gentlemen, the Commission welcomes the report and motion for a resolution on equality between women and men in the European Union. Acceptance of the report emphasises Parliament's undertaking with regard to equality between

women and men and confirms Parliament's support for the Commission's approach. I should like to thank above all the rapporteur, Mrs Garcia Pérez, for the support that she expressed for the steps taken by the European Commission in this field.

Equality between women and men is one of the fundamental values of the European Union. It also represents an area in which Europe has often moved ahead of social developments. In recent years it also has commenced important and ambitious initiatives. Acceptance of the plan to achieve equal status between women and men emphasises the Commission's willingness to use all means to bring Europe closer to real equality between women and men in all areas.

Furthermore, the Commission notes that Parliament's motion for a resolution emphasises certain topics which are included in the plan's priorities. This involves in particular the position of women in the labour market, the work-life balance, a balanced accession to leading positions and also the fight to stop violence against women. This approach complies with the Commission's policy in this field and includes topics which were emphasised in the report for 2008.

Although the progress made in the field of equality between women and men is obvious, we are still faced with important tasks. We must continue with our efforts and strengthen the legal base.

The Commission shares the rapporteur's view that a central role is played in the achievement of equality between women and men by the work-life balance. We are well aware that it is mostly women who take responsibility for the family and the home. This is why women, more often than men, have to interrupt their studies and careers, very often not returning to them. In order to increase female employment, therefore, it is vital to have access to high-quality and affordable childcare. The Commission will be presenting a report on developments in this field in the weeks to come.

Furthermore, in 2006 and 2007 the Commission consulted representatives of workers and employers on the topic of work-life balance. In July 2008, they indicated their intention to negotiate on parental leave. The Commission is not at the moment submitting any proposals on this topic.

The Commission intends in the near future to present a package of initiatives relating to the work-life balance, in particular a report on childcare, a draft directive amending the Directive on maternity leave and a draft directive amending the 1986 Directive on 'assisting spouses'. The current situation of assisting spouses in agriculture and also in other sectors where there are family businesses is unacceptable. It is not acceptable for people working regularly for family businesses in some countries not to have any right to social security and to find themselves in a position of great need in the event of divorce, death of the breadwinner or financial difficulty.

A policy of equality is of fundamental importance in preventing and combating violence committed against the opposite sex, since this is based on the imbalance of strength between men and women. Effective measures against violence based on gender, on the other hand, make a contribution to protecting women's rights in society and supporting equality.

Violence against women is unacceptable. Rape, sexual abuse of girls, trafficking in women for the purpose of sexual or labour exploitation, domestic violence, workplace harassment, and also traditional or disfiguring practices – such as, for example, mutilation of the sex organs – impair the health, freedom, dignity and physical and emotional inviolability of women. Our interventions must be thorough and exceptionally effective, in particular in cases where violence against women is committed by international organised crime, as in the case of people trafficking.

For this reason, the Commission considers that, as part of its working programme for 2009, it will revise and rewrite the legislation relating to people trafficking, exploitation and sexual abuse of children, which is a terrible crime committed mainly against girls.

In conclusion, I should like to say that equality policy plays a fundamental role in changing thinking and behaviour. It is therefore key in ensuring not only legal equality but also real equality between women and men. The Commission therefore welcomes the support given to it by the European Parliament through this motion for a resolution.

**Marian Harkin**, rapporteur for the opinion of the Committee on Employment and Social Affairs. – Mr President, first of all I would like to say that this is a very comprehensive report and highlights many of the issues that must be dealt with in order to ensure equality between women and men.

I am particularly pleased to see that the issue of violence against women is dealt with, because for too many people violence against women is seen as a women's issue, whereas in fact it is a societal issue, and until it is dealt with as a societal issue we cannot hope to eliminate it.

Furthermore, I agree with the rapporteur and her statement about the feminisation of poverty and about the groups that are particularly at risk, as well as the central issue of ensuring equal access to pensions and social welfare payments.

In this context, I would like to have seen paragraph 14 from my opinion taken on board, where I make this case specifically for carers. Given that by 2030 the ratio of active to inactive people will be 2:1, the role of family carers will become much more significant, and given that there are already 100 million carers in the EU – men and women but predominantly women – without proper access to social welfare payments or pensions, we need to ensure that this generation of carers does not become the next generation of poorer, older people adding to the feminisation of poverty.

Finally a personal comment on paragraph 9 which does not reflect the views of the Employment Committee: I believe that the text should be qualified by stating the need to respect national legislative processes when considering the issue of abortion. There is a protocol to the Treaty of Maastricht which ensures that EU law will not override Article 40.3.3 of the Irish Constitution on the protection of the unborn.

During the Lisbon debate in Ireland, many citizens said to me that the EU was intent on pushing to have abortion available in Ireland. Even though I said that this was not the case, many still argued that Parliament was pushing the agenda, and that is why I believe our intention needs to be clear. The issue is not one's view on abortion. Mine, I suspect, may be different to that of the rapporteur, but that is not the point. The issue is one of subsidiarity, and citizens, whatever their position on abortion, need to be able to rely on that. I believe all of us in this Parliament should respect that as well.

**Maria Badia i Cutchet**, *draftsman of the opinion of the Committee on Culture and Education*. – (ES) Mr President, firstly I would like to congratulate the rapporteur on the apt approach she took when drafting this report on equality between men and women.

As rapporteur for the Cultural Committee I would like to highlight the main contributions our committee made, which were obviously related to areas within our purview such as education, culture, sport and communication.

First, we proposed promoting equal behaviour in schools, and removing the gender stereotypes which are still too widespread in some media; taking measures to change the segregation of labour in the different stages of the schools system so that there is equal involvement of teachers of both sexes at each stage; eliminating any discrimination in terms of salary on grounds of sex in the fields of education, culture and sport and communication; and encouraging greater participation by women in the management bodies of those sectors where women are in the minority.

As the rapporteur has already said, there is still a long way to go. I am reminded of a couple of lines by Machado, who said, 'Traveller, there is no way ahead, you make your way by walking' because, my friends, we will achieve equality even as we fight for it.

**Marie Panayotopoulos-Cassiotou**, *on behalf of the PPE-DE Group*. – (EL) Mr President, on behalf of my political group I congratulate the committee on its report. Congratulations are also due to my fellow Member for expressing Parliament's view in her report, even though on certain points we suggested amendments to improve it and to show, through Parliament's report, that we recognise what has happened on the basis of the roadmap for equality, and on the basis of the pact for gender equality.

We have had considerable quantitative success. We still have to improve on how well we implement the measures. We must ensure effective implementation and extended legal protection through the appointment of a competent body for complaints in each Member State by laying down sanctions based on the proportionality principle.

We also want the subsidiarity and free-choice principles to be maintained. As far as work in the family combined with professional life is concerned, we do not want just working women to be covered. Cover should extend to the unemployed, those who decide to be involved solely with their households, those in the liberal professions and those who are self-employed in family businesses.



We want to reinforce maternity and family leave. We believe that the communication we are awaiting from the Commission will cover us at this point with a good proposal.

Since women study and work more, they deserve to be paid for all types of service provision.

**Zita Gurmai**, *on behalf of the PSE Group.* – (HU) Thank you. Mr President, Commissioner, ladies and gentlemen, the Commission's regular assessments, which give us a clear picture of the actual situation, are extremely important on the path towards creating gender equality. Commissioner Špidla's commitment to this matter is well known. The first report on gender equality was prepared five years ago, and we are right to expect results now. According to the 2008 report on equality between women and men, there has been some progress, but unfortunately it also mentions some frozen areas where there has not been any perceptible movement.

The wage gap between men and women has stagnated at 15% over the last five years, and my colleague mentioned that this means 54 days, or up to 22 February. The ratio of women to men is still unfavourable in decision-making, and the image of women suggested by the media is disadvantageous. The biggest problem is that there has been no significant progress in precisely the area of employment and related issues, yet these really are crucial, partly because of the challenges to the demography of the EU and partly because of economic growth and ensuring equality. These main priorities resolutely demand increased involvement of women in the labour market.

A quantitative success of the Lisbon Strategy is the 12 million new jobs that have been created, of which 7.5 million have been filled by women, but this does not mean an improvement in quality. Compulsory part-time work, the planned 65-hour working week, the horizontal and vertical labour markets and segregation will unfortunately lead to the compatibility of work and private life remaining an intractable question that will continue to grow due to the lack of child-care institutions. I consider it necessary that Member States prepare further coordinated strategies and methods, and implement them effectively in practice, and also that they provide real political support. I would like to congratulate my colleague on her work; she has presented an excellent report.

**Raül Romeva i Rueda**, *on behalf of the Verts/ALE Group.* – (ES) Mr President, I would obviously like first to thank my friend and colleague Iratxe García for the work she has done for this report, which I view as an important and complete piece of work. I would also like to highlight at least four of the points raised in the report and mentioned by the rapporteur in her speech which are also important to my group.

First, the need for European institutions to take a step forward in view of the current wave of chauvinistic violence, and to do so both in terms of legislation and to establish a clear legal basis to enable all forms of violence against women to be combated; this should include, for example, recognition of the right of asylum on grounds of gender-based persecution.

Secondly, with a view to ensuring greater participation by women in decision-making, it is necessary for all institutions and political parties to study this issue and take specific measures on it, and we do not rule out electoral quotas here.

Thirdly, it is important to acknowledge once and for all that in order to ensure total emancipation of women, women must be the ones who take the decisions on their sexual and reproductive health rights.

Fourthly, and expressing regret at the lack of progress in the wage differences between women and men in recent years, the notorious 'pay gap', it is crucial for the Commission and the Member States to assess the strategies and actions which, in concert with social stakeholders, should enable that situation to be corrected.

**Eva-Britt Svensson** *on behalf of the GUE/NGL Group.* – (SV) Mr President, I too would like to congratulate the rapporteur on this report and I support it in full. I will also support the amendments on the labour market tabled by Mrs Figueiredo. I have only one minute's speaking time now, so I won't bring up any special policy issues. I merely want to say one thing which I think worth pointing out.

