THURSDAY, 20 NOVEMBER 2008

IN THE CHAIR: MR PÖTTERING

President

1. Opening of the sitting

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

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President. – Ladies and gentlemen, I hope you will excuse the fact that I am a few minutes late. Our former fellow Member Otto von Habsburg is celebrating his 96th birthday today. He was a Member of the European Parliament from 1979 to 1999. His attendance record and the quality of his work was an example to us all. I have just spoken to him on the telephone, which is why I am a couple of minutes late, and have congratulated him warmly on behalf of all you – I hope I am allowed to do this – and, of course, on behalf of his political friends from Bavaria on reaching his 96th birthday.

2. Financial support to Member States (motions for resolutions tabled): see Minutes

3. Presentation of the Court of Auditors' annual report - 2007

President. – The next item is the presentation of the Court of Auditors' Annual Report for 2007.

Vítor Manuel da Silva Caldeira, *President of the European Court of Auditors.* – Mr President, it is an honour for me to be able to take part in your debate on the Court of Auditors' annual report on the 2007 financial year, which I have already presented to the Committee on Budgetary Control on 10 November.

Overall, the Court's audit opinion on the accounts is now unqualified – positive, if you wish – but the opinion on underlying transactions is broadly similar to that of last year.

On the accounts, the Court concludes that they give a fair presentation, in all material respects, of the financial position of the European Communities and cash flows at the year end. Owing to the improvements that have taken place, the qualifications expressed last year are no longer necessary.

As regards the legality and regularity of the underlying transactions, the Court gives unqualified opinions for revenue, commitments and payments for 'economic and financial affairs' and 'administrative and other expenditure'.

As regards 'administrative and other expenditure', which accounts for EUR 8 billion in 2007, the Court acknowledges the decisions and actions taken by the institutions to further improve financial management based on the recommendations made by the Court, including those taken by the European Parliament. The Court will assess their impact in future years.

However, for 'agriculture and natural resources', 'cohesion', 'research, energy and transport', 'external aid, development and enlargement', and 'education and citizenship' the Court concludes that payments are still materially affected by errors, although to different degrees. Supervisory and control systems covering these areas are judged to be at best only partially effective, although in 'research' and, at the level of the Commission, for 'external aid, development and enlargement', the Court notes certain improvements in the supervisory and control systems.

For 'cohesion' which accounted for EUR 42 billion of budgetary expenditure, the Court estimates, based on the audit of a representative sample of transactions, that at least 11% of the costs claimed should not have been reimbursed. The most common reasons for errors were ineligible costs, over-declarations of money spent and serious failures to respect procurement rules.

For 'agriculture and natural resources', where EUR 51 billion was spent in 2007, the Court found that 'rural development' continues to account for a disproportionately large part of the overall error, while the error rate for EAGF expenditure is estimated to be slightly below the materiality threshold.

But why is this situation persisting, and why are the underlying transactions in a situation broadly similar to that of last year? Well, material levels of errors persist because there is a high level of inherent risk associated with many areas of European Union spending and weaknesses related to supervision and control.

Much of the budget, including in the areas under shared management, is disbursed to millions of beneficiaries across the Union, often under complex rules and regulations, based on the self-declarations of those who receive the funds. These inherently risky circumstances lead to errors by them and also by those paying the funds.

To control these risks, there are several levels of supervision and control: first, at the level of beneficiaries; second, to ensure that the arrangements to check claims are designed and operating effectively, and, finally, supervision by the Commission to ensure that all the systems are working as a whole.

As most errors occur at the level of the final beneficiaries, they can often only be detected reliably by detailed controls carried out on the spot. Such checking is costly, and so, usually, only a small proportion of individual claims are covered.

Again, the Court's audit work on the 2007 financial year found that Member States are not always effective in identifying the shortcomings in the arrangements for checking individual claims. The Court also found some weaknesses in the Commission's conformity clearance in agriculture.

In many areas of the budget, mechanisms exist for recovering incorrectly made payments from beneficiaries or, where Member States have incorrectly administered expenditure schemes, 'disallowing' some expenditure, i.e. refusing to finance it from the budget.

However, there is not yet reliable information on the impact of corrective actions, and the Court concluded that corrective actions cannot yet be considered effective in mitigating errors.

All of this said, it is fair to acknowledge that the Commission has made significant efforts since 2000 to address the weaknesses in supervision and control, mainly through developing and implementing an internal reform programme and, in 2006, launching an action plan to improve the supervisory and control systems across the Union.

Annual activity reports and declarations, a key part of the reform programme, including those relating to cohesion and agriculture, now present a picture that is more in line with the Court's own assessments, but some reservations still appear to underestimate the problems.

Concerning its 2006 action plan, in spite of progress noted by the Commission, the Court finds that it is still too early for their impact on the legality and regularity of underlying transactions to be felt. For example, 2007 was only the first year for which Member States were required to produce an annual summary of available audits and declarations. These can, in time, as outlined in the Court's Opinion 6/2007, stimulate improved management and control of European Union funds. But they do not yet provide a reliable assessment of the functioning and effectiveness of the systems.

This is the current situation. But, looking forward, we need to ask what more should be done, and which measures for the future should be considered. The Court suggests that any such measures need to take the following considerations into account.

First, the benefits from efforts to reduce errors need to be weighed against the costs.

Second, all participants in the budget process need to recognise that some risk of error is unavoidable.

Third, the appropriate level of risk for the different individual areas of the budget needs to be agreed on at the political level by the budget/discharge authorities in the name of the citizens.

Fourth, schemes that cannot be satisfactorily implemented at an acceptable level of cost and with tolerable risk should be reconsidered.

Finally, due consideration needs to be given to simplification, not least in areas such as rural development and research, because well-designed rules and regulations that are clear to interpret and simple to apply decrease the risk of error and enable streamlined, cost-effect management and control arrangements.

The Court, therefore, encourages the Commission to conclude its analysis on the cost of controls, and on the levels of risk inherent in the different spending areas. The Court also recommends the Commission continue in its efforts to improve its monitoring and reporting, including working with Member States so

that effective use of the annual summaries can be made in the annual activity reports, and allowing its follow-up of actions to improve recovery systems.

In addition to simplification and making use of the concept of tolerable risk, in its response to the Commission communication 'Reforming the Budget, Changing Europe', the Court suggests applying the principles of clarity of objectives, realism, transparency and accountability when designing arrangements for European Union spending. The Court also encourages the political authorities to explore the scope for recasting expenditure programmes in term of outputs and to critically consider the appropriate level of national, regional and local discretion in managing them.

To conclude, while acknowledging that progress is being made, the Court underlines that further improvements in the financial management of the European Union will depend on the success of ongoing and future measures to reduce risks to an acceptable level and develop cost-effective systems to manage them.

In times of financial turbulence and economic instability, the role of the Court is even more important and relevant. As the external auditor of the European Union, it is our obligation to act as the independent guardian of the financial interests of the citizens of the Union. In presenting this report, it is our objective to contribute towards transparency and promote accountability, both of which are considered essential to securing the trust of European Union citizens in its institutions that keep the Union functioning and give it the direction for the future.

President. – President Silva Caldeira, I would like to thank you for your report and for the always very constructive cooperation between you, and the Court, and the European Parliament.

Siim Kallas, *Vice-President of the Commission***.** – Mr President, the Commission welcomes the Court's annual report. I would like to underline the very constructive cooperation we have enjoyed with the Court. There is one piece of really good news in the report: the Court has given the accounts a completely clean bill of health, what the auditors call an 'unqualified opinion'. This is a remarkable achievement in only the third year of the new accounting system.

There is a second piece of very good news: the Court acknowledges that we are strengthening our supervisory systems. In 2007, for the first time, there is not a single chapter with a red card on control systems from the external auditor. Many efforts are ongoing in this field. I would like to highlight the annual summaries of existing audits in Structural Funds submitted by Member States for the first time last spring.

The Court recognises these efforts, even if results are not yet translated into significantly reduced error rates on the ground. The Commission is encouraged by this.

It is a fact that on individual transactions the picture remains mixed. For the European Agricultural Guarantee Fund, the largest volume of agricultural expenditure, the Court recognises that this year again the error rate is below materiality level. The same is not true for the rest of the chapter on natural resources, where rural development is prone to a high level of errors. For cohesion funds too, the Court still finds far too many errors.

The Commission is giving the highest priority to reducing these error rates, and it is not shying away from taking a tough stance if needed. In 2008 we have already imposed financial corrections on the ERDF and ESF – the cohesion funds – for EUR 843 million and an estimated EUR 1.5 billion more is in the pipeline.

Allow me to recall that, as far as errors in the underlying payments are concerned, the bar is set very high. At least 98% must be error-free. Nevertheless, we are getting closer: the auditors now say that for all budget areas but one as much as 95% or more of the payments are free from serious financial error.

For external aid and internal policies, such as transport and energy, as well as education and citizenship, the Court does note improvements. Administration and economic and financial affairs fare even better. These areas are in direct management by the Commission, which may partly explain why efforts undertaken have a more immediate impact. So, to summarise: in the Commission's view the Court of Auditors' annual report for 2007 shows that there is steady, gradual progress.

We have come a long way over the last five years. Looking at the progress made, I can assert that the Commission has absolutely no regrets about having set itself the objective of achieving a positive declaration of assurance concerning the underlying transactions. We hope that the European Parliament will recognise

the positive developments and continue to support efforts for simplification, better management, and more accountability from the Member States.

Jean-Pierre Audy, *on behalf of the PPE-DE Group*. – *(FR)* Mr President, Mr Vice-President of the European Commission, Mr President of the Court of Auditors, ladies and gentlemen, my first words are to thank you, Mr President of the Court, for the immense task you have accomplished with the Court's auditors; I think this is an important document for our information.

As we know, this discharge is the first discharge for the financial perspective 2007-2013. It is the first with the new management, certification and audit control system introduced by the Commission. Finally, it is the last for the period of office coming to a close, because we are starting six months of work and we shall be voting in April before the European elections, at a time when the Commission has promised us a positive statement of assurance. It is now 14 years since we have had a positive statement of assurance, which gives the European Parliament cause for concern.

First, as regards the accounts, I am told that this is an unqualified opinion. Why was Galileo not consolidated? And I cannot hide the fact that I shall never get used to accounts with negative equity of 58 billion. That is one of my concerns.

So this is good news. We must be glad that, for administrative expenditure, we have a positive opinion, with low error rates and, from what we have been told, no fraud. However, the Member States have poor shared management in agriculture, cohesion and the Structural Funds, where there are too many errors – over 60% sometimes in some Member States. The Council is not here and it would be interesting to know what the Member States and the Council think about this situation, when they do not sign the national declarations and given that, with the present difficulties in public finances, the citizens will be demanding.

I think the President is right and we should consider this procedure of discharge with the committees, the Commission, the Council, Parliament, the national parliaments and the national courts of auditors, which are very conspicuous by their absence from this debate.

I should like, with your permission Mr President, to take thirty seconds' speaking time as rapporteur to express my astonishment, as my fellow Members have done, at the fact that the Council is absent. However, I have understood, Mr President of the European Court of Auditors, that you are to present your report to the Ecofin Council in a few days' time and that, as a result, the Council cannot express an opinion before there has been an exchange of views between the various Member States.

This being so and as the finger is being pointed at the Member States on shared management, I trust we shall receive the Council's opinion quickly and I shall take the liberty, Mr President of the European Parliament, of requesting a written question at question time asking for a prompt opinion from the Council, once it has been able to have an exchange of views on this excellent report by the European Court of Auditors.

Herbert Bösch, *on behalf of the PSE Group*. – *(DE)* Mr President, I would very much like to congratulate the Court of Auditors for the work which it is submitting to Parliament in the form of the Annual Report for 2007. In a series of constantly improving annual reports, in my opinion this is the best report that the Court of Auditors has so far presented. It is more informative, more colourful, so to speak, and clearer.

Members of the Court of Auditors, I have noted with satisfaction that you have resisted the temptation to add a touch of populism to this year's report.

On the basis of a number of different special reports and, in particular, this report, we will now have to evaluate whether the work done by the Commission in 2007 using European taxpayer's money was satisfactory or not. So far there have been a number of encouraging presentations, in particular from the Commissioner for the Cohesion Fund. The Commissioner for Research has also indicated that the criticism from this House and from the Court of Auditors in last year's report has fallen on fertile ground.

One area where things are still not working well is the cooperative effort to control the European budget which Member States are withdrawing from. Four Member States – Denmark, the Netherlands, the UK and Sweden – are giving an encouraging example of active cooperation. It is satisfying to see that a national court of auditors, such as that in Germany, is beginning to concern itself at a national level with the European money being spent in Germany and we hope that there will be a political debate on this subject.

Since the Wynn and Mulder reports we have been attempting to bridge the gap in the treaty between Article 274 and Article 5 by means of this requirement for national statements of assurance. While we are discussing

this subject, Commissioner Kallas, I would be happy for the Commission to take a more helpful and active role in standardising these reports. This is something which your positive approach should help to bring about one of these days.

When we pass judgment on the quality of the Commission's work in our discharge, we will inform the taxpayers whether or not it is acceptable in overall terms. If we expect professionalism from other institutions, we must also take a more professional approach ourselves. I believe that it is both intolerable and ludicrous to hold debates in this House about whether this committee can continue to be a so-called neutral committee or not. It is not acceptable for a control committee to be regarded simply as a sort of add-on committee, because that is not professional. The times have long gone when the budget came under consideration in one place for six months or so and then for the rest of the year another committee was responsible for budget control.

We have not even looked at all the agencies yet and we are supposed to assure our taxpayers that everything is functioning correctly. We need professionalism from the other institutions, but we as a Parliament must also make an effort, otherwise we will not be able to stand up in front of the taxpayers.

Jan Mulder, *on behalf of the ALDE Group*. – *(NL)* Mr President, I should like to thank the Court of Auditors for the report, and I too have noticed an improvement every year, in that the report is more legible and set out in a more readily understood format, amongst other things. Indeed, there is an improvement every year, albeit only a slight one. We can now to some extent take the wind out of the sails of the euro sceptics by saying that the accounts have been approved for the first time. If we look more closely at the improvements in the accounts, though, they are only minor. We have managed to get through by the narrowest of margins. If we read what was written in 2006 and 2007, then there is not that much difference, really, although there is an improvement.

The Commission underlines that, over the years, budget implementation has improved considerably. It claims that, in 2002 and 2003, only 4% of expenditure was approved, compared to over 45% at the moment. This is, indeed, a considerable improvement, mainly due, I fear, to the drastic changes in agricultural policy. Had agricultural policy continued as before, I doubt very much that we would have achieved an approval margin of over 40%. This is a matter of great concern, because the Commission's core techniques do not yet meet international standards and still require major improvements. Progress over the past four years has been too slow to my mind.

It is regrettable that we cannot yet measure the results of the action plan. Initially, the Commission put a great deal of effort into it. It was an excellent method, as we have all acknowledged, but sadly we have not seen enough results.

I share Mr Bösch's disappointment at what the Commission has done with the national declarations. This is all the more surprising because, last year, the Commission stated quite clearly that it was not going to implement the agreement. Luckily, the Commission retraced its footsteps. We cannot forget, though, that this is an agreement that has been signed by the Council, the Commission and Parliament. After all, it is unacceptable for one of the parties to state its disinclination to implement the agreement. I cannot wait to hear the guidelines the Commission has issued to implement the agreement. What are the results so far of the discussions with the Member States to carry out Article 44? We will need to put much of our time and energy into this in the coming months. That is also when we will need to decide whether we want to grant discharge to the Commission in April, or whether we will postpone it by six months.

Bart Staes, *on behalf of the Verts/ALE Group*. – *(NL)* Mr President, I, too, should like to thank the Court of Auditors, and not least their staff. They have once again done a sterling job. I should like to remind the Commissioner that it is true that, at the start of your mandate as Anti-Fraud Commissioner, you promised and pledged to produce, by the end of your mandate, a statement that confirms reliability of the accounts, as well as the regularity and lawfulness of all accounts.

Have we achieved this yet? Clearly not. For the 14th time in a row, this statement has not materialised. Are we heading in the right direction? Without a doubt, or so says the Court of Auditors, and you are there to defend this stance with tooth and nail. Should we be worried? I think so. You have exactly one year left, though, to make good on your promise, your pledge, and there is a great deal to be done yet, as my fellow Members said themselves.

What has the Court of Auditors noticed? There are flaws in the bookkeeping system, partly attributable to the complex legal and financial framework. According to the Court of Auditors, there is a risk when it comes

to quality and financial information. What does the Court of Auditors say about the regularity and lawfulness of payments? Does it sanction the administrative expenses? There are major problems in large sections of the budget, including agriculture, the Cohesion Fund, the structural funds, the Regional Fund, social policy, rural development, research and development, energy, transport, external support, development and expansion, education and citizenship. A representative sample has been made of everything related to cohesion, namely the Cohesion Fund itself and the structural funds. We note that, in its report, the Court of Auditors states that in 11% of the cases payments should never have been made. This is a very serious finding, and something to which much attention will need to be devoted in the discharge.

2007 was the first year – as various fellow Members pointed out – in which the Member States were asked to draft an annual summary of the available inspections and statements, but, according to the Court of Auditors, it does not work. The summaries cannot be compared and they do not contain all the information we need. Despite this, as Mr Mulder pointed out with good reason, there was a pledge, a political agreement. This is something we worked hard for in Parliament. What do we see now? A whole host of Member States are reluctant to lend their cooperation. It is notably the eurosceptic countries that are pulling their weight: the United Kingdom, Denmark and the Netherlands to a great extent. Surely this cannot be? We should indeed remind the Council of its responsibility in this.

Finally, on behalf of the Group of the Greens/European Free Alliance, I should like to underline the political requirement with regard to the Member States, namely that they should indeed face up to their political responsibility for the spending they help manage. This is their darned duty! In addition, we would also like to see more transparency about the end beneficiaries. There may be an attractive website, but I have noticed that a number of Member States, including my own country Belgium, place information on it which is woefully inadequate and wholly intransparent. There is work to be done in that area too, therefore, and we will need to fight for this during the discharge.

Esko Seppänen, *on behalf of the GUE/NGL Group.* – *(FI)* Mr President, Commissioner, President of the European Court of Auditors, Vice-President of the Commission Siim Kallas has, generally speaking, done good work to improve budgetary control, and especially to increase administrative transparency. Public awareness of agricultural subsidies is a good example of that.

The European Court of Auditors partly agrees. There are of course areas for comment, particularly on the use of agricultural and regional development aid. Responsibility for these lies mainly with the Member States. Something of a split might be discerned in the Court of Auditors' report: the slightly more correct northern net contributors as opposed to the southern beneficiaries that are rather more prone to abuse. The split is also obviously affected by the volumes of cash involved. In the south there is more to distribute and control than in the north. To ensure that the wrong generalisations are not made, it is important that the Court of Auditors shows precisely in its reports where any abuse has occurred so that confusion and the wrong generalisations are avoided as a result.

I would like to focus attention on something to which the competence of the European Court of Auditors does not extend and which is also a grey area from a national standpoint. This is the Athena Fund set up in 2004, which falls within the competence of the Member States, though not the EU. The Member States pay into the Fund out of their own defence budgets for combined military operations that fall outside the scope of EC competence. These operations work, on the one hand, on the NATO principle of 'costs lie where they fall'. On the other hand, there is this Athena scheme, whose financing is secret. This sort of military operation on the part of EU countries should be brought under democratic control.

When the report by the European Court of Auditors is being considered, our group will be paying special attention to the legality of the Council's budget, which for Parliament has up till now been a grey area.

Godfrey Bloom, *on behalf of the IND/DEM Group***.** – Mr President, well, Commissioner Kallas seems to have read a completely different document. I can assure him that as a UK PLC this simply would not do at all. If any UK PLC had filed accounts of this nature for 14 years which have been completely unacceptable, and again this year – and I do not regard the Court of Auditors as having given this a clean bill of health at all, and I have read the document – if the Commission were a board of UK PLC directors I have to say they would now be in prison!

We have a situation here where this Parliament, if Parliament it is, which spends most of the year talking about bendy bananas, knobbly parsnips, standardisation of bottle sizes, and on Tuesday we were even voting on the standardisation of tractor seats, so this absurd organisation spends most of its year doing nothing very much of value. We only have one serious responsibility, and that is to hold the Commission to account

on the budget. That is the most serious thing we can do; and it is going to go through again for the 15th year on the nod.

It is an utter disgrace, and let the British MEPs know I am watching very carefully how they vote. I will make sure that it is known back in the UK what they do out here as opposed to what they actually say when they go home.

Ashley Mote (NI). - Mr President, we all know that the European Commission's accounts can never be signed off until – and unless – two major underlying problems are finally resolved. Neither of these problems is new. Firstly, there is no certainty about the opening balances for the accounting system, which was changed in 2005, because a year later there were huge readjustments which made it obvious that no reconciliation was, or is, possible.

Secondly, there is the problem of shared management, which has already been referred to, or in other words the distribution of public funds to recipients who are then held responsible for both using and accounting for them. Even the internal auditors in Member States admit that that system is impossible to operate.

For years, all we have ever heard – and we heard it again today from the Court and from the Commissioner – is well-intentioned talk about improvement soon, managing risk, error rates – trivia! The reality is that nothing substantial changes, and the public is losing patience, and rightly so. Tinkering with the deckchairs on this particular Titanic does nothing to plug the holes in the bottom.

If the Greek figures are to be believed, we still have olive groves in the Aegean Sea. The misuse of funds in Bulgaria is reported to be out of control. In Turkish-held Northern Cyprus, EUR 259 million of public money has been handed over for economic development, but the EU office in Nicosia openly admits it cannot monitor or control it, simply because we do not recognise the Turkish regime. Some of that money has just paid for new pavements in the booming holiday resort of Kyrenia, where the casinos do a roaring trade day and night. The local regime chooses not to raise sufficient taxes and takes the view that if the EU is stupid enough to pay for them, then that is fine by them. Yet that money could have been put to good use.

Not only are the accounts unacceptable, but some of the judgements on how public money is used are unacceptable too.

Christofer Fjellner (PPE-DE). - *(SV)* I would like to start by thanking the Court of Auditors for a constructive report that is unusually easy to follow. It will, I am sure, form a sound basis for our ongoing work in the Committee on Budgetary Control.

I thought I would restrict myself mainly to the EU's independent authorities, as I am actually rapporteur for them. Some institutions are, of course, growing in terms of numbers, responsibility and how much money they have at their disposal. I would therefore like to suggest that examination of these institutions is also becoming increasingly important.

Every year that I have been here in the European Parliament we have commented on the problems the independent authorities have with regard to planning, implementing the budget, public procurement, reporting and so on, and, unfortunately, it looks like we will have to do the same thing again this year. The same is true with regard to the problem of their requesting more and more money, despite them having trouble spending it during previous years. I think that this raises a number of important questions, as it seems to be a recurring problem. At least for me, it raises questions about responsibility and control. I therefore think that it is particularly unfortunate that the Council is not here to participate in the debate, as I think that we have a joint responsibility to ensure that these decentralised authorities are controlled and monitored.

In addition to these general comments, which are for the most part applicable to a considerable number, although not all, of the decentralised authorities, there are four authorities that I think we have grounds for examining more closely this year. The first is the European Police College, CEPOL, which has again this year received remarks for its public procurement, and this is a recurring problem that has not been addressed. Furthermore, it is even more remarkable that the Court of Auditors has pointed out that money has been used to pay private expenses. Another one is Galileo, in connection with which the Court of Auditors has not yet been able to issue a statement about whether or not they want to give a simple statement of assurance, simply because there is so much uncertainty surrounding the relationship between Galileo and the European Space Agency and the other players involved. Where does Galileo begin and end? Last but not least are Frontex and the European Railway Agency, both of which are clear examples of authorities which overestimate their costs and demand too much money, but nevertheless request more money every year. These are matters

that I intend to look more closely at during the discharge process. I hope to continue the constructive cooperation with both the Court of Auditors and the Commission and I am disappointed that the Council is not here to contribute to this discussion.

Bogusław Liberadzki (PSE). - *(PL)* Mr President, Mr Caldeira spoke of risk as of an important error factor in the preparation of this report. May I take a moment to focus on European Development Fund issues. The fund provides aid to countries in Africa, the Caribbean and the Pacific. Their risk differs from that of Member States, and is also greater than in the Member States. It is important that the Court has concluded that the transactions underlying the income and commitments for the budget year are lawful and correct. This general conclusion gives us grounds to view the report as a whole with approval.

On the other hand, the number of errors in the transactions underlying the payments is high. The Court has questioned the Commission's dynamic interpretation of eligibility criteria, and the Court's view that the interpretation is flawed must be accepted. The point is that it does not enable Member States to meet standards of reliable public fund management. The Commission should review its position at the earliest possible opportunity. Parliament has in fact already approached it on this matter.

Another issue raised by the report is cooperation with the UN. It highlights the UN's unwillingness or negligence in forwarding the relevant payment documents. The Court indicated three main areas of significant error. They include eligibility of expenses, pre-financing settlement and the payment of incorrect amounts. These errors should and could have been identified and corrected much earlier by the personnel who approved the payments. For this reason, the Commission's explanation that auditing costs are very high, as indicated by the ratio of the costs to the effectiveness of the audits is unconvincing. It is hard to agree with this point of view. Instead, the Commission should aim for greater efficiency and increase the number of its employees. Indeed, we, as Parliament, approached it on this matter a year ago.

In summary, this section of the information provided by the Court of Auditors is mixed. While recognising its overall correctness, I wish to point to areas of significant error. The report includes the Court's recommendations, which must largely be accepted.

Jean Marie Beaupuy (ALDE). - *(FR)* Mr President, Commissioner, I should like to take my turn in thanking the Court of Auditors for its excellent work. There have been a number of Members who, at this very moment, have rebelled against the general use of European funds.

I would like to say that I hope that, when they report our debates and the results of the work of the Court of Auditors, the media will not do what they usually do and talk about the trains which arrived late and say nothing about the trains which arrived on time, because most of the budget of the European Union has been spent advisedly. We must not confuse the wood with the trees.

Having said which, we have noted that the trend in this report by the Court of Auditors has been one of improvement. That is very good news. You also said that there are millions of beneficiaries, which alone illustrates the difficulty and scope of the task.

For my part, I wish to underline two responsibilities. I do not wish to point the finger of accusation at any specific organisation. I simply wish to say that if, in future, we want to do better, those with material responsibility in the matter need to act.

As I see it, there are two categories of people responsible. There is the Commission – and the Court of Auditors has just told us, having said that there are several million beneficiaries, that the first thing to be done upstream is to simplify the rules. We therefore expect, before talking about controls, before talking about a declaration, that things will indeed be simplified upstream for these beneficiaries – especially associations, individuals and so forth.

The second category of people responsible is, of course, the Member States. I and my colleagues in the Committee on Regional Development shall not stop pointing to the responsibility of the Member States under the Structural Funds. It is they who often add to the administrative complexity and, instead of acting as councils, they complicate matters and sit in judgment.

Therefore, over and above this Court of Auditors report, we really expect each of the Member States to facilitate access to European funds and, of course, to introduce more adequate controls over coming years.

Ingeborg Gräßle (PPE-DE). – *(DE)* Mr President, Mr President of the Court of Auditors, Commissioner, ladies and gentlemen, after making statements of assurance for 14 years, next year represents an anniversary. We need to consider what we should do on this occasion.

I believe that we are gradually making ourselves look ridiculous. One of the major risks is that this will degenerate into a routine, that no one will take us seriously any more and that the results which we present will not be taken seriously either. The Court of Auditors' Report is an interesting report – the name and shame principle has proved its worth – and I would like to ask the Court of Auditors to continue to provide this kind of clarity.

However, we are now faced with the question of what to do about the Member States which have been part of the EU since 1981 and still do not apply EU legislation consistently. I would like to ask the Commission – and this is one of the lessons which I have learnt from this – to acknowledge that the more consistent the Commission's actions are, the faster we will have improved results. I would also like to see this consistent approach being taken in the area for which the Commission itself is responsible. I am disappointed that there has been so little progress on direct management. I expected the Commission to set a good example and to demonstrate that this is feasible and how it should be done.

One aspect of this report in particular which interested me is the position of the new Member States, but not very much information is provided in this area. I do not understand some of the numbers, for example, your findings on the two new Member States Romania and Bulgaria and what the European Anti-Fraud Office (OLAF) identified there in 2007. OLAF has carried out random samples of all the funds which revealed the percentage of fraud and irregularities in these two countries to be 76%. This is a significant percentage and it is now time for us to take consistent action and help these two countries to achieve better results, otherwise we will never make progress.

This annual report is the last from the Barroso Commission and the first in the new financing period. I would like to congratulate Commissioner Kallas and the Barroso Commission for their work in the field of financial control. The Commission has achieved much more than any of its predecessors. It is thought-provoking that despite all of these activities we have not produced better or faster results. I am expecting a great deal from the new reporting scheme on recoveries and I hope that we will no longer be in the same situation next year of shrugging our shoulders and saying that things should improve by the following year.

President. – Commissioner Kallas, so much praise from Mrs Gräßle is really something to be proud of!

Dan Jørgensen (PSE). - *(DA)* Mr President, our discussions can be a little abstract at times, so I therefore think that we should start by reminding ourselves what it is we are actually talking about. It is about taxpayers' money. It is about European citizens' money. Money that is used for quite sensible – and sometimes not so sensible – purposes. A common requirement for all the money that is used in the EU's name is that it must be used in a proper and decent manner. Another thing that is common to all the money used is that there are rules that must be followed, and if those rules are not followed, a penalty must be paid.

Unfortunately, we must again this year note that it has not been possible for the Court of Auditors to approve the implementation of the EU budget, that is to say approve the accounts. This is, of course, deeply, deeply unacceptable. The question is, who should the criticism be directed at, where should we point the finger? There is no doubt that the biggest problem lies within the Member States. Unfortunately, there is no doubt that when Member States get a bag of money from the EU they are not so inclined to subject this money to as much control and as many rules as would be the case if it was national money. It is clearly stated in the Treaty that it is the European Commission that bears the responsibility, that is to say it is the European Commission that is responsible for there being little pressure on Member States to introduce the necessary controls. In this connection, it is a pity that the Commission has not met its own objective for us to approve the accounts before the end of this period. We will not achieve this.

However, I would also like to point out that great progress has been made, for example, following pressure from the European Parliament. Last year, an action plan was introduced containing a large number of very specific initiatives, which we will see the effects of – not in this year's report, of course, but in next year's. We can be pleased about this. In this year's procedure, we will, of course, work in a very targeted manner in relation to the areas in which there are still problems. It is, of course, of particular concern that within the agricultural sphere, where there have otherwise been positive trends, we have unfortunately this year seen a somewhat downward evaluation because we do not have a proper hold on things in the rural development funds.

Bill Newton Dunn (ALDE). - Mr President, I should like to thank the Court of Auditors for its report and the Commissioner and his team for the work they are doing.

This is such an important subject, because there are so many failing and failed states in different parts of the world – I will not list them as they are obvious – and that is where criminality flourishes and spreads to the rest of us. So we have to tackle these problems and I am satisfied that we are moving gradually in the right direction.

I deeply regret that there is nobody present from the Council, because it is the Member States who are failing to do their job in this area. There is not a single person present, and we should try to correct that for next year.

I want to say one word to the absent Mr Bloom from my country, who made a silly speech about 'knobbly carrots' or something and then walked out and did not have the courtesy to listen to the rest of the debate. If he were here, he would hear me remind him that one major British Government department dealing with pensions has failed to have its accounts approved for the last 14 years. So, we in Britain have nothing to be proud of either. One of the things that baffle me about the UK is that the British Government refuses to cooperate with OLAF, which seems to be completely nonsensical and needs correcting. I would love to have an answer from the British Government to that.

My final point is addressed directly to you, Mr President: when we make recommendations about the committees for the new Parliament next year, I think we should consider seriously how to strengthen the Committee on Budgetary Control – give it extra powers and responsibilities, so that we continue to work very hard on this problem.

President. – Thank you, Bill Newton Dunn. The President will, as always, try to do his best.

Markus Ferber (PPE-DE). – *(DE)* Mr President, Mr President of the European Court of Auditors, Mr Vice-President of the Commission, ladies and gentlemen, it has now become a tradition that once again no statement of assurance can be issued about the relationship between spending at a European level and administration at a national level. I can remember discussions with the previous President of the Court of Auditors, Professor Friedmann, who once said to me that, because of the structures, it was not possible to give a statement of assurance. For this reason, we should consider how this instrument can be brought to life with the aim of issuing a statement of assurance, if this is justified.

It is important to make distinctions between a few different issues in this respect. Firstly, a budget that consists of around 95% subsidies is much more susceptible to fraud than a national, regional or local authority budget. This subsidy budget is largely managed by the Member States, which have demanded a great deal more independence from us in the new financing period, because they complained during the last funding period that there was too much central control. Of course, this also means that the responsibility for the budget funds must be transferred to a regional and national level.

