

THURSDAY, 11 FEBRUARY 2010

IN THE CHAIR: MR McMILLAN-SCOTT

Vice-President

1. Opening of the sitting

(The sitting opened at 09.00)

2. Documents received: see Minutes

3. Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector (debate)

President. – The next item is the debate on the motion for a resolution by Elizabeth Lynne and Pervenche Berès, on behalf of the EMPL committee, on the proposal for a Council directive implementing the framework agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU (B7-0063/2010).

Elizabeth Lynne, author. – Mr President, there are over one million preventable needle-stick injuries on healthcare workers each year across the whole of the EU. Many of those who are injured, and their families, face an agonising wait to find out whether they have contracted a blood-borne infection such as HIV or hepatitis C.

The risks of infection following an accident are not insignificant. Experts tell us the chances of infection are one in three for hepatitis B, 1 in 30 for hepatitis C and 1 in 300 for HIV. Take the case of Juliet Young. Juliet was a nurse who died in 2008, seven years after contracting HIV while taking blood from an infected patient in a London hospital. Juliet accidentally pricked her thumb on the needle after it slipped when she was taking a sample. Or the case of a dental nurse working in a prison who was pricked by a needle that was used on an inmate who had hepatitis A, B, and C and was HIV positive. Imagine the agonising wait that she had; she has now discovered that she has contracted hepatitis C. This nurse, and many others like her, are continuing to campaign on this issue.

I first became involved in 2004 when I visited a hospital in my constituency at the instigation of Health First Europe, and then on World Aids Day on 1 December that year I hosted an exhibition with Stephen Hughes in this Parliament. Healthcare workers from across the European Union visited us, visited the Parliament, desperate for our help. Those of you who had the opportunity to meet with those nurses and other healthcare workers could not have failed to have been moved by their plight, and in 2006 we passed a Parliament resolution on protecting European healthcare workers from blood-borne infections due to needle-stick injuries. This resolution called on the Commission to submit a legislative proposal to amend Directive 2000/54/EC on biological agents within three months. This proposal never came, but Stephen Hughes and I did not give up the fight.

I personally have amended many reports and resolutions calling for action, spoken in plenary on this issue a dozen times and tabled countless parliamentary questions. Following meetings with Commissioner Špidla, we were told in 2008 that a proposal was being prepared by the Commission and we were on the brink of achieving this. However, at the last minute, this was blocked as the social partners promised they would try, at long last, to reach an agreement, much to our frustration.

A comprehensive agreement on the necessary requirements was eventually reached by the social partners in the summer of 2009. My resolution supports the agreement wholeheartedly. The Council must adopt the proposed directive urgently so that the Commission can ensure that it is implemented effectively and without delay. Healthcare workers across Europe are depending on us. Our healthcare workers cannot wait and should not continue to be placed in danger. It is really time now to act decisively.

Stephen Hughes, author. – Mr President, this is an important piece of health and safety legislation. Liz has outlined some of the background to it. It has been a long time in the making – six years from the first meetings we had, as she has mentioned. It is good to see Commissioner Andor here this morning, but it is a pity, in a way, that Commissioner Špidla is not here. We have often criticised him here in this Chamber, but we could

have congratulated him this morning for eventually taking the initiative to bring forward this proposal on needle-stick injuries, sharps injuries.

We took a while to persuade him to act. His services, in fact, were the people who kept advising that he should not act, that the directive agreed in 2000 on the protection of workers from the risks arising from exposure to biological agents, combined with the risk assessment elements of the 1989 framework directive, were enough to prevent these sorts of injuries, but eventually we persuaded those services that, with one million injuries per year, clearly something was wrong. We needed specific legislation to address this problem, as they have in the United States and in parts of Spain, and it works there very effectively.

Eventually the Commissioner agreed to act and in 2008, as Liz has said, did draft an amendment to the 2000 directive, but then HOSPEEM and EPSU, the public service unions, signalled their desire to formulate an agreement. They formulated that agreement. I am glad that they have. It is a good agreement, but it is a little ambiguous in certain parts. This is why I have tabled an amendment which has been agreed in the Employment Committee, to seek the publication by the Commission of guidance to accompany the directive to ensure the smooth and uniform transposition of this directive into law in all Member States.

We fully support the Commission's proposal for a directive, and we understand that the agreement from the social partners cannot be touched. We cannot amend it. Council cannot amend it. It is their agreement. However, the most important part of the agreement, clause 6, which covers elimination, prevention and protection, unfortunately includes some ambiguity regarding risk assessment and precisely which preventative elements need to be implemented by employers and when.

If this ambiguity is not clarified, then we risk seeing dramatic variability in the application of the directive. It is for this reason that we are requesting that the Commission produce implementation guidelines to aid employers' understanding of the risks and necessary preventative measures to ensure a consistent application of the directive.

Needle-stick injuries are the most common and most dangerous form of medical sharp injuries. Whenever a hollow-bore needle is used on a patient there is a risk of a needle-stick injury that could lead to a serious infection of a healthcare worker because the hollow-bore acts as a reservoir for the patient's blood or other body fluids.

There is a huge body of independent evidence that has proven that the introduction of improved training, safer working practices and the use of medical devices incorporating safety-engineered protection mechanisms will prevent the majority of needle-stick injuries. All of these things are necessary, not just one or two – all of those things are necessary.

Studies have also demonstrated that failure to implement any one of these three elements results in a significantly reduced impact. Similarly, attempts to implement safety-engineered medical devices only in certain areas or on certain patients would be neither practical nor effective.

In those countries where there is existing effective legislation such as America, Canada and parts of Spain, it is clearly mandated that all three of these elements must be implemented to prevent needle-stick injuries. It is no coincidence that all are the same in this respect. So that is the ambiguity in clause 6 that we are seeking to overcome through the publication of guidance.

Liz has mentioned the trauma that people affected by needle-stick injuries face. I have met people during the six years that we have worked on this subject who have suffered needle-stick injuries, and I would really emphasise that trauma. I met a doctor who gave up medical practice because of a needle-stick injury. I met a person who has HIV as a result of a needle-stick injury. I have met people who turned out not to be infected, but only after months of uncertainty as to whether they were infected or not. I have also met garbage collectors and prison officers who have suffered needle-stick injuries. They are not covered by this agreement. That is another area that we need to think about for the future.

Nevertheless it is a good agreement, and I think if we have good guidance to accompany it to ensure uniform application across the European Union, we will all have done a good job and hopefully we will radically reduce that figure of one million needle-stick injuries per year.

László Andor, *Member of the Commission*. – Mr President, I wish to thank Parliament for its work on this issue. In particular I want to thank the rapporteur, Mrs Lynne, for her excellent work in drawing up the motion for a resolution on the Commission's proposal and for her efforts over a number of years to improve health and safety at work for workers in the hospital and healthcare sector.

I am aware that this is a long-standing concern of this House. Parliament's resolution of 24 February 2005 on promoting health and safety in the workplace called for a revision of Directive 2000/54/EC on biological agents at work. Again, in July 2006, Parliament adopted a resolution calling on the Commission to submit a proposal for a directive amending that directive.

In response to the European Parliament, the Commission initiated a two-stage consultation of the European social partners, in accordance with the Treaty provisions. In response to this consultation two European social partner organisations acting in the hospital and healthcare sector, the European Hospital and Healthcare Employers' Association and the European Federation of Public Service Unions, negotiated with success a framework agreement in July 2009. As you know, the Commission proposal aims to implement this agreement.

We all know that injuries caused by needles and other sharp instruments are one of the most common and serious risks to healthcare workers in Europe, in particular in certain departments and activities, such as emergencies, intensive care and surgical operations. I am more than happy that your resolution recognises that the Commission's proposal incorporates the major points in Parliament's resolution of 6 July 2006. It was indeed the Commission's wish to have these points in the agreement.

I also agree with you that the entry into force of this agreement will represent an important contribution to the protection of workers active in the hospital and healthcare sector. With this agreement, and hopefully the forthcoming adoption by the Council of the proposed directive, workers in the hospital and healthcare sector will benefit from an integrated approach, establishing policies in risk assessment, risk prevention, training, information, awareness-raising and so on. Such measures, which are also minimum requirements, are not only much welcomed but above all absolutely necessary.

Let me just conclude by thanking you once again for supporting the Commission's proposal, which I hope the Council will adopt very shortly.

Raffaele Baldassarre, *on behalf of the PPE Group*. – (IT) Mr President, ladies and gentlemen, as has already been said, needle-stick and other sharp injuries are among the most common risks faced by healthcare workers in Europe, and they therefore represent a serious problem both for the healthcare sector and for society in general.

The aim of this Commission proposal is to allow the Council to implement the framework agreement signed by the European Hospital and Healthcare Employers' Association and the European Federation of Public Service Unions.

The main aim of the agreement is to ensure greater protection for workers against the risk of injuries caused by all sharp or pointed objects used in medicine. This agreement therefore represents an important step towards an increase in safety within the hospital sector. As we all agree, the consequences of sharp injuries can be extremely serious and can cause the spread of diseases such as viral hepatitis and AIDS.

That being said, I must stress the need for an integrated and, at the same time, realistic approach to this problem. In this respect I believe that the administrative, financial and legal constraints deriving from the agreement should not be excessive and therefore should not be such as to harm the development of small- and medium-sized enterprises operating in the healthcare sector, or else these enterprises could have serious difficulties in complying with the terms of the agreement.

Just as commendable, moreover, is the anticipated – to 'anticipated' I would add 'desirable' – option for the Member States to adopt more effective provisions and measures than those contained in the agreement with the aim of protecting workers.

Lastly, I call on the Commission to oversee the application of this agreement and to regularly update Parliament, which often focuses on this issue, so as to ensure that the agreement is monitored properly and that the need for any future amendments is examined in depth.

Alejandro Cercas, *on behalf of the S&D Group*. – (ES) Mr President, I would like to begin by also congratulating my colleague Mrs Lynne for the excellent work she has done in our committee, for her ability to reconcile all points of view and for the work that she has carried out over such a long time.

I congratulate Commissioner Andor. It is your second day Commissioner and you have made a good start to your job faced with your responsibilities. Furthermore, there is now also a second directive relating to microfinancing which has been of concern to this House for some time. You will also have the honour of

resolving two problems in two days' time which will open up great possibilities for many Europeans. I also thank Commissioner Špidla for the help he has provided on this matter.

You have already been made aware, and I am not going to waste too much time in reminding you, that the framework agreement is a very important legal instrument for health workers. They are affected by more than one million accidents each year, which also implicate serious health risks, such as viral infections, hepatitis C, AIDS and so forth. However, this is not only of significance to health workers but also to hospital patients and their families. Essentially, millions of Europeans will be better protected by this instrument.

Thus, we have achieved this following a long journey which this House embarked upon by knocking on the doors of the Commission and the Council, and we must remember the excellent work done by Mr Hughes throughout this long process.

Perhaps I can briefly explain why the socialist MEPs are very pleased today. I feel that today is a day to mention a few things.

Firstly, the importance of health and safety in the workplace. It is crucial to create a work environment which is as safe as possible for workers, for families and for citizens. In human terms, we have already referred to all the implications of these types of injuries for workers and for citizens, but there are also implications in economic terms. A few days ago in this House, the Bilbao Agency spoke to us about some of the campaigns it is carrying out to promote health and safety and it even revealed economic studies which demonstrate that in Australia, for example, accidents and illnesses account for more than 6% of GDP in the national economy. What is the price paid for a lack of social security? What is the price paid for a lack of hygiene and safety in the workplace? It is therefore an investment in human capital, but also an investment in civilisation and economic terms.

Secondly, the importance of prevention, as prevention is better than cure. Action must be taken before incidents occur so as to prevent them. Prevention, which is a complex issue, requires increasing awareness, information, training and supervision in relation to each of these tasks.

Thirdly, it is vital to also mention at this stage the importance of social partners, the importance of trade unions. Without them this framework agreement would certainly not exist and neither would there be any kind of prevention. Sometimes people criticise trade unions and say that they are a cost to society but they forget the huge benefits which they provide, as they are the ones behind the introduction of such important policies in the workplace such as those within the framework agreement.

Finally, I must mention the importance of this House, which must defend its position before public opinion and before other Community institutions, because without Parliament this framework agreement would not exist, and the importance of Parliament's cooperation with the Commission and the Council has also been exemplary. I appreciate the Spanish Presidency's support and I hope that this will serve as a good precedent for a new phase of cooperation between our institutions.

Elizabeth Lynne, *on behalf of the ALDE Group*. – Mr President, I was not going to take my speaking time on behalf of the group but I thought I could actually split it and come in afterwards but apparently, on a resolution, that is not the case; so I was informed this morning that I was coming in now. It does give me the opportunity to thank all the shadow rapporteurs whom I did not thank before; also to again thank Stephen Hughes, because it was Stephen and I in 2004 that actually went round the hospitals with John Bowis, who was a Conservative MEP. The three of us from the political parties went out to the hospitals to find out for ourselves, and I think that was what was so important.

In this place we have to be driven by what is actually needed by the people on the ground and by listening to nurses and doctors and healthcare workers, it was important to take their views into account. Stephen mentioned implementing guidelines, and I would like to find out really whether you do know whether the Commission is thinking of bringing forward any implementing guidelines for this; I think it is very important that we have these. Also, I was wondering whether you knew of the timetable that the Council was thinking of because it is absolutely important that we get the timetable through very quickly because after all those healthcare workers have waited so many years.

We do not want any more needle-stick injuries unnecessarily during that waiting time. We have had too many over the last few years. Also the point which has already been made that although this is for the health sector only at the present moment I would like to see it extended to other sectors like the prisons in particular. I think it is very important that prison officers are protected as well. There are so many things that are important for those particular workers but one of the key things for this is recapable needles. I think along

with all the other issues in the resolution it is very important that those healthcare workers are not subjected to unnecessary needle-stick injuries.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Mr President, I too would like to thank Stephen Hughes and Liz Lynne for their work on this and indeed to welcome this action, although we would like to have seen it earlier. As has been pointed out, the USA has had legislation in place since 2001. We can now see such legislation in certain parts of the European Union, and at last we are catching up, but, of course, not before many people will already have been affected by this problem.

In terms of the risk, the World Health Organisation estimates that, while 90% of exposures to this risk are in the developing world, 90% of reports about occupational infection occur in the United States and the European Union. We know that there is a major issue of under-reporting sharps injuries: estimates range between 40% and 75% and that is huge. Therefore I think we should welcome the fact that, in the social partners' agreement, clause 11 talks about the duty to report under a no-blame culture.

But I think we also need to ask why people are not reporting. Presumably part of it is that they do not understand the risks or that they fear the consequences – not least, perhaps, to their future employment – of reporting such an injury. Indeed in some places we have reports of ineffectual follow-up, in other words, even where people do report, nothing very much happens.

Certainly they are not getting even the medical support that they need, let alone the emotional support – or indeed, in some cases, alternative employment, if it is considered that, when they have contracted something like HIV, there may be a risk to patients. We have research which shows that health workers working outside hospitals are more likely to be dissatisfied with the response of employers.

People have spoken about the scope of this action. Of course it covers the healthcare sector, and we are very pleased that the agreement covers trainees and subcontractors. I am not entirely sure whether that includes cleaning staff, and I would welcome some clarification on that. But it does not yet cover workers in other professions at risk, so we hope Member States could look at that.

The training obligations are extremely important, and I hope Member States will take this seriously: both the giving and receiving of training should be mandatory, as should induction for all new and temporary staff – because I think there is a feeling that if you train people once you never have to look at that issue again. At the moment there is a lack of training even where employers have training policies in place.

An issue was raised about the cost. There are estimates that training and preventative measures, including safer devices, account for about a third of the cost of dealing with sharps injuries. That is an important saving in cash-strapped times, as well as being an important issue both for the people concerned and employers, who may indeed find themselves at risk of legal action if they are not taking action to prevent such injuries.

Oldřich Vlasák, *on behalf of the ECR Group*. – (CS) Ladies and gentlemen, the agreement on prevention from sharp injuries is historically the first agreement between sectoral social partners. In view of the fact that there are estimated to be more than one million cases a year of sharp injuries in hospitals in Europe, we do not need convincing here that this is a step in the right direction, as it should be possible to prevent these injuries through proper adherence to the agreement. In practice this will help to create a safe working environment and to protect health workers from blood-transmitted infections caused by sharp injuries.

Although we can see certain ambiguities in the examples or in the definitions, I believe that all steps will be taken to obtain as much information as possible from the social partners, all of the provisions have been clarified and the Council has therefore adopted the agreement as a whole.

I would like to emphasize at this point that the agreement between employers and employees is in its way a completely unique European legal instrument, which at national level has no parallel in most Member States. This form of self-regulation, where those affected by a given problem themselves agree in the form of a legal regulation on its resolution, is in my view a model example of European regulation. It is not the same situation as with CO₂ emissions, tax harmonisation or the standardisation of public services, where companies and their employees must passively comply with whatever we and the Member States throw at them, and at great cost too.

Jiří Maštálka, *on behalf of the GUE/NGL Group*. – (CS) Ladies and gentlemen, I would like to begin by thanking both rapporteurs for the magnificent piece of work they have carried out in preparing this document. I am also delighted as a doctor that here in the European Parliament we are aware of the urgency of the need for

health workers to be better protected from injuries caused by sharp objects and that the regulation responds to this.

I am very uneasy, of course, about the very slow progress of the Commission. Five years have passed now since the European Commission was first informed about this important issue and almost four years since the European Parliament adopted a resolution requiring a legislative solution to the question of proper protection for health workers in the European Union from blood-transmitted infections.

As a member of the Committee on Employment and Social Affairs in the previous parliamentary term I worked together with my colleagues Stephen Hughes and Elizabeth Lynn and others on this resolution and I am disappointed that there has been such a long delay. I recommend that the measures proposed in the directive are adopted as quickly as possible. I would like to call for the greatest possible levels of protection and prevention for health workers to be guaranteed as soon as possible.

Elisabeth Morin-Chartier (PPE). – (FR) Mr President, Commissioner, Mrs Lynne, ladies and gentlemen, I should like to tell you how delighted I am this morning that we have agreed this proposal for a directive on the prevention of sharps injuries. We have here a real health issue, which we must regulate as quickly as possible. We all know the importance and the dramatic consequences of this type of injury. I feel I must let you know, Commissioner, that I am confident you will provide a rapid solution for this agreement, which will take us several steps forward on this issue.

I should like to thank Mrs Lynne for all her work. I should like equally to thank Mr Hughes, because it is our responsibility as MEPs to see to it that our fellow citizens are protected. They are healthcare professionals, of course – we have spoken a lot about them. They are cleaners – you have mentioned prison officers – but I should also like to mention people working in the school environment, in all areas of medicine in schools. However, well beyond this, I consider that it is a question of educating all our fellow citizens, who must not make healthcare workers or those workers that subsequently handle blunt objects take unnecessary risks.

I must say that, along with the rapporteurs who have taken up this issue, we in the European Parliament will be ready and willing to ensure that these texts are implemented by all Member States, and we shall need to have a regular update on their implementation. This is truly our commitment, our responsibility, and it is something that should be really popular and shared by all.

Sylvana Rapti (S&D). – (EL) Mr President, I should like to thank the older members of Parliament – as this is my first term of office – and my fellow members Mr Hughes and Mrs Lynne and the rapporteur and shadow rapporteurs, because I have come in on the tail end of work on an issue which, in a way, also concerns me personally.

My husband is a doctor and, a few years ago, he was infected by a needle. So I know full well the anxiety experienced by the family of a hospital worker injured by a sharp object. The days spent waiting for the results were extremely difficult.

I should therefore like, once again, to say thank you for the work which has been done and to express my satisfaction at the fact that, for the first time, we are seeing an association of employers and an association of workers joining forces and agreeing, thereby enabling us to arrive at this motion for a resolution.

I feel that the European Union really is achieving its objectives and is now taking decisions with its citizens, for its citizens. I remember something which other members have repeated, but I think it is important for us to say it and to always remember it: that a million sharp injuries occur each year.

I cannot overemphasise the role played by the European Parliament, which has been working earnestly on this issue since 2005. Given, on the other hand, the lack of staff, a lack which is particularly acute in Greece, I would point out that we really must ensure that this resolution, this directive is applied very quickly.

This is a decision that will also make a practical contribution to the social objectives of the European Union, which include increasing employment. I would remind the House that the European Commission recently told Parliament, through its re-elected President, that one of the sectors in which it aims to invest are white-collar jobs.

So let us save lives both literally and metaphorically, by creating valuable jobs in these very difficult economic and social times.

To close, I should like to wish the new Commissioner every success in his job and, if I may, say the following: our honourable and experienced colleague, Mr Cercas, said earlier that he hopes that you will enter and proceed with the 'right' foot. I hope that you will enter and proceed with the 'left' foot and I say that because the approach which will wear the social face of Europe on the outside is very important.

We need to focus on the workers, the European people need that.

Licia Ronzulli (PPE). – (IT) Mr President, ladies and gentlemen, I too will share a personal experience. I have been working in hospitals for 15 years, and for a time I was in fact a healthcare worker in a critical area: the operating theatre.

I myself have been pricked by potentially infectious needles and instruments. Therefore, as Mrs Rapti was saying, I can still remember the anxiety I felt when awaiting my test results, but above all how I went through the so-called 'window period' between the potential contamination and the hypothetical outbreak of disease.

Precisely because of this experience, I believe that we must vote in favour of this resolution, which finally gives legal force to the agreement in safety and protection terms by establishing minimum standards for all healthcare workers.

The healthcare sector accounts for 10% of the European Union's labour force and, to be more precise, there are an estimated 1.2 million cases of accidental sharp injuries each year, with the result that healthcare workers gradually become demotivated and very often leave the healthcare profession. Moreover, the World Health Organisation estimates that 2.5% of cases may seroconvert to HIV and in 40% of cases to various forms of hepatitis B and hepatitis C.

Precisely because of the numerous serious risks that are presented all too often on a daily basis, the healthcare profession is considered unattractive, so much so that it has suffered from a shortage of staff in recent years. Moreover, as has already been mentioned here, the cost for the individual healthcare services that have to deal with the stressful situations to which healthcare workers are subjected during the various monitoring periods, and of the diagnostic tests which, as a protocol, last for at least six months from the time of the accident, is considerable, and then there are the costs associated with the professionals who have unfortunately contracted the disease.

To conclude, in order not to underestimate the problem, when the risk of an accident can be avoided or reduced, it is necessary and right to take every preventive measure available. In particular, it is the employer's duty to introduce these measures, and it is the worker's duty to comply with them.

Ryszard Czarnecki (ECR). – (PL) Mr President, we are talking about a problem which has, indeed, grown to be one of the most significant in the area of healthcare. I will mention some statistics here. In the European Union, around a million of these unfortunate sharp injuries occur annually. In the United States, it is estimated to be a matter of around 380 000, but the Americans themselves say this figure is an underestimate. Of course, we must stress that this mainly concerns healthcare workers, but there is another aspect, too: we are also talking about patients who are also at risk from this. In these cases, and we have to be honest here, we are faced with the problem of the huge sums which hospitals are having to pay in compensation. It is clear, as other speakers have already said, that prevention is of absolutely fundamental significance here. For prevention is always significantly cheaper than treatment.

The resolution, in my opinion, is fully deserving of support. It is an answer to expectations expressed by the healthcare sector, and its importance is enhanced because the problem is growing. The problem of compensation is also growing, and claims are being made by healthcare workers as well as patients. Indeed, the financial aspect is not insignificant, either. My political group, on whose behalf I speak, supports the motion for a resolution. We think this is how we can respond to what is, in fact, a certain challenge of our time, and also meet the needs of consumers and workers in the healthcare sector in the countries of the European Union.

Georgios Papanikolaou (PPE). – (EL) Mr President, I take the floor today to thank all the rapporteurs and everyone who brought about this debate.

Sometimes we say that Europe needs to get closer to its citizens. With this debate, we have certainly managed to do so. I was talking to a friend of my own age, a newly-qualified doctor, and when I told him about this debate, he said to me, with a great deal of pleasure, that this was absolutely crucial and that we should try and explain exactly what we were doing to everybody in Europe. It is important to prevent and to inform those working in hospitals about the risks they run. It is indeed crucial that we explain to everybody that,

when they work such long hours, when spaces are sometimes confined, when patient numbers are very high, it is crucial for these people to be able to take, at the very least, the most important measures needed.

We need healthy staff in hospitals so that we, as patients – at some point – can benefit from their care and the best possible treatment.

Karin Kadenbach (S&D). – (DE) Mr President, the objective of our policy should be to create an environment which guarantees the highest possible standard of living for the citizens of the European Union. One key challenge that we face in times like these, therefore, is maintaining and creating jobs. However, we should not be able to neglect our duty to ensure that these jobs do not make people ill or put their health at risk. That is why prevention, healthcare and job security are essential.

I strongly believe that the implementation of this directive, which is actually long overdue, will create the right conditions for making jobs safer in every area of healthcare, where staff are confronted with these risks on a daily basis. I think that it is in the interests of all European citizens that we make this a reality as soon as possible.

László Andor, Member of the Commission. – Mr President, first of all I would like to say I am glad that this proposal enjoys such broad support in Parliament. I regret that the process lasted longer than many of you expected, but I would like to say that I am absolutely convinced that social dialogue has to play a role: we have to respect the opinion of the social partners. This not only enhances the legitimacy of a decision, it also helps with its implementation, because those who participate in the creation of a new rule are more interested in its success. This is very important.

We are already aware that there is a working document between the social partners concerning clarification of the framework agreement and also its implementation, so we hope – and I think that we can trust – that this will play a significant role in finalisation in the Council: this will be an answer to some of the concerns about implementation. Apart from that there is also an interest in the longer term follow-up. This is also very important in order to monitor how successful this new directive will be.

I would like to draw your attention to the text which says that the signatory parties shall review the application of this agreement five years after the date of the Council decision if requested by one of the parties to the agreement. In other words, it is very important that the monitoring of implementation and of changes in the occurrence of such injuries should be the starting point, should any of the parties wish to use this opportunity.

Finally, let me say, on what is just the second day of the new Commission – as a few speakers highlighted in their messages – that it is indeed very important that the Commission pays more attention to the forgotten people in Europe, those age groups or professions which cannot easily speak for themselves: they have been sometimes ignored or sidelined in earlier times.

The healthcare sector is clearly an important sector; we have to give it a lot of devotion and attention. It is not only that workers in the hospital and healthcare sector are exposed to sharp injuries and infections, we all know that they also work very long hours. So we have to take a kind of comprehensive approach when considering groups like this, which are very important, especially in times of crisis when the expected fiscal consolidation will affect the conditions these people work in. This is why this should be very high on our agenda, as it is on my personal agenda.

President. – Thank you, Commissioner. I am sure we are all grateful to the initiators of this debate. Let us hope that things improve.

The debate is closed.

The vote will take place at 12.00 today.

4. Online gambling in relation to recent ECJ rulings (debate)

President. – The next item is the debate on the oral question to the Commission on online gambling in relation to recent ECJ rulings, by Malcolm Harbour, Andreas Schwab, Evelyne Gebhardt, Cristian Silviu Buşoi and Heide Rühle, on behalf of the Committee on the Internal Market and Consumer Protection (O-0141/2009 – B7-0235/2009).

Malcolm Harbour, author. – Mr President, first of all it is a privilege on behalf of the Committee on Internal Market and Consumer Protection to welcome our new Commissioner Michel Barnier for the first time to what I am sure will be many interchanges across the floor of this House, and particularly because he has moved seamlessly from his seat over there to his seat at the front in two days. Commissioner, we are very pleased to have you here.

Secondly, on behalf of the committee, to have the chance essentially to put on record with this question our concern about the developments of online gambling, and indeed the gambling sector overall and some of the many uncertainties that are arising about the whole legislative regime for gambling within the internal market.

I know you will have a considerable in-tray already, Commissioner, but we hope very much that this will be an item that will be close to the top of your in-tray because it is an area which my committee has been very concerned about over the last five years. We have done a number of own-initiative studies and questions about it and indeed the author of our last major report, Mrs Schaldemose, will be speaking later and so we have a sustained interest in this topic.

As you all know, the Member States have also been meeting together regularly at Council level on various reflection groups about how to tackle the issue about the growth of online gambling in relation to our own countries' gambling activities. I think I should make it clear first of all that this question does not in any way presuppose a new liberalisation of gambling markets or indeed not necessarily any new initiative in that direction. But the fact remains as you all know that the intense and growing popularity of online gambling is certainly also putting pressure on many national monopolies and existing schemes that may be state owned or state controlled, which raise very large amounts of revenue but are of concern to Member States.

What we are saying to you is that, in conjunction with this work that has been going on, there have been a number of references to the European Court of Justice; you will be aware of the details, and colleagues may talk about that later. I am not going to go through those, but from our perspective we see that the inconsistencies of some of the approaches to the Court of Justice are not in fact helping but if anything making the situation more complex and opaque than it was before. We also know that your services have issued a number of infringement cases in gambling issues, not all of them online, but many of them also relate to the whole question of freedom of operators to go and establish themselves in other countries.

All of these things now mean that it is absolutely the right time for the Commission to be collating this information, looking at the process of infringement proceedings, examining the issues raised by the Court of Justice judgments and coming out, first of all, with a clear strategy or clarification about where we are going to move forward and starting to deal with some of those inconsistencies.

From a consumer protection point of view, regulators also need to know where they stand about dealing with online gambling. Clearly, it can be regulated and it must be regulated – and, indeed, there are many good instances where online gambling providers are clearly committed to providing the tools and the controls to deal with problems of addictive gambling and so on – and, of course, there are issues about fraud and about problems there which we have also debated extensively in our committee. This is a consumer protection issue as well as being an internal market consistency issue.

Finally, I think we must also respect our citizens and the fact that many of them do want to access online gambling. I do not think there is any intention whatsoever to try and ban that – indeed it would be practically impossible – but there are major inconsistencies there. In some countries, for example, it is apparently illegal to take part in an online gambling contest with a company outside your own country. That cannot be right.

Another inconsistency which has been pointed out by one of my constituents is that if a British citizen accesses the British national lottery online from Spain and wins a prize, it will be illegal for the lottery to pay them in Spain. There are these inconsistencies that we have to tackle for the good of our citizens and the good of consumers.

Commissioner, that is the context of this question. You will hear lots of good contributions and interesting views from my colleagues, but I hope that you will make this one of your top priorities in your new role.

Michel Barnier, Member of the Commission. – (FR) Mr President, ladies and gentlemen, you can imagine the great pleasure it gives me to return here just 48 hours after the investiture of the College – for which I thank you – and to continue my work with you, Mr Harbour – and I say this in particular to the members of the Committee on the Internal Market and Consumer Protection – in a different manner, and most likely in a different place, but in the same spirit.

I wish to make three points by way of response at this stage, before listening carefully to what you have to say. Let me start with your first question. As you say, the Commission has initiated infringement procedures against a number of Member States in the area of the cross-border provision of sports betting services. The Commission notes that, in four of the nine infringement cases – that is in Denmark, France, Italy and Hungary – amendments to domestic legislation have been proposed in response to the infringement procedures. The Commission will continue to work with all Member States concerned to resolve the problems identified in these infringement procedures. In general, these procedures remain open, but it is for the new Commission to decide how to proceed with these questions.

The second point, Mr Harbour, is the recent ruling of the European Court of Justice in the Portuguese case, where a long-established state monopoly exercises strict control over gambling. According to the analysis carried out by the Commission's legal service, this decision will fundamentally change neither the development nor the assessment of the infringement procedures in this area. Every case has been evaluated according to the evidence presented by each Member State.

Following recent Court rulings, the Commission notes that the Court always requires, in conformity, moreover, with established case law, that any possible restrictions should, firstly, be justified by valid considerations of the public interest and, secondly, should be necessary and proportionate. This includes the need for the restrictions to be appropriate, coherent and systematic.

It does not therefore follow from the Santa Casa case that the Court has given Member States greater leeway to impose restrictions. The Court made very precise reference to the operating methods of the Portuguese monopoly, to its very long history and to the very specific circumstances of that country.

For point three of my first speech, I should like to stress, ladies and gentlemen, that the Commission has not ruled out alternatives to infringement procedures. Mr President, ladies and gentlemen, I want to start a constructive debate on this question with the European Parliament, but also with the Member States and the parties concerned.

I note that there has been no consultation with Member States on this question since the latter chose in 2006 to withdraw gambling from the scope of the Services Directive. I shall therefore be listening to Member States and I have decided to follow closely the proceedings of the Council working group. I know that on the initiative of Mrs Schaldemose, Parliament adopted a report on 10 March, even though a number of Members supported an opposing resolution.

As far as I am concerned, Parliament's work is a good starting point for opening a genuine debate on a potential European solution to this complex issue. We must undertake a closer examination of the reasons why Member States restrict online gambling services. In this context, we must, of course, deal with the social aspects, notably the problems of addiction associated with gaming, and I have decided to do so.

Ladies and gentlemen, the College has scarcely been in office two days, and we have not yet adopted our work programme. Starting from today, I want to carry out this consultation exercise by listening very carefully to everything that each of you has to say. It – I refer here to consultation – is an exercise in relation to which there are, of course, several possibilities. In particular, one such possibility that I am prepared to consider is a green paper on this question.

I should like to thank you again for your interest in this important subject and for the contribution you will be making to the Commission's work that I shall be undertaking.

Andreas Schwab, on behalf of the PPE Group. – (DE) Mr President, Commissioner, first of all, on behalf of the Group of the European People's Party (Christian Democrats), I would like to say how pleased I am that you, Commissioner, have just made it clear that you wish, not only to consider a targeted analysis of the case-law in the Liga Portuguesa case, but also to raise the issue of how the Council working group might respond appropriately to the increase in online gambling. In the context of this oral question, of course, we are concentrating only on online gambling. My understanding of the ruling in the Santa Casa case is that, although the European Court of Justice reminded Member States that the gambling market is totally unlike any other market, Member States were still required to agree on rules which would be uniform throughout the European Union. Up until now, no constructive attempt has been made to do this within the Council, although the Council was, in fact, adamant that it would address the issue itself. That is why the Commission and Parliament have to work together to make progress in this area and to ask critical questions.

Secondly, I would like to add that I am not persuaded by the arguments put forward by Member States as regards ensuring consumer protection in the gambling market. Member States claim that, when it comes to

online gambling (and this applies to the *Liga Portuguesa* and *Santa Casa* cases, as well), they are capable of implementing the objectives of consumer protection and efficiently tackling any attendant crime on their own, without any European involvement. If you turn this argument on its head, however, the logical conclusion would be that we are in a situation where Europe is much less capable than individual Member States of finding appropriate solutions to the more unfortunate criminal activities which happen on the Internet and other things which take place online. I find that to be a rather odd conclusion and do not believe it to be the case. My view is that we will only be able to find a solution to online gambling if we adopt uniform cross-border regulations which safeguard the interests of Member States based on their partially historical structures, but which, as the Committee Chair has pointed out, also place the interests of consumers at the centre of our efforts.

Evelyne Gebhardt, *on behalf of the S&D Group*. – (DE) Mr President, Commissioner, thank you very much for the information you have given us but, to be honest, I am not entirely satisfied. The previous Commission set itself the quite clear objective of liberalising the gambling market. The European Parliament has made it clear, time and again, that this cannot be the right approach, because it was the European Parliament, rather than Member States, that, for example, removed gambling from the scope of the Services Directive. We took the view that it is not just any other service, that we must ensure that we introduce safeguards which will protect our citizens from organised crime and that we require clear rules to that end.

Nonetheless, the European Commission continues to bring Member States before the European Court of Justice, and it is time that the Commission ceased this practice as it keeps losing cases at the Court. You simply have to face this fact. I would, therefore, welcome it, Mr Barnier, if you put what you have just said, that is, that a different approach is needed in this area, into practice because we cannot proceed with things remaining as they are now.

In response to your point, Mr Harbour, I would argue that the rulings of the European Court of Justice have been very consistent and not at all contradictory. In its judgments, the Court has stated, time and again, that Member States have the right to introduce clear rules, so that we can truly verify whether or not citizens are protected against crime, and that Member States are not under any obligation to open this market up. Nor are they under any obligation to allow market operators from other Member States to operate on their territory, as long as they make sure that their controls are strong and effective.

That is what we want to see from the European Commission, that it has finally grasped this and acted accordingly. However, this also means that we have to pay particular attention to online gambling, because the Internet does not recognise any barriers or borders and, of course, because our citizens have access to gambling sites. We need to think about how we can shape controls and rules in this area, so that our citizens are protected.