The rapporteur lists different measures which need to be taken in order to achieve equality between women and men. When she does this, it results in a total of 45 items. I repeat: 45 items! In the EU and its Member States which have long claimed to prioritise equal rights between men and women, this report shows 45 different areas which need to be changed. There is no need to say more, other than that I say yes to the report and, above all, yes to concrete action now!

**Urszula Krupa**, *on behalf of the IND/DEM Group*. – (PL) Mr President, an important element in the report, in my view, is the call to make it easier for employees to return to work after a career break for maternity or parental leave and to remove the disparities in remuneration and education.

It is nevertheless hard to accept the direct causal connection made between life problems affecting many people and the fact of being a woman. Treating social life as a battle of the sexes, with the creation of a new enemy on the previous model of the class struggle, gives those who advocate it the right to unlimited interference in every sphere of human existence, including the functioning of the family.

The problem in Europe is not the struggle between men and women. It is the lack of respect for rights and moral principles, manifested especially by unrestrained greed and selfishness. As a woman I would prefer that equal rights did not result in equality with men in every respect, but rather led to arrangements that protect women and alleviate their burdens. No longer being treated as an impersonal workforce, they could then make a creative contribution in many areas of the economy.

**Zita Pleštinšá (PPE-DE)**. – (SK) This 2008 report on equality between women and men summarises a European Parliament report which has already been adopted and which created a great stimulus that needs to be applied in practice. I view it as a reflection of the work of the Committee on Women's Rights and Gender Equality and I should therefore first of all like to thank Mrs García Pérez for producing it.

In order to meet the Lisbon targets, it is essential to make the fullest possible use of the potential of women on the labour market. It is also important for women to have the best possible access to postgraduate studies and life-long learning and also access to new technologies and the information society in order to be able to be competitive in the labour market.

I greatly admire the women heading large companies and also small family firms and creating new job opportunities. Alongside her daily tasks as a wife and mother, a businesswoman also takes on management tasks in her company, assuming responsibility not only for the success of her family but also for the success of her company. As a society, we do not always give sufficient recognition to the importance of this task for society. Women in leading positions are forced to overcome many additional obstacles associated in particular with their family responsibilities.

Harmonisation of family and working life is one of the main prerequisites for increasing female employment. It is therefore essential to propose measures to motivate fathers to take parental leave, dividing maternity leave between both parents.

Many women are aware today that they will not attain important positions on the basis of social support programmes, but only on the basis of their own abilities. Chancellor Angela Merkel is an obvious example that we women also have our own firm position in world politics.

When we look at the history books, we read a lot about men's heroics. Women only appear in the background. I am convinced that it is our responsibility to put the spotlight on the anonymous hoards of women involved in our society, without whom the world could not move forward.

**Gabriela Crețu (PSE)**. – (RO) Dear colleagues, there are issues people talk about a lot, but little is done. In the debate on the social package, we talked about the lack of instruments required to make the principle of equal pay for work of equal value applicable and to reduce the pay gap between men and women. Without them, our commitments are only words and the legislation is useless.

There are also issues for which very little or nothing is done but that we do not even talk about. People do not really talk about the 100,000 women trafficked every year, except here, late in the evening; probably because they are goods, not citizens. Most of them are trafficked for prostitution. We request firmer integrated actions against trafficking networks, as well as concerted actions to discourage the demand for prostitution. Without demand, there is no reason for trafficking to exist.

People also do not talk about the situation of women working as housekeepers in the domestic environment; they are invisible. Without any social rights or with minimum rights, they face the same risk of abuse as women do in their own families, including the risk of exploitation. For those who work in foreign countries, the non-exercise of political rights adds to the fragility of their social and economic situation. Correct regulation of their situation is not only a present matter of justice, but it could prevent the maintenance of the high poverty rate among older women in the future.

Another subject we cannot talk about is the women in my country's government, because they simply do not exist. Dear Commissioner, dear colleagues, we consider it is time to go from making statements about what we should do to doing what we should do.

**Ilda Figueiredo (GUE/NGL).** - (PT) Mr President, evidence shows that discrimination against women persists and ultimately affects women workers, whose wages are on average over 15% lower than men's. In some countries, including Portugal, this figure rises to over 25%, a situation that has actually become aggravated in recent years.

We therefore call for the upgrading of employment, decent wages, compliance with social, health and safety standards and a reduction in the working day without loss of pay. This could help to create more jobs with rights for women and ensure better reconciliation of work and family life.

The adoption of measures to combat the labour precariousness that affects women in particular and to enhance collective bargaining in defending male and female workers must be encouraged. The adoption of public measures and actions to improve women's access to sexual and reproductive health services and to raise their awareness of their rights and the public services available to them must also be encouraged, while respecting their dignity.

**Godfrey Bloom (IND/DEM).** - Mr President, there is enormous discrimination against women in the United Kingdom, sadly. I know my own committee – the Committee on Women's Rights and Gender Equality – have their heart in the right place. However, most of the discrimination comes because the employment laws are so onerous for small businesses recruiting young women that they simply discriminate in a covert way.

I think it is the classic law of unintended consequence. You make a law here, you make a law there, and what actually happens is that nothing happens, which actually reinforces the position.

I do not mean to sound ungallant, but when I look round my committee – the Committee on Women's Rights and Gender Equality – I see that their mindset is deeply locked in the 1970s – they have not moved on. I am afraid that life is not like that any more, and when I hear people talk about the emancipation of women, I am sorry, but as an Englishman, that happened a very long time ago. I do not know what problems other countries have, but please do not lay all this on the United Kingdom, where we do not have the problem, because, although, again, I say your heart is in the right place (the law of unintended consequences), you are making a real bollocks of it.

**Mary Honeyball (PSE).** - Mr President, it may be a useful coincidence that I am speaking after Godfrey Bloom, who seems to inhabit somewhere deep within the 19th century. He is, indeed, the man famous for saying, not so very long ago, that women should clean behind the fridge and that that was one of their major roles in life. If it is me who has not moved on, then I am proud, because I do not wish to be associated in any way, particularly as an Englishwoman, with comments such as those.

What I do want to say is that this excellent report has raised very many important issues, and I thank the rapporteur for that. I also thank the Commissioner for the comments he made. One particular point I wish to pick up on is the whole question of trafficking. As a representative from London – and, indeed, a woman representative from London – I have had a particular interest in this subject, because London is one of the places very much affected by trafficking in women.

Member States are currently being asked to sign the Council of Europe Convention on Action against Trafficking. Although some of the Member States have signed this, there are others – 15, in fact – that have not yet signed, and indeed there are two that do not seem prepared to do so. I would therefore ask that all EU Member States ratify this convention against trafficking, and that everyone here, including all the members of the Committee on Women's Rights, take it upon themselves to go back to their governments and push them to do even more work than they may already be doing about the whole vile and evil trade of trafficking in women.

**Věra Flasarová (GUE/NGL).** – (CS) Commissioner, ladies and gentlemen, I welcome the report presented by Mrs Pérez and the European Commission. The statistics showing that female employment has increased in recent years to a level of 57.2% sound good, but, as the report states, a whole range of problems remain. Women still occupy only one-third of the leading positions in private companies and in other areas, including politics. A large proportion of new jobs are not covered by long-term contracts of employment and so future prospects are uncertain. These are the kinds of jobs which often go to women. They are still regarded as

people whose main responsibility is care of the family, with earnings from work representing just a supplement to the family budget. This is why women are still worse paid than men for the same work and with the same qualifications. These stereotypes continue to represent one of the instruments of discrimination against women on the labour markets. I find the willingness of employers to give women allowances to help them with childcare and thus facilitate their further professional and career development to be very unsatisfactory.

**Mihaela Popa (PPE-DE).** – (RO) We talk about the need to combat violence against women, encourage women's participation in civic activities and an aspect that falls under the activity of the Committee on culture – discrepancies between women's and men's education.

Although women obtain better results than men in the field of education, there is still a pay inequality between genders in the labour market. Personally, as a member of the Committee on Culture and Education, I submitted an amendment to the opinion drafted by CULT regarding this report. I consider it to be essential to eliminate from the mass-media the images presenting women in degrading situations, taking into account the impact that the media of mass communication have on public perceptions and attitudes.

Ensuring equality between women and men in all the fields of action of the European Union's policies is still a current issue in Western society.

**Anna Záborská (PPE-DE).** – (SK) The report begins with a paragraph stating that equality between women and men is a fundamental principle of the European Union, a principle which has been in place for more than 50 years. The second part of the report, however, continues with 46 paragraphs containing recommendations, invitations or requests for this principle to be observed. There are also fundamental recommendations such as equal access to funds, education, health care or remuneration. There is a request to combat violence against women, a request to combat trafficking in women and much more.

Such reports are certainly important and I congratulate the rapporteur. On the other hand, however, it talks about the inadequate implementation of documents already adopted. It points to inadequate control and sanctions. It also points, however, to the insincerity of politicians who outwardly declare support for equality between women and men but, in practice, do not observe it, and this is why expectations are not as we would wish.

**Czesław Adam Siekierski (PPE-DE).** – (PL) Mr President, when we analyse the resolution on equality between women and men, it is difficult not to support it. I refer in particular to the points concerning violence against women and the need for education from the earliest years about discrimination against them. We are well aware that a proper upbringing and education is the best way to root out discrimination and violence against women.

EU citizens are fairly uninformed about trafficking in women and largely unaware of the existence in our times of this dreadful, brutal trade, which is unacceptable in a civilised world. I therefore believe significant resources should be allocated to an information campaign.

It must be pointed out, however, that despite all the difficult problems we are discussing, there has been significant progress towards equality between women and men in recent years, and it is especially noticeable in rural areas.

**Monica Maria Iacob-Ridzi (PPE-DE).** – (RO) Mr. President, equality between men and women should be a basic principle of the European society.

The latest Eurobarometer survey indicates the fact that women in the rural environment are not involved in making decisions in the communities they belong to, have no stable job and most of them undertake only household responsibilities, this percentage reaching 98% in some areas. Nevertheless, over 50% of women want to have access to the European labour market, as well as to obtain a qualification that would facilitate their employment in public administration, agriculture, social assistance or education. Also, an important percentage of women want to benefit from the facilities available at European level for starting a business.