The third area is one that I just want to touch on. We must learn to distinguish between fraud and wastefulness. These are things which are often lumped together. It also annoys me when projects are funded with EU money which are not absolutely necessary. However, this is not fraud, but wastefulness. For this reason, those with responsibility for the projects, in particular in the area of structural operations, namely the Member States, should also take responsibility for ensuring that money is not wasted and that only those projects are subsidised which provide genuine added value for the region. Therefore, we should also consider moving parts of structural operations onto interest-free loans. If Member States have to pay back the money, they will only fund the projects that they really need.

Paulo Casaca (PSE). – *(PT)* Mr President, I want to start by congratulating the Court of Auditors on its excellent work and also for having made this work much more accessible to all of us here, and even to European citizens in general.

However, I should have liked to see more specific details in the Court's report, with names and cases that were analysed. This is not a question of doing what some Members call 'naming and shaming', but perhaps rather 'naming and understanding'. This is because it is only through a description of specific cases that we can understand the problem. As far as I can see, particularly with the Structural Funds, we have regulatory frameworks that often demand absurd things. This is down to both the Member States and ourselves, and we have to look at these regulatory frameworks in the greatest of detail.

We are also going to be discussing the implementation of the European Parliament's budget in 2007. The buildings here in Strasbourg were purchased in 2007 and, when we bought them, we were absolutely assured that there was no asbestos in these buildings. Only once this purchase had been completed did we find out that there was asbestos in around 50 rooms in this building. This is a serious situation to which we must give our full attention.

That does not mean, ladies and gentlemen, waging war on those who do or do not want to come to Strasbourg. We cannot use a health issue for purposes that strictly speaking have no relevance. However, the health issue does exist and I should have liked the Secretary-General to give clear guarantees that the proposed asbestos removal plan is compatible with the continued use of these buildings.

After several months, I am still waiting for these guarantees. I have read hundreds of pages of reports and looked at innumerable photographs, some of which have been very interesting, but I do not have these guarantees; we really need them because, without them, we cannot be sure that we can work here in total safety.

I should therefore like to point out that, when we give discharge of the European Parliament's budget, this issue must be fully clarified because, otherwise, we will not be able to vote positively.

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

Marian Harkin (ALDE). - Mr President, I too would like to thank the Court of Auditors. Having read their report and listened to the debate here this morning, I ask myself: is the glass half empty, or is the glass half full?

The first sentence in the conclusions from the Court states that for 2007 the Court has identified further progress in the Commission's supervisory and control systems, so at least we are going in the right direction. There are improvements in certain areas, but the error rate is still way too high in some sectors, and those have been outlined here this morning.

An extremely important aspect is that, according to OLAF, suspected fraud in the Structural Funds affected 0.16% of payments made by the Commission between 2000 and 2007, and that is a hugely significant figure. However, as a politician on the ground, I see the other side of it. I am constantly being told by community groups, by voluntary groups, by NGOs, of the huge difficulty they have in applying for funding and adhering to strict compliance rules at every single step. I am constantly being bombarded about Brussels red tape and Brussels bureaucracy and, in the middle of citizens and this debate, we have Member States – many of whom need to seriously improve their act – the Commission, which still has some work to do, Parliament and the Court of Auditors.

I believe, however, that the recommendations from the Court will make a difference, particularly in simplifying the basis of calculation of eligible costs and making greater use of lump-sum or flat-rate payments. We are making progress but it is too slow.

So, is the glass half empty or half full? When I consider the full impact of European funding, the improvements that are being made, and hopefully the implementation of the recommendations, my opinion is that the glass is half full.

José Javier Pomés Ruiz (PPE-DE). – *(ES)* Mr President, pursuant to Article 274 of the EC Treaty, the Council has the same responsibility as the Commission for expenditure. We are the budgetary authority.

Mr President, did we invite the Council to this debate? I do not see any representatives. Have they apologised for not attending? Have they given any reason for not being here?

I do not understand. Is it because they do not want to hear for the fourteenth time that the Court of Auditors says that things must improve, given that they are the ones spending more than 80% of Europeans' money? Or is it because they, as the Member States, are happy with what they are spending, whereas here in Parliament we have the cheek to question the errors of an absent guest, because I am assuming that they were invited?

(FR) I shall say it in French. We are in France. Where is the French Presidency? Where is Mr Sarkozy? Where is your representation in this debate?

(ES) We will have to see whether, in the words of Molière, they arrive ere long.

This is unacceptable. All my colleagues on the Committee on Budgetary Control agree with me that this should not happen again. I thought that the excellent French Presidency would also improve this aspect of facing up to the consequences. For it is here where they must face up to the consequences. They cannot spend and then not come here. For it is also the Council, and not just the Member States, that are subject to our scrutiny. However, they are never here because they do not want to keep hearing the same thing.

The solution would be to have national statements.

I have two points to make.

Congratulations, Mr Silva Caldeira. In this latest debate of this parliamentary term, you have produced a very good report. The Court of Auditors, of which you are the President, is partly responsible for things having improved. Please convey our congratulations to all your members, as several of my fellow Members have said.

Mr Kallas, this Commission has improved things considerably. Unfortunately, we have not achieved the ultimate goal of a positive Statement of Assurance, but things are going well.

I have a small suggestion to make: we must simplify. We must simplify and give responsibility to the Member States and then they must come here to face up to the consequences. Simplification and removal of red tape will be the way to improve how Europeans' money is spent.

Szabolcs Fazakas (PSE). - *(HU)* Thank you for the floor, Mr President. In my view, for a deputy from one of the new Member States whose absence Mrs Gräßle regretted, the current discharge is important for two reasons. On the one hand, this is the first year of the 2007–13 period, thus whatever observations we make now, will have an effect on future uses. Secondly, this is the year for which the European Parliament and the Commission will give the last discharge, and therefore it is worth preparing an evaluation.

Perhaps my fellow Members will not agree with me, but I nonetheless hold the view that although our main goal, a positive DAS, has not been achieved, we can look back with pride at our joint achievements. The Commission, under its Vice-President Mr Siim Kallas, and Parliament, under the leadership of the COCOBU, not only saw to it that its own invoices and expenditures were all in order, but with a major, sustained effort succeeded in ensuring that Member States that account for 80% of the expenditures are increasingly prepared to cooperate with regard to inspection.

I know that in the area of agrarian and cohesion funds we still have serious tasks ahead in this regard, nevertheless when carrying these out we cannot ignore the changing circumstances in the global economy. In the current crisis, it is crucially important particularly for the new Member States to use EU resources as rapidly as possible, with the less democracy the better. This goal must be attained without thereby increasing the risk to payments. For this reason, I welcome the fact that the European Court of Auditors is also proposing simplification in this area. Now it is up to the Commission and the Member States to implement these. Thank you very much.

Anneli Jäätteenmäki (ALDE). - *(FI)* Mr President, I wish to thank the European Court of Auditors and Commissioner Siim Kallas for the important work you have done for the sake of European taxpayers.

A 2% margin of error is permitted in the EU's accounts. I would say that it should be possible for the costs set aside for salaries, rent and other administrative items to be finalised with a far greater degree of accuracy. There should not be any kind of confusion with these. There are other cost groups, however, where achieving an accuracy of within 2% can be difficult. For example, there is a lot of talk at the moment about higher figures in the costs of regional policy. Perhaps we have to be bold enough to recognise that it is not realistic to achieve zero tolerance in these cost groups.

In future we need to be a lot more cost-effective, the application procedure must be simplified, and it should also be possible to transfer accountability and authority to national level. This would be in the interests of European taxpayers, and I hope that the Court of Auditors will act effectively regarding this.

Véronique Mathieu (PPE-DE). - *(FR)* Mr President, I have no wish to take the floor on behalf of the Presidency, but I would like to respond to my fellow Member Mr Pomés Ruiz. I believe he may not have been in the House when the rapporteur spoke. The Council did not wish to be present in the House before the Ecofin meeting. It was quite intentional. I do not think that there should be an exchange of views prior to that meeting.

On the subject of the report, the key word is, I think, simplification. However, I believe that shared management is indeed a source of complication at the level of European funds and the degree of complication which we have is not, in all cases, due to fraud, especially in the agricultural sector. What we have noted today, especially on the subject of rural development, is due unfortunately to the extremely complex management of European funds.

We voted on the CAP yesterday and we need to realise that environmental cross-compliance, for example, is highly complicated. MEPs are calling for environmental cross-compliance to be simplified, because farmers are working really hard to manage this environmental cross-compliance. The European funds – especially the management of the Structural Funds – need to be simplified and this is a political message which we need to get across. Simplification of the European funds is the key word today and it must be heard.

Marusya Ivanova Lyubcheva (PSE). - *(BG)* My congratulations on the report, which can serve as an operating manual in the complex procedures by which expenses are paid in the European Union. I have drawn a number of conclusions about the report: clarity and ease of understanding – it reflects the new working methods introduced by the Court of Auditors; analysis, which gives grounds for important recommendations, albeit ones that have been around for years; and focus on the results. Let us look beyond the qualities of the report, and evaluate the results regarding the regularity and effect of European Union expenditure. This leads to the following conclusions: weaknesses in Member States' control systems and, to some extent, effective supervision by the European Commission; the distribution of errors in payments made by area is quite high, as are the amounts involved. We need to face the substantial level of errors in particular areas. Important progress has been made, but it is still not enough. The main findings of the report are contained in the recommendations which should improve the system for managing expenditure of European funds: improving control systems at various levels – first, second and third – and the links between them, which is a particular obligation of the Member States; and simplification of procedures to make them easier to control, and also easier to implement risk-free. And as it is often the new Member States that are involved, I believe that better cooperation with and assistance is required in respect to the new members to enable them to set up clear and precise national control mechanisms.

Mairead McGuinness (PPE-DE). - Mr President, I should like to thank the Court of Auditors for its presentation this morning, which was extremely detailed and very useful. Yes, the error rates are too high – and we all strive for perfection – but progress has been made, and the EU generally has made progress, so that is to be welcomed.

The general point I would make is that Member States are perhaps more careful with their own money than with European money, and we need to change that mindset. However, as others have said, we do not need to overcomplicate the rules and regulations concerning compliance, because that puts people off, and particularly those who might need to have access to funding.

I have in my hand here – hot off the presses – the health check on the common agricultural policy agreed in the early hours of this morning. One thing that strikes me very clearly from the presentation this morning is that it was clearly said that, when it comes to rural development, there are big problems in terms of compliance when, under the health check, we are now taking more money from the single farm payment to pour into rural development. There is an issue to be addressed here. At the end of the day, putting money into rural development programmes to address climate change, biodiversity and water management is, in theory, a very good idea, but how does one measure these things and assess value for money? That is something we need to look at very carefully.

I have a concern that this report, as in the past, will be used to beat up on the EU – to say bad things about it – rather than in the way it should be used, which is to say: look, we have made progress and we are pointing to areas where we need to make further improvements, so that we spend European money in a way which is good for the European citizen, and avoid making that overcomplicated.

The most widely-used word in the House this morning was 'simplification'. If it was that simple, then we would already be doing it. While I do not think things are quite that easy, perhaps if those who control and inspect were more in tune with the issues on the ground, then it might help the process someway along. So, I commend the presentation, and let us hope that we continue to spend well.

Jan Olbrycht (PPE-DE). - *(PL)* Mr President, may I first of all express my approval of the Court's report, which confirms the consistency of its work.

I should also like to point out that these reports are always analysed within a specific context. This context is very relevant just now, since first, we are working on a new shape for our policies after 2013. Second, we are debating methods of monitoring and judging the effectiveness of our policies. And third, we are all working on the European Union's response to the financial crisis and on adapting our tools, methods and instruments to the new challenges.

In this context, if we look at the effects of the report, which focuses on the cohesion policy, our attention is drawn to the fact that where the Commission itself was responsible for specific actions, the report has identified clear improvement. On the other hand, in areas involving multilevel audits and responsibility on the part of Member States, the effects to date, as noted in the report, are slight, because we cannot yet see the direct results of reforms currently being introduced.

May I also comment that when working on new policies we must clearly distinguish – as was noted by Mr Ferber – between errors, abuses and poor management, and how to relate these to the effectiveness of policies. In my view, it is wrong simply to identify an error or the level of error with the ineffectiveness of a specific policy. A simplistic drawing of conclusions may cause us to abandon policies which are absolutely essential in the new situation.

Esther de Lange (PPE-DE). - *(NL)* Mr President, I too should like to add my thanks to the Court of Auditors for the presentation of the annual report and the Commission for its reaction to it. Despite the positive noises on the bookkeeping side, we are actually facing the very situation we did in previous years. It is true that action has been taken in the area of cohesion, including via the European Commission action plan, and the error rate has decreased slightly from 12% to 11%, but this is less than satisfactory, obviously. A twofold picture is emerging where agriculture and other major debit entries on the budget are concerned. Agricultural policy's own error rate is under the critical limit of 2%, not least thanks to the integrated control system. I do believe, though, that we should mete out stricter penalties for those countries that have failed to carry out this integrated control system effectively for more than ten years, and that we should do this by means of progressive financial corrections.

In rural development, on the other hand, the picture is less rosy. This was to me, as Mr McGuinness has already pointed out, a clear appeal to the Council of Ministers for Agriculture, who met recently, not to move too fast when it comes to transferring monies from agricultural policy to rural policy. I have since learnt that whilst the Council did not move as fast as the Commission had liked to see, the proposed modulation is nevertheless considerable.

These are the problems. Now onto the solutions. I have heard the Court of Auditors talk in woolly terms about weighing up control costs, simplification and clear objectives. This is all well and good, but both the European Commission and the Court of Auditors know all too well that the problem lies with the fact that 80% of the outgoings are co-managed by the Member States. It goes without saying, therefore, that the solution should be sought partly via these Member States. Imagine my surprise, therefore, on seeing that neither the Court of Auditors nor the European Commission has mentioned national management declarations. I should like to remind the Commissioner that, in the context of the previous discharge, he promised that he would commit to these statements, and I should like to know whether he has delivered on his commitment and how this is evident, for I have not seen any evidence. Since these declarations are a learning process for us, I think it is important for us to take a closer look at how the present annual summaries and national declarations are put together qualitatively speaking, and to draw the necessary lessons from this. I in any event take it as read that the European Commission will help us in this in the coming months.

Rumiana Jeleva (PPE-DE). - *(BG)* The release of the European Court of Auditors' annual report is a good occasion to analyse what the European Union budget is used for and how it is used. The aim of the EU budget is primarily to improve the lives of its almost five hundred million citizens. It is used to fund projects that have a direct effect on our citizens' everyday lives, such as roads and motorways. As you know, we are currently at a juncture where the 'Eurosceptics' have succeeded in misleading some citizens with empty promises and false assertions. Blaming Europe for everything that doesn't work properly is one of the methods they use. We, however, must do all we can to allow the citizens of the European Union to reap the benefits of membership. We have to send them a strong message that we, as the lawmakers of Europe, want the European Union to function more efficiently and effectively. Only in this way will we stop the Eurosceptics from succeeding.

In this connection I would like to talk of my country, Bulgaria. For many years its citizens eagerly awaited the moment they would be able to call themselves equal citizens of the European Union, and would reap

the benefits of membership. Now, as noted in European reports on various issues, despite joining the European Union, many of my compatriots have been deprived of the benefits of community solidarity, due to mismanagement and weaknesses of the government. This was also mentioned in the European Commission's latest report from July 2008, which unfortunately led to a partial freezing of European funds for Bulgaria. This situation upsets me deeply, for there is nothing more I want to see than my compatriots living in a prosperous Bulgaria which has taken its rightful place in a united Europe, without accusations of corruption in high places and without organised crime.

In conclusion, I call upon all European and national institutions to continue in their efforts to correct the failings highlighted in the ECA's annual report, and to fight to continually improve the quality of life of the citizens of the European Union.

Lambert van Nistelrooij (PPE-DE). - *(NL)* Mr President, 'catch the eye'. I think that this is a topic that catches many people's eye. Surely the lack of approval can be attributed to some extent to the level of errors. Even after so many years, you have to wonder whether it might be the system that is flawed and needs to be fixed. Mr Ferber pointed out that countries that fail to meet the obligations of clarity and own responsibility time and time again must be approached with a different way of financing. This can be done, according to him, by providing funds on the condition that these are not spent definitively until later. This appeals to me. Countries have to choose, certainly when it comes to structural funds, agriculture and rural innovation.

Gerard Batten (IND/DEM). - Mr President, as my friend Mr Bloom quite rightly said earlier, it is simply not true to say that the accounts have been fully signed off by the auditors. It seems that about EUR 6 billion cannot be properly accounted for. At current exchange rates that is about GBP 4.7 billion. Britain's net contribution to the EU budget in 2007 was GBP 4.3 billion. The net amount is after the UK rebate and our own money spent in our own country. There is of course no such thing as 'EU money'. An amount of money exceeding the UK taxpayer's net contribution to the EU budget is quite possibly finding its way into the pockets of fraudsters.

This neatly sums up British membership of the European Union: a complete and utter total waste of money. More and more British people are realising that the European Union...

(The President cut off the speaker.)

Dushana Zdravkova (PPE-DE). - *(BG)* I would like to add my congratulations for the report. It is very important for me that it underlines the importance of improving the systems for monitoring and controlling European funds and recommends simplification of these procedures. I fully agree with the findings and recommendations made to the European Commission, because they are exceptionally fitting. I would like to mention here the regrettable example of the ineffective control system mentioned in respect of Bulgaria. My country continues to be criticised for irregularities in the management of funding from the pre-accession programmes by several executive agencies. This is clear evidence that mismanagement on the part of the Bulgarian government has resulted in misuse, and the results that the pre-accession mechanisms aimed for were not achieved. However, I believe that if the Commission had taken and adopted the effective control mechanisms required, this would not have happened. Although this is acknowledged in the Commission's answer on page 51 of the report, it is unclear to me exactly what specific measures need to be taken.

Christopher Heaton-Harris (PPE-DE). - Mr President, Mr Kallas's stated aim at the beginning of his mandate was to achieve a positive statement of assurance, and throughout the different reports we have had from the Court of Auditors in that time, not much, to be honest, has changed. I fear, Mr Kallas, that in your reporting and your take on this current report, there is an experience of Peter Mandelson coming through the fibre of your being. You have had a touch of the Mandelsons – saying that everything is absolutely fine and spinning that the accounts are clean is disingenuous and simply not true.

Blaming Member States is not a decent defence, because Article 274 of the Treaty tells you that the buck stops with the Commission. Who gives the Member States the monies in the first place? Who, knowing where the problems lie – and you are told every year by the gentleman sat beside you – could tighten the purse-strings or cut off money to fund some programmes? Mr Kallas, the buck does stop with you. I am afraid that you have failed.

Vítor Manuel da Silva Caldeira, *Court of Auditors.* – Mr President, I wish first of all to thank everyone for their kind words about those working at the Court of Auditors, and all those contributing to the result we have debated here this morning. On behalf of all those working at the European Court of Auditors I thank

the Members for appreciating what we do to assist the European Parliament as foreseen in the Treaty. That is our mandate. It is our role.

We take good note of the comments and suggestions you have addressed to the Court with a view to it further improving the way it presents its results and its findings and communicates these to you and to the citizens of the European Union. We will strive to strictly apply international auditing standards in all areas, including when taking into consideration the work of other auditors, namely those engaged in the Member States in auditing European Union funds.

I shall finish by saying briefly that we will continue to assist the European Parliament and its Committee on Budgetary Control during the discharge procedure, and that we will again strive for full cooperation with all the institutions. At the end of the day, the important thing is that the result of our work, as I said in my speech, is a sign that the European institutions are accountable and transparent, and that one can have confidence in the European Union.

Siim Kallas, *Vice-President of the Commission***.** – Mr President, many remarks have been made. We have a long process of discharge and discussions ahead of us, during which all these remarks should receive answers and/or comments.

I would just like to make a comment about simplification, which has been raised many times. Everybody says they are in favour of simplification, but in fact, there are two different underlying opinions. The first is that the recipients of money want to have more of a free hand, while those contributing that money want a very clear understanding of where the money is going. So there is a constant contradiction. Secondly, we have until now – although the past two years or so have been different – always assumed that there is zero tolerance for any error. The rules are therefore elaborated to prevent any error in the millions of transactions that take place. That has also produced some kind of mythological view of the famous declaration of assurance, saying that the underlying transactions of all accounts have errors. In fact, as the Court of Auditors says in this report, 95% of all expenditure is free of errors, except in the Structural Funds, where the level of error is higher. So the vast majority of spending has been done in accordance with the rules.

However, zero tolerance of errors is something we will soon be addressing. The question of tolerable risks has been raised here many times also, and we will also soon present to Parliament a communication on the intensive discussions which are taking place at the moment in the Commission. We have models which clearly show, for instance, that if you want to have zero tolerance – 100% free of errors – then you have the enormous cost of controls. Somewhere there is a point where the errors, costs and risks meet. In this we highly appreciate the Court of Auditors' approach, first of all towards introducing this kind of quantitative travel light which gives a much better picture. Then we will go ahead and see – as one honourable Member said – that maybe in some areas there should be less materiality threshold, and more in others. Then we can have a more reasonable interpretation of the requirement of the legality and regularity of transactions.

President. – The debate is closed.

4. Investigations conducted by the European Anti Fraud Office (OLAF) (debate)

President. – The next item is the report (A6-0394/2008) by Mrs Ingeborg Gräßle, on behalf of the Committee on Budgetary Control, on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (COM(2006)0244 – C6-0228/2006 – 2006/0084(COD)).

Ingeborg Gräßle, *rapporteur*. – *(DE)* Mr President, Commissioner, ladies and gentlemen, good things come to those who wait. As rapporteur I am presenting 92 amendments to you today for the revision of the OLAF regulation, with the request that you approve them. This is the first reform of the Anti-Fraud Office since it was established and affects what lies at the very heart of the office, in other words the regulation that controls the essential activities of OLAF.

The European Parliament has given itself two years to revise this regulation, because OLAF issues always represent dangerous territory for us. I am proud of the fact that we in the European Parliament and in the Committee on Budgetary Control were genuinely able to agree and that we remain in agreement. We have not fallen out about the details or generally got into a muddle, as the Council often does. We agree on the objective of the reform which is to create a more efficient office that can carry out its important tasks more effectively.

We stand by the office. We want it to remain in place and we also want it to be able to carry out its tasks. I would like to thank all the employees of OLAF, including the Director General, for their work and to assure them that we need their work. I would also like to thank all my fellow Members, the shadow rapporteurs, the consultants and the committee secretariat and, of course, my own employees who have shown such commitment to this issue. I would like to thank all of you for your wide-ranging support for this work, because this support will represent a success for this Parliament and it is also necessary for its success.

We have worked together to produce a logical development of the already obsolete draft text produced by the Commission and to enhance it with some genuinely innovative elements, such as the Review Adviser for complaints. This will allow us to prevent OLAF from being brought to a standstill and disabled by internal disputes. We have made it our priority to improve the way in which the Member States fight against fraud.

Members of the Council, who are noticeable by your absence once again today, we want to force you to take notice and we will force you to take notice. We want the fight against fraud to be a subject that we share. We do not want to hold a monologue. We want to have a dialogue. Once a year we want to have a joint meeting to discuss the major issues relating to the fight against fraud and the problems in the Member States.

We want to improve the legal protection for those involved in proceedings and to guarantee this protection throughout the entire OLAF investigation. For this reason, we have handed over the entire responsibility to OLAF, its judges and its prosecutors. We want to ensure that the results of OLAF investigations will stand up in court. We want to ensure that national law is taken into account right from the beginning of investigations and that the evidence is obtained under the terms of national law.

We believe it is highly regrettable that some Member States, such as Luxembourg, have never brought an OLAF investigation to court. Any citizens of Luxembourg who are making dishonest use of EU funds have a good chance of getting away scot-free. This has a disastrous impact on respect for the law and this is why we are placing such a great emphasis on equal treatment for everyone affected by an OLAF investigation. EU officials must not be treated differently from other citizens and ordinary citizens must not be treated differently from EU officials.

The Commission would be well advised not even to appear to be attempting to do this. Commissioner, I am on the warpath about this subject. I know that you will reject this point later as unacceptable and that you will insist on this. I think that is a pity! The Parliament will definitely not expose you to the temptation of sweeping the findings of investigations involving EU employees under the Commission's carpet.

We must now convince the Council. The Council is not prepared to negotiate with us over this regulation, but instead aims to consolidate the three legal foundations of OLAF. This means that we are wasting a lot of time over an uncertain outcome and we are missing the opportunity to do what is feasible now, to improve the working conditions of the office and to protect the office from criticism concerning those involved in the proceedings.

We would like the Council to allow us to take those steps which we can take together now. Instead of taking the third step before the first step, we should begin at the beginning. As rapporteur, I am prepared to come to an agreement with the Czech presidency over an early second reading. Where there is a will, there is also a way and I am sure that we can find a joint solution.

Siim Kallas, *Vice-President of the Commission.* – Mr President, I wish to begin by thanking Ms Gräßle for her energetic drive in this matter and the Committee on Budgetary Control for forcefully carrying through the debate. The Commission appreciates the considerable work of the rapporteur, who was instrumental in taking up this proposal, pending since 2006. A first proposal had already been made in 2004.

Times have changed since 2004 and 2006. The largest part of OLAF's work now is not with the institutions but with external parties, conducting anti-fraud investigations throughout Europe and indeed throughout the world, wherever EU funds are spent. It has great success in this work, as is widely recognised.

What remains is a schizophrenic situation, if you allow that analytical term: on the one hand OLAF is a 'normal' Commission directorate general, for which the Commission has full responsibility; on the other hand, it is an investigative function, fully independent in its operations, but for which the Commission is also held responsible. Where are the limitations, and where are the limits of independence and accountability in such a set-up?

It is our view that with the necessary independence from outside interference of a credible anti-fraud service comes the need for a clear and strong governance set-up. Clear rules for investigations and strong accountability arrangements are the mirror of operational independence.

There are basically only two options: OLAF as part of the Commission, but with clear allocation and separation of responsibility, or make OLAF entirely independent from any EU institution and ensure separate strong oversight and accountability.

The guiding principles behind the Commission's 2006 proposal were to strengthen the existing OLAF legal framework: a clearer governance set-up for OLAF; reinforced accountability and oversight; reinforced protection of persons under investigation and a reinforced framework for investigations and their follow-up.

On that basis, the Commission can fully support the amendments proposed in the draft report you are voting on today that are in line with the broad objectives of reform, and can thank you for those developed further.

On the other hand, the Commission made it very clear throughout the drafting process that some amendments cannot be taken into account in the current situation, simply because OLAF's present status as a Commission directorate-general does not legally permit such changes.

This includes, for example: OLAF concluding independent cooperation agreements; OLAF's independent appearance before the European Court of Justice; or the European Parliament and the Council deciding on OLAF directorate-general appointments.

The Commission also made clear that it cannot accept a limited number of proposals which, in their current wording, would depart from the governance improvements envisaged or would remove safeguards contained in the current Regulation.

This covers, for example, the scope of the governance framework, the procedural rights of persons concerned or a more effective follow-up of minor cases.

However, the Commission took careful note that, in parallel to the discussion of the current reform proposal, both the European Parliament and the Council repeatedly, and in a particularly insistent manner, stressed their preference for further simplification and consolidation of the entire complex of anti-fraud legislation. The upcoming Czech presidency asked the Commission to present a concept paper on that in time for a working-level discussion scheduled during the latter part of its mandate.

The Commission is therefore striving to present the requested broad reflection paper in early 2009, based on past experience with the existing anti-fraud set-up and the input from the current reform discussion, as well as any other useful elements, as sketched out above. The European Parliament will be fully involved in that.

Let me conclude by stressing again that the Commission is thankful for the support from the European Parliament. The Commission is not shying away from openly saying where, in our view, the limits are, but the Commission has been, and will remain, ready to discuss in a spirit of full transparency and cooperation all issues necessary to designing a strong and credible framework for the future of OLAF and a successful fight against fraud.

Paul Rübig, *on behalf of the PPE-DE Group. – (DE)* Mr President, ladies and gentlemen, firstly, I would like to express my sincere thanks to Mr Bösch. He was one of the people who made it possible for OLAF to be established and he was very far-sighted in his view that a body of this kind obviously provides a guarantee for the reputation of European institutions. This is what we need on the international stage. We need a clear, transparent institution which is accessible to European citizens, which clarifies the situation with regard to the disinformation that generally comes from outside Europe and runs contrary to European interests and, from the other perspective, intervenes in cases of abuse and ensures that abuses are eliminated.

For this reason, it is also important that the supervisory committee ensures OLAF's independence and, in particular, that the office of the Director General can in future be guaranteed by the Court of Justice. This will allow OLAF to carry out its work independently and objectively. It is also important that the rights of people who are summonsed or charged by OLAF are clearly demonstrated and this applies also to this House. It is also necessary for the rights of these people to be guaranteed in the European Parliament. Of course, it is also important to collaborate with third countries and with other institutions in the Member States, in particular with courts of auditors at national and regional level, in such a way that the funds provided by Europe are used for their intended purpose and in the best possible way.

I would also like to congratulate Mrs Gräßle on the competence and strength of will with which she is ensuring the success of this highly complex dossier. I wish her every success and hope that it will soon be implemented.

Herbert Bösch, *on behalf of the PSE Group*. – *(DE)* Mr President, thank you, Mr Rübig, for your praise. We really should be rather proud. It was this committee – and I would like to remind you about someone else as well – it was the Committee for Budgetary Control of this Parliament under the chairmanship of our esteemed fellow Member Diemut Theato who made use of the window of opportunity in the spring of 1999 to create the Anti-Fraud Office. We should also remember what the basic principles were. These included, of course, independent investigations and also the fact that OLAF was always regarded as a provisional solution. We are waiting until we have a European prosecutor and then OLAF will no longer be what it is today. For this reason, we have always emphasised the importance of a powerful supervisory committee and of a high level of independence. Some time ago we held a seminar on this subject which confirmed that the independence of OLAF was not, in fact, at risk.

This is also a compliment to the Commission. I have a great deal of understanding for what Mr Kallas has said. With this hybrid function that is partially independent and partially dependent, it is not easy to implement something like this and, therefore, I am very curious to see what will be included in a consultation paper. Of course it is unacceptable that some of the guarantors of OLAF's independence, in other words the Council, are not taking part in this debate. The system cannot work in this way. If you are unable to create an independent body, then you can only guarantee independence by ensuring that as many people as possible are tensioning the net, with everyone pulling a bit from different sides. Otherwise, OLAF will suddenly find itself hanging from only one thread and will no longer be independent. The three bodies which must pull on the net and retain a critical distance from OLAF, because not everything that OLAF does is wonderful, are the Council, the Commission and Parliament. If we ignore these principles, then OLAF's success will be jeopardised. I would like to thank the rapporteur for her work and hope that we make progress in good time, as the previous speaker has said.

Jorgo Chatzimarkakis, *on behalf of the ALDE Group*. – *(DE)* Mr President, Commissioner Kallas, I would like to start by congratulating the rapporteur warmly. She has put in a huge amount of hard work, which is a rare occurrence these days.

OLAF is a very special body within the EU: an independent anti-corruption agency which is the envy of other international organisations. It was this Parliament – as explained by Mr Bösch and Mr Rübig – which, following bad experiences with OLAF's predecessor, insisted on the independence of the new Anti-Fraud Office. We should remember that, at the time, OLAF was only allocated or linked to the Commission for practical reasons.

Unfortunately, for many people the memories of the scandals of 1999 have already faded, along with any respect for the necessary independence of an anti-corruption authority. From today's perspective, the existing safeguards are no longer sufficient to protect OLAF from the exertion of influence and, above all, from increasing blockades. Let us be clear about one thing right from the start: OLAF is there to combat fraud. It is a body which ensures that taxpayers' money is used appropriately. Therefore there are five points which we are supporting by means of this report to promote OLAF's independence:

Firstly, the right of the General Director to intervene in cases heard by the European Court of Justice. This right ensures that OLAF can consistently defend the results of its investigations. The second important guarantee is the right of the supervisory committee, the Commission or another body to bring a case before the European Court of Justice if OLAF's independence is jeopardised. This sharp sword is necessary because warnings from the supervisory committee have simply been ignored in the past.

Thirdly, OLAF's independence is also guaranteed by its obligation to bring before the courts the facts of a case which could constitute the elements of a crime.

The fourth point is the importance of the skills and strength of character of the people responsible. Fifthly, I am pleased that the Director General of OLAF is being reappointed. Experience and performance are both important here.

We should try to avoid denigrating OLAF. The experiences of other anti-corruption authorities show that this does not help anyone. However, I do agree fully with Mr Bösch that the Council must be involved. No French or Czech explanation for this is forthcoming. They are not even present and in the end the system simply cannot work like this.

Ryszard Czarnecki, *on behalf of the UEN Group*. – *(PL)* Mr President, Commissioner, our debate occurs on the eve of the tenth anniversary of the establishment of OLAF. The European Anti-Fraud Office rose from the ruins of Jacques Santerre's compromised European Commission, accused of corruption and nepotism. Life has shown that OLAF is essential for the efficient functioning of EU administration; at the same time, its existence and operation send a signal to EU Member States, reminding them that European Union bodies are under constant supervision, control and examination. OLAF's work raises the prestige of European institutions in its own right.