Jürgen Creutzmann, *on behalf of the ALDE Group*. – (DE) Mr President, Commissioner, if what you are calling for is further development and harmonisation of the internal market, then we need to have a common set of rules. There are three aspects to online gambling which ought to be considered in this debate. How can we best protect the interests of our citizens and consumers? How can we best prevent fraud and criminal activity? How can we best protect our citizens from harm? The European Parliament resolution of 10 March 2009 on the integrity of online gambling has indicated methods and ways to proceed with regard to this issue. Now, as before, the Group of the Alliance of Liberals and Democrats for Europe endorses the principles concerning the integrity of online gambling contained in Parliament's resolution of 10 March 2009.

In accordance with a ruling of the European Court of Justice, each Member State is free, under certain conditions, to regulate online gambling itself and the resolution of 10 March stresses that emphatically. National rules are better suited to combating match-fixing fraud, although this type of fraud cannot be eliminated entirely, as demonstrated by some recent examples in Germany. It has to be said, though, that gambling markets are much better regulated at national level, according to the tradition and culture of the country concerned. Players are offered better protection against addiction, fraud, money laundering and match-fixing if they can play through major online gambling service providers, who always, by definition, operate across borders. We cannot regulate everything according to the internal market concept and particularly not the prevention of underage gambling or gambling addiction.

Online gambling provides increased opportunities for corrupt practices, such as fraud, match-fixing and illegal betting cartels, as online games can be set up and dismantled very rapidly. Illegal offshore betting operators present a particular problem in this regard, as it is almost impossible for them to be regulated or controlled. Profits from gambling should primarily be used for the benefit of society in order to promote

amateur sport, amongst other things. It is best to leave this to the competence of national administrations. Continuous funding, for culture and professional and amateur sport, for example, gives individual Member States some justification for permitting gambling. However, a precondition for that is that the risk of addiction must be highlighted and proactively combated.

As the full impact on consumers of the specific forms of gambling services offered online is not yet known, we need to take urgent action to fill this knowledge gap. It is essential in this context that Member States really do fulfil their tasks. Market surveillance is also key, when it comes to online gambling. If we in the European Parliament can agree that Member States have the right, under the principle of subsidiarity, to regulate their gambling markets according to their own traditions and cultures, we also then have to ensure that this is actually happening, through efficient control and market surveillance.

Heide Rühle, *on behalf of the Verts/ALE Group*. – (DE) Mr President, having listened to the two previous speakers, there is not much left for me to say. I would just like to clearly reiterate that our group fully supports Parliament's motion for a resolution, but that we also wish to question the earlier assertion that the rulings of the European Court of Justice have been ambiguous. On the contrary, I think that the ECJ rulings have been very clear indeed. We also very much welcome your saying that you wish to initiate consultations with Member States. Perhaps I should add that a consultation would be better than an infringement procedure. Consultation is the right way to solve this problem, taking into account national particularities and for finding a solution for the consumer.

Timothy Kirkhope, *on behalf of the ECR Group*. – Mr President, I speak as a former Minister in the UK responsible for gambling controls, so, when we talk about a Europe of free trade and a Europe that opposes protectionism, a Europe which opens markets and tears down trade barriers, of course I am very much in favour of that. Some of our colleagues, who stand up here and call for a more open Europe, are also the same people who are supporting the maintenance of monopoly structures for the gambling industry.

I might say that monopolies – or they might say I should say – that monopolies are better at controlling and treating the problem of gambling which has been discussed this morning. That is very interesting, because a lot of the data certainly does not support that argument. The arguments for protectionism and monopolies in the gambling sector are self-serving; more control and then more money for national governments. This is not the open Europe or the transparent Europe that I want. It is the Europe which says, 'do as I say, not as I do'. There is no reason why private gambling providers operating under high levels of regulated protection in one EU Member State should not be allowed to operate in others. There is no reason why a tightly regulated but open market will not provide an equivalent, if not a higher, level of protection to citizens as any tightly controlled state monopoly.

As we wait for that, the European Court of Justice's verdicts continue to roll out. They must be getting a bit sick of the issue in Luxembourg – or, speaking as a lawyer, perhaps they are not quite so sick of it – but above the deafening silence that has come from the Commission so far, it does seem to me that it is now time for action. The degree of legal uncertainty must be ended.

Can I just say that I think it is important for Parliament to signal its renewed willingness to tackle the issue and to send a strong signal to the Council and Commission that we should not hide away from this. With a new Commission we do hope for new impetus. I have great faith in you, Commissioner Barnier. I hope that you will note the advice that you receive and begin to work out a strategy to ensure that online gambling can become a legitimate part of the internal market with, of course, appropriate regulations in place.

Cornelis de Jong, *on behalf of the GUE/NGL Group*. – (NL) 'Gokken is dokken' (to gamble is to cough up) is a well-known saying in the Netherlands. It means that gamblers usually lose. In addition, gambling is addictive. For young people, in particular, it constitutes a real threat.

If anyone has a romantic notion of gambling, then I have to disappoint them. Essentially, it is a billion-euro business that is all too often associated with criminal activities. Therefore, legislation is in force in the Netherlands to combat gambling in easily accessible facilities frequented by large numbers of young people. However, online gambling – often cross-border in nature – has made it all the more accessible once again.

In this specific case, therefore, rather than relying on the free market, we must not just allow Member States to take restrictive measures but actually encourage them to do so. In my opinion, the oral question that prompted this debate still relies rather too heavily on market forces. In particular, I am not convinced that it is possible to speak of 'responsible' gambling on the Internet. In my opinion, online gambling should be curbed as much as possible.

The European Court of Justice has recognised that Member States must have scope for taking action, and so I appeal to the Commission not to attempt to lower the level of protection by means of European legislative proposals, but rather to encourage Member States to issue rules affording high levels of protection. I also call on the Commission to desist from referring Member States to the Court, as Mrs Gebhardt said, but rather to encourage dialogue on the best possible protection.

Jaroslav Paška, on behalf of the EFD Group. – (SK) As regards the issue of online gambling, I would like to mention two areas in which I see several unresolved problems. We are striving to ensure that communications between people are as open as possible. That also implies open access to the Internet for children and young people.

In Point 16 of its resolution of 10 March 2009, the European Parliament states that it is parents who bear the responsibility for protecting underage children from online gambling. Ladies and gentlemen, I ask you, what kind of nonsense is this? Who creates the legislative framework, who creates the rules for such businesses? Is it parents or someone else? We are the ones that are responsible for this kind of business, we create the legislative framework and we create the laws, so it is governments and parliaments that are responsible for protecting children from gambling.

At a time when pornography and gambling come into our homes in 3D format, parents have no hope of protecting their children from these influences or of protecting them from being drawn into such activities. I therefore think that it is a fundamental duty of the Commission and of the European Parliament to create a legal framework and not to support those who run such businesses through their inaction. Rather, they should be supporting those that elected them and to whom they are accountable.

Another problem I would like to mention is that of controlling the flow of money. In various countries money from gambling and that kind of activity is given to support sport, culture and education. If we are to lose money flows from individual countries to the Bahamas and tax havens then I would like to ask whether some of this money could be brought back to support sport in the various countries. Because if we operate and play games of chance via the internet then the profits are created elsewhere and not in the countries the players come from. This issue also remains unresolved and inadequately supervised, and in my opinion there is a real need for the European Commission to wake up and start working on framework rules for this kind of activity. We have to create the necessary conditions so that, on the one hand, we do not put the health and education of children at risk and, at the same time, we do not miss out on the financial resources that go into gambling.

Zuzana Roithová (PPE). – (CS) The development of online gambling makes it possible to circumvent Member State laws and to launder money with almost no control at all. For the internal market there is a question mark over the monopoly position of the gambling companies and another question mark over the murky financing of professional sport, precisely on account of its links to gambling. It increases the risk of addiction, especially for young people.

The European Court of Justice, in view of the public interest, acknowledged the right of governments to ban or to restrict online gambling. Although online gambling has no borders, its regulation differs in every Member State in terms of levels of taxation, accessibility, checks and the level of legal responsibility of operators. It is not enough, moreover, to monitor the quality of the official gambling and lottery companies – movement of money must also be monitored.

Effective controls are no longer possible without an agreement on common rules for all 27 Member States. We therefore asked the Commission last year to propose a framework European regulation for online gambling. I firmly believe that there should also be a ban on advertisements for online gambling which target young people. Exposing children to the influence of advertisements for online gambling is the same as exposing them to unlimited supplies of alcohol, cigarettes, drugs or other addictive substances.

The Czech Republic is unfortunately the furthest behind in the Union in terms of regulations. Not only does it not restrict advertising of this kind, but it also fails to rule out the combination of gambling houses and pawn shops in the vicinity of schools. I expect that this report will give the Commission fresh impetus to negotiate the measures essential for harmonising the regulation of online gambling with regard to the public interest of EU countries.

Christel Schaldemose (S&D). – (DA) Mr President, welcome to Parliament Mr Barnier and good luck with your job.

I am actually very pleased to be standing here today debating online gambling with you, because during your hearing in Parliament you placed particular emphasis on your view that the internal market should be there for the citizens and not the other way round. Here we have a good opportunity to demonstrate this in practice.

Let me start by saying that I support the initiatives that you mentioned. They were a little vague, but it sounds sensible to draw up a Green Paper, to get lots of studies going, to gather data and find out about this area in a way that provides us with an overview of how things stand at European level.

However, I would also like to remind you of the political realities. Whilst it is true that there was also a minority opinion when my report was adopted in March, the clear majority in Parliament supported my report, just as there is a very great deal of support in Council for clarification – but at the same time we must ensure that it is up to the Member States to define how they wish to regulate the whole area of gambling. What we need in the area of online gambling is, of course, to find out how we can protect our citizens, investigate the social costs of gambling, and so on.

I would have liked to have heard a somewhat clearer answer, however. You have only just taken up your post and are still new, but I would like a slightly clearer answer as to whether your line will be to drop the cases concerning treaty infringements and to enter into a much more constructive dialogue with Parliament and the Council so that we can establish how to deal with this. I therefore suggest you stop letting the European Court of Justice decide the cases; let us take political decisions concerning these. Is that the line you want to take or not? That is what I would have liked to have a very clear answer on.

Liam Aylward (ALDE). – (GA) Mr President, I welcome this timely debate on online gambling and in particular, on the problems relating to underage gambling and vulnerable consumers. It is in the interest of both the public and of consumers that leadership and clear and definite direction be shown when tackling this issue.

I raised the issue of gambling with the Commission at the beginning of last November, and the reply I received stated that the Commission supports the Safer Internet Programme, information centres and helplines in the Member States. These provide information to parents about the dangers children could encounter on line – including online gambling.

As it is, however, online gambling is a hidden problem and it is a problem that is growing.

With online gambling as opposed to conventional gambling, there is a clear problem of a lack of physical supervision. There is no responsible or immediate management present to ensure that the gambler is of age and acting legally. The security checks and safety procedures on online gambling sites can be overcome; borrowed or stolen credit cards can be used by minors and identities can be faked. For vulnerable consumers gambling on the Internet is usually conducted in isolated settings and experts in this area point to the increased problem of acting on impulse and the potential for unchecked and reckless gambling and because, with under-age gamblers, the traditional safeguards of conventional gambling are not present.

With online gambling it is more difficult to determine a problem gambler as it takes time, responsibility and resources to identify who is playing, who is paying and who has a problem. Clear direction is needed at all levels in order to tackle this issue so that definitive steps can be taken to tackle the problem of under-age gamblers and to ensure the interests of the most vulnerable consumers are protected.

Peter van Dalen (ECR). – (NL) Mr President, there are approximately 120 000 gambling addicts in the Netherlands, which represents nearly 1% of our population. Gambling addiction leads to serious social problems, such as broken homes, money problems and crime. Therefore, Member States should make every effort to combat gambling and the associated problems with maximum force.

Mr President, what is striking is that some Member States have a completely legal gambling market. In addition, the gambling industry would have us believe that the gambling market is a normal sector of the internal market and thus need not be subject to restrictions. This beggars belief. Member States should not be facilitating any markets that promote social misery.

Unfortunately, many people cannot resist the lure of gambling. For this reason, the Dutch government has decided to take ownership of the gambling market and allow only a State monopoly on gambling. Although I would prefer not to see casinos going up anywhere in the European Union, I still consider this the least bad solution.

Mr President, the European Parliament must issue a very strong call to those Member States in which gambling is permitted to strongly discourage that market wherever possible.

Kyriacos Triantaphyllides (GUE/NGL). – (EL) Mr President, the question indirectly calls for new Community legislation. However, given that even the European Court of Justice has laid down the limits and preconditions under which the Member States, through their national legislation, can stipulate how online gambling is to be regulated, there is no need to call for European legislation.

Furthermore, the Court ruled in the Schindler case that gambling has certain moral, religious and cultural overtones, harbours a high risk of crime or fraud and may have harmful consequences on the individual and on society. That is the most important point.

It is precisely on these grounds of public interest that this sector should remain under the control of the Member States, which know more about its peculiarities and how to handle them. Moreover, this is endorsed both by the study prepared for the Commission by the Swiss Institute of Comparative Law and in the 2009 report by Mr Schaldemose adopted by Parliament.

This report concludes that an approach solely within the framework of the internal market is not appropriate in this highly sensitive sector and calls on the Commission to pay particular attention to the views of the European Court of Justice on this matter.

Lara Comi (PPE). – (IT) Mr President, ladies and gentlemen, I would like to start with the European Court of Justice ruling, because the possibility for a Member State to prohibit private operators from offering online gambling services highlights the need to standardise a market that is highly profitable, but just as highly risky, for consumers.

Therefore, in the absence of any European harmonisation of gambling activities, each country is free to choose its own level of protection. It is often impossible to identify where the application of such a restriction begins and ends. In fact, while the Commission has launched a series of infringement proceedings against some countries – which I would point out also include Italy – for having violated the principle of the free movement of services, the European Court has, on the contrary, upheld Portugal's restrictive decision.

In this context, the European institutions have the fundamental task of guiding the gambling sector through a regulatory process that is fully harmonised among the Member States at EU level. It is necessary, therefore, to go beyond individual economic interests and to ensure a significant level of protection of consumers, and in particular of children, who are the main victims of crime and fraud in such cases.

António Fernando Correia De Campos (S&D). – (PT) Mr President, ladies and gentlemen, we are in the midst of a conflict between two policies that are dear to the European Union: the protection of consumers and public order on the one hand, and the freedom of movement and provision of services on the other.

According to the case-law of the Court of Justice on this matter, the Member States should maintain their autonomy and legitimacy in regulating the activity of providers of online gambling and gambling games. This is a sensitive area that impacts upon societal values regarding deviant behaviour related to gambling and also upon national traditions of directing the sums received from this market towards the financing of social works.

Over the last few years, the case-law from Luxembourg has formulated a coherent and consistent line of judicial thinking that should lead the European institutions and the Commission, in particular, to adopt a more explicit position. This involves the creation of a regulatory framework, which takes account of the universal concerns of all the Member States in terms of the prevention of cross-border organised crime, which uses these types of games as a way of expanding, as well as in terms of providing proper protection to consumers who are vulnerable to this type of online gambling.

Commissioner Barnier, we look forward to the new Commission, which is now taking office, dealing with this matter as a priority on its agenda.

Oldřich Vlasák (ECR). – (CS) Ladies and gentlemen, as we all know, gambling has traditionally been strictly regulated in most countries of the EU. The situation has, of course, changed since the Internet became the largest gambling den in the world. It is a fact that technical developments related to gambling operations have progressed very rapidly throughout the world and the relevant legal arrangements are in the meantime incapable of providing a sufficient response.

Cases related to online gambling are frequently referred to the European Court of Justice, which clearly shows that the interpretation and application of Community laws in the area of gambling are ambiguous. Internet gambling is, moreover, viewed as a 'grey area' of law.

In my opinion, we must respect the fact that every state has issued gambling licences within its own jurisdiction. At the same time we agree at a general level that national legislation must not overstep EU principles on business and the provision of services within the EU framework. However, this means paradoxically that Czech law, for example, does not have to allow Czech firms to obtain a licence to operate online gambling but the Czech Republic cannot prohibit foreign gambling firms from operating on its territory. We cannot accept such a situation, never mind the social, health and safety risks associated with online gambling, or the related tax issues.

Sari Essayah (PPE). – (FI) Mr President, as you well remember, Commissioner Barnier, the European Parliament was being consistent in its policy when it opposed the inclusion of gambling games in the Services Directive, as gambling games are not services as such: they are associated with the risk of addiction and the social costs that go with it.

The integrity of sport is also something that the European Parliament thinks is worth protecting, especially now that, with the Treaty of Lisbon, we have the competence to attend to this issue. The more unregulated gambling is, the more sport just becomes a means of accumulating profits and the more it becomes prone, for example, to criminal activity in the form of money laundering.

The Commission needs to propose a solution that takes account of Parliament's consistent policy of keeping gambling within the competence of the Member States, on account of its special nature. At least a dozen cases have come before the Court of Justice of the European Union, the latest being the *Liga Portuguesa* case. Nevertheless, it is not right that these cases should only make progress in the form of court decisions or as a result of infringement proceedings. We need to have a policy decision on these matters, but one that does not result in harmonisation, because the Member States are responsible for the social costs and other adverse consequences of gambling anyway.

There needs to be a logical and comprehensive policy on gambling, because online gambling is merely a facility, and in itself it does not mean that any policy on gambling will be a crossborder policy. The increase in online gambling is not a force of nature that advances inexorably. There are a lot of products that online shops cannot sell across borders, so the online gambling companies should also respect the law in the various Member States.

Commissioner, I would like to encourage you to produce a green paper on gambling. That would certainly also provide us with the means to fight against online gambling services coming from outside Europe and the problems caused by gambling.

Catherine Stihler (S&D). – Mr President, I would like to thank the previous speakers for their contributions and my colleague, Christel Schaldemose, for her work on this subject.

As previous speakers have said, gambling is not like any normal service. The negative consequences of gambling cannot be more highly emphasised, as many colleagues have said this morning. There are two internationally recognised scales which can measure problem gambling. One is called the Diagnostic Statistical Severity Index and the other, the Canadian Problem Gambling Severity Index. This was used in the UK and it is estimated that, in the UK alone – and a Dutch colleague said one per cent of their population is affected – it is something along the lines of 236 000 to 284 000 adults who have a gambling problem.

What would this number be across the European Union? When you think about it, if this green paper is coming forward, I would like to see the Commission getting some proper statistics – a study in fact on the effects of gambling and online gambling on EU citizens. I think this would be a very useful piece of information to inform our debate and to have at our fingertips.

Regarding the point about the ECJ rulings, when you look at the words, 'in order to prevent operations of games of chance via the Internet for fraudulent or criminal purposes' and the prevalence of cartels in the single market, highlighted by the competition report, we need to ensure that online gambling companies do not use registering in a different country from the one in which they operate as a front for hiding illegal practices.

I look forward to hearing further from Commissioner Barnier. I wish you the best of luck, Commissioner, in your new role.

Mairead McGuinness (PPE). – Mr President, I want to add my congratulations to Commissioner Barnier. Commissioner, this is not the easiest topic to start off in your career in the Commission but I dare say that your predecessor, Mr McCreevy, would not mind me saying that he enjoyed the odd flutter. He enjoyed race-going and obviously was a man to place a bet.

Clearly there are two schools of thought on this issue. However, Parliament's view is quite clear from its resolution of 10 March 2009, and I think it is worth quoting three lines from that resolution, which states that 'Member States have an interest and right to regulate and control their gambling markets'. It also very clearly states that 'online gambling operators must comply with the legislation of Member States in which they provide their service', and that 'a pure internal market approach is not appropriate in this highly sensitive area'.

The problem for us as legislators, and for Member States, is that the market is way ahead of us: developments in this area have overtaken existing legislation and will continue to do so. Whether we like it or not, people enjoy gambling. Personally I would rather buy shoes, but others do other things for their kicks.

I absolutely concur with those who have very clearly spoken about the problems of gambling, whether online or otherwise. There are huge social issues involved where people who have an addiction go beyond what they should do. But remember also that Member States promote lotteries, and perhaps that is a legalised form of promoting a possible addiction.

So there is no clarity on this issue but, once again, the problem for the European Parliament, for the EU in general, is that there is no consistency across Member States, and yet our citizens are accessing services outside their own country, and they want to do that.

The green paper would be most welcome: it is a big challenge for you to pull together the information on this issue. I think the problem is that there is a huge gap in information and knowledge, and it is up to the Commission to come forward with something to deal with that issue.

Mitro Repo (S&D). – (FI) Mr President, Commissioner, it is said that politics is a game, sometimes even a game of chance, but gambling is not actually a business or service as such. It is associated with a vast number of social ills that attract criminal activity.

Gambling addiction will all too often and too easily put an individual in a financial predicament, which can also result in very serious mental health problems. Echoing the message in my colleague, Mrs Stihler's speech, I would like to mention that in 2008 there were an estimated 40 000 people in Finland with a gambling problem. If there were the same number of people proportionately at EU level, it would mean that there would now be more than 35 million in Europe with a gambling problem, and that is a huge figure. I therefore think that Member States must in future have the right to decide themselves how they organise gambling in order to minimise any potential psychological and financial damage. We need strict rules, regulation of the market and public agency monitoring.

I would finally like to stress how important it is for us to consider the protection of those consumers who are especially vulnerable and the dangers of gambling addiction and compulsive behaviour, and to make a real effort to fight against organised crime, which tries to profit by it.

IN THE CHAIR: MRS DURANT

Vice-President

Salvatore Iacolino (PPE). – (IT) Madam President, ladies and gentlemen, congratulations, Commissioner, and welcome.

Everyone has seen how the online gambling market has boomed over the last few years, capturing economic and media attention. This is a phenomenon that involves new social groups and that is characterised by poly-consumption. Technology makes it easier to access and enables an increasing number of consumers – often young people, who are generally more familiar with computers and the Internet – to become involved.

The dream of changing one's life through gambling often has disastrous consequences, and many families are dragged into a negative situation from which there is often no means of escape. Moreover, there can be no underestimating the serious harm caused by the lack of social contact and interaction of online gamblers. The loneliness and the basic invisibility of gamblers characterise a generally unacceptable addiction. Gambling is a vice that appears still today to be largely hidden.

In my previous role as the chief executive of a public health authority, I opened a specialist department for pathological gambling. The proposed intervention model has proven successful because the treatment combines the therapy aspect with that of prevention, research and rehabilitation.

We need to intervene by adopting a common position and ensure that all addictions are subject to a robust form of governance. This has not been the case: I am referring to drug abuse, alcohol abuse, tobacco abuse, food and Internet addictions.

I regret that the question put by myself and a further 42 MEPs has not yet been referred to Parliament in plenary because of opposition from the left. I therefore wonder how much interest the Commission really takes in those who have a proven problem with drug addiction or another proven addiction, and how important a role the fight against drug trafficking plays in the Commission's programme.

Sylvana Rapti (S&D). – (EL) Madam President, the reason why we feel secure in Europe, the reason why Europe has been going for so long is, I think, because it has always respected national sensitivities. The perpetual dilemma which arises, as to whether Europe or the Member States have the first and last word, is a major issue and a perfect example is gambling, especially online gambling. The Internet is an exciting place, but it also harbours dangers which are very difficult to control. At the same time, the principle of competitiveness, which is the pillar of the internal market, cannot ignore primary issues of respect for national public interests. I think that what is needed in this balance is clearly set out in both judgments by the Court which, on the one hand, understands and defends the concept of public interest, as safeguarded by national traditions and, on the other hand, formulates objections to disproportionate measures which ultimately work at the expense of the citizen.

Knowing the consultations being carried out at present in the Council, we are waiting to hear how the Commission will work to safeguard national autonomy of action and create an effective basis for cooperation, so that the question of habit and the question of fraud can be combated. To close, may I congratulate you Commissioner and say that I believe everything you have said in this Chamber. Hearing you say that you differ on the letter at the moment but not in spirit is something that I shall wait to see in practice. Good luck.

Othmar Karas (PPE). – (DE) Madam President, Commissioner, ladies and gentlemen, first of all, welcome, Commissioner. It is nice to see you here and to see you sitting in that particular seat. What we are *de facto* dealing with in this area is, amongst other things, the implementation of the social market economy regulatory framework.

We are in a state of tension. On the one hand, we need to go further down the market road, as we have to implement the principles of the internal market. On the other hand, we cannot abandon our sense of responsibility. It is for this reason that we have to set certain limitations on the gambling market. We must accept our responsibility. We cannot allow everyone to do whatever they please in the gambling market, any more than we can in the financial market, and then have society picking up the tab. What we are dealing with are questions of education, money laundering, criminality and freedom in gambling. We have to look at these things together.

Nor do we have any clear definitions, either. We are all talking about gambling, but there are many different types of gambling, and there are different definitions. I, therefore, welcome the announcement of the green paper, because it will enable us to approach the definition issue, the problems and the variety of individual national customs at the same time.

A pure internal market approach will not get us anywhere with these issues. However, we should not use one approach to the exclusion of the other. We need a regulatory framework at EU level, so that we do not end up discussing this every year. The Member States and the various operators are all involved. Working together, we should not undermine the law of the Member States, but ensure legal certainty in the European market.

Pier Antonio Panzeri (S&D). – (IT) Madam President, Commissioner, ladies and gentlemen, we are aware of the differences that exist between the various regulatory frameworks of the individual countries, and we also know that various interpretations of European and national case law are currently leading to a large number of infringements and disputes within the Member States.

The lack of a European Union policy is no longer sustainable in the light of the challenges posed by the cross-border nature of online gambling services. Moreover, the rapid spread of the Internet and of electronic

trade in recent years has given rise to an increase in the supply of online games and to the consequent emergence of cross-border issues, which remain unresolved.

For this reason, I am convinced that the European institutions should rise to the common challenges, such as the protection of consumers – and more specifically of children – and the prevention of crime and fraud, but also to the challenges concerning the fight against the illegal and unauthorised supply of services, which the national governments alone cannot cope with.

The Commission must therefore respond to Parliament's requests and strive to obtain a European regulatory framework. It must do so by showing the necessary determination. Commissioner, your good will is not in question, and that is why I say to you that the consultation is a good idea and that the green paper is also a good idea, provided that it is used to identify the correct legislative framework and is not just an end in itself. The old Commission very often drafted too many green papers and white papers without any decisions being taken. However, I believe that you realise, Commissioner, that we need decisions and not just words.

Eija-Riitta Korhola (PPE). – Madam President, looking at the positions that the European Court of Justice, the Council, the Commission and Parliament have taken so far on gambling and betting, I would draw the following conclusions. Practically all Member States and Parliament reject the application of the country-of-origin and mutual-recognition principles in this particular and sensitive area. The Court accepts that, as it explicitly expressed once again in its judgment last September. For the Commission this judgment means that it loses one of the key arguments that it has used in all infringement cases.

Member States are free to set their own policy objectives on betting and gambling and define in detail the level of protection they deem appropriate for their citizens. The Council and Parliament have been working hand in hand for years. In 2006 and 2007 they both agreed on the exclusion of gambling and betting from the Services Directive and the Audiovisual Media Services Directive.

The Schaldemose report last year built on the work Council had done under the French Presidency and the same line has continued also under the Swedish and the Spanish Presidency. In the Schaldemose report I was responsible for the EPP line and I share her view.

Commissioner, I would like to ask you this: do you share the view that the Commission should finally start helping the Member States in their fight against all illegal – in other words unauthorised – gambling offers, rather than consume time on questions that have been answered already? If so, how will it be tackled?

Bogusław Sonik (PPE). – (PL) Madam President, there is no doubt that the market in online gambling in Europe is developing very dynamically. Indeed, over 40% of the world gambling market focuses on Europe, generating growing profits. Over the last four years, these incomes have almost doubled: from EUR 6.5 billion to EUR 11 billion. These statistics allow us to say that this phenomenon is going to continue to spread, both at the supra-national and cross-border levels. Development of the services and Internet market and changes in consumer attitudes require a reaction on the part of the European Union. The lack of Community regulation of online gambling is only one example where the institutions are not only failing to keep up with social changes, but are also failing to react to the needs of the changing common European market. The dynamically developing gambling market, which is based on cross-border contacts and transactions, needs common and clear regulations, in order to minimise the risk associated with fraud, money laundering, match-fixing and addiction. Clear and transparent principles should be the basis of operation of the single market, and we should, above all, protect European consumers from these threats.

We should inform consumers of the possible negative consequences of online gambling. Young people, as we said in the resolution in March, are not mature enough to differentiate concepts such as luck, chance and the probability of winning. We need to identify the risk of gambling addictions developing in young people. Increasingly often the Commission is not managing to keep pace, and not only in this matter, with the exceptionally rapid development of the Internet and various kinds of online activity. Is one of the reasons for this not the fact that the Commission is composed entirely of people who grew up at a time when this electronic world of online entrepreneurship was only the subject of futuristic novels?

The Commission must initiate work on a thorough report analysing everything related to the problem of honesty in gambling and all the legal and social consequences associated with this. What is needed is a clearly defined European code of practice, which sets the highest standards and will be able to distinguish between what is honest, sporting competition in games and dirty gambling.

Elena Oana Antonescu (PPE). – (RO) The regulation of the gambling market in the European Union is a delicate issue, regardless of whether we are talking about conventional or online gambling. The online gambling sector has expanded in recent years and is now an area where huge profits are made. There are those who speak out in favour of banning gambling, while others believe that this ban would result in an increase in these activities without any kind of regulation in force.

Both the European Union and Member States share common objectives in their efforts to improve the regulation of gambling activities. They want to protect minors, find a solution to the problems of addiction, introduce suitable supervisory measures regarding transparency and rules on advertising, not to mention prevent addiction and excessive online gambling.

With a lack of any harmonised legislation in this area, Member States are free to set their own policy objectives in this area and define the required level of protection. Although the aims seem to be the same, resolving the issue of regulation in this area is far from easy. However, we cannot deny the reality of the situation – gambling is an important economic activity which does not entirely comply with the rules of the internal market. With no restrictions provided by any technical barriers, these activities can be accessed across borders and generate profits amounting to billions of euros.

The rulings of the European Court of Justice do not bring any closer the positions of those with differing views on the right way to enforce regulation. The Commission continues to face a paradoxical reality between Member States' jurisdiction to regulate this area and the complaints lodged by gambling providers against the restrictions imposed nationally.

I am not an advocate of online gambling. I would say more that I am against this activity. However, I feel that we need to start with the reality that these games exist. This is why we have to draw up harmonised legislation which will not only regulate the activities of economic operators, but, most importantly, will also provide measures to support consumers. We must ensure that online gambling is handled in a responsible manner. We must protect minors and those who are vulnerable. We must also prevent addiction and avoid organised crime.

Tamás Deutsch (PPE). – (HU) First, a warm welcome to Commissioner Barnier, and I would like to wish him all the best in his efforts. Ladies and gentlemen, please allow me to sum up what I would like to say in three main points.

First of all, in this age, when experts say that our world is dominated by mass media and the Internet, one cannot really discuss gambling and especially online gambling ignoring the relevant social, cultural, healthcare and mental effects involved. It is also clear, as indicated by the decision adopted by Parliament a year ago, that online gambling has obvious harmful effects on society. It is sufficient to mention the effects related to the development of addictions, organised crime and money laundering. We should not forget about the toxic effects of sports betting either, as even now Europe is affected by a terrible match-fixing scandal, unfortunately associated with this issue.

Secondly, in my view we have got the wrong end of the stick if we think that the regulation of online gambling is a free market issue. This is primarily a consumer protection issue. In my opinion, regulation should focus on consumer protection issues.

Last but not least, allow me to make two proposals. A common regulation is required at European level, a regulation based on consumer protection and focused on prevention, to prevent the development of addiction, the association of online gambling with organised crime, and the match-fixing scandals jeopardising fair play. Last but not least, there is a need for the European Union to initiate a regulation which reaches across and beyond the borders of the European Union, as online gambling is a global issue, and I believe it is an issue which we must also address.

Jim Higgins (PPE). – Madam President, like so many areas of activity, gambling has benefited from advanced technology. There are upsides and downsides. The upside is that it facilitates the punter and it makes it easier to get and to place a bet. It is a huge revenue earner for the Member States and we have digressed into huge areas. It used to be just racing and sports, but now we have got a huge number of other areas, for example political predictions. As we say in Ireland, you could bet on two flies going up a wall. So we have a huge advance in terms of the areas covered by gambling.

The downside is that we have fraud, match-fixing, social and domestic chaos, gambling addiction etc. It has been estimated that, in the UK alone – as Gamblers Anonymous say – there is something in the region of

600 000 people who are addicted to gambling and who are members of Gamblers Anonymous. We have the same problem in Ireland and it is a common problem throughout the EU.

I think we have got to look at the ECJ ruling in terms of saying that it is up to each Member State to fix its own rules and regulations. We need a common policy because gambling transgresses borders. It goes right across the entire European Union. I think we have got to revert to the excellent recommendations made on 10 March 2009, which are worth looking at again. For example, Members call on the Member States to cooperate closely in order to solve social and public order problems arising from cross-border online gambling. Secondly, we need to protect consumers against fraud and there should be a common position to do this. Thirdly, there needs to be a common regulation in relation to advertising promotion and the provisions of online gambling. Last, but by no means least, in relation to credit we should have a maximum amount of credit and, certainly from the point of view of age, there should be a definite age restriction.

Mr Panzeri said earlier – and he is right – that we talk a lot here about resolutions and recommendations and they are all very commendable but, at the end of the day, what we need to do is to translate them into action. Otherwise, they are mere aspirations. So we are talking about action and we are talking about the timetable. That is the reason why I am looking forward to the Commission's reply.

Radvilė Morkūnaitė-Mikulėnienė (PPE). – (LT) Probably no one would argue with the fact that gambling, like other forms of addiction, causes serious social problems that affect not only the gambler, but the whole of society. It is a complex problem.

With the rapid spread of internet access in our globalised world there has been a significant rise in a new form of addiction, an addiction to online gambling. In the fourteen years since 1996 the gambling market has grown dramatically. Just as the market grows, so too do the general revenues from gambling in the world. Until we establish a common European Union system for the regulation of online gambling, the only people happy to see these figures will be the representatives of the online gambling business.

The European Court of Justice has said that gambling services can take advantage of freedom of movement and that the Member States should regulate these themselves, taking into account their values and traditions. Lithuania, for example, is still one of those countries of the European Union in which online gambling is banned. However, the free movement of services ensures the opportunity to gamble, to have free access to online gambling and even if we ban gambling in the whole of the European Union, we still will not be protected from gambling registered in other parts of the world. Therefore, it is necessary to establish a common European Union system for the regulation of online gambling, taking into account the protection of risk groups, with particular attention to the protection of minors and control of transactions.

On the subject of minors, it is not just gambling with money that they become addicted to, but often games which are aggressive in character and have aggressive content and this is also a great problem.

This situation is almost identical to the question of CO² emissions that we have debated so often. The Internet has no borders, so if we have different online gambling rules and provisions, it will be like the climate change problem; much talk and, sadly, few results.

Piotr Borys (PPE). – (PL) Madam President, I would like to put a question to the Commission in the context of the questions asked by my colleague, Mr Nitras, who is unable to be present, today, due to problems he has encountered in getting to Strasbourg. Firstly, I would like to ask the Commission if it could comment on recent legislative changes in Member States in the context of joint rulings of the European Court of Justice. Secondly, does the Commission still envisage taking legal measures to introduce common frameworks which could regulate transactions associated with online games of chance, having regard principally to consumer protection and the fight against gambling addiction, and also to the growing presence of organised crime in a system which is not properly verified and controlled?

In relation to this, does the Commission agree that, despite the common EU regulations in force today, Member States are still not able to moderate the gambling of their citizens, in spite of the use of bans, for example? In this area it seems that legal regulations are not adapted to the current situation and the developing Internet service market. In relation to this, my question is as follows: what measures does the European Commission intend to take in this area to set down, perhaps, common legal frameworks, which would be the same for all Member States?

Toine Manders (ALDE). – (NL) I should like to congratulate Commissioner Barnier on his appointment as Member of the Commission, and also to warmly welcome him here, as there is a great deal on the agenda.

The Services Directive, or 'Bolkestein Directive', which was discussed here, expressly excluded gambling. I find this regrettable, as it means we did not dare to recognise that it constitutes a problem for consumers, and I think this was instigated by governments who were only too willing to continue to see it as a monopoly for Member States. The result has been a legislative hotchpotch that is currently leading to a great deal of legal uncertainty. This is regrettable, and behind it is a lack of the courage, including on our part, to look into problems. After all, having a problem but not looking into it is like burying your head in the sand as ostriches do. Yet these are real problems, as the organisations providing gambling services are constantly on the lookout for new openings.