Consequently, I believe that the initiatives of women from the rural environment to get actively involved in society, to permanently improve and participate in the economic development of the region they come from should be supported. Elimination of discrimination requires a joint European effort. Programmes such as the European Social Fund and Progress in partnership with local governments and authorities should allocate larger funds to support women in the rural environment.

**Vladimír Špidla**, *Member of the Commission*. – (CS) Ladies and gentlemen, thank you for the discussion. Generally speaking, when looking at the developments, it can be said that there has been significant progress, but ladies and gentlemen, it is clear that there is still a long way to go. This is why the Commission is trying to pursue complex negotiations, using all the tools available to us. I have referred, for example, to the legislative proposals already prepared and to the intention to tighten the penalties for people trafficking.

I should also like to say that the endeavours to achieve equality are of course based on a deep ethical foundation and, even if we were to find no reasons based on social balance, stability of the social systems or economics, it would still be right and necessary to proceed consistently. However, I should like to say that real equality of opportunity is the foremost priority of the European Union and no society which cannot achieve equality of opportunity has any long-term future in global competition. It is not only fair and ethically undeniable, but it is also beneficial. I think that it is absolutely fundamental for this reason too that we move ahead, not being satisfied with the developments which may in some respects be interpreted as progress, but where very many things, on the other hand, may still be regarded as only modest results.

**Iratxe García Pérez**, *rapporteur*. – (ES) Mr President, I welcome the words of all my colleagues who have spoken on this item because I believe that it allows us to establish that despite varying emphases and some differences, the common objective is shared by each and every one of us.

I would also like to tell the Commissioner that I am very pleased with his speech and with his contribution during this debate. Each and every one of us would sign up to his speech in full. Therefore I would like to say how pleased I am, but would add that what is needed now is a genuine political willingness to implement all the initiatives which are currently on the table. He will therefore have this Parliament on his side if he continues to emphasise the importance of this issue and persists in his efforts to implement all these initiatives.

I would just like to note one aspect: the importance of men's role in the fight for equality between men and women.

Involving men in this task is essential. The fact that today male colleagues have participated in this debate may, I believe, be a reflection of the fact that men must also stand beside women in the fight for equality.

I will close by mentioning one of the issues raised in this debate, by a colleague who said that women have been saying the same old things since the 19th century. I would like to point out to him that women in my country in the 19th century were demanding the right to vote: they could not even vote. There is therefore, a clear difference.

Much progress has been made, that much we cannot deny. We must thank all those women, all those organisations who have worked in the fight for equality. This, however, cannot mean denying the obvious: there is still a long way to go, we still have a lot of work ahead. By all of us persisting, men and women, we should achieve genuine equality between men and women.

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

The vote will take place tomorrow at 11.30 a.m.

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

**Sylwester Chruszcz (NI)**, *in writing*. – (PL) Ladies and Gentlemen, many topics have been touched on in this debate. I stress the issue of maternal and parental leave. Europe is confronted with a demographic problem resulting not only from the economic problems affecting our continent but also from the failure to provide young mothers with proper support. It is immensely important for a woman who has had a baby to be provided with support that gives her and her child the necessary security and ensures that she is not prevented from returning to professional or social life.

Mothers must be protected in such a way that they can return to their place of work in due course and take care of their families properly, and we must place great emphasis on making sure these arrangements are treated equally seriously throughout Europe.

**Corina Crețu (PSE)**, *in writing*. – (RO) Although it is one of the European Union's good students as regards the legislative framework and the number of governmental initiatives and programmes for reducing gender inequality, Romania has shortcomings regarding important aspects that accentuate and perpetuate inequality between women and men.

As regards the access of women to management positions, Romania ranks among the last countries in Europe. Out of the 331 Members of Parliament, only 37 are women, just above 11% of the total. Nevertheless, the percentage of women in Romania's local administration is even lower. Sweden has almost an equal number of women and men Members of Parliament. Also, in Romania, almost a third of women work part-time, as compared with only 7.7% of men, for a remuneration on average 15 percent lower than that of men.

This situation is closely related to the persistence of gender stereotypes, which makes most of the household duties fall to the responsibility of women. Unfortunately, gender inequality and the related prejudices are present not only in the family environment, but also in the education environment of Romanians. Studies show that school activities in Romania tend to form gender differentiated mentalities, as well as the social-economic orientation activities organized by the teaching staff.

Therefore, I emphasize the importance of including the issues regarding the importance of education in reducing gender inequality in the report.

**Véronique Mathieu (PPE-DE), in writing.** – (FR) Equality between men and women is a fundamental principle of the European Union. Yet the figures in the 2008 report show that there is still no equality. Indeed, the pay gap has remained at 15% since 2003.

In light of that situation, I believe we must strengthen European legislation, for example by compelling employers to carry out wage and salary audits, with a view to reducing that gap in pay.

It is also important to look at the special situation of women living in rural areas, who are never declared as 'working' on the official labour market. Because they have no definite professional status, those women, who certainly work since they help their husband within the family farm, encounter a great many financial and legal difficulties in regard to access to retirement pensions or social security. I will support any measure that will improve the situation of those women.

Lastly, I welcome the proposed measures to improve women's access to sexual and reproductive health services. Such access is indeed a vital condition for the exercise of their freedom.

**Dumitru Oprea (PPE-DE), in writing.** – (RO) I consider that gender discrimination is maintained mainly due to old mentalities that still exist in modern societies: the man financially supports his family and the woman has its social responsibility. These mentalities can be seen in all countries, but in particular in disadvantaged regions. This phenomenon could be eliminated by proper education.

In this context, I believe we should also take into consideration the fact that the evolution of the current overall society has led to an increasing involvement of women in active life and their status in society has visibly improved. Nevertheless, problems may occur at the level of the family, especially related to the care of parents for their children, the involvement in their raising and education. The lack of time, the busy work schedule, the mirage of foreign countries, have led to reduced control of parents over their children during holidays, as well as in the interval of 2:00-6:00 p.m. on school days.

For this reason, solutions need to be identified in order to eliminate the concern related to what the child is doing while the parent is at work, by developing activities inside or outside schools, which would cover the lack of supervision by parents.

In fact, the after school method should be expanded and should become a project useful to the family, the community, the country and to Europe.

**Rovana Plumb (PSE), in writing.** – (RO) I would like to congratulate the Rapporteur and emphasize the importance of the content of this report for the achievement of the economic growth objectives undertaken in the context of the Lisbon Strategy.

Both the European Union and the Member States should provide a better model for society. Despite the progress achieved, inequality between men and women persists and this is why we have to take action.

I would like to draw attention to a problem that very many women are dealing with every day and in relation to which very few of them receive a favourable sentence, namely sexual harassment.

According to a national study conducted in Romania, in 90% of the cases, the victims of sexual harassment were women and 1 out of 9 people in the urban environment have dealt with a sexual harassment situation. In over 55% of the cases, the aggressor was the victim's professional superior.

I think a reassessment of the strategies and actions in this field is required in order to increase women's living and professional standards and Member States should accelerate the enforcement of Community legislation on equality between women and men with regard to the labour market, including as regards sexual harassment.

**Theodor Dumitru Stolojan (PPE-DE), in writing.** – (RO) Time has come to give up stereotypes and act firmly in order to provide real equal chances to women and men. Over the last ten years, progress has been unquestionable as regards the increase of women representation in European top politics, but still insufficient. On the contrary, remuneration discrepancies have remained relatively constant in recent years. European companies still contribute to the fundamental exclusion and firm and more courageous decisions are required, together with a much more efficient media campaign for this purpose.

The general participation of women in the decision-making process is subject to obvious distortions in Romania, as well, which is the only country where not a single woman holds the position of Minister and, in Parliament, women represent only 9%. The Romanian society has the duty to fight mentalities, gender discriminations in all its daily forms.

I have confidence in the positive effects of using electoral quotas to represent women. We can find best practice models in Nordic countries, and not only there. No matter if we opt for an electoral system based upon proportional representation by guaranteeing the gender parity of candidates, as well as the equal visibility in the media (Belgium) or for distributive quotas established by law (Finland, Sweden, Spain, France), I believe the situation of women who want this type of involvement in the political, economic and social life could be improved in Romania.

## 15. European Network and Information Security Agency (ENISA) (debate)

**President.** – The next item is the debate on the oral question to the Commission, by Giles Chichester and Angelika Niebler, on the European Network and Information Security Agency (ENISA), on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats (O-0060/2008 - B6-0159/2008).

**Angelika Niebler, rapporteur.** – (DE) Mr President, Commissioner, ladies and gentlemen, in 2004 the European Network and Information Security Agency, known by the acronym ENISA, was founded. Its task is essentially to improve network and information security in the European Union and to promote closer cooperation among the Member States.

ENISA's mandate is unquestionably complex. Computer viruses, spam mail, phishing and Trojans are real threats in a world of virtual data. Hacking threatens private and public networks. The damage done to our modern communication society is immense. Security is the Achilles' heel of our computer systems. This is where we are vulnerable and endangered; when I put it that way, you will understand how important this agency is to us.

On the other hand, this agency does not have a large staff, but it still has this mammoth task to perform. This raises the legitimate question whether ENISA can actually perform its tasks in the way in which it currently operates. We have very often discussed, both in the chamber and in other bodies here, how ENISA might perhaps be further developed. The latest proposal from the Commission was that ENISA be merged with the planned European Authority for Telecommunications Markets. That proposal was not embraced by Parliament or by the Council. Instead, Parliament and the Council decided before the summer recess that ENISA's mandate should be extended for three years.

The ultimate purpose of our question to the Commission is to ensure that this debate is structured over the next three years. By asking the question, we also want to grasp the nettle and challenge the Commission to state its position on the points we regard as critical. In its present form, can ENISA perform the tasks that are expected of it? Is the Commission thinking about replacing ENISA with another organisation? Is it absolutely essential that these tasks be performed by an EU agency? In the Commission's view, what general changes to ENISA's structure should be considered?