The current, well advanced, project is intended to strengthen OLAF's role by first, streamlining its working conditions, second, improving the quality of its operations and third, as noted by previous speakers, strengthening its independence – may I at this point thank the rapporteur. The work has been going on for almost four years. It was initiated by the European Commission, mindful of the unfortunate experiences of nine years ago, when it was forced to resign. The document specifying the new OLAF framework was the subject of consultations with the Council of the European Union, the Court of Auditors and the Data Protection Ombudsman; in addition, importantly, a public hearing was held – in other words, public opinion was consulted. The proposals of the public hearing and of the Court's special report resulted in significant amendments to the original proposals of four years ago. For instance, it proved necessary to spell out the particulars of cooperation between OLAF and EU Member States and with the European Union's institutions, bodies and organisations.

A key issue is to achieve real strengthening of OLAF's independence. Its personnel must be able to operate in conditions of total independence. Where OLAF needs to investigate the allocation of EU funds, whether intended for Member States or for external assistance, the involvement of interested third countries and international organisations must be ensured. To streamline its operations, OLAF must be guaranteed immediate and automatic access to European Union fund management data bases, as well as all data bases and important information, by the relevant EU institutions, bodies, offices and agencies. This would go against the formerly entrenched practice whereby the same institutions sealed themselves off tightly against all controls.

Member States cannot regard OLAF as an enemy or a redundant institution. Every EU state should nominate a body to cooperate with OLAF on a day-to-day basis. As is well known, not all our 27 Member States have created specialist national-level services to coordinate combating financial abuses involving EU funds. We need close cooperation between OLAF and Europol, as well as OLAF and Eurojust.

OLAF must also act transparently in the matter of its investigative procedures and guarantees, verification of the lawfulness of its investigations and appeal procedures for those already suspect or soon to become suspect. Where procedures involving Member States are concerned, the audits could be carried out by representatives of the relevant Member States. Representatives of judicial authorities, and in fact those involved in OLAF structures, could participate. This is the main thrust of the amendments.

At the same time, I oppose the imposition of excessive sanctions on European institution officials guilty of unauthorised disclosure of information about specific offices and potentially corrupt practices. The case of a colleague, Mr van Buitenen, today an MEP but formerly a European Commission official, suggests that in the past those who were victimised were not those guilty of abuses but those who drew attention to those abuses, pursued and disclosed them. Let this experience serve as a warning also when we come to specific provisions relating to penalties and sanctions to be imposed on whistleblowers.

Finally, the citizens of Member States frequently overzealously identify corruption and abuse with European institutions. To counteract this tendency, we need greater transparency in the operation of EU bodies, and certainly better information about investigations and the methods used by the European Union to combat corruption. It is a big mistake to conceal such information under the pretext that its disclosure will damage the prestige of the EU. Quite the contrary, we must publicise such matters, to make the citizens and taxpayers of European Union Member States aware that we do not sweep theft shamefully under the carpet.

IN THE CHAIR: MRS MORGANTINI

Vice-President

Bart Staes, *on behalf of the Verts/ALE Group*. – *(NL)* Madam President, ladies and gentlemen, this is an exercise in making legislation in the framework of the codecision procedure. This means cooperation between Parliament and the Council, the latter of which, indeed, appears to be absent. Let us be honest. The French Presidency is not in the slightest bit interested. This also explains their absence. I do hope Mrs Gräßle will

reach agreement at first reading with the Czech Presidency, but somehow I do not think this will happen. The Chechens will not display much in the way of decisiveness either.

In addition to the five points which Mr Chatzimarkakis listed and which I fully endorse, I should like to list another ten points which we in the Committee on Budgetary Control deem important in the cooperation with Mrs Gräßle and which we, in fact, consider absolutely essential.

First of all, we are in favour of improved cooperation between OLAF and Eurojust when it comes to exchanging information on cross-border crimes between more than two Member States. The cooperation agreement between OLAF, Eurojust and Europol is of huge importance.

Secondly, we would like to see the role and the duties of the Director-General of OLAF, the anti-fraud office, better described. That way, we can also call him to account.

Thirdly, we would like to see the tasks of the OLAF staff better described. A requirement should be introduced to make investigations last less than 12 months and extend them by a maximum of 6 months. If an investigation lasts over 18 months, then feedback should be given to the supervisory committee.

Fourthly, the rights of the defence must be clearly reinforced. Fifthly, journalists' sources must enjoy specific guaranteed protection. Sixthly, we need clearer agreements about the role and relationship between OLAF and the European Parliament and the Committee on Budgetary Control.

Seventhly, we need clear rules about the openness of information intended for the general public. Eighthly, the role of the supervisory committee, including in terms of staff and the composition of the committee itself, must be reinforced. They should be experts, appointed for five years, with investigative experience in the judicial world.

Ninthly, we need a better procedure for the appointment of the Director-General. Tenthly, the role of whistle blowers and of people under investigation must be better protected.

Erik Meijer, *on behalf of the GUE/NGL Group*. – *(NL)* Madam President, the EU's money streams are prone to fraud. Since a huge chunk of its outgoings are related to the common agricultural policy and regional funds, the Union is becoming nothing but a middleman. As a result, responsibility is shared with others who consider the pledged funds as their own. Collecting funds centrally to subsequently share them out to interested parties or projects in municipalities or provinces renders control more difficult.

This week, we invited the Council to agree that more funds should be given for school fruit. An arrangement of this kind is useful for the children's health, but this is best organised on a small scale at local level rather than the most large-scale level we know in Europe. We may be able to reduce the risk of fraud considerably by focusing money streams on budget support or levelling contributions for the poorer regions, with the only criterion that the residents of those areas must be given every opportunity of staying in their regions of origin to live and work. If we remove discrepancies in income, create jobs and provide good facilities, much of the labour migration will become unnecessary. This will also reduce the ensuing problems.

We have not reached that stage yet. As long as the outgoings remain prone to fraud, extensive checks and fraud control will need to remain in place. A high level of funding and staffing are not enough: The anti-fraud office OLAF can only function properly if it can be completely independent and critical in respect of the Commission and Council. When the present Director was appointed, the recommendation by an independent selection panel that put forward the seven most suitable candidates was put aside. The Commission considered the present Director to be its favourite candidate from the outset. He is also rumoured to want to exert too much influence over the selection of his staff, making them too dependent on him. None of this does anything to boost confidence in the seriousness of fraud control. Many voters consider this chaotic Europe as a fraud paradise.

Moreover, it appears that whistleblowers cannot pass on their suspicions related to fraud to OLAF in a safe manner. If their roles leak, they can be dismissed for violating secrecy by way of penalty. Moreover, all too often, we wait until the press drags a scandal into the public arena and the statute of limitations has run out on offences. Also, there is not enough provision for hearing both sides of the argument. Too many investigations are delayed or stopped before a satisfactory outcome has been reached.

The Gräßle report makes the first small steps in the right direction. It could lead to more autonomy for OLAF, to less control of the working method by the European Commission and to better protection for those involved. My group supports these first steps, but we do not labour under the illusion that they will solve

the problem. The supervisory committee will need to be strengthened further and codecision about amending this Regulation No 1073/1999 must not be delayed or stopped.

Nils Lundgren, *on behalf of the IND/DEM Group.* – *(SV)* Madam President, there have been countless scandals as a result of corruption, fraud and irregularities throughout the EU's history. Public trust in the EU is low. In Sweden, we measure the Swedish people's trust in various institutions each year. At the top we find, for example, the health care service, the police and the royal family, and lower down come the politicians, trade unions and the evening papers. At the very bottom are the European Commission and the European Parliament. This pattern is consistent.

Thus, the EU needs an effective anti-fraud authority. But we have had bad experiences of OLAF, including a lack of independence, a lack of transparency, secret lobbying in connection with the appointment of the director general and the Supervisory Committee.

Our rapporteur, Mrs Gräßle, has put a lot of work into guaranteeing independence, transparency and strict observation of the rules. I call on the House to give its full support to Mrs Gräßle's proposal. It is an important first step on the EU's long path, if possible, to win the trust of its citizens.

Allow me to finish by making a particularly strong plea in favour of an amendment that I myself have put forward. This requires all EU bodies to respect journalists' sources.

After the scandalous Tillack affair, where the actions of the OLAF leadership warrant sharp criticism, this reform is absolutely necessary. In the end it was the European Court of Human Rights here in Strasbourg that fully acquitted Tillack last year. Neither OLAF, the European Parliament nor the European Court of Justice accepted their responsibility.

Philip Claeys (NI). - *(NL)* Madam President, it is very important for the European Union to have an efficient and well-developed anti-fraud office, all the more so given how much budgets are increasing and foreign aid growing, without it always being possible to monitor effectively whether the deployed means are spent wisely. I think that public opinion, the tax payer in other words, often questions this, with good reason.

This report contains a large number of sound proposals and I for one will be endorsing it, even though I believe that more thought should be given to OLAF's independence. OLAF is a Directorate-General of the European Commission, and the political responsibility rests with the Vice-President of the Commission. Operationally and in terms of research, the office is independent, but this hybrid status is potentially problematic, to say the least. I am convinced that independent status could only reinforce the office's clout.

Antonio De Blasio (PPE-DE). - Madam President, I would like to congratulate Dr Gräßle. Our rapporteur tried to reconcile all the parties and by doing this she could identify current problems, could find practical solutions and could find compromise.

At present things are not too satisfactory. We see the Court of Auditors refusal to sign off the EU's account for the 14th time in a row due to the number of irregularities and fraud cases which involve EU money. It is high time to support a tougher approach tackling the misuse of EU funds. Since the establishment of the European Public Prosecutor's office is postponed, it is high time to move forward in the fight against fraud by strengthening the independence of the European Anti-fraud Office and by strengthening the investigative power of OLAF.

There is an important point in the Gräßle report: strengthening cooperation with the Member States. Although the regulation states that all national and international partners must provide all the cooperation necessary, there is no detailed legal basis for such cooperation. The number of obstacles even increases when we come to cross-border anti-fraud cooperation. There is a great need, therefore, for the amended regulation which comprises a better cooperation management between OLAF and the competent authorities of the Member States. The only institution which really has the means to protect the financial interest of the EU is the European Parliament. If we do not stand up for the fight against corruption and fraud, there is no one to replace us.

Finally, I would like to raise an interesting point. While the European countries are among the so-called 'cleanest countries' in the 2008 Global Corruption Perception Index, according to recent studies these wealthy countries like to show preference for using illegal means, for example bribery, in their outside overseas businesses. I agree with all those who find these double standards unacceptable.

Inés Ayala Sender (PSE). – *(ES)* Madam President, I want to start by congratulating Mrs Gräßle and in particular thanking her for her openness to suggestions and proposals. I can say that – and I congratulate you on this – you successfully led a dynamic work team to achieve the best possible results. Congratulations, Mrs Gräßle!

I believe that the most important element in this text, which my Group at least also fought for and on which Mrs Gräßle's attention was focused, is the guarantee that the rights of citizens under investigation will be protected.

The principles of presumption of innocence, privacy and confidentiality, the procedural guarantees and also the Charter of Fundamental Rights of the European Union will from now on be the key points of this procedural code for OLAF investigations. We want this to be published as soon as possible and to be sent – in fact it must be sent – to the Review Adviser appointed for this purpose so that a response can be given to citizens' complaints within 30 working days.

The role of the Supervisory Committee has also been reinforced. This must protect the independence of OLAF through regular monitoring of the implementation of its investigative function. In addition, and this is something I must highlight and which I assume Mrs Gräßle will also highlight, it can appear before the Court of Justice, as can the Director General, who can also bring the institutions before the Court of Justice. This was something that the rapporteur was keen to ensure. In this way, the role of the Director General of OLAF will also be more protected and have greater safeguards.

The role of the European Parliament in the institutional conciliation procedure is also reinforced. I believe that this is an important and innovative element. Although we would have preferred not to increase the extension periods, because two years still seems to us to be too long, we understand that investigations can be difficult and complex. However, we hope that the Commission – and here I must also thank Mr Kallas for his openness and for the support that he gave us – after the four-year period when the report on the regulation's implementation should be presented to us, will be able to tell us how we can improve this point of reducing the investigation periods as far as possible.

We are still hoping for a European Public Prosecutor, a desire that we share with the rapporteur. Thank you, Mrs Gräßle!

Paul van Buitenen (Verts/ALE). - *(NL)* Madam President, Commissioner, I am filled with sadness. At Mrs Gräßle's proposal, OLAF is unwittingly being accorded additional powers, while OLAF itself is not subject to adequate supervision. In 1999, the then Committee of Wise Men predicted that, as an internal Commission office, OLAF would refuse to work with a powerless supervisory committee. The effects are clear for everyone to see. Unhindered by accountability and control, OLAF's management, and particularly its Director-General, has slipped up time and again. Staged staff selection, violation of the rights of the defence, concealment of evidence and submission of criminal dossiers with lapsed prosecution deadlines. The *pièce de résistance* is OLAF's own dreamed up charge of bribery against a journalist who was too well informed for OLAF's liking. In fact, OLAF even managed to secure a house search, at which point the journalist's belongings were confiscated. OLAF subsequently lied about the full facts to the Commission, Parliament, the law courts, the ombudsman and the public prosecutors in Belgium and Germany for years. In fact, OLAF has sent its own researchers out with false information. How far can they take this?

The Commission is aware of this, and says this has to stop, but claims it is not authorised to act. This is precisely why the Commission has withdrawn this proposal. As you already indicated, it was made with the best of intentions. Our increasing insight into current abuses, though, make it necessary for a different supervisory body to monitor OLAF, and one of the options indicated by yourself is coming to an end. The solution is an independent OLAF which operates independently of the Commission and under competent supervision, that is not appointed by politicians but by public prosecutors of the Member States, until such time as a European public prosecution is formed.

Hans-Peter Martin (NI). – *(DE)* Madam President, the fact that the European Union has such a poor public image unfortunately has a great deal to do with OLAF. I agree with the previous speaker that OLAF is neither fish nor fowl and it takes a characteristically arbitrary approach. OLAF employees have been coming to me and telling me how depressing things are, that two types of measurements are used and that no clear standards are set. One OLAF employee even compared OLAF's practices with those of the secret police, in other words, an undemocratic institution. The occasion was, of course, once again the so-called Galvin report, the internal report in which many of the practices of Members of the European Parliament are disclosed which, if OLAF

were to use the same standards, would have led to large-scale investigations, including one of Herbert Bösch, who refers to himself as the father of OLAF.

What is happening in this case to the German Members among others? What is happening to many other Members? Instead of taking the correct approach and doing what was done in my case, in other words, saying that we are acting on our own initiative, where there is clear suspicion of fraud, for example tax evasion or illegal party funding, OLAF sits back and does nothing. Of course, this also has a lot to do with the personal approach of the current Director General. This is a challenge for you, Commissioner. What is happening here is not worthy of a democracy. In my case, they made up technical errors and searched and searched. In the end there was no truth in the accusations, which was embarrassing for OLAF.

However, in cases where there may be some truth in the suspicions of fraud, they do nothing and simply look the other way. For this reason, I am of the opinion that many EU officials work in the same way as OLAF and that an EU officialdom of this kind can no longer be supported, that many EU officials should be brought before a court and that we need true democracy at a European level at last, with separation of powers, and not an OLAF like the one we currently have!

Herbert Bösch (PSE). – *(DE)* Madam President, I would like to clarify that Mr Martin, who is just coming in, has stated in one of his points, that OLAF should have investigated Mr Bösch. That should not be allowed. It would mean that there is a suspicion of fraud in this case, because I know that OLAF can only carry out investigations in the case of suspected fraud.

I would ask the Bureau to resolve this issue. I reject the accusation. This sort of thing simply should not be allowed! I hope that appropriate measures are taken against Mr Martin. Without any evidence, he has stated that OLAF should have taken proceedings against Mr Bösch and other German fellow Members. This should not happen and I expect measures to be taken in this case.

(Applause)

Markus Pieper (PPE-DE). – *(DE)* Madam President, the Member States, Europol and Eurojust will now have to concern themselves on a regular basis with OLAF's findings.

The information provided by the European Anti-Fraud Office will pass directly to the police and to the justice system and will be binding. As a member of the Committee on Regional Development, I warmly welcome this reform. OLAF must make use of its new powers, because the structural funds are a major problem for us. The number of irregularities has increased dramatically and the amount of damages rose from EUR 43 million in 1998 to EUR 828 million in 2007. This increase is not acceptable. Therefore, it is good that we are improving the controls and the prosecution process. However, we must also press more strongly for the Member States to publish the names of their subsidy recipients.

We should also explain one of the causes of the abuse. I am of the opinion that we put too little emphasis on the responsibility of the regions when we allocate the funds. For this reason, we must increase the mandatory joint financing by the regions and the project promoters and we must offer more loan-based programmes. If the recipients of the funding can identify more closely with the potential lasting success of their projects, there will be less abuse and less work for OLAF.

Christopher Heaton-Harris (PPE-DE). - Madam President, before I make my point, I would just like to make a comment to my colleague, Mr Martin. Whilst he has some very valid points to make, in his scattergun approach he should not try and take out an honest, decent and good man like Mr Bösch, who in my experience of his chairmanship of the Committee on Budgetary Control – even though we might disagree on many points – is exactly what I have described him as.

My concern with OLAF's problem is that it has a huge conflict of interests going on. It is not necessarily OLAF itself, but the strange relationship whereby it is part of the Commission, even though it is occasionally called upon to investigate that body. That is why I am concerned that OLAF, which was born following the 1999 'Wise Men's' report – and that report called for it to be independent of the Commission – spends less and less of its time investigating internal Commission matters. Certainly some of its other investigations are very sexy and exciting, but I am not convinced that Mrs Gräßle's report addresses the problems of OLAF's independence in this way.

Finally, I am concerned that there is another level of conflict of interests. Should OLAF members of staff be allowed to have relatives working in parts of the EU institutions that they might be investigating? Indeed, should we not – this Parliament that has banned spouses from working for MEPs – now extend this call to

say that only one family member should work in any of the EU institutions to prevent such future conflicts of interests?

Paul Rübig (PPE-DE). – *(DE)* Madam President, I believe that it is particularly important for OLAF to make a distinction between disinformation, which in some cases is controlled from outside Europe, and the bureaucratic treaties which are often 50 to 60 pages long and the manuals of over 600 pages, where, of course, the most errors occur.

We should explain here that clear and simple regulations are much easier to follow than complex and comprehensive ones. This is why I am specifically calling on the Council to improve the basic conditions as quickly as possible. We need OLAF for transparency and justice in Europe.

Siim Kallas, *Vice-President of the Commission***.** – Madam President, I am grateful for all the remarks, which reflect very clearly the controversial nature of this topic.

As Ms Gräßle mentioned, this proposal started in 2004, when times were completely different.

I like the expression 'there is a conflict of interests'. There is a clear institutional conflict of interests between independence and accountability. We must continue to work and have this debate. Whatever will happen cannot happen without collaboration between Parliament, the Council and the Commission on how to solve this conflict of interests. As I have said, there are not many, but some, possibilities. Most of you clearly support the idea of greater independence, which also means greater accountability. Let us find out what is possible. There are certain clear limits within the Commission. It is very clear that the directorate general cannot go independently to the courts: it is not possible within the legal framework.

A very important point mentioned by many of you was the right to go to the Member States. Again, it is the Commission that takes action in the Member States, and there are clear limits to the extent of involvement by the Commission which is acceptable to Member States. The Commission is accountable here and to the public for OLAF's activities, so we would be very happy to have a more independent OLAF, which could go independently to the courts and be independently accountable, with a separate discharge. We would welcome all these things and also very clear supervision both of the investigations and of the content of those investigations.

At present we do not have a public prosecutor. This is what we await, but while we are waiting we must find some other solutions. Let us continue this work. As I said, we will formulate a concept paper on the basis of this discussion. I am looking forward to fruitful debates with the honourable Members and the rapporteurs on this issue.

Ingeborg Gräßle, *rapporteur*. – *(DE)* Madam President, Commissioner, ladies and gentlemen, thank you for the debate. I believe that the Commissioner has now realised how important the independence of OLAF is to this Parliament. I would also like this debate to be included in the discussions which we will now be holding. I would like to request that we start these discussions gradually, that we exchange ideas about the amendments and that we do not reach the position of saying 'that is not possible'. This is the will of Parliament. We are part of the codecision-making procedure and we will require the EU Commission to take part in the procedure as well. We are supporting you. We want you to retain your influence on OLAF, but you must exert your influence in the right place and provide OLAF with more support than was previously the case.

We are only partially satisfied and that is also the result of the work of the EU Commission. There are many subjects on the table which need very serious discussion. I am ready for this and I am looking forward to the debate. However, I would like there to be a sort of loosening-up exercise at the start of the debate for the Commission, because there is no point in us even sitting down together if everything that you have presented today is already cast in concrete and set in stone. We must talk very seriously together about what is possible and also what is not possible.

I would like to reject two points. One is the distorted image of OLAF which some fellow Members are painting on the basis of their own small-minded self-interest. It is a distorted image which has nothing to do with reality. I would like to make sure that OLAF is aware that this image does not represent the majority opinion of the House. We believe that OLAF is doing an important job and this also applies in the case of Mr Martin. It was not the case that there was no truth in the story. However, it was true that the Austrian state prosecutor's office did not want to follow up on the results of OLAF's investigation. That happens frequently.

You, Mr Martin, must also speak the truth in this House. This applies to you too. I would like to say to Mr van Buitenen that I very much regret that you did not accept the offers of cooperation. We have spoken

together twice, but I do not believe that you can look at OLAF on the basis of individual cases. Something always goes wrong in organisations, but looking at the whole organisation on the basis of these individual cases does not give the right picture. I have tried not to do this. I would like to make this very clear. On a personal level, I hold you in high esteem and I have read all your books. However, I believe that there are different ways of working and in politics we always run the risk of coming to the wrong conclusion by focusing on individual cases.

I believe that the report in front of us is a good one.

Hans-Peter Martin (NI). – *(DE)* Madam President, I refer to Articles 145 and 149 on personal statements, which allows me three minutes. What is happening here is simply outrageous. OLAF is making something out of nothing and making an accusation against me on the basis of its own investigations. This had a huge impact on our election success in 2006. A year later the state prosecutor decided that there may have been a few small technical errors, but that they did not under any circumstances justify an investigation of any kind. No proceedings were taken and the whole thing was abandoned. Nothing happened at all.

What Mrs Gräßle has said here is slander. It is a continuing attempt to destroy my reputation. This is exactly how OLAF exploits the situation. If OLAF comes to a conclusion, but the Member States do nothing, then the person is still guilty. That is a complete scandal! Where are the double standards in this scandal, Mrs Gräßle? The double standards lie in the fact that where there are genuinely suspicious circumstances relating to Members of this Parliament, relating to other Members, no investigation is carried out and nothing at all is done. This is undermining democracy in Europe. This is because a secret tool which is under political control is being used to speak out and to act against troublesome opponents and then attempts are made to make something out of this and genuinely false statements are made, despite the fact that government institutions – and I have a high opinion of the relatively independent Austrian judicial system – say that there is no truth in it. This is a slap in the face for every voter and a slap in the face for Europe's credibility. If you are elected with 14% of the vote and then you are humiliated like this and incorrect facts are passed on repeatedly, this ruins what was previously regarded as a fair and integrative system. You are damaging Europe and destroying democracy, Mrs Gräßle!

President. – The debate is closed.

The vote will take place today at 12 noon.

5. Review of recommendation 2001/331/EC providing for minimum criteria for environmental inspection in the Member States (debate)

President. – The next item is the Oral Question (O-0085/2008 – B6-0479/2008) by Mr Ouzký to the Commission, on behalf of the Committee on the Environment, Public Health and Food Safety, on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States.

Miroslav Ouzký, *author.* – Madam President, it is difficult to stand up now after that particularly lively debate and switch to another topic!

I would like to stress that the good and consistent enforcement of environmental legislation is essential for its credibility, for a level playing field and for ensuring that the environmental objectives will be met. The issue of environmental inspections is, therefore, very important for the work of my committee, the Committee on the Environment, Public Health and Food Safety.

On 14 November the Commission published the communication on environmental inspections in the Member States. This communication reviewed Recommendation 2001/331/EC of the European Commission, providing minimum criteria for environmental inspections.

The communication contains some worrying messages. It states that the information submitted by the Member States on the implementation of the recommendation is incomplete or difficult to compare. It states that there are still large differences in the way environmental inspections are being carried out in the EU. It states that the scope of the recommendation is inadequate and that it does not include many important activities such as Natura 2000 and the control of illegal waste shipping. It states that inspection plans have not been implemented and where they do exist that they are often not publicly available.

My committee noted with concern the conclusions from the Commission stating that the full implementation of the environmental legislation in the Community cannot be ensured. This would not only lead to continuing damage to the environment, but also to the distortion of competition within and between the Member States.

My committee therefore formulated four questions to the Commission, which can be summarised as follows. First, why does the Commission only wish to amend the recommendation – why does it not propose a directive on environmental inspections? Second, why has the Commission opted instead for attaching environmental inspection requirements to existing directives individually, a process that will take a lot of time? Third, why is the Commission not prepared to use a directive to define terms such as 'inspection' and 'audit', which are interpreted in different ways by Member States? Fourth, why is the Commission not prepared to transform IMPEL into an effective EU environmental inspection force?

I would like to thank the Commission in advance for its reply and I would like to conclude by emphasising that, in my opinion, the implementation and enforcement of environmental legislation should get the same political attention as the adoption of the legislation in the Commission, in the Council and in Parliament.

Siim Kallas, *Vice-President of the Commission***.** – Madam President, I am very happy to be presenting my green credentials in addition to my anti-fraud credentials, so changing topics is also a pleasure. I would like to thank the European Parliament for this discussion on the very important topic of environmental inspections.

Recognising the need for EU-wide action, Parliament and the Council adopted the recommendation on environmental inspections in 2001. The objective was to lay down common criteria for environmental inspections in order to ensure a better and more consistent implementation of environmental legislation through the Community.

At the time there was a long discussion on whether these criteria should be binding or non-binding. As a compromise, a non-binding recommendation was adopted. Member States pledged to implement it fully and the Commission was asked to review this decision on the basis of the experience with the implementation of the recommendation by the Member States.

The Commission launched the review process with its communication of November 2007. In this communication the Commission concluded that, although the recommendation has led to improvements in environmental inspections in some Member States, it has unfortunately not been fully implemented in all Member States.

The Commission thus put forward its preliminary views on how the situation could be improved. The measures that we deem necessary are: firstly, a modification of the recommendation to make it stronger and clearer, including a better reporting mechanism; secondly, where necessary, to complement the recommendation with legally binding inspection requirements in individual directives; and thirdly, to continue supporting the exchange of information and best practice between inspectorates in the context of IMPEL.

The Commission is now gathering the input of the other institutions and of stakeholders on these initial proposals and will then present its final proposals.

Now, coming to the questions raised, I would like to make the following remarks.

Firstly, I would like to clarify that the views presented in the Commission's communication of November 2007 do not exclude the possibility of the Commission presenting a proposal for a directive on environmental inspections in the future. The Commission's view, as expressed in its communication, is that there is a need for EU-wide legally binding rules to ensure effective environmental inspections. In that respect we have the same position as Parliament.

The question is, however, whether such rules should be horizontal and cover all environmental inspections or whether they should be sectoral and apply to specific installations or activities.

Both of these approaches have their advantages and disadvantages. A horizontal approach would be simpler and quicker to put in place. On the other hand, the sectoral approach would enable us to better address the specific aspects of the different installations or activities. For instance, the requirements for inspections of waste shipments are completely different from those for the inspection of industrial installations. By being more targeted we could set more effective requirements.

To some extent, the sectoral approach is the one that we have already been practising for several years. For example, in the Seveso II Directive, we have provisions on inspections of installations in order to prevent

accidents. These provisions have proven to be very successful. We have now included inspection requirements in our proposal to revise the IPPC Directive.

Another sector where we see the need for further action is the implementation of the EU Waste Shipment Regulation. The growing problem of illegal waste shipments is a risk for human health and the environment.

There is clear evidence of illegal shipments recorded during joint EU waste shipment inspections coordinated by IMPEL. Recent trade data and studies on the export of certain waste streams, in particular electrical and electronic waste and end-of-life vehicles, indicate that significant volumes leave the EU.

In many cases these shipments seem to violate the EU Waste Shipment Regulation's export bans. Serious incidents of EU exports for dumping of waste in developing countries, such as the Côte d'Ivoire incident in 2006, as well as a recent Greenpeace report about waste illegally shipped to West Africa, underline the severity of the problem.

The Commission is currently examining the need for additional initiatives, including improved legislative requirements, in order to further and strengthen the inspections and controls of waste shipments.

As we stated in our communication, we also see a need to establish common definitions for terms that are relevant for inspections. For this purpose we think that a horizontal recommendation would be an appropriate instrument.

As regards the idea of transforming IMPEL into an EU environmental inspection force, IMPEL was created as an informal network of Member States' inspection authorities. Its objective is to facilitate exchange of information and best practice between the people who are actually applying environmental legislation in the Member States. I think we should preserve this role of IMPEL of bringing together the expertise of inspectors and allowing for an informal exchange of ideas at European level.

From the Commission's side we will continue our support to IMPEL and reinforce our successful cooperation. This year IMPEL was transformed from an informal network into an international association. This will not only give IMPEL more visibility but also open new possibilities of activities for IMPEL. To go further and create an EU environmental inspection force with powers of entry and powers to refer Member States to the Court of Justice is an interesting and ambitious idea. However, it would raise important legal and institutional questions.

We should also look at the instruments for the improvement of the enforcement of EU environmental legislation at our disposal at present and consider whether these could be further developed or put to better use. For example, the horizontal infringement cases that the Commission launched against Member States for systematic failure to enforce certain obligations, such as for the presence of thousands of illegal landfills in some Member States, have led to the establishment of improved enforcement strategies in the Member States.

Another example of an initiative that has led to better enforcement is the joint inspections of waste shipments throughout the Community organised within the framework of IMPEL with the support of the Commission. We would consider ways to reinforce this cooperation and encourage all Member States to participate in it.

Caroline Jackson, *on behalf of the PPE-DE Group***.** – Madam President, I find what the Commissioner has said rather disappointing. I know that he is standing in for Mr Dimas and could not help but read out what was given to him, but I think we need rather more than that.

Environmental legislation is something that most people – perhaps all people – in this Chamber are in favour of – perhaps even including UKIP, who are apparently not here and are perhaps ironing their Union Jacks.

The trouble is that we do not know what is happening in the Member States, and the proposals from the European Commission go only a very little way to improving that situation. We, in the Committee on the Environment, Public Health and Food Safety, are still in favour of having a directive rather than a recommendation. I do not, myself, see why we could not have a general directive regarding environmental inspections and specific rules attached to specific directives where that is appropriate.

Let me then turn to the question of an EU environmental inspection force. It is perhaps a little strange that this idea comes forward from the mouth of a British Conservative – vote Blue, go Green – but we do need this, because, otherwise, the Commission is entirely dependent on the Member States for the information that they choose to give it.

It is extraordinary that nine years after the Landfill Directive came into force, Spain is now being prosecuted before the European Court of Justice for having 60 000 illegal landfills, taking up more than half-a-million tonnes of illegally dumped waste. We think we know what is happening south of Naples. The Birds Directive adopted in 1979 is still being widely neglected.

The Commission often finds that its prosecutions before the Court of Justice on environmental matters are initiated by private citizens. I do not think that this is good enough. We should tell the people of Europe that we cannot be sure that the environmental legislation which we are adopting is being complied with. Given the fact that we are now looking at climate change legislation, that is very serious. We must return to the issue of an EU environmental inspection force, which I fully support.

Genowefa Grabowska, *on behalf of the PSE Group*. – *(PL)* Madam President, on behalf of my group and as a member of the Committee on the Environment, Public Health and Food Safety, may I express my full support for the questions. I share Members' concerns expressed in these questions.

The Commission's Communication of November 2007 does indeed give rise to many controversies and to doubts among all those concerned about the environment and those who wish environmental law not simply to be made in the European Parliament, but to be enforced, and to be enforced in the spirit in which it was intended.

To achieve this, we need an effective system of monitoring introduction and compliance with the law, which we still have not developed. We have national systems which operate divergently and differently, while at the EU level we have a recommendation. As we all know, recommendations are not binding. This is stipulated in Article 249 of the Treaty of Rome, which specifies the differences between a directive and a recommendation. I would therefore ask the Commission to treat the matter with all seriousness and to present the whole system of compliance monitoring, inspection and the resultant reports in the form of a binding instrument, a directive on compliance with environmental law in the European Union.

We cannot leave the matter where it is now and we cannot expect that amending one of the 2001 recommendations, that is, adding new Member State duties to the recommendation, will change anything. Commissioner, it will change nothing at all. The fact is that it we want to have effective environmental laws, we must have an effective enforcement and monitoring system.