Our current legislation is based on physical borders, but we reached the age of virtual borders long ago. In my opinion, therefore, we must ensure a European approach to online gambling, introduce clearer legislation, involve the providers in this, and ensure that consumers are protected and organised crime precluded. This also means, however, that we must dare to let go of the situation where governments retain a monopoly on the basis of the European Court of Justice (ECJ) ruling that 'monopolies are permitted as long as you conduct a restrictive policy'; this is getting completely out of hand.

The ECJ also states this regularly, and I believe we must have the courage to take hard-law measures that eliminate the excrescences and the abuse of gambling; not only for the benefit of our citizens but also in order to preclude organised crime. I hope this proves successful, Commissioner Barnier: you have a huge task ahead of you and I wish you the very best of luck.

Perhaps – and this is my final comment, Madam President – it is already quite something for you to hearten Parliament by actually looking closer into the implementation of the Services Directive; after all, I have heard many positive reports in this regard.

Franz Obermayr (NI). – (DE) Madam President, in case C-42/07, the European Court of Justice examined whether Portugal had infringed EU law by prohibiting online gambling. Portugal had banned companies from providing games of chance on the Internet. The companies affected by this ban, such as BWin and Liga Portuguesa de Futebol Profissional, went to court and fought their cases all the way up to the ECJ. The main argument was that, in so doing, Portugal had infringed the freedom to provide services and that, ultimately, any entrepreneur should be allowed to provide services across borders. In addition, every EU citizen should be free to receive services, which is a passive form of freedom.

In terms of its content, however, the freedom to provide services also includes a prohibition on discrimination, which means that the State is not allowed to put foreign service providers in a less favourable position than domestic ones. On the other hand, the freedom to provide services also contains a prohibition on restrictions, which means that any action which is not in itself discriminatory, but is intended to obstruct the entry of foreign companies into the market, is, of course, prohibited. Interestingly enough, the ECJ rejected this, saying that the freedom to provide services may be restricted insofar as it jeopardises the public interest, as it is necessary to combat fraud, guarantee consumer protection and prevent addiction to gambling.

Addiction to gambling is a major problem right now. In Germany alone, 200 000 people have been officially categorised as addicted to gambling, and young people are increasingly falling prey to this addiction. One study has found that people start gambling as early as 13. On the other hand, and we are familiar with this problem, private operators who comply with stringent requirements and have appropriate consumer protection procedures in place are categorically excluded from the market while, on the other hand, state-owned gambling monopolies are allowed to avoid Community competition, which gives them a greater advantage in the market.

I hope that this very difficult and polarised situation will be taken into account in the creation of a new regulatory framework and that the Commission will incorporate these key issues that I have raised.

Giovanni Collino (PPE). – (IT) Madam President, ladies and gentlemen, first of all I would like to wish Commissioner Barnier well in his work, because we need some good work to be done.

Gambling, by its very nature, has psychological implications for individual players and affects the cultural and behavioural aspects of individual societies. Given the risks that gambling entails, the recent European Court of Justice ruling, which grants each Member State the right to set its own rules governing online betting and gambling, is sensible.

The ruling concerning the *Liga Portuguesa* confirms that the European Union is regulated internally by 27 different rules, on the basis of which each State has decided to legislate. This position goes entirely against

the application of the law of the internal market, and against the gambling sector and harmonisation at European level.

Supply that is not rigorously regulated would have a negative impact on the needs and the behaviour of individual EU citizens, and here I am specifically referring to the most vulnerable groups and to young people.

We are asking you, Commissioner Barnier, to take steps to produce a regulatory framework that will clarify the responsibilities of, and establish common principles and a code of conduct for, operators, with the aim of protecting all those European citizens who have a passion for online gambling.

Milan Zver (PPE). – (SL) Commissioner, I wish you every success with your new portfolio.

Gambling is a contemporary form of addiction. We all know it; it is a kind of escapism for the modern man and woman. Nevertheless, online gambling is a fact which we politicians have to face and for which we have to find the best possible solution. On the one hand, we have to protect the principles underlying the European Union, such as the free movement of services, and on the other, we have to protect consumers.

What direction should we take though? If we place too broad competences in the hands of national Member State administrations, it seems to me we will not eliminate all the disadvantages of online gambling. Nor will we eliminate money laundering or other associated criminal activities.

Most of all, we will fail to eliminate monopolies, because dedicated operators will of course achieve precisely that role within their national boundaries. I am against protectionism when it comes to gambling and wish your green paper could in fact solve this problem for everybody's benefit, for the benefit of consumers and national administrations and for the benefit of the principles underlying the European Union.

Ilda Figueiredo (GUE/NGL). – (PT) Mr President, Commissioner, here we are dealing with a matter of great importance in the defence of the interests of citizens and in protecting against the risks of fraud that are common in gambling, including online gambling.

The Member States must maintain their autonomy and total legitimacy to legislate in the area of controls on gambling, according to the traditions of their own countries and ensuring a level of protection that is more appropriate for consumers and the interests of citizens, including investments in social areas, as happens in Portugal.

For these reasons, there can be no room for the application of the rules of competition and of the freedom to provide services here. We are not dealing with a normal type of service, we are dealing with a game that has serious implications in citizens' lives. We therefore hope, Commissioner, that you will bear in mind this position in the measures that will be developed, acknowledging the Member States' complete legitimacy to continue legislating at this time.

Seán Kelly (PPE). – (GA) Madam President, thank you for giving me the opportunity to say a few words about this major international issue.

Gambling – and online gambling in particular – is the hidden addiction and, unlike the other major addictions of drug and alcoholic abuse, there are no obvious physical manifestations of the disease. Secondly, online gambling is also the new generation addiction and it is particularly prevalent among young people who are far more digitally savvy than their parents and are therefore beyond detection and consequently protection.

I welcome, therefore, the imminent publication of the green paper, which needs to address three things: firstly, to establish the facts on how widespread gambling is – as an example, in my own town of 10 000 people there were only two betting shops a few years ago but now there are 18. Secondly, having established the facts, we need an education programme for young people, parents and educators, and, thirdly, legislation which will apply to all countries.

– GA I wish you the best of luck in this important work, Commissioner.

Andreas Mölzer (NI). – (DE) Madam President, in the debate on whether online gambling should be the sole preserve of monopolies, whether it should be made subject to licensing or whether it should be banned altogether, I think that we should not forget that the increase in gambling addiction has been very dramatic. As we all know, croupiers in casinos receive psychological training in order to spot players with addictive behaviour. If need be, they can be banned from playing. Since the immense boom in the amount of online gambling on offer, however, the addiction problem has, indeed, been increasingly moving to the Internet.

It jeopardises people's relationships, work and health and, in no time at all, they can accumulate thousands of euros in debt.

Protecting young people is another problem related to this issue. However, banning young people from gambling will not get us anywhere. One study has shown that one in ten students in Hamburg between the ages of 14 and 18 illegally plays for money on the Internet, whether in the form of online poker or sports betting. Nor should we forget that, besides the tragic fates of those affected and of their families, it also results in costs to the public purse.

President. – Commissioner, allow me first of all to welcome you, since I have not opened the debate and, moreover, to give you the floor to reply to these numerous questions.

Michel Barnier, Member of the Commission. – (FR) Madam President, thank you for your words of welcome, and thank you to every one of you for your good wishes and your encouragement. As you have understood – and, I have said so before this Parliament – I begin this new task that President Barroso has entrusted to me with great determination and resolve. I shall even remain a little idealistic. I believe that creative ideals do exist, especially when it comes to the European project.

The question that Mr Harbour put very clearly just now, and the questions from Mr Schwab, Mrs Gebhardt, Mrs Rühle and Mr de Jong, in particular, all amount to this: will the European Commission, at this time, show resolve and initiative, and will it do so, moreover, by using methods other than infringement procedures?

Ladies and gentlemen, make no mistake. Of course, I have been in office for 48 hours. So, please give my colleagues and me time to work and to present things to you in a serious manner. However, it is about a new approach that I really want to speak to you, and I do so for a reason that is very important to me. As several of you – including Mr Karas, and Mrs Gebhardt and Mrs Figueiredo a moment ago – have said, this does not concern a service like the others. It is for this reason that you are right to expect this new approach from the Commission, beginning with the consultation I have just proposed to you.

Currently, Member States are free to choose how they approach this question, as long as they comply with the Treaty. All Member States believe that gambling must be regulated with care, in view of the risk it poses to society, a risk that Mrs Schaldemose's report – which I have read with great care and interest – describes in explicit detail.

The Council's work has also brought to light the significantly different opinions, traditions and practices that exist. What I have noted is that since they chose in 2006 to withdraw gambling from the scope of the Services Directive, the Member States have not been consulted by the Commission on a European initiative. It is this, therefore, that is going to change. For my part, my teams and I will be following the efforts of the Council working group very closely. I also know that many Member States want to see the scope of the draft directive on consumer rights restricted. I confirm that the Commission does not rule out solutions other than infringement procedures.

To find the right way, I am going to publish a policy document. I myself used the words 'green paper', but for that I need to check the content and the scheduling of the Commission's work programme and to discuss it with my colleagues. However, we shall be publishing a policy document in order to structure future discussions on this question. That question, ladies and gentlemen, is assuredly one of a new and meaningful kind of European coordination.

Of course there is an economic dimension, but I repeat that it is not the only one as far as I am concerned. There are other serious issues that pose just as great a challenge to the public interest. Mr Creutzmann, Mr Kirkhope, Mr Paška – I cannot name everyone who has spoken, but I have made a careful note of what the various coordinators of your groups have said on your behalf.

One of these questions, one of these challenges, is cross-border crime. Is it possible to fight this sort of crime without taking a European approach? I think that it is impossible. What is more, if we do not adopt a European approach to online gambling, we will not make progress in establishing an internal market for e-commerce.

As far as online gaming is concerned, the very least we must do is to strengthen cooperation between national authorities regulating gaming in Europe. This is, moreover, certainly one of the issues being studied by the Council working group, which is why, on this issue as on others, the Commission will be working with the Member States.

I believe that, in addition to listening to the opinion of the Member States, as I shall be doing, I shall continue to listen to what is said in the European Parliament, as I have done this morning, even though I have clearly understood that there are on the various sides of this House different opinions that are not always consistent, because I am aware of what Parliament's majority line is. I shall listen to Parliament and to all interested parties as well as associations within the context of this consultation on better European coordination. In any case, that is what I shall be proposing to my fellow Commissioners in the coming days.

I have spoken of challenges and trials, Madam President, and I shall finish with them. Of course, among the issues faced by society is the question of addiction, which is extremely important and which has been highlighted in your report, and there is the question of minors. We must have strict limits, so that minors cannot gamble; all the Member States are working on this question, but in a disorganised manner. That is why, on this point, I believe that there must be European coordination.

To do good work, one must first properly understand, and that is also why I accept the request many of you have made for the Commission policy document to contain figures and reliable statistics, in addition to the figures quoted just now. I am therefore going to endeavour – and this is what Mrs Stihler and Mrs McGuinness have just requested in particular – to ensure that, in addition to clear policy directions, which means not only words but also proposed decisions, the Commission document above all contains as accurate a diagnosis as possible of all these issues.

May I say one last word, Madam President, on a subject that is also connected to this question of gaming, and that is the financing of sport. I say this, moreover, as a person who has devoted 10 years of his life to organising sporting activities. We are a few days away from the opening of the Vancouver Olympic Games, and I have the honour of being the joint chair of an Olympic Games organising committee. I therefore know that the organisation of great sporting events costs money and that, somewhere, financing networks are linked to gaming.

It is for this reason, moreover, that many Member States that finance sport through gaming wish also to safeguard national practices or legislation. The Commission is currently carrying out a study on the financing of sport in order to better understand all these concerns. There will also be a conference to be held next week in Brussels, and in the policy document that I shall present to you we shall also refer to these networks which finance events and sport through gaming.

Ladies and gentlemen, I have listened to you very carefully and I am very grateful to you for the diversity and quality of your speeches. I shall continue to listen to you. In addition to and together with Parliament, I shall be consulting all interested parties. Therefore, on the basis of this policy document, which, subject to the agreement of the College, will probably be a green paper, I shall make an appointment with you, no later than this autumn, so that we may achieve this goal of being more consistent and of establishing this marvellous form of coordination at European level.

President. – Thank you very much, Commissioner, for that full and encouraging reply.

The debate is closed.

Written statements (Rule 149)

Śławomir Witold Nitras (PPE), in writing. – (PL) At the very outset, I would like to draw your attention to the significance of online gambling in today's world. In the debate which is currently taking place, we are dealing with several matters which, in my opinion, should be resolved as quickly as possible, ideally at Community level. In its ruling, the European Court of Justice stated that regulation of gambling law is a matter for Member States, and that they are tightening up regulations in this area. Not only in Poland, but also in other countries, voices are being heard which say that we should significantly limit opportunities to gamble on the Internet. In my opinion, this is a step in the right direction, and is intended to lead to the introduction of clear and uniform legislation, including principles for keeping the Internet safe. On the other hand, online games of chance are often played outside the territory of a single country. This gives rise to serious consequences, not only legal but also financial. The question as to which jurisdiction should apply, and to what extent it should apply, remains unanswered. I am of the opinion that since one of the European Union's fundamental roles is to ensure the security of its citizens, it should introduce regulation at EU level, and also ensure its effective implementation.

(The sitting was suspended at 11.25 and resumed at 12.00)

IN THE CHAIR: MR ROUČEK

Vice-President

5. Statement by the President

Elizabeth Lynne (ALDE). – Mr President, just to announce that Written Declaration 0054/2009 on the transportation of horses for slaughter in the European Union has achieved the required amount of signatures. Can I thank everyone else for signing it. It is brilliant news for us.

President. – Dear colleagues, today marks the 20th anniversary of Nelson Mandela's release from prison in South Africa after serving 27 years of a life sentence imposed by the regime in 1984.

(Applause)

As you perhaps know, Mr Mandela was the first winner of the Sakharov Prize when Parliament instituted this prize in 1988.

Marking this 20th anniversary of the release of Nelson Mandela from prison, Jerzy Buzek, the President of the European Parliament, said: 'Nelson Mandela is an inspiration and remains in the hearts and minds of so many people throughout Europe, Africa and the entire world. Nelson Mandela's name will forever be linked to the fight for freedom, justice and democracy. Nelson Mandela's fortitude in demanding integrity in democratic life, human rights and reconciliation in relating to past adversaries has set the highest of standards for us to follow and aspire to.'

(Applause)

'Nelson Mandela's continuing fight and charitable work to defeat HIV/AIDS means that he remains a ray of hope for millions of people around the world.'

'Twenty years on, we uphold Nelson Mandela's message that: "it's in our hands".'

Michael Cashman (S&D), chairman of the delegation for relations with South Africa. – Mr President, I will be very brief indeed because the House does not want to be detained.

As you rightly said, 20 years ago Nelson Mandela was released from prison after serving 27 years of political imprisonment. The world watched as he took the final stretch on his road to freedom. It was a day that changed South Africa and, arguably, changed the world. He founded a modern new South Africa. That he did it with no anger, resentment or bitterness displays that he is a statesman head and shoulders above so many others. He is, I believe, a living example, in that we are either imprisoned by our history or liberated by it. With his liberation, he liberated a country, sent apartheid to the dustbin of history and led South Africa to a multiracial democracy. We salute him.

(Applause)

6. Voting time

President. – The next item is the vote.

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

6.1. Amendment of Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) (A7-0003/2010, Gabriele Albertini) (vote)

6.2. International recovery of child support and other forms of family maintenance (A7-0005/2010, Jiří Maštálka) (vote)

6.3. Community Programme for Employment and Social Solidarity - Progress (A7-0049/2009, Kinga Göncz) (vote)

– *Before the vote:*

Kinga Göncz, *rapporteur*. – (HU) I would like to say only a few words. On the one hand, I would like to say thank you for the assistance received from shadow rapporteurs during these very tough negotiations, for the assistance of the committee, and what is very important, for the assistance of the Spanish Presidency. When negotiations stalled, the Spanish Presidency put them back on track at the beginning of this year.

The compromise is essentially that the Council approved the text for the microfinance instrument adopted by Parliament at first reading, which was important for a quick launch. The other important part of the compromise is that EUR 60 million is reallocated from PROGRESS and EUR 40 million from the margin, while financing instruments of up to EUR 20 million can be reinstated in PROGRESS upon recommendation of the Commission. I would like to ask the Council to read the text of the communication made in this matter, and it would be important to publish this when the text of the agreement is published in the Official Journal.

We will have a very important crisis management tool in our hands. I would like to ask everybody to help ensure that this information reaches Member States, so that more people in difficulties can use this instrument to launch businesses. I can promise on behalf of both the committee and myself that I will monitor the launch and subsequent operation of the programme. We truly hope that it will be a success.

Viviane Reding, *Vice-President of the Commission*. – Mr President, I think it is important that, on behalf of the Commission, I make the following statement, which Parliament asked for.

The financial contribution from the European Union budget for the facility, for the period 1 January 2010 to 31 December 2013, has been set at EUR 100 million, to be partly financed by a reduction of EUR 60 million in the Progress programme. When presenting its draft budgets, the Commission will leave a sufficient unallocated margin under the expenditure ceiling of Heading 1a, whereby the budgetary authority – the Council and Parliament – may decide to increase the amount of the Progress programme by a maximum of EUR 20 million over the period 2011-2013, in conformity with point 37 of the Interinstitutional Agreement of 17 May 2006 on budgetary discipline and sound financial management.

6.4. Agreement between the EU and the USA on the processing and transfer of Financial Messaging Data from the European Union to the United States for purposes of the Terrorist Finance Tracking Program (A7-0013/2010, Jeanine Hennis-Plasschaert) (vote)

– *Before the vote:*

Joseph Daul, *on behalf of the PPE Group*. – (FR) Mr President, on behalf of the Group of the European People's Party (Christian Democrats), I propose that the House refer Mrs Hennis-Plasschaert's report back to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rules 63 and 175 of the Rules of Procedure. We heard the Council and the Commission yesterday. Both asked that Parliament grant them extra time, so that they can answer the requests that we personally formulated on the interim agreement.

Parliament is right to call the Council and the Commission and the United States to account. It is our responsibility – even more so with the Treaty of Lisbon – and we must assume it. Parliament is right to put personal safety and privacy on the same footing, because there cannot be one without the other. By asking you to postpone the vote slightly, the PPE Group is not questioning Parliament's demands or authority. It is asking for the ball to be put back into the Commission's, the Council's and the US's court for a very short period of time.

In fact, my group proposes that Parliament limit the time granted to the Council by demanding that the required information be supplied to us next month, not in May as requested by the Council. That would enable us to reach a definitive opinion in March. That is not unrealistic, especially as we learned yesterday evening that Commissioner Malmström was undertaking to propose a new negotiating mandate for the final agreement next week or by the next mini-session in Brussels, which is to say in 10 days' time. A new mandate in February and Parliament's vote in March, that is what we are proposing.

Timothy Kirkhope, *on behalf of the ECR Group*. – Mr President, I would like to support the EPP's proposal for postponement on the vote. I believe that this is a sensible and rational course of action; the House may have new powers but we must exercise them in a measured and responsible way. The Council has tried to appease Parliament, perhaps not sufficiently yet, but they have also apologised for their mistakes during this process. So I think we should now take some time to cooperate and work together on moving forwards and towards a new long-term agreement as well. I believe it is in the best interests of the House's reputation, the future of our international agreements and the security of Europe that we now give ourselves this time.

Jeanine Hennis-Plasschaert, *rapporteur*. – Mr President, my recommendation is to vote against postponement as conditions for postponement have not been met by the Council. This House cannot keep falling for fake promises; the ball was in the Council's court but it failed to act appropriately and effectively. The Council has known about this problem for over two years and has done nothing in that time to deal with it. By withholding our consent on the interim agreement the security of European citizens is not being compromised. Targeted transatlantic data exchange will remain possible; the rule of law is crucially important though currently our laws are being broken and under this agreement with its provisional application they would continue to be broken. Parliament should not be complicit in this.

Finally, the last point, if the US Administration would propose to US Congress something equivalent to this to transfer in bulk bank data of American citizens to a foreign power we all know what the US Congress would say – don't we?

(Applause from the Left)

Cecilia Malmström, *Member of the Commission*. – Mr President, the Commission would support a postponement of the vote. It will give the new Commission a chance to create a new momentum on this difficult dossier and it would also give the European Parliament more time to see how we intend to process this further.

The Commission is committed to a very ambitious timetable. I would like to confirm what Mr Daul said – that the Commission will adopt the mandate for a new long-term agreement on 24 February if you agree to postpone the vote. I am ready to come to you personally the same day to present the mandate. The Council will get it the day after in Brussels in order to consider it. I am sure that the Spanish Presidency will do everything they can to agree to the mandate as soon as possible. The Commission will then immediately launch negotiations with the US to try to conclude them as soon as possible.

We will, within those powers, keep the European Parliament fully informed at all stages of the process. My goal is to achieve a new agreement with very ambitious safeguards for privacy and data protection. I think we can build trust on both sides of the Atlantic for tracking financing, but of course this has to be done while fully assuring the protection of civil liberties and fundamental rights.

Martin Schulz (S&D). – (DE) Mr President, I have a supplementary question for the Commission, that is, Mrs Malmström: Am I correct in my understanding, Mrs Malmström, that, in your capacity as Commissioner, you support the postponement of the vote of the Group of the European People's Party (Christian Democrats)? May I ask why you did not support these requests during your six-month stint as the Swedish Presidency's Europe Minister? If you had, we would not have had to discuss the postponement today.

President. – Would you like to answer, very briefly?

(The Commissioner declined to do so.)

(Parliament rejected the request to refer back to committee the report)

6.5. Proposal for a Council directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector concluded by HOSPEEM and EPSU (B7-0063/2010) (vote)

7. Explanations of vote

Oral explanations of vote

Report: Kinga Göncz (A7-0049/2009)

Traian Ungureanu, *on behalf of the PPE Group*. – (RO) I would particularly like to thank the rapporteur. On behalf of the Group of the European People's Party (Christian Democrats), I welcome the final vote on the Progress programme. The PPE Group, which I represented during the drafting of the report, has always expressed its support for any initiative and measures aimed at tackling the economic and social disparities between Member States.

The report we have voted on today meets one of the PPE Group's main objectives: to provide support to micro-enterprises, backed up by concern for social inclusion. Today's vote also guarantees that the programmes which come under the Progress framework structure will not be restricted, thereby achieving another objective set by the PPE Group. I believe that the key element of today's vote is contained in Article 1 of the report. It actually reflects the balanced approach which the PPE Group has always supported with regard to the issue of sources for funding the projects.

In fact, the budget line for the European Microfinance Facility is made up of EUR 60 million from the Progress programme funds and EUR 40 million from other sources. This proportion concurs with the PPE Group's approach which favours, on the one hand, the rapid launch of the programme and, on the other hand, the prudence required by the budget constraints we are facing at the moment. I wish to thank you again for today's vote and for the constant support during the drafting of the report.

Alajos Mészáros (PPE). – (HU) I would like to say how pleased I am that we have accepted this programme, and I am happy I was able to vote in favour of it, especially at a time when our countries are struggling with the economic crisis and unemployment has reached ten percent or more in many of our countries. This package will be of great assistance to all of us. I would like to express my gratitude to the rapporteur, and would also like to add how happy I am that agreement could be reached and that this EUR 100 million will not be allocated entirely at the expense of the Progress package. This is a very good agreement, thank you very much, and hopefully it will be to everyone's benefit.

Marian Harkin (ALDE). – Mr President, I too am very pleased to have supported this initiative. It is a tangible expression of an example of one of the measures that have been undertaken by the EU in response to the current economic crisis. This particular initiative targets those who would not normally have access to the credit market; those to whom the banks and other financial institutions would say, no thank you, we do not want your business. People for example who have lost their jobs, who are at risk of social exclusion, people who have difficulty re-entering the job market now have an opportunity to set up their own business because they can access loans, with guaranteed equity of up to EUR 25 000. I think this initiative will make a difference to many people, and I thank the Spanish Presidency for their efforts in concluding an agreement and also the rapporteur for her hard work.

I think we have a good deal here today especially for those, as I said, who are excluded from the credit market, and on a personal level I am also very pleased to see the credit unions are among those institutions which can pass on this funding to their members.

Siiri Oviir (ALDE). – (ET) Mr President, the economic crisis has created a social crisis – there is no other way of describing a situation in which unemployment has grown by three, four or five times, as compared with the period before the crisis. In the past year we have in this very Chamber made a European economic recovery plan, a plan which envisaged the fulfilment and financing of the decisions, within the context of the Progress programme.

Of course, the situation is complex. Reducing unemployment cannot be done all at once. I supported the Commission's additional measures regarding micro-credit financing. It is, however, unacceptable that they wanted to take the easy way out and take money for credit financing from the funds for the Progress programme. I could not support such an approach, and therefore I voted for the compromises put forward in Mrs Gönczi's report.

Daniel Hannan (ECR). – Mr President, the share of world GDP occupied by old Europe is in serious decline. If we exclude the countries that joined in the last enlargement round, the GDP of the world which was occupied by the 15 old states 40 years ago was 35%; today is 25%; in 15 years' time, will be 15%. Europe is becoming sclerotic, arthritic, because of the economic and social model which we used to pride ourselves on.

There was a time immediately after the war when it looked as if it was working: paid holidays, maternity leave – what is not to like? – limited working hours and so on. But there comes a moment when reality imposes itself, and we have reached that moment now. It now takes four German workers to put in the same amount of hours over the year as three American workers; as a result, US share of world GDP over the last 40 years has remained roughly stable. We are like an elderly couple in a once grand house which is beginning to crumble around us, taking our eyes off the developments beyond our doorstep. Our continent as a whole is becoming sterile, sclerotic and old.

Bogusław Liberadzki (S&D). – (PL) Mr President, it was with great pleasure that I endorsed the resolution, and I also endorsed all of the amendments. What were the reasons for my decision? Firstly, in spite of the crisis, we managed to concentrate on matters of employment and social solidarity. Secondly, we managed to concentrate in spite of our differences, because they were joint amendments, supported by the Socialists, Democrats, Christian Democrats and Liberals. Thirdly and finally, I would like this to give a clear signal to all Member States, that in connection with this resolution they should follow the example of the European Parliament.

Recommendation: Jeanine Hennis-Plasschaert (A7-0013/2010)

Peter van Dalen (ECR). – (NL) The European Parliament has been handed more power, but this power has not been put to constructive use today. In the run-up to the debate on SWIFT, a great deal went wrong. The Commission and the Council gave Parliament too little information too late. This must not happen again.

Yet this is not a good enough reason to suddenly discontinue a programme that has been functioning reasonably for a number of years, a programme that has demonstrably protected both European and US citizens on several occasions. I have voted against the report, therefore, and am in favour of a nine-month extension of the SWIFT Agreement. When a new agreement is negotiated, clear arrangements must be made for better protection of personal data. We must prevent unnecessary data exchange and must not allow data to be stored indefinitely.

Peter Jahr (PPE). – (DE) Mr President, the need to decisively combat terrorism in the European Union and, alongside that, the need to forge close and constructive cooperation with the United States is something that no one contests. Nonetheless, I have voted against the SWIFT agreement, because fundamental data protection issues have still not been clarified. In addition, the contempt shown to Parliament while the agreement was being negotiated was quite simply unacceptable. I very much hope that Parliament will now be fully involved and that we will not have any repeat of this situation.

An international agreement to regulate data exchange is certainly necessary, but it must not be allowed to flout civil liberties and fundamental rights. Whenever European data is transferred to third parties, we must also ensure that we safeguard the data protection interests of EU citizens. I will continue to strive for this.

Georgios Papanikolaou (PPE). – (EL) Mr President, a very brief debate was held yesterday on the SWIFT question here in Parliament and both the Council and the Commission made very important assumptions in terms of the problems which existed in the procedure, especially in terms of informing Parliament about all the parameters of the question.

That is precisely why I voted today in favour of the proposed postponement, so that we can obtain the right information in the immediate future, resolve any misinterpretations and arrive at a final decision.

The question of protecting the data of European citizens is crucial and we all defend it absolutely. No one questions that all provisions must be made. However, at the same time, we need to take the measures needed in order to combat illegal funding of terrorist organisations and, in that way, deal preventively with a phenomenon which is the scourge of both the United States of America and Europe in terms of terrorist attacks.

That is precisely why our responsibility in the immediate future is crucial so that, in agreement, we can resolve the misunderstandings and get on with finding a solution to this question.

Gerard Batten (EFD). – Mr President, I would like to give an explanation of the vote on the Hennis-Plasschaert report – the so-called ‘SWIFT report’ – dealing with terrorist finance tracking.

I think the vote was confusing, even by the standards of this place. We voted, I believe, not to vote, and then voted to send the report back to committee. I wanted to vote to withhold my consent to the conclusion of

the agreement. However, I certainly did not want to vote in favour of paragraph 2 of the report, which was to submit recommendations for a long-term agreement under the legal framework of the Lisbon Treaty.

I do not want any agreement or any agreements under the Lisbon Treaty. The Lisbon Treaty is in contravention of the Bill of Rights of 1689 and England's other constitutional acts, which have not been expressly repealed and which remain in force. Because of this, England – and, indeed, the United Kingdom – is now living under an illegally constituted government.

Charalampos Angourakis (GUE/NGL). – (EL) Mr President, may I say that I voted in favour of the report by Mr Hennis-Plasschaert, but I should like to give an explanation of vote, which is this: the Greek Communist Party rejects the 'terror agreement' between the European Union and the United States of America concluded in the name of fighting terrorist funding.

We denounce the efforts by the centre left and centre right forces, the forces of the European one-way street, to clear their conscience with the people on the 'terror agreements' with the United States. Although the resolution by the European Parliament does not approve the interim agreement already signed by the European Union and the USA, it calls on the Council to conclude a permanent agreement with the United States which will allegedly respect personal data protection.

We consider this to be blatant deception. In our opinion, there can be no protection of personal data while it is in the hands of the CIA and other secret services. Terrorism is being used by the European Union and the USA and other imperialist forces as a pretext to violate grassroots freedoms and rights, to strike at the grassroots movement and to justify their imperialist wars.

There is no such thing as 'terrorist laws' that respect grassroots freedoms, which is why the people need to reject them, along with all the associated 'terror agreements'.

Daniel Hannan (ECR). – Mr President, this was a finely balanced issue, and I envy some of the moral certainty expressed by people on both sides of it. There were legitimate civil liberty issues; concerns that would be shared by people in the United States as well as in the European Union. Nonetheless, I feel on balance that the American Administration went out of its way to meet the concerns which were expressed on this side of the Atlantic and has come out with a proportionate proposal which takes account of the balance between security and freedom.

I have spoken out against many of the measures that were introduced in this place over the past 10 years under the cover of security measures which were in fact simply about aggrandising the powers of the state. But, in this case, I do not think it comes in that category; we are looking at a measure where you can point to specific successes that it has had in terms of foiling terrorist atrocities. I am afraid I do not think that some of the critics in this House were really interested in civil liberties. They had two other agendas: first to assert the power of the federal parliament against the nation states, and, secondly, their reflexive belief that America is always and everywhere in the wrong. It is a pity. After the election of Barack Obama many on the Left of this House were talking warmly about a new partnership across the Atlantic. Today we can see what faith to put in their words.

Jaroslav Paška (EFD). – (SK) The European Commission has concluded an agreement with the United States on the transfer of personal data of EU citizens to US news services. The agreement is very disadvantageous and unequal for the EU. We think that this agreement, in the version that has been presented to the European Parliament, could not be accepted because we are responsible for protecting the rights of EU citizens and we cannot allow their data to be handled in the US by news services for a period of 99 years.

The structure of this agreement was absurd and unequal and in my opinion it allowed the personal data of EU citizens to be misused. It is therefore a good thing that the European Parliament has decided to reject this agreement and has obliged the European Commission to start work on a new agreement which will be balanced and which will treat the rights of US and EU citizens equally.

Zuzana Roithová (PPE). – (CS) I voted for the postponement of the vote on the agreement and also against the proposal to reject its ratification. The fact that pride has triumphed over responsibility in this House is not a good sign, even though the Council made a bad job of communicating with the European Parliament. The analysis of this data, however, has made it possible for terrorist attacks directed against European citizens to be detected in time. Those who scuttled the provisional agreement with the idea that it gave better protection to the financial data of European citizens have perhaps not read this agreement, because it provides a better framework than existed in practice under the old agreement from 2003, even though there is no known

case of this data being misused. On the contrary, in the provisional agreement there were even more new safeguards, such as, for example, that requests for data could be made only by the US Justice Secretary in the same way as for Europol, and only on the basis of a clear description of the investigation that it would be used for. I cannot therefore understand what has happened here. In my opinion, the European Parliament has adopted an unprecedented and arrogant position.

Seán Kelly (PPE). – Mr President, firstly I would just like to say that I fully accept the democratic decision taken by the House but, in relation to this matter, I was pleased to vote in accordance with our group and the position outlined by our leader, Mr Daul. However, I think there were two contributory factors which contributed to the defeat by 15 votes – one the failure to answer the question put by Mr Schulz, and, secondly, I think there was an element of confusion about what we were voting on.

For future reference, I think that, when there are proposals from the floor, it has to be spelt out quite clearly for everybody that this is what we are voting on right now. I may not be right or wrong on that situation, but that is my opinion.

Motion for a resolution B7-0063/2010

Miroslav Mikolášik (PPE). – (SK) I would like to talk about the vote we have just held on sharp objects and injuries in hospitals and in doctors' surgeries. It must be said that this problem has long been underestimated. Many injuries happen, whether during operations, in GP surgeries or in the surgeries of medical specialists, with either a nurse or a doctor injuring themselves with a needle or a scalpel that is contaminated with samples from a patient infected with a contagious disease.

We increasingly see how nurses in particular may be infected with hepatitis but it is not uncommon in such work for them to be infected with the HIV virus as well and to fall ill with AIDS. I would like to support the efforts of the European Parliament and our efforts to protect doctors and nurses through preventative measures and also, where they are seeking compensation, for this right to be acknowledged.

Marian Harkin (ALDE). – Mr President, I am pleased with the outcome of the vote here today because, back in 2006, the Employment and Social Affairs Committee adopted a report on protecting European healthcare workers from blood-borne infections due to needle-stick and sharp injuries. Of course we had the framework agreement last July between the social partners and today we have this resolution. This resolution will be warmly welcomed by healthcare workers across the EU because needle-stick injuries and sharp injuries represent one of the most common and serious risks for health workers. Indeed, it is estimated that there are about one million such injuries each year.

It is now crucial that the measures defined in the proposed directive be urgently implemented and adopted first, and then implemented. Healthcare workers have waited too long already; it is not reasonable that they should be asked to wait any longer. Their job is difficult enough and stressful enough as it is, and anything we can do to improve the situation will, I know, be very welcome.

Written explanations of vote

Report: Gabrielle Albertini (A7-0003/2010)

Andreas Mölzer (NI), in writing. – (DE) Iceland, which submitted its application for accession to the European Union to the Council on 16 July 2009, should not, of course, be put at a disadvantage in relation to other accession candidates or potential accession countries. In the light of this, I have voted in favour of adapting and amending the existing regulation on pre-accession assistance. As we know, Iceland is already a member of the EEA and is a very well developed nation, which is why payments granted from such assistance should be limited. In general, however, this pre-accession instrument should be reviewed again. For example, it is far from clear why non-European countries, such as Turkey, receive hundreds of millions of euros of European taxpayers' money, money that is urgently needed in Europe.

Report: Jiří Maštálka (A7-0005/2010)

Vilija Blinkevičiūtė (S&D), in writing. – (LT) I voted in favour of this report as the 2003 Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance is first and foremost a measure to protect children, since the vast majority of such claims involve child support. This Convention aims to make it easier for people to recover payments and ensure that claims submitted for maintenance abroad are recognised and pursued effectively. I am pleased that the Council consulted the European Parliament

and is about to take a decision on this Convention, since due to opportunities to move freely in EU Member States and other countries and due to an increased number of divorces, there has also been an increase in the number of international cases involving maintenance recovery.

I would like to stress that once this proposal by the Commission on the recovery of maintenance has been approved, it will be easier and simpler for a person living in the territory of one of the contracting states to recover maintenance (alimony) from a person who falls under the jurisdiction of another contracting state. Thus, once this decision has been adopted, relations between countries of the Convention and the European Union Member States in this matter will be strengthened legally and regulated harmoniously.