I look forward to the Commissioner's reply. I am keen to find out how far advanced the deliberations are in the corridors of the Commission. We in Parliament, of course, shall subsequently be called upon to form our own opinion on the future shape of ENISA.

**Viviane Reding**, *Member of the Commission*. – Mr President, the honourable Members will know that in accordance with the Regulation of the European Parliament and of the Council establishing the ENISA Agency, the mandate of ENISA automatically expires on 13 March 2009.

However, the Commission believes it is essential to ensure the continuity of network and information security activities. That was a view shared by Parliament and by the Council in the debates on the proposal for an amending regulation extending the mandate of ENISA. Therefore, the measure extending the mandate of ENISA for a further three years is justified.

It is true that the evaluation of ENISA launched by the Commission in 2006 identified a number of problems, but it also identified positive aspects of the Agency's achievement in the light of the limited means at its disposal. The Commission responded to the concerns identified by bringing forward a proposal for a regulation establishing the Telecoms Authority.

We note today that the Council and Parliament agree that ENISA should be kept separate from a new body to be put in place as an alternative to the Telecoms Authority, and the Commission still sees the need for an efficient body able to monitor security and integrity issues. That is why it is important to continue the work of ENISA.

However, I also strongly believe that network security challenges will require a strong, coordinated European response. Recent cyber-attacks in Estonia and also in Georgia – the serious cyber-attack there during the summer seems to have gone unnoticed – have shown that one country on its own can be very vulnerable indeed.

I therefore call on the European Parliament and the Council to open, early in 2009, an intense debate on Europe's approach to network security and on how to deal with cyber-attacks, and to include the future of ENISA in those reflections.

During the debate on the prolongation of the ENISA regulation, calls were made both in Parliament and in the Council for a debate on the goals of a possible modernised network and information policy, and on the most adequate means to achieve them. It was explicitly stated that the prolongation of ENISA should not prejudice the outcome of that debate. In order to facilitate such a debate, the Commission services will, in the second half of 2008, develop a questionnaire to be submitted to public online consultation on the possible objectives of a modernised NIS policy at EU level, and on the means to achieve those objectives. This will, of course, be done in consultation with ENISA and its management board.

**Nikolaos Vakalis**, *on behalf of the PPE-DE Group*. – (EL) Mr President, Commissioner, the European Parliament and the Council have approved the extension of ENISA's operation until the end of 2012. This three-year extension will enable further debate on the future of ENISA and the wider question of increased security of networks and information in Europe.

In my view, the revision procedure ought to begin immediately. It should transform the body from a temporary foundation into a permanent one; above all, this must be accompanied by a simultaneous increase in staff and an updating of the extremely important Articles 2 and 3 in its Rules of Procedure. This solution will allow the body to get to work as soon as possible under an upgraded and improved mandate.

Let me remind you here – and this is the Commission's view, too – that only a European agency can guarantee the security of networks and information. I should also like to point out that today the overwhelming majority of partners agree that ENISA is the most able and qualified body to develop a new, dynamic European policy for the security of networks and information.

In the past, ENISA was harshly criticised. I must remind you, however, that the evaluation report in 2007 was able to evaluate ENISA only in its first year of operation; as a result, the evaluation is no longer reliable or, of course, timely. Recent evaluation studies by independent bodies have restored the truth. It is essential for appropriate resources to be made available so that the body can operate more effectively.

Finally, let me tell you that the Greek Government wishes to support a viable solution: it has undertaken to cover the maintenance expenses of an ENISA office in Athens in order to facilitate the body's work and operations.

**Anni Podimata**, *on behalf of the PSE Group*. – (EL) Mr President, Commissioner, ladies and gentlemen, the facts behind today's debate on the oral question by the Group of the European People's Party (Christian Democrats) and European Democrats on ENISA are certainly very different from when this question was



submitted. For a start, the Council and the European Parliament have agreed to the extension of the body's operating regulation until 2012.

At the same time, the European Commission's proposal to establish a European authority for the purchase of electronic communications has been treated with circumspection by the Council and the European Parliament. Instead, the Council and the European Parliament are in fact proposing the BERT recommendation, with fundamental responsibility for better implementation of the regulatory framework for telecommunications services, without getting involved in issues of network security or integrity.

However, these issues are indeed exceptionally important, as you, Commissioner, rightly pointed out a little while ago and in your statement earlier today. You stressed that the recent attacks on Estonian cyberspace and that of other countries show how vital it is that we come up with a convincing and coordinated European response immediately.

Now, this is precisely the role ENISA can and must play, once it is operating under an upgraded and improved mandate with clearly defined duties and aims and, of course, once it has the requisite means and human resources available to it.

This time I hope that the Commission will contribute significantly and genuinely here by assisting ENISA in its work to reinforce the security and integrity of networks. This is vital to boost the confidence of companies and, of course, European citizens in European networks.

#### IN THE CHAIR: MR COCILOVO

*Vice-President*

**Jorgo Chatzimarkakis**, *on behalf of the ALDE Group.* – (DE) Mr President, Commissioner, network security – it sounds like a specialised field of knowledge, but the security of networks is influencing more and more aspects of our daily lives: mobile communications, the Internet, which is squeezing its way, rather like an octopus, into more and more areas of everyday activity, ambient intelligence – the computer intelligence that is built into our environments, be it to assist elderly people or to control complex work processes. All of this shows us that we are becoming more and more dependent on such advanced forms of technology. They rule our lives and the growth of our economy.

How dependent we have become was recently demonstrated in Estonia. You mentioned, Commissioner, that Georgia was affected too. People are less aware of that case, but if we had needed a more spectacular example than Estonia, we got it there. We saw how a modern, network-driven economy suddenly became dependent on that factor, on that technology, how it was attacked and how its security really did come under very serious threat. That is also the reason why the Commission, in which Commissioner Liikaanen held the portfolio at that time, rightly recognised the need for a network-security agency. This is why we were taken by surprise when ENISA was evaluated after only a year, before it was fully and properly resourced, and the agency's very existence was called into question. That certainly shocked us at the time, and I am therefore delighted that we are conducting this debate here.

Why did we call this agency into question after only a year? How do you intend, do we intend, to fashion ENISA's mandate in such a way that it can operate like an agency that deals on equal terms with the agencies that exist in the United States, Japan and China?

I should like to thank you for your recognition, following the second evaluation, of ENISA's achievements. Nevertheless, day after day we Members of Parliament discuss this culture shift, this climate change that affects our economies, that forces us to give up our economic dependence on fossil fuels and switch to other energy sources. Every day we put our heart and soul into these efforts here. We all know that changing our systems is the only option. To that end we need intelligent solutions, and we need network security, for security is paramount. This is why I am grateful that we are holding this debate as a building block in the construction of a more robustly resourced ENISA and of greater network security.

**Viviane Reding**, *Member of the Commission.* – Mr President, in conclusion I would like to say that there is unanimous support in the Council, and broad support in the European Parliament, for extending the duration of ENISA for three years. Both arms of the legislature agreed to reach a first-reading agreement as soon as possible, in time before the automatic expiry of the current regulation.

As I understand it, the Council plans to adopt the amending regulation as an 'A' point at a forthcoming Council meeting. The problem would then be resolved and, after the Commission has presented a paper on

the basic problems underlying the cyber-attacks, Parliament can then take that on board and start a real debate on the future of our responses in that area.

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

## 16. How marketing and advertising affect equality between women and men (debate)

**President.** – The next item on the agenda is the report (2008/2038 (INI)) by Eva-Britt Svensson, on behalf of the Committee on Gender Equality, on how marketing and advertising affect equality between women and men.

**Eva-Britt Svensson, rapporteur.** – (SV) Mr President, I would like to thank my colleagues in the Committee on Women's Rights and Gender Equality and especially the shadow rapporteur for excellent and constructive contributions to the report.

The Presidency of the Council has highlighted the importance of combating gender stereotypes. This is one of the six priority areas of the Presidency. Therefore I consider that it is important for us here in the Parliament too to give our views on the problem of gender stereotypes and how they affect equality between women and men.

In order to avoid any misunderstandings, I would particularly like to state and be very clear that in the report I am definitely not recommending any new legislation in this area, neither at EU nor at national level. The measures I propose refer to national, self-regulating bodies which already exist and which represent producers, advertisers and consumers. These bodies should work to increase awareness of the importance of gender-stereotyped advertising. The Member States should also ensure that there are bodies to which the general public can turn with complaints. I also think that the European Institute for Gender Equality which is being set up should carry out research into how equality is affected by this type of advertising. We need to know more.

So why is this important? It is important because advertising is everywhere, in our homes, in public spaces, in newspapers, in the media, etc. Of course we are affected, whether we are aware of it or not. Companies would not invest billions in advertising if it did not have any effect.

Advertising and marketing today are not just about trying to sell goods or products, but about selling a whole lifestyle, a form of culture. We have to behave in a certain way and act in a certain way to live up to expectations of different norms. It is particularly important to combat this phenomenon where it affects young people who are seeking an adult identity, future education paths, etc. I want all people to be able to choose without consciously or unconsciously being influenced by various gender-stereotyped norms.

Today it is impossible for an advertiser to make an advert for a product which increases environmental problems or hastens climate change. I have a vision that in the future it will be just as impossible to sell products which have a gender-discriminatory or gender-stereotyped message.

I am also convinced that with increased awareness of the importance of advertising, consumers, both men and women, will start to refuse to buy products which use this kind of advertising. I am also just as convinced that consumers will favour companies, producers, which have a conscious advertising policy and which do not permit gender-stereotyped advertising. This will be an important success factor for companies and advertisers who demonstrate their responsibility by influencing and contributing towards greater equality. After all, this is the goal we all say that we share. This is one factor among very many, but it is an important one.

**Viviane Reding, Member of the Commission.** – Mr President, I would like to thank the EP and the rapporteur, Mrs Svensson, for addressing a very delicate issue on how marketing and advertising affects equality between men and women.

Advertising plays an important role in the financing of the media. It reduces the cover price of magazines and newspapers and ensures that much audiovisual content is available free to consumers. This is important for freedom of expression and diversity, a question which is often debated in this House.