To repeat: you have asked whether we should introduce sectoral or global monitoring regulations. I on the other hand want to ask whether you would like to protect the whole of the environment or only individual sectors. And this gives you the answer.

Johannes Blokland, *on behalf of the IND/DEM Group*. – *(NL)* Madam President, in recent years, we in the European Parliament have approved a great deal of environmental legislation. The environment is at the top of the agenda, and rightly so. The important thing, though, is not just to produce legislation: it also needs to be implemented, and this is exactly where the problems appear to be. According to information from the European Commission, the implementation of environmental policy leaves something to be desired at times. Current environmental inspection policy is contained in the recommendation, which is interpreted quite differently in various Member States. It has also been reported that environmental inspections have been carried out incompletely, all of which means that, despite existing environmental legislation, the environment does not always benefit. If we want the quality of the environment to improve, we must, as an absolute priority, put effective controls in place to ensure that this legislation is implemented.

Commissioner, you claim to be presenting your green credentials. In this respect, though, there is still quite a bit to be done. I myself was rapporteur for a regulation on the transfer of waste in 2007 and before, and there is much room for improvement in that area. In the context of better implementation of environmental policy, would you be prepared to make the existing recommendation binding?

Bogusław Sonik (PPE-DE). - *(PL)* Madam President, I share the view of the European Commission that large discrepancies exist between the different methods of monitoring environmental compliance used by different Member States, which make it impossible to ensure consistent introduction and enforcement of EU law.

In my work as an MEP I have had the opportunity to study the results of a number of IMPEL projects, including one concerning the crossborder movement of waste through sea ports. I have discovered that cooperation between the various IMPEL inspection services consists not only of the sharing of experience, but also, and

perhaps even most importantly, of joint monitoring operations and exchange of information about environmental crimes and offences.

Some dishonest companies deliberately transfer their unlawful operations to countries where they know the control system to be weaker and where they can continue to operate with impunity. If control systems in all Member States were uniform, this would not be happening. This is another argument in favour of the European Union having an efficient and uniform system for monitoring facilities for compliance with environmental requirements.

Inspections are an important instrument in the process of introduction and enforcement of EU laws, but in spite of this Member States give them different political priorities. This is why I fully support the European Commission's proposal amending the existing recommendations to make them more effective. I agree with the proposal to include legally binding requirements concerning the inspection of specific facilities and operations in sectoral regulations. When we have done this, we will be able to give inspections a higher political priority and improve enforcement of environmental laws throughout the Community.

Daciana Octavia Sârbu (PSE). – *(RO)* Inspections represent an important element for guaranteeing application of and compliance with Community environmental legislation. In this sense, the Commission recommendation providing for minimum criteria for environmental inspections in the Member States was an important step forward when it was adopted in 2001.

However, the evaluation of this recommendation's application has highlighted more matters for concern. The Commission's Communication records the fact that there are still large disparities in the way environmental inspections are being carried out at local, region and national level. In addition, it has been noted that the national measures adopted in the Communication's wording differ very greatly, both in terms of application and control. The shortcomings with this recommendation do not seem to have been remedied satisfactorily in the Commission's Communication. Even if this is proposed to accommodate the problems mentioned above, it is missing one key element, which has brought about modest success for the recommendation. I mean the very legal nature of this document.

I believe therefore that only revising this recommendation will do no more than maintain the current state of uncertainty. Only a directive can bring about a significant and effective improvement for environmental inspections.

Siim Kallas, *Vice-President of the Commission***.** – Madam President, I wish to thank the honourable Members for their remarks and observations concerning environmental issues, which are so sensitive, as we are all in favour of improving the environment. Two remarks concerning them raised observations.

The Commission shares the view that legally binding requirements for environmental inspections are really needed and are valuable. The Commission is working in that direction. The question is where to have those binding requirements as regards the transformation of IMPEL into a European inspection force. The Commission still takes the view that it is better to preserve IMPEL as it is.

President. – I have received one motion for a resolution[(1)] pursuant to Rule 108(5) of the Rules of Procedure.

The debate is closed.

The vote will take place today at 12 noon.

(The sitting was suspended at 11.55 a.m. pending voting time, and resumed at 12.05 p.m.)

IN THE CHAIR: MRS WALLIS

Vice-President

6. Voting time

President. – The next item is the vote.

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

(1) See Minutes

6.1. Investigations conducted by the European Anti Fraud Office (OLAF) (A6-0394/2008, Ingeborg Gräßle) (vote)

6.2. Draft amending budget No 8/2008 (A6-0453/2008, Ville Itälä) (vote)

6.3. Special report by the European Ombudsman following the draft recommendation to the Council of the European Union in complaint 1487/2005/GG (A6-0395/2008, Rainer Wieland) (vote)

6.4. Social security systems and pensions (A6-0409/2008, Gabriele Stauner) (vote)

6.5. Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (A6-0432/2008, Ewa Klamt) (vote)

6.6. Single application procedure for residence and work (A6-0431/2008, Patrick Gaubert) (vote)

– *After the vote on Amendment 10:*

Robert Goebbels (PSE). - *(FR)* Madam President, I think you need to repeat the vote on Amendment 1, because there was the same majority that voted in favour of Amendment 1. You rushed the gun in saying that it had been rejected.

President. – I think it is too late. It was clearer for me on the first vote than it was on the subsequent ones. I am sorry, but I have made my mind up on that one.

6.7. Amendment of the single CMO Regulation (A6-0368/2008, Neil Parish) (vote)

6.8. A facility providing financial assistance for Member States' balances of payments (A6-0450/2008, Pervenche Berès) (vote)

– *On Amendment 1:*

Pervenche Berès, *rapporteur.* – *(FR)* Madam President, I think the oral amendment was sent to you in writing.

Rather than saying 'the Council and the Member States', I propose that we say 'the Member States within the Council'.

In English it would read, 'the Member States within the Council and the Commission', with deletion of 'and the Member States'.

(FR) And I trust that the Group of the European People's Party (Christian Democrats) and European Democrats can accept it.

It is more consistent and more effective.

(The oral amendment was accepted.)

6.9. EU and PNR data (vote)

– *Before the vote:*

Jean-Pierre Jouyet, *President-in-Office of the Council.* – *(FR)* Madam President, Mr Vice-President of the European Commission, group chairmen, ladies and gentlemen, first of all it is not without emotion that I address you at voting time.

I am delighted that the French Presidency has been given the opportunity to speak to the House on European PNR. This project raises a great many questions, fears and expectations, which all deserve close consideration.

It involves a large number of public and private agencies and it is the internal security of the European Union, its notion of fundamental freedoms and rights and even, from certain points of view, its international policy which are at stake.

That is why this programme needs a methodical, concerted and progressive approach.

We have had open, well-argued debates on specific and concrete questions over the last six months. We have heard from companies in the air travel sector, the services in charge of security in the Member States and the EU Anti-Terrorism Coordinator. We have worked with complete transparency with the data protection authorities and, I must say, the contribution by the European Data Protection Supervisor was extremely helpful.

The French Presidency obtained the opinion of the Agency for Fundamental Rights and this initiative was a first.

In the same spirit of openness, the Council communicated its wish to associate very closely with this House, regardless of the legal basis or institutional framework actually in force. That is why we proposed to this House that views should be exchanged as frequently as possible on this programme. Your rapporteur also received detailed information informally at each step of the work carried out over the last six months.

Next week the Presidency will present a written progress report to the Justice and Internal Affairs Council for approval. I promise the House that this summary document will be sent to you.

The discussion between us needs to be able to cover all the important issues raised by this programme. They are of three orders.

The first is that this instrument is an indispensable tool, as evidenced for example from its use in the fight against drugs. In France, the data programme is responsible for 60% to 80% of drugs intercepted at airports. One and a half tonnes of drugs a year is hardly anecdotal and what is valuable in the fight against drugs is equally valuable in the fight against terrorism. For the EU Anti-Terrorism Coordinator, who works in close contact with the services in charge in the Member States, the data from this programme are undeniably useful, mainly by reason of the particular vulnerability of terrorists at border crossings.

The second important issue is that we obviously require a set of principles to protect rights and freedoms which will need to be respected throughout Europe whenever data are used. These data are collected and processed today using very different methods, which is unsatisfactory within the framework of the European Union. We need harmonised standards and whatever is useless or disproportionate must of course be discarded or sanctioned.

Finally, the third important issue is of an international order. There is an interest in developing a global policy, in having an alternative model to the American model and Europe must be in a position to promote this model at international level.

The European Union has the authority to intervene in the concerted global effort in order to influence the way in which these data and programmes are used and regulated. It is a question of influence; it is also a question of respect for our values. Our airlines and our fellow citizens are asking us to do this in order to limit the constraints caused by overly diversified national requirements.

That, Madam President, committee chairmen, ladies and gentlemen, is what we need to reflect on together.

(Applause)

Sophia in 't Veld (ALDE). - Madam President, I will be very brief. I thank the Council for its statement. I would like to say that – on behalf of the shadows of the other groups as well – I think the European Parliament is a serious partner, fully available to give input in this process. However, we will only issue a formal position once there are full, satisfactory and detailed answers to all the concerns and objections that were raised on several occasions by the European Parliament, the European Data Protection Supervisor, the national data protection authorities, the fundamental rights agencies and the airlines, because I think they are entitled to a real answer.

Council has often pledged its commitment to the reforms of the Lisbon Treaty. I would ask the Council, in the absence of those reforms, to act in the spirit of the Lisbon Treaty and to follow the recommendations of this House or to explain – not so much to the European Parliament but to the European citizens.

Eight years after Nice, decision-making on these issues in the area of police and justice cooperation unfortunately still takes place behind closed doors, not subject to any meaningful democratic scrutiny. Therefore I wish that the Member States would show the same determination, courage and resolve to democratic reforms as they did in the financial crisis.

Finally, I appeal to my colleagues to endorse this resolution and give a very clear political signal to the Council.

(Applause)

Daniel Cohn-Bendit (Verts/ALE). - *(FR)* Madam President, as Minister Jouyet is to leave us, I think that Parliament should thank him. He has been one of the most assiduous ministers we have known. I wish him good luck.

(Loud applause)

President. – Thank you very much, Mr Cohn-Bendit. Such good humour today!

6.10. Financial assistance for Member States' balances of payments (vote)

6.11. Response of the European Union to the deteriorating situation in the east of the Democratic Republic of Congo (vote)

– Before the vote on Amendment 1:

Pasqualina Napoletano (PSE). - *(IT)* Madam President, ladies and gentlemen, I believe that there is agreement among the political groups to delete the word 'special' when talking about European special forces. Therefore: 'delete the word "special"'.

(The oral amendment was not accepted.)

6.12. European Space Policy (vote)

6.13. Cluster munitions (vote)

6.14. HIV/AIDS: early diagnosis and early care (vote)

6.15. Situation in the beekeeping sector (vote)

6.16. Environmental inspection in Member States (vote)

7. Explanations of vote

Oral explanations of vote

- Report: Gabriele Stauner (A6-0409/2008)

Astrid Lulling (PPE-DE). - *(FR)* Madam President, the Committee on Employment and Social Affairs is trying desperately to contest the competence of the Committee on Women's Rights and Gender Equality on the question of equality between men and women in the workplace. It has seized our initiative to draft a report on the discriminatory effects of pay differentials and other inequalities on women's pensions and on the trend towards the individualisation of social security rights.

The outcome is a hotchpotch report which strings together universally known generalities. We are a long way from the unequal treatment of women on pensions and the remedies on which the Committee on Women's Rights and Gender Equality wished to predicate its report. As the rapporteur for the opinion of

the Committee on Women's Rights on the basis of Rule 47 of the Rules of Procedure, I did my best, with the unanimous support of the Committee on Women's Rights, to propose specific corrections within the framework of the pension system reforms. There are six very precise corrections designed to plug the gaps in women's insurance as a result, for example, of maternity and their family commitments.

Can you believe that the Committee on Employment expressly rejected them, in flagrant contradiction of its obligations under Rule 47? I am sorry that we have lost a battle, but the war and our fight will continue.

- Report: Ewa Klamt (A6-0432/2008)

Philip Claeys (NI). - *(NL)* Madam President, I have voted against the Klamt report for the simple reason that the entire concept of economic immigration and what is being referred to as the 'blue card' bears witness to short-term thinking. We should, instead, adopt a policy of training, re-training and getting the approximately 20 million unemployed that are currently in the European Union back into jobs. We should, instead, learn from our past mistakes. A case in point is the importing of guest workers and their families in the 70s and 80s, which turned into a major social problem.

They are now trying to appease the public by promising that this only involves highly-qualified and temporary immigrants, but who am I to doubt the words of Louis Michel, who states that other immigrants should also remain welcome. In other words, the floodgates remain open. All they are doing is creating a new one. This is about a coalition against society. Big business wants cheap labour and joins forces with the multi-cultural Left, with society left to pick up the tab.

- Report: Neil Parish (A6-0368/2008)

Astrid Lulling (PPE-DE). - *(FR)* Madam President, I voted for the Parish report on the integration of the CMO in wine, the single CMO, with a heavy heart, because I consider that this single CMO is not a simplification and does not increase transparency. It will make life more complicated for wine-growers and for the entire wine industry.

The Commissioner tried to reassure us yesterday evening. I hope that the Commission will keep its word and that, most importantly, the profession will continue to be adequately represented on the advisory committee, as it has been since the first CMO in wine.

Anja Weisgerber (PPE-DE). – *(DE)* Madam President, this morning I voted with some hesitation in favour of the report by Neil Parish on the creation of a single market organisation for a wide range of different agricultural products. I welcome the Commission's objective of simplifying European agricultural policy. This means that in future there will only be one market organisation which will replace the 21 existing market organisations, for example, for fruit, vegetables, milk and wine. However, the administration of the resulting highly complex document must be made as simple as possible. For this reason, I am very pleased that the Commission gave the assurance in yesterday's debate that it will take up my idea and include in the EUR-Lex European search engine the functionality to allow users to access only the articles which relate to their specific agricultural product.

The Commission has also confirmed that the wine market organisation, which was negotiated with some difficulty and which includes many of Parliament's requirements, will remain unchanged. It is only for this reason that I felt able to vote in favour of the report.

- Motion for a resolution: HIV/AIDS (RC-B6-0581/2008)

Milan Gaľa (PPE-DE). – *(SK)* I am delighted that, a few days ahead of 1 December, which is recognised as World AIDS Day, we are addressing this global problem. The number of people infected with the HIV virus is growing. About 14 000 people are infected every day, and 2 000 of these are children under 15 years old.

In addition to the usual hot-spots such as Africa and the Far East, the number of infected people has risen in Eastern Europe and in Central Asia. In 2006 the number of infected people in these regions rose to 1.7 million. The largest increase was recorded in Russia and Ukraine, where about 270 000 people were infected with the HIV virus. The spread of HIV in these areas is caused mainly through drug abuse and the use of dirty needles. In the case of Ukraine the figures are all the more alarming as they involve a direct neighbour of the European Union.

The fact that we have failed to bring the HIV problem under control despite worldwide prevention programmes should lead us to reassess these programmes and to intensify efforts aimed at prevention and the production of effective cures.

- Motion for a resolution: Democratic Republic of Congo (RC-B-0590/2008)

Charles Tannock (PPE-DE). - Madam President, in 1994 the West turned its head while genocide occurred in Rwanda. The same could now happen in eastern Congo. The immediate priority is humanitarian, but beyond that there is a delicate and tangled political mess to sort out. This is partly because the international community not only washed its hands of the genocide in Rwanda, but allowed the Hutu *génocidaires* to flee to eastern Congo where President Kabila did little to rein in the militias, to the disgust of Kigali and the local Tutsis.

The UN and the AU must now take the lead in addressing the immediate political and security issues at stake, but we should also recognise that the competition for natural resources is behind funding much of this bloodshed. China is a serious player in the region but has little interest in the human rights of Africa.

The Commission should examine whether a certification process for minerals and other resources could be applied now in Africa in the same way that the successful Kimberley Process has worked so well with the diamond industry over blood diamonds or conflict diamonds. I therefore voted in favour of this resolution.

- Motion for a resolution: Bee-keeping sector (B6-0579/2008)

Erna Hennicot-Schoepges (PPE-DE). - *(FR)* Madam President, this resolution is a little late coming. It is rather 'mustard after dinner' as, since Directive 91/414 concerning the placing of plant protection products on the market was adopted, very little has been done to promote research into the effect of pesticides on bees, especially on the complete reproduction cycle of bees.

It is all the more astonishing that, during the vote at first reading of the Breyer report on the placing of plant protection products on the market, in other words on the reform of Directive 91/414, many of those who today voted in favour of a resolution spoke out against the amendments guaranteeing better protection for bees.

It is not good intentions that will take us forward; it is facts and acts and I trust that, when we vote on the Breyer report at second reading, my fellow Members will remember this resolution and vote in favour of the bees.

Astrid Lulling (PPE-DE). - *(FR)* Madam President, I should like to say to Mrs Hennicot, who only recently joined this House, that she obviously cannot know what we have been calling for since 1994, especially in this domain.

I should like to thank all the Members who contributed to this debate and to the resolution on the alarming situation in the agricultural sector. There was not a crowd – nor was Mrs Hennicot here – yesterday evening towards midnight, which is understandable, to follow this excellent and very substantial debate aimed at encouraging the Commission to step up its efforts in the face of this very worrying crisis in the bee-keeping sector. I see with pleasure that the Commission has understood us.

I should like to point out to the services that Amendment 1, which was adopted and which my group voted against, is a purely editorial amendment. There is a mistake in the German translation of my recital B). We therefore need to correct this translation, which says exactly the same thing as the amendment in German.

As regards the amendment on the authorisation of plant protection products which has since been withdrawn, I agree with its content. However, as it reproduces word for word the text voted in the Committee on the Environment, Public Health and Food Safety on the placing of these products on the market, I and my group felt that we should not plagiarise this text and should give way to the Committee on the Environment. However, our recommendation and claim are extremely well formulated in paragraph 8 of the resolution, in which we call for exactly the same thing, in other words for research work on links between bee mortality and the use of pesticides to be stepped up with a view to taking appropriate measures in terms of the authorisation of these products. Obviously pesticides that kill bees must not be authorised. It is what we have been saying for years.

President. – Ms Lulling, thank you for your attention to the detail of this measure. We can assure you that the language versions will be carefully checked.

Written explanations of vote

- Report: Ingeborg Gräβle (A6-0394/2008)

Jean-Pierre Audy (PPE-DE), *in writing*. – *(FR)* On the basis of the report by my excellent friend and fellow Member Ingeborg Grassle, I voted for the legislative resolution approving, subject to amendment, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF). I support better protection of the rights of persons under investigation by OLAF and reinforced cooperation with the Member States. There was a growing need for public governance of anti-fraud investigative activities by OLAF and independent control of the procedures and duration of enquiries, while guaranteeing the confidentiality of investigations. Inge Grassle has done a tremendous job of work in this report and deserves our thanks.

Dragoş Florin David (PPE-DE), *in writing*. – *(RO)* I voted for Mrs Gräßle's report because anyone involved in an investigation conducted by OLAF needs to have the opportunity to make comments, at least in writing, about the matters relating to it. These comments should be presented to the Member States involved, along with other information obtained during the course of the investigation. This is the only way to present national authorities with complete information relating to the case, while also respecting the principle according to which both parties need to enjoy the opportunity to present their own point of view. At the same time, the report also ensures cooperation with third countries and strengthens the role of the OLAF Control Committee.

Luca Romagnoli (NI), *in writing*. – *(IT)* Madam President, ladies and gentlemen, I voted for the report by Mrs Gräßle on investigations conducted by the European Anti-Fraud Office (OLAF). It is, in fact, extremely important for us to amend the regulation on such investigations, since certain interinstitutional relations must be reviewed. In addition, we need to amend the regulation with regard to the rights of persons involved in investigations and with regard to the exchange of information between OLAF, European institutions, Member States and informants. Finally, I congratulate Mrs Gräßle on her initiative; she has produced some further interesting proposals, concerning, for example, the new role of the Director General of the Office, who would have powers to open external investigations not only at the request of a Member State or the Commission but also at the request of the European Parliament.

- Report: Rainer Wieland (A6-0395/2008)

Alessandro Battilocchio (PSE), *in writing*. – *(IT)* Thank you, Madam President. I voted in favour. The key point of this debate is not only the specific issue being tackled by the Committee on Petitions, with reference to the dissemination of German in relation to its use by Community institutions. First and foremost, this is a general issue of access to documents by citizens of all nationalities, and, as a result, of the transparency of the Community institutions. From this perspective, therefore, I believe it is absolutely vital for the Council to carry out a thorough examination of the issue with a view to promoting an increase in the number of languages used on Presidency websites. Such an increase could take place gradually, on the basis of appropriate, objective criteria to be defined. We should, however, bear in mind the fact that the greater the number of languages used, the greater the number of citizens that will be able to have a closer relationship to Europe. Citizens should view the European institutions in the way in which they view the buildings that house us: our institutions ought to be accessible.

Ilda Figueiredo (GUE/NGL), *in writing*. – *(PT)* We generally agree with the report and, in particular, with what it says about the Ombudsman's conclusions in that: 'the Council's refusal to address the substance of the complainant's request constitutes an instance of maladministration' and 'the information on these websites should, ideally, be made available in good time in all official languages of the Community'.

However, we disagree with paragraph 1(d) of the report's conclusions, which states: 'if the number of languages is to be limited, the choice of the languages to be used must be based on criteria of objectivity, reasonableness, transparency and manageability'. We would argue that the Council's website should, like those of the European Parliament and the European Commission, contain all its information in all the official languages of the European Union. Only in this way can the multilingualism and cultural diversity supposedly defended by Community leaders, but which in practice are constantly being called into question for the sake of economising, actually be defended.

- Report: Gabriele Stauner (A6-0409/2008)

Ilda Figueiredo (GUE/NGL), *in writing*. – *(PT)* Although there are some contradictory aspects in the resolution adopted by a majority of this House, with the odd positive aspect, the main argument is that, because of the ageing population and demographic change, greater fragility of the universal and public social security system is justified in order to respond to the interests of the private financial sector, which wants to manage the greatest possible slice of this cake.

Just look, for example, at the following paragraph: 'Recalls that the trend towards individualisation, contributes to the modernisation of the second and the third pillars, without calling into question the first pillar of social security systems; this to enable people, especially women and other vulnerable groups, to have more freedom of choice and thus become more independent and able to build up their own, additional pension rights'.

In other words, in the name of freedom, the aim is to encourage people to find alternative financial solutions to public social security, even where the clearly negative results of this are well-known. Recent cases in the US are a perfect example of this. However, capitalism always tries to use propaganda to further its own aims.

This is why we have voted against.

Bruno Gollnisch (NI), *in writing*. – *(FR)* The rapporteur, Mrs Stauner, has given a lucid analysis of the challenges presented by the ageing of our populations and the decline in our active populations to our social protection systems, to which she appears to be attached. That is a first good point in her favour.

A second good point is the timid question which she raises about the real efficacy of the usual panacea proposed, which is to organise the installation *en masse* of immigrant workers who, we hope, will pay pensions and health systems for the old Europeans, a panacea of a staggering cynicism and selfishness defended by people who often claim to have a monopoly on sympathy and tolerance. Finally, she earns a last good point for her critical analysis of the trend towards the privatisation of health systems and the purely financial approach to the reform of national social security systems.

However, this report fails to address the main point: as it is the demographic decline of our continent which is at the root of these problems, that is what we need to remedy. The Member States can no longer avoid an ambitious family policy to encourage the birth rate to rise, as a pledge to the equilibrium of their social security systems and, more importantly, to their dynamism, prosperity and, quite simply their survival.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – *(SV)* This report observes that in most Member States the population is getting older and that the social security and pension systems will therefore be put under strain. The solution put forward to resolve this problem is the usual one, namely various EU measures. The June List is of the opinion that the EU ought not to concern itself at all with matters relating to Member States' social security and pension systems.

The European Parliament has views on the statutory pensionable age, employment contracts, what form of pension system Member States should introduce, labour taxation, sharing of the tax burden and how care should be organised in the EU countries. These are matters that should be dealt with entirely at national level. General pointers from the EU institutions on these matters contribute absolutely nothing.

We have therefore voted against this report in the final vote.

Carl Lang (NI), *in writing*. – *(FR)* Although the report by Mrs Stauner refers to the Lisbon Strategy, that patent Europeanist failure, it deserves to be supported because it questions the credo of immigration as a remedy to further deterioration in the demographic, economic and social deficits of Europe.

Immigration, selective or otherwise, distorts the identity and culture of the people of Europe and aggravates community divisions and the tensions that derive from them, in the image of what is happening in every multi-ethnic and multicultural society in the world.

It is neo-proslavery which only benefits the money-grubbers of globalisation, who see in this cheap labour a means of exerting pressure on wages against a background of already very high unemployment. It will allow the elites of third countries to be pillaged, thereby exacerbating their situation.

It is a delusion in strategic terms, because the behaviour of immigrants will end up being modelled on that of Europeans; I am thinking here mainly of the unfortunate tendency to have fewer children in a society which is truly disorientated on all counts.

Apart from supporting families and a higher birth rate in Europe, the new Europe of the nations needs a policy of national and Community preference, a policy of national and Community protection.

Athanasios Pafilis (GUE/NGL), *in writing.* – *(EL)* The report reveals the full extent of the deeply anti-grassroots aspirations of the EU and euro-unifying capital in terms of abolishing social insurance systems. It terrifyingly parades the pretext of demographic decline in the EU to propose an increase in the retirement age and the application of the 'three pillar' system, namely:

- poverty-level pensions from the national social security systems;

- the expansion of 'occupational' pension funds which provide a contribution-based pension;

- recourse by workers to private insurance ('individualisation' in the euro-unifying terminology), the so-called 'third pillar'.

It thereby paves a very broad way for the monopoly insurance companies to increase their profits by entering yet another profitable sector.

This attack forms part of a bundle of EU anti-labour measures, such as the general application of 'flexicurity', the 'readjustment (that is, abolition) of labour legislation, the institutionalisation of 'slavetrading' employment agencies, the directive introducing inactive working time with a 65-hour week and the arrangement of working time on an annual basis.

The working class must reply to the increasingly savage attack by euro-unifying capital with a counter-attack, by setting up an anti-monopoly alliance which will claim its grassroots power and lay the foundations for the satisfaction of grassroots needs and grassroots prosperity.

Rovana Plumb (PSE), *in writing.* – *(RO)* The European Union cannot have a higher employment rate as long as we have social categories which are much more weakly represented and social groups excluded from the labour market. People with disabilities or those with serious health problems would like to work, but most times, they are subject to serious discrimination by employers.

In addition, special fittings are needed to ensure that these people can carry out their job properly, but employers are not prepared to invest very much in this area. Financial measures adopted in the Member States have not had the expected results. In Romania's case, I can mention the deduction, when calculating taxable profit, of sums relating to the purchase of equipment and to equipment used in the production process by a disabled person, of the transport costs for disabled people from their home to the place of work, as well as the discount from the insurance budget for unemployment of the specific costs for preparation, professional training and advice. Setting up certain specific enterprises, as described in the report, offers a concrete solution for including these social categories which are vulnerable in the labour market.

Luca Romagnoli (NI), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I am pleased with the excellent work done by Mrs Stauner on the future of social security systems and pensions and I have supported it by voting in favour. I endorse the reasoning on which the report is based and I believe that we, the European Union acting together with the Member States, ought to try to find an appropriate solution to the problems raised, as quickly as possible.

Europe is a continent with an ageing population, and its mean birth rate is below the natural population replacement rate. In less than fifty years the population of Europe will be smaller and older. Immigration will certainly not be the solution to the problem: rather, there is a need to attract and retain a greater number of people in high-quality jobs, to provide a high level of social security protection and job security, to improve education and training for our work force, and to modernise the old pension systems, noting the instability linked to privately-funded systems, which are endorsed by many.

- Report: Ewa Klamt (A6-0432/2008)

Alexander Alvaro (ALDE), *in writing.* – I fully support the introduction of the Blue Card. However, with the adoption of the PPE and PSE amendments, I fear that Europe's forward-looking strategy on legal migration will soon vanish into thin air. The current text is simply off-putting to most highly qualified workers considering legal immigration to the EU. Highly qualified workers will not be encouraged to work on the EU labour market, not least because of the bureaucratic obstacles that were endorsed in the current text.

Jan Andersson, Göran Färm, Inger Segelström and Åsa Westlund (PSE), *in writing.* – *(SV)* We Swedish Social Democrats in the European Parliament have voted in favour of the report on conditions of entry and residence for third-country nationals for the purposes of highly-qualified employment, also known as the EU Blue Card. The report that was voted on in Parliament improves the directive, in particular with regard to the equal treatment of workers from third countries, as it prevents discrimination against these workers. It is also a positive move that Member States are to have the opportunity to investigate their own need to open the way for the immigration of workers. We also welcome the fact that Parliament has rejected the proposals put forward by the Commission which have allowed employers to discriminate against people for thirty years. It is pleasing to see that the possibility for EU Member States to take workers from sectors in third countries where there is a shortage of workers is also being restricted. This prevents the EU contributing to a brain drain of highly qualified workers from, in particular, the developing countries.

At the same time, we regret the fact that Parliament was unable to agree on the issue of collective agreements also applying to workers from third countries. We also regret the fact that Amendment 79 was not adopted. Finally, the setting of pay levels is not a matter in which the EU has competence and it must ultimately be possible for this to be decided by the social partners in the respective Member States. We expect the Swedish Government to continue the fight in the continuing Council negotiations.

Alessandro Battilocchio (PSE), *in writing.* – *(IT)* Thank you, Madam President. I voted in favour. This is an extremely important provision. The creation of new rights for highly-qualified workers from third countries represents an opportunity both for migrants and for the host countries. Above all, it is vital that this should take place within a framework of criteria common to all the EU Member States, to avoid any disparities and also to increase Europe's ability to attract such individuals, which still lags far behind the figures achieved by the United States and Canada. Within this framework of shared rules that we are preparing to adopt, I wholeheartedly support the amendments by the Socialist Group in the European Parliament. A minimum wage no lower than that of a similar worker from the host country is a guarantee of equality that we consider to be vital.

Similarly, we advocate extending the blue card to those already resident in the Member States and lengthening the extension in the event of job loss to six months. Finally, we have a duty to cooperate with countries outside the EU to support the training of highly-qualified staff in the key sectors that might feel the effects of the brain drain. The adoption of this measure will, in addition, encourage legal immigration and will enrich the EU with professional skills and human experience, within that perspective of exchange which has always constituted the true essence of the European spirit

Catherine Boursier (PSE), *in writing.* – *(FR)* I voted in favour of the Klamt report on the introduction of a 'European Blue Card' because, for the first time, it also offers us the opportunity at European level to move from a 'no' culture, the culture of fortress Europe, to a 'yes' culture, a culture of an open Europe, so that we can at long last develop positive management of migratory movements and grant workers a certain number of rights. This process will need to be quickly followed by the adoption of other measures in favour of other categories of foreign workers and I shall be looking out for them.

We could certainly have gone even further; we would have liked to see a horizontal directive rather than a sectoral directive, but the *acquis* is there, especially the principle of 'an equal day's pay for an equal day's work', the refusal to start a brain drain, especially in key sectors such as health and education, and the doubling of the period of residency rights for the purpose of looking for a new job once a contract of employment has ended.

This text therefore seeks above all to promote legal immigration channels, not a form of selective immigration, to which I am opposed.

Dragoş Florin David (PPE-DE), *in writing.* – *(RO)* I voted for Mrs Klamt's report because it offers the possibility of work to immigrants with high professional qualifications. It stipulates in the report that EU states are obliged to give priority to European citizens, something which benefits Romanian citizens from the perspective of the restrictions applied to the labour market by a number of EU states. The report offers people who meet the conditions provided for by the directive the opportunity to have an EU Blue Card issued, with an initial validity of two years, which can be renewed for a further two years. If the employment contract lasts for a shorter period than two years, the Blue Card will be issued for the duration of the contract, plus a further three months.

Avril Doyle (PPE-DE), *in writing.* – I regrettably abstained on the vote on the report by Ewa Klamt (A6-0432/2008), the proposal for a Council Directive on the conditions of entry and residence of third-country

nationals for the purposes of highly qualified employment, as Ireland did not opt in to this proposal under Article 3 to the Fourth Protocol to the Amsterdam Treaty and already has an existing national policy in this area which offers flexibility and a wide degree of discretion in terms of adapting to labour market conditions.

Lena Ek (ALDE), *in writing*. – *(SV)* Competition for ambitious, skilled workers has only just begun. In order to succeed in globalisation, Europe must become more attractive in the fight for the world's talent. The Commission's proposal for a blue card to facilitate entry into the European labour markets is therefore extremely welcome. I myself have long been a keen advocate of the blue card and other ideas to facilitate entry into Europe's labour market. Unfortunately, the proposal has been watered down so much by the majority in Parliament that I chose to abstain in the vote. I will continue the fight in the EU for a considerably pithier blue card than that which Parliament felt able to support.