Carlos Coelho (PPE), in writing. – (PT) The 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is extremely important whether from a political or practical point of view, since it ensures a more effective recovery of child support, helping to resolve situations that are often quite complicated. Since the vast majority of such claims involve children and child support, the Convention is first and foremost a measure to protect children, laying down detailed rules on the recognition and enforcements in matters of maintenance obligations. This proposal aims to approve the Convention on behalf of the Union, which would have exclusive competence over the entire Convention. Given the importance of this Convention, I can only support this proposal, yet I believe that, though it falls to the Union to communicate any declarations and reservations to the Convention, the Member States should nonetheless be able to decide on an internal basis the meaning to give to these reservations and declarations, so that they can adjust them to their national situation.

Proinsias De Rossa (S&D), in writing. – I support this report which approves the conclusion of the Convention on the International Recovery of Child Support and Other forms of Family Maintenance. The purpose of this convention is to guarantee the recovery of family maintenance claims across national borders through precise norms on recognition and enforcement of maintenance obligations and thanks to standardised administrative procedures. While there is already a Regulation in place to deal with maintenance claims involving two EU Member States, claims involving a non-EU state did not enjoy such guarantees. This Convention will extend the protection of our children's right to family support whenever a claim involves a non-EU signatory state.

Robert Dušek (S&D), in writing. – (CS) The draft decision of the Council on the signing of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance by the European Community is first and foremost a measure for protecting children within the framework of the EU as a whole and for establishing a method of applying international claims as well as rules for recognising and enforcing them in cases of maintenance obligations between Member States and a third country. Since the Community has the authority to propose conventions with full validity for the Member States in this area, the procedure is rapid and certainly more efficient than it would be if similar conventions were signed with third countries by each Member State individually and I fully back the draft report with my vote.

Edite Estrela (S&D), in writing. – (PT) I voted in favour of the report on the proposal for a Council decision on the conclusion by the European Community of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. Approval of this Convention will allow the creation of a harmonised set of rules within the Community in respect of third countries which will become Contracting Parties to the Convention. With these measures, children become better protected, since the vast majority of maintenance claims involve children.

Diogo Feio (PPE), in writing. – (PT) The European Commission intends to adopt the Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance, making the Member States bound by this Convention by virtue of the Community having concluded it. The Commission has external competence for approval of the Convention.

Given that the practical matters posed by the international recovery of child support lack specific responses, approval of the present Convention will ensure greater effectiveness in the international recovery of family maintenance, thus protecting children who benefit from such claims. For this reason, and also because of the legal certainty which will result, I consider approval of the present Convention to be important.

José Manuel Fernandes (PPE), in writing. – (PT) In a modern, just and culturally evolved society, it is certainly unquestionable that the proper and healthy nourishment of all people must be guaranteed, but especially for those who are in the process of growing and learning, and in particular children. For these and for younger people, society must provide all the necessary support and action with the aim of securing the best

development of their faculties. Food – a basic and inalienable principle of humanity – is a key factor for their physical development and development of their mental and cognitive capacities. Given that citizens must be the primary recipients of EU action, I would emphasise the European institutions' capacity for initiative and implementation under this Convention, which ignores borders in order to ensure effective recovery of family maintenance. It should also be emphasised that the possibility of developing efforts towards a common legal area has been created, based on the principle of mutual recognition of legal decisions.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We have no doubts regarding the importance of concluding this Convention, which is what the Maštálka report proposes, and, for this reason, we voted in favour. The aforesaid Convention covers the matters of recognition of foreign decisions, transfers of funds and administrative cooperation, including many practical matters which can affect the way international claims are pursued.

However, we do not agree that the European Union should assume exclusive external competence in this area. We accept still less any setting of a precedent that might justify the extension of any restrictions on the capacity of the Member States to conclude, in particular, bilateral agreements, not only in this field but also in others.

Lidia Joanna Geringer de Oedenberg (S&D), in writing. – (PL) Increasing numbers of marriages are being contracted between people from different countries and cultures. Problems connected with disputes arising from the breakdown of what are known as international marriages have been a frequent subject of petitions to the European Parliament for years. Conscious of the serious nature of the problems which affect children caught up in family disputes which have arisen in international marriages, in 1987 the European Parliament established the position of Mediator for International Parental Child Abduction. Signing the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance is the Community's next step towards ensuring adequate protection of its citizens, and particularly children. The convention is intended to strengthen Community legislation on the recognition and enforcement of judgments on matters of maintenance obligations, and to strengthen administrative cooperation between Central Authorities by establishing a harmonised set of rules in the Community in relation to third countries which become parties to the convention. Entry into force of the convention will, therefore, ensure maintenance creditors comprehensive assistance from a central authority in their country of residence when seeking recovery of maintenance from abroad. The convention also raises many practical issues which may affect the way a claim is pursued: for example language requirements, standard forms, exchange of information about national law and the use of new IT technologies to cut costs and delays.

Nuno Melo (PPE), in writing. – (PT) Harmonising and improving the effectiveness of the international recovery of child support and other forms of family maintenance is very important because it safeguards the rights and protection of children, insofar as they form the vast majority of beneficiaries of maintenance to which they are entitled where there is a separation of parents.

Andreas Mölzer (NI), in writing. – (DE) Collecting child support is a growing problem, even within the territory of individual countries. Often, the State is forced to step in and make up the shortfall of any unpaid maintenance. Estonia even goes as far as posting the names of child support defaulters on the Internet, in order to force negligent fathers to pay up. Understandably, cross-border enforcement of maintenance claims awarded by a judicial decision is much more difficult. Now, recovery is to be made easier through an agreement, but the EU is under the impression that its powers are more far-reaching than they are. For this reason, I have rejected the report.

Report: Kinga Göncz (A7-0049/2009)

Luís Paulo Alves (S&D), in writing. – (PT) I voted in favour of the report on the proposed decision regarding the Progress Community Programme. This report changed the proposal of the Commission which previously supported the complete financing of a new microfinance initiative to create employment – a EUR 100 million programme created as an anti-crisis measure and which aims to give assistance to the unemployed by stimulating their entrepreneurship – from the existing budget of the 'Progress' programme. This programme was created to support the achievement of the objectives of the European Union in the area of employment, social matters and equality of opportunities, as defined in the Social Agenda, as well as to contribute to the realisation of the Lisbon Growth and Employment Strategy, having an extremely positive average rate of implementation (80%). In a period in which the financial and economic crisis is becoming a social and employment crisis, we would, by adopting the proposal of the Commission, be sending the wrong signal as 'Progress' has the most vulnerable groups as its target. The proposal of Parliament, thanks to a commitment

with the Council, forecasts that EUR 60 million will come from the Progress programme and EUR 40 million from parts of the budget which have not been utilised. Next year, both programmes must be fully applied with adequate financing.

Zigmantas Balčytis (S&D), in writing. – (LT) The consequences of the economic and financial downturn are felt most painfully by ordinary EU citizens, therefore the greatest task of today's EU policy is to halt the rise in unemployment, create more jobs and favourable conditions for economic recovery. The crisis has fundamentally changed Europe's labour markets, therefore it is imperative to ensure we have the necessary measures so that both workers and companies can adapt more easily to the changing environment. I support this report, since I believe that it is necessary to allocate additional funding to the Progress programme in order to support people in the labour market and to assist small business and its development.

Vilija Blinkevičiūtė (S&D), in writing. – (LT) I voted for this report, as it is a splendid initiative, which will help socially disadvantaged people in Europe, including women and young people who have lost their jobs or do not have opportunities to enter the labour market, to obtain financial assistance and foster entrepreneurship. The Community Programme for Employment and Social Solidarity 'Progress' is targeted at the most vulnerable groups of people and will help them to create alternative jobs and ensure their employment, as unemployment above all affects the most vulnerable people in society.

I am delighted that the European Parliament managed to come to an agreement with the Council and the Commission during the trialogue on targeted funding and the implementation of this programme. I would like to underline the importance of this initiative, because right now as the level of unemployment is growing, so too is the social isolation of the most vulnerable people. Therefore, I would like to stress that by implementing the 'Progress' programme successfully and effectively, we will achieve the social priorities laid down by the EU – to create new jobs and increase the level of employment, to provide more opportunities to enter the labour market and satisfy the needs of the labour market.

Marielle De Sarnez (ALDE), in writing. – (FR) Given the slowdown in economic activity and the worsening employment situation, especially among young people, the European Parliament and the Commission are putting in place a new microfinance instrument named Progress. Action by the Democratic Movement MEPs focussed on granting access to the instrument to micro-enterprises in the social economy, so that they can develop flanking social services for vulnerable persons who wish to create or develop their own micro-enterprise. As regards funding for the instrument, the Democratic Movement MEPs defended the idea of a new budget heading which would not make cuts to the Progress programme, which finances numerous initiatives to promote employment.

In the end, a balanced compromise was struck between the Commission, the parliamentary groups and the Council, which makes provision for mixed funding (EUR 60 million from the budget for the Progress programme and EUR 040 million from new European budget headings). The entry into force of this new instrument is a step forward that bears witness to the Union's wish to take specific action in the face of the legitimate social concerns of its fellow citizens and proves that there is an interest in greater involvement on the part of the European Parliament in Europe's decision-making process. The Democratic Movement MEPs welcome this.

Edite Estrela (S&D), in writing. – (PT) I voted in favour of Mrs Göncz's report which rejects the Commission proposal to reallocate EUR 100 million from the Progress programme for the European microfinance facility. In a context in which the economic and financial crisis is already leading the EU into a social and employment crisis, taking money away from the Progress programme, which targets the most vulnerable groups, would send a very negative signal to the European people. From this point of view, new consultations must be undertaken to find a more suitable solution to guarantee that the European microfinance facility achieves its objectives.

Diogo Feio (PPE), in writing. – (PT) As Europe is experiencing a serious financial and economic crisis, which has brought about a serious social crisis with growing unemployment in all Member States, it is important for the EU to create effective mechanisms to combat the crisis and also to help those who are most affected, such as the unemployed.

The European microfinance facility was created for this reason, specifically to confront the challenges in terms of jobs. This facility would be funded with EUR 100 million, under its own heading in the 2010 Budget.

Consequently, the Commission proposal to reallocate money from the Progress programme, which targets vulnerable groups and application of the social agenda in the fight against discrimination, social exclusion, unemployment and gender inequality, appears to give the wrong signal, given the current outlook.

José Manuel Fernandes (PPE), *in writing*. – (PT) The Progress Programme was established to support the objectives of the European Union in employment, social affairs and equal opportunities, as set out in the Social Agenda, as well as to contribute to the achievement of the Lisbon Growth and Jobs Strategy. I agree with the Microfinance Facility for Employment and Social Inclusion, which has already been approved by Parliament. However, it is not possible to agree with the reduction in the financial envelope of the Progress programme. For a start, new programmes should not be funded at the expense of programmes that have already been put into place. It should be noted that, from a budgetary point of view, the qualitative and quantitative assessment of the Progress programme in its third year of implementation has been very positive. The average implementation rate over the last two and a half years goes beyond 80% in commitments and payments. The current situation has led the Committee on Budgets, parting the context of the budget procedure 2010, to declare itself clearly in favour of financing the new financial facility by creating two new related budget lines to this effect. For these reasons, I voted in favour of the motion for a resolution, which means a rejection of the Commission proposal to transfer EUR 100 million from Progress to microfinance.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) We voted against this report because, as in the case of the previous Göncz report on the establishment of a European Microfinance Facility for Employment and Social Inclusion, which was voted upon last December, the majority in Parliament goes back on its word and approves a proposal that takes away money from the Community Progress programme.

We recall that the two reports adopted in the Committee on Employment and Social Affairs, in accordance with a previous resolution of the European Parliament, rejected the funding of this new facility at the cost of another that already existed and was functioning.

By way of an alternative, the creation of a new budget line with its own funds was proposed, which is to say one with 'new' money. The amendments tabled by our political group were along the same lines although they were, unfortunately, rejected.

Since social conditions in the various Member States are deteriorating, it is unacceptable for funds to be channelled away from employment and social inclusion towards other priorities that have been defined in the meantime, even if it is to microfinance.

Sylvie Guillaume (S&D), *in writing*. – (FR) I voted in favour of the report by my colleague Kinga Göncz on the creation of an essential microfinance instrument to promote jobs in enterprises with fewer than 10 employees and social inclusion. As regards funding, the stumbling block in negotiations with the Council, we can be pleased with an envelope of EUR 100 million over four years. In times of economic crisis it is all the more important to support action by all those involved in the social economy, who find it difficult to access the traditional credit market. Let us renew citizens' confidence in a Europe that can come to their aid in entrepreneurial projects, despite their fragility.

Iosif Matula (PPE), *in writing*. – (RO) Europe has targeted through the Progress programme the major problems faced by its citizens, helping achieve the employment, social inclusion and equal opportunity objectives. The introduction of a new microfinance facility is a beneficial initiative in the context of the economic and financial crisis we are going through and for addressing the need to put the European economies on the road to recovery.

It is precisely for these reasons that the new programmes should not be financed by reducing the current priorities. The solution approved today partially resolves a large part of the funding issue. Even though this does not provide the best possible solution, I voted for it because it is extremely important for us to have a European microfinance facility. The EUR 100 million, plus a possible further EUR 20 million for the 2011-2013 period, will be a separate credit line. This facility must provide useful assistance to the unemployed and vulnerable people who would like to set up or run micro-enterprises.

I believe that the European microfinance facility should have an even larger budget to make it really effective in achieving its employment and social inclusion objectives.

Nuno Melo (PPE), *in writing*. – (PT) The Progress programme is of great importance for the implementation of the social agenda, providing support to the fight against discrimination, social integration, employment and gender equality. This programme has been an important instrument and has had an implementation

rate of around 80% in commitments and payments. However, it does not make sense to allocate funds intended for this programme to combat the new unemployment issues caused by the economic crisis which the EU and the world are currently experiencing. Creating a microfinance facility for employment and social inclusion is a positive step but it must be done with its own funding and without cannibalising funds intended for the Progress programme.

Elisabeth Morin-Chartier (PPE), *in writing*. – (FR) After several exchanges between the European Parliament and the European Council, the informal trilogue over the past few days has enabled agreement to be reached on funding for the European microfinance facility. I should like in particular to congratulate all sides in these negotiations because the quicker a decision is taken, the quicker citizens will be able to use this European microfinance facility. I supported the vote today on mixed funding for this European microfinance facility, which totals EUR 100 million: EUR 60 million diverted from Progress and EUR 40 million from margins below thresholds. This agreement will, for example, allow European citizens to obtain a loan, via microcredit, to buy glasses for their children who have reading problems at school, if their traditional bank refuses them a loan.

Elisabeth Schroedter (Verts/ALE), *in writing*. – (DE) In some situations, microfinance can help people establish enterprises and so find a way out of a crisis. Nevertheless, my group and I have today voted against EUR 60 million being diverted into microfinance from the Progress programme. In its regulation, the European Social Fund (ESF) offers the option of paying out microfinance. Its total appropriations for the 2007-2013 period are EUR 76 billion, and one significant share of that amount has been allocated to microfinance. ESF funding also makes it possible for microfinance to be offered in combination with other measures. Instead of these options being made full use of, however, a new microfinance instrument is now being set up, one with a high level of red-tape expenditure and a vanishingly small budget. To make things worse, the plan is that this new instrument will be funded from the smallest EU programme, the European poverty programme Progress (with total appropriations of EUR 743 million). The impression that new funds would be provided for this programme, as suggested by its advocates, is false: in reality, funds are being diverted from support programmes for socially disadvantaged groups.

We Greens will not accept such sleight of hand, because money is being siphoned off from the poorest in order to set up a new loan instrument. What we need is not a headline-grabbing new instrument funded from the poverty programme, but the courage to provide a specific EU budget for this purpose.

Anna Záborská (PPE), *in writing*. – (FR) The Commission has proposed the creation of a new European microfinance instrument to promote jobs. The instrument is designed to help unemployed people get back on their feet and to make entrepreneurship accessible to some of the most disadvantaged groups in Europe, including young people, within the broader context of the economic recovery plan. All the institutions should pay greater attention to the poorest workers. Does being in work necessarily mean that one is not poor? Do jobs or social benefits provide sufficient protection against the solitude or frailty that lead to indifference? Work does indeed integrate the individual into a community. But that does not suffice in order to become a citizen, as experience has demonstrated. Families living in poverty tell us that work means much more than a source of income. It is easy to put programmes in place for the unemployed, but it is more important to help the poorest people and those who are furthest removed from the labour market. That is why I welcome the important role that the Fourth World European Committee played in facilitating exchanges of views between colleagues and with representatives of organised civil society.

Report: Jeanine Hennis-Plasschaert (A7-0013/2010)

Zigmantas Balčytis (S&D), *in writing*. – (LT) EU institutions must operate jointly in order to ensure the consistency and integrity of EU policy and to ensure the protection of our citizens' rights. The debate on the EU-USA Agreement on the Transfer of Financial Messaging Data has been going on for a sufficiently long time and the institutions know well that the European Parliament will not agree with such conditions of the agreement that infringe the privacy of personal data and do not ensure effective data protection. The Council's step to consent to the agreement with the USA just one day before the entry into force of the Treaty of Lisbon demonstrated that, for the time being, trust between Community institutions is nothing more than a declaration. The European Parliament, as an institution directly representing citizens, must participate in talks and in taking decisions that directly affect our citizens' rights and freedoms. The Council itself admits that the basic questions of the agreement on data transfer have not been properly resolved, therefore, I believe that open and detailed talks with all of the countries concerned must commence. An agreement with the USA is necessary, but it must not infringe European legal requirements on personal data protection.

Regina Bastos, Maria Da Graça Carvalho, Carlos Coelho, Mário David and Maria do Céu Patrão Neves (PPE), in writing. – (PT) We are voting against the interim agreement because its terms are not in line with European laws. It is not acceptable that the police in Portugal can only access the bank details of a person on the basis of a warrant but that millions of pieces of data can be sent to be interpreted and analysed by the US police without any judicial control.

We recognise the need for transatlantic cooperation in the fight against international crime and, particularly, against terrorism.

We would emphasise that this cooperation should be established on the basis of mutual trustworthiness and respect for the principles of reciprocity, proportionality and respect for citizens' rights.

We condemn the way in which the Council has behaved with respect to the European Parliament, failing to mention information and presenting matters as a *fait accompli*. It is essential that this is not repeated in the future and that there is rigorous compliance with the Treaty of Lisbon.

Approving a poorly negotiated agreement does not just mean having a bad agreement in place for nine months. It means having an inadequate basis for negotiating the long-term agreement and allowing the transfer of millions of pieces of data, to be stored for many years. We urge the Council and the Commission to negotiate a better agreement that respects the European Parliament resolutions.

Sebastian Valentin Bodu (PPE), in writing. – (RO) The rejection of the SWIFT agreement must send out an important signal to the entire international community and the other European Union bodies that the EU legislative must be consulted from now on about major decisions which now come under the remit provided by the Treaty of Lisbon.

It is evident after today's vote in Strasbourg that MEPs are not fundamentally opposed to an understanding between the European Union and the United States of America regarding the monitoring of suspicious funds transfers via the SWIFT system. The press on the other side of the Atlantic is quick to talk about the MEPs' vote as being a vote against the agreement. MEPs have voted to protect the personal data of EU citizens and companies. The battle against terrorism and the rapid detection of suspicious bank transfers remain as much as ever at the top of the EU's list of priorities.

The European Commission must quickly renegotiate the terms of the SWIFT agreement so that it complies with the Charter of Fundamental Rights of the European Union and can be enforced as quickly as possible. The Romanian government, along with all the other national governments, supported the adoption of the agreement signed with the USA. The European Parliament has fulfilled its duty as an institution directly elected by citizens of the European Union, whom it has undertaken to protect.

Michael Cashman (S&D), in writing. – I voted for the postponement, as I think we have much to gain by continuing to seek a better agreement, undertaking negotiations with the USA on behalf of the 27 Member States of the EU. For the same reasons, I voted in favour of the agreement, imperfect and unsatisfactory as it may be, as I think it offers the opportunity to negotiate until the end of 2010 for a new agreement. Any negotiating failure would mean that we could lose any possibility for a full agreement.

Françoise Castex (S&D), in writing. – (FR) I welcome the outcome of this vote, because the guarantees in the Council's proposal to protect the privacy of citizens were unsatisfactory. Defence of civil liberties is a fundamental requirement and the fight against terrorism needs to be conducted in a manner that respects them. In voting for Parliament's motion for a resolution, I wanted to reaffirm that the interim agreement should comply with the criteria of the Treaty of Lisbon, especially the Charter of Fundamental Rights. I also demand that data should only be collected for the purpose of the fight against terrorism and that European citizens should have the same 'judicial redress mechanisms as would apply to data held within the EU, including compensation in the event of unlawful processing of personal data'. I welcome this vote, in which the European Parliament shows that it is fully assuming the responsibilities granted to it under the Treaty of Lisbon and that it is able to withstand pressure from the Member States and from the United States of America. It is a sign which bears witness to the new political balance which is being put in place within the European Union.

Νικόλαος Χουντής (GUE/NGL), γραπτώς. – Ψήφισα, όπως και η υπόλοιπη ευρωομάδα μου, υπέρ της Έκθεσης ώστε να μην συναινέσει το Ευρωπαϊκό Κοινοβούλιο στην καταπάτηση βασικών νομικά κατοχυρωμένων δικαιωμάτων σχετικά με τον σεβασμό των προσωπικών δεδομένων των Ευρωπαίων πολιτών. Η συμφωνία SWIFT σε καμία περίπτωση δεν βοηθάει στην πρόληψη ενάντια στην τρομοκρατία. Πρόκειται για μια συμφωνία που, σε θολό και μη ελέγξιμο

πλαίσιο, θα παρέδιδε προσωπικά δεδομένα των Ευρωπαίων πολιτών στις Αρχές και τις μυστικές Υπηρεσίες των ΗΠΑ και σε όποιους άλλους αυτές επιθυμούν να τα δώσουν. Το δικαίωμα στην ασφάλεια δεν είναι σε καμία περίπτωση αντιπαράθετο με το δικαίωμα στην ιδιωτικότητα και της προστασίας των προσωπικών δεδομένων. Η καταπολέμηση της Τρομοκρατίας δεν περνάει μέσα από τον Μεγάλο Αδελφό, την παραβίαση ατομικών και κοινωνικών δικαιωμάτων και ελευθεριών αλλά από την προώθηση της αλληλεγγύης, της ισότητας και του σεβασμού του διεθνούς δικαίου σε παγκόσμιο επίπεδο. Ως μέλος του Ευρωπαϊκού Κοινοβουλίου είχα την ευθύνη να διαφυλάξω τα συνταγματικά καθιερωμένα δικαιώματα των πολιτών της Ένωσης, που κάποιοι αφήνουν βορρά στις απαιτήσεις της Αμερικανικής Κυβέρνησης και της CIA στον υποτιθέμενο πόλεμό τους ενάντια στην τρομοκρατία.

Proinsias De Rossa (S&D), in writing. – I wholeheartedly welcome the defeat today of the Council and Commission proposed agreement with the USA on data transfer. The current text of the EU-USA agreement does not protect the rights of EU citizens and enterprises and effectively provides for the transfer en masse of all personal and commercial information held on the SWIFT system to the USA contrary to EU law. The European Parliament has, since 2006, regularly made our concerns plain to both the Council and Commission who negotiated this disgraceful agreement. However they chose to dismiss our concerns believing they could conclude the agreement before the new European Parliament powers under the Lisbon Treaty came into force. Indeed the Council rushed to a signature of the agreement one day before the entry into force of the Lisbon Treaty. The Lisbon Treaty gives the EP a binding veto power on such international agreements. Until now no national or EU parliamentary scrutiny has been provided for in this sensitive process. I welcome the decision too by the Irish Parliamentary Joint Committee on European Affairs to look more closely at this proposal. This signals a much more effective monitoring of European legislative proposals which will be to the benefit of citizens.

Robert Dušek (S&D), in writing. – (CS) The Terrorist Finance Tracking Programme (TFTP) should be an effective aid in the fight against global terrorism and it has the particular aim of monitoring the financing of terrorism. The transfer of data concerning European citizens to the USA is certainly controversial and incongruous. We are concerned about the possible misuse of private data for example by organised criminals. Following the review by MEPs, however, the handover and storage of data should be sufficiently protected. In view of the fact that the agreement is concluded provisionally with validity up to 31 October 2010 and it will be possible to withdraw from other agreements if discrepancies are found, I have decided that I will vote in favour of the draft agreement between the EU and the USA on the processing and transfer of data on financial transactions from the EU to the USA.

Edite Estrela (S&D), in writing. – (PT) I voted in favour of the Hennis-Plasschaert report because, despite the importance of an agreement with the United States of America on the prevention of terrorism financing, I feel that this falls under the new legal framework established in the Treaty of Lisbon and the Charter of Fundamental Rights of the European Union. This is a serious matter that warrants intensive debate in the European Parliament, which should have access to all necessary documentation, with the aim of rapidly concluding a long-term agreement which is more valuable in terms of security but which cannot jeopardise respect for citizens' rights.

Diogo Feio (PPE), in writing. – (PT) The SWIFT agreement allows the US Treasury Department to access data regarding financial payments, with the aim of preventing and combating terrorism and its financing. Owing, however, to technical aspects of the SWIFT system, this cannot be limited to the searching of specific data relating to individuals suspected of being involved in criminal activities. Consequently, the system has to transfer, in full, information about all the transactions within a particular country on a particular date. This situation does not jeopardise the protection of European citizens' and companies' data as it respects the principles of proportionality and necessity.

As a matter of course, the fight against terrorism involves international legal cooperation and, in many cases, the transfer of personal data, such as bank details.

José Manuel Fernandes (PPE), in writing. – (PT) I recognise the need, in the terms of the interim agreement, for transatlantic cooperation in the fight against international crime and, particularly, against terrorism. I would emphasise that this cooperation should be established on the basis of mutual trustworthiness and respect for the principles of reciprocity, proportionality and respect for the rights of citizens. Security, however, should not override but rather be compatible with other rights, freedoms and guarantees. It is not acceptable that the police in Portugal can only access the bank details of a person on the basis of a warrant but that millions of pieces of data can be sent to be interpreted and analysed by the US police without any judicial control. I condemn the way in which the Council has behaved with respect to the European Parliament, failing to mention information and presenting matters as a *fait accompli*. It is essential that this is not repeated

in the future and that there is rigorous compliance with the Treaty of Lisbon. Given the above, I am voting in favour of the resolution which opposes the Agreement.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We welcome the fact that the majority in Parliament, which includes us, has rejected the so-called SWIFT agreement between the EU and the United States of America.

The existence of these databases and the exchange of or access to this data, whether by the US authorities, EU agencies or the authorities of the Member States, creates a great deal of uncertainty, leading to dangers that cannot be controlled as a result of the effective control over citizens by the authorities. Criminals and the innocent, suspects and those not under suspicion alike will all be caught up in a process that does not provide any assurances, as is being demonstrated, of its effectiveness.

The implementation of this agreement would mean maintaining flawed measures that are being taken as part of the so-called fight against terrorism and the intentional placing of this issue into the media with a view to the suppression of rights. We support the need to fight all forms of criminality, but this must be done above all by focusing on the origin and prevention of these phenomena and not by placing the emphasis on vague security measures that infringe public freedoms and citizens' fundamental rights and guarantees, further weakening the democracy which we have.

We do not accept any exchange of liberty for more security because, in the end, we will lose both. Rather, we support a more secure society with broad democratic rights and freedoms.

Christofer Fjellner and Alf Svensson (PPE), in writing. – (SV) We voted in favour of the agreement between the EU and the USA on the transfer of data from SWIFT. However, we proposed that Parliament defer the decision in order to further strengthen the protection of privacy. Unfortunately, Parliament did not approve this. The provisional agreement that we voted for is a balancing act between two aims: the effective control of terrorism and the safeguarding of the personal privacy of our citizens. Effective instruments are needed in the fight against terrorism, but we must ensure above all that democratic rights are safeguarded. We feel that this has now been done, but we would have liked to have seen even stronger protection. Since SWIFT has now moved parts of its operations from the USA, there has been a significant strengthening of personal privacy where European standards on personal data protection are applied. Further negotiations between the EU and the USA on a long-term agreement that combines a powerful guarantee of data protection for our citizens with effective opportunities to track economic preparations for terrorist acts are to be concluded in October. Although there is more to do to strengthen protection of the individual, we feel that the improvements compared with the situation before the turn of the year when there was no agreement are sufficiently secure to allow us to vote in favour of the provisional agreement, in order to avoid substantially weakening the fight against terrorism in the nine months ahead. Before a final agreement is reached we will demand a further strengthening of the protection of individuals as a condition of approval.

Robert Goebbels (S&D), in writing. – (FR) I voted to reject the so-called SWIFT agreement between the EU and the United States of America on the transfer of financial messaging data for the purpose of fighting terrorism. The SWIFT agreement, in its current form, is very far from being both the right balance between the need to fight international terrorism and the need to protect fundamental rights. It is unacceptable for millions of items of unfiltered personal data on innocent people to be sent to the US authorities. It is unacceptable that these data can, under US law and contrary to EU law, be stored for up to 90 years. Adequate protection of personal data and privacy, which I already supported during the two votes on the exchange of fiscal data, should also apply to the SWIFT agreement.

Sylvie Guillaume (S&D), in writing. – (FR) I firmly supported this report, so that the European Parliament can express its clear rejection of the SWIFT agreement, which was negotiated on the sly, without taking account of the concerns of the European Parliament, which the Council and the European Commission took care to leave out of the negotiations. It is essential, with regard to both the principle of the protection of privacy and the efficacy of these data transfers in the fight against terrorism, that discussions take place in such a way that a clear agreement is renegotiated. The message from this vote is also to reaffirm the role of the European Parliament as being at the service of the European citizens and, as such, its will to defend their rights and fundamental freedoms in a solid and effective manner, both in the protection of their privacy and in the fight against terrorism.

Monika Hohlmeier (PPE), in writing. – (DE) My decision to vote against the interim SWIFT agreement is not a decision against cooperation with the USA on combating terrorism. I emphatically advocated that a new, compatible agreement that would allow European and US security authorities to work closely together and enable them to detect money transfers with suspected links to terrorism should be created as swiftly as

possible. However, there are major flaws in the interim agreement, including inadequate provisions as regards data deletion, rights of complaint and access to information and onward transmission to third parties. Moreover, what I expect from a genuine partnership between the European Union and the USA is one which does not merely leave the responsibility for ensuring security of citizens within the framework of the Terrorist Finance Tracking Programme (TFTP) in US hands, but which also provides a clearly defined time-frame for the development of a European TFTP, in partnership with the USA, within the European Union, as well.

For this reason, I hope that an agreement will be negotiated, in the nearest future, which still provides a long-term basis for jointly combating terrorism worldwide, in terms of detecting terrorist networks and their financial transactions, but which respects citizens' data privacy, as well.

Cătălin Sorin Ivan (S&D), *in writing*. – (RO) The rejection of the temporary agreement on the transfer of bank data to the United States via the SWIFT network due to factors relating to the protection of personal data, proportionality and reciprocity must not be regarded as an exercise by Parliament in using the new powers introduced by the Treaty of Lisbon, but as a political message from Europe. By rejecting this agreement and voting in favour of the European Parliament's recommendation, we have shown that a major political decision cannot be taken when it violates the provisions of the Treaty of Lisbon and, in particular, the Charter of Fundamental Rights. When a new agreement has been signed, this time on a long-term basis, and when it ensures protection for the data of European citizens, the European Parliament will give its positive assent. The fight against terrorism remains one of the major challenges currently facing us. In this situation a new agreement is necessary, but it must be negotiated better to guarantee proper protection for European citizens. This is why, when drafting a new agreement, Parliament must play a key role in a procedure which respects the letter of the Treaty.

Eija-Riitta Korhola (PPE), *in writing*. – Today I voted against the SWIFT Agreement to share banking data with the USA for counter-terrorism purposes. This agreement did not go far enough in protecting the people of Europe; it needs improved safeguards for data protection. For example with this agreement there is no prior judicial ruling needed to obtain data. Data protection is one of our basic fundamental rights. Respect for human rights is of paramount importance, and defending them is an integral part of my work in Parliament. At the same time I believe we must have measures in place to help in the fight against terrorism working in tandem with the USA; this, however, must not be achieved at the expense of our Charter of Fundamental Rights. This rejection of the Swift Agreement is a momentous occasion in the European Parliament's history. It sends a clear message: that the European Parliament will use its newly bestowed powers from the Lisbon Treaty in the interests of democracy, by standing up and protecting the rights of its citizens. The Commission must show in any future data-sharing agreement with the USA that the correct balance is struck between fighting terrorism and respecting our citizens' privacy.

Elisabeth Köstinger (PPE), *in writing*. – (DE) For me, there is no question that a close and constructive partnership between the European Union and the United States of America is necessary, in particular when it comes to combating terrorism. Nonetheless, I have voted against the interim SWIFT agreement, because it does not clarify fundamental data protection issues. The side-stepping of the European Parliament in the negotiations for the agreement was also unacceptable and highly problematic. Although I believe an international agreement regulating data exchange to be necessary, civil liberties and fundamental rights must still be protected.

Véronique Mathieu (PPE), *in writing*. – (FR) I voted in favour of the SWIFT agreement, because I think that exchanges of data are useful. Our respective secret services have cited various cases which prove this usefulness. The terrorist threat does exist, that cannot be denied, and the attempted attack in Detroit last month confirms that. We must therefore demonstrate that we are responsible. It is a question of mutual assistance. This agreement must not be interpreted as a unilateral commitment on the part of the EU. The Union will grant access to its information but, in exchange, the US authorities will analyse those data, which we cannot do in Europe at present, as there is no European programme to fight terrorist financing equivalent to the TFTP. This agreement safeguards our security, not just security on US territory. Finally, this is a real international agreement, unlike the previous unilateral commitments. The guarantees will be binding, the application of the agreement will be subject to evaluation and, if the EU considers that these guarantees are not being respected, the agreement contains clear provision for the parties to be able to terminate it.

Nuno Melo (PPE), *in writing*. – (PT) The matter at issue in the vote was the renewal of an agreement which, by means of detecting bank transactions, has been extremely important in the fight against terrorism which, in recent years, has chosen Western societies as its target. If the resolution were approved and the agreement rejected, terrorist organisations could operate free of any effective control, with the serious consequences

that would bring. Curiously, many of those from the extreme left who reject the agreement, on the grounds that it violates the confidentiality of personal data, are the same people who, in their countries of origin, argue for the end of bank secrecy and the release of all bank details. For these people, what is at issue is not the transfer of data but the fact that the transfer is made to the USA, a country towards which they are unable to hide their blatant hostility. Consequently, my vote against the resolution and in favour of the agreement took account only of the very specific circumstances of the need to combat terrorism by all means and the recognition of the fundamental role of the USA in this fight.

Willy Meyer (GUE/NGL), *in writing*. – (ES) I have voted in favour of the Hennis-Plasschaert report to show my rejection of the SWIFT Agreement which was signed by the 27 Member States for the transfer of financial transaction data to the United States of America under the pretext of combating terrorism. I think that the United States' request is unacceptable and is a threat to the freedoms and rights of European citizens. With this proposal the most conservative forces have tried to hand us over bound hand and foot for US interests without giving a thought to the security or privacy of citizens. The European Parliament cannot allow the civil rights and freedoms of Europeans to be violated for counter-terrorism purposes.

Andreas Mölzer (NI), *in writing*. – (DE) The EU has allowed the USA to give it the run-around for far too long. It is high time we put an end to the USA's constant incursion on our civil rights and liberties and data protection in the name of combating terrorism. The transmission of financial payment messaging data to foreign powers constitutes a serious encroachment on the fundamental rights of our citizens, particularly when the recipient of the data is the United States of America. The transfer of millions of items of bank data is absolutely not in Europe's interest.

Nobody knows what US secret services will do with the data collected and that leaves the door wide open to all kinds of abuse, even economic espionage. Washington using bank data in the fight against terrorism is nothing but a cheap smoke-screen. Apart from anything else, by saying 'no' to the SWIFT agreement, the EU could prove its independence from the USA. I can only wholeheartedly support a 'no' to the SWIFT agreement from the European Parliament.