What we have seen over the years is an accumulation of bans or controls on advertising – cigarettes, alcohol, fatty food – and soon there will be new rules for how car manufacturers advertise CO<sub>2</sub> emissions. Advertising is a soft target because it is much easier to regulate it than to address the underlying problems, which are

often more complex – though the report which we are discussing tonight favours further controls on advertising, this time from the subjective area of gender politics.

As Media Commissioner, I recognise the underlying policy concerns, but I also wonder what will be the impact of these concerns if they are carried out on a whole industry and on the general public. As it has become more difficult to advertise because there is less money and because of all the bans, advertisers have reduced the role of advertising in their marketing expenditure. There are other ways to market products without advertising them in the media: product promotion for instance. That is very bad for media pluralism, because most of all the written press – the newspapers and the magazines – do not get enough income in order to continue to be published.

The report does not take into account the positive aspects that support the objectives of the report in order to protect citizens. Let me give you some examples. Article 3 of the Audiovisual Media Service Directive contains strong wording on human dignity and non-discrimination in relation to audiovisual advertising. The Commission, I can assure you, will ensure that Member States' transposition of this Directive reflect what the legislator wanted.

Neither does the report underline the valuable role that self-regulation has played. Let me give you an example here, too. You should be aware that it has been responded to well in cases of, and I quote: 'objectionable stereotyping', and I will give you a very concrete example. The fashion industry has stopped its 'porno-chic' campaigns, which stigmatised women as pure sex objects. So there are legislative measures in order to solve the problems.

We should have, in this respect, a very realistic approach. Advertising is a short-form medium, glimpsed on a page or in a 30-second video spot. What the report calls 'stereotyping' may be just a quick way to link a product to a particular group of consumers. It can also reflect poor creative work. There is, on the other hand, good advertising and bad advertising, and as Media Commissioner I have to accept that the freedom of expression also includes the right to fail – even to fail badly – even if we do not like it. If I asked the plenary here to take a decision on that, I think that the right to fail would not be hampered.

As the report acknowledges, there is no conclusive research that links stereotyping with gender inequality. Policy-making requires a strong evidence base, not just strongly-held views, and that is what we are basing our policy proposals on and why the Commission supports the positive recommendations made in the EP report. Best-practice exchange, for instance, among the regulators is something that we always encourage. Education, research and further debates should certainly continue.

I would like to underline that for nine years now, as Media Commissioner, I have been pleading for courses in schools on media literacy. I believe that this would be the most important thing: if we could awaken the critical appraisal of youngsters in order to read advertisements, to reject the bad advertisements, something which is really not relevant to our society. I would like to concentrate on best practice, for instance I like the Spanish example of awards for advertising that handle gender issues well. That is the right way to proceed, and that is why we should accentuate the positive and see whether we can make further progress, because it is worthwhile fighting for this.

**Esther Herranz García, on behalf of the PPE-DE. – (ES)** Mr President, true freedom ends where the freedom of others begins, and the freer the media are, the freer a society is; the loss of freedom begins precisely in censorship of advertising and continues into editorial content.

Therefore, the European People's Party has submitted amendments to this report to correct a number of totalitarian aberrations which run counter to the principle of a free society.

European marketing and advertising already exercise self-regulation and there is sufficient legislation in the Member States. Marketing and advertising are not only in the realm of the media, they form part of our daily lives and, fortunately, there are excellent professionals working in those fields who, for the most part, are aware of the sway they hold over social balance. Therefore, the European People's Party will vote against the amendments and paragraphs presented by the communists as they cast aspersions of widespread chauvinism and sexism among workers in the sector, and that is a fallacy.

In the European People's Party we believe in equality between men and women, but we believe it must be advocated without giving anyone else a bad name. We believe that childhood and youth must be protected and that children and young people must be brought up by their families and society as a whole. Brought up with values which help them to be better people.

I believe that the sectarian use of equality, which is the aim of this report, is a serious mistake and the EPP will not, of course, allow it. We very much hope that our amendments will be adopted so that we can support the report. Otherwise I shall abstain from the final vote out of respect for the subsidiarity of Member States and for respect for professionals in the marketing and advertising business.

I do not believe that criticising national laws and overstepping the powers of this Parliament will be good for us because it will reduce our credibility in the future.

**Bernadette Vergnaud**, *on behalf of the PSE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, this report is not as anodyne as the late hour at which it is being debated might suggest and I want to thank Mrs Svensson for the work she has done and for her cooperation.

Marketing and advertising are ubiquitous in our society and contribute to the creation of social constructs that sometimes have adverse effects, in the form of discrimination or the retreat into simplistic gender stereotypes. Advertising is certainly also a source of creativity and such representations are sometimes used intentionally for humorous purposes. But advertisers must not forget that they have an important educational role to play, that we must develop the critical faculty of young people, with a view to eliminating all forms of discrimination resulting from what are at times degrading images based on gender that could put the dignity of the individual at risk.

The purpose of this report is not to question editorial or creative freedom but to encourage the actors in this sector to improve existing self-regulation systems, to cooperate with the competent authorities to improve the codes of good practice and to be aware of their responsibilities in relation not only to gender equality but also to physical and mental health, which is sometimes threatened by pressures arising from criteria of beauty that are set as the desirable norm.

That is why I ask Members to reject the many amendments seeking to delete parts of the text, since it would then lose all its substance.

**Sophia in 't Veld**, *on behalf of the ALDE Group*. – (NL) Mr President, I do recognise the problem described by the rapporteur. I imagine a reconnaissance mission coming from the planet Mars. They come to earth and by way of preparation they just look at advertising to get a picture of the people on earth. Then they come here and see to their surprise that women are not just interested in cleaning products and do not just sit waiting all day until their husbands come home from work, women are independent and intelligent and earn their own money and so are also consumers, and besides that there are other kinds of families on earth that you never see in the adverts, such as single-parent families and gay couples with children, and immigrant families, and, for instance, people in wheelchairs or with speech impediments. You never see them in the adverts. I certainly agree with the rapporteur as far as that goes.

Having said that, though, I agree with the comments by Commissioner Reding and also my EPP colleague. There is still something like freedom of expression. Therefore I do not believe we should interfere in any way with the content of adverts. Best practice is a better idea. Of course I cannot name any brands here, but I am thinking of an Italian fashion label that has been breaking taboos for 20 years now, and of other products too.

Apart from that the report is much too broad, because the title says 'marketing and advertising', when it also concerns school books, TV, the Internet, video games and much else besides. Quite honestly I think the EU should stay out of this.

There is also something about adverts for sexual services. That is completely beside the point. Taste and morality can vary and I do not think we can impose them uniformly from the EU.

Finally, if you look at the picture that has been drawn of women in advertising in the past 50 years, I note with satisfaction that women are much cleverer than we think. They do not let the adverts stop them from simply becoming independent.

Finally, if we really want to do something, I have two concrete proposals. Firstly, if we do not like the advertising, we consumers go on strike, and secondly, I suggest that at least one woman should be appointed to one of the top four posts in the European Union.

**Ewa Tomaszewska**, *on behalf of the UEN Group*. – (PL) Mr President, I wish to draw attention to the existence, both on television, including public television, and on billboards, of advertisements whose content or form degrades the persons appearing in them. Those in question are usually, but not always, women. Depriving

them of their dignity, treating them as objects, depicting them as being on a lower intellectual level or as capable of arousing interest solely in the sexual sphere, leads to a lack of self-esteem in unprepared persons exposed to such material. It reduces their efforts to achieve life plans and limits their ambitions. Such advertising affects young people above all, which can make its impact more severe. It is one of the many results of omnipresent consumerism. For many people, profit – even if earned by indecent means – is more important than treating human beings as subjects with an intrinsic value that has to be protected. It is therefore important that advertising of this kind be restricted by legislation.

**Hiltrud Breyer**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, equality between women and men is one of the values and goals of the European Union. The EU intends to establish that equality in every area of activity. It is unthinkable that the realm of advertising should be excluded. I therefore welcome the report by Mrs Svensson, who has addressed this important issue and presented a balanced report. You have my sincere thanks.

Advertising affects us subconsciously. One major effect is the way it creates gender stereotypes. Discrimination in advertising runs counter to the aim of equality. The EU is not doing enough to eliminate sexism and discrimination in the media. We must therefore make it clear that Europe is a Europe of values. We do not want any misogynist advertising, any advertisements that degrade women into objects or revel in crude clichés about women. The same applies, of course, to adverts about men.

I would be delighted if, on the contrary, advertising helped to shake up our well-worn role perceptions, our images of men and women. Regrettably, however, the advertising industry has drawn up battle lines against something that should actually be taken for granted, namely respect, and particularly respect for women. I fail to comprehend why the advertising industry is raising such a storm in a teacup. I call it a storm precisely because it seems to have caught the ear, unfortunately, of many female Members of this House.

For all that, we can surely agree, in fact, on the following basic principles: we need to be more awake to discrimination in the media, and we also need national monitoring authorities with which complaints can be lodged. Something similar already exists, by the way, in many Member States. This is why I cannot understand what all the fuss is about. I had even wished that we would go further in this report. For this reason I hope that we can indeed agree to support what is now on the table, for we need this report as a basis, and we should not water it down any further.

**Urszula Krupa**, *on behalf of the IND/DEM Group*. – (PL) Mr President, despite the report's many positive aspects in drawing attention to the negative influence of media, marketing and advertising that caricature and objectify human beings, discriminate against them and deprive them of their dignity, I must nevertheless protest at some of its arguments, which are manipulative and aimed at the creation of a modern egalitarian society devoid of ethical models. It is true that various hormonal and psychological therapies make it possible to experiment on people, but such experimentation causes serious trauma and should be banned, just as experiments on animals are restricted.

Both masculinity and femininity, the dual form of the human somatic constitution, are personality-forming elements. It is impossible to change roles, since they are inscribed in human nature. Drawing attention to the influence of advertising is all well and good, but it would be better to postulate ethical-legal control based on prior acceptance of a universal value system, founded, best of all, on divine law.