Bruno Gollnisch (NI), *in writing*. – *(FR)* The EU Blue Card, which it is claimed is reserved for highly qualified workers, offering cardholders freedom of movement and establishment in all the Member States of the European Union, will be a new suction pump for immigration which will be no more controlled at EU level than it is today in many countries at national level.

Opening instant admission rights to family members with no real limit in time will encourage permanent populating immigration. It is the bureaucratic organisation of the new modern form of slavery, which from now on will choose its victims on the grounds of their diplomas, not for their muscles or their teeth. It will deprive developing countries of the brains which they sorely need, thereby aggravating their economic situation and guaranteeing the pursuit without end of increasing illegal immigration.

It introduces a minimum wage threshold which is completely absurd and arbitrary, taking no account of reality or of the sectors or professions in question, with a double foreseeable consequence: a lowering of the salaries of the most highly qualified Europeans, who will be even more tempted than they are now to relocate out of Europe, and the exploitation of the immigrants, in the absence of any guarantee that they will be paid a salary which is truly commensurate with their qualifications.

Pedro Guerreiro (GUE/NGL), *in writing*. – *(PT)* Despite Parliament's adoption of amendments – which we voted for – which lessen some of the negative aspects of the proposal to create the 'Blue Card' in the European Union, we consider that these amendments question neither the motives nor the central objectives of the proposal for a directive presented by the European Commission to the Council.

This 'Blue Card' is an instrument that seeks to respond to the neoliberal objectives of the Lisbon Strategy in terms of the need to exploit labour. In the context of capitalist competition, particularly with the US (which has the 'Green Card'), the EU is trying to entice 'highly qualified' labour, at the expense of human resources in third countries.

In other words, this 'Blue Card' (which reduces immigration to exploitation and which discriminates between and selects immigrants according to the labour needs of the EU countries) and the 'return directive' (which will increase arbitrary expulsions and worsen the difficulties and obstacles encountered in family reunification) are different sides of the same coin. In other words, they are instruments (which are consistent with each other) and pillars of the same policy: the EU's inhumane immigration policy which criminalises and expels or exploits and discards immigrants.

That is why we have voted against.

Jeanine Hennis-Plasschaert (ALDE), *in writing*. – On behalf of ALDE I would like to state the reasons for our abstention on the final vote. To be clear: ALDE is a strong supporter of the Blue Card. However, ALDE feels that the scheme has been watered down significantly. Far too many restrictions have been introduced.

The EU's immigration package is supposed to have two pillars: combating illegal immigration and creating better opportunities for legal migration at the same time. The proposal as amended by this House does not bring about the much needed change but confirms Member States' protectionist practices instead. By adopting this report, Parliament has weakened an already very modest EC proposal. A missed opportunity! The current trend is that the vast majority of highly qualified workers migrate to the USA, Canada or Australia instead of the EU. If we want to reverse this trend, we have to be ambitious. The current text is simply off-putting to most highly qualified workers considering legal immigration to the EU and thus does not help in any way in efforts to make the EU more attractive for highly qualified workers. Political courage is urgently needed.

Carl Lang (NI), *in writing*. – *(FR)* The interventions by Mr Jean-Pierre Jouyet, President-in-Office of the Council, and Mr Jacques Barrot, Vice-President of the Commission, during the debate on the EU Blue Card and the

single permit which amalgamates the residence permit and work permit were highly illustrative. Here is a short anthology.

To quote Jacques Barrot, 'These texts demonstrate the true scope of this Immigration and Asylum Pact which the French Presidency has brought to a successful conclusion and prove that this pact is, in fact, a balanced pact that expresses the will of Europeans to open the door to migratory movements which may be particularly useful and prove to be very positive for the future of our European society'.

He also said, 'The possibility of being able to return to the country of origin for two years without losing the status of long-term resident is essential'.

To quote Jean-Pierre Jouyet, 'these two texts are a beginning, not an end, and leave room for circular migration'.

He also said, 'These two texts demonstrate that the European Union is truly committed to promoting legal immigration'.

There can be no doubt henceforth; our leaders and our French representatives in the European institutions support mass populating immigration from outside Europe leading to national disintegration policies. We shall be voting against.

Jean-Marie Le Pen (NI), *in writing*. – *(FR)* Mrs Klamt's report on the conditions of entry and residence in the European Union of third country nationals for the purposes of highly qualified employment starts from a correct premise but arrives at the wrong conclusions.

It is in fact correct that qualified immigrants from outside the Community prefer to emigrate to the United States or Canada than to Europe. To want to reverse the trend and make them come to us smacks of a worrying masochism and loss of clear-headedness.

Are we that incapable of training engineers, computer scientists and doctors that we need to bring them over from the developing world?

Is it humanely acceptable to steal the brains from countries which have an absolute need for these qualified employees in order to develop?

Do you believe that by favouring the selective immigration which Mr Sarkozy wants that legal and, more importantly, illegal immigration will be stopped?

Last question: what remains of the Community preference if we attract qualified persons by giving them the same rights as Community nationals, including the same salary rights?

The replies to these questions illustrate the danger of the sort of Europe that practises a real crime against humanity with regard to the developing world. For these reasons, we cannot vote for such a report.

Fernand Le Rachinel (NI), *in writing*. – *(FR)* The EU Blue Card, a real open sesame designed to generate additional qualified immigration from outside Europe, will be an economic, social and humanitarian disaster for the people and nations of Europe already suffering in the face of illegal immigration which is out of control and legal immigration which is increasing exponentially.

In order to prevent the inevitable social dumping which the arrival of engineers or other qualified specialists from other continents would entail, their salary will need to be at least 1.7 times higher than the minimum salary in the host country. That will go down well with French blue collar workers.

Immigrant workers will also be able to bring their families over under a fast-track procedure, thereby favouring family reunification, never mind how widespread and dangerous it is already. Moreover, immigrants will be able to accumulate periods of presence on European territory in order to obtain the status of long-term resident. The circle has been closed: the conditions of mass establishment and naturalisation in the Member States are in place.

What is also scandalous is that this will aggravate the brain drain from third countries, especially Africa, by capturing their elite and guaranteeing their impoverishment once again.

Once again the people of Europe will not be consulted on this globalist and immigrationist policy by Brussels. Now more than ever our fight must be that of rediscovered sovereignty and of the right of the people to stay as they are.

David Martin (PSE), *in writing.* – I voted in favour of the Klamt report, which makes the EU a more attractive destination for highly qualified workers from third countries. It establishes a flexible fast-track procedure for the admission of highly qualified third-country workers, including favourable residency conditions for them and their families.

Erik Meijer (GUE/NGL), *in writing.* – *(NL)* Most people wish to continue to live and work in the environment where they grew up and whose language they speak. People leave their areas of origin for two important reasons. The first is that they run the risk of being locked up or killed. In order to escape that fate, they become refugees. The second is poverty. People move away to areas where the pay is higher, even if they do not receive their due pay, if their jobs are unsafe, if their housing is poor or if they have poor prospects.

Changing expectations for future demographic developments and a shortage of people in certain jobs mean that immigration is suddenly seen as useful once more. Refugees who, out of sheer necessity, come to EU countries spontaneously are increasingly less welcome, whilst privileged people with high qualifications are encouraged to move here. This selection method means that these people with sound qualifications are taken away from the countries where they were trained, while it is exactly those countries that need them the most. Without them, it is difficult to catch up, which is the very reason for their poverty. If a blue card spawns brain drain, then this is bad news for Europe and the rest of the world.

Tobias Pflüger (GUE/NGL), *in writing.* – *(DE)* The Blue Card concept in Ewa Klamt's report, which is based on a proposal by the European Commission, is an elite immigration concept which will prove to be disastrous.

The only positive element of this is that the Blue Card concept at last represents an acknowledgement of the fact that immigration into the European Union and therefore into Germany is both necessary and right.

The Blue Card concept will allow the EU to pick out the best of the immigrants, on the principle of keeping the good ones and discarding the rest. From the perspective of those of us on the left, this elite concept is not acceptable. People must be allowed to enter the EU to look for work and they must be given asylum when they are in trouble.

The concept of the Blue Card will mean that highly qualified and often desperately needed workers will be attracted away from their countries of origin. This will increase the problems in these countries and make worldwide inequality worse.

A study carried out by the German Institute for Employment Research indicates that the Blue Card would result in an economy in which 'above all vacant positions are filled more quickly and the wages paid to resident skilled workers are kept at a lower level'. The effect of this would be that in certain sectors of the economy wage levels would fall significantly.

Overall the Blue Card concept is part of the misguided EU anti-migration policy. The Blue Card concept transforms people (who are immigrating) into economic factors and represents a concept of 'selective immigration'.

Rovana Plumb (PSE), *in writing.* – *(RO)* The demographic forecasts indicating that the EU's working population is going to shrink by 48 million by 2050 and that the dependency ratio is going to double, reaching 51% by 2050 highlights the fact to us that, in the future, ever-increasing numbers of immigrants with a variety of skills and qualifications will be attracted to some Member States to counterbalance these negative trends.

The significant discrepancies with regard to the definition and admission criteria applied to highly qualified workers obviously restrict their mobility throughout the whole of the European Union, affecting the efficient redistribution of legally residing human resources and preventing regional imbalances from being eliminated.

As a representative of a Member State which joined the European Union in 2007, I voted in favour of this report, which will regulate effectively current and future requirements for highly qualified labour, taking into account the principle of Community preference applied to EU citizens.

Luca Romagnoli (NI), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I am totally opposed to the report by Mrs Klamt on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. The so-called 'blue card', a sort of crude copy of the US green card, would only be detrimental to the current state of the European social system, and the job insecurity and unemployment which torment our highly qualified personnel. I am strongly opposed to this proposal, which would mean that our highly qualified workers would have to compete with non-Europeans and, what is more, probably

at a disadvantage. It would also help to mop up skills and potential in the non-EU countries themselves, encouraging that very brain drain that we are currently seeking to combat in Europe.

Carl Schlyter (Verts/ALE), *in writing*. – *(SV)* Positive aspects of the report are lawful immigration and the fact that employers who break the rules can be excluded from the procurement of EU aid, but, unfortunately, the European Parliament has weakened the protection of workers and, in practice, the pay requirements only give high-salaried workers such as engineers and doctors access to the system. The brain drain problem could also have been dealt with better and therefore I am abstaining from the vote, despite the positive aspects.

Olle Schmidt (ALDE), *in writing*. – *(SV)* The blue card is basically a very good idea and I have always advocated making lawful immigration easier and unlawful immigration more difficult. Unfortunately, the original proposal has now been watered down so much and has become so bureaucratic that, in line with my political group, I choose to abstain.

Bart Staes (Verts/ALE), *in writing*. – *(NL)* The blue card seemed like a good start to streamlined migration policy in the European Union. European migration policy is necessary, to my mind, not least because, by 2050, the European working population will have dwindled by 20 million people. The Commission proposal, which was insubstantial to start with, has, however, been pared down considerably by the European Parliament.

The Commission proposal left some room for migration of people without a higher qualification but with strong skills. Parliament, however, nipped this proposal in the bud by tightening up the conditions for migration considerably.

The income threshold was set by the European Parliament at 1.7 times the average wage of the Member State. This is far too high. If we want to compete with the US and Canada, the countries that attract the most highly qualified, then we will have to simplify the rules for people to come and work here. Moreover, Parliament's requirement that immigrants must have five years' working experience, including two years in a 'senior position', is unacceptable. It is beyond me why this proposal has not been expanded into a migration procedure for everyone who can find a job here. The blue card will make legal migration possible, but because this certainly does not apply to everyone, I have abstained.

Andrzej Jan Szejna (PSE), *in writing*. – *(PL)* The European Union must face up to the issue of economic migration. Unfortunately, compared with the United States, Canada and Australia, it is not seen as an attractive destination by migrating skilled workers.

The main causes of this situation are the lack of a uniform migrant reception system and problems associated with movement between EU states. To change this state of affairs, we need an integrated and consistent European migration policy.

We must not forget that by attracting skilled specialists the European Union will gain – will increase – its competitiveness and will have the chance of economic growth. It is predicted that in the next two decades the EU will find itself short of 20 million skilled workers, mainly engineers. We must not dismiss these predictions.

It is my view that employing migrants can in no circumstances be a long-term solution to the European Union's economic problems. The EU should take further action in terms of economic and employment policy, though at the present time it needs economic migrants, if only because of the ageing of its population and increasing demographic changes.

In view of the above, I have supported the introduction of a European Blue Card scheme for skilled migrants.

- Report: Patrick Gaubert (A6-0431/2008)

Jean-Pierre Audy (PPE-DE), *in writing*. – *(FR)* On the basis of the report by my fellow Member Patrick Gaubert, I voted for a legislative resolution approving, subject to amendment, the proposal for a Council directive on a single application procedure for a single permit for third country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. I should like to welcome the important work done by Patrick Gaubert on such a sensitive subject, which is designed to contribute towards efforts to develop a global European immigration policy. Working on a common set of rights for third-country nationals already legally resident in a Member State

and on a procedural aspect, namely the granting of a single permit at the end of a single application procedure, had become the logical thing to do.

Avril Doyle (PPE-DE), *in writing.* – I felt obliged to abstain on the vote on the report by Patrick Gaubert (A6-0431/2008) on the proposal for a Council directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. I did so because regrettably Ireland did not opt in to this proposal under Article 3 to the Fourth Protocol to the Amsterdam Treaty. Demographic forecasts and the current economic situation prove that an effective immigration policy is needed in Europe so that our labour force requirements are regulated appropriately. In the coming decades Europe's economic and social development will depend on an influx of new economic migrants. This means that we need active Europe-wide policies for admitting both highly-skilled workers and less-skilled workers.

Patrick Gaubert (PPE-DE), *in writing.* – *(FR)* The European Parliament has just adopted by a very large majority two reports on the admission of migrant workers into Europe, thereby demonstrating the real capacity of the European Union to introduce specific instruments for the concerted management of economic migrants.

The adoption of my report on the single procedure for granting a residence permit and a work permit formally refutes the unfounded accusations of a number of heads of state of Africa and Latin America about a 'fortress Europe' which is closed in on itself.

This vote in plenary affirms the principle of equal treatment of legal immigrants with European citizens and grants them a set of social and economic rights.

These decisions will help to improve their integration; migrant workers do not represent a danger to our job markets. The report on the EU Blue Card will in fact allow graduates and highly qualified immigrants to access the job markets of the countries of the European Union more easily, thanks to more attractive reception conditions.

Europe has demonstrated that it is capable of adopting a dignified, solid and open immigration policy.

Bruno Gollnisch (NI), *in writing.* – *(FR)* Mr Gaubert wishes to send out a message that Europe is open to legal immigration by granting legal immigrants all sorts of rights and restricting the facility for Member States to limit the overall equality of treatment between European nationals and immigrants in the Member States, in other words by introducing a European obligation to engage in positive discrimination.

Let Mr Gaubert be assured: it is a well-known fact in every emigration country that Europe is like a sieve. Hundreds of thousands of legal and illegal immigrants enter it every year, attracted not by the prospect of work (in France, only 7% of legal immigrants come for work), but by the still too numerous social benefits and other rights offered to and sometimes reserved for them, without anything being demanded of them or with no facility to demand anything of them in return, not even a minimal knowledge of the language of the host country, to go by what Mr Gaubert says.

At a time when our countries are entering a recession, when our economic and social models have been undermined by globalisation, when the number of unemployed and poor European workers has exploded, we urgently need, on the contrary, to demand the application of the principle of national and Community preference in all sectors.

Pedro Guerreiro (GUE/NGL), *in writing.* – *(PT)* As with the EP's opinion on the 'Blue Card', despite Parliament's adoption of amendments – which we voted for – which lessen some of the negative aspects of the proposal to set up a 'single application procedure' for a permit for an immigrant to reside and work in a European Union country, we consider that these amendments question neither the motives nor the central objectives of the proposal for a directive presented by the European Commission to the Council.

As underlined by our parliamentary group, the aim of the 'single application procedure' is to harmonise procedures and immigrants' rights; in certain fundamental aspects, however, it will restrict these rather than reinforce them. For example, this is the case with making immigration dependent on the *a priori* existence of a work contract and not making the conditions for immigrants in general equivalent to those laid down for the 'Blue Card'.

In other words, this 'single application procedure' and the 'return directive' (which will increase arbitrary expulsions and worsen the difficulties and obstacles encountered in family reunification) are different sides

of the same coin. In other words, they are instruments (which are consistent with each other) and pillars of the same policy: the EU's inhumane immigration policy which criminalises and expels or exploits and discards immigrants.

That is why we have voted against.

David Martin (PSE), *in writing.* – I support workers' rights, which is why I voted in favour of this report. This should provide workers in third countries with a much simpler system for a single work and residence permit.

Carl Schlyter (Verts/ALE), *in writing.* – *(SV)* I am abstaining because a 'no' could be interpreted as indicating that I am against immigration, which is not the case, but the report is problematic because a common procedure means that the EU will have power over immigration policy, which means there is a danger of it being bad.

Olle Schmidt (ALDE), *in writing.* – *(SV)* I am choosing to vote against the amendment, not because I think it is bad in itself, but because I want to wait for the larger and more well thought-out directive that is being prepared by the Commission. It is important for us not to rush through legislative proposals within such an important area as this.

- Report: Neil Parish (A6-0368/2008)

Ilda Figueiredo (GUE/NGL), *in writing.* – *(PT)* The main issue in relation to wine is the content of the recently adopted CMO which, in our opinion, includes some very negative aspects, particularly for Portuguese production, which is fundamentally based on small and medium-sized agricultural holdings. Its practical effects are already starting to be felt, as reported to me by many farmers with whom I have been in contact.

However, there do not seem to be any great difficulties with the inclusion of the wine sector in a single CMO which will bring together all the market regulation instruments, which may or may not be common to the various sectors. It may be purely a question of simplification, provided that this does not mean the elimination of instruments or have any other legal meanings.

As the problem with regard to wine lies in the reform already approved and carried out, albeit with our opposition, it is now somewhat irrelevant whether this sector is included in a single CMO or not, as this does not alter the practical effects.

That is why we decided to abstain.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* The June List thinks that it is a good thing for the current 21 regulations on the sector-specific organisation of the market to be revised and consolidated in one regulation in order to streamline and simplify the legislation. However, as the Commission observes, the fundamental policy has not changed.

The June List has therefore voted against this report, as we do not support the current common agricultural policy.

Christa Klaß (PPE-DE), *in writing.* – *(DE)* Madam President, Commissioner, I have only voted in favour of the Commission proposal to integrate the wine CMO into the single CMO with all the other agricultural products because the Commission assured us in yesterday's debate that, as soon as the Council's proposal is accepted, it will include the functionality in the EUR-Lex search engine to allow users of the individual CMOs, for example for wine, milk or fruit and vegetables, to access only the articles related to their specific product. In addition, the Commission has also guaranteed that future changes will only be made to individual products and other products will not be arbitrarily changed at the same time. The discussion has made it clear that, in future, although there will only be one document instead of 21, this one document will be just as extensive as the 21 individual documents. However, the administration of the resulting highly complex document for the single CMO must be made as simple as possible.

- Report: Pervenche Berès (A6-0450/2008)

Dragoş Florin David (PPE-DE), *in writing.* – *(RO)* I voted in favour of the amendment to the EU regulation on establishing a facility providing medium-term financial assistance for Member States' balances of payments. This means that the financial aid ceiling has increased from EUR 12 to 25 billion for EU Member States which are not part of the euro zone and are experiencing difficulties with their balance of payments. The European

Parliament believes that Member States which do not belong to the euro zone should be encouraged to look at obtaining, within the Community, possible medium-term financial support to be able to cope with their balance deficit before requesting aid at an international level. The current situation provides additional proof of the euro's usefulness in terms of protecting Member States which belong to the euro zone and invites Member States which do not belong to the euro zone to join it immediately, thereby meeting the Maastricht criteria.

Avril Doyle (PPE-DE), *in writing.* – The current financial situation demonstrates the protective effect of the euro, and we should do all that we can to encourage all non-Eurozone Member States to adopt the euro as soon as they meet the criteria. It is also my view that non-Eurozone EU countries which need financial support should first look to the EU before approaching international bodies. It is for these reasons that I supported this report.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* The June List believes that it is very important for Member States in the European area to be in a good economic position and is in favour of an independent European neighbourhood policy.

However, we believe that a common European aid system for medium-term financial assistance provides neither a guarantor nor a solution for that not being the case. Such a system creates an unnecessary and bureaucratic procedure in which those Member States requiring help in reality become dependent on EMU countries with outsider-imposed requirements for 'political and economic measures'. Countries that are members of the European Union – as they should be – but are not members of the monetary union – as they should not be – are forced to keep a fixed exchange rate with the euro and thus with their most important trading partners. We therefore believe that it is unsound for countries that are not members of the monetary union to choose to fix their exchange rate and then need to be rescued by large regional and/or international bodies.

The June List is therefore of the opinion that the appropriation of EUR 25 million to support Member States' balances of payments is unnecessary. We believe instead that those countries that are members of the EU but have not joined the monetary union should maintain a regime with a floating exchange rate. This type of problem will then disappear and taxpayers will save EUR 25 million.

- Motion for a resolution: EU and PNR data (B6-0615/2008)

Carlos Coelho (PPE-DE), *in writing.* – *(PT)* It is undeniable that both terrorism and organised crime are terrible threats that must be combated with instruments that are as effective as possible.

It is also important to avoid each Member State creating its own PNR data system. At the moment there are three Member States that have done this, resulting in various differences between them in relation to both the obligations imposed on carriers and their objectives.

However, a basic rule of data protection is that any new instrument should only be adopted where the need to transfer this personal data and the specific aims of this transfer have been clearly proven.

The proposal presented to us by the Commission is too vague and does not clarify the added value that collecting PNR data will bring, nor what the relationship will be with existing measures for controlling entry into the EU for security purposes, such as the SIS (Schengen Information System), VIS (Visa Information System) and API (Advance Passenger Information) system.

I believe it is vital, before we take any final decisions, to clearly demonstrate the usefulness of this data and the specific aims which it is intended to address, ensuring that the principle of proportionality is respected and that appropriate legal safeguards are created.

Avril Doyle (PPE-DE), *in writing.* – I voted in favour of the resolution on the proposal for a Council framework decision on the use of Passenger Name Records (PNR) for law enforcement purposes (B6-0615/2008). I did so as any proposal in this area must be proportionate and in compliance with the European Court of Human Rights and the EU Charter of Fundamental Rights. The Commission's proposal could have a considerable impact on the personal life of European citizens and it has failed to provide sufficient evidence that the mass collection of data is needed at the EU level.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* The Commission wishes to collect and exchange passenger information at EU level in order to combat crime and terrorism. Included in the information that is to be collected and made available to crime prevention authorities are aircraft passengers'

credit card numbers, plane seating requests, contact details, baggage information, frequent flyer information, language skills and the age, name and contact details of any person accompanying a child on a journey as well as that person's relationship to the child.

This type of mass recording will undoubtedly result in the infringement of privacy. The proposal does not take account of the often lauded but seldom applied principles of subsidiarity and proportionality.

We welcome the fact that the European Parliament is critical towards the Commission's proposal and would like to point out that it is doubtful whether this type of EU legislation is required. We have therefore voted in favour of the European Parliament's resolution, as it disassociates itself from the measures proposed by the Commission.

Pedro Guerreiro (GUE/NGL), *in writing.* – *(PT)* Although we disagree with certain aspects of this resolution, particularly its failure to demarcate the 'fight against terrorism', we consider that it reaffirms some serious reservations about the creation of a PNR data system (covering passengers of air carriers) within the EU.

Among other aspects, the resolution:

- regrets that the justification of the proposal to set up a PNR data system in the EU has left so many legal uncertainties with respect to compatibility with the European Convention on Human Rights (ECHR);

- believes that the aim is not harmonisation of national systems (given that these do not exist), but rather the obligation to set these up;

- expresses concern that, in essence, the proposal gives law enforcement authorities access to all data without a warrant;

- reiterates the concerns regarding the measures outlining an indiscriminate use of PNR data for profiling and for the definition of risk assessment parameters;

- highlights that the information so far provided by the US has never conclusively proven that the massive and systematic use of PNR data is necessary in the 'fight against terrorism'.

Luca Romagnoli (NI), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I voted in favour of the motion for a resolution tabled by Mrs in 't Veld, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a Council framework decision on the use of Passenger Name Record (PNR) for law enforcement purposes.

I fully share the aims and concerns raised by my fellow Member, both in relation to the proportionality of the measures proposed by the Commission, and in relation to the legal basis of such a provision and the dangers, which I raised on various occasions during meetings of the Civil Liberties Committee, for personal data protection. The need to guarantee a high level of security to citizens is sacrosanct, and it seems to me that currently there are many systems in force. I believe that before introducing further measures we need to evaluate the full, systematic implementation of existing mechanisms, to avoid the risk of creating greater problems than those we are seeking to overcome.

- Motion for a resolution: Financial assistance for Member States' balances of payments (B6-0614/2008)

Richard James Ashworth (PPE-DE), *in writing.* – Paragraph 2 of this resolution deals with membership of the Eurozone. In line with the convention of the UK Conservative Delegation on issues relating to the euro, we have abstained on the final vote.

- Motion for a resolution: Democratic Republic of Congo (RC-B6-0590/2008)

Alessandro Battilocchio (PSE), *in writing.* – *(IT)* I voted for this resolution, but I would have preferred the text to have been adopted with Amendment 1, paragraph 19, which was unfortunately rejected by a few votes. That amendment would have made our specific commitment in this extremely delicate and crucial area even more valid. Nonetheless, I hope that the adoption of this resolution will lead to intervention on the ground by the European Union.

Edite Estrela (PSE), *in writing.* – *(PT)* I voted in favour of the joint motion for a resolution on the EU response to the deteriorating situation in the east of the Democratic Republic of Congo as I feel that what is happening

is very worrying, given the millions of deaths, hundred of thousands of refugees and heinous crimes against those who are totally defenceless. There is also potential for the conflict to spread to neighbouring countries.

This motion for a resolution is along the right lines, particularly as it calls for the perpetrators of these crimes against humanity to be brought to justice and for efforts to be made to strengthen and comply with existing agreements, either by giving MONUC more resources or by applying international pressure on those involved.

I also want to highlight the call for the European Union to prevent European companies from exploiting minerals originating from that area, as the sale of these funds the conflict.

We must do everything in our power to prevent another tragedy in Africa.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing.* – *(SV)* The situation in the east of the Democratic Republic of Congo is dreadful. We wholeheartedly support international solutions, which ought to be implemented within the framework of UN cooperation. However, we do not believe that the EU should use international crises and conflicts to strengthen its foreign policy.

We have therefore voted against this resolution.

Athanasios Pafilis (GUE/NGL), *in writing.* – *(EL)* The EU as a whole, just like strong individual Member States, must take a serious share of responsibility for the deterioration in the already tragic situation of the people of the Democratic Republic of the Congo, as a result of the civil war, and of all the nations of the African continent. The systematic, long-standing plundering of the wealth of this specific country and of Africa in general by European colonialists in the past and imperialists today and the fomentation or exploitation of civil conflicts in order to impose their interests, have resulted in a situation where Africa is the richest continent in the world with the most hungry, poor and downtrodden inhabitants.

The proposed strengthening of the various forms of interventionist activity by the EU, mainly through the military strength of the UN, without excluding simultaneous political or other activity by the country in question, has absolutely nothing to do with the alleged humanitarian protection of its population, as hypocritically stated in the joint resolution by the Liberals, Social Democrats and Greens. The humanitarian interest is the pretext. The basic objective is for the countries of the EU to secure a greater market share, which is of course connected – as the resolution indirectly admits – with the unimpeded and continuing overall plundering of the rich mineral wealth of the country.

- Motion for a resolution: European space policy (B6-0582/2008)

Jan Andersson, Göran Färm, Inger Segelström and Åsa Westlund (PSE), *in writing.* – *(SV)* We Swedish Social Democrats believe that space should not be militarised and are of the opinion that research and investments should focus exclusively on peaceful aims.

However, we cannot support Amendment 6, which rejects all indirect military use, as a large number of applications, such as satellite navigation and communications services, are also used in peace-keeping efforts, which in some cases are military in nature. This technology is also very useful to civil society and we do not believe that civil use should be restricted because it also has military uses.

Giles Chichester (PPE-DE), *in writing.* – While I support the thrust of this resolution, I and my British Conservative colleagues are wholly opposed to the Treaty of Lisbon and cannot therefore support the reference to it in Paragraph One.

Avril Doyle (PPE-DE), *in writing.* – I supported this resolution on 'how to bring space down to earth' (B6-0582/2008) as I believe we should support a European space policy. In Ireland decreasing numbers of young people are choosing science as a career option – a trend that is repeated across Europe. Space exploration is inspiring for young people and encourages them to choose a career in science and technology; it also strengthens research capabilities in Europe. However, I am of the view that the use of space must serve exclusively non-military purposes and we should reject any direct or indirect military use of systems such as Galileo.

Pedro Guerreiro (GUE/NGL), *in writing.* – *(PT)* Among the important issues and priorities highlighted by this European Parliament resolution on the European space policy, this brief explanation of vote is intended to denounce the fact that a majority in this House advocates the use of space for military purposes.

This is the conclusion that can be drawn from the rejection of the proposed amendments tabled by our parliamentary group which reiterated that outer space must be used for exclusively peaceful purposes and that outer space must be used for exclusively non-military purposes, thereby rejecting any direct or indirect military use.

By contrast, a majority in Parliament considers that there is a 'growing interest in a strong and leading role for the EU in a European space policy (ESP) in order to foster solutions in the field of the environment, transport, research, defence and security.'

In this respect, a majority in Parliament calls on the Council and the Commission 'to encourage synergies between civilian and security developments in the field of space; points out that the European security and defence capabilities depend among other things on the availability of satellite-based systems'.

In other words, space can be used in the militarisation of the EU and in the arms race.

Margie Sudre (PPE-DE), *in writing.* – *(FR)* I am truly sorry that the excellent proposal for a resolution on the future of European space policy, which has just been passed, makes no reference to the Kourou space centre.

The space history of Europe inevitably passes via Guyana. It is so obvious to everyone that we no longer think of pointing out that all the Ariane rockets are assembled there and are launched from this launch pad.

My thanks to the French Presidency, represented by Mr Jean-Pierre Jouyet, who had the presence of mind to mention it during yesterday's debate.

To my mind, European space strategy must without fail incorporate proper consideration of future developments of the European Spaceport, both in terms of infrastructure and staff and in terms of research projects.

The Kourou site is the window of the European space programme. Guyana, which is an outermost region of the European Union, deserves to be recognised for its past and future contribution to this strategic policy.

I would have liked to see this House pay homage to the Guyana space centre and explicitly express the pride which it inspires in all Europeans. In just a few decades, Kourou has become a major constituent element of our European identity.

- Motion for a resolution: Cluster Munitions (B6-0589/2008)

Pedro Guerreiro (GUE/NGL), *in writing.* – *(PT)* The Convention on Cluster Munitions (CCM) adopted by 107 countries in 2008 will be open for signature as from 3 December and will enter into force once 30 ratifications have been secured.

The Convention will prohibit the use, production, stockpiling and transfer of cluster munitions as an entire category of weapons and States Parties will be required to destroy stockpiles of such munitions.

This motion for a resolution, which we support, calls on all states to sign and ratify the CCM at the earliest opportunity and to take steps at national level to begin implementing the CCM even before it is ratified.

The motion for a resolution calls on all states not to use, invest in, stockpile, produce, transfer or export cluster munitions until the CCM has entered into force.

It also calls on all the EU Member States to provide assistance to affected populations and to support the clearance and destruction of cluster munition remnants.

Finally, it calls on all the EU Member States not to take any action which might circumvent or jeopardise the CCM and its provisions, in particular through a possible Protocol to the Convention on Certain Conventional Weapons which might allow the use of cluster munitions.

Luca Romagnoli (NI), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I voted in favour of the motion for a resolution on the need to ratify the Convention on Cluster Munitions by the end of 2008. This proposal, which I fully endorse, will prohibit the use, production, stockpiling and transfer of cluster munitions as an entire category of weapons.

I also approve of the fact that it will be compulsory for EU Member States which have used cluster munitions to provide technical and financial assistance for the clearance and destruction of cluster munitions remnants.

Finally, I welcome the initiative of my fellow Members calling upon all the Member States not to use, invest in, stockpile, produce, transfer or export cluster munitions, independently of the convention's ratification.

Geoffrey Van Orden (PPE-DE), *in writing.* – The British Conservative Delegation voted for this resolution as a straightforward endorsement of the recently negotiated UN Convention on Cluster Munitions. We believe that the Convention has successfully combined principled and practical humanitarianism with appreciation of the military requirements of responsible armed forces.