Mariya Nedelcheva (PPE), *in writing*. – (FR) I voted against the SWIFT agreement between the Council of the European Union and the United States of America, because I consider that the guarantees in terms of data protection are inadequate. Without questioning the fact that the fight against terrorism is indispensable, as the threat is more than real today, I am convinced that we cannot guarantee the security of European citizens without, at the same time, guaranteeing full respect for their personal data.

As things stand, the provisions in the SWIFT agreement for cases in which the United States could transmit European data to third countries are too vague. There needs to be clear provision regulating these exchanges of data. As for the possible remedies open to citizens or undertakings which consider that their data may not have been processed correctly, Article 11 of the agreement is far from adequate.

While it guarantees data protection where data are processed in the territory of the European Union, what happens to European data processed in the United States? Negotiations will need to be conducted in a transparent and democratic manner, with the full and complete support of the European Parliament, as provided for under the Treaty of Lisbon for this type of international agreement.

Franz Obermayr (NI), *in writing*. – (DE) 11 February 2010 is a red-letter day for the European Parliament: Members representing the widest possible array of political persuasions and a wide range of Member States voted in favour of rejecting European citizens' financial data being transferred to the USA. It is not clear how such a transfer of data could serve the purpose of fighting terrorism, nor does the SWIFT Agreement guarantee European data protection standards. With this decision, Parliament, as a body representing European citizens, has gained greater influence and self-confidence and has not succumbed to pressure from the USA. Its answer constituted a clear 'no' to the curtailment of European civil rights under the guise of combating terrorism. It goes without saying that I, too, supported the rejecting report for this reason.

Daciana Octavia Sârbu (S&D), *in writing*. – (RO) I voted in favour of rejecting the SWIFT agreement with the United States of America because it poses more of a threat to the privacy of European citizens rather than providing an instrument for combating terrorism. The agreement recently signed between the European Union and the USA is an act of defiance to the European Parliament, given that it was signed only a day before the Treaty of Lisbon came into force. Parliament was not consulted in time on this agreement, and now it is too late. I rejected the agreement and we hope that both the United States and the Council will realise how important the European Parliament's involvement is in the decision-making process at EU level. I strongly believe that a better agreement can be achieved under the Spanish Presidency.

Renate Sommer (PPE), *in writing*. – (DE) I voted in favour of a postponement of the vote on the SWIFT agreement. A four-week adjournment would have opened the way for further negotiations. With this decision, we have shown the Commission we know better; we could have used the opportunity to address the justified concerns of our citizens and companies concerning the protection of their data in the interim agreement, which is already in force. It is ultimately our responsibility to protect civil liberties and fundamental rights. However, by rejecting the postponement, this House has passed up the opportunity to use its new powers responsibly and to increase its own sway over the negotiations. On the other hand, though, there was no way I could have voted in favour of the SWIFT agreement. The breach of confidence committed by the USA in an incredibly arrogant show of self-serving mentality is too flagrant, and it was matched by the contempt which the Council showed Parliament.

Now, however, what we have to do is negotiate a new, long-term agreement, quickly and self-confidently, with the involvement of the European Parliament, no matter how strong the transatlantic friendship might be. Such an agreement must reflect EU standards, because controlled data exchange in the fight against international terrorism is in the European interest, too.

Bart Staes (Verts/ALE), *in writing*. – (NL) I voted with conviction in favour of the report, and am pleased that the majority has refused to yield to the strong political pressure and is making its voice heard with regard to justice and security policies. By preventing information on millions of European transfers and banking transactions being passed on to the United States via SWIFT for even longer, Parliament is showing that it takes seriously the fundamental rights laid down in the Treaty of Lisbon.

The EU Presidency and the European Commission must now call off the interim agreement with the United States of America and go back to the negotiating table, equipped with the requirements laid down in the resolution adopted by the European Parliament in September 2009. First, however, an open debate must be held on the substance of the relationship between, on the one hand, security policy and the fight against terrorism and, on the other hand, minimum guarantees of fundamental civil rights and respect for the privacy of hundreds of millions of citizens. I am pleased that the blackmail and political pressure did not work. After all, it is nonsense to claim that respect for civil rights and privacy is an obstacle to the fight against terrorism. We in the Group of the Greens/European Free Alliance are prepared to cooperate on an efficient, strict security policy, but one that respects constitutional rights and also pays attention to the causes of crime and terrorism.

Nuno Teixeira (PPE), *in writing*. – (PT) The fight against international crime, particularly by means of transatlantic cooperation in the fight against terrorism, is one of the main priorities of the European Union. However, this cooperation should be established on the basis of reciprocity and mutual trustworthiness. The interim agreement between the European Union and United States of America on the processing and transfer of financial messaging data does not guarantee European citizens and companies the same rights and guarantees under US law as they would enjoy in the territory of the EU. The data transfer system does not respect the fundamental principles of European legislation on data protection, particularly the principles of proportionality and necessity. The agreement does not expressly provide that requests be subject to judicial authorisation or be limited in time, nor does it define sufficiently the conditions for sharing data with third countries. I also regret the fact that during the negotiations the Council shared practically no information with Parliament and that the vote on the agreement took place after it had already entered into force. For these reasons, and because the rights and guarantees of European citizens deserve to be respected, I am voting in favour of the motion for a resolution that rejects the conclusion of the SWIFT agreement.

Róza, Gräfin von Thun Und Hohenstein (PPE), *in writing*. – (PL) According to many fellow Members, the Council has made a mistake in ignoring the European Parliament during the current negotiations on the agreement with the USA. The speech made by the Chair of my group, Joseph Daul, did not help. After an in-depth debate, he asked fellow Members to postpone the vote. Mrs Malmström insisted on allowing more time for the new Commission to find out about the subject and for further negotiations, and for Parliament to discuss the matter more thoroughly. I do understand the huge importance of protecting personal data, but we must also remember that the United States of America is our biggest partner. We must build on mutual trust, and the fight against terrorism and the security of our citizens is our common responsibility. I voted, in accordance with my group's line, for a postponement. Unfortunately, we lost by 15 votes. As far as I know, 35 Members of my group were not present during the vote. This is yet another proof that every vote is important. Next, in accordance with my group's line, I voted in favour of the agreement. Parliament finally rejected the agreement by 378 votes to 196, with 31 abstentions. I am not pleased with this result, but doubtless we will soon come back to this so very important matter.

Ioannis A. Tsoukalas (PPE), *in writing*. – Although it is clear that the proposed rules aim at facilitating the fight against cybercrime as well as cyberterrorism, the explicit reference to Article 8 of the ‘European Convention for the Protection of Human Rights and Fundamental Freedoms’ (ECHR), taking also into account the Decision C317/04 of the European Court of Justice, makes illegal any positive vote on this subject, because every European citizen is obliged to obey the general rules governing the European Union as well as the ECJ rulings.

Thomas Ulmer (PPE), *in writing*. – (DE) I voted for the rejection of the SWIFT agreement. This event has been a milestone in the further democratisation of Europe and in Parliament’s exercise of its democratic rights under the Treaty of Lisbon concerning data protection and the individual rights of our citizens. I would like to see many more magic moments like this.

Motion for a resolution B7-0063/2010

Proinsias De Rossa (S&D), *in writing*. – I support this motion for resolution which calls for the urgent adoption of a directive implementing the framework agreement on prevention of sharp injuries in the hospital and healthcare sector, concluded by the European social partners in the healthcare sector. Every year, more than one million needle-stick injuries are recorded in the European Union, which may lead to the transmission of life-threatening viruses. The recent agreement’s clause on minimum standards does not preclude future national and Community provisions that are more favourable to workers. My Political Group in the European Parliament has been insisting upon stricter European safety standards in the health sector for years and, further to the framework agreement, a directive must be adopted and implemented as a matter of urgency.

Edite Estrela (S&D), *in writing*. – (PT) I voted in favour of this motion for a resolution because it is necessary to strengthen legislation in the area of the protection of healthcare workers. Unfortunately, there are more than one million needle-stick injuries in the European Union every year, leading to the transmission of viruses such as Hepatitis B, Hepatitis C or HIV/AIDS. There is therefore an urgent need to adopt and implement in the Member States the framework agreement on prevention from sharp injuries in the hospital and healthcare sector.

Diogo Feio (PPE), *in writing*. – (PT) A framework agreement has been concluded between HOSPEEM (European Hospital and Healthcare Employers’ Association) and EPSU (European Federation of Public Service Unions) on prevention from sharp injuries in the hospital and healthcare sector.

This agreement aims to create standards and rules to protect healthcare professionals from sharp injuries, which can lead to the transmission of more than 20 fatal viruses and thus create an extremely serious public health problem.

Bearing in mind the importance of this framework agreement for the protection of the health of professionals in the healthcare sector, the Commission must keep its implementation in view and urgently adopt the directive that implements it.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) Needle-stick injuries and other injuries caused by sharp medical instruments represent one of the most common and serious risks for health workers throughout Europe; considering that hospital staff and health professionals often risk infections caused by injuries as a result of the use of needles or other sharp instruments, as referred to in the adopted resolution. It is therefore necessary to guarantee the highest possible level of safety in the working environment in hospitals and wherever healthcare activities are undertaken.

For these reasons, we approved the resolution which refers to the framework agreement, which in turn contains a clause on minimum safety standards without prejudice to existing and future Community and national provisions that are more favourable to workers. The Member States and/or their social partners should be free and encouraged to adopt additional measures which are more favourable to workers in the area concerned.

David Martin (S&D), *in writing*. – I strongly support the framework agreement which has been reached between the Commission and European social partners representing the healthcare sector. Protecting healthcare workers from injury and the potential transmission of viruses is of vital importance, and I am pleased that this proposal passed with so much support, particularly after such hard work from Stephen Hughes.

Nuno Melo (PPE), *in writing*. – (PT) The health of workers in the workplace is, as well as a labour matter, a subject which demands social responsibility, which in turn means that it involves all the entities which are responsible in this area, including the European Parliament. The framework agreement concluded today between European social partners within the hospital and healthcare system is an important contribution to the protection of the health and safety of workers in hospital sectors.

Elisabeth Morin-Chartier (PPE), *in writing*. – (FR) I voted in favour of this motion for a resolution in order to protect staff working in clinics and hospitals. In fact, too many hospital staff members and health workers are still falling victim to infection caused by injury due to the use of syringes and sharp instruments. As an MEP, I need to fight to prevent that. This motion for a resolution also calls for training and working conditions of health workers who face this danger to be improved: safer medical instruments with integrated protective devices are needed throughout the European Union. With my social beliefs and my knowledge of the hospital environment, I call for the fast adoption and urgent application of the measures defined in the proposal for a directive.

Evelyn Regner (S&D), *in writing*. – (DE) I have voted in favour of the motion for a European Parliament resolution, because I am an advocate of social partnership agreements. Established European social partners have reached an agreement on the present case and I call for this framework agreement to be immediately incorporated into applicable European law, by the Council enacting a directive without any further delay.

Derek Vaughan (S&D), *in writing*. – This was an important vote calling for a European directive to improve protection for workers suffering from 'needle-stick' injuries. Action needs to be taken as soon as possible to protect those working in the healthcare sector from contracting potentially fatal diseases such as HIV/AIDS and hepatitis through injuries from used needles. Needle-stick injuries represent one of the most common and serious risks for health workers throughout Europe, with an estimated one million injuries of this type across Europe each year. I hope swift action will be taken to improve training and safety for those working with needles and sharp instruments so that the number of injuries caused are drastically cut and the emotional distress caused to those involved limited. In addition, I hope the use of safer medical instruments will help prevent avoidable injuries for those working with needles on a daily basis.

8. Corrections to votes and voting intentions: see Minutes

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

IN THE CHAIR: MR WIELAND

Vice-President

9. Approval of the Minutes of the previous sitting : see Minutes

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

10.1. Venezuela

President. – The next item is the debate on six motions for resolutions on Venezuela⁽¹⁾.

Tunne Kelam, *author*. – Mr President, Members of Parliament have been extremely worried about the recent clampdown on the freedom of the press by the Venezuelan regime.

As you know, media freedom is one of the foundations of a democratic society. It certainly includes the right to receive information from multiple pluralistic sources. Recently there have been attacks on media freedom by President Hugo Chávez. In August last year he ordered the closure of 34 radio stations through a refusal to renew their licences. This January President Chávez ordered off the air RCTV International and five other cable and satellite TV channels who failed to broadcast his official speech. Furthermore he has described using Twitter and the Internet to pass on anti-government information as terrorist activities. We protest against the death of two Venezuelan students who protested against this shutting-down of the free media...

⁽¹⁾ See Minutes

(The President cut off the speaker.)

Renate Weber, author. – (ES) Mr President, ladies and gentlemen, freedom of expression is not a virtual right which can be agreed on without taking into account the political and social reality of a country. Freedom of the press to express critical views on the government or politicians whether they are presidents, pro-government or of the opposition, is the most important guarantee that people can have. This is about access to information from pluralistic sources so that the right to vote is a genuine one.

Unfortunately, the reality in Venezuela is that following many antidemocratic acts by the government of President Chávez against the opposition, it seems that it is now going to put an end to the press. We are not just referring to the recent case of RCTV International on which the Venezuelan audiovisual authority imposed a retroactive law but also to the fact that since 2009, 34 of the most popular radio stations in Venezuela have been closed down.

In addition, Globovisión, which still maintains an editorial line independent from the government, is being put under pressure to change this. Let us not forget that the most perverse way of eliminating the media is to initiate self censorship.

Following the shut-down of 34 radio stations, the government of Hugo Chávez officially announced there was a list of other stations which are about to be closed down as well: a list which nobody is aware of because the procedures are not open, and a list over which a great deal of uncertainty hangs, the sole purpose of which is to promote self censorship. All these violations are taking place without the competent courts responding to the proceedings being filed before them.

In a country where a universal principle such as that of non retroactivity is not respected, where the judicial authorities do not respond to any appeals unless the President tells them to, there is no rule of law and there is no separation of powers. Democracy simply does not exist. Unfortunately, this is the Venezuela of today.

Véronique De Keyser, author. – (FR) Mr President, I am sorry, but the motion for a resolution on Venezuela tabled mainly by the Group of the European People's Party (Christian Democrats) is a practical joke cobbled together in order to exploit the urgency debate for political purposes and to try to discredit Mr Chávez.

I will resume because there is no point in wasting time. Four national stations have failed to comply with their statutory registration requirements. They have been temporarily suspended and are currently complying with these requirements and I hope that they will be quickly put in order.

In a joint motion for a resolution with the Group of the Greens/European Free Alliance and the Confederal Group of the European United Left – Nordic Green Left, my group reiterates its unequivocal support for freedom of expression and plurality. I am surprised, however, at the very varied view that the PPE Group has of that freedom of expression. Was it not you who voted against the resolution on the freedom of the press in Italy in Berlusconi's defence? If you want to make fools of yourselves today, be my guest. There will be plenty of you at voting time, make the most of it.

Raül Romeva i Rueda, author. – (ES) Mr President, I also have two problems regarding Venezuela. One is of form and the other is of substance. On the point of form, I must say that our fellow Members in the Group of the European People's Party (Christian Democrats), who for some time now have been actively abusing this urgency session on breaches of human rights in order to hold a party political debate, are creating a complex situation.

It is quite legitimate for them to want to carry out party political activities. However, this is not the right place. If they want to make statements of support for their friends or, if anything, criticise governments which they do not like, this is not the time or the place.

However, let us take this urgency session in which we are discussing breaches of human rights and democracy a lot more seriously, because, if we do not we are going to lose all the credibility that we currently have, and this is clearly difficult to regain at international level.

There are many flagrant cases of violations of human rights in Latin America. Let us also be more consistent. Do we want to discuss human rights in Latin America? Then let us talk about Colombia and Honduras. How is it that those issues never come to be discussed here in plenary? Why do we always have this problem and yet in a case like today's, which is merely an administrative issue, we get this kind of presence and support? This is unacceptable. It is unacceptable because, I insist, we are losing all credibility and all legitimacy to be able to express an opinion on these types of cases.

Let me be very clear. I am not a Chávez follower. I am in favour of freedom of expression, even for those whose opinions are radically opposed to mine, be it here, in Italy or in Honduras. However this is not today's debate. The problem being dealt with today is essentially an administrative matter, a matter related to internal order in Venezuela, a matter which is being resolved and what is more, has even been resolved according to information we have.

Therefore, there is not even a case. There is no point. If we wish to continue ridiculing this urgency session, then let us continue along these lines and we will just end up never discussing anything at all because we will have no credibility whatsoever.

Therefore, I urge members of the PPE Group to let us take this urgency session a little more seriously, or it will no doubt end up being completely pointless.

Joe Higgins, *author*. – Mr President, let me first emphasise the utter hypocrisy of the right-wing groups in this Parliament which condemned the Venezuelan government for the temporary withdrawal of broadcasting facilities for Radio Caracas Television (RCTV) and pretend to be champions of the freedom of the press. These are the same groups that stand for a system in Europe where the vast majority of the media is controlled by billionaires and major private corporations, who use this control on the one hand to reap massive profits for themselves and on the other hand to spew out pro-capitalist propaganda, pro-market and pro-neoliberal propaganda; who, in the context of the present economic crisis, vilify and abuse public-sector workers, for example, relentlessly pushing an agenda that it is working-class people who must pay for the crisis, and vilify without end those working class organisations that dare to disagree.

Bringing the issue of RCTV into the human rights emergency resolution today is a major abuse of that procedure. By the way, most of the media outlets in Venezuela are in private ownership, actually, including powerful media corporations which conspired to overthrow Hugo Chávez in 2002, who happens to have been elected and re-elected many times by the people of Venezuela. The reality is that the EPP in this Parliament has the same agenda as the coup conspirators: they want to overthrow Hugo Chávez's government because this government has not carried out the bold dictates of world capitalism implementing privatisation and deregulation across the board, and they want no opposition to the neoliberal agenda. Yes, the working class in Latin America in general rise up in opposition. No, I am not without some sharp criticisms of the Venezuelan government.

Despite massive support from the majority of the Venezuelan people, Hugo Chávez, in fact, has not decisively broken with capitalism and led a movement to genuine democratic socialism. There is a trend towards bureaucratism in certain senses. Finally, co-thinkers of mine on the ground, in the Socialismo Revolucionário Group for example, are fighting these trends and fighting for workers' rights and genuine socialism, which means, by the way, that the media would not be controlled either by capitalist interests or by bureaucratic interest but open democratically to all sectors of society.

Tomasz Piotr Poręba, *author*. – (PL) Mr President, it is, indeed, here, in the European Parliament, that we should be talking, today, about what is happening in Venezuela, where a dictator is breaking the law, eliminating the opposition, closing independent television stations, expropriating businesses and closing a variety of institutions. This is the place. They are evident violations of human rights.

However, there are still other matters, because his rule is not only destabilising the situation in his own country, but it is destabilising the situation in the region. Provocative action against Columbia, support for FARC guerrillas – these are facts which could actually lead to a real conflict in the region.

Columbia is a strategic partner of ours. Let us support and be with Columbia at this time, when the country is being attacked so strongly by Chávez, and is being induced, deceitfully or provocatively, to intensify the conflict in the region. This is our obligation, and if those attacks and the provocation intensify, the European Union and the European Parliament will be obliged to stand by Columbia, to be with Columbia and to support Columbia in a conflict with Venezuela which, I fear, may soon begin.

Bogusław Sonik, *on behalf of the PPE Group*. – (PL) Mr President, it is always the same: for a better tomorrow, to abolish inequalities, to liberate the people from oppressors and tyrants, to end poverty and destitution, to use the country's wealth for the good of the nation – someone takes power. This is the objective of every revolution, and also of those people who, using the mechanisms of democracy, take up the position they dream of, such as president, only the next day to throw away their slogans about liberty, democracy and society. From that moment on, they are guided by only one motto: 'once we have power we will never give it up'. Dictators achieve this objective using the same methods: censorship, secret police, prison for those

who think differently, breaking up and dividing opposition forces and complete control of the media. A kind of founding charter, a symbol of exactly that kind of thinking in the 20th century was, for example, Lenin's suppression of the uprising of the heroic Kronstadt sailors. This diagnosis is also true, today, for Venezuela. Media freedoms are of essential significance for democracy and respect for fundamental values. The European Commission should take appropriate action.

Zigmantas Balčytis, *on behalf of the S&D Group*. – (LT) A few members of our group have actually already given their position, and I also agree that the Venezuela question or freedom of expression is not only relevant in Latin America but the whole of Europe and throughout the world. If we were to examine violations of freedom of expression in detail, I believe we would find that the problem exists in some European Union Member States.

I definitely support the idea that this matter has perhaps been added to the agenda rather too quickly and that we have far greater problems, and greater crimes, not just in Latin America, but in other states and therefore I believe that today this question has been overstated.

Izaskun Bilbao Barandica, *on behalf of the ALDE Group*. – (ES) Mr President, I agree that much more serious problems than this exist, but it is my duty, for the sake of consistency, to also denounce what is currently taking place in Venezuela. I voted in favour of the initiative on Italy.

A few days ago, I was here denouncing a case which took place involving the shut-down of the only Basque language newspaper in Spain, in the Basque country, and today I am here to denounce the closure of Radio Caracas in 2007 and the shut-down of 34 radio stations in 2009.

I wish that they were only administrative problems and the rights of these media bodies would be restored. However, it concerns me to hear that President Chávez equates the new social networking sites with State terrorism and to see how the Internet is under serious threat.

It is my duty to defend people's rights, to defend freedom of expression, to defend the media's right to provide free and pluralistic information, because this means defending citizens' right to information with total freedom.

Andreas Mölzer (NI). – (DE) Mr President, we know that Venezuela is one of the most oil-rich countries in the world. We also know that this country has enormous hydroelectric power potential. Nonetheless, as we all know, the population of Venezuela is suffering the consequences of years of mismanagement. For decades, this country has not been able to invest its oil revenues in sustainable development or in developing infrastructure. The pegging of the national currency to the US dollar was probably another counterproductive move. Recently, President Chávez has tried to overcome this problem by depreciating the currency and getting public debt under control. However, the nationalisation of banks, expropriation and the temporary closure of food shops will probably not be sufficient to ward off the threat of runaway inflation for long.

President Chávez is pursuing a dirigistic economic policy, a centrally planned economy similar to those of other authoritarian regimes, which is undoubtedly and inevitably doomed to failure. The situation is likely to worsen even further, which will probably happen if food producers, who have been forced to produce food at fixed, non-market prices for years, attempt to rise up in protest at some point, wherever possible. I must also express my criticism of the fact that, in this precarious situation in which Venezuelans suffer from power cuts, water shortages and a deplorable economy, President Chávez has bought over USD 70 million worth of arms for the National Guard. This does not augur well, in particular in the context of the continued protests following the closure of a broadcaster critical of the government, in which students and opposition members have time and again clashed violently with the security forces.

Since, as we all agree, human rights are of particular concern to the European Union, we must make it our business to help. We must act, not only in cases involving violations of human rights, but also in exploring possibilities which could improve the conditions under which the population of Venezuela lives, without directly intervening in this country's domestic affairs. Much diplomatic skill and sensitivity is required for this task. I hope that the European Union is in a position to do that.

Martin Kastler (PPE). – (DE) Mr President, ladies and gentlemen, I am somewhat surprised that, in this House, the Group of the European People's Party (Christian Democrats) stands accused of forcing this topic, which, although urgent, is probably not to the liking of any member of the Left majority of this House, onto the agenda. I doubt that they constitute a majority in this House. I simply had to ask that question. Like all the other groups, our group is also perfectly entitled to raise this matter. Even though Mr Chávez, who is

currently in power, might be some kind of chum of yours or of the previous Spanish Presidency-in-Office, we still simply have to ask what action is being taken in this regard.

I am quite amazed that somebody like Mr Chávez can possibly say things like 'Twitter is a terrorist system'. I am sorry, but anyone in this day and age who describes Twitter as a terrorist system is living in another world, back in the stone age. Let me tell you this, as well: We, the PPE Group, will not be cowed by this accusation. We denounce violations of human rights everywhere. I personally denounce human rights violations when it comes to freedom of the press. On that score, let me just say that Venezuelan journalists are spoon-fed and dictated to and that judges are thrown into jail if they release someone who has been wrongly arrested. As Europeans, we must have the courage to speak out against such practices.

I will not allow Mrs de Keyser and others in this House to pin this accusation on the PPE Group. Like anyone else, we are perfectly entitled to designate violations of human rights and freedoms, whether in Europe or anywhere else across the world, as topics worthy of debate.

Marietje Schaake (ALDE). – Mr President, the Venezuelan government has unjustly tried to limit free expression and pluralism in the media and on the Internet. These desperate attempts to censor information and expression remind me of Mahmoud Ahmadinejad's behaviour. In fact President Hugo Chávez calls Mahmoud Ahmadinejad a friend – and with friends like these, who needs enemies, one might wonder.

Yet the fact that Chávez considers Twitter and text messaging as acts of terrorism shows us that he considers people and the free flow of their ideas and opposition as his enemy. I am a user of Twitter and text messaging, I have to confess, but in Europe, thankfully, we consider free expression a fundamental and universal right, including on the Internet. Limiting digital avenues to expression, information and the exchange of ideas is testimony to the Venezuelan government's fear of its citizens and their call for an end to violence and oppression.

The successful mobilisation of citizens can be seen in the example of Oscar Morales, who set up a Facebook group called 'A million voices against the FARC' with the hope of collecting one million people online. He soon mobilised 12 million people to protest on the streets all over the world calling for an end to FARC's violence. This movement was fuelled by citizens using technology as a vehicle. Trying to limit this vehicle is not only unjust, it will also prove ineffective.

Charles Tannock (ECR). – Mr President, press freedom and free democratic government are the foundations of the EU. For Hugo Chávez, the pseudo-dictator of Venezuela, they are simply obstacles on his path to absolute power. He is a demagogue, not a democrat, and has ruined the Venezuelan economy.

Yet, still, this House has its fair share of Chávez apologists, like Mr Higgins: perhaps because Chávez reflects their virulent anti-Americanism and their resentment of the success of President Uribe in neighbouring Columbia. It is lamentable that other political groups on the Left refuse to join with us in the political mainstream of the House in condemning the increasingly arbitrary and serious affronts to basic freedoms perpetrated by the Chávez regime. His response to a TV station critical of his rule was simply to take it off the air.

It reminds me of a similar situation in the PRC – China – where the Communist regime tried to stop a European company from broadcasting anti-Communist TV programmes. Chávez has, therefore – unashamedly – identified himself alongside China's authoritarian and hard-line rulers. His closest friends internationally are dictators Castro, Lukashenko and Ahmadinejad, which speaks volumes.

My group, the ECR, supports the Venezuelan people in their efforts to bring genuine democracy to that country.

Laima Liucija Andrikiienė (PPE). – Mr President, the democratic and human rights situation in Venezuela is in constant decline and we have to fully recognise this. We should also be reminded today that Venezuela has been recognised by various human rights organisations as the country with the worst freedom of press situation in Latin America.

Lieutenant Colonel Chávez has failed in governing Venezuela in many respects but he has remained in power only by suppressing the opposition, gaining control of the media and manipulating the electoral process. I would like to react to some colleagues who have already spoken in this Chamber before me and to say that our responsibility, our mission, is to support the Venezuelan people facing persecution, human rights abuses and arrest by their President.

Cristian Dan Preda (PPE). – (RO) In my view, Hugo Chávez has adopted all the worst possible aspects of totalitarian socialism from the last century. I do not mean by this his attitude towards foreign investments which is also, of course, a major issue for as long as it is completely random. However, I do mean his attitude to freedom of the press and what is represented by pluralism, because Hugo Chávez is attempting to copy pluralism, simply by closing down radio stations which refuse to broadcast his long-winded speeches and creating public stations to simulate pluralism. Copying pluralism is not the same as accepting pluralism because democracy cannot operate on the basis of a caricature of pluralism.

People close to Chávez have already been appointed. He is nothing short of a dictator because he hates pluralism. I therefore believe that socialists should not defend him. One of the victims of the recent demonstrations was actually a socialist student.

Janusz Władysław Zemke (S&D). – (PL) Mr President, I would like to endorse the view presented here, on behalf of my group, by Mrs De Keyser. There is no doubt that there must be no toleration for violation of media freedoms. We are, certainly, seeing disturbing events in Venezuela. I think, however, that we should be very careful about forming unequivocal, categorical and final judgments. In my opinion, we should be given an answer to a fundamental question: the stations which were closed down – were they all closed down for political reasons, or were some of them closed down because, in fact, they did not meet legal requirements? I think an answer here, and understanding what is pure politics and what is legal fact, would have great significance for the position of our House.

Eija-Riitta Korhola (PPE). – (FI) Mr President, it is rather puzzling how some of my fellow Members here think that it is not fitting to speak about one of the world's most corrupt countries. President Hugo Chávez's opponents are still sitting in prison cells, sentenced on what are clearly political grounds. Is it not the case that to defend this state of affairs means an embarrassing humiliation with regard to one's own ideology?

The Venezuelans are also having to endure completely unnecessary power and water cuts in what is Latin America's most energy-rich country. The closure of radio and television channels and the violent suppression of student demonstrations speak of a totalitarian regime. Why, therefore, should we not react? As the media have to operate according to the law, they should not be closed down unless the authorities are left with no other option, and only after all the legal means available have been used. Accused people must also be given the chance to defend themselves and appeal against their convictions.

If the Venezuelan government is committed to the rule of law and human rights, it must protect and respect freedom of expression and appreciate the joys of that crucial input that criticism and openness bring to a constitutionally governed country.

Gabriel Mato Adrover (PPE). – (ES) Mr President, although it is merely an administrative issue for certain people, for others it is much more. We are talking about freedom.

I know that for some people freedom must be defended in certain ways and in certain places. However, I also know that for some people, true freedom, their own freedom, is one that is imposed by certain dictators whom they defend and in some cases they even encourage and not the freedom of people like us who defend this word to its fullest extent, who believe in free media and who believe that land cannot be taken by decree. You should ask the thousands of people from the Canary Islands who have been subjected to this situation in Venezuela.

We are talking about rights, plurality and freedom. Unfortunately, certain people do not believe in this yet.

Viviane Reding, Vice-President of the Commission. – Mr President, the Commission takes note of the draft resolutions presented by Parliament concerning the situation in Venezuela. You can be assured that the Commission is following this situation very closely.

In this regard, the EU has noted with concern the continued suspension of media, including RCTV International. We understand that this is an issue that goes beyond purely legal requirements and needs to be regarded within the context of the question of freedom of expression in Venezuela. This has been a cause for concern and has been given high visibility at international level in recent months.

For example, in November 2009, the special rapporteur of the United Nations Human Rights Council argued that the proposed special law against media crimes in Venezuela – I quote – 'would involve serious violations of the right to freedom of opinion and expression and would curtail press freedom in the country if it is adopted in its current form'. The rapporteur also called on Venezuela to fully respect Articles 19 and 20 of

the International Covenant on Civil and Political Rights, to which Venezuela is a party and which guarantees the right to freedom of opinion and expression.

You might also recall that, in 2009, the European Union issued a declaration concerning those problems, because for us freedom of expression and free access to information are issues that are part of the dialogue that we have with the Venezuelan authorities. We deeply deplore that two protesters died and several persons were injured, including members of the security forces and protestors. We share the assessment of the Inter-American Commission on Human Rights, which has expressed its deep concern over the serious violent incidents which occurred in the demonstrations both for and against the government of President Chávez and which has urged the Venezuelan government to control demonstrations – I quote – ‘within the framework of respect for human rights according to inter-American standards’.

We are closely following with concern the tendency towards political radicalisation. The September elections are widely seen as a milestone for the future of the country. In that respect, the EU underlines the importance of these elections being held in a peaceful, transparent and fully democratic environment.

In the context of the dialogue which the EU is leading with the Venezuelan authorities, we have always stressed the importance of fully respecting international obligations and commitments on human rights, including freedom of expression and the press as a cornerstone of democracy and the rule of law. As you know, this principle is enshrined in the EU's Charter of Fundamental Rights that is now part of our treaties. This puts a specific emphasis on freedom of expression and respect for pluralism in the media, in Europe and also in our international relations.

The European Union, through the European Instrument for Democracy and Human Rights, supports the activities of civil society organisations in this very specific area. Furthermore we have continuously supported all initiatives aimed at promoting tolerance, spaces for dialogue and mutual understanding.

In the name of the Commission, I would like to assure Parliament that we will continue to follow developments in Venezuela closely. Our commitment to supporting and strengthening democracy and the protection and promotion of human rights and fundamental freedoms will be reflected in our cooperation policy and relations with Venezuela, in the future as in the past.

María Muñoz De Urquiza (S&D). – (ES) Mr President, if the ‘catch-the-eye’ procedure is to work effectively, the President should look in the Chamber to see who is requesting the floor, something which I have done very visibly so as to speak in the ‘catch-the-eye’ in the debate on Venezuela. You or your services should keep an eye out for those who wish to take the floor.

President. – Mrs Muñoz De Urquiza, it is not physically possible for me to be looking in all directions at once. I am surrounded by very attentive people here. Anyway, when I gave the floor to the last Member, I also said ‘the last Member to take the floor will be Mr Mato Adrover’. If you wanted to protest, you should have done so there and then.

The debate is closed. The vote will take place at the end of the debate.

Written Statements (Rule 149)

Monica Luisa Macovei (PPE), in writing. – I support this resolution, for I am concerned with the undemocratic measures taken by the government in Venezuela, specifically those curtailing the rights to free press, expression and assembly, as well as with the high level of corruption, as perceived by the people of Venezuela. Control of the media and of different opinions is typical for totalitarian regimes. As reported by human rights groups, in January 2010, the Chávez government threatened to take action against cable providers that aired channels that did not comply with the government requirement to interrupt regular broadcasting in order to broadcast presidential speeches. As a result, the country's cable providers stopped broadcasting seven channels. In 2009, Chávez forced stations to transmit live 141 speeches, including one that lasted seven hours and 34 minutes. As regards corruption, the government should fully and effectively implement the United Nations Convention against Corruption and the other relevant instruments, and take seriously Venezuelans' concerns about corruption – an indicator of good governance in any country.

10.2. Madagascar

President. – The next item is the debate on six motions for resolutions on Madagascar⁽²⁾.

Raül Romeva i Rueda, author. – Mr President, this is indeed a topic for decision. It is a topic we have to discuss. There is a political crisis in Madagascar and this brings us to the necessity of responding accordingly to the necessities also of the country.

The power-sharing deal has been negotiated under the auspices of the African Union between the current President Rajoelina and the former President Ravalomanana.

There is the Maputo Agreement and Addis Ababa Additional Act, which remain the only political and democratic solution to the current crisis. We must not forget this. The Maputo Agreement foresees the establishment of a national unity government with a transition period of 15 months.

Let me signal as well that, after this fact, there are some specific and local situations that are worrying in terms of the government issuing a decree legalising the export of unprocessed and endangered wood threatening the biodiversity of the country. This might cause a lot of problems in the future because they can be lost forever.

In this context, we have to remind the Commission and the Member States that to send an election observation operation to Madagascar could be a mistake. We ask not to send a delegation to this country under the current circumstances, to the elections the current government is organising in March, as these elections circumvent the Maputo Agreement. I insist: in this framework, under this consensus and on the basis of the agreement in Maputo, we should not follow this observation election mission.

This has to be accompanied as well by full respect of human rights in the country and full respect of democratic principles and the rule of law. If these conditions are fulfilled then we can talk about this, but in the current situation, in the current context, I think it would be a mistake.

Renate Weber, author. – (FR) Mr President, problems of instability persist in Madagascar despite the initiatives of the African Union and the UN. Mr Rajoelina refuses to share power and is removing everyone who opposes him. He recently affirmed his intention to organise general elections without taking account of the timetable provided for in the Maputo and Addis Ababa agreements.

It is no exaggeration to say that the anti-constitutional regime of Andry Rajoelina has taken over the three estates and is doing its best to take over the media as well.

Unfortunately for Madagascar, the human rights violations by the previous president's regime have continued after Andry Rajoelina declared himself president of the High Transitional Authority. The security forces which he directs have frequently intervened in a violent manner to disperse opposition demonstrations and there have been deaths and injuries.

In its report dated 4 February 2010, Amnesty International shows that parliamentarians, senators, lawyers, leaders of the opposition and journalists have been subject to arrest and arbitrary and illegal detention and that some were mistreated during their arrest, while the authorities have not conducted any enquiries.

Unfortunately, once again, the facts prove that those who take power by force reign with force.