**Edit Bauer (PPE-DE)**. – (SK) Sometimes we are not even aware that the consequences of advertising policy have far-reaching effects on the retention of stereotypes, which means an almost insurmountable obstacle to the changes needed to achieve the defined targets, including the Lisbon targets.

Despite this, however, we can also state that advertising as such has its great positives. We should realise that advertising policy, especially in relation to men and women, is putting a brake on the process of harmonisation of working and family life, since it very often presents a picture of a woman who is happily and smilingly on top of all her, sometimes conflicting, tasks arising out of her different social roles, very often performed under considerable time pressure.

The problem is not just the maintenance of outdated stereotypes of the male and female roles, but also the further reinforcement of them, since the experts warn that advertising not only reinforces but also creates expectations. One of the most astonishing indications of this is the number of girls suffering from anorexia.

Since marketing and advertising use or misuse existing stereotypes, it is pointless for the European Council to adopt resolutions combating stereotypes since they will be completely ineffective.

The solution, however, will definitely not be some specific European code of conduct. The problem with marketing and advertising cannot be ascribed to the media as such. It is a pity that the report, in attempting to solve the problem, chooses a path which will either be impracticable or not achieve the target.

**Marusya Ivanova Lyubcheva (PSE).** - (BG) President, Commissioner, colleagues, I find the report very important and very necessary. The environment that surrounds us all the time is of exceptional importance for the formation of attitudes, conduct and approach to problems, equality included. Marketing, advertisement, media, Internet and television can provoke seriously both a positive and a very negative attitude towards the idea of gender equality.

Without restricting the freedom in the activity of media, organizations and institutions dealing with marketing and advertisement, without imposing censorship, we should consider the negative consequences, denounce the presentation of women in an unfavourable light, as subjects provoking violence, sexism, or their being shown as a combination of "hot" female images and even hotter, tempting alcoholic drinks. Isn't this humiliating?

Since we consider equality a partnership, we think that the tolerance of marketing and advertisement to this problems is equally valid for men. Advertisement and marketing should create a way to understanding equality, should reflect ethical models of equality of man and woman, not distort the philosophy of equality with the objective of profit. Thus marketing and advertisement should create an environment for social understanding, for social prospects.

The report underscores the need of spreading in the media the principles of gender equality by programmes and materials intended for different age groups, popularization of good practices of respect, appreciation of the difference between the sexes, of non-discrimination. This will form a culture of equality and will create equality.

**Zita Pleštinská (PPE-DE).** - (SK) Advertising is an integral part of our life and it has an indisputable effect on the public's behaviour and the formation of public opinion.

In the report, the rapporteur, Mrs Svensson, makes points with which I agree. These are mainly points indicating the need to protect children and youths from negative advertising. Advertising the sale of sexual services and prostitution corrupts children from a tender age.

I have a different view from that of the rapporteur as to how the defined target can be achieved. It is difficult at the European level for us to interfere with media freedom and not adhere to the principle of subsidiarity. I do not think that we will succeed in adopting a European ethical code in the field of marketing and advertising.

Our anxiety about the young generation must be addressed mainly by parents and teachers. I am convinced that the main responsibility lies with parents and teachers who are in a position to teach children to use television and new technology sensibly and responsibly.

**Zbigniew Zaleski (PPE-DE).** - (PL) The resolution puts too much emphasis on the issue of inequality between men and women and on gender stereotyping. Negative stereotyping needs to be mentioned, and gender inequality is a major element in bad advertising, but it is not the only one.

In the first place, many psychological experiments show how children – especially children, but adults too – learn aggression, negative attitudes and negative behaviour from television and the other media. Following on from what Commissioner Reding had to say about education at school, what I, as a psychologist, find important is that research shows people are convinced that television and advertising, in particular, do not influence them as much as they do in reality. Marketing and advertising in the media manoeuvre between information, promotion and manipulation. The problem lies in distinguishing between them. Where free advertising does not comply with moral, social and psychological principles, it is harmful. That is probably the most important point.

**Monica Maria Iacob-Ridzi (PPE-DE).** - (RO) I would like to propose some practical means by which we could approach the issue of the negative influence of publicity on gender equality in Europe.

From the point of view of the applicable European legislation, a key issue is the principle of the country of origin. This is also applicable to publicity, so that a production accepted by a national broadcasting board in a Member State must be accepted for broadcasting in all other Member States.

We have recently dealt with clear examples of gender discrimination, promoted by publicity productions that could not be suspended from broadcasting in the European Union countries. Thus, I consider that measures of exception from the country of origin principle should be introduced, when it is found that the European pact for gender equality has been infringed by offensive media productions. Since we are discussing a field falling under Community competence, namely trade in audiovisual services, I believe fines to be enforced by the European Commission to producers promoting discriminatory images through publicity should be introduced.

**Marie Panayotopoulos-Cassiotou (PPE-DE).** – (EL) Mr President, we are in favour of both the market economy and competitiveness. On the basis, then, of healthy competition, we want the truth to be told; products ought to compete on the basis of genuine facts.

Freedom does not mean unaccountability, nor is advertising a ploy allowing anyone to show off their products. We were speaking this morning about tackling discrimination, and it is very strange that those who support the abolition of discrimination do not want to protect human dignity by applying self-regulation to advertising.

I congratulate the Commissioner because she has often shown through her proposals that she is taking measures to protect minors and safeguard values with the help of the media and especially modern technologies.

**Agnes Schierhuber (PPE-DE).** – (DE) Mr President, I support the view that parents and legal guardians bear great responsibility in the way they deal with children. Today, the business world sees and treats children as important consumers. This is why it is necessary to make them aware from a very young age of the power of advertising and its potential adverse effects. I do not believe, however, in the idea that we should regulate it uniformly throughout Europe.

As the Commissioner also said, in the education system we must try to show children a path from a very young age, making them aware of both the opportunities and risks that are inherent in advertising.

**Eva-Britt Svensson, rapporteur.** – (SV) Thank you for the debate. I would like to clarify one thing – the report is from the European United Left, nothing else. With regard to the amendments, I would like to remind you that 53 amendments from the different political groups were adopted by the committee, including four amendments tabled by Mrs Herranz García.

Freedom of expression was referred to. It goes without saying that freedom of expression is sacrosanct. There is nothing in the report about any new legislation, either at EU level or in the Member States. That is a matter for individual countries. What we are doing in the report is focusing on the bodies which already exist, self-regulating and joint bodies in which producers, advertisers and consumers find the best methods together.

The Commission says that more conclusive research is needed into how equality is affected. I agree with that and that is why this has been highlighted in the report. We need more research. We need to arouse critical thought! This is precisely what the report is about! Increasing awareness and thus also critical thought!

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

The vote will take place on Wednesday, 3 September at 11.30 a.m.

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

**Zita Gurmai (PSE), in writing.** – (HU) The fight against stereotypes is one of the six priority areas of the Equality Roadmap for 2006-2010.

This is a matter of principle, the practical impact of which is extremely far-reaching and thorough, since stereotypes create a scandalous situation for women and form a significant barrier to their success – whether it be in their job-hunting, their workplace, their career progression, their participation in decision-making or in balancing their work and private life. Stereotypes establish and maintain inequalities in every area of life, thus causing untold damage to the whole of society and significantly reducing the effectiveness of efforts to create equality.

I feel that well-planned, coordinated action and campaigns against stereotypes are needed, important elements of which include the social consciousness that starts in childhood, education and the application of proper practices.

The marketing and advertisements that appear in the media have an important role in forming the image that is created of women – the disadvantageous image contributes significantly to maintaining the scandalous situation, and at the same time this trend can be turned around by showing the reality, opportunities and skills in a realistic way. We therefore have to work on preparing these possible tools and measures, through which we can promote positive change. Similarly, it is vital that the existing legislation is applied appropriately.

**Andrzej Tomasz Zapałowski (UEN), in writing.** – (PL) Mr President, Eva-Britt Svensson's report on how marketing and advertising affect equality between women and men is one of those documents aiming at intervention in matters that are not of the highest importance in view of the problems currently facing the European Union. In some respects the report is simply not serious.

For the rapporteur, gender stereotyping is a greater problem than the brutalisation of media content, especially with regard to children. Given the existing advertising codes in force in the media, the claim that advertisements arouse hatred on gender lines is an overstatement. The report does not mention the growing problem of gender discrimination among EU citizens of the Muslim faith. I fear that, with regard to equality between women and men, the Muslim press is not monitored.

That is a very serious problem for EU Member States to resolve. The proper relations obtaining in the field of equal treatment of men and women in traditional, historical European society do not require intervention at the present time. Individual cases of degenerate behaviour in this area can be combated by means of the existing legislation.

## 17. Cloning of animals for food supply (debate)

**President.** – The next item is the debate on the oral question (O-0069/2008 - B6-0545/2008) to the Commission by Neil Parish, on behalf of the Committee on Agriculture and Rural Development, on the cloning of animals for food supply.

**Neil Parish, author.** – Mr President, I should like very much to welcome Commissioner Vassiliou here this evening to listen to our oral question, especially at this late hour.

When we deal with cloning, it is not only a case of food safety, but also we in Europe believe that, under the common agricultural policy, we are producing food to a very high standard and also to a very high welfare standard. The problems with cloning concern not only the welfare of animals but also consumer confidence in food that may come from cloned animals.

You only have to look across the Atlantic Ocean to the United States of America to see how to stop cloned animals from entering the food chain. For instance, if a cloned bull is worth EUR 1 000 at the end of its life to go into the food chain, then the people who have bred that bull have to put up a bond, which may be worth EUR 3 000, and when they destroy that animal and make sure that it does not go into the food chain, they get the bond back. It is quite a simple way of keeping cloned animals out of the food chain.

I think we have to take this matter very seriously and I would urge the Commissioner to look at this again.

I will go through some of the problems with cloning, especially from a welfare point of view. Cloning entails serious health and welfare problems for clones and their surrogate dams; animal health problems come from invasive techniques required to produce a clone; there is the suffering of surrogate dams which carry cloned fetuses, and high levels of ill health and mortality in early life for cloned animals.