We have consistently held the view that an indiscriminate ban on the use of all types of cluster munition would negatively affect the operational effectiveness of our armed forces. We therefore draw special attention to the clearly defined exemption in the Convention for the next generation of "smarter" munitions which are designed to self destruct and present a minimal risk to civilians. The British Ministry of Defence is currently developing a munition that falls within the terms of this exemption.

In general, we believe it is important to maintain a sense of proportion in relation to risk management by our armed forces. While the British Armed Forces always seek to minimise harm to the civil population and limit collateral damage we should never lose sight of the fact that we are fighting terrorist and insurgent elements totally without scruples in the methods they employ for the indiscriminate destruction of innocent human life. It is these elements that should be the target of our ire.

- Motion for a resolution: HIV/AIDS (RC B6-0581/2008)

Alessandro Battilocchio (PSE), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I voted for this motion for a resolution. Early diagnosis and research provide a solid foundation for health protection. In the case of HIV, results from recent years demonstrate how important it is to encourage research. From this perspective, therefore, we need to remove obstacles of any kind to research, which for those affected by HIV represents a real hope of being able to lead a qualitatively more satisfying life.

This requirement should be supported in concrete terms through the use by the Commission of political, economic and financial resources. At the same time, the Council and the Commission ought to ensure that discrimination against those affected by HIV is declared illegal in all EU Member States.

Carlos Coelho (PPE-DE), *in writing.* – *(PT)* The MEPs elected by the Portuguese PSD (Social Democratic Party) support the resolution which encourages the promotion of early diagnosis and care of HIV infections in each of the Member States. The most recent statistics still indicate not only an increase within the EU of the number of new HIV infections, but also a large proportion of HIV infections which are still undiagnosed.

One of the reasons for the rapid spread of HIV infection in many EU countries is the fact that many intravenous drug users are infected and spread the disease by sharing needles. The annual report of EuroHIV on trends in drug consumption in the European Union puts Portugal as the country with the highest number of detected cases of HIV/AIDS among drug users.

The annual survey of healthcare, the Euro Health Consumer Index (EHCI) 2008, reports that Portugal is towards the bottom of the ranking of healthcare systems in Europe. One of the criticisms levelled at the Portuguese health system is that it has still not solved its problem of access to treatment and waiting times. Eurostat still indicates Portugal as being the country with the highest AIDS-related death rate. The comparative analysis of data from Portugal and from its EU partners reveals that something is wrong with our national strategy. We must identify and analyse what is going wrong.

Edite Estrela (PSE), *in writing.* – *(PT)* I voted in favour of the joint motion for a resolution on early diagnosis and care of HIV/AIDS as, in my opinion, we urgently need to reinforce the measures and actions for diagnosing and treating this disease, given the alarming rise in the number of new HIV infections in the European Union.

Actions to prevent and treat the disease are vital in order to stem the growing tide of infections. I therefore feel it is essential to promote easier access to information, advice, healthcare provision and social services.

Moreover, it is vital that the Member States enact provisions which effectively outlaw discrimination against people living with HIV/AIDS, including restrictions that impact on their freedom of movement within their jurisdictions.

Luca Romagnoli (NI), *in writing.* – *(IT)* Madam President, ladies and gentlemen, I am pleased to say that I voted for the motion for a resolution on early diagnosis and early care with regard to the HIV virus. In order to protect European citizens and their health, the Commission has an obligation to promote early diagnosis

and to reduce the barriers to testing for this disease, as well as to provide early care and to communicate the benefits of early care.

In view of the fact that the EuroHIV and UNAIDS reports confirm that the number of new cases of HIV is increasing at an alarming rate within the European Union and in neighbouring countries and that in some countries the number of people estimated to be infected with HIV is almost three times the official figures, I welcome the proposal, which also calls upon the Commission to establish an HIV/AIDS reduction strategy focused on drug addicts and intravenous drug users.

- Motion for a resolution: Bee-keeping sector (B6-0579/2008)

Ilda Figueiredo (GUE/NGL), *in writing. – (PT)* We want to highlight some of the aspects of this resolution with which we agree, in particular: 'unfair competition from products originating in third countries and imported into the Community market' and the 'serious threat of a decline in bee colonies due to the significant reduction in the supply of pollen and nectar'. These problems must be solved by applying Community preference and tackling unfair competition from apiculture products originating in third countries. Research into parasites and diseases – which are decimating the bee population – and their origins, including the responsibility of GMOs, should be immediately stepped up by making additional budgetary resources available for this research.

The one aspect missing from the resolution is the responsibility of the common agricultural policy reforms for this whole problem. Rural desertification, dismantling of production over vast areas and introduction of genetically modified species have led to a loss of biodiversity. Similarly, production methods which ignore the specific soil and climate conditions of each region have been promoted.

An agricultural policy which reversed this trend, in addition to the measures indicated above, would significantly help to solve the problems in the beekeeping sector.

Christofer Fjellner (PPE-DE), *in writing. – (SV)* This resolution deals with the fact that bee populations are dying of unexplained causes. We share the view that research is needed to get to grips with this problem.

However, we do not share the view that it is necessary to give more subsidies to beekeepers and to provide more protection against the surrounding world (protectionism).

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing. – (SV)* The proposal submitted by the European Parliament's Committee on Agriculture and Rural Development has some good and some not so good aspects. We are in favour of the Commission initiating research on parasites and diseases that are decimating bee populations.

However, the resolution also contains proposals that we are unable to support. For example, the European Parliament 'urges the Commission to propose a financial aid mechanism for apiaries which are in difficulties due to bee mortality' (paragraph 11). We cannot support any such costs to the EU's budget and the European Parliament's federalist majority ought not to express their support for this without acknowledging the financial consequences of such a position.

We have therefore voted against this resolution in its entirety.

Daciana Octavia Sârbu (PSE), *in writing. – (RO)* The dramatic reduction in the bee population and, by implication, in pollenisation is jeopardising the production of fruit, vegetables and crops in the European Union. The drop in the number of bees is due to both different parasites and mycoses found in the atmosphere and spraying pesticides. The main problem is the infection caused by the varroa parasite, which is manifested by deformities at the level of the wings and abdomen, and underdeveloped bees unable to fly and with a very short lifespan. If left untreated, varroa may lead to the disappearance of a whole colony of bees in a few months. The prolonged use of pesticides has also resulted in the reduction of the bee population, even when they were used to destroy mycoses and parasites. Certain scientists believe that another cause for this phenomenon is the electromagnetic wave radiation emitted from mobile phones, which penetrates the bees' navigation system, leaving them unable to return to the hive. Research in this field will need to be developed in order to find solutions to combating the diseases which affect bees. Furthermore, efforts made by farmers to reduce the number of times plant protection products are applied during blossoming will also help to halt the decline of these insects.

Christel Schaldemose (PSE), *in writing. – (DA)* On behalf of Ole Christensen, Poul Nyrup Rasmussen, Dan Jørgensen, Britta Thomsen and Christel Schaldemose.

The Danish delegation of the Socialist Group in the European Parliament has voted against the resolution concerning the situation in the beekeeping sector. It is our view that the resolution bears the hallmarks of protectionism and an attempt to establish more subsidy schemes for the EU's farmers.

We are of the opinion that bee mortality is a huge problem that should be dealt with at EU level, but using the right mechanisms. This will entail, for example, additional research and a focus on the protection of our ecosystems, including restricting the use of pesticides.

- Motion for a resolution: Environmental inspection in Member States (B6-0580/2008)

Avril Doyle (PPE-DE), *in writing.* – I voted in favour of the resolution on the review of Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States (B6-0580/2008). Good and even enforcement of Community environmental law is essential and anything less falls short of public expectations and undermines the reputation of the Community as an effective guardian of the environment. If our legislation is to have any credibility it needs to be enforced effectively.

Ilda Figueiredo (GUE/NGL), *in writing.* – *(PT)* Without doubt, we need to pay more attention to environmental issues and we need to adopt measures to prevent the constant environmental damage which is compromising the present and future of our planet and the quality of life of our citizens.

We must therefore be more alert to compliance with rules ensuring respect for the environment and taking into account the specific conditions of each country, including the social implications. We also need a policy with more solidarity that takes account of different levels of development and economic capability.

Not all these aspects are duly safeguarded in the EU's environmental law, nor are its policies duly consistent. We therefore have grave doubts about the political will of the European Commission to solve this complex problem and we run the risk of worsening regional and social inequalities with some of the proposals put forward in this resolution.

That is why we decided to abstain.

Duarte Freitas (PPE-DE), *in writing.* – *(PT)* I congratulate my colleagues on the Committee on the Environment, Public Health and Food Safety for their wording of both the oral question and the motion for a resolution, because they clearly indicate the need to correctly implement Community environmental law. In this respect they urge the Commission to come forward with a proposal for a directive on environmental inspections, clarifying the definitions and criteria and extending the scope.

Both documents also underline the need to strengthen the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) and to support environmental education and information provision, the specific content of which must be determined at local, regional or national level on the basis of the needs and problems identified in a given area.

If the EU is not strict in enforcing its environmental policy, public expectations will be frustrated and the EU's role as an effective guardian of the environment will be undermined.

Athanasios Pafilis (GUE/NGL), *in writing.* – *(EL)* We voted against the motion for a resolution which supports the position that the proper and equal application of Community environmental legislation is vital, because this legislation does not protect the environment; it protects the vital interests of the EU monopolies.

The call for the adoption of a Community body of environmental inspectors constitutes direct intervention in the internal affairs of the Member States in order to secure the application of the 'polluter pays' principle, which permits the destruction of the environment in return for payment of a cheap consideration, the 'green taxation' which the grassroots classes have to shoulder, emissions trading, the promotion of entrepreneurship and competitiveness as the determining criteria for the development of what are otherwise innovative 'environmental' technologies, the use of genetically modified organisms in agriculture and the abolition in practice of the principles of precaution and prevention.

The EU and its environmental policy, which serve the interests of big business, breed food crimes, the atmospheric pollution of city centres with 'modern pollutants', the destruction of forests, soil corrosion and desertification and the pollution of seas and waters. The environment will constitute a business sector with the objective of maximising the profits of the economic oligarchy. It will suffer the consequences of the unthinking and unaccountable exploitation of natural resources and it will be spoiled by capitalist barbarity.

(The sitting was suspended at 13.00 and resumed at 15.00.)

8. Corrections to votes and voting intentions: see Minutes

IN THE CHAIR: MR GÉRARD ONESTA
Vice-President

9. Approval of Minutes of previous sitting: see Minutes

10. Request for the defence of parliamentary immunity: see Minutes

11. Communication of Council common positions: see Minutes

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

12.1. Somalia

President. - The next item is the debate on six motions for resolutions on Somalia[(2)].

Marios Matsakis, *author.* – Mr President, Somalia is a country whose citizens live in very dire and chaotic circumstances, fraught with dangers to their well-being and to their very existence. This House – and indeed the international community in general – time and again have dealt with the unacceptable situation in that country. Both the EU and the UN and other foreign agencies have given – and continue to give – much financial and other support to the Somalian people.

But to add to the country's grave state of affairs came the involvement of the so-called Islamic courts. These are in effect a manifestation of the practice by criminal and evil people of exercising terror on fellow citizens by using religion – in this case Islam – as an excuse.

The recent execution by stoning to death of the 13-year-old girl victim of rape, Aisha Ibrahim Duhulow, is another example of this practice. But the most recent worrying phenomenon in the gradually disintegrating society of Somalia is not just the barbaric extent of such acts of atrocity but also the fact that such a despicable act was carried out by a group of 50 men and was watched by about a thousand spectators. Such a gruesome performance of sadistic behaviour is easy to condemn but hard to understand using humanly accepted parameters of societal psychology.

The Government of Somalia, aided by the international community and the African Union, must forthwith demolish the devilish Islamic courts and those that support or propagate their practice in the country.

Manuel Medina Ortega, *author.* – *(ES)* Mr President, on behalf of the Socialist Group in the European Parliament, I want to express our total condemnation of the murders being committed in this region of Somalia in the name of God. Few atrocities have been committed by someone who has not invoked the name of God or a religion.

I must particularly condemn the way in which this atrocious murder was committed: a 13-year-old girl was raped, she was then accused of adultery and then five men – if we can call them men – hurried to stone her to death, even preventing someone from trying to save her, in a stadium with around 1 000 spectators.

This event, combined with the acts of piracy which so far this year have involved almost 100 boats being hijacked along the coast of Somalia, constitutes a wholly unacceptable humanitarian situation.

The international community cannot remain impassive. It must not remain impassive in the face of cowardice and the use of religion to justify the commission of atrocities. We therefore have to re-establish order, by supporting the legitimate government of Somalia so that it can take back control of the whole country and establish a rule of law which respects human rights.

(2) See Minutes.

I believe that there have been few occasions when we have been presented with such a clear situation which requires us to act. I believe that we cannot remain impassive here in this Community of 500 million people and 27 countries, the most important in the world. We must intervene. I do not know how we can do this, but I believe that we must, and quickly.

The Socialist Group does not agree with the amendments tabled at the last moment, which have not been duly negotiated. We support the text of the joint motion for a resolution and hope that this will mark the start of the European Union's serious concern about this type of humanitarian issue and its condemnation of the misuse of religious concepts to commit atrocities in the name of God.

Ryszard Czarnecki, *author.* – *(PL)* Mr President, I have participated in dozens of human rights debates in this Chamber, but I am perhaps especially moved today, because in fact when we speak of large numbers, of thousands of dead, it gradually stops making an impression. However, when we look at the murder of one specific person, of a child in fact, a thirteen-year-old girl called Aisha Ibrahim Duhulow, then indeed the cruelty of the act forces us to think about what we can do.

In fact of course, what is happening in Somalia is not restricted to just this one horrifying, cruel murder enshrined in the majesty of the local Islamic religious law. It also includes – and this is worth mentioning, and has not been mentioned by previous speakers – suicide bombings which have recently killed thirty people. It includes public floggings carried out in the country's capital to demonstrate the power of radical Islamists. It includes many human rights violations. It also includes – although this is mentioned less often and should be emphasised – the recent abduction of two Italian Catholic nuns from Kenya, who are now being held in Somalia.

In summary, we must today say a resounding 'No!'

Urszula Gacek, *author.* – Mr President, every Thursday afternoon during our plenary sessions in Strasbourg we learn of yet new tragedies, vile crimes, atrocities and grave injustices. The competition for the three places allocated to urgency debates is the best indication of man's continued inhumanity to man.

Against this dismal backdrop it is hard to imagine that any case could still manage to shock us. We may say we have heard it all. Yet every once in a while we deal with a case so utterly repugnant that we are proved wrong. The stoning to death of a 13-year-old girl child in Somalia is just such a case: first the victim of a mass rape, subsequently found guilty of adultery while the perpetrators of the rape go free, and finally sentenced to the most horrible of deaths. As colleagues have already mentioned, 50 men stoned her to death, with a crowd of a thousand bystanders watching the horror unfold.

To their credit, some of the gathered crowd tried to save the petrified child. However, militia opened fire on those who had the decency to try to protect this victim of an inhuman and bigoted practice. One young boy paid with his life, the victim of militia gunshots.

In the face of this horrific crime, what can we possibly do to right the wrong? We must give every support to the Transitional Federal Government of Somalia, as only by reasserting some control and rule of law in areas of the country controlled by the radical opposition groups can there be any prospect of avoiding a repetition of this and other atrocities.

The Somali Government should restore the honour of the victim, Aisha Ibrahim Duhulow, posthumously. This Chamber expresses its sincere condolences to Aisha's family.

It was I that proposed Aisha's case be placed on today's agenda. Thank you for supporting that request. May we never have to debate a similar instance in this Chamber again.

Filip Kaczmarek, *on behalf of the PPE-DE Group.* – *(PL)* Mr President, we are today discussing an event in Somalia which is beyond the imagination of the average European. The first impulse that comes to mind on hearing about it is a refusal to accept it. You simply do not want to believe that such a thing is possible at all. Nevertheless, we should realise that it is possible, since the situation in Somalia makes various things possible, however unacceptable or unimaginable they may be. What is more, the situation in Somalia affects the situation in the Horn of Africa, which is already so difficult and complicated.

The human rights situation in the region and in the country will improve only when its political situation changes. We should therefore support the implementation of the Djibouti peace agreement, since without peace, stability, improved security and responsible government we will hear more often of tragedies such as Aisha's death.

Paulo Casaca, *on behalf of the PSE Group*. – *(PT)* Mr President, I must add my voice to those of all my fellow Members who have spoken on this issue. This is yet another country where religious fanaticism is taking hold and where, in the name of justice hiding behind a religion, all the fundamental principles of our whole civilisation are being called into question. This situation is absolutely intolerable.

I must say, in addition to everything that has already been said, that we must not under any circumstances forget the famine which is spreading throughout this region, both in Somalia and also in Ethiopia. Obviously this has nothing to do with and cannot excuse what is happening, but we must also look into the extremely serious humanitarian problem which is developing right now in Somalia.

Urszula Krupa, *on behalf of the IND/DEM Group***.** – *(PL)* Mr President, the problem of human rights violations in Somalia, which we are discussing today, extends beyond the cases quoted in the resolution, which do indeed serve as dramatic proof of the barbarous treatment of the weakest, including girls, women and abducted nuns.

In Somalia, where 95% of the population are Muslims and which is one of the poorest countries in the world, the majority of the people live on the brink of destitution, illiteracy reaches 70%, and average life expectancy is 47 years. Although Somalia regained its independence over 40 years ago, conflicts are still caused by competition between clans for grazing land and water sources.

Before independence, the conflicts were suppressed by the colonial powers. Left to their own devices, the Somalis started a civil war, which intensified as the economy collapsed. In such circumstances, the fight against terrorism and piracy should be based above all on the elimination of poverty and destitution by humanitarian aid to the poorest and facilitation of development.

However, Somalia's hard-won stability was destroyed by foreign intervention conducted under the banner of war against terrorism. The divided, poor, uneducated and easily manipulated Somali tribes are becoming an easy tool with which to continue anarchy and division.

All peoples have the right to choose their own way of thinking and their own way of life, and international aid should not be used to spread the donors' own ideology or expand their influence. Not for the first time, opponents are using religion in order to discredit it and to win power, and this is happening not only in Somalia, but also in Vietnam and India, where the persecution of Catholics has become an element of election campaigns.

However, where Christians are being persecuted, Parliament's left-liberal elements do not permit a debate aimed at the prevention of persecution and human rights violations.

Tadeusz Zwiefka (PPE-DE). - *(PL)* Mr President, NGOs are warning that Somalia has become an example of the most ignored of humanitarian tragedies, which is being played out before the whole world. Large numbers are dying of hunger, thirst and disease, and every fourth Somali child dies before the age of five. The country's capital, Mogadishu, is deserted. Artillery fire rains down on ordinary people. The civilian population is terrorised by suicide bombers. Pirates plague the Somali coast, while on land Somali Taliban forces are occupying increasingly large areas, moving gradually towards the capital and introducing the harsh Sharia law. Let us be under no illusions, the law is applied arbitrarily for their own purposes. If we include the disasters caused by drought and floods, the true scale of the tragedy becomes apparent. Natural disasters we can at least understand, but how is it that in poor Somalia there are so many weapons? In my view, it results from the cynical behaviour of some countries, which want to conduct their frequently dirty business in that poor part of Africa, while we are pleased and consent to the Olympic Games being held in China.

Esko Seppänen (GUE/NGL). - *(FI)* Mr President, Commissioner, the unstable peace in Somalia manifested itself today in the shape of the work of professional pirates. The case now before us in the European Parliament did not receive the same sort of attention: the stoning of Aisha Ibrahim Duhulow. That might be regarded as a still greater tragedy than the activities of pirates. It provides an image of a country which is living in an Islamic Middle Ages.

The joint motion for a resolution perhaps gives too much unambiguous support for Somalia's transitional federal government. The Council of Ministers of the Intergovernmental Authority on Development, which is made up of countries in the region, met the other day. It condemns the Somali Government's unwillingness to work towards its commitments and peace policy. Representatives of other countries in the region say that the government lacks the political will and initiative to commit to peace, and that is the biggest challenge to

the prevention of insecurity. Parliament's resolution, however, is important for Aisha, and so our group is prepared to adopt it. We are not going to wipe the slate clean with the Somali Government in our efforts to achieve peace.

Charles Tannock (PPE-DE). - Mr President, Aisha Ibrahim Duhulow was barely a teenager. She would probably have never known anything about the European Union or its Parliament. Even as she was being gang-raped, or lay dying under a deluge of stones, she would probably never have imagined that politicians far away would recognise her ordeal and commemorate her very short life. But I am sure that as she died, she knew that she was the victim of a grave injustice.

The sickening crimes she suffered are made all the more shocking by the bizarre details of this case: the crowd of one thousand people; the venue of a stadium, as though it was some kind of spectator sport; the truckload of stones ordered specially for the purpose; the gunmen who fired at people trying, to their credit, to save this poor girl's life.

Somalia is a failed state, and there is little the EU can do practically to address the barbarity of the various clans and Islamist militias in charge of areas outside the government's control.

Where we can take a stand, however, is by asserting our own values, which are incompatible with Sharia law. That is not just my opinion, but also the opinion of the European Court of Human Rights. This tragic case merely reinforces our determination never to surrender our hard-won democratic freedoms to obscurantism.

Ewa Tomaszewska (UEN). - *(PL)* Mr President, Somalia has for years been the scene of brutal battles, lawlessness and marine piracy. Recently, two Poles fell into the hands of kidnappers. But what happened on 27 October is beyond human comprehension.

A thirteen-year-old girl, Aisha Ibrahim Duhulow, was stoned to death. The child had been raped by three men. The perpetrators have not been arrested or tried. In Kismayo, she was stoned to death by fifty men in the presence of around a thousand witnesses. Aisha was punished, in accordance with Islamic law, for the rape inflicted on her.

This shocking act is not an isolated matter, but the brutal operation of Islamic law in the name of a God who punishes the victim for the crime inflicted on her. I call on the government of Somalia to put an end to this barbarous practice, to mete out an exemplary punishment to the perpetrators and to rehabilitate Aisha.

Colm Burke (PPE-DE). - Mr President, on 27 October a 13-year-old girl named Aisha Ibrahim Duhulow – and let us not forget the name – was stoned to death in Somalia by a group of 50 men in a stadium in the southern port of Kismayo in front of around a thousand spectators. She was accused and convicted of adultery in breach of Islamic law, but was in fact the victim of rape by three men. There has been no arrest or detention of those accused of her rape.

I strongly condemn the stoning and execution of Aisha Ibrahim Duhulow and I am horrified at such a barbaric act perpetrated against a 13-year-old rape victim. As Unicef stated in the aftermath of her tragic death, a child was victimised twice: first by the perpetrators of the rape, and then by those responsible for administering the justice.

This abhorrent treatment of women can in no way be condoned and permitted under Sharia law. This episode highlights not only the vulnerability of girls and women in Somalia, but the inherent discrimination such individuals have to endure.

Marcin Libicki (UEN). - *(PL)* Mr President, we are today debating the murder of a girl who was stoned to death in Somalia. We are also aware that two Catholic nuns have been kidnapped and are being held in Somalia. All this is overshadowed by the piracy rampant on the Somali coast. We have heard that it is all due to the fact that in practice the Somali government is not functioning at all. Where in this situation are the mighty of this world? Where are the mighty United States, China, Russia and the European Union, which claim to be civilised countries? When countries are not in a position to intervene in defence of the weakest, who are being attacked by the actually not-so-mighty, they cannot be regarded as civilised. Where are we in this situation? Mr President, I appeal to the mighty of this world: Do what is right! Do your duty!

Siim Kallas, *Vice-President of the Commission***.** – Mr President, on behalf of the Commission and Commissioner Michel, I wish to share some remarks about this issue of human rights in Somalia.

Firstly, I would like to share the concern about the continuing conflict and political instability in Somalia. Somalia remains a context where fundamental rights and respect for basic human dignity continue to be shunned by armed entities perpetrating systematic and widespread attacks against civilians.

In the last few months, an escalating wave of attacks on humanitarian workers, peace activists and human rights defenders has been sweeping southern and central Somalia. At least 40 Somali human rights defenders and humanitarian workers were killed between January and September 2008 alone. As a result of these attacks, a number of humanitarian organisations have been forced to withdraw staff from Mogadishu; humanitarian access received further blows; and human rights and humanitarian conditions further deteriorated.

The Commission, together with the Member States and other international actors, is committed to helping at this critical juncture.

The EU supports the efforts of the Office of the High Commissioner for Human Rights, including the Independent Expert on Human Rights in Somalia, Shamsul Bari, to come to the creation of a mechanism to investigate systematic human rights abuses by all parties.

At the development level, the EU is strongly involved in supporting human rights organisations, mainly in training and funding for identification, documentation, monitoring of human rights abuses, and advocacy. In particular, the Commission is increasingly involving civil society in any programme of reconstruction and national reconciliation, including exchange programmes for civil society with other regional organisations, paralegal training, public awareness campaigns, and women's groups' work on enhancing their political representation and participation in reconciliation processes. Moreover, the EU supports programmes focusing on law enforcement and reinforcing the judiciary.

Meanwhile, we need to work to improve security and to make the Somali reconciliation process move forward. A climate of insecurity will only serve to worsen the human rights situation and encourage violations of international humanitarian law. Any lasting peace in Somalia must be based on accountability and justice for the human rights violations committed by all sides throughout the Somali conflict.

President. - The debate is closed.

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

Written statements (Rule 142)

Eija-Riitta Korhola (PPE-DE), *in writing*. – *(FI)* Mr President, among this week's urgent resolutions, the Somali case is the one that perturbs us in particular. Three weeks ago a 13 year old girl, Aisha Ibrahim Duhulow, was stoned there after having been raped by three men. Nothing happened to the men, but the girl was sentenced for adultery under Sharia law.

The stoning took place in a stadium in Kismayo, in southern Somalia, in the presence of 1 000 spectators, while 50 men carried out the execution. The sentence was handed down by the Al-Shabab militia who control the city of Kismayo. They also killed a boy who tried to stop Duhulow from being stoned. This harsh and inhuman interpretation of Sharia law, that adultery should be punished by stoning the guilty one to death, has assumed inconceivably cruel dimensions; it has led to the murder of an innocent child, who was the victim of a crime.

It is important that we condemn the sentence and execution by stoning and insist that the Somali Government and the African Union should do the same, and that they take concrete steps as soon as possible to ensure that no such sentences are passed any longer. While we show our support for the attempts by the Somali Government to take control of the city of Kismayo, we also have to call on it to bring Duhulow's rapists to justice. As the resolution on Somalia proposes, the Member States of the EU should do more to assist Somalia, so that the country might have a democratic government, and so that the government receives the help it needs to try and take control of all the country's regions.

12.2. Death penalty in Nigeria

President. - The next item is the debate on six motions for resolution on the death penalty in Nigeria[(3)].

(3) See Minutes.

Marios Matsakis, *author.* – Mr President, the judicial system of Nigeria is fraught with inadequacies, neglect and corruption. To add to such a dreadful state of affairs, anachronistic Islamic Sharia courts have jurisdiction over criminal courts in one third of Nigeria's states. Such religious courts, run by sick-minded fanatics, continue to this day and age to terrorise the population by handing down sentences of death, flogging and amputation.

We in Europe, of course, condemn the operation of such anachronistic religious courts, but how about the Islamic world itself? Why do Islamic political figures and Islamic states, some of which are globally and regionally very powerful and influential, and some of which we have trading partnerships with, why do they not take responsibility and strongly fight against Sharia law, Islamic courts and other such evils? Why do Islamic religious leaders themselves in some of the more advanced Islamic countries not condemn such use of Islamic religion? In my opinion their silence or lukewarm reaction amounts to quietly supporting such activities and such a stance is, for me, just as criminal as those who actually administer Sharia law.

Let our message of disgust with this aspect of Islamic fundamentalism reach those in the Islamic world who should be doing something drastic to change things for the better, but unfortunately they are not.

Paulo Casaca, *author.* – *(PT)* Mr President, I feel that the case of Nigeria, although obviously not comparable to what is happening in Somalia, runs a serious risk of developing into a similar situation. As has been said, Sharia law is effectively being applied in one-third of the country and there has been a clear deterioration in human rights.

At this point I must say that, before talking about or condemning any religious leaders, particularly any Islamic religious leaders, we must bear in mind that our fundamental role is to maintain dialogue with and encourage those Muslim leaders who do not share this fanatical view.

I can assure you that there are many such leaders, and I personally know a large number. The problem now is that, instead of the European institutions communicating with the country and with Islam, which has the same values and viewpoints as we do, they are doing the opposite. The European institutions seem to be preoccupied with appeasing the most fanatical and the worst offenders, those who are butchering the human rights of all Muslims, because Muslims are – and we need to realise this – the main victims of this situation. They are our main allies. They are the people with whom we need to work. They are the people with whom we Socialists will certainly be able to tackle these challenges.

Ryszard Czarnecki, *author.* – *(PL)* Mr President, this debate is of course in some senses a debate about the death penalty as such, but I do not want it to move in that direction, because in fact we should be discussing this specific situation.

Of course, we are familiar with reports which tell us that the recent reduction in the number of death sentences has not reduced the country's crime rate. This tempts supporters of the death penalty to continue calling for it. But the fact is that last year only 7 out of the 53 African Union countries carried out death sentences, while in 13 the death sentence has been suspended, and in another 22 the death sentence is simply not used.

I think that Nigeria should adopt this way forward, perhaps under pressure from the European Union. We could point to the fact that death sentences are carried out on the very young and the young. There are very many such people, at least 40 in Nigeria. This is a particularly shocking situation, when such young people are awaiting execution.

This is of course a much wider issue. This is a country where it is very easy to sentence someone to death, especially since one quarter of Nigeria's regions are governed by Sharia law, an Islamic, a Muslim law which indeed allows the amputation of hands and feet, and also uses flogging. This is an unacceptable situation. We need to speak out about it.

Michael Gahler, *draftsman.* – *(DE)* Mr President, Nigeria is one of the largest and one of the most important countries in political and economic terms in Africa. For this reason, it is also a major partner for us. Unfortunately, the situation relating to the rule of law there leaves a lot to be desired, in particular with regard to the justice system. During this debate we have focused on the death penalty. In Nigeria a large number of people are on death row. A quarter of them have been waiting for five years for their appeals to be concluded and 6% have been waiting for 20 years. This situation is not acceptable and therefore we call on the European Commission to help the Nigerian authorities to improve the rule of law and to make recommendations which may be helpful. The President has also established committees which have made recommendations

on Nigeria that indicate the right direction to move in. However, I believe that more political pressure must be applied in this area.

Ewa Tomaszewska, *on behalf of the UEN Group***.** – *(PL)* Mr President, being sentenced to death for being poor is a reality in Nigeria. I appeal to the Nigerian authorities to impose a moratorium on executions and to commute the death sentences.

Hundreds of those sentenced to death are people unable to afford a fair trial. Sentenced on the basis of testimony extracted under torture, without the means to employ qualified defence counsel, without a chance of finding files lost five or fifteen years ago, they await their execution in inhuman conditions. The windows of their cells frequently overlook the execution yards. Approximately 40 of those condemned to death are juveniles. Their alleged crimes were committed when they were 13–17 years old. Appeals take five years on average, but sometimes up to 20. Forty-one per cent of the condemned have not filed appeals. Their case files have been lost, or they do not know how to complete the application by themselves, and cannot afford a lawyer. Nigerian law does not allow torture. It does not recognise testimony obtained in this way as valid. Nevertheless, the police use torture. Trials are lengthy. The testimony of victims of torture is frequently the only evidence in a case. It is virtually impossible for the poor to get a fair hearing.

Erik Meijer, *on behalf of the GUE/NGL Group*. – *(NL)* Mr President, the death penalty is a dreadful affair in itself. Rather than trying to help those who have hurt their fellow human beings or society as a whole to function as better people in future, revenge is taken by letting the condemned die. This is an irreparable decision which is at times even based on a miscarriage of justice. It becomes even more dreadful if it is not exceptional crimes that are penalised. In Nigeria, it is more a case of poor organisation of justice combined with administrative chaos.

In addition, it is also increasingly about persisting in primitive, fundamentalist opinions in the northern federal states, in which it is assumed that Man has been commissioned by God to eliminate their sinful fellow men. Unlike Somalia, the outgrowths of which were discussed in the previous item on the agenda, Nigeria is a functioning state. It is a state, though, full of federal states functioning independently from one another, coordinated by a central authority which, often by means of *coups d'états*, has ended up in military hands. Things appear to be better in Nigeria at the moment, without dictatorship and without the violent conflicts of the past. A number of regions in the north, like Iran, parts of Somalia and the north-west of Pakistan, form the trial region for a hark-back to the Middle Ages. It is also a form of class justice. The condemned are mainly poor people without any legal aid. We must pull out all the stops to rescue those people from chaos, arbitrariness and fanaticism.

Laima Liucija Andrikienė (PPE-DE). - *(LT)* Today the principal message the European Parliament sends to the Nigerian Federal and State governments is to immediately halt executions, to declare a moratorium on the death penalty and to abolish the death penalty altogether.