Véronique De Keyser, author. – (FR) Mr President, there is consensus on this motion for a resolution. The illegal transitional regime headed by Andry Rajoelina is in the process of plunging Madagascar into chaos. It is preparing to make free and easy with the forthcoming elections, which he has announced for March 2010, at the end of a process which has nothing democratic about it and which is taking place outside the Maputo and Addis Ababa agreements.

The illegal nominations of questionable political personalities, the widespread human rights violations and the harassment and arbitrary arrest of parliamentarians, religious leaders and civilians have upset the international community and led it to impose sanctions. Madagascar's membership of the Southern Africa Development Community and the African Union has been frozen. The United States are refusing it the advantages of the African Growth and Opportunity Act. The donors of the International Monetary Fund

⁽²⁾ See Minutes.

have reduced their budget by 50%, the UN will examine the situation of this country on 15 February and the European Union has, I believe, suspended its development aid, while maintaining its humanitarian aid.

The situation is therefore tragic, catastrophic, for a population living on less than a dollar a day. We are terribly concerned about this situation and this joint emergency motion for a resolution is proof of our concern. We support the mediation efforts being made by Joaquim Chissano, the former president of the Republic of Mozambique, and urge the four political groups to return to the negotiating table. There can be no other solution. We are also calling on the African Union and the Southern African Development Community to resume contact in order to bring the transitional process to a proper conclusion and we call on the Commission to report to us on the consultation process under way with Madagascar under Article 96 of the Cotonou Agreement.

Bernd Posselt, author. – (DE) Mr President, there is concern in some of the world's capital cities that our motion for a resolution could lead to an escalation in the situation in Madagascar. However, our aim is to bring peace to the region. I refer, in particular, to Article 14 and 15, which are quite clearly focused on dialogue.

The African Union, the European Union, the UN, neighbouring countries, the Contact Group and, last but not least, France, have all been called upon to play their part in ensuring that the four (at a minimum) different political movements that there are in Madagascar can find common ground, that Madagascar does not become a failing state, that it does not drift further towards catastrophe and that, instead, it finds a peaceful and negotiated solution. However, this will only be possible as long as nobody tries to establish a dictatorship there, nobody withdraws from the peace process and all the parties return to the negotiating table, or otherwise this wonderful, but ravaged, country will have no future.

Marie-Christine Vergiat, author. – (FR) Mr President, ladies and gentlemen, the same is happening in Madagascar as in numerous other countries around the world, towards which the European Union has demonstrated a lack of political power. This is particularly true in Africa.

One year after Andry Rajoelina illegally seized power, the large island of Madagascar seems to be slipping deeper and deeper into a social, economic and financial crisis which its people did not need.

In fact, this country has become one of the poorest countries in the world, with the large majority of the population there living on less than a dollar a day. Human rights violations are increasing. Religious leaders, parliamentarians, journalists and leaders of civil society are subject to intimidation and harassment and are being arrested and thrown into prison.

The international community, however, has been sparing in its efforts, refusing to recognise that this is in fact a *coup d'état* and that the government put in place by Andry Rajoelina in Madagascar is in fact a military government.

Madagascar has been suspended from the African Union and the Southern Africa Development Community. Since 2 February 2009, numerous attempts have been made, including by the UN and the EU, resulting in the Maputo and Addis Ababa agreements. However, since November 2009, these agreements seem to have become mired down as a result of the divisions between the various protagonists and the refusal by some of them to participate in the implementation of these agreements.

We in the Confederal Group of the European United Left – Nordic Green Left consider that it is time to let the Malagasy people speak and that it is high time that democratic rules were respected.

Andry Rajoelina, the strongman of the regime, prefers to organise his elections unilaterally, without consulting the Malagasy people, in defiance of the aforementioned agreements. He unilaterally set an initial date for so-called democratic elections in March 2010, but now appears to be talking about a date somewhere between the end of March and the end of 2010.

That is why we want humanitarian aid to be strengthened, for judicial proceedings to be instituted and for the European Union to throw all its weight behind ensuring that civil society is involved in the steps taken.

Charles Tannock, author. – Mr President, if the African Union aspires to have anything like the authority and respect accorded to the EU in international affairs, then Madagascar is surely a case in which the AU should act decisively. Instead we have seen the usual vacillation and tepid diplomacy following the fall of President Marc Ravalomanana, which is sadly reminiscent of the situation in Zimbabwe. It is time for the African Union to accept its responsibilities with regard to Madagascar, where political tension and chaos

have been endemic for some time. If the AU cannot bring itself to sort out this mess, then it is reasonably fair to ask why the EU should do so.

However, we should continue to remain engaged with Madagascar in order to facilitate a smooth return to democratic government and to promote reconciliation. It is vital that those politicians and military officers who have been cited and carried out human rights abuses should be brought to justice. Targeted sanctions against the illegitimate regime of Andry Rajoelina also offer an effective way to punish those who perpetrate the ongoing instability without harming the overwhelming majority of the Malagasy people, who must be heartedly sick of the tensions and sporadic violence in their beautiful country.

Cristian Dan Preda, *on behalf of the PPE Group*. – (RO) As has already been emphasised, the state of uncertainty and political instability reigning in Madagascar has been going on for well over a year. While there have been some glimmers of hope at times during the negotiation process, the actions being taken by Andry Rajoelina only serve to hamper the process, complicating the restoration of constitutional order.

I am referring here to the removal of the prime minister appointed after the Maputo Accords, the withdrawal from the negotiation process with the political groupings and the recent decision to hastily organise elections without taking into account previous agreements.

I believe that this is an attempt to create a veneer of legality and legitimise a regime which has come to power following a coup d'état, which Rajoelina cannot deny. It is obvious that the only way of ensuring that constitutional order is restored is to fully enforce the Maputo and Addis Ababa Accords.

Martin Kastler (PPE). – (DE) Mr President, I would just like to draw your attention to the fact that all the groups have endorsed this motion for a resolution. That is as it should be, because this topic is very important. In contrast to the previous speakers, I would like to say that we must ensure that we do not merely promote freedom of expression and freedom of the press in this country, but that we also actively demand them, now that we are examining ways that we could help things proceed towards a, hopefully, peaceful election. We have to ensure that we, as Europeans, establish freedom of the press in all areas, with all the financial assistance that is needed to make that possible. We also have to provide full support and endeavour to act together to provide financial assistance, within the scope of the agreements which we have with this country.

Eija-Riitta Korhola (PPE). – (FI) Mr President, it is intolerable to follow the situation in Madagascar, where power is in the hands of a person who took over the country using violent means and who rules it in the same brutal manner, and whose position the international community has not recognised. That is why I am using the word 'person' and not 'president'.

The majority of the population in Madagascar live below the poverty line: 7 000 children are suffering from serious malnutrition, and the situation is only worsening with the political crisis. For that reason, it is important that we, along with the rest of the international community, increase the amount of humanitarian aid to Madagascar.

It is, furthermore, vitally important to investigate and solve the political murders that have taken place, and that must be left to an independent, impartial agency. Unless that happens, it will be difficult to build trust and take steps towards democracy.

It must be a priority that Madagascar's four political factions can sit down at the negotiating table to agree on what to do to enable democratic elections to take place this year. It is also crucial that Madagascar does not conclude agreements on natural resources before it has a government with a mandate from the people.

Michael Gahler (PPE). – (DE) Mr President, on the subject of Madagascar, it is good that we can report that it is not just the European Union that is concerned about this country's compliance with Article 96 of The Cotonou Agreement, but that the African Union and SADC, as regional organisations, have also taken the position that another coup d'état in Africa is unacceptable. For the African Union and for the regional organisations, it is a relatively new thing, not only to make these kinds of decisions, but also to implement them and to take action.

I hope that when the International Contact Group meets again in Addis Ababa, a week today, on 18 February, all the participating parties will fulfil their tasks and powers, and ensure that any agreement reached in Maputo is also implemented. That is my appeal to all the participants.

Viviane Reding, *Vice-President of the Commission*. – (FR) Mr President, may I start by highlighting our very great concern about the obstacles which are preventing the Maputo agreements from being implemented.

Since the crisis started and since consultations with Madagascar were opened under Article 96 of the Cotonou Agreement, the Commission has actively supported mediation efforts by the international community, which have translated into considerable progress but which, unfortunately, have still not resulted in an effective transition process. We are very worried because, rather than making progress, we are slipping backwards and there is a clear risk of returning to where we started in March 2009.

You will agree that this may of course result in a deterioration in the political and human rights situation and in clashes between Malagasies. We have clearly indicated, on numerous occasions, that we reject any unilateral process which results in hastily organised elections that will not bring about a lasting solution to the crisis.

Therefore, to reply to the question raised by the honourable Member, I would note that we are not prepared to support such a process either politically or financially.

The initiative currently being taken by the President of the African Union Commission is our last hope. We are prepared to evaluate, together with the international community within an international contact group, the response of Malagasy movements and, depending on the situation, to present proposals for decisions to the Council under Article 96 of the Cotonou Agreement.

In the event of a negative decision, this should not affect projects which directly benefit the population and we shall continue and, if necessary, increase humanitarian aid for the vulnerable populations.

Finally, may I assure you, Mr President, of the Commission's active, patient and persevering commitment to finding an amicable way out of the crisis.

President. – The debate is closed. The vote will take place at the end of the debate.

10.3. Burma

President. – The next item is the debate on six motions for resolutions on Burma ⁽³⁾.

Véronique De Keyser, author. – (FR) Mr President, the situation in Burma continues to deteriorate. Do we need to recall the abuses by the Burmese government towards its people, the interminable imprisonment of the Sakharov Prize winner Aung San Suu Kyi and her eviction on the false grounds of condemning the forthcoming elections?

The Burmese government has promised a democratic transition in seven stages, ultimately leading up to elections. However, if these elections are held in keeping with a constitution drawn up by the army, as would appear to be the case, the only thing they will do will be to legitimise five decades of military regime and give the army 25% of the parliamentary seats. We call on the international community, including China, India and Russia, to continue to combine their efforts and exert pressure on the Burmese government, both so that it stops the serious human rights violations committed in this country and so that the democratic transition announced does not turn into a political farce.

Filip Kaczmarek, author. – (PL) Mr President, the announcement, in any country, of the first elections to be held for 20 years usually fills us with optimism. It awakens hope for the introduction of change and for democratisation. Unfortunately, probably not many of us, and not many of the residents of Burma, believe the elections which are to take place there at the end of this year will be democratic and honest, or will bring about real change. The Burmese regime is a problem we have struggled with for years. In our resolution, we condemn numerous violations of human rights and civil liberties, which are everyday events in Burma. We still do not know what to say to the people of Burma about how to end the regime's ruthless deeds. In my opinion, only joint action can bring results. Joint – whom do I have in mind? Who should take action? Neighbouring countries? The countries which have a lot of trade and exchange with the regime, indirectly financing it, in other words Russia and China? The European Union of course, the United States and the UN – with this group of partners we can bring about change.

Marie-Christine Vergiat, author. – (FR) Mr President, since 1962 Burma has been living under the yoke of a military junta which is one of the most repressive regimes in the world. The last democratically elected members of parliament were elected in 1990. They have all been arrested or forced to resign. There are 2 000

(3) See Minutes.

registered political prisoners, including over 230 Buddhist monks who took part in peaceful demonstrations in September 2008 and who have been in prison ever since.

Several tens of thousands – I should say hundreds of thousands – of Burmese immigrants are living in Thailand, India, Bangladesh and Malaysia in conditions which are often more than precarious and open to trafficking. Tens of thousands of people have been displaced against their will. In this sort of situation, journalists are especially at risk. At least 14 journalists are currently in prison and I should like here to highlight the case of Hla Hla Win, a young 25-year-old journalist, who has been sentenced to 27 years in prison for illegally importing a motorcycle because she dared to visit a Buddhist monastery.

The junta has indeed announced new elections. Like Mrs De Keyser, I think that their sole purpose is to legitimise the government in place. We cannot but be sceptical as to the outcome.

Today, we are going once again to energetically condemn the systematic human rights violations in Burma and invite the Burmese government to dialogue and to immediately put an end to the practice of recruiting child soldiers. We are once again going to ask the Chinese, Indian and Russian governments to exert their influence. However, Commissioner, I urge you to be our spokesperson to the Commission and the Council, so that the European Union maintains restrictive measures towards the Burmese government because, apart from words, we do not have the slightest tangible proof of democratic debate. We call on you to evaluate the efficacy of measures taken and to do everything to ensure that the civilian population ...

(The President cut off the speaker)

Charles Tannock, author. – Mr President, I have lost count of the number of times over the years in this House that we have debated the serious and worsening human rights situation in Burma, but, if we are ever tempted to soften our rhetoric against the brutal military junta, we only have to look around our own Parliament to remember why we need to maintain and increase the pressure on the generals. I am referring, of course, to Aung San Suu Kyi, the opposition leader and Nobel laureate, whose picture is displayed prominently on Parliament's premises in both Brussels and Strasbourg. She has consistently been denied a voice, as have her supporters. So the least we can do is speak up for them from here and promise them our unswerving support in their mission to bring about permanent democratic change in Burma.

We have also raised the fate of the minority Rohingyas, who are once again bearing the brunt of a vicious campaign of discrimination and persecution by the army, and many have had to flee to neighbouring Bangladesh. The generals may simply ignore our pleas, but that does not render them any less valuable because, as democrats, we have a solemn duty to denounce such savagery wherever we confront it in the world.

Raül Romeva i Rueda, author. – (ES) Mr President, a few months ago I had the opportunity to visit some of the thousands of refugees, on the border between Thailand and Burma, who are currently hoping to be able to return to their homes. In some cases they simply hope to live another day.

Whilst there we also met up with some of the opposition groups, among them the National League for Democracy whose leader, as also already mentioned, is the Sakharov Prize-winner Aung San Suu Kyi.

On several occasions, I was urged to observe with great caution and not to support the elections based on a constitutional reform made by the military junta itself, in conditions similar to the present, which undoubtedly violate fundamental rights with regards to freedom of expression and freedom of assembly, which also clearly jeopardises change, transformation and democratic reform in this country.

It is true that there has been some change. It is true that last year, in 2009, hundreds of prisoners were released; however, very few were actually political prisoners.

The serious problem is that there are still more than 2 100 political prisoners in Burma. Within this context, it is impossible to contemplate free, fair and democratic elections.

It is therefore necessary to first consider that there must be a suitable environment for elections to be able to take place. Any dialogue which may enable us to improve the situation will be welcomed, but on the basis that these persons are unconditionally released and a guarantee is in place for refugees to be able to return. In this regard, I must make an explicit appeal to the Commission. The reduction in funds which are destined for this area and for these refugees is of great concern. There are urgent needs. We are talking about hundreds of thousands of people who require our help. Hence, I believe that it would be a good idea to avoid cutting these budgets.

Thomas Mann, *on behalf of the PPE Group*. – (DE) Mr President, the human rights situation in Burma has deteriorated dramatically: political repression accompanied by military and sexual violence, children systematically being recruited as soldiers, 2 000 political prisoners. The first, allegedly free, elections in the autumn of this year are a total farce. The opposition parties are rightly going to boycott them. What is particularly concerning is the position of the Rohingyas, more than 200 000 of whom live in refugee camps. Many have fled to neighbouring Bangladesh and have been brutally persecuted en route.

I very much welcome Bangladesh's willingness to allow our EP Delegation to South Asia into the country on a fact-finding mission. We are flying to Dhaka tomorrow, in order to gather first-hand information about the situation in Cox's Bazar and the Bandarban region. However, it is already clear that, in order to survive, the persecuted Rohingyas need comprehensive international protection. The European Union must persist in its denouncement of the Burmese government's behaviour, until such time as signs of progress in the direction of democracy finally begin to appear.

Justas Vincas Paleckis, *on behalf of the S&D Group*. – (LT) Like my colleague Mr Charles Tannock, I would like to say that in this Chamber which, unfortunately, is always half-empty at this hour, it is not the first time we have debated the appalling human rights situation in Burma. Not long ago I myself spoke about it.

I would like to believe that following today's debates the voice of the European Parliament and the European Union will have a greater effect. Why? Because here for the first time we are talking human rights in the world now that we have the Treaty of Lisbon and the posts that go with it – among others, the High Representative for Foreign Affairs and Security Policy, Catherine Ashton, approved by Parliament. Now the European Union has a more effective opportunity to have a direct influence both on the situation in Burma and on the situation in other countries where rights are violated.

On the eve of elections in Burma, I believe that we will only be able to achieve something if we coordinate actions with larger states: China, India, the USA and Russia.

Tomasz Piotr Poreba, *on behalf of the ECR Group*. – (PL) Mr President, to date, the appeals of the international community for human rights to be observed in Burma have, in fact, produced no result at all. There are still thousands of political prisoners in Burmese prisons, and the army continues to commit assassinations, use torture and make arrests. The leader of the Burmese opposition, Nobel Peace Laureate Aung San Suu Kyi, has been under house arrest for many years, and has also received a three-year prison sentence. This is how the junta wants to prevent her from standing in the coming elections.

Burma is also a leader on the disgraceful list of countries where there is frequent persecution of representatives of religious minorities, including Christians. In accordance with the ideas of the junta, the Karen people, who are Christians, are to disappear completely from Burmese territory. Last year, Karen refugees fleeing the repressions took refuge in Thailand. Today, in spite of international protests, the Thai government is preparing for the forced repatriation and mass deportation of over 4 000 Karens, who will then be exposed to further indignities. It is our obligation, here in the European Parliament, to call for the rights of religious minorities, including Christians throughout the world.

Eija-Riitta Korhola (PPE). – (FI) Mr President, in terms of human rights, Burma is one of the world's most fragile countries. The list of human rights violations is endless and the situation does not appear to be improving.

In our resolution we have raised just a few issues. I feel that its main purpose is to make it clear that we know and are still keeping an eye on what is happening in Burma.

We also need to express our thanks to Thailand, which withdrew its worrying decision to return refugees to Burma. Last week I made contact several times with Thailand after it had announced its plans to return these people. Karen refugees were being threatened with forced labour, torture, possibly enforced conscription into the army, and the placing of land mines in the area which they had fled from. It was with a feeling of relief that I heard that Thailand had decided to abandon its plans to return the refugees, following talks with human rights organisations and the international community at the weekend. I hope that the EU, along with the rest of the international community, will be able to offer assistance to Thailand as soon as possible, and look for an alternative solution to the problem of the Karen refugees.

Marc Tarabella (S&D). – (FR) Mr President, Commissioner, once again Burma is at the centre of motions for resolutions by the European Parliament concerning human rights violations. Once again we are speaking

out to condemn the situation in this country, which does not seem to be showing any improvement in the way in which it treats its citizens and which is in sore need of democracy in action.

While other countries have made progress over the years, Burma continues to freely violate its citizens' fundamental rights. Aung San Suu Kyi, the emblematic leader of the opposition, is still under house arrest, entire populations have been displaced, children are press-ganged into being child soldiers and people who opposed the regime in place are arrested. There are too many examples to mention here.

We hope that the forthcoming elections will be held freely and that the opposition parties and anyone who wishes to stand for election can exercise this fundamental right. We also hope that observers will be able to verify that these elections are free and are not tainted by any illegality, such that the military junta uses the ballot box to legitimise itself.

Monica Luisa Macovei (PPE). – Mr President, the military junta has ruled the country through repression and committing gross and systematic human rights violations. As an elected representative of citizens, I call for free and fair parliamentary elections in 2010, to have a legitimate government in Burma. The current requirement to have at least 25% of the parliament as members of the military selected by the chief of defence services falls outside any common sense vision about what a legitimate government is.

Second, I note that the government of the military junta signed the United Nations Convention against corruption in 2005 but failed to ratify it. Ratification, however, should only be regarded as a first step: implementation is the key when it comes to combating corruption. Corruption brings poverty and impunity.

Lidia Joanna Geringer de Oedenberg (S&D). – (PL) Mr President, if Burma has decided to hold parliamentary elections for the first time in 20 years, this may mean a step forward in the process of democratisation, if the elections, planned for this autumn, are honest. In other words, they must firstly be general, with every adult citizen being able to vote or stand for election, including Nobel Laureate Aung San Suu Kyi and 2 000 other opposition activists who are currently in prison for political reasons. Secondly, the elections must also include the several million Burmese who, afraid of torture and death, have fled to Thailand, Bangladesh or India. It should be made possible for them to vote in their original place of residence. Thirdly, members of the Burmese army should not have a guarantee of 25% of the seats in parliament, because this strikes at a fundamental democratic mechanism and distorts the election results at the outset. Finally, the Burmese government must respect the rule of a secret ballot, and must allow the elections to be monitored by international observers and Burmese media.

If these demands are ignored by the government in Burma, I think it will be imperative to continue restrictive measures against the regime in accordance with item 16 of the resolution.

Csaba Sógor (PPE). – (HU) The military junta has promised free, democratic elections for 2010. It is important for the international community and of course, the EU to continue to put pressure on the junta so that the democratic transition actually takes place. We also need to make sure that the numerous ethnic minorities living in Burma are appropriately represented at the elections. This may put an end to the recurring ethnic conflicts. China is probably best placed to stand up for Chinese minorities, but it would first have to appreciate its own minorities: the Tibetans and the Uighurs. The EU can only be credible and effective in exerting pressure if it makes sure that minority rights are respected in all its Member States. As long as there are language laws in the territory of the European Union, and I do not refer to Slovakia only, as long as the law of collective guilt is still being rekindled in the territory of the European Union in a manner which contradicts the facts of the Second World War, and as long as the mere existence of minorities, their mother tongues and their rights are being denied within the territory of the European Union, the European Union cannot be credible when it seeks to exert pressure, and it cannot be successful, either.

Andreas Mölzer (NI). – (DE) Mr President, Commissioner, the dramatic deterioration in the human rights situation in Burma caused by the military junta is resulting in ever more brutal bloodshed. The persecution of religious groups, ethnic cleansing and expulsion, the taking of thousands of political prisoners and the torture, abduction and incarceration of political opponents of the regime are the order of the day. The new constitution, and now the pseudo-elections that are supposed to be taking place, will not, of course, improve the situation in any way.

In fact, EU delegations and Parliament's self-righteous resolutions will also not achieve anything. What we should be doing, in politically realistic terms, is marshalling all of the Union's powers to exert influence on China, India and Russia to add their political weight to the pressure on the Burmese government to improve

the human rights situation in this country. The EU should also call on the countries neighbouring Burma to bring their influence to bear on improving the human rights situation.

Cristian Dan Preda (PPE). – (RO) Someone was saying earlier that we have already discussed Burma in this House. I think that we need to continue discussing Burma because it remains one of the most repressive and closed societies in the world. As has been demonstrated by various United Nations agencies and organisations committed to defending human rights, the systematic violation of the individual's rights continues to be a feature of life there.

The current trend is to arrest people for expressing political views. Violent acts of repression have also been noted against those in opposition, whether from the student movement or the Buddhist monk community.

I do not think that the organisation of elections can be considered at the moment because, first and foremost, a consultation process is required involving all political parties. Otherwise, without any free, transparent, inclusive process, democracy in Burma remains a farce perpetuated by the military.

Viviane Reding, Vice-President of the Commission. – Mr President, as Members have very clearly underlined, serious human rights violations are continuing in Burma. The military government has not responded to international calls to stop those human rights infringements and it has not released political prisoners, including Aung San Suu Kyi. Pressure has increased on the Rohingya minority to force them to leave the country, and the deterioration of socioeconomic conditions continues. An estimated 80% of the population live in rural areas, and severe problems in agriculture and food production are developing.

The EU has several times issued declarations condemning violations of human rights. The EU has also tightened sanctions and, in parallel, we have pressed the neighbours of Burma/Myanmar – ASEAN, China, India – to use diplomatic pressure too, and some of the neighbours are doing this. In addition, the EU has strongly supported the United Nations efforts. These measures have created difficulties for the military government, but they have failed to make it change its behaviour.

Now the military government has promised elections in 2010 as a step towards its gradual exit from power. We can only judge these elections when the electoral law is published and when we see if clear and fair arrangements are in place for the ballot. In the meantime, the EU is willing to engage with the present government to persuade it to use the opportunity of the elections in order to change the situation and to start a positive phase in the history of Burma.

By saying this, I make it very clear that the EU does not want to isolate Burma. We are, in fact, the biggest donors of humanitarian and related assistance to that country. The bulk of our assistance goes to the countryside – particularly to the delta – which is still recovering from cyclone Nargis. Assistance also goes to the refugee camps along the Thai border. We should also know that the report of the United Nations special rapporteur speaks a very clear language. We back the special United Nations rapporteur and are ready to help him.

But we also know that direct activities on human rights in Burma are hardly possible. For instance, the EU will not be invited to observe the elections, so we have to utilise indirect measures. Therefore, human rights are built into all our assistance programmes. In order to promote our values – human rights development, dialogue – we need to have a very clear message. Today the united Parliament had this very clear message, and I am sure it will be heard. I am also sure that we should not outsource our task of reminding Myanmar of its obligations to neighbouring countries. We have to remain committed ourselves. We have to engage directly on our human rights agenda with the authorities, and we will continue to do so.

President. – The debate is closed. The vote will take place at the end of the debate.

Written Statements (Rule 149)

Maria Da Graça Carvalho (PPE), in writing. – (PT) Burma continues to experience a very troubling situation with regard to human rights, as the Burmese authorities have prioritised their grip on power over the survival of their citizens. I should like to express my solidarity with respect to the suffering of the Burmese people, oppressed as they are by a military junta that constantly infringes their human rights by means of forced labour, people trafficking, child labour and sexual violence. It is essential that political prisoners, including the head of the opposition and leader of the National League for Democracy, Aung San Suu Kyi, who was honoured with the Sakharov Prize by the European Parliament in 1990 and the Nobel Peace Prize in 1991, be released immediately so as to contribute to the promotion of free, just and transparent elections in 2010. For this reason, I urge the European Union to adopt a coherent strategy and develop relations with

neighbouring countries, particularly with China and India, with a view to promoting transparent elections in Burma.

11. Voting time

President. – The next item on the agenda is the vote.

(For results and other details of the vote: see Minutes)

11.1. Venezuela (B7-0093/2010)

11.2. Madagascar (B7-0099/2010)

11.3. Burma (B7-0105/2010)

President. – That concludes voting time.

12. Corrections to votes and voting intentions: see Minutes

13. Decisions concerning certain documents: see Minutes

14. Written declarations included in the register (Rule 123): see Minutes

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

16. Dates of forthcoming sittings: see Minutes

17. Adjournment of the session

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

(The sitting was closed at 16.25)

ANNEX (Written answers)

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

Question no 6 by Gay Mitchell(H-0016/10)

Subject: Post-Copenhagen climate strategy

In the light of the near-debacle that were the Copenhagen climate negotiations and the lack of any clear or binding obligations resulting from them, what is the Council's concrete strategy to ensure that Mexico 2010 is not the wasted opportunity that Copenhagen 2009 was? How can the European Union use its influence to show leadership in the absence of any from China and the USA?

Question no 7 by Kathleen Van Brempt(H-0035/10)

Subject: Cutting greenhouse gas emissions by 30%

The Commission is asking the European Union to approve target figures for cutting CO₂ emissions. By 2020 it wants a 30% reduction in the industrialised countries' greenhouse gas emissions, compared with the 1990 level. The Chair of the European Parliament's Committee on Industry, Research and Energy says that Europe believes it can achieve this target and hopes for a global agreement. However, I now gather that there is disagreement within the Council on whether or not to adopt this objective. My question is therefore: is the 30% target under discussion? And what measures will the Council take to ensure that this critical measure is nevertheless adopted?

Question no 8 by Pat the Cope Gallagher(H-0039/10)

Subject: Climate change post-Copenhagen

In the aftermath of the COP-15 Climate Change Summit in Copenhagen, what specific initiatives will the Council undertake with our international partners, including the United States, India, China, Brazil and Russia, to ensure that momentum is not lost in the search for an ambitious global climate change agreement?

Joint answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The European Union and its Member States are committed to an independent quantified economy-wide emissions reduction target of 20% by 2020, compared to 1990 levels. The European Council of December 2009, reaffirming the EU's commitment to a negotiating process leading to a post-2012 legally-binding international agreement, underlined that this target could be increased to 30% provided that other developed countries commit themselves to comparable emission reductions and that developing countries contribute adequately according to their responsibilities and respective capabilities.

For the moment, and taking into account the outcome of the United Nations Climate Change Conference held in Copenhagen in December 2009, known as the 'Copenhagen Accord', the conditions set out by the European Union to move to a 30% reduction commitment have not yet been met.

In this context, and as clarified in its letter of 28 January 2010 to the UNFCCC Executive Secretary expressing their willingness to be associated with the Copenhagen Accord, the EU and its Member States reaffirmed their commitment to achieve 20% reduction of greenhouse gas emissions by 2020 compared to 1990 as well as the conditional offer to move to a 30% reduction by 2020 compared to 1990, provided that other developed countries commit themselves to comparable emissions reductions and that developing countries contribute adequately according to their responsibilities and respective capabilities.

The EU remains committed to play a leading role in international climate negotiations on a post 2012 regime.

The Council is in a process of assessing further the Copenhagen outcome. We all need to review and evaluate the recent negotiations and identify ways for overcoming the revealed obstacles between the key actors. In this regard an analysis by the Commission will be a major contribution to our reflection.

A continuation of the dialogue with our international partners at all levels will play a crucial role in keeping the momentum in international climate negotiations.

The European Parliament will be kept informed at all stages of the process.

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Question no 9 by Justas Vincas Paleckis(H-0018/10)

Subject: Legal basis for EU-Belarus relations

At a meeting of the Council of the European Union held in November 2009, no decision was taken on whether it was worth relaunching the ratification procedure for the EU-Belarus Partnership and Cooperation Agreement, or on when this might take place. The agreement was concluded in 1995 but has been frozen since 1997. Certain Member States take the view that there is no point in reviving an outdated agreement. Others maintain that ratifying the agreement would provide a legal basis for cooperation between the EU and Belarus and would give fresh impetus to the development of relations.

In the opinion of the Spanish government, which currently holds the Council Presidency, should the ratification procedure for this agreement be relaunched? If so, when? If not, what steps will the Presidency take to ensure that the legal basis required for the development of relations between the EU and Belarus is created?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

In November 2009, the Council reviewed the situation in Belarus. Due to the absence of tangible progress in the areas identified in the Council Conclusions of October 2008, the Council was not able to lift the restrictive measures in place against certain officials of Belarus. Therefore, it decided to extend until October 2010 the restrictive measures provided for by Common Position 2006/276 CFSP, as extended by Common Position 2009/314/CFSP.

However, in order to encourage progress in the areas identified by the EU, the Council decided at the same time to extend the suspension of the application of the travel restrictions imposed on certain officials of Belarus.

The European Union reaffirmed its readiness to deepen its relations with Belarus in light of further developments in Belarus towards democracy, human rights and the rule of law and to assist the country in attaining these objectives. Subject to progress in Belarus in these areas, the Council stands ready to take steps towards upgrading contractual relations with Belarus. Meanwhile, the Council invited the Commission to make a proposal for a joint interim plan to set priorities for reforms, inspired by the Action Plans developed in the framework of the European Neighbourhood Policy, to be implemented with Belarus.

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Question no 10 by Mairead McGuinness(H-0021/10)

Subject: Overseas property ownership

Notwithstanding a Member State's competence in respect of the rules governing the system of property ownership, is the Council aware of the significant number of problems experienced by many EU citizens arising from ownership of property in a Member State other than their own?

In particular, what action has the Council taken in respect of Parliament's Resolution, P6_TA(2009)0192, on the 'impact of extensive urbanisation in Spain on individual rights of European citizens, on the environment and on the application of EU law'?

Will the Council act by calling on Member States to carry out a thorough review and to revise all legislation affecting the rights of individual property owners, in order to bring an end to the abuse of rights and obligations enshrined in the EC Treaty, in the Charter of Fundamental Rights, in the ECHR and in the relevant EU Directives, as well as in other conventions to which the EU is a party?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The honourable Member is reminded that the Council of the EU does not have a general competence regarding property rights, urban development, or land use. Indeed, according to Article 345 TFUE, the treaties shall in no way prejudice the rules in Member States governing the system of property ownership.

It is therefore now up to the relevant competent Spanish authorities to take the appropriate measures in order to remedy the situation referred to by the honourable Member.

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Question no 11 by Vilija Blinkevičiūtė(H-0023/10)

Subject: Access to work and continued employment for people with disabilities

At present there are more than 65 million people with disabilities in Europe, 78% of whom are excluded from the labour market and have no prospect of getting a job. Most of them depend on welfare benefits and have much lower income than able-bodied people. Now that there is an economic and financial crisis, disabled people are three times more likely to lose their job than those who have no disability. In its programme the Spanish Presidency has promised to defend the rights of the disabled, but has not put forward any specific measure or initiative regarding access to the labour market and continued employment for people with disabilities.

How will the Council ensure that people with disabilities will be able to find and keep a job, bearing in mind not least that 2010 has been declared the 'European Year for Combating Poverty and Social Exclusion'? If they were granted even a limited amount of aid, millions of disabled Europeans could enter the labour market and become independent citizens who would no longer suffer discrimination.

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

Employment policy is a field where long-term measures are essential. By taking measures in line with the competences defined in the Treaties, the Council seeks to play an active part in ensuring that persons with disabilities can participate in the labour market on an equal footing with others.

The Council has in particular consistently underlined the importance of promoting access to employment for persons with disabilities in the context of the Lisbon Strategy, including the current Employment Guidelines.

In a Resolution of March 2008 the Council invited the Member States and the Commission to ensure accessibility for people with disabilities, including by enhancing labour market participation.

More recently, in its conclusions of 30 November 2009 on 'Promoting labour market inclusion' the Council reaffirmed its commitment to the integration of disadvantaged groups into the labour market in the context of the economic crisis and the forthcoming EU 2020 Strategy.

In the summer of 2008, the Council and the European Parliament decided jointly to designate the year 2010 as the European Year for Combating Poverty and Social Exclusion. Priorities for this European Year include eradicating disadvantages in education and training, including digital literacy training and promoting equal access for all to ICT, with particular focus on the needs of disabled people and addressing the needs of people with disabilities and their families, as well as other groups or persons in vulnerable situations.

At the opening of the conference which took place in Madrid last January, the Spanish Presidency expressed its commitment to focus on those groups at the greatest risk of exclusion, including persons with disabilities.

While Non-discrimination has been enshrined by the Treaty of Lisbon amongst the objectives of the Union, already ten years ago, the Council played an active part in ensuring that persons with disabilities could participate in the labour market on an equal footing with others by adopting Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation. This directive prohibited discrimination on several grounds, including disability, in the field of employment and occupation.

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Question no 12 by Georgios Papanikolaou(H-0026/10)

Subject: Internet security

The latest announcements by the French Cyber Threat Response and Treatment Centre (CERTA) and the German Office for Information Security (BSI) advising against the use of Microsoft's Internet Explorer owing to gaps in the security of internet data have greatly alarmed Greek users and European users in general. At the same time, reports have been published suggesting that China is behind the attempt to steal personal data in order to strike at Chinese citizens fighting for human rights. Furthermore, the approach adopted by the major internet companies has been to censure the content of information on the internet in accordance with the terms and conditions set by the Chinese government.

In view of the above, will the Council say: Has it taken any initiatives to warn European citizens in good time of security problems affecting internet information?

How will it ensure the confidentiality and security of personal data on the internet and also more effective controls on the security of software programmes, such as internet explorer?

What view does it take of the censorship imposed by the Chinese authorities for political reasons on internet content, forcing companies working in China to adopt such practices?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

Consumer protection against personal data breaches and spam is a key priority in the new telecoms rules, which the European Parliament and the Council agreed upon at the end of last year. With the aim to urge operators to act responsibly with the processing and storing of personal information of their customers, these new rules introduce mandatory notifications for personal data breaches, i.e. communications providers are obliged to inform the authorities and their customers about security breaches affecting their personal data.

Article 8 of the Charter of Fundamental Rights of the European Union enshrines the fundamental right to the protection of personal data. The European legal framework on the protection of personal data consists in particular of the Data Protection Directive 95/46/EC of 24 October 1995, which, concerning the processing of personal data in general, lays down substantive provisions imposing obligations on data controllers and recognising rights of data subjects. The ePrivacy Directive 2002/58/EC of 12 July 2002 as amended by Directive 2009/136/EC sets out the rules and safeguards to be observed when processing personal data and other sensitive information in the context of the provision of electronic communication services. Moreover, the directive has provisions on implementation and enforcement in order to ensure the compliance to the rules. It also prescribes sanctions and remedies in cases of breaches and establishes mechanisms to ensure effective enforcement.