The OIE Scientific and Technical Review identified that only 6% of cloned embryos resulted in healthy, long-term surviving clones.

The EFSA report also points out an increased proportion of pregnancy failure and disorders in surrogate dams of cloned embryos. These disorders and the large size of clones make caesareans more frequent in cattle carrying clones than in conventional pregnancy. Mortality and morbidity is higher in clones than in sexually-produced animals; the welfare of both surrogate dam and clone can be affected.

On the ethics side, the European Group on Ethics has doubts as to whether cloning animals for food supply is ethically justified. It also does not see convincing arguments to justify the production of food from clones and their offspring.

If you look into the figures of what has happened when animals are cloned, cloned calves are often 25% heavier than normal, leading to a painful birth; 25% of cows pregnant with clones at day 120 of gestation



develop hydroallantois. Reports in 2003 show only 13% of embryos planted in surrogate dams result in calves delivered at full term; only 5% of all cloned embryos transferred into recipient cows have survived. EFSA's opinion cites a study where out of 2 170 cattle receiving embryos only 106 live births occurred – 4.9% – and only 82 survived more than two days.

We also have to consider the problems that occur not only on the animal welfare side but also in the gene pool of animals – and this is a farming aspect also. Take the Holstein Friesian – it is thought that there are only about 50 strains of the Holstein Friesian. If we start cloning bulls and the heifer from a cloned bull is then put back on to the offspring, so the same father is used, then we will create an even tighter gene pool. There are then problems with disease and with genetics being carried over to those offspring. Therefore, we need to make sure there is hybrid vigour.

The industry itself cannot explain why a cloned animal has the cell of the parent – an older cell. Therefore, again, there is the risk of producing an animal that is not as strong and as healthy.

Therefore, I call on the Commission to submit proposals prohibiting the cloning of animals for the food supply and the placing of cloned animals on the market in meat and dairy products.

**Androula Vassiliou, Member of the Commission.** – Mr President, I want to thank Mr Parish for raising this question, because it is a question to which the Commission has given a lot of consideration and considers important, and it is indeed something which preoccupies us. The European Commission – as Mr Parish said – has asked EFSA to provide an opinion on food safety, animal health, animal welfare and the environmental implications of the use of live animal clones.

The final opinion was adopted on 15 July this year, and the Commission is now evaluating the necessary steps to be taken. This opinion refers to uncertainties in the risk assessment due to the limited number of studies available. It also refers to the fact that the health and welfare of a significant proportion of clones have been found to be adversely affected, often severely, with a fatal outcome.

The Commission is aware that, even though the efficiency of animal cloning has improved in recent years, adverse health affects on animal health and welfare still occur today. There are indications that mortality and morbidity rates in clones after birth are higher than in sexually-reproduced animals. However, most surviving clones are normal and healthy, as determined by psychological measurements as well as by behaviour and clinical examinations.

The Commission closely follows the scientific developments in this area. In 2004 the Commission also financed a pan-European research project called Cloning in Public, addressing ethical, legal and other societal aspects of farm animal cloning. The project was coordinated by the Danish Centre for Bioethics and Risk Assessment and aimed to promote public debate on the issue of biotechnology.

As far as the involvement of the public is concerned, in autumn 2007 the Commission launched a public consultation on the ethics of animal cloning for food supply, and in September 2007 it organised an open round table on the same topic with representatives from academia, industry, NGOs, civil society, international organisations, industry etc. In order to increase public participation, the round table was also broadcast on the internet, and its proceedings have been published.

Last but not least, the Commission has recently launched a Eurobarometer survey on consumers' attitudes to cloning for food production. Its purpose is to ask the public about their opinion and their awareness regarding cloning and food derived from the offspring of cloned animals. The results will be made available very shortly.

The Commission takes ethical considerations fully into account when dealing with sensitive issues such as cloning. The Commission has given its attention to the ethics of animal cloning since 1997, when the group of advisers to the European Commission on the ethical implications of biotechnology issued an opinion on the ethics of cloning. Due to the state of the art of technology at that time, the opinion did not address the use of cloning for food purposes. It is for this reason that the Commission asked the European Group on Ethics in Science and New Technologies, the independent advisory body to the Commission in this field, to give an opinion on the ethical aspects of animal cloning for food supply. Their opinion was published in January this year. Considering the current level of suffering and health problems of surrogate dams and animal clones, the European Group on Ethics expressed doubts as to whether cloning animals for food supply is ethically justified. It advocated that at the moment there are no convincing arguments to justify the production of food from clones and their offspring. The Commission is currently examining the concerns expressed by the Group.

Under international rules, restrictions to imports of products must be based on legitimate concerns, not be discriminatory, and be proportionate to the objective pursued. According to global trade rules, imports of food products from third countries might be suspended if they present a serious threat to animal or public health. On the basis of the studies conducted and the opinion of EFSA, the Commission will consider whether restrictions must be imposed. I am sure this will be done very shortly.

**Agnes Schierhuber**, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, today's discussion is absolutely essential as a means of drawing attention to the dangers inherent in cloning. I am very grateful to Neil Parish for having put this oral question to the Commission. One thing is quite clear, namely that animal health equates with food safety.

As we know, there are various types of cloning processes: therapeutic and reproductive cloning as well as DNA cloning. What we are discussing today is reproductive cloning. Reproductive cloning means creating a genetically identical copy of something: a plant, an animal and perhaps one day – if we feel the need to overstep all boundaries – even a human being.

When cloning is used in animal breeding for food production, however, there are problems. The first of these to which I wish to refer is the high loss rate. We know from the Americans that only a very few clones survive. Consequently, cloning for food production is not financially viable. From the very beginning, the clone has the genetic age of the original. That is to say if the original is a six-year-old cow, the clone will be a calf whose genes are six years old. In the cloning process the cloning genome is inevitably damaged. This makes the clone susceptible to diseases and parasites.

When cloning occurs over several generations, Commissioner, there is a cumulative depletion of the genetic diversity on which species depend for their survival because it enables them to adapt to changes in their natural surroundings.

Lastly, the question arises whether mankind can presume to intervene in the most natural biological processes, even if it is done with the best intentions. It seems to me that there is no need to alter something which has worked for millions of years. Human beings have too short a lifespan, in any case, to experience the effects of their actions over long periods of time. I hope we shall not find ourselves in the same dilemma as Goethe's sorcerer's apprentice, who could not rid himself of the spirits he had conjured up.

**Csaba Sándor Tabajdi**, *on behalf of the PSE Group*. – (HU) Mr President, I completely agree with Mr Parish's proposal: two types of zero tolerance are needed here. Firstly, cloned animals should not enter the food chain in any way; we are all agreed on that. We also agree completely, and we would ask the Commission to ensure, that cloned animals from Argentina, Brazil or elsewhere outside the Union should not be imported or brought into the European Union in any way. This is the double zero tolerance which I believe is the essence of Mr Parish's proposal. Mrs Schierhuber and Mr Parish have both said that there is still a huge amount of risk, that there are no real, appropriate controls or monitoring, and there are inadequate test samples, inadequate trials, and any trials relate only to pigs and cattle, so there is a huge amount of risk. In fact, it could be summarised by saying that they should not enter the food chain, and it would naturally be absurd and idiotic to obstruct genetic engineering and bioengineering research. Research is one thing, but the food chain is another thing, and thirdly lengthy, reliable checks that are independent of organisations in the sector are needed, as well as independent monitoring for more and longer periods. Thank you for your attention.

**Mojca Drčar Murko**, *on behalf of the ALDE Group*. – Mr President, from experience with other issues that tackle food safety, as well as raising adequate questions linked to the relations between humans as the dominant species and the animals, we know that public perception depends very much on specific knowledge of the matter. Consumers are increasingly sensitive with regard to the suffering of, and injuries to, farm animals. Therefore, they have to be properly informed about the risks posed by the cloning of animals. An educational campaign is needed, explaining to them what an incredibly wasteful process cloning has been so far.

It was expected that EFSA would not find clear safety concerns related to food products from clones of farm animals, compared with conventionally-bred animals. However, EFSA also underlined in its recent report that the practice has major repercussions on the health and welfare of animals.

The issue raises societal problems, which advise us strongly to ban animal cloning for food, as well as the import of cloned animals and their offspring.

**Janusz Wojciechowski**, *on behalf of the UEN Group*. – (PL) Mr President, our civilisation lives from the exploitation of animals and will certainly long continue to do so. We kill animals to satisfy many needs, but we also set ourselves certain standards. We Europeans, at least, impose limits on the suffering of animals and support their wellbeing. Our legislation prescribes that an animal is not an object.

Cloning animals is a controversial scientific achievement. Cloning animals for economic purposes, on the other hand, is an ethical abuse. It is not animal husbandry but animal production. It is based not even on the principle of the production line, but that of the photocopier. We should reject it on moral grounds in the name of respect for animals, but also in the name of our own humanity. It is only one step from treating animals as objects to treating human beings as objects. It is already only a short step from cloning animals to cloning people. On behalf of the Union for Europe of the Nations, I support the resolution.

**David Hammerstein**, *on behalf of the Verts/ALE*. – (ES) Mr President, I wonder what we are hoping to achieve by a moratorium on cloning animals for food supply? What do we hope to achieve by applying the precautionary principle and preventing the import of cloned animals? What do we hope to achieve by ceasing to treat animals as mere objects and inflicting unnecessary suffering on them?

Dolly the Sheep died ill and malformed. The Dolly the Sheep experiment was a failure. However, it would appear that we have not learned from it.

Cloning can reduce genetic diversity; it can generate greater vulnerability to animal diseases; it can generate a situation where sentient beings, our animal cousins, which can feel and experience pain, undergo greater suffering.

**Kartika Tamara Liotard**, *on behalf of the GUE/NGL Group*. – (NL) Mr President, I want to thank Mr Parish most sincerely and I can fully support his comments. It has been proved that cloning causes suffering to animals, and the EFSA came to the same conclusion. If we allow animals to be cloned for food production, we come up against the following problems, in addition to animal suffering and ethical objections: it is very questionable whether consumers actually want to eat cloned meat at all, it is not certain how safe it will be and, finally, the public debate about cloned food has not even really started yet.