After all, 137 of 192 United Nations Member States have abolished the death penalty. Even among the 53 African Union Member States, Nigeria is one of the few where the death penalty is still carried out.

Both the National Study Group and the Presidential Commission working in Nigeria itself recommended that the death penalty be abandoned, as it does not reduce crime.

I urge, ask the Council, Commission and Member States to take advantage of all available opportunities and contacts with the institutions of the Nigerian state authorities as we strive to halt the killing of people, above all minors, in the name of the law in Nigeria.

Zdzisław Zbigniew Podkański (UEN). - *(PL)* Mr President, the death penalty has always given rise to reflection and to many questions. First, does one person have the right to decide about another person's life? Second, can this decision be made if a confession has been extracted under torture? Should young, underage criminals be executed or educated? Such questions can be multiplied, but the answer will always be the same: no one has been granted this right. Humans have granted it to themselves. But since this is the case, humans can abolish it, renounce it and commit these acts no more. I address these words to the Nigerian authorities, but also to all those who consider themselves to be lords of another person's life and death.

Siim Kallas, *Vice-President of the Commission***.** – Mr President, since its independence, Nigeria has enjoyed only three periods of civilian rule and has endured 29 years of military rule.

Nine years ago, Nigeria took a step towards democracy and came back to civilian rule, even though all elections since then have been widely criticised for irregularities, fraud and violence. The April 2007 elections

could have set a good example for other countries, but the opportunity was missed and the new government took up office amidst doubts of legitimacy. It is in this context, and bearing in mind the importance of a stable Nigeria for Africa, that a suitable strategy has to be found to engage the government there in a constructive dialogue over human rights.

The Commission fully shares the concerns expressed by honourable Members on the issue of the death penalty, and agrees with the need, pending complete abolition of the death penalty, to declare an immediate moratorium on all executions.

At the same time, it should be acknowledged that the situation of human rights in Nigeria has generally improved since the return to civilian rule. Indeed, some steps have been taken to launch a debate in the country over the usefulness of the death penalty as a deterrent to heinous crimes. Several prisoners on death row have been pardoned this year and Nigeria has committed itself to an intensified high level political dialogue with the EU which covers, *inter alia,* human rights issues.

The Commission has contributed significantly to starting this process, which could lead to a global EU political strategy vis-à-vis Nigeria, and which has already led to an important ministerial troika and to a comprehensive joint communiqué.

In the context of this dialogue, it will be possible to discuss constructively human rights issues, and to undertake a range of cooperation activities in crucial sectors such as peace and security, and governance and human rights. Examples of cooperation initiatives under consideration include: support for improving the investigative capacity of the Nigerian police; access to justice and support for prison reform; support for anticorruption efforts; support for the democratic process; and support for federal institutions dealing with human trafficking, illicit drugs, human rights and counterfeited medicines.

To be effective, these actions will have to be made known to civil society and ordinary citizens. The Commission will develop a strategy, based on a combination of support for local mass media and cultural initiatives, to support sensitive cooperation initiatives and to disseminate to the public educational messages concerning respect for human rights and basic freedoms, the basic values of democracy, good governance, care for the environment and so forth.

President. - The debate is closed.

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

Written statements (Rule 142)

Sebastian Valentin Bodu (PPE-DE), *in writing*. – *(RO)* The issue of human rights still requires our attention, even when the world is facing economic crises. Poverty and the lack of political and economic prospects always result in a deterioration of people's living conditions. Respect for human rights features lower down the list among the urgent problems and it is easy for us to overlook, blinded by our own economic woes, the fact that there are places in the world where people are still punished by the death penalty. I am referring in this instance to Nigeria, a country with a population of 140 million, where 725 men and 11 women have been awaiting execution since February this year for committing acts such as armed robbery, manslaughter or treason, according to Amnesty International. Furthermore, alarming reports highlight that many of these did not go through a proper trial procedure, with evidence even being extracted under torture. These people will be hanged for actions which they may not have committed because in Nigeria the poor have absolutely no protection at all from the justice system, even though we are talking about a member state of the International Penal Tribunal. It is the duty of the international community to make every effort necessary so that the Nigerian government declares an immediate moratorium on all executions and commutes all death sentences to prison sentences.

12.3. The case of the al-Kurd family

President. - The next item is the debate on six motions for resolution on the case of the al-Kurd family[(4)].

Marios Matsakis, *author.* – Mr President, let me commence by stating that I am speaking in a personal capacity on this topic.

(4) See Minutes.

Let me also say that I am well aware, as you all should be, that whatever is said in this Chamber regarding Israel gets scrutinised very meticulously by the Israeli authorities and then gets totally disregarded as far as the substance of the matter is concerned. The only action taken is to attack, in various ways, those MEPs who criticised in any way, shape or form Israeli wrongdoings.

I have had personal experience of this. During the recent debates in this House on Palestinian prisoners in Israel, I used strong language to attack the Israeli Government officials. I did this in order to stress to them that their stance on the Palestinian prisoners was – and still is, I am afraid – utterly inhuman and criminal.

Subsequent to my speech, not only did the Ambassador of Israel to Cyprus embark on a political defamation campaign against me, but, more importantly, the Speaker of the Knesset, Ms Dalia Itzik, wrote an official letter of complaint against me personally to the President of the European Parliament. Mr Pöttering replied as diplomatically as he could, and I thank him for defending the right of free speech of MEPs in debates taking place in this House. I also thank him for copying his reply to Ms Itzik to me. I have that letter here and I submit it to the Secretariat so that there is evidence that what I am saying is true.

Furthermore, I have this message for Ms Itzik: in the European Parliament, and in the EU in general, we have the right to express our opinions freely and democratically. Perhaps you, Ms Itzik, should do the same in your parliament and in your country too.

As regards the subject matter of this resolution, I wish to say the following. First, this is not a judicial civil matter, as some ill-informed or ill-informing Members of this House might propose: it is clearly a political matter; it is a continuation of the policy of successive Israeli Governments to kick Palestinians out of their homes and lands and to absorb by force – or by using legalistic tricks – as much of the Occupied Territories as possible into the state of Israel.

Secondly, an attempt is made by the Israeli mission to the EU, in a document sent selectively to some MEPs, to argue that property concerned belongs to Israelis for historical reasons. It is claimed in that document that two Jewish NGOs bought the land on which the buildings in the contested neighbourhood are built during the rule by the Ottoman Empire. Quite honestly, such a claim cannot be taken seriously and deserves no further consideration.

In conclusion, let me reiterate my position so that there can be no mistake: I respect the right of the Jewish people to have their own state, but the Jewish Government must respect the right of the Palestinian people to have theirs.

Véronique De Keyser, *author.* – *(FR)* Mr President, there are two aspects to the painful problem of the expulsion of the al-Kurd family, one political and one humanitarian.

The political aspect is the status of East Jerusalem, which is claimed as an integral part of Israel by the Israelis. Let us remind ourselves that neither Europe nor the international community has ever understood it as such.

In Resolution 252, the UN Security Council quite clearly stated that all legislative and administrative measures and provisions adopted by Israel, including the expropriation of land and property which tend to alter the legal status, are invalid and cannot modify its status.

The Security Council reminded Israel as much in 1980, when it adopted measures to make unified Jerusalem its capital, and Resolution 476 calls for the immediate cessation of policies and measures affecting the character and status of the holy city. Resolution 478 affirms that all measures taken to modify the status of the city are null and void. Neither the UN nor Europe has ever gone back on this point.

That is why, despite all the respect that everyone in the House has for Israeli independence and justice, we know that it can only be based on the laws of its country, which conflict here with international law, and that, moreover, international law does not grant it any jurisdiction over East Jerusalem.

The expulsion of the al-Kurd family therefore needs to be placed in this political perspective and cannot be seen merely as a property dispute. The al-Kurd family has been expelled for the benefit of a Jewish family which only recently emigrated to Israel. They have been deprived of their property right after having fought for 40 years and some of our parliamentarians who met them can describe the human drama that this expulsion represents better than I.

I welcome the fact that we are calling across the party divide for justice to be done and for their property to be restored to them.

(Applause)

Luisa Morgantini, *author*. – *(IT)* Mr President, ladies and gentlemen, in the middle of the night of 9 November, the Palestinian al-Kurd family were thrown by the Israeli police out of their house in Sheikh Jarah, in East Jerusalem. The family consists of the mother, the semi-paralysed father with heart problems and five children, a family that have been refugees from their land since 1948, thrown out of a house in East Jerusalem, along with thousands and thousands of other Palestinians.

Today, once again, they are without a house, although they had bought the house and had lived there since 1956. A group of extremist settlers – not poor Jews who were persecuted and escaped from the dreadful tragedy of the Holocaust, but fundamentalists who believe that that land is theirs by divine right – is claiming ownership of the house and 26 other homes in the same district, on the basis, as Mr Matsakis said, of an Ottoman code dating from the nineteenth century of undoubted authenticity, disputed even by the US authorities. There is, however, already a plan: an Israeli association wants to build 200 homes on the ruins of the houses of the Palestinians who are to be thrown out.

Only last week, with the European Parliament's delegation in the occupied Palestinian territories, made up of MEPs from all the political groups, we visited the al-Kurd family in their house, and were direct witnesses of the bullying and violence that they were subjected to daily by the settlers, who were already in some of the houses.

Now they are homeless, and in our resolution we are asking in paragraph 4, and I am sorry that the PPE which stands for compromise and which had voted for that paragraph – which asks for the al-Kurd family to have their house returned to them – is now asking for a split vote, because in the compromise everyone was in agreement. Today, though, as well as being without a house they are also without a tent, because the tent, which had been put up inside the courtyard of a Palestinian-owned house, has twice been destroyed by Israeli bulldozers. Another 500 families in Sheikh Jarah will also suffer this fate if we do not intervene very strongly in respect of these crimes – these constantly authorised continuous demolitions.

I therefore believe that, as Mrs De Keyser also said, the policy towards East Jerusalem is a colonial policy by Israel that is not recognised by the international community. It is time, I believe, for us to say most emphatically not just 'please, Israel, respect international law,' but for concrete steps to be taken to prevent their actions from continuing to destroy the peace between Palestinians and Israelis.

Ryszard Czarnecki, *author*. – *(PL)* Mr President, I have the feeling that this matter differs from those we discussed before. The drama of the thirteen-year old girl murdered before the eyes of a savage crowd in Somalia and the matter of the death penalty and of the hundreds awaiting execution in Nigeria are different from the issue we are discussing now.

We must say that we are the observers of a drama involving a Palestinian family, and we must give this our attention. On the other hand, I would like to emphasise that unlike Nigeria and Somalia, this is not a black-and-white issue. The territory's complicated fifty-year history shows that the victims have frequently been both Jews and Palestinians. The balance of harm inflicted by the two sides is certainly not equal, and this is not what we are discussing now. I have intervened to say that we must in future try to see these matters in a broader context. It may be that this will give us the right to a fairer judgment than is sometimes the case now.

Bernd Posselt, *draftsman*. – *(DE)* Mr President, the history of the people of Israel is an endless tale of expulsions. Two thousand years ago they were driven out of their original homeland and became scattered all over the world. Over the centuries they have been persecuted and thrown out of the countries where they have found refuge. The dreadful climax of this process was the holocaust, the crime against humanity, which led to a huge number of Jewish people returning to the Holy Land, the land of their ancestors, with the result that clashes, expulsions and legal disputes have once again been taking place there.

In a situation of this kind, the European Parliament can do nothing more than to support to the best of its ability the declared intention of the Israeli state and the peace-loving section of the Palestinian population, which I cannot guess the extent of, in order to come to a peaceful and consensual solution. There is no sense in picking out an individual case in an emergency and then deciding dogmatically that it will be resolved one Thursday in Strasbourg. However, there are clear reasons why we have taken part in this resolution. We wanted to become involved in this discussion process and we believe that human rights are indivisible.

Of course, we are not indifferent to the fate of the al-Kurd family and we want to discuss their fate. However, we do not believe that we can do this authoritatively. Therefore, we think that point 4 is dogmatic in a way which does not do justice to the case. For this reason, our approach is to intervene on behalf of human rights, the peace process and, of course, the al-Kurd family, but we can only do this as part of a dialogue with both parties and not by unilaterally taking sides. Therefore we strongly support the decision, but would ask for a split vote on point 4, because this is an issue which must be decided on the spot. We offer our services for this purpose.

Jana Hybášková, *on behalf of the PPE-DE Group***.** – *(CS)* Mr President, qui bonum, allow me to disagree with the way in which this Parliament has been unwisely drawn into the specific political interests of the parties to the Palestinian-Israeli conflict. This is all about the fundamental ambiguity of Resolution 242 – which is older than I am myself – as this resolution does not specify the boundaries of legal jurisdiction for East Jerusalem. Is this a civil dispute? It is not. Does it involve the Fourth Geneva Convention? It does not.

We are carelessly anticipating here the negotiations of a future peace conference, without having any right to do so. The head of the delegation to Palestine was drawn into visiting a lawfully convicted family, thereby inciting the extreme provocation of Israeli officials, out of which has come a resolution which, unfortunately, will achieve nothing. What is needed is to create the preconditions for a fundamental political change in the views of the European Parliament towards the participation of Israel in community programmes and to bring about an improvement in political relations, which we have unfortunately not been able to achieve through democratic means. Instead of a democratic solution there is the way of our MEPs, who gave the Israelis a reason for cracking down. Instead of solving the problems, we are pouring petrol onto the fire. This is not a dignified role for our parliament.

Proinsias De Rossa, *on behalf of the PSE Group***.** – Mr President, I am happy to say that I was one of those who was part of this Parliament's official delegation to the PLC two weeks ago, and we visited the al-Kurd family. At that point they were still hopeful that the Israeli courts would deliver a just decision. It is regrettable that they had a vain hope and that they have now been completely evicted from their home and, not only that, have been removed from the immediate area of their home, where they were staying in a tent.

It is difficult to maintain any shred of hope that a sustainable two-state solution is still possible, given the war of attrition against the Palestinian people, which we witnessed on our recent visit and which this eviction is a reflection of. It is quite appalling that we are, at this point in time, even considering upgrading relations with Israel when there are so many breaches of international law, families being evicted, settlements being put in place. Eleven thousand Palestinian prisoners are in jail. Forty elected representatives of the Palestinian people, including the Speaker, are in jail, as are 300 children under the age of 18, including children as young as 12 years of age. This is not acceptable from a state which claims to be a democratic state and which claims to be complying with the norms of international law. It is not the case.

The EU must insist upon the Israeli Government restoring the al-Kurd family to their home. Israel must be told in no uncertain terms that, if it wants to continue to do business with the EU, it must comply with democratic and humanitarian norms in practice as well as rhetorically. Certainly any idea that the EU should upgrade its relations with Israel, as some Member States are proposing, should be dropped so long as injustices of this kind continue.

I would like to conclude with a point of order. I think that the proposal here of oral amendments on a Thursday afternoon – amendments which do not reflect the facts on the ground and which do not have the support of the joint authors of this resolution – is an abuse of the ability to place oral amendments. I believe that this matter should be looked at by Parliament's secretariat and proposals brought forward to ensure that it does not happen again.

President. - We shall of course take account of your proposal, Mr De Rossa. It will be sent to the proper party, knowing that oral amendments on Thursday afternoons are somewhat of a case unto themselves in that, even if there happen to be too few Members to stand and oppose them, the House can still vote against them.

Marios Matsakis (ALDE). - Mr President, on this point, although I strongly disagree with the oral amendments, I will nevertheless defend the right of MEPs to place oral amendments, even on a Thursday afternoon, and I will condemn most strongly the groups – and my group is one of the first that I condemn – which do not manage to have their MEPs here on a Thursday afternoon.

President. - I do not wish to start a debate, as I am sure you understand.

I am just advising you of the law that applies in this House. Of course, every Member has the right, during voting time on Thursday afternoons, to table oral amendments. In accordance with our rules, a certain number of Members may oppose them. I should also like to advise you that these questions have already been decided at the highest level in the past. Obviously, if ever it was because of the Members' disaffection that an oral amendment which the House obviously did not want was imposed purely by reason of the fact that there were too few people present to oppose it, we would revert to the initial text, in order to avoid having an orally amended text which was unacceptable.

Of course if you wish I can supply precise and detailed information on previous examples.

Charles Tannock, *on behalf of the PPE-DE Group***.** – Mr President, before we start the clock ticking I would also like to make a point of order on this matter. I consider it absolutely irregular and unacceptable that Parliament's Rules can be altered because Members from one side of the House choose not to turn up on a Thursday afternoon. That is their problem – not ours – and we are perfectly entitled to operate within Parliament's Rules, which should be the same for every period within the working week during Strasbourg part-sessions.

I would be grateful if you could now restart the clock for my speech.

Mr President, in these urgency sessions we debate the gravest abuses of human rights, involving torture, rape and murder. The al-Kurd case in East Jerusalem does not fall anywhere near that category. It is a civil dispute between two private parties, and we really have no business interfering in such a dispute. The family was evicted by the police, who were enforcing an order of the Israeli Supreme Court. The family knew well in advance that eviction proceedings would be taken. The family had not paid their rent for 40 years, in spite of a court order ordering them to do so. This case has little implication on the wider issue of resolving the Israeli-Palestinian conflict.

Normally these debates are conducted in a bipartisan fashion. This debate, however, is simply another example of pandering to anti-Israeli hostility and sentiments, particularly on the other side of the House. Try as they might, they cannot disguise the fact that Israel is a democracy where the rule of law and independence of the judiciary remains paramount. I wish we could say the same about the Hamas-led authority in the Gaza Strip.

Colleagues, are there not many more pressing issues in the wider world that merit our attention in a human rights debate?

President. - Ladies and gentlemen, allow me to make one thing clear, so that we are agreed.

The rules of the European Parliament are not altered on Thursday afternoons. They are different on Thursday afternoons and it is our Rules of Procedure that are different. For example, during debates on Thursday afternoon, with the catch-the-eye procedure, we have two speakers rather than five.

If there is a request for a referral because there is no quorum, the point is not carried forward, it is annulled. Requests for oral amendments are also governed by different rules, not rules at the disposal of the president of the sitting, but rules already formally included in our Rules of Procedure.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group*. – *(PL)* Mr President, on the night of Sunday 9 November, Israeli troops evicted the Al-Kurd family from their house in Sheikh Jarrah in the East Jerusalem area, where they had lived for over 50 years. The eviction resulted from a ruling handed down by the Supreme Court of Israel last July, which had brought to an end a long and very controversial trial conducted in Israeli courts and before Israeli authorities.

It must be emphasised that the family was deprived of its home in spite of forceful protests on the part of the international community, and that the Supreme Court decision in fact paves the way to the seizure of a further 26 houses in the same area. The fate of the Al-Kurd family and the numerous instances of destruction of the homes of Palestinian families in the East Jerusalem area by the Israeli authorities give rise to great concerns. Such actions are illegal in international law, and the international community and in particular the Middle East Quartet should do everything in their power to protect Palestinians living in this area and in other parts of East Jerusalem. We should call on Israel to stop settlement expansion and construction of the Wall beyond the 1967 borders. These actions conflict with international law and seriously endanger the prospects of a lasting peace agreement between the Palestinians and the Israelis.

Paulo Casaca (PSE). – *(PT)* Mr President, I believe that there are two fundamental issues in this debate, the first of which is that we are dealing with a judicial system that is one of the most independent in the world. This judicial system even forced the President of its own country to resign just a short while ago.

Secondly, this legal dispute that was ongoing for decades and that concerned ownership and non-payment of rent cannot be compared, for example, with the expulsion of millions of Iraqis who until very recently were left on their own without anyone bothering to challenge the legitimacy of the Iraqi government and without anyone having a sense of balance about what is happening in that whole region. For it is balance that we must talk about. The issue of balance is fundamental. I must say that I have been horrified at what I have heard here, in terms of challenging the existence of the State of Israel.

Siim Kallas, *Vice-President of the Commission***.** – Mr President, the Commission is greatly concerned about recent developments in East Jerusalem, in particular the destruction of Palestinian-owned houses and the expansion of settlements in East Jerusalem.

At a time when confidence-building measures are urgently needed to support the negotiation process started in Annapolis, such measures are extremely unhelpful. The EU, in its statement of 11 November, called on the Israeli authorities to put an early end to such measures.

The EU has also, on numerous occasions in recent months, expressed its concern about the decision of the Israeli authorities to approve the construction of new settlements in East Jerusalem. The creation of facts on the ground undermines the chances for a negotiated settlement of the conflict. Jerusalem is one of the so-called final-status issues to be resolved between the parties in negotiations.

The Commission has provided assistance to help preserve the Palestinian presence in East Jerusalem and is committed to continuing this support.

President. - The debate is closed.

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

13. Voting time

President. - The next item is the vote.

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

13.1. Somalia (vote)

13.2. Death penalty in Nigeria (vote)

13.3. The case of the al-Kurd family (vote)

- Before the vote on recital B

Charles Tannock (PPE-DE). - Mr President, I propose an oral amendment to recital B, which would add the wording 'on disputed ownership'. I can read the whole thing out if you want. It reads: 'whereas this eviction was carried out on the basis of an order issued by the Israeli Supreme Court on 16 July 2008 following long and controversial legal proceedings on disputed ownership before Israeli courts and authorities'. Otherwise it does not make any sense as regards what the controversy is. One has to actually specify what the controversy was in law.

President. - Clearly forty Members have not stood to oppose the inclusion of this oral amendment.

I shall therefore submit recital B as having been amended orally.

Marios Matsakis (ALDE). - Mr President, in order to have more support for this recital, I would like to propose an oral amendment to Mr Tannock's oral amendment. It is just to add the word 'apparent' before 'disputed', so that it reads 'on apparent disputed ownership'. Then Mr Tannock will be satisfied that we have put the subject matter in the recital, and we will leave the matter open.

Charles Tannock (PPE-DE). - Mr President, I am afraid that I do not know the Rules in precise detail, but I do not think you can submit an oral amendment to an oral amendment literally in the Chamber unless the whole House agrees. I, personally, do not agree with that, and, I suspect, neither would most of my group.

There is no such thing as an 'apparent' dispute: a dispute is a dispute. It went before the courts and that is the verdict. But I wanted to explain what the dispute was all about.

President. - I have been advised that the precedent is as follows: where there is an oral amendment to an oral amendment, if the first person who tabled the oral amendment accepts the second oral amendment as a consensus, it is taken into account. If the second amendment to the first amendment is not accepted by the author, it is not put to the vote.

I am therefore sorry, Mr Matsakis, but we cannot take your amendment into account.

However, Mr Tannock's amendment was not rejected, because forty Members did not stand and I am therefore obliged now to submit it.

Kathalijne Maria Buitenweg (Verts/ALE). - Mr President, I am sorry but I am not completely familiar with the Rules. Can we not simply vote? We cannot avoid voting because we do not have 45, or I do not know how many Members necessary. We cannot avoid voting because that is the requirement when you leave. Surely we can vote on the oral amendments? Can we just vote on the parts on disputed ownership and then see if it has the majority or not?

President. - That is exactly what I was about to propose. We shall therefore vote now on recital B, as amended by Mr Tannock.

(Parliament agreed to accept the oral amendment)

- Before the vote on recital D

Charles Tannock (PPE-DE). - Mr President, I am sorry to have to do this again but on recital D I am suggesting once again an additional two words in order to ensure clarity in law, because some of the interventions earlier suggested a certainty. This is not the case so the full recital would read as follows: 'emphasising the fact that the eviction took place despite international objections; whereas the US has raised the issue with the Israeli authorities; whereas this decision may pave the way for the takeover of 26 more houses in the Sheikh Jarrah neighbourhood of East Jerusalem, with 26 other families targeted for eviction; having regard to the political ramifications of this matter for the future status of East Jerusalem'.

It is very clear. You cannot say it 'will pave': it 'may pave', and we need that to be in the hands of the courts, not in the hands of debates as enunciated by some of my colleagues earlier on.

Marios Matsakis (ALDE). - Mr President, I am afraid that I would like to oppose the oral amendment by my learned friend, Mr Tannock, based on evidence that, in fact, has been supplied by Mrs Galit Peleg, First Secretary of the Israeli Mission to the EU. I have here an e-mail she has sent to many Members, including, I suspect, Mr Tannock.

The first line states: 'during Ottoman Empire rule, two Jewish NGOs bought the land and built the buildings in the neighbourhood', which means the whole area, thereafter – not just one house but all the buildings in the neighbourhood. I have it here, if anybody, including Mr Tannock, wants to have a look at it.

President. - I would remind you, Mr Matsakis, that there is only one way to oppose an oral amendment and that is to stand up, not to start a debate.

I confirm that forty Members did not stand.

Kathalijne Maria Buitenweg (Verts/ALE). - Mr President, you thought we were in complete agreement and that we understood each other, but I had a different question. I understand that we cannot avoid voting on the amendment because we do not have sufficient Members, but surely we should be able to vote on the parts proposed by Mr Tannock? That means that we should vote only on the text 'may pave' and only when that has been done should we decide on the rest of recital D. It is a bit strange that, just because you do not have 45 people here, you have to include something which might not have the majority of the House.

President. - It pains me to have to explain our voting mechanism to you yet again. If a majority votes against recital D, as amended orally, we revert to recital D before the amendment. If, therefore, you wish to oppose

this addition, you must vote against. If there is no majority against, recital D will be taken as adopted as orally amended. The only way for you to get rid of an oral amendment which you do not like is to vote against now, because I am opening the vote.

(Parliament agreed to accept the initial oral amendment)

Véronique De Keyser (PSE). - *(FR)* I have one brief remark, Mr President, which I should like to be recorded in the Minutes.

This is a joint resolution which we have taken the trouble to debate in a highly conciliatory manner. Everyone made concessions. Unfortunately, I see that, with the oral amendments which it is entitled to make and through separate votes, the Group of the European People's Party (Christian Democrats) and European Democrats has seriously changed its tenet. I wonder, therefore, if the procedural representatives who made the compromises have a real mandate from their group and I shall bear this in mind in future negotiations.

President. - We shall of course take account of your statement, which shall be included in the Minutes.

Marios Matsakis (ALDE). - Mr President, just very briefly, I would like to congratulate the PPE-DE Group because they manage to get the majority of their Members in this House on a Thursday afternoon and get what they want on breaches of human rights issues. I congratulate them.

Proinsias De Rossa (PSE). - Mr President, I simply want to ask you to put on the record my objections to the abuse of the oral amendment system here this afternoon.

Luisa Morgantini (GUE/NGL). – *(IT)* Mr President, ladies and gentlemen, I would like to say that it is very sad that compromises are made and then not abided by, and that it is very sad particularly when you think that the al-Kurd family is not just a name, but people who are forced to live – and here I am addressing you, Mr Casaca – forced to live not even in a tent, because they are not even permitted to remain in their tent. It truly is a sad day when Members think not about this group of human beings but only about politics.

Bernd Posselt (PPE-DE). – *(DE)* Mr President, I would like to thank Mr Matsakis for his fairness. All the groups have already made use of oral amendments, which are very important in urgent cases, because errors can arise rapidly and sometimes need correcting. This is what we have done in this case and the Social Democrats, the Greens and all other groups have often done the same. It is important not to become offended simply because you did not have the majority on one occasion.

Marcin Libicki (UEN). - *(PL)* Mr President, I agree with the view that the Rules of Procedure have today been abused. Nevertheless, the Rules of Procedure work, and the rule requiring 40 objectors is a rule, even though we know that we can never comply with it on a Thursday afternoon. I wanted to ask you, Mr President, what is your view and whether you think that we should change a rule requiring 40 people to object to an oral amendment when there are so few people in the Chamber that there is no way this can be achieved?

Paulo Casaca (PSE). – *(PT)* Mr President, I must say that respect for the human dignity of whoever it may be, in this case the al-Kurd family, whatever religion they may practice, wherever they may come from and whatever colour they may be, is my primary concern. I find it profoundly offensive that someone has called this into question simply because I have a different opinion from that person about a specific legislative act.

President. - To sum up this interesting exchange of views, I propose that this afternoon's incidents be transmitted to the competent bodies so that we can see what needs to be done.

As far as I am concerned, I have applied our existing rules this afternoon calmly and as pedantically as possible. I think that, as several Members have pointed out, the problem would not arise if our benches were a little fuller on Thursday afternoons.

14. Corrections to votes and voting intentions: see Minutes

15. Composition of committees and delegations: see Minutes

16. Decisions concerning certain documents: see Minutes

17. Transfers of appropriations: see Minutes

18. Documents received: see Minutes

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

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

21. Dates of forthcoming sittings: see Minutes

22. Adjournment of the session

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

(The sitting was closed at 4.25 p.m.)

ANNEX (Written answers)

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

Question no 13 by Liam Aylward (H-0813/08)

Subject: Situation in Palestine

Can the Council give an updated political assessment concerning the political situation in Palestine at present?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The political situation in the Palestinian Territories is still determined by the progress of the peace process, Israeli actions and activities, and inter-Palestinian divisions.

The improvement of the situation requires, in the Council's opinion, the fastest possible conclusion of a peace agreement which will allow the creation of a Palestinian State. In this respect, the diplomatic negotiations, held within the framework of the Annapolis process, have been able to lay down the bases for such agreement and the discussions, which involve all issues related to final status, must be pursued. The European Union invites the parties to respect the commitments they entered into as part of the Roadmap, especially, as a priority, a freeze on colonisation, including East Jerusalem.

The European Union's commitment to progress in the negotiations remains total. The Union encourages the Palestinian Authority to continue in its efforts, especially as regards security, in the framework of the implementation of the reform and development plan presented to the Paris Conference (17 December 2007).

The political situation in the Palestinian Territories is also marked by the separation of the West Bank and Gaza. The blockade imposed by Israel on Gaza has led to a critical humanitarian situation on the ground. The European Union calls for the opening of crossing points. The inter-Palestinian dialogue under the aegis of Egypt appears to be progressing. Egypt is currently engaged in a major effort to solve the Palestinian political crisis and to support Palestinian unity under President Abbas. The Council supports this move. The Union must be ready to support any government of national unity which will respect the PLO commitments and which will resolutely undertake negotiations with Israel.

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Question no 14 by Eoin Ryan (H-0815/08)

Subject: Recognition of Somaliland

Can the Council give an updated assessment concerning the current political situation in Somaliland and could the Council state the EU position regarding the future political status of Somaliland?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The question of the political status of Somaliland has not been examined by the Council. Allow me, however, to offer the following analysis.

First, the international community has not recognised the self-proclaimed independence of this province of four million inhabitants.

Next, the future of this Somali province should be subject to an agreement with the Somali authorities. Should a movement supporting recognition of an independent Somaliland arise, it would be up to the African Union to take the initiative.

Regarding the changes in the province, we can welcome the progress made by the Somaliland regional authorities in the spheres of development and democracy. The European Union encourages these achievements by financial support for the Somaliland regional authorities in their efforts at democratisation (support for voter registration for the forthcoming presidential elections in 2009) and development (projects financed in the framework of the EDF).

The terrorist attacks of 29 October, however, which resulted in dozens of deaths and injuries, are very worrying. The Presidency immediately condemned these horrible attacks.

In this context, I must stress that the restoration of peace in Somalia remains a priority. To this end, we support the implementation of the Djibouti agreement, of 19 August 2008 and the 26 October agreement to cease hostilities between the Federal Transitional Government and the Alliance for the Re-liberation of Somalia. The relationship between the EU and the province of Somaliland falls within this framework.

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Question no 15 by Brian Crowley (H-0817/08)

Subject: Situation of Christians in Iran

What action, if any, has the Presidency taken with regard to safeguarding the rights of Christians in Iran?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Council is closely following the human rights situation in Iran. It is a situation which is constantly worsening.

Among the many human rights violations in this country, there can be numbered acts of intolerance or discrimination against people on the grounds of their religious persuasion, especially the imposition of restrictions on the freedom of religion or conviction and worship. In recent months, the pressure on members of religious minorities has intensified incessantly. The Presidency has thus been made aware of information about persecution, in various forms, of Christians, followers of Baha'i and Iranian Sunnis.

The situation of converts and apostates is also very worrying. The Iranian Parliament has, indeed, begun a review of the Criminal Code which could lead to apostasy being punishable by the death penalty. The Presidency considers, in its declaration of 26 September 2008, that if this law were adopted in future, it 'would constitute a serious assault on the freedom of religion or conviction, which includes the right to change religion and the right not to have any religion'. Such a law 'would violate article 18 of the International Covenant on Civil and Political Rights, freely entered into by Iran', and would threaten the lives of a great many Iranians arrested over the last few months, without legal process, on the basis of their religious convictions.

Faced with this situation, the Council is taking action. On the ground, the embassies of the Member States of the Union have made approaches to the Iranian authorities. We are determined firmly to remind Iran of its international human rights obligations, whenever necessary, whilst hoping that Iran will soon be ready to resume the dialogue with us on these questions.

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Question no 17 by Marian Harkin (H-0822/08)

Subject: Identity fraud

Given that identity fraud is one of the fastest-growing crimes throughout EU, what steps does the Council propose to take to deal with this issue?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

Identity theft has indeed increased. This worrying phenomenon is especially linked to the development of new technologies and the internet, which facilitates this type of offence.