Ensuring the security of software programmes, such as Internet explorer, is primarily the responsibility of the commercial providers of such programmes. In the context of the new telecoms rules, Member states are invited to encourage the provision of information to end-users about available precautions, and should encourage them to take the necessary steps to protect their terminal equipment against viruses and spyware.

The Council, in its conclusions of 7 December 2009, noted its priority to strengthening EU action on the relationship between freedom of expression and new technologies. Within the framework of the human

rights defenders guidelines, the Council has given added attention to promoting work on human rights in countries upholding undue restrictions on the Internet and other new technologies.

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Question no 13 by Seán Kelly(H-0027/10)

Subject: Proposal on patients' rights in cross-border healthcare

Can the Council state what progress, if any, has been made in the negotiations on the proposal on the application of patients' rights in cross-border healthcare?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

Despite substantial progress, the Council was unable to reach political agreement on this issue in December 2009. The discussions in the Council focused mainly on the reimbursement of costs with regard to non-contractual healthcare providers and to pensioners living abroad. In the search for a compromise, the intention was to respect fully the case law of the European Court of Justice while preserving Member States' rights to organise their own healthcare systems.

The 18-month programme of the Spanish, Belgian and Hungarian Presidencies states that the work on cross-border healthcare will continue in the Council. Moreover, the Spanish Presidency has already confirmed to the European Parliament on 26 January 2010 that it remains committed to make every effort to obtain an agreement in the Council.

The aim of the Presidency is that the Directive on cross-border healthcare should be founded on the common values and principles that the Council declared in June 2006 as underpinning the EU Health systems. On this basis, patients going abroad for healthcare should have all the guarantees on the quality and safety of the healthcare they will receive independently of the Member State of treatment and the type of healthcare provider.

As the previous Presidencies, the Spanish Presidency's objective is to find solutions that would strike a right balance between the rights of the patients in cross-border healthcare and the responsibilities of the Member States for the organisation and delivery of health services and medical care. In addition, the Directive should supplement the rights that patients already have at the EU level through the legislation on the coordination of social security schemes.

In order to succeed, the Council counts on the support of the new Commission in order to reach an agreement during its meeting on 8 June 2010. This should allow for the second reading in the EP in order to have this Directive adopted as soon as possible.

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Question no 14 by Catherine Bearder(H-0033/10)

Subject: Trafficking and adoption of children from Haiti in Europe

The recent earthquake in Haiti has already destroyed hundreds of thousands of lives, but the greatest horrors may be yet to come for the countless children left orphaned and unaccounted for. UNICEF has issued several reports of children being removed from Haiti without due process or the proper documentation.

What steps is the Council taking to ensure that none of these children are trafficked into Europe or across European borders, and that children adopted in Europe have been subject to the usual safeguard procedures? What steps are the European services operating in Haiti taking to support the Haitian government in boosting vigilance at exit points in order to prevent children being taken out of Haiti illegally? Several EU countries have already accelerated the legal entry of eligible orphans from Haiti into their States. What efforts has the Council made to establish a common EU position on fast-track adoptions from Haiti, and to prevent children who have not yet been properly assessed from being taken to Europe?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The situation in Haiti and in particular the extreme vulnerability of children following the earthquake on 12 January 2010 is a matter of serious concern for the Council.

The challenge is huge. Even before the earthquake, there were an estimated 380,000 unaccompanied or orphaned children in Haiti. Following the devastating earthquake, the number of children who have been left unaccompanied, with a sole living parent or orphaned has risen to approximately one million.

The situation of orphans and other vulnerable children in Haiti was raised at the most recent Foreign Affairs Council on 25 January 2010. Particular attention was drawn to the need to ensure that appropriate assistance was given to children, particularly those orphaned by the disaster.

It should be noted that all but one Member State are contracting parties to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption. The aim of the Convention is to establish minimum standards in this field. While making the rights and interests of the child paramount, it also respects and protects the rights of families of origin and adoptive families. It is up to the Member States to ensure the proper implementation of the Convention in relation to Haitian children.

The issue of the adoption of children is primarily an issue for individual Member States. However, combined EU efforts towards combating trafficking in human beings have recently been stepped up. On 30 November 2009, the Council agreed on an 'Action Oriented Paper (AOP) on strengthening the EU external dimension on action against trafficking in human beings; Towards Global EU Action against Trafficking in Human Beings'⁽⁴⁾. It addresses the external dimension of trafficking by strengthening partnerships with third countries, regions and international organisations. This Action Oriented Paper provides a consolidated framework for the EU and its member States on countering trafficking in human beings, including an integrated compendium of external actions, as well as cooperation measures addressing the root causes of human trafficking in the countries of origin. As such, it can certainly be applied to the situation in Haiti.

The Council will continue to follow closely the situation in Haiti, in coordination with the UN, the Member States and the Commission services active on the spot.

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Question no 15 by Georgios Toussas(H-0036/10)**Subject: Coup d'état in Honduras**

Wednesday, 27 January 2010 is the scheduled date for the swearing-in of Porfirio Lobo Soza, alleged victor and junta candidate in the travesty of elections held in Honduras on 29 November 2009, which were marked by repression, violence, fraud and, above all, by a mass boycott called for by the National Popular Resistance Front of Honduras, the FNRP (officially more than 50% but, according to FNRP figures, 65-70%), which effectively invalidates the results. Since last Thursday, demonstrations called by the FNRP have been held to protest against this travesty organised by the perpetrators of the coup. The aim of the demonstrations is to condemn the continuation of the dictatorship of the oligarchy represented by Porfirio Lobo. The people are giving notice that they will continue their struggle despite the murderous repression which has reached its peak over the last two months.

Does the Council recognise the outcome of the travesty of elections held in Honduras by the putschist junta? Does it recognise the putschist Porfirio Lobo and any junta government? Does it condemn the murderous repression perpetrated by the junta against the people? What is the Council's position on the Honduran people's fight against the dictatorship for the restoration of their freedoms?

⁽⁴⁾ 11450/5/09 CRIMORG 103 JAIEX 49 RELEX 618 JAI 432

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The Council regrets that the Tegucigalpa/San José Agreement was not fully implemented ahead of the elections on 29 November 2009. This position was very clearly expressed in a declaration issued by the Presidency on behalf of the EU on 3 December 2009. On the other hand, the Council considers that the elections are a significant step forward in resolving the crisis and that Honduras should be encouraged to continue on this path.

Since the elections in November, the EU has called upon all actors, including President elect Lobo, to seek a dialogue in order to reach national reconciliation and to re-establish constitutional and democratic order in the country, expecting them to assume their full responsibility in this regard.

The signature on 20 January 2010 of the Agreement of National Reconciliation and Strengthening of Democracy by Mr. Lobo and all the other presidential candidates, which takes on board the core elements of the Tegucigalpa/San José Agreement, and foresees the adequate and honourable solution for President Zelaya's status that the EU has been asking for (Mr. Zelaya himself has accepted) is an important first step forward. This is why, on 27 January, after President Lobo's inauguration, the High Representative issued a declaration on behalf of the EU urging him to promptly translate into action the initiatives mentioned in that agreement, and especially the establishment of the Truth Commission. The EU hopes that these conditions will be implemented rapidly in order to open the way for a swift normalization of relations with Honduras.

Throughout this process, the EU has expressed its deep concern over reported human rights violations in the country (including threats to human rights defenders, arbitrary detentions and repression of peaceful protesters) and has reminded the de facto government of its obligations under the International Covenant on Civil and Political Rights, the OAS charter and the American Convention on Human Rights. The EU continues to insist that all actors promote and respect the rule of law, good governance and human rights.

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Question no 16 by Charalampos Angourakis(H-0038/10)**Subject: No to the imperialist intervention in Haiti**

The people of Haiti are living through an unprecedented tragedy following the earthquake in that country. More than 75 000 bodies have been buried in mass graves, 1.5 million people are homeless, 3 million injured and estimates put the number of dead at 200 000. There is no electricity and no water supply. Staple foods are being sold on the black market at prohibitive prices. Heads of State, UN officials and humanitarian organisations accuse the US Administration of using this tragedy effectively to impose a military occupation on the country. There are 16 000 American troops in Haiti on the pretext of 'humanitarian aid', creating severe problems for the distribution of medical supplies, food, and so on. The EU is sending police forces and 'non-humanitarian' aid costing hundreds of millions of euro.

Does the EU intend to pursue the same policy as the USA in Haiti? Does the Council condemn the use of 'humanitarian aid' as a pretext for imposing political and military domination on third countries and their people?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The Council shares the view expressed by the honourable Member that Haiti is facing a tragedy of unprecedented magnitude. The earthquake of 12 January caused massive loss of life and devastation, adding to the already fragile situation of the country.

The EU and its Member States have taken the measure of the disaster and have responded quickly and efficiently from the very first days after the earthquake. An extraordinary session of the Foreign Affairs

Council was convened by High Representative Ashton on 18 January and agreed a very substantial initial EU response, including significant financial assistance. ⁽⁵⁾

On 25 January, the Foreign Affairs Council agreed to respond positively to the specific request from the UN for additional support for transport and delivery of humanitarian aid and for the action of MINUSTAH to ensure adequate security on the ground. This accounts for the provision of engineering expertise and equipment to open routes to facilitate aid, a maritime logistic capability which can operate without port facilities and a collective EU contribution to reinforce MINUSTAH's police capability, including the contribution by those Member States that are part of the European Gendarmerie Force.

The Council is not aware, however, of any attempts to use humanitarian aid in such a way as described by the honourable Member. From the outset, the EU has welcomed the global response to this crisis and strongly supported the central and coordinating role of the United Nations in the international relief effort. The EU has also stressed that aid and further reconstruction efforts should be needs based and owned by Haitian authorities.

Participants at the 'Friends of Haiti' meeting in Montreal on 25 January, including the EU and the US amongst others, recognised the continued leadership and sovereignty of the government of Haiti and reiterated their commitment to a coordinated, coherent and comprehensive approach to meeting Haiti's immediate and longer-term needs. As far as the Council is concerned these principles will doubtless continue to guide the EU's own policy.

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Question no 17 by Brian Crowley(H-0041/10)

Subject: EU-US relations

Can the Council outline specific actions that it will undertake over the next six months to build closer economic ties between the European Union and the United States of America, taking into account the global economic problems that we collectively face?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The EU and US are each other main economic partners and account for the largest bilateral trade relationship in the world. This relationship accounts for some 14 million jobs. As both the EU and US seek to return to sustainable growth, it is essential that they hold the line against the rise of protectionism and resist raising barriers to trade and investment that is especially important in the present economic situation. As part of this approach, the Council is committed to implementing the agreements reached at the last US-EU Summit on 3 November 2009.

To help boost economic growth and job creation in the transatlantic market, the Council will help give strategic direction to the EU-US Transatlantic Economic Council (TEC), in particular through developing compatible approaches to regulation in key sectors including labelling, energy efficiency and nanotechnology; assessing regulatory cooperation approaches, including mutual recognition agreements; examining the use of voluntary standards in support of regulation; cooperating on secure trade and international property rights; and establishing a new US-EU innovation dialogue.

The Council will also continue to support transatlantic financial regulatory cooperation, notably through the Financial Markets Regulatory Dialogue, which addresses regulatory reforms that are substantially compatible. It will also seek to preserve the integrity of the financial system, promote free and fair competition, ensure robust consumer and investor protection and reduce or eliminate opportunities for regulatory arbitrage. The Council will act both in bilateral discussions with the US and in multilateral fora, notably the G20 process.

⁽⁵⁾ As of 1 February, total EU's humanitarian assistance, including planned pledges, amount to a total of 212 million euros in response to the earthquake in Haiti (18 Member States and Commission). An updated figure will be provided in advance of the plenary for the question time.

In addition, the Council will continue to strive for the conclusion of the second stage EU-US aviation agreement in 2010. This agreement alone could bring gains of some eighty thousand jobs.

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Question no 18 by Liam Aylward(H-0043/10)

Subject: European Solidarity Fund - lowering the threshold and facility for advanced funds

Given the increasingly adverse weather conditions across Europe in recent months and the damage that this has caused to homes, businesses and agriculture, the European Solidarity Fund has been the subject of much attention and questioning.

The Commission and Parliament have presented the Council with a proposal for a new Solidarity Fund Regulation, one important aspect of which is to lower the threshold for so-called major disasters to 0.5% of GNI or EUR 1 billion in 2007 prices, whichever is lower (under the current Fund 0.6% of GNI or EUR 3 billion in 2002 prices).

Importantly, the proposal also provides for the possibility to grant advance payments of aid to a disaster-stricken country upon its request - a facility that would be greatly welcomed by affected areas in the time immediately following a disaster.

Can the Council give an indication as to when it anticipates dealing with this proposal, particularly in light of the growing importance of this fund? Can the Council state if the facility for the granting of advance payments will be taken into consideration?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The Council cannot give an indication as to when it anticipates dealing with this proposal for two reasons:

A) The proposal referred to which the honourable Member refers raised a number of concerns among Member States. Indeed, from the very beginning of the discussions, a large number of delegations opposed every significant element of the proposal - the enlarged scope, the reduced thresholds and the political criteria. It is difficult to see how any progress can be made on the basis of the Commission's proposal.

B) On 22 July 2008 the Council adopted conclusions based on the Court of Auditors' Special Report No 3/2008 which examined how rapid, efficient and flexible the European Union Solidarity Fund was between 2002 and 2006. In these conclusions the Council stressed that it saw no need at that stage for a Revision of the Regulation.

That being said, the Spanish Presidency intends to ensure the early adoption of the Decision establishing the arrangements for the implementation of the solidarity clause referred to in Article 222 of the Treaty on the functioning of the EU, once the Council receives a joint proposal by the Commission and the High Representative in accordance with Article 222 TFEU.

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Question no 19 by Laima Liucija Andrikiene(H-0045/10)

Subject: Prospects of concluding an Association Agreement with Central American countries

The 2009 coup d'état in Honduras and the subsequent constitutional crisis have been the main obstacle to finalising the Association Agreement between the EU and six Central American countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama). What is the position of the Presidency on the political and constitutional situation in Honduras following the November 2009 presidential elections? Do they create conditions for full recognition of the legitimacy of the Honduran government and do they pave the way for the conclusion of the Association Agreement, including a free trade agreement with the Central American countries?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

As indicated in the declaration issued by the Presidency on behalf of the EU on 3 December 2009, the EU regrets that the Tegucigalpa/San José Agreement was not fully implemented ahead of the elections on 29 November 2009. Nevertheless, the EU considers the elections a significant step in resolving the crisis.

The signature on 20 January 2010 of the Agreement of National Reconciliation and Strengthening of Democracy by Mr Lobo and all the other presidential candidates is an important first step. The Agreement takes on board the core elements of the Tegucigalpa/San José Agreement, and foresees the adequate and honourable solution for President Zelaya's status that the EU has been asking for (and which Mr. Zelaya himself has accepted). On 27 January, following President Lobo's inauguration, the HR issued a declaration on behalf of the EU urging him to put into effect rapidly the initiatives mentioned in that agreement, and especially the establishment of the Truth Commission. The EU hopes that these conditions will be promptly implemented in order to make possible the swift normalization of the relations with Honduras, thus paving the way for the resumption of negotiations of an Association Agreement between the EU and Central America.

The EU remains committed to give its support to the reestablishment of constitutional and democratic order, and to the process of national reconciliation, in Honduras.

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Question no 20 by Ryszard Czarnecki(H-0047/10)**Subject: Harmonising financial and taxation policy in the EU**

Do Prime Minister Zapatero's suggestions for harmonising financial and taxation policy represent the position of the entire Council, or are they just a personal idea of the Spanish Prime Minister? This idea has caused concern in Poland and other 'new' Member States.

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

As far as financial services policy is concerned, the European Council, at its meeting in December 2009, concluded that there was a need for broad-based exit strategies, on the basis of a coordinated approach. It also welcomed the Commission's intention to closely monitor the implementation of sound remuneration principles, and invited the financial sector to immediately implement sound compensation practices.

Negotiations are currently underway on a number of important legislative proposals to improve regulation and governance in the financial services sector. These include a new structure for financial supervision in Europe, amendments to the Capital Requirements Directive and a draft Directive on alternative investment fund managers, which should also address the issue of appropriate remuneration policies. We welcome the Commission's intention to present legislative proposals in 2010 to improve the stability and transparency of derivative markets.

As regards taxation policy it should be noticed that harmonisation levels vary from very intensive harmonisation of indirect taxation by means of directives on Value Added Tax, excise duties (on alcohol, tobacco and mineral oils) and energy taxation, to less intensive harmonisation of direct taxes specifically focused on the elimination of double taxation of intra-group dividends (Parent-Subsidiary Directive), interest and royalties (Interest and Royalties Directive) and on facilitation of cross-border mergers (Merger Directive).

In addition, EU legislation has sought to improve mutual assistance and cooperation between tax administrations by means of directives on savings taxation and on assessment and recovery of tax claims in the area of direct taxation, VAT and excise duties. Particular attention is paid to cooperation between Member States in the fight against tax fraud.

In the area of direct taxation work on good governance in tax matters is continuing, and in particular:

in intra Union situations, by striving to reach an agreement on amendments to the Savings Taxation Directive and on the Directive on Administrative Cooperation in the field of tax assessment;

in external relations, by negotiating an Anti-fraud agreement with Liechtenstein and giving a mandate for the Commission to negotiate anti-fraud agreements with other third countries (Andorra, Monaco, San Marino, and Switzerland).

In the area of indirect taxation and as regards the fight against VAT fraud, EUROFISC, a proposed decentralised network for the exchange of information on VAT fraud among Member States will have an increasingly important role to play. In the field of VAT, the Council is already working on a proposal for a Directive on VAT electronic invoicing rules, an important element of administrative simplification and cost reduction for businesses.

Finally, it is important that progress be made in the modification of a framework for the taxation of energy products on the basis of environmental criteria and the Council is ready to work on the future Commission proposals in this area.

It is, of course, for the Commission to present any proposals to the Council and the European Parliament as regards financial or taxation policy at the European Union level, to be dealt with under the procedures laid down by the Treaty.

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Question no 21 by Marian Harkin(H-0048/10)

Subject: Food supplements

This week the Spanish Presidency held a meeting with senior officials and experts from the Consultative Forum of the European Food Safety Agency (EFSA) and the Food Health Authorities (11-12 February). Can the Presidency elaborate on what it hopes to achieve from this meeting and would the Presidency consider it important to take into account other scientific risk assessment opinions in addition to those scientific studies carried out by EFSA when establishing tolerable upper intake levels of nutrients listed in Annex I of Directive 2002/46/EC⁽⁶⁾?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The meeting the honourable Member is referring to concerns the Advisory Forum of the European Food Safety Agency. This is a platform that connects EFSA with the national food safety authorities of all 27 EU Member States, whereby each Member State is represented by the national body responsible for risk assessment. The EFSA's Advisory Forum meets regularly (4 to 5 times a year), each time in a different EU Member State. Next meeting, the 35th, will take place in Seville, on 11-12 February.

It should be noted that the agenda of the Advisory Forum meeting is prepared by the EFSA itself and not by the Presidency. To the best of our knowledge, food supplements are not on the agenda of the Sevilla meeting of 11 and 12 February 2010. Given the nature of this meeting, the Presidency cannot at this stage make comments about the outcome.

As for the scientific studies carried out by EFSA to establish upper intake levels of the vitamins and the minerals listed in Annex I of Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements, Parliament and the Council decided in Article 5 of Directive 2002/46/EC that such levels are to be established, subject to scientific risk assessment, through comitology procedure with scrutiny.

⁽⁶⁾ OJ L 183, 12.7.2002, p. 51.

The Commission conducted extensive public consultations in 2006 to prepare a draft proposal. Member States' and interested stakeholders' views received by the Commission in response to its discussion paper can be consulted at the Commission public web site⁽⁷⁾.

The Council understands that the Commission is now working on the impact assessment to finalise the draft proposal which will be presented to the Standing Committee on the Food Chain and Animal Health and then to the European Parliament and the Council for scrutiny as set out in Article 5a of Council Decision of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

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Question no 22 by Hans-Peter Martin(H-0049/10)

Subject: Limiting risk on financial markets

The US President has called for special taxes on bailed-out banks, for stricter rules on the payment of bonuses, for new rules restricting own-account trading and, above all, for banks to be split up, with normal retail banking kept separate from the particularly risky investment banking operations. The aim of these measures is not to let financial businesses become too big to fail.

How does the Council view these new US government initiatives to regulate the banking sector? What kind of proposal does the Spanish Council Presidency intend to present at the planned special summit on 11 February 2010?

To what extent does the Council see a need for an EU economic government to develop and implement EU-wide regulation of the banking sector?

Answer

(EN) The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the February 2010 part-session of the European Parliament in Strasbourg.

The honourable Member has raised a particularly important topical issue.

President Obama has called for the introduction in the USA of a financial responsibility levy, which aims to recoup the aid provided by the US government through the rescue arrangements during the crisis and to strengthen public finances. Moreover, on 21 January 2010, President Obama announced initiatives to limit the scope of activities financial institutions can undertake and ban banks from activities which are seen as primarily speculative risks.

This represents a major policy move in respect of the current G-20 and Financial Stability Board debates, which are focused on regulatory and supervisory repair.

Discussions in relation to the US plans have not yet started in the Council, not least because they still need to be fleshed out by the US Administration, in particular the US Treasury, and in Congress.

Against this background, it would not be appropriate to prejudge the views of the Council on this issue, or to speculate on the possible outcome of the extraordinary European Council meeting of 11 February. Nevertheless, the Council takes notes of recent US initiatives, still at an early stage of development, as a sign of reinforce commitment of the US Administration to address the accumulation of risks in the financial system and to deal with moral hazard. It should be noted, however, that these initiatives come on top of a wider set of regulatory instruments which are currently under review by international bodies such as the BCBS (Basel Committee on Banking Supervision), the FSB or the IMF. The EU is actively contributing to this international debate aimed to address global concerns on a common and coordinated basis. In this vein, we are pushing for solutions that ensure, first of all, that excessive risk taking policies are avoided on a preventive basis, in order to address, among others, the too big to fail problem or the accumulation of systemic risks in certain financial markets or agents. The development of strengthened capital requirements or liquidity regulation are some of the solutions the EU is fully supporting. On the second hand, the EU is also committed

⁽⁷⁾ <http://ec.europa.eu/food/food/labellingnutrition/supplements/>

to promoting solutions which ensure that the financial sector assumes part of the cost of the financial repair in case of crisis, e.g. through private sector crisis-management funds or insurance mechanisms.

Additionally, as the honourable Member knows, the Council's approach to limiting risk on financial markets is also focused on the strengthening of the financial supervisory framework. On 20 March 2009, and conducted in the light of the report of the 'High level group on financial supervision in the EU' of 25 February 2009 (the de Larosière report), the European Council agreed on the need to improve the regulation and supervision of financial institutions in the EU and concluded that the report from the High Level Group on financial supervision chaired by Jacques de Larosière was the basis for action.

The Commission subsequently presented five proposals concerning the creation of a new financial supervision mechanism in the EU, in particular through macro and micro financial supervision, for which work is ongoing both in the Council and in the European Parliament. The Council is looking forward to the early adoption this year of the financial supervision reform package, which is currently the subject of negotiations between our two institutions with a view to a first reading agreement.

This new legislation should permit the newly created European Systemic Risk Board and the European Supervisory Authorities to boost the monitoring of risks and their timely mitigation through better informed and coordinated supervisory action.

In addition, other aspects of the roadmap laid down in the de Larosière report are being addressed. This includes the issue of remuneration in the proposal presented by the Commission on 13 July 2009 to modify the Capital Requirement Directive. The aim of this Directive is, inter alia, to bring the remuneration arrangements of banks and investment firms within prudential oversight in order to oblige credit institutions and investment firms to have remuneration policies that are consistent with effective risk management. The Council reached a general approach on a text in December, and the Council now intends to do its utmost to work towards an agreement with the European Parliament so that this directive can be adopted as soon as possible.

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QUESTIONS TO THE COMMISSION

Question no 23 by Silvia-Adriana Țicău(H-0010/10)

Subject: Measures regulating the procedures and conditions for the presentation of legislative initiatives by European citizens

The Treaty of Lisbon provides that, at the initiative of not less than one million EU citizens who are nationals of a significant number of Member States, the Commission can be asked, within the framework of its powers, to submit any appropriate proposal on matters where those citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties. The European Parliament and the Council are to adopt, by way of regulations and under the ordinary legislative procedure, the requisite procedures and conditions for the presentation of citizens' initiatives, including the minimum number of Member States from which citizens presenting such initiatives must come.

What measures, and what timescale, is the Commission contemplating for regulation of the procedures and conditions for the presentation of this type of legislative initiative?

Answer

(EN) The Commission welcomes the introduction of the European Citizens' initiative which will give a stronger voice to the European Union citizens, add a new dimension to European democracy and complement the set of rights related to the citizenship of the Union.

Given the legal, administrative and practical issues that are raised by the new European Citizens' Initiative, introduced by Article 11 of the Treaty on European Union, and its importance for citizens, stakeholders and public authorities in the Member States, the Commission published a Green Paper on 11 November 2009 in order to seek the views of all interested parties on the key issues that will shape the future Regulation. Stakeholders had until 31st January 2010 to respond to the consultation. The replies to this Green Paper, as

well as Parliament's resolution on the Citizens' initiative adopted in May 2009, will serve as basis for the preparation of the Commission's proposal for a Regulation.

The Commission is convinced that European citizens should benefit from the European Citizens' Initiative as quickly as possible. To that end, it will put forward shortly a proposal for a Regulation on the basis of Article 24 of the Treaty on the Functioning of the European Union. The Commission's ambition would be to make it possible for the Regulation to be adopted before the end of the first year after the entry into force of the Treaty and it trusts that the European Parliament and Council will share this objective.

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Question no 24 by Francesco De Angelis(H-0013/10)

Subject: Gender discrimination in Member State social security schemes

With reference to Article 153 of the Treaty on the Functioning of the European Union, to the judgment of 13 November 2008 in which the Court of Justice of the European Communities found against Italy and to the agreements which are currently being made between social partners and private bodies in Member States on the criteria for recruitment under open-ended contracts.

What action does the Commission intend to take to guard against the risk of pension requirement disparities between men and women leading to gender discrimination in the workplace in certain Member States?

Answer

(EN) The European Court judgment to which the honourable Member refers⁽⁸⁾, in addition to Article 153 of the Treaty on the Functioning of the European Union (TFEU), with regard to any gender discrimination that may arise from differences in pension entitlement between men and women, concerns the pension scheme administered by the Istituto nazionale della previdenza per i dipendenti dell'amministrazione pubblica (INPDAP) and covers pensions of officials and other staff working in the civil service. According to the contentious provisions, retirement was set at 60 for women and at 65 for men. In its judgment, the Court confirmed that a pension paid by an employer (which may also be the State) to a former staff member by reason of an 'employment relationship' constitutes pay within the meaning of Article 153 TFEU. The Court thus confirmed that civil servants are to be considered 'workers' in this context. As a consequence, the INPDAP pension scheme, and in particular the rules on pensionable age, must observe the principle of equal treatment. This case-law was confirmed by the Court recently in a case concerning a difference in pensionable age for Greek officials⁽⁹⁾.

In its judgment in Case C-46/07, however, the Court did not address the question of how any difference in pension entitlements due to a difference in pensionable age in the past was to be remedied.

In Cases C-408/92 and C-28/93⁽¹⁰⁾, the Court stated that once discrimination in relation to pay was found to exist, 'so long as measures for bringing about equal treatment have not been adopted by the scheme, the only proper way of complying with Article [141 EC] is to grant to the persons in the disadvantaged class the same advantages as those enjoyed by the persons in the favoured class.'

It went on to say that 'Application of this principle [...] means that, as regards the period between 17 May 1990 (the date of the Barber judgment) and 1 July 1991 (the date on which discrimination was ended) the pension rights of men must be calculated on the basis of the same retirement age as that for women.' Settled case-law confirms the Court's position on this point.

Consequently, the Commission is closely following developments in Italian legislation in observance of the Court's judgment, and will take action where Italy, or any other Member State with similar problems, fails to comply.

⁽⁸⁾ Case C-46/07 Commission of the European Communities v Italian Republic [2008] ECR I-151.

⁽⁹⁾ Judgment of 26 March 2009 in Case C-559/07 Commission of the European Communities v Greece.

⁽¹⁰⁾ Cases C-408/92 Smith [1994] ECR I-4435, points 17 et seq., and C-28/93 van den Akker [1994] ECR I-4527, points 16 et seq.

As regards any discriminatory agreements concluded by certain organisations and trade unions in the Member States as referred to by the honourable Member, it is, in principle, for the national courts to determine whether such agreements comply with European law. However, in conformity with Article 288 TFEU, the end responsibility for the correct transposition and application of EU legislation remains with the Member State.

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Question no 25 by Rolandas Paksas(H-0014/10)

Subject: Human rights

A parliamentary inquiry has been conducted by Members of the Lithuanian Parliament, at which it was established that, at the initiative of an intelligence agency of a foreign state, premises in Lithuania had been equipped with detention facilities and aircraft connected with the United States Central Intelligence Agency (CIA), which had also been mentioned during the European Parliament inquiry on secret CIA flights in Europe, had on more than one occasion taken off and landed at Lithuanian airports. The Lithuanian parliamentary commission also established that other aircraft linked to the same investigation but not mentioned at the European Parliament inquiry had made stopovers in Lithuania.

In the light of these new facts, does the European Commission intend to launch a special inquiry, on the appropriate legal basis, into possible infringements of the relevant articles of the Charter of Fundamental Rights of the European Union, the International Bill of Human Rights and the Geneva Convention and interference by a foreign state's intelligence agency in the affairs of a sovereign Member State of the European Union, Lithuania?

Answer

(EN) As the Commission has highlighted on numerous occasions, it considers that the practices referred to as 'rendition' as well as secret detention violate fundamental rights as guaranteed by the European Convention on Human Rights.

The Commission has also always stressed that it is for the Member States concerned to commence or continue in-depth, independent and impartial investigations to establish the truth. Only the tools and means of inquiry available to Member States can bring all the facts to light. The Commission has neither the competence nor the means to carry out the task of establishing the truth in the place of Member States.

The Commission therefore welcomes the inquiry conducted by the Lithuanian investigation committee referred to by the honourable Member.

In October 2009, the Commissioner responsible for Justice, Freedom and Security wrote a letter to the Lithuanian Minister of Justice expressing the Commission's concerns over the allegations and welcoming the announcement of launching the inquiry, made by President Grybauskaitė in the context of her visit to the President of the Commission.

The Commission notes in particular that the Lithuanian investigation committee proposed a number of recommendations to ensure tighter control of the activities of its secret services and that it proposed to launch criminal investigations with the aim of shedding further light on the circumstances and possibly establishing criminal responsibilities. The Commission welcomes the efforts of the investigation committee of making concrete recommendations aimed at preventing the likelihood of such incidents occurring in the future.

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Question no 26 by Frank Vanhecke(H-0017/10)

Subject: European support for Mol Nuclear Research Centre and the Myrrha project

What view does the Commission take of Mol Nuclear Research Centre in Belgium and its well-known Myrrha project? Does the Commission intend to provide financial support for the Centre and/or the Myrrha project? If not, why not? If so, when, and how much funding will it provide?

Answer

(EN) The MYRRHA ('Multi-purpose hybrid research reactor for high-tech applications') project is currently a proposal by SCK/CEN (Studiecentrum voor Kernenergie – Centre d'Etude de l'Energie nucléaire) for funding to the Belgian government.

Accordingly, there are no plans to support the construction of this project through the current Euratom Framework Programme for nuclear research and training activities (Euratom FP7, 2007-2011), though limited design support is being provided by an ongoing project selected as part of a competitive call for proposals and evaluated by independent experts. MYRRHA would be a supporting infrastructure within the European Sustainable Nuclear Industrial Initiative of the EU's Strategic Energy Technology Plan (SET-Plan). MYRRHA is also currently under review by the European Strategy Forum on Research Infrastructures (ESFRI) and might be included in the updated ESFRI roadmap 2010.

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Question no 27 by Vilija Blinkevičiūtė(H-0019/10)

Subject: Guaranteeing minimum social standards in the EU to combat social exclusion

In accordance with Decision No 1098/2008/EC⁽¹¹⁾, of the European Parliament and of the Council of 22 October 2008 2010 has been declared the 'European Year for Combating Poverty and Social Exclusion' in order to bolster the EU's fight against social exclusion. On 1 December 2008 the Commission, proceeding from that decision, drew up a strategy paper in which it undertook to pursue the EU's main priorities with a view to tackling poverty and social exclusion.

At present, there are nearly 80 million Europeans living below the poverty line who are endeavouring to survive the economic and social crisis. That being the case, what steps will the Commission take to establish minimum social standards throughout the EU as a key European social policy measure intended to ensure that every EU citizen can enjoy basic welfare benefits? The minimum social standards should be the same in all parts of the EU, since that would help to raise the level of social welfare.

Answer

(EN) Article 153 of the Treaty on the Functioning of the European Union provides a legal basis for proposing minimum social standards in a number of fields but not for legislation to achieve the specific objective of combating social exclusion.

In this regard the honourable Member's attention is drawn to Commission Recommendation 2008/867/EC of 3 October 2008 on the active inclusion of people excluded from the labour market⁽¹²⁾, which was endorsed by the Council on 17 December 2008 and by Parliament in its Resolution of 6 May 2009. The Recommendation lays down common principles and practical guidelines to combine adequate income support, inclusive labour markets and access to quality services. Its aim is to achieve an effective holistic approach to the fight against poverty and social exclusion.

The Commission is currently putting considerable effort into developing a monitoring framework for the Active Inclusion Strategy. This involves work, in conjunction with Member State representatives to the Social Protection Committee, to identify a suitable set of indicators for monitoring the Strategy's implementation. Information has also been gathered on the way social safety nets function across the Member States. The Joint Report on Social Protection and Social Inclusion 2010⁽¹³⁾ and its accompanying Supporting Document⁽¹⁴⁾ include a section on minimum income schemes for poor working-age people, identifying critical points in the design of national social safety nets, mainly in terms of coverage of the needy population and failure of individuals entitled to social assistance benefits to take them up. Mutual learning and exchanges of best practice involving projects and peer reviews linked to active inclusion are under way and will continue under the Open Method of Coordination in social protection and social inclusion.

⁽¹¹⁾ OJ L 298, 7.11.2008, p. 20.

⁽¹²⁾ OJ L 307, 18.11.2008, p. 11

⁽¹³⁾ COM(2010) 25 of 5.02.2010

⁽¹⁴⁾ SEC(2010) 98 of 5.02.2010

The Commission expects the European Year for Combating Poverty and Social Exclusion in 2010 to increase awareness and build momentum for strengthening anti-poverty action across the European Union.

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Question no 28 by Cristian Dan Preda(H-0020/10)

Subject: Link between the 'Icesave law' and Iceland's obligations as a member of the European Economic Area

The European Commission has issued a press statement in response to the decision by the President of Iceland, and has declared that the 'Icesave affair' will be assessed in the context of the opinion the Commission must issue concerning the economic criteria set out by the Copenhagen European Council (1993). How might the decision to hold a referendum on the 'Icesave law' affect the assessment of Iceland's ability to fulfil the economic criteria set out at the Copenhagen European Council?

Answer

(EN) The announcement by the President of Iceland of a referendum on the IceSave bill testifies to the sensitive nature of the issue for the country. This is a matter for the people of Iceland to decide. The Commission is following the situation closely. It does not wish to interfere in such a national debate.

The Commission considers the IceSave agreement, i.e. the loan agreements between the UK, the NL and Iceland and the terms and conditions for the repayment of these loans, as a bilateral issue between these countries. As such, these agreements are not linked to the Commission's mandate to prepare an opinion on Iceland's accession application and should neither be linked directly to Iceland's accession process.

The Commission is currently drafting its opinion on Iceland's membership application as requested by the Council and is seeking to ensure that it is balanced, objective and comprehensive.

The opinion assesses the level of fulfilment of the accession Copenhagen criteria. In this context, issues like IceSave and capital controls will be referred to through the lens of Iceland's capacity to apply the *acquis*. As appropriate, references will be made to Iceland's compliance with the European Economic Area (EEA) as evaluated by the EFTA Surveillance Authority (ESA). In case of non compliance, the identified gaps will then have to be filled so that Iceland fully complies with the *acquis* by the date of accession.