I therefore really object to the fact that the Commission even dares to propose allowing cloning to be covered by the definition in the new foodstuffs regulation. By doing so, it is indirectly showing that it can support animal cloning for food production. I am therefore urging the Commission, in this report too, to reconsider its position. In view of all the objections, I also call on the Commission to put forward proposals for a total ban on animal cloning without delay.

**Jim Allister (NI)**. – Mr President, it is right and natural to want to improve stock quality by breeding from our best animals. Artificial insemination and embryo transfer provide for that. Cloning, however, is quite different: it is, as the United Kingdom Food Standards Agency has observed, a quantum leap way beyond giving Mother Nature a helping hand.

Quite apart from other ethical issues and the danger of copycat science in the human field, animal welfare is a real concern. The premature ageing and health deficiencies seen in high-profile cloning cases that have made the headlines, such as that of Dolly the sheep, are good reminders of those welfare issues. Devoting more money to tackling animal disease would serve us better than experimenting with nature.

From a consumer perspective, there is also a food quality issue, since cloned herds would all share the same vulnerability to the same strains of disease, whereas genetic diversity is one of our best protections against rampant outbreaks of disease. In fact, whichever way I look at this subject, I can find nothing to convince me that animal cloning is right, necessary or in the public interest.

**Czesław Adam Siekierski (PPE-DE)**. – (PL) Mr President, if the protection of biodiversity is a priority of the European Commission, then there should be no talk of cloning. I would like to hear the arguments in favour of cloning animals for food. Are we to be guided solely by economic considerations? What about the ethical, social and health issues?

Before we decide to allow such food to be sold on the EU market, we must have our citizens' permission for such a step. I myself am not sure I would be able to swallow a pork chop from a cloned pig or milk from a cloned cow.

Instead of genetically modified food and food from cloned animals, we should be thinking more about action in favour of a return to natural foods that are ecological, healthy and contain no chemicals. Let us leave

cloning in the realm of research. In my opinion, the road from the laboratory to the knife and fork of the European consumer is still long, because there are still too many question marks. And because there are so many questions still unanswered, I am convinced we should not act hastily in this matter.

Nor should the Commission act against the opinion of Europe's citizens. Even if food products derived from cloned animals were allowed on the EU market, I am convinced that, if they were clearly marked and people had to take a conscious decision to buy them, they would not find too many takers among EU consumers.

If we introduce products derived from cloned sheep, poultry, goats or cattle, we shall destroy the image of the European agricultural model, which sets such great store by protection of the environment and the wellbeing of animals.

**Andrzej Tomasz Zapałowski (UEN).** - (PL) Mr President, I also fully support Neil Parish's proposal for a ban on the use of cloned animals for food production. However, for some considerable time now I have been watching the Commission strive to impose legal arrangements on Member States that will lead to the introduction of genetically modified foodstuffs for mass distribution, and in future perhaps also meat from cloned animals.

In many countries, including Poland, local authorities have passed resolutions demanding that whole regions, and even a whole country, be kept free from GMOs. Under pressure from industrial lobbies, the Commission is ignoring these resolutions and pressing for the introduction of genetically modified foodstuffs on the market. EU Member States owe the public a clear answer: are they in favour of healthy, natural foods or genetically modified and cloned foodstuffs? We must not be hypocritical about this.

Let me also ask the Commissioner how she intends to protect the public against the unwitting purchase of food that may in future come from cloned animals? Such food will not be specially labelled, since exporters will attempt to smuggle it into the European market.

**John Purvis (PPE-DE).** - Mr President, I am going to be the different voice in this argument, because, through the ages, man has manipulated the breeding of animals and enhanced their productivity to meet his needs. There is a clear continuum: natural service to artificial insemination, to embryo transfer, to embryo splitting, in vitro fertilisation, blastomere nuclear transfer, foetal nuclear transfer and now somatic cell nuclear transfer.

Every new development has been seen as too far, and each time the technique has been improved and perfected, the benefits have come through and the anticipated problems have faded away.

Now the farmers' unions are beginning to foresee benefits to animal health and welfare through the use of cloning. The Food and Safety Agency says: 'There is no indication that differences exist in terms of food safety between food products from healthy cattle and pig clones and their progeny, compared with those from healthy, conventionally-bred animals.' Nor does it see any environmental risks – and there are benefits: safeguarding high-value animals and their genetics, conserving and even reintroducing endangered breeds, eliminating dangerous pathogens and their transfer internationally, improving productivity and competitiveness, and encouraging research and development in Europe rather than elsewhere.

So why do we Europeans repeatedly fall into the knee-jerk trap of distrusting any new development and of rushing to ban new things? Look at what happened with GMOs. So let us discuss and debate, and base our arguments on science and facts. I urge the Commission to follow developments carefully, encourage research, clarify the science, defend the facts; but do not ban. Let us drop this inaccurate, illogical and misguided resolution.

**Mairead McGuinness (PPE-DE).** - Mr President, lest Mr Purvis think he is alone, let me try and walk a middle line. This is a very worthy debate and it is a shame it is being held at this late hour. I listened to the first part in my office and it was riveting – which can be rare for a European Parliament debate – because it is practical.

I would like to mention a number of points. What concerns me in the debate now is the link between genetically-modified foods and the cloning of animals. I am not among those calling for a ban on GMOs, because in Ireland we use a large volume of genetically-modified animal feed ingredients and need to continue doing that. The concerns on cloning, well voiced by the chairman of the Committee on Agriculture, Mr Parish, are on the welfare side, and clearly there is concern that animals suffer. That is an issue that needs to be looked at.

Calling for a ban on cloned animals in food production may not address that issue if the research stage of that process is concerned. Therefore, while my immediate reaction as a Member of the Committee on

Agriculture was to support this resolution – I am glad we raised this issue and applaud the Committee and its Chair for doing so – my gut instinct now is that Mr Purvis is perhaps on the right track, and that an outright ban might be a step too far. I await the Commission's very considered opinion.

**James Nicholson (PPE-DE).** - Mr President, let me first of all welcome the opportunity of holding this debate. I think it has been very timely.

This is a subject that gives great concern. What I do not like is that we in Europe do not have sufficient control to ensure that cloned animals do not enter or reach the food chain. I understand the need to allow animal breeding and development, and I understand fully what Mr Purvis is saying – and I have no wish to bring to an end the ability of science to develop in any way, shape, size or form – but I strongly believe that we must set in place clear criteria and controls. I share Mr Parish's concern about the welfare of the animals. I do have great concerns about animal welfare, because a very high percentage of cloned animals suffer at a very early age.

Let me repeat: I do not oppose, or wish to stand in the way of, futuristic developments. In the past we have made many mistakes. Let us not do so on this delicate subject. Let us protect the food chain from cloned animals. I am opposed to them in the food chain.

**Androula Vassiliou, Member of the Commission.** – Mr President, the opinion of the European Parliament on this new technology and its consequences is of course of the utmost importance for me and I welcome the views of the honourable Members. In particular, I wish to say that EFSA's opinion gives us new food for thought, and many factors need to be taken into account. I agree that novel food is not the right tool to deal with the question of food from cloned animals and this is something that can be discussed during our deliberations on the proposal for novel food.

I wish, however, to make a clarification here because I heard a number of speakers speaking about cloning and genetic modification as if they were one and the same thing. No; genetic modification and cloning are two separate techniques. Expert opinion states that cloning does not alter genetic material and clones are merely genetic copies of animals.

In finalising my comments, I wish to assure you that in any future actions the Commission will carefully examine all factors at play.

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

I have received the proposal for a resolution<sup>(1)</sup> B6-0373/2008 tabled by the Committee on Agriculture and Rural Development.

The debate is closed.

The vote will take place on Wednesday, 3 September at 11.30 a.m.

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

**Magor Imre Csibi (ALDE), in writing.** – Even if strict conditions are respected and EFSA concludes that cloned meat is equivalent to conventional meat, animal cloning for food supply is, to many people, a risky and morally unacceptable practice. The current level of suffering and health problems in cloned animals reinforces that claim. If conventional methods work, then why should we encourage a technique that causes so many animals to suffer and die? It neither improves breeding, nor food safety nor the security of provision. It clearly provides no obvious benefit to the consumer.

Furthermore, European consumers have, on several occasions, expressed their wish not to have food products from clones or the offspring thereof on their table. It is a legitimate call and sends a clear signal, so why are we even considering cloning for food supply in the first place? People want to have control over what they eat and they are concerned that cloning will ultimately be forced on them. If we do not wish to further alienate the public from the European project, I believe we had better listen to their will and enforce it. Therefore, I call for no cloning of animals for food supply.

**Anna Záborská (PPE-DE), in writing.** – (SK) I was amazed when reading the text of this resolution. I should first of all like to say that I shall vote for it, but I have a few comments:

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<sup>(1)</sup> See Minutes.

Paragraph B: 'whereas cloning processes show low rates of survival for transferred embryos and cloned animals, with many cloned animals dying in the early stages of life ...'

What would the future for humanity be if man took the same remarkable degree of care and if we stopped freezing human embryos?

Paragraph C: '... mortality and morbidity levels in cloned animals are higher than in sexually produced animals and late pregnancy losses and disorders are likely to affect the welfare of surrogate mothers'.

What would the future for humanity be if the whole of society gave such support to mothers of families as we give to the protection of surrogate animal mothers?

Paragraph D: '... given current levels of suffering and health problems of surrogate dams and cloned animals, the European Group on Ethics ... questions whether cloning animals ... is ethically justified ...'

What would the future for humanity be if this Group took into consideration the suffering of women who become surrogate mothers in order to improve their financial situation or the stress suffered by women following repeated unsuccessful artificial fertilisation attempts or consistently forbade the use of human embryos for research purposes because it is morally impermissible.

Lucky animals, because this resolution also shows that they are in some cases better protected than man.

## **18. Agenda of the next sitting : see Minutes**

## **19. Closure of the sitting**

*(The sitting was closed at 11.50 p.m.)*