The Commission would like to underline in this context that the opinion will only give an initial picture of the level of implementation of the *acquis* by Iceland. The Commission will provide a more detailed assessment at a later stage of the accession process, e.g. through the so-called 'screening' of the EU *acquis*, once the Council has decided on opening of accession negotiations.

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Question no 29 by Mairead McGuinness(H-0022/10)

Subject: Airport security in the EU

In light of the recent foiled bombing of a Northwest Airlines flight to Detroit from Amsterdam's Schipol Airport and the shocking discovery that a passenger unwittingly carried explosives on board a flight to Dublin after a Slovakian airport security test went awry, can the Commission reassure this House that the subject of airport security is high on its agenda?

Can it further confirm that it is working with Member States to review current security measures?

What Europe-wide guidelines exist for so-called 'bomb sniffing tests', and does the Commission consider them robust enough? Does it consider EU rules as being necessary for all manner of airport security?

What is the Commission's view on the need for more stringent security measures for passengers?

What is the Commission's view on the use of imaging technology, otherwise known as body scanners, as one means for screening passengers?

Answer

(EN) The Commission is in a permanent dialogue with Member States, international partners and international organisations to exchange and develop aviation security measures. It chairs a standing regulatory committee established by EU aviation security legislation that meets periodically several times a year⁽¹⁵⁾ and if necessary ad-hoc in order to react on pending issue. Furthermore the Commission exchanges views with stakeholders at regular intervals. Up-dating of existing legislation to reply to new developments is common and has happened at several occasions during recent years.

EU airports can only use screening equipment that is listed in and further described by EU legislation on aviation security. In principle, screening equipment, for example explosive trace detection ('bomb sniffing'), must follow detailed performance and operating principles, where available. In order to achieve one-stop-security within the EU, airports must apply common basic aviation security standards.

The attempted terrorist attack on flight NW 253 to Detroit on 25th December has again confirmed the reality of the threat against civil aviation. At different levels the Commission is participating in the evaluation and possible follow-up to the incident.

More stringent measures applied by some Member States unilaterally allowed under EU law. The Commission considers however that a more sustainable way forward, with common standards at EU level, is required. Adding new detection technologies such as advanced imaging technology to the list of permitted equipment may be one element, provided that concerns related to health, privacy and data protection can be dealt with in a satisfactory manner. However, other measures, such as more in-depth cooperation of law enforcement services and more efficient exchange of available data are equally needed.

For more details regarding the possibility to introduce body scanners into the list of permitted screening technologies, the Commission would like to refer its reply to oral question H-0001/10⁽¹⁶⁾.

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Question no 30 by Anneli Jäätteenmäki(H-0024/10)

Subject: Reconsideration of the idea of abandoning Strasbourg in accordance with the Lisbon Treaty

Pursuant to Article 8(b) of the Lisbon Treaty, it is possible to submit a citizens' initiative to the Commission. If it is signed by at least one million European citizens who are nationals of 'a significant number of Member States', the Commission must act on it.

On 13 January 2010 in La Granja, Spain, which holds the Presidency of the Council, debated the concept of the citizens' initiative with the other Member States. The Member States agreed that 'a significant number of Member States' should mean one third of the Member States (at present, therefore, nine of them).

The 'one seat' initiative, calling for the European Parliament to be based solely in Brussels, clearly complies with the above criteria (at least one million signatures from at least nine Member States). More than 1.2 m signatures have already been gathered from European citizens for the initiative. It is senseless for the European taxpayer to pay € 200 m per annum just to enable Parliament to travel to and fro between Brussels and Strasbourg.

The 'one seat' initiative is still pending before the European Parliament's Committee on Petitions. The petition has been put to the European institutions once before. At the time, however, the Lisbon Treaty was not yet in force, and the EU institutions turned a deaf ear to it. Ironically enough, the European Parliament bought its buildings from the City of Strasbourg in the very week in which the initiative was received.

Following the entry into force of the Lisbon Treaty, will the Commission consider the 'one seat' initiative?

What does the Commission intend to do about the initiative?

⁽¹⁵⁾ Regulatory Committee on Aviation Security based on Article 19 of Regulation (EC) No 300/2008 of the European Parliament and the Council of 11 March 2008 establishing common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

⁽¹⁶⁾ Available at <http://www.europarl.europa.eu/QP-WEB>

Answer

(EN) The Commission welcomes the introduction of the European Citizens' initiative which will give a stronger voice to the European Union citizens, add a new dimension to European democracy and complement the set of rights related to the citizenship of the Union.

The Commission is convinced that European citizens should benefit from the European Citizens' Initiative as quickly as possible. To that end, it will put forward shortly a proposal for a Regulation on the basis of Article 24 of the Treaty on the Functioning of the European Union. The proposal will take into account the outcome of the public consultation that the Commission launched in November 2009, to seek the views of citizens, stakeholders and public authorities in the Member States. The Commission's ambition would be to make it possible for the Regulation to be adopted before the end of the first year after the entry into force of the Treaty and it trusts that the European Parliament and Council will share this objective.

A European Citizens' Initiative, within the meaning of Article 11(4) of the Treaty on European Union (TUE), can invite the Commission to submit a proposal only within the framework of its powers and on a matter where a legal act of the Union is required for the purpose of implementing the Treaties.

The seat of the institutions of the Union is determined by common accord of the governments of the Member States in accordance with Article 341 of the Treaty on the functioning of the European Union (TFUE). The seat of the European Parliament is determined in Protocol n° 6 annexed to the new Treaty

Therefore, the Commission has no competence in implementing Article 341 TFEU.

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Question no 31 by Zigmantas Balčytis(H-0025/10)

Subject: Carrying out the work provided for under the Rail Baltica project

Rail Baltica is a priority EU project, the implementation of which will give people living in the Baltic States greater opportunities to travel and to participate in the EU common market in rail freight. It will also bring the currently isolated Baltic region closer to the rest of Europe. Given that the Baltic States have been particularly badly affected by the financial and economic crisis, there is a danger that work for the Rail Baltica project will be delayed or even suspended altogether for lack of funds. Lithuania has already agreed to a lower breakdown of costs for the work, which has also been approved by the Commission. In view of the difficult financial situation in which the countries find themselves, is the Commission not considering the possibility of making an adequate increase in the EU funding allocated to finance this project from the EU's saved funds?

Answer

(EN) The honourable Member is correct in saying that the current financial and economic crisis has had an effect on the 'Rail Baltica' project, as it has on many major infrastructure projects throughout the EU Member States. The Baltic States are obliged to meet the matching fund requirements for projects financed under the trans-European transport network (TEN-T) and these are not easy to obtain in a period of national budgetary constraint. In Lithuania the Commission has suggested an alternative scheme to implement the project, which while it would be less costly and easier and faster to implement, would not undermine the benefits which a completed 'Rail Baltica' would give to the partner countries. This suggested amendment to the project was agreed by the Lithuanian authorities in December 2009.

Concerning increasing the funds already allotted to the project under the Financial Perspective 2007-2013, the Commission will carry out a comprehensive review in 2010 of all the Priority Projects financed under the TEN-T to assess progress and review problems. This will be the time to see whether it would be appropriate to adjust the current spending parameters including those for the 'Rail Baltica'.

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Question no 32 by Seán Kelly(H-0028/10)

Subject: Tourism - car rental market in the EU

The car rental market in the EU is fragmented, with varying regulatory requirements and pricing structures across the 27 Member States. This can create restrictions on movement for tourists in the lucrative cross-border tourist trade, leading to lower revenues for the broader tourist industry.

There are a number of problems linked to the current market fragmentation:

Excessive drop-off fees if a car is to be returned in a different Member State to that in which it was picked up.

Huge variations in rates for the same vehicle class in neighbouring Member States, even allowing for differences in the cost of living.

Restrictive insurance policies and different terms and conditions in the rental contract.

Can the Commission state whether there are any plans to foster greater market integration in this sector, addressing some or all of the above issues?

Answer

(EN) The Commission is aware of the various consumer problems raised by the honourable Member in connection with car hire.

The Commission is currently looking at the problem of geographical market segmentation in retail of goods and services in order to determine its magnitude in practice. The recent Commission Report on cross-border e-commerce in the EU⁽¹⁷⁾ as well the Communication on the same subject adopted by the Commission in October 2009⁽¹⁸⁾, give a first analysis of these problems as well as of actions that the Commission intend to take to address them. The Commission believes that harmonised consumer protection rules across the EU will enable traders (including car hire companies) to contract with consumers in different Member States using one set of standard terms and conditions. Consumers will in turn benefit from more competitive cross-border offers. In the car hire market, further harmonization of consumer rights might result in lower drop-off fees.

For those reasons, the Commission has tabled the Proposal for a Directive on Consumer Rights which is currently being discussed in the Council and the Parliament. This Proposal revises the main elements of the EU consumer protection legislation. It is based on the principle of full harmonisation, which will streamline the current patchwork of different consumer laws into a single simple set of rules.

At the same time, there is already EU Legislation which addresses some of the consumer problems mentioned by the honourable Member. The honourable Member refers to various practices that could result in different treatment applied by the same car rental service provider on grounds of the place of residence of their customers.

These differences are dealt with specifically by Article 20, paragraph 2 of the Services Directive⁽¹⁹⁾. According to this provision 'Member States shall ensure that the general conditions of access to a service, which are made available to the public at large by the provider, do not contain discriminatory provisions relating to the nationality or place of residence of the recipients'. This provision also specifies that not all differences in treatment are forbidden since differences in the conditions of access will be allowed 'when those differences are directly justified by objective criteria'. As clarified in Recital 95 of the Services Directive, objective justifications could be, for example, additional costs incurred because of the distance involved or the technical characteristics of the provision of the service or extra risks linked to rules differing in different countries.

⁽¹⁷⁾ COM (2009) 283

http://ec.europa.eu/enterprise/newsroom/cf/document.cfm?action=display&doc_id=2277&userservice_id=1&request.id=0

⁽¹⁸⁾ Communication from the Commission to the Parliament, the Council, the European and Social Committee and the Committee of the Regions on Cross-border business to consumers e-Commerce in the EU, COM 2009 557 (final) of 22.10.2009

⁽¹⁹⁾ Directive 123/2006/EC on Services in the Internal Market, OJ L 376/36, 27.12.2006

The Services Directive had to be implemented by Member States by 28 December 2009 at the latest. Further to the implementation of the Services Directive behaviours of car rental service providers that may result in different treatment according to the nationality or the place of residence of consumers should be analysed under national provisions implementing Article 20, paragraph 2 of the Services Directive. Differences in treatment will only be lawful if traders demonstrate that these differences are 'directly based on objective criteria'.

In addition, the Unfair Contract Terms Directive⁽²⁰⁾ may also be relevant for some of the situations mentioned by the honourable Member. The Unfair Contract Terms Directive applies to the standard terms and conditions that are usually attached to the contract concluded between the car hire company and the consumer. Under the Directive when contract terms cause significant imbalances in the rights and obligations of consumers on the one hand, and of sellers and suppliers on the other hand, they shall be regarded as unfair. It may be argued that restrictive contract terms of insurance policies are unfair. Unfair terms used in a contract shall not be binding on the consumer.

Moreover, this Directive obliges the trader to draft and present his standard terms and conditions (e.g. those of the insurance policy) in plain and intelligible language. Contract terms, which do not meet these requirements, could also be considered unfair and, therefore, not binding on the consumer.

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Question no 33 by Charalampos Angourakis(H-0029/10)

Subject: Risks associated with the commercialisation of healthcare

Efforts to tackle the new influenza virus highlighted the risks associated with policies of commercialising health and welfare provision. There was selective presentation of data and problems in epidemiological studies, which created confusion about the use of the new vaccine and doubts about the need to declare a pandemic. More starkly highlighted was the lack of personnel and facilities in public health services and, in particular, the shortcomings in public primary healthcare.

What are the Commission's views on the actions of the multinationals in the pharmaceuticals industry, which endanger public health through the pursuit of profit?

Answer

(EN) The Commission would like to thank the honourable Member for this question which raises issues regarding pressure on healthcare systems and the influence of the pharmaceutical companies on public health policies, in particular within the context of the pandemic H1N1 influenza.

Ensuring continuity in all areas of healthcare, but also the procurement of medical countermeasures such as vaccines and antivirals, are integral parts of pandemic preparedness planning. The need to prepare for any pandemic, but then to adapt to the needs of a specific pandemic was a difficult exercise both for the Member States and the EU. Clearly, there is a need for flexibility and to prepare for a reasonable worst case. In their guidance on pandemic preparedness, the Commission and European Center for Disease Prevention and Control (ECDC) emphasised the need to prepare primary and secondary care services (whether public or private) for surges in patients.

The surveillance data reported by countries through the European Influenza Surveillance Network shows that the pressure from influenza like illness or acute respiratory infections experienced in primary care at the national level during the pandemic was not that extreme compared to, for example, last season's seasonal influenza though it came earlier in the season as Member States had been warned to expect. Partly, this was thanks to the good preparations made by the Member States. However, as highlighted in the ECDC risk-assessments, it was unexpected that there would be such selective pressure on intensive care services (primarily for respiration).

In recent days, criticism has been voiced on the money that was spent on pandemic influenza vaccines and on the alleged influence of the pharmaceutical industry in public health policy making. The decisions by Member States on whether to buy pandemic influenza vaccines and how much vaccine to buy are a Member State competence. The Commission was not involved in these decisions and neither is the Commission privy

⁽²⁰⁾ Council Directive 93/13/EC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993.

to the contractual arrangements between the Member States and the pandemic influenza vaccine manufacturers. The declaration of a pandemic by the World Health Organisation (WHO) triggered the execution of existing contracts the pharmaceutical industry had with Member States for supply of pandemic influenza vaccines. WHO has confirmed at several occasions that the declaration of a pandemic was not biased by any profit-driven influence. Likewise, the Commission does not have any elements to believe that the Member States' decisions were biased by such influence. On the contrary, several Member States asked the Commission to set up a mechanism to help with joint procurement of vaccines in order to reduce costs. The Commission and the two independent European Agencies ECDC and the European Medicines Agency have assisted Member States with regulatory and scientific expertise

The Member States had a very difficult task when needing to decide how many doses of vaccines to purchase without knowing what the ultimate nature of the pandemic would be. At the time the Member States made these decisions, their primary consideration was to protect their citizens in the best possible way against a potentially dangerous pandemic. Therefore, the Commission believes that in hindsight, it is unfair to now second guess the wisdom of these decisions. Finally, one should keep in mind that about 2500 European citizens died because of the H1N1 influenza and many others were severely sick.

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Question no 34 by Saïd El Khadraoui(H-0030/10)

Subject: Recovery of money from Belgocontrol by the Belgian State

On 3 November 2009, I tabled a written question (E-5405/09) to the Commission on whether the Belgian State's recovery of EUR 31.8 million from Belgocontrol, an autonomous public company, was compatible with the *acquis communautaire*. In its answer of 9 December 2009, the Commission states that it had sent a letter to Belgium at the end of October 2009 requesting more details so that it could assess the legality of the measure in question. Has the Commission received a satisfactory answer from Belgium in the meantime? If so, can the Commission form an opinion on the legality of the recovery on that basis? If not, what further steps does the Commission intend to take to obtain a prompt reply?

Answer

(FR) To date, the Commission has not received a reply from the Belgian authorities to its letter of 27 October 2009. At this stage, therefore, it is impossible to come to a decision on the context and the legality of the recovery by the Belgian state of EUR 31.8 million from the budget of Belgocontrol.

The Commission is following this case very closely. In the absence of a swift response the Commission will take the initiative to carry out an investigation under the terms of Article 16.2 of Regulation (EC) No 550/2004 on the provision of services. The regulation provides for the possibility of hearing the Belgian authorities and of consulting the Single Sky Committee, on which representatives of the Member States sit, before taking a decision⁽²¹⁾ which will apply to the Member State concerned.

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Question no 35 by Kathleen Van Brempt(H-0031/10)

Subject: Restructuring of Opel and closure of Antwerp plant

On 21 January 2010, Opel's management announced that it intended to completely close the company's Antwerp plant. This accords with Opel's European restructuring plan. In other countries too, redundancies are planned, but nowhere else are there plans actually to close a plant. I am happy that in autumn 2009 the Commission consistently made it clear that aid provided by Member States must always comply with State aid rules and that there must be clear-cut economic criteria for it. This means, *inter alia*, that such aid must not be linked to the non-closure of particular establishments, but that the restructuring must accord with a business plan submitted by GM. Has GM submitted such a business plan to the Commission? What can the Commission do to compel GM to submit one? When will the Commission request an opportunity to inspect this plan? How will the Commission examine the plan to verify the lawfulness of any aid from Member States for the restructuring?

⁽²¹⁾ OJ L 96 of 31.03.2004

Answer

(EN) GM submitted to the Commission an outline of a restructuring plan for Opel/ Vauxhall at the end of November 2009. On the basis of the information available so far, there appear to be no indications that GM's plan is based on non-economic considerations.

The Commission has not yet received any information from Member States regarding their plans for granting State aid for GM's restructuring plan of Opel/Vauxhall. However, the Commission shall remain vigilant, in order to ensure that, if State aid is involved, the restructuring of Opel/Vauxhall remains based on economic considerations and is not influenced by non-commercial conditions attached to State funding, and in particular that the geographical distribution of restructuring efforts is not altered by political requirements.

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Question no 36 by Olle Schmidt(H-0032/10)**Subject: Violation of freedom of expression and imprisoned journalists in Eritrea**

There are more journalists in prison in Eritrea than in China, in spite of the former's comparatively small size (population 5.6 million). One of these prisoners is the Swedish journalist – and thus EU citizen – Dawit Isaak, who has been imprisoned without trial since 2001 simply for exercising his freedom to express his views.

The situation in Eritrea, and the possibility of influencing it using the channels of European aid, was raised during the hearing of Baroness Ashton at the European Parliament in early January. In her answer she stressed that European aid would be used to ensure the protection of human rights.

How will the Commission, in practice, use European aid to ensure that human rights are protected in Eritrea?

Dawit Isaak is in prison merely for exercising his freedom to express his views, which is a fundamental right for all EU citizens.

What does the Commission propose to do in this specific case to secure the release of Dawit Isaak?

Answer

(EN) The Commission shares your concern over the fate of Dawit Isaak and other prisoners of conscience in Eritrea and has therefore regularly, and through different channels, raised the matter with the Eritrean authorities. The Presidency, on behalf of the Union, also issued a public declaration on political prisoners, including journalists, last September.

In her answer to the question on Eritrea during the hearings at the European Parliament, the Vice-President responsible for External Relations pointed out that joining up instruments to promote the EU's objectives and interests is important. This is why, in addition to the dialogue and safeguards built into the development programmes, the Commission is exploring and using every opportunity to address human rights issues through the development programmes that it implements in Eritrea. The primary responsibility for the protection of human rights lies with the Eritrean state and concretely, the Commission is working together with the Eritrean authorities on areas where progress can be currently made such as workers rights and the improvement of the justice system, but also, more generally, on the promotion of and spreading of information on basic human rights and fundamental freedoms to the Eritrean population at large. In the Eritrean context such activities can only yield results if undertaken in a phased and incremental manner.

The Commission undertakes to continue to explore any means to address governance and human rights issues in Eritrea. In order to be able to do so, it is important that it can maintain a dialogue on these matters of concern.

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Question no 37 by Catherine Bearder(H-0034/10)**Subject: Trafficking and adoption of children from Haiti in Europe**

The recent earthquake in Haiti has already destroyed hundreds of thousands of lives, but the greatest horrors may be yet to come for the countless children left orphaned and unaccounted for. UNICEF has issued several reports of children being removed from Haiti without due process or the proper documentation.

What steps is the Commission taking to ensure that none of these children are trafficked into Europe or across European borders, and that children adopted in Europe have been subject to the usual safeguard procedures?

What steps are the European services operating in Haiti taking to support the Haitian government in boosting vigilance at exit points in order to prevent children being taken out of Haiti illegally?

Several EU countries have already accelerated the legal entry of eligible orphans from Haiti into their States. What efforts has the Commission made to establish a common EU position on fast-track adoptions from Haiti, and to prevent children who have not yet been properly assessed from being taken to Europe?

Answer

(EN) The Commission is concerned about the situation of children who were separated from their parents or in alternative care (orphanages) prior to the earthquake. Prevention of the sale and trafficking of children must be a key priority in the response efforts.

It is indeed true, as recalled by UNICEF, that the issue of inter-country adoption is particularly sensitive in the case of children separated from their parents and communities. In a disaster situation, efforts to reunite a displaced child with his or her parents or family members must take priority. Premature and unregulated attempts to organize the adoption of such a child abroad must be avoided.

Furthermore, the removal of children without proper procedures could even give place to the worst forms of trafficking for the purpose of sexual or labour exploitation, and therefore must be absolutely forbidden.

The Commission is not competent in individual decisions on internal adoptions. However, to its information it seems that children who have been allowed to entry in Europe by means of inter-country adoption in the days after the disaster were all already been adopted by a European family with a decision of a Haitian Court.

This seems to be in line with the UNICEF's view, as the UNICEF Executive Director, Ms Veneman, said that if the screening for international adoption for some Haitian children had been completed prior to the earthquake, there are clear benefits of speeding up their travel to their new homes.

Twenty-six EU Member States out of 27 are party to the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption (all except Ireland). This establishes safeguards for the child and foresees a system of cooperation between the Contracting Parties to prevent illegal adoptions and child trafficking.

Haiti is not a party to the 1993 Hague Convention. However, in 2000, the Hague Conference adopted a Recommendation to the effect that States parties should, as far as practicable, apply the standards and safeguards of the Convention to the arrangements for inter-country adoption which they make in respect of States that have not yet joined the Convention. More than 80 States, including almost all receiving States, are parties to this Convention. Therefore, even if Haiti is not party to the 1993 Hague Convention, all receiving States should apply these standards and safeguards (included all EU Member States except Ireland).

As part of its emergency humanitarian response, the Commission's Directorate General for Humanitarian Aid has identified protection issues as a focus of its funding strategy, and is seeking to provide financial support to non-governmental organisations, international agencies and organisations, and the Red Cross/Red Crescent family working on child protection in Haiti. Though not able to support the government directly, all actions funded will be fully coordinated through the cluster mechanism, which is coordinated by the United Nations Office for the Coordination of Humanitarian Assistance (OCHA) in support of the government.

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Question no 38 by Georgios Toussas(H-0037/10)**Subject: Salvage of the cruise-liner, the 'Sea Diamond'**

The wreck of the cruise-liner, the 'Sea Diamond' still lies - almost three years since it sank on 13 April 2007 - on the seabed in the Santorini caldera, polluting the marine environment and affecting the ecological balance and the health of the inhabitants of the island and the surrounding region. The wreck is a 'toxic bomb'. According to scientific studies, it is causing widespread pollution in the area in the form of microscopic plastic fibres and high concentrations of toxic substances with a high propensity for bioaccumulation. The inhabitants of Santorini are demanding the immediate removal of this 'toxic bomb' from the waters of their island but are, in effect, being rebuffed by government, both the current PASOK and the previous New Democracy administrations alike. Government promises to salvage the vessel are proving to be spurious while responsibility has not even been attributed yet to the shipping company 'Hellenic Louis Cruises', which has actually received USD 55 million in compensation!

Has the Commission been informed of developments and the progress made in connection with the salvage of the 'Sea Diamond'? What is its position on the demands and the rightful claims of the inhabitants of Santorini?

Answer

(FR) The Commission refers to its previous replies to questions H-748/08, E-1944/08 and E-6685/08⁽²²⁾ and confirms that it has followed closely the situation of the wreck of the Sea Diamond off Santorini, in order to ensure proper application of Community law. Having examined the relevant provisions of the applicable legislation (that is, Directive 2004/35/EC⁽²³⁾ on environmental liability with regard to the prevention and remedying of environmental damage, Directive 2000/60/EC⁽²⁴⁾ establishing a framework for Community action in the field of water policy and Directive 2006/12/EC⁽²⁵⁾ on waste), the Commission has concluded that, on account of specific circumstances, it was not possible to establish violation of the provisions in question.

As far as Directive 2004/35/EC is concerned, it does not apply in the present case since the accident in question took place before the application of the directive.

Having regard to the possible violation of Article 4 of Directive 2006/12/EC, it should be recalled that this provision obliges the Member States to ensure that waste is disposed of without endangering human health or the environment; furthermore, the Member States shall take the measures necessary to prohibit the abandonment, dumping and uncontrolled disposal of waste.

Article 4 allows the Member States a margin of appreciation as regards the measures to be taken. According to the case law of the Court⁽²⁶⁾, the persistence of a factual situation, particularly when it involves significant damage to the environment over a prolonged period without the intervention of the competent authorities, may reveal that the Member States have exceeded the margin of appreciation that this provision gives them.

It was not possible to establish such significant environmental damage over a prolonged period without the intervention of the competent authorities. On the one hand, the Greek authorities took the necessary measures to avoid pollution (impact study on pollution, continuous monitoring of the zone affected). On the other hand, the study by the Hellenic Centre for Marine Research concluded that the effects caused by the wreck are negligible for now.

Consequently, it is not possible to establish violation of Community environmental legislation. If the honourable Member should, however, have new information allowing a case of violation to be established

⁽²²⁾ Available on <http://www.europarl.europa.eu/QP-WEB>.

⁽²³⁾ Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, OJ L 143, 30.4.2004.

⁽²⁴⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000.

⁽²⁵⁾ Directive 2000/12/EC of the European Parliament and of the Council of 5 April 2006 on waste, OJ L 114, 27.4.2006.

⁽²⁶⁾ See in this regard the judgments of 9 November 1999, *Commission v Italy*, C-365/97, Rec. p.7773, points 66-68 and of 4 July 2000, *Commission v Greece*, C-387/97, Rec. p.5047, points 55-57.

(for example, recent, reliable studies showing that pollution exists), he is invited to communicate them to the Commission.

Moreover, in future, Directive 2009/20/EC⁽²⁷⁾ on the insurance of shipowners for maritime claims, which entered into force on 29 May 2009 and which must be transposed into the legislation of the Member States by 1 January 2012, obliges the shipowners of ships flying the flag of a Member State or entering the port of a Member State, to have insurance covering maritime claims subject to limitation under the 1976 Convention on Limitation of Liability for Maritime Claims, adopted by the International Maritime Organisation, as amended by the 1996 Protocol; these claims include those relating to the removal of wrecks.

The Commission will continue to monitor the state of the Sea Diamond wreck.

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Question no 39 by Pat the Cope Gallagher(H-0040/10)

Subject: Food aid: processed canned fish products

Processed canned fish products are high in protein and have a long shelf life. Such products can be supplied at short notice and have been used previously to effectively alleviate food shortages during emergency situations similar to the Haiti earthquake.

Does the Commission include processed canned fish products as food aid in emergency situations? If not, would the Commission consider the inclusion of processed canned fish products as part of the EU emergency response to the people of Haiti?

Answer

(EN) In any humanitarian crisis that demands a food assistance response, the EU provides cash to specialized implementing partners, including the United Nations (UN) World Food Programme. This means that we leave the decision to the experts on what food items are most appropriate for a given response.

This decision also needs to be agreed within the inter-agency framework for coordination of food sector operations.

However, the EU expects such a decision to be based on considerations, amongst others, of: nutritional value; conformity to local dietary preferences; ease of transport, storage and handling and preparation; cost; availability of adequate stocks; and proximity of stocks to the crisis zone.

It is true that processed canned fish can be a valuable and highly nutritious commodity in a food aid package.

In some operations that the EU finances, fish has been included by the implementing partner in the food rations that they distribute, after the above considerations were made.

It is worth noting, however, that in contexts where there is no local or regional production of canned fish, its cost and the effort of transporting it often renders it unfavorable compared to other nutritious food commodities (e.g. beans and pulses).

In the case of the earthquake response in Haiti, the EU is financing the UN's World Food Programme for their immediate response and for their foreseen operation over the coming five months.

This response is based on distribution of food rations that are ready-to-eat, which are being provided in kind by various donors, some of which include canned fish.

For the next phase of the operation, when beneficiaries are better able to prepare their own food, and when bulk distributions of raw commodities to be cooked can be organized, it is expected that the rations will revert to lower-cost local commodities (beans, rice and fortified blended food) that still meet the population's full energy and micro-nutrient requirement.

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⁽²⁷⁾ Directive 2009/20/EC of the European Parliament and of the Council of 23 April 2009 on the insurance of shipowners for maritime claims, OJ L 131 of 28.5.2009.

Question no 40 by Brian Crowley(H-0042/10)**Subject: The EU 2020 Strategy**

How does the Commission envisage the EU 2020 Strategy working as a policy tool aimed at tackling increasing levels of unemployment across Europe, in particular among young people?

Answer

(EN) The forthcoming Europe 2020 Strategy will set out a vision for a competitive, innovative, sustainable and inclusive economy by 2020, accompanied by proposals as to how successfully to achieve this vision and how to increase employment.

The strategy will respond to the issues of high and rising unemployment, particularly amongst the young, while also laying the foundations to exploit new sources of growth and enabling the EU to face up to long-term challenges such as demographic change, pressure on natural resources and energy and the threat of climate change. The Commission agrees with the honourable Member that the new strategy must place a particular focus on tackling increasing levels of unemployment across Europe, in particular among young people.

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Question no 41 by Liam Aylward(H-0044/10)**Subject: Restrictions on carrying liquids on flights**

The requirement that passengers travel only with containers of 100 ml or less of liquids, gels, pastes, lotions and cosmetics continues to make travelling extremely difficult and to cause problems for both passengers and airport operators.

In many instances these restrictions lead to long queues, loss of possessions and, in some cases, loss of purchases. Passengers are often forced to pay high prices for water and other beverages after security checkpoints.

There is no doubt that effective security measures are required and that passenger and aviation security remains a priority, but a review of the current restrictions relating to liquids is required, given that these restrictions have been in place for a number of years.

Does the Commission have any plans to review this regulation and is there a proposed time frame for the easing of these restrictions? Can the Commission give further information on technological developments in relation specifically to the screening of liquids?

Answer

(EN) Since August 2006, the EU applied a ban on liquids, aerosols and gels on board aircraft⁽²⁸⁾, in order to prevent the bringing on board an aircraft, liquid explosives. This ban was confirmed at global level by recommendations issued by the International Civil Aviation Organization (ICAO) and is applied by the most important aviation partners of the EU.

The recent incident on flight NW 253 from Amsterdam to Detroit confirmed that the level of threats against civil aviation remains high. It is thus not an option to allow for the ban on liquids to expire without replacement. The Commission has, therefore, made a proposal to permit liquids to be taken on board aircraft provided they are screened. This proposal, currently under scrutiny by Parliament, aims at delivering a solution to the carriage of liquids on board aircraft as suitable technology for screening liquids becomes available.

As such, the proposal advocates that by 29 April 2011, liquids carried by passengers arriving from outside the EU and transferring through EU airports shall be permitted, subject to screening. Furthermore, as of 29 April 2013 at the latest, all liquids carried by passengers departing from EU airports shall be permitted, again, subject to screening. Overtime performance standards for explosive detection equipment will have to increase in order to remain compliant with EU legislation.

⁽²⁸⁾ Regulation (EC) No 820/2008 of 8 August 2008, OJ L221, 19.8.2008 repealing Regulation (EC) No 622/2003 of 4 April 2003, OJ L 89 5.4.2003.

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Question no 42 by Laima Liucija Andrikienė(H-0046/10)

Subject: The impact of the 'banana agreement' on the EU's domestic banana producers

The EU has recently reached a historic agreement in the World Trade Organisation with Latin American countries on lowering tariffs for banana imports from that region. This historic agreement will, however, have a negative impact on the EU's own banana producers, as they will have to face tougher competition from Latin American banana producers. Does the Commission intend to develop policy mechanisms to protect European banana producers in areas such as the Canary Islands and Madeira?

Answer

(EN) The Commission is well aware of the important economic and social role that banana production plays in the Canary Islands, Guadeloupe, Martinique and Madeira, which the Treaty includes among the outermost regions and to which it acknowledges particular disadvantages. For this reason, the Commission continues to support this production and to help producers compete.

In 2006, the EU reformed its Common Market Organisation for bananas. It allocated a generous budget for aid to banana producers in the outermost regions, which it transferred to the POSEI programmes on 1st January 2007.

This reform introduced a high degree of flexibility in the management of support for banana production. Member States have assumed responsibility for it as part of the POSEI programmes. The reform allows Member States to define a fixed annual amount in aid, instead of the previous compensatory aid. This means producers can now be certain of the amounts they will receive.

Since the reform, the EU has committed EUR 280 million each year to support banana producers in the Canaries, the French Antilles, and Madeira, and to a lesser extent in the Azores. This represents a 47% increase of the previous annual budget, which amounted on average to EUR 190 million between 2002 and 2006.

The banana reform took into account the possible impact on European producers of:

- the Economic Partnership Agreements concluded between some African, Caribbean and Pacific (ACP) countries and the EU, which had still to be implemented, since they only came into force in 2008 and that entailed duty free/quota free access for bananas;
- the reduction of the import duty on bananas from third countries (Latin American and Andean countries) which was concluded with: the Geneva Agreement on Trade in Bananas (GATB) of 15 December 2009. Although this is an early result for the Doha Round, this tariff reduction is final: there won't be any further cuts.

The banana reform took thus into account the likely impact of these international agreements on European producers and it was concluded with the budgetary increase for the banana producers of outermost regions mentioned before.

For this reason, the Commission believes that the support which banana producers in the outermost regions currently receive is sufficient to protect them from increased competition from third countries which export bananas to the EU and will benefit from gradual cuts in bananas import tariff over the next seven to nine years.

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Question no 43 by Hans-Peter Martin(H-0050/10)

Subject: World Economic Forum in Davos

The annual World Economic Forum is taking place in Davos from 26 to 31 January 2010. The governing bodies of numerous banks have already announced that they will lobby against the new US government plans to regulate the banking sector.

What will be the position of the Commission's representatives at the World Economic Forum on this issue?

How many representatives from which departments is the Commission sending to this economic summit and what events will they participate in?

What is the cost of the Commission's participation in this event?

Answer

(EN) (1) The Commission shares the underlying goals of the ideas put forward by President Obama, namely to address the risks generated by systemically important financial institutions. To tackle this issue, the Commission is considering a package of measures addressing interconnectedness of institutions and a better crisis management framework, including the introduction of early intervention and resolution tools for supervisors as well as creating more resilient derivatives markets. This builds on measures taken and under discussion to improve the quality of bank capital requirements in particular as concerns trading book operations and risky securitisation products. The new supervisory system the Commission has proposed and which is currently under discussion in Parliament sets the standard for identifying macro-economic risks and ensuring this feeds into effective and joined-up day-to-day supervision of banks operating in Europe.

The Commission is currently awaiting further details on President Obama's proposals. A discussion of the issue of systemically important financial institutions is expected to take place in a forthcoming ECOFIN meeting. The Commission will also be discussing the proposals made by President Obama with other international partners in the G20, the Financial Stability Board and the Basel Committee. The Commission remains committed to a reform process that brings in international partners and delivers a coherent outcome in what are global financial markets.

(2) At the World Economic Forum the Commission was represented by three Commissioners, one Commissioner-designate and eight officials from the different services concerned. The total cost for these missions is EUR 20.590,22.

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Question no 44 by Ryszard Czarnecki(H-0051/10)

Subject: Violation of Polish minority rights in Belarus

Does the Commission intend to react to the violation of Polish minority rights in Belarus, following the attempt to impose a new leadership on the Union of Poles in Belarus and to take over property belonging to that organisation?

Answer

(EN) Thank you for your oral question on the violation of Polish minority rights in Belarus.

The European Commission is concerned about the continuing restriction of freedom of association in Belarus in general, and in relation to the democratic organisation of Union of Poles in Belarus, in particular.

The quality of democracy in a country is measured among other things by the way its authorities deal with minorities.

Actions by the Belarusian authorities attempting to impose a new leadership on the Union of Poles and taking over their property, run counter to the Declaration of the Eastern Partnership Summit, which Belarus signed on the 7th of May 2009 in Prague.

We call on Belarus to refrain from such actions. We also recall our offer to Belarus to take steps towards upgrading our contractual relations subject to progress in five key areas:

Ensure that there are no politically motivated cases of imprisonment

Reform the electoral legislation in line with Organization for Security and Co-operation in Europe (OSCE)/Office for Democratic Institutions and Human Rights (ODIHR) recommendations

Liberalise the media environment, ensure freedom of assembly and of association

Improve working conditions as well as the legal and regulatory framework for NGOs and human rights activists

Declare a moratorium and abolish death penalty.

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