The fight against cyber crime is one of the priorities of the French Presidency. In July, we presented the Council with a project to draw up a European plan against cyber crime.

This project aims, especially, at setting up a European platform to warn of offences and reinforce the fight against internet terrorist propaganda and recruitment. The plan is based on the conclusions of the European Council of November 2007 and on the Commission communication 'Towards a general policy on the fight against cyber crime', dated 22 May 2007'.

We also need to ask if the particular case of identity theft would justify the adoption of a regulation. At present, identity theft is not treated as a criminal offence by all Member States. It would be most useful if identity theft were to be made a criminal offence throughout Europe. However, it is up to the Commission, in the framework of it power to initiate legislation, to rule on this question. The Commission has announced that it will undertake consultations to determine if such a regulation is required.

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Question no 18 by Colm Burke (H-0824/08)

Subject: Extended plebiscite on Lisbon Treaty in Ireland

My proposal for a second and extended referendum on the Lisbon Treaty in Ireland details the possibility of having a constitutional referendum on Yes or No to the Lisbon Treaty, while on the same day holding consultative referenda on key opt-in/opt-out issues such as the EU Charter of Fundamental Rights and European Security and Defence Policy. If, in the extended referendum, Irish voters were to opt out of either of the two areas cited above, the Irish Government could then seek a separate agreement at the European Council signed by all 27 Member States, similar to the Danes seeking the Edinburgh Agreement at the Council in December 1992 (which granted Denmark four exemptions to the Maastricht Treaty allowing them to ratify the treaty overall). With this plan, Member States who have already ratified the Lisbon Treaty would not have to do so again. This extended plebiscite would offer the Irish electorate a choice as to the extent of the role they want to play within the EU.

Could the Council comment on the feasibility of my proposal?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

Since the referendum, the Irish Government has been actively consulting, both at national level and with the other Member States, to propose a common path to follow. In particular, an intense debate in the Irish Parliament is under way.

As you know, at the European Council of 15-16 October, Prime Minister Brian Cowen presented his analysis of the results of the Irish referendum on the Treaty of Lisbon.

The Irish Government will continue its consultations with the aim of contributing to the creation of the possibility of resolving the situation. On this basis, the European Council agreed to return to this question at its December 2008 meeting, to define the elements of a solution and a common path to follow.

Meanwhile, we should desist from any speculation about possible solutions.

However, as I said to your Committee on Constitutional Affairs on the fringe of the last plenary session, there is some urgency. The Treaty of Lisbon has an objective of helping the Union to act more effectively and more democratically.

Can we wait much longer? The crisis in Georgia proved the contrary. The same goes for the financial crisis. Besides, we have the 2009 deadlines and so the situation must be clarified.

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Question no 19 by Avril Doyle (H-0826/08)

Subject: Climate and Energy package

Can the French Presidency please present an update on progress made so far on the Climate and Energy package?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

On 15 and 16 October, the European Council confirmed its determination to comply with the timetable of work agreed in March 2007 and March 2008 and to spare no effort in arriving at an agreement on the elements of the energy/climate package before the end of 2008.

The Presidency has already implemented the mandate of the European Council to intensify, with the Commission, the work required to achieve this objective. Coreper and the competent working groups have met many times to reconcile the positions of the delegations on the key questions posed by the different elements in the package and to give the Presidency a mandate which will allow it usefully to address the discussions phase at first reading with the European Parliament.

As the honourable Member knows, especially as he is a rapporteur on the proposed directive on improving and extending the Community's trading system for greenhouse gas quotas, the trialogues on the package elements started on 4 November.

The Council's Presidency is committed to achieving a solution, convinced of the determining role which the European Parliament will play in arriving at a successful conclusion of the codecision procedure and confident of the commitment of our institutions in the service of the fight against climate change.

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Question no 20 by Jim Higgins (H-0828/08)

Subject: Burma

The Council will be well aware of events in Burma over one year ago. Can the Council indicate if it is concerned that Burma has once again fallen off the international radar, which will allow continued brutality and suffering at the hands of the military regime? Can the Council indicate what if any action it is currently taking to improve the situation for the Burmese people and those imprisoned since last year's uprising?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

I wish to say very clearly to Mr Higgins that Burma has most definitely not fallen out of the scope of international monitoring.

I will go further: amongst all the major players, the European Union is by far the most active in maintaining a constant pressure on the regime. For us, the current situation is absolutely unacceptable, and we are acting accordingly. The Council's recent conclusions, adopted on 10 November, reiterate the European Union's concern at the lack of noticeable progress in Burma.

What measures are we taking?

- First, we are maintaining our sanctions, although they are constantly being reviewed and refined. They only target the members of the regime and their families and we are doing all we can to avoid affecting the economy and the civilian population.

- However, we have a wider approach. The suffering of the Burmese people has not lessened: to state repression has been added the humanitarian catastrophe of cyclone Nargis, whose consequences remain very serious to this day.

Whilst we are not working alongside the Burmese Government to reconstruct the country, we are working with local NGOs who are independent of the regime in many spheres which are not subject to sanctions. The EU is thus active via numerous projects related to reconstruction and also, in the longer term, to basic education and medical prevention.

- Finally, the situation of the political prisoners, also raised by the honourable Member, remains equally unacceptable. Despite the recent release of a small number of them, their numbers have increased further. Aung San Suu Kyi remains under house arrest and nothing indicates that she will be released when this expires in November. Be assured that the European Union is constantly raising this issue at the highest level, for example during the ASEM summit in Beijing on 25 October and in the Council's conclusions of Monday 10 November. The EU's special envoy, Mr Fassino, whose mandate was renewed on 28 October, is also working incessantly with all of our partners to maintain international pressure on the Burmese authorities.

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Question no 21 by Chris Davies (H-0834/08)

Subject: CCS Action Plan

Will the Council indicate when it intends to publish details of its CCS Action Plan?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Action Plan 'An energy policy for Europe' (2007-2009) was adopted by the European Council on 8-9 March 2007. This action plan notably asks the Member States and the Commission to define 'the necessary technical, economic and regulatory framework to bring environmentally safe carbon capture and sequestration (CCS) to deployment, if possible by 2020.'

On that occasion, the European Council welcomed 'the Commission's intention to establish a mechanism to stimulate the construction and operation by 2015 of up to 12 demonstration plants of sustainable fossil fuel technologies in commercial power generation.'

In the framework of this action plan, the proposed directive on the geological storage of carbon is a key element in the climate/energy package. As with the other proposals in the package, we wish to arrive at an agreement at first reading of this text by the end of the year.

As the honourable Member knows, the directive on the geological storage of carbon offers the necessary legal framework for committing to pilot demonstration projects. The Presidency hopes that the trialogues on this proposal, which started on 11 November, will allow us to progress quickly to an agreement on this text.

As you also know, the Presidency, in liaison with Parliament and the Commission, wishes to find a solution to allow financing of the projects, in compliance with the European Council's commitments. To this end, the Council is examining, with the greatest attention, the innovative proposals for demonstrator financing from the European Parliament's Committee on the Environment.

The SET plan approved last year also underlined Europe's ambition to be a leader in the development of new energy technologies, of which CO2 capture and geological storage technologies clearly form part.

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Question no 22 by Sarah Ludford (H-0836/08)

Subject: Corruption in EU Member States

Is the Council proud of the fact that EU Member States' listings in the Transparency International 2008 Corruption Perceptions Index range from 1st place (Denmark and Sweden) to 72nd (Bulgaria), when first place means being perceived as the least corrupt country in the world and 180th place means the most corrupt? Given these statistics, does the Council feel that present EU instruments to tackle corruption[5] are sufficient? If not, what strategies are being considered to strengthen anti-corruption programmes in Member States?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Council shares the Member's concern with the fight against corruption in various Member States of the European Union. In this connection, the Council draws attention to the fact that many measures have already been taken at European Union level, such as Framework Decision 2003/568/JAI, relating to the fight against corruption in the private sector, and the European Convention of 26 May 1997, relating to the fight against corruption involving officials of the European Communities or officials of the Member States of the European Union, previously mentioned by the honourable Member.

The Council also places great importance on the efforts made at international level. Thus, the position taken by the EU Member States in the negotiation of the United Nations Convention against Corruption[6] was the subject of coordination at Council level. The same goes for the participation of the EU Member States at the Conference of States party to the said convention.

As for the creation of a global mechanism to monitor the fight against corruption within the European Union, the Council is well aware of the need to avoid duplicating what has already been done in the international bodies.

The Council sets particular store by the work of GRECO (the Group of States against Corruption in the Council of Europe), which is performing a sterling task, including the assessment of national policies. In the resolution adopted on 14 April 2005, the Council 'called on the Commission to consider all viable options, such as participation in the Council of Europe's GRECO (Group of States against Corruption) mechanism, or a mechanism to evaluate and monitor EU instruments, based on the development of a mutual evaluation and monitoring mechanism, avoiding any overlap or duplication'. The Council, then, excludes no option but asks the Commission to continue its deliberations.

Having said that, the most important point is that the measures be implemented in the Member States. It is the Commission which monitors the implementation of disputed actions. In this context, it is useful to mention the last report on the implementation of aforementioned Framework Decision 2003/568/JAI, dated 18 June 2007.

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Question no 23 by Hannu Takkula (H-0842/08)

Subject: Hamas' Al-Aqsa TV broadcasts incitement to hatred into Europe

In its reply to question H-0484/08[7] the Council has confirmed and reiterated that the broadcasting of incitement to racial or religious hatred is absolutely unacceptable. The content, tone and images offered to viewers across Europe by Al-Aqsa TV, owned and managed by the terrorist organisation Hamas, are

(5) 5 Such as the Convention on the Fight against Corruption involving officials of the European Communities or officials of Member States of the European Union [OJ C 195, 25.6.1997, p. 1] adopted 26 May 1997 ('the 1997 Convention') and the Framework Decision 2003/568/JHA on combating corruption in the private sector [OJ L 192, 31.7.2003, p. 54].

(6) Approved by resolution 58/4 of the General Assembly of the United Nations on 31 October 2003.

(7) Written answer, 8.7.2008.

indisputably a form of incitement to hatred under the terms of Article 3b of the Audiovisual Media Services Directive (Directive 2007/65/EC[8]) which establishes that: 'Member States shall ensure by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to hatred based on race, sex, religion or nationality.'

What action is the Council planning to take to stop the hateful programmes from Hamas' Al-Aqsa TV from being broadcast into Europe by the French company Eutelsat?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The honourable Member is correct to point out that the Council, as the co-legislator with the European Parliament, adopted, on 18 December 2007, Directive 2007/65/CE ('Audiovisual Media Services Directive'), which updates the legal framework relating to television broadcasting and audiovisual media services in the EU, and that Article 3 of this directive prohibits the broadcast of programmes inciting hatred on grounds of race, sex, religion or nationality.

It appears that the programmes broadcast by Al-Aqsa, to which the honourable Member has drawn our attention, and which were received in the southern regions of the EU and transmitted via satellite equipment located on the territory of a Member State or belonging to this State, fall within the scope of the new directive and the previous directive, 'Television Without Frontiers'.

The Council understands that the Commission has brought this issue to the attention of the regulatory authority of the Member State under whose jurisdiction this broadcast falls, and that the regulatory authority of that State is examining the matter.

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Question no 24 by Nils Lundgren (H-0845/08)

Subject: Member States' right of decision-making on matters relating to energy taxes

Title I, Article 2(c), concerning the categories and areas of Union competence states that the Union shall have shared competence with the Member States in a number of 'principal' areas, including energy.

Does the Council consider that the Lisbon Treaty confers on the individual Member States the right to continue to decide on their own national energy taxes?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The honourable Member's question concerns the interpretation of the provisions of the Treaty of Lisbon, which is currently in the process of being ratified by the Member States. It is not for the Council to comment on this matter.

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Question no 25 by Justas Vincas Paleckis (H-0851/08)

Subject: Pollution allowances for Lithuanian energy sector

In the Council's document 'Presidency guidelines for further work on the energy/climate package', issued on 14 October 2008, paragraph C states that: 'the proportion to be auctioned in the energy sector will, as a general rule, be 100% by 2013. Derogations of limited scope in size and duration may be granted when

(8) OJ L 332, 18.12.2007, p. 27.

justified by specific situations, particularly those related to insufficient integration in the European electricity market.'

In view of Lithuania's specific circumstances, namely the closing of its nuclear power plant in 2009, thus increasing the amount of greenhouse gas emissions emitted by the fossil fuel-burning power sector and the fact that Lithuania is not connected to the European electricity grid - would it be possible to apply a derogation of limited scope and size, as indicated in the above-mentioned presidency guidelines? Could such a derogation be incorporated into the ETS directive (2003/87/EC)[9] (for the period starting 2013 until the completion of a new Lithuanian nuclear power plant, most probably by 2018), so that fossil fuel power plants across the country receive additional annual non-transferable pollution allowances (around 5 mln t. per year)?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The document mentioned by the honourable Member is a document from the French Presidency, which was submitted to the European Council of 15-16 October 2008 and which presented the directions envisaged by the Presidency for the future stages of the 'energy/climate change' package.

The European Council has confirmed its determination to meet the ambitious commitments on climate and energy policy it agreed in March 2007 and in March 2008. The European Council also made the invitation, 'bearing in mind the specific situation of each', to ensure 'a satisfactory, rigorously established cost-efficiency ratio'.

On this basis, work continues in the Council's preparatory bodies. Significant progress has been made on a certain number of questions, but some issues, with a major economic or political impact, are still subject to intense debate within the Council. At the same time, the negotiations between the European Parliament and the Council on the 'energy/climate change' legislative package began in November.

The questions posed by the honourable Member are well known to the participants in these negotiations.

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Question no 26 by Athanasios Pafilis (H-0855/08)

Subject: Barbaric US attack against Syria

As has been reported in the news, the US army launched a lightening attack against Syria on 26 October. Specifically, four US helicopters violated Syrian airspace, landed in the Syrian border village of al-Sukkiraya close to the border with occupied Iraq, and US soldiers landed and opened fire on a farm and a building, killing eight civilians. This attack has led to an escalation of tension in the area by US imperialists, and probably marks the shift from a barrage of verbal threats against Syrian foreign policy to terrorist acts of war against that country.

Will the Council condemn this barbaric attack which has violated the territorial integrity of an independent country, a member of the UN, and brought about the deaths of eight innocent people?

Answer

This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Council has not specifically debated this question.

In general terms, we reiterate that there is an existing framework for cooperation between Iraq and its neighbours: this is the neighbouring States process, one of whose three working groups deals with security (the others deal with refugees and energy). This security working group held a session in Damascus, on 13-14 April 2008, and we welcome the fact that Syria has accepted to host the next session, on

(9) 1 OJ L 275, 25.10.2003, p. 32.

22-23 November. This framework for cooperation between Iraq and its neighbours naturally implies respect for the territorial integrity of each, including that of Syria.

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Question no 27 by Ryszard Czarnecki (H-0857/08)

Subject: Situation in Ukraine

What is the Council's view of the total political stalemate affecting Ukraine, with parliament and the government deadlocked and growing nationalist tendencies in Western Ukraine?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Council has followed with attention and concern the recent developments in the political situation in Ukraine. The political crisis currently affecting the country is particularly regrettable in the context of the world financial crisis, which is weighing equally heavily on Ukraine, and given the new geopolitical situation created by the conflict in Georgia.

The Council has aired its concerned about the political crisis in Ukraine to the country's leaders and authorities in EU-Ukraine meetings, including at the summit held on 9 September in Paris. At this summit, the leaders of the EU and Ukraine agreed that political stabilisation, constitutional reform and the consolidation of the rule of law are indispensable conditions for the pursuit of reforms in Ukraine and the deepening of the EU-Ukraine relationship. The summit participants also raised the strategic importance of this relationship and recognised that Ukraine, a European country, shares a common history and values with the countries of the European Union. The future progress of relations between the EU and Ukraine will be based on common values, especially those of democracy, the rule of law, good governance and respect for human rights and the rights of minorities.

At this summit, it was also decided that the new agreement, currently being negotiated between the European Union and Ukraine, will be an association agreement, which will leave the way open to other progressive developments in the relationship between the two parties. The negotiations on this agreement have progressed rapidly, the two parties working together in a highly constructive manner. This proves that, for Ukraine, rapprochement with the EU is a strategic priority, supported by all of the main political forces and a great majority of its citizens.

The European Union will continue to call on Ukraine's leaders to find a solution to the current political crisis, based on compromise and respect for democratic principles. It reiterates the importance of respect for the rule of law, an independent judiciary and calls insistently for reform in this sphere.

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Question no 28 by Manolis Mavrommatis (H-0860/08)

Subject: 2009 European Parliament elections and the economic crisis

In view of the forthcoming European Parliament elections in June 2009, what discussions are taking place in the Council on European political planning at a period of world economic crisis? How does it intend to encourage EU citizens to take part in the elections? Does it consider that the general climate prevailing today will affect the turnout of Europeans at the elections? Does the Council expect that the Treaty of Lisbon will be ratified before 7 June 2009? If not, what will the consequences be at European level, particularly for the EU institutions?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The current economic crisis has been brought up regularly in many debates in the Council. It was also the main subject of discussions at the European Council's meeting of 15-16 October 2008, and was the subject of an informal meeting of the Heads of State or Government on 7 November, called to prepare the summit organised in Washington on 15 November to launch the reform of the international financial architecture.

Although the June European elections are a major political event in 2009, it is not the Council's role to take a position on the prospects for the rate of participation in these elections, nor to speculate on the factors which might affect this participation.

Finally, as for the Treaty of Lisbon, at its meeting of 15-16 October, the European Council agreed to return to the question in December to define the elements of a solution and a common path to follow. In these conditions, the Council is unable to pronounce at this stage on the coming into force of the Treaty of Lisbon.

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Question no 29 by Pedro Guerreiro (H-0865/08)

Subject: Protection of production and employment in the textile and clothing sector in various EU Member States

In the light of the Commission's answer to question H-0781/08[(10)] on the (possible) expiry on 31 December 2008 of the joint surveillance system regarding exports from China to various EU Member States of certain categories of textile and clothing products, and taking account of the increasing number of enterprises that are ceasing or relocating production, notably in Portugal, leaving in their wake unemployment and dramatic social situations, can the Council state:

given that it is on the basis of a Council mandate that the Commission executes Community trade policy, with third countries and in international organisations (such as the WTO), why it is not proposing the prolongation of the dual monitoring mechanism beyond 31 December 2008, as a means of job protection in the Union;

whether this necessary action has been proposed by any Member State within the Council, notably within the 133 Committee, and how it intends to prevent a recurrence after 2008 of the situation which occurred in 2005, namely an exponential growth in imports of textile and clothing products from China?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Commission has no specific mandate – in the meaning of the honourable Member's question – from the Council to act in the sphere of the trade in textile products. The current situation in this sphere is the result of a series of liberalisations carried out on three successive fronts. First, there was the dismantling of quotas and the end of other specific arrangements, like those in the Agreement on Textiles and Clothing (ATC); this agreement expired at the end of 2004. Secondly, other liberalisations were completed in the framework of bilateral agreements with third countries. Finally, the third part of this liberalisation concerns China more particularly. This phase was the subject of thorough negotiations over fifteen years which were consolidated in the provisions of China's protocol of accession to the WTO in 2001. According to these provisions, from 1 January 2009, a specific basis for trade in textile products from China will no longer exist. With this in mind, the European Parliament, on 25 October 2001, approved China's protocol of accession.

The 2008 introduction of a double checking system for Chinese textiles products resulted from an agreement with China, which does not wish to extend this system in 2009. Generally speaking, this question is the subject of very regular exchanges with the Commission in the Council's commercial bodies.

More precisely, the Commission has reported on the situation at the request of the 133 Textiles Committee of 23 September. It presented the conclusion of its analysis to the 133 Committee substitutes on 10 October. It reported that significant increases had been observed in certain product categories, but the global level of imports from China remained stable and the community market was not threatened by the recorded increases.

(10) Written answer of 21.10.2008.

For the Commission, the current situation is in no way comparable with that of 2005, which ended in strong measures. The Commission concludes that there is no need to renew the provision for 2009 and has therefore made no proposals to this effect. It should be stressed, though, that the Council does not have a united position on this question of renewing the measures.

In addition, the Commission has prepared a notice for importers informing them of the transition process between the current system and the one which comes into force on 1 January.

Finally, it should be noted that the representatives of the textile industry, especially at Community level, have not requested an extension of the double checking measures.

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Question no 30 by Konstantinos Droutsas (H-0867/08)

Subject: Savage murder of militant in a Turkish prison

On 8 October 2008 the 29 year old militant Engin Çeber, a member of a left-wing organisation in Turkey, died after being savagely tortured in Metris prison in Istanbul. He had been arrested on 28 September together with three companions for distributing their organisation's magazine. This murder is the latest in a long series of other similar acts of criminal violence by the police and parastate paramilitary forces, for instance the shooting by policemen of 17 year-old Ferhat Gerçek for selling the same magazine on the street. He is now disabled for life.

Will the Council condemn these criminal actions against militants and the torture that is still practised – and is even getting worse - in Turkish prisons in flagrant violation of fundamental personal rights and democratic freedoms, such as the right to life, dignity and the free movement of ideas?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The Council has been made aware of the tragic events around the death of Mr Çeber, to which the honourable Member refers, and for which the Turkish Minister for Justice has publicly apologised. The competent Turkish authorities have opened an official inquiry into the circumstances of this death and the Council expects this inquiry to be conducted rapidly and with total impartiality.

The Council has always attached great importance to the fight against torture and ill-treatment in Turkey. This question has been the subject of short-term priorities in the revised partnership for membership and has been raised regularly in political dialogue with Turkey, notably during the latest EC-Turkey Association Council in May 2008. The Commission's recent progress report confirms that Turkey's legal framework now includes a complete set of protections against these practices, but cases of ill-treatment continue to be reported and obviously constitute a source of concern. It is clear, then, that extra efforts must be agreed by the Turkish authorities to implement, in practice and at all levels, independent mechanisms to prevent torture and so guarantee the policy of 'zero tolerance'.

So that these independent mechanisms may be applied effectively, it is necessary to carry out more thorough inquiries into claims of human rights violations by members of the security forces. At the latest EC-Turkey Association Council, the EU also reminded Turkey that 'it is essential to ratify the Optional Protocol to the United Nations Convention against Torture'.

With this in mind, the Council can assure the honourable Member that this question will continue to be monitored very closely and be raised with Turkey in all appropriate bodies.

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Question no 31 by Georgios Toussas (H-0872/08)

Subject: Intensification of State terror and repression in Colombia

Government despotism and State terrorism directed against the labour movement in Colombia is intensifying. On 10 October 2008, the government of Alvaro Uribe declared a state of emergency in the country in a bid

to crack down on demonstrations by workers and the indigenous population demanding their rights and the repeal of the government's reactionary laws. Trade unionists are being murdered in increasing numbers by State and parastate forces. Since the beginning of the year, 42 trade union officials have already been murdered whilst, under the Uribe administration, 1300 indigenous people have been killed and 54 000 displaced. In the last year alone, more than 1500 workers have been arrested. Torture and brutal treatment of prisoners are daily occurrences. More than 6500 political prisoners are being held in Colombian jails.

Does the Council condemn this mass orgy of government and State repression, terrorism, murder, arrests and torture in Colombia?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

Several times, the European Union has expressed its grave concerns about the murders and death threats suffered by the leaders of social organisations and human rights defence organisations in Colombia and has stressed the legitimate efforts of the representatives of civil society to build peace in Colombia, and in defence and promotion of human rights in the country.

The question of respect for human rights is regularly raised by EU representatives with the Colombian authorities. The latter have notably expressed their desire to continue their action against these forms of violence.

In the past, the European Union has also encouraged the Colombian Government to support the fast and effective implementation of all aspects of the law on justice and peace and to provide the resources needed to this end.

The European Union will continue resolutely to support those who defend human rights in Colombia.

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Question no 32 by Hans-Peter Martin (H-0873/08)

Subject: Democratisation of the ESDP by the Lisbon Treaty

The democratic legitimacy of the European Security and Defence Policy (ESDP) is based on four pillars: first, the agreement of Europe's citizens; second, the assent and oversight of the national parliaments; third, the assent and oversight of the European Parliament. Unlike other policy fields, legitimation of the ESDP is also based – fourthly – on the connection to international law.

Wolfgang Wagner, in his study for the Hessische Stiftung Friedens- und Konflitkforschung (Hessen Peace and Conflict Research Institute) on the democratic legitimacy of the ESDP, comes to the conclusion that 'none of the four pillars of democratic legitimisation is particularly robust or, in the event of a difficult military operation, sufficiently resilient'.

What concrete measures were agreed in the Lisbon Treaty, in the view of the Council, and in which of its articles, to enable the legitimacy of these four pillars of the ESDP to be strengthened?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the November 2008 part-session of the European Parliament in Strasbourg.

The development of the European Security and Defence Policy meets the expectations of Europe's citizens and respects international law. Being a policy whereby the agreement of the participating States is required for operations of a military nature, democratic control in this case resides, in the first instance, with the national parliaments. The reinforcement of the role of the latter at national level is therefore a preferred route for improving the democratic control of the ESDP. It goes without saying that the European Parliament may also express its views under article 21 of the TEU. As for missions of a civilian nature, the European Parliament also plays an important role via the work of its Subcommittee on Security and Defence and the annual vote on the CFSP budget. As for the interpretation of the provisions of the Treaty of Lisbon, which is currently

going through the procedure for ratification by the Member States, it is not up to the Council to comment on this subject.

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QUESTIONS TO THE COMMISSION

Question no 38 by Colm Burke (H-0825/08)

Subject: Communicating Europe in the aftermath of Lisbon

The outcome of the Lisbon No in Ireland was due mainly to a lack of knowledge or understanding of the question being asked in particular, but more fundamentally due to a lack of knowledge among the Irish electorate of the make-up and functioning of the EU institutions.

In light of the inevitability of a second referendum in Ireland on the matter of ratifying the Lisbon Treaty, what could the Commission say has been its key lessoned learnt in its Communicating Europe strategy? I refer in particular to projects that highlight the difference between the Commission, the Parliament and the Council of Ministers. Does the Commission believe that there should be a more co-ordinated approach to Communicating Europe, especially with respect to the different functions of the different institutions?

Answer

(EN) Responsibility for ratification of Treaties lies with the Member States who sign them. However, analysis of the Irish referendum has confirmed once again that EU Member States and EU institutions need to work together to strengthen lines of communication between citizens and European policy makers. The EU needs to demonstrate not only what it has achieved and why this makes a real difference to citizens' lives, but also to explain the costs of non-action at European level.

Last week, during a visit to Ireland, the Vice-President of the Commission in charge with Institutional relations and communication strategy worked with the Irish authorities on developing a specific partnership with the Irish authorities to communicate on these issues together. Similar partnerships have been developed with a number of Member States. She is hopeful that a Memorandum of Understanding will be signed with the Irish very soon.

This approach to working together was recently enshrined at political level by the signature on 22 October by Commission, Parliament and Council, of a political agreement on Communicating Europe in Partnership.

This is the first time that Parliament, the Council and the Commission have agreed on a common partnership approach to communication. This will give a new boost to cooperation between the EU institutions based on three principles of planning, prioritisation and partnership. It establishes a useful inter-institutional mechanism to share information better, to plan together, centrally and at local level; to identify annually joint communication priorities as well as to cooperate between the communication departments of Member States and EU institutions.

The implementation of the political agreement in practice has already begun, with joint communication priorities for 2009 agreed for the first time ever: the European elections in 2009; energy and climate change and the 20th anniversary of the fall of the Iron Curtain. The Commission has been invited to report back on the implementation of the common communication priorities at the beginning of each year.

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Question no 39 by Jim Higgins (H-0829/08)

Subject: Communicating European unity

Would the Commission consider seeking the agreement of all Member States to designating one specific day as a public holiday, either Robert Schuman day or some agreed alternative, throughout the European Union whereby the citizens of the EU would collectively celebrate their common European identity and unity, similar to the way Independence Day in the United States is celebrated, with the common theme that there is unity in diversity and through which we citizens could express our support for the European project?

Answer

(EN) The Commission shares the views of the honourable Member about the importance of collectively celebrating the common European identity and showing that the citizens across the EU are united in diversity.

The European Council, at its meeting in Milan in 1985, established the 9 May as 'Europe Day', thus commemorating the declaration made by Robert Schuman on 9 May 1950. Ever since, the 9th of May has become one of the European symbols and has provided the occasion for activities and festivities aiming at bringing Europe closer to its citizens.

At local level, the celebrations are organised and/or supported by the Commission Representations and European Parliament Information Offices in Member States. In Brussels, on 'Europe Day' the Commission – along with other initiatives - traditionally organizes 'Open Days' in its premises, which in 2008 attracted approximately 35,000 visitors.

For the rest, it remains in the competence of Member States to establish public holidays on their territory. At this stage, the Commission does not envisage to seek the agreement of the Member States to designate one specific day as a public holiday.

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Question no 40 by Jo Leinen (H-0859/08)

Subject: Communication about the Treaty of Lisbon

On 22 October 2008, in response to the rejection of the Lisbon Treaty in the referendum in Ireland and in the light of several studies which show that many Irish citizens voted against the treaty because of having insufficient information about it, the European Institutions for the first time adopted a joint declaration on European Communication Policy. How does the Commission intend to implement this policy in Ireland in order to guarantee that the Irish people are sufficiently well informed about the EU and the new treaty?

Answer

(EN) The political declaration signed between the Commission, Parliament and Council on 22 October 2008 fosters cooperation among the European Parliament, Council of the European Union and the Commission on communication about Europe.

The institutions have agreed on a pragmatic partnership approach based on the annual selection of joint communication priorities and practical cooperation between their respective communication departments.

As such, the political declaration is a key instrument in the way to convince public opinion of the benefits of the European Union. This will be especially important in the coming months in the run up to the elections to the European Parliament.

The declaration is not a response to the rejection of the Lisbon Treaty in Ireland, but the result of several years of work and negotiations. The Commission proposed an inter-institutional agreement on which this declaration is based in October 2007, and the idea of a framework for closer co-operation was first raised in the white paper on Communication Policy launched in February 2006.

Implementation has already started. The Commission Representations and the European Parliament Offices in the Member States will closely cooperate with the national administrations in order to organize activities around the selected common communication priorities in 2009 which are: the European elections; energy and climate change; the 20th anniversary of the democratic changes in Central and Eastern Europe; and sustaining growth, jobs and solidarity.

Concerning the Lisbon Treaty, the Member States are the signatories of the Treaty and have the responsibility for its ratification. The Commission is not part of any campaign for ratification in any Member State.

However, analysis of the referendum results demonstrated a lack of information on the European Union and its policies in Ireland. Therefore, the Commission intends to step up communication and information activities, in particular aimed at people who are less informed or interested in the European dimension of their daily life. This factual and objective information will demonstrate the benefits that the EU can bring to citizens and facilitate an informed debate on EU policies.

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Question no 41 by Sarah Ludford (H-0862/08)

Subject: EU institution websites

The European Parliament elections take place next year, and MEPs will want to tell their constituents about how open and democratic the European Union is. What concrete measures is the Commission taking, subsequent to its December 2007 communication, to ensure that citizens can gain access to EU information quickly and easily via the EUROPA website, not least by placing more emphasis, as promised, on 'a thematic and user's perspective, rather than that of the institutions'?

In particular, what has the Commission done to introduce common design features for the Commission, Council and Parliament websites that share the EUROPA portal, for example navigation tips and search criteria, and to ensure that legislation can be easily and conveniently tracked throughout its evolution from draft to adoption?'

Answer

(EN) The Commission is undertaking a series of major changes to make the European Union EUROPA website more user-friendly, navigable and interactive, in line with its policy document 'Communicating Europe via the Internet: engaging the citizens' adopted on 21 December 2007[(11)].

An independent evaluation of the EUROPA website carried out for the Commission in 2007 concluded that most of the web visitors found the information they were looking for (85%). However, they also found that it took too long to find this information and that there was a need therefore to present it in a less complex and more coherent way.

The ongoing changes include both the revamping of the EU homepage and the homepage of the Commission and should be achieved by mid-2009. Definition of a new navigational structure will make the pages easier to read and ensure that they focus more on particular user groups (eg general public, business) and popular tasks (eg funding, events). Improvements will be tested on focus groups before the launch and users will be able to leave feedback and suggestions. An improved version of the search engine on the Commission homepage has already been launched. The EU press room has also been revamped.

The Commission has also improved its internal structure of cooperation. Directorate-General Communication works closely together with the internet editors of each of the Commission services in the framework of the network created as part of the Commission's new internet strategy. The work of this network focuses on improving individual websites of the Commission services and encouraging the exchange of good practice between editors.

Inter-institutional cooperation takes places on a regular basis through the inter-institutional internet committee (Comité éditorial interinstitutionel - CEIII). The committee deals with both technical and content matters and looks at ways of improving the experience of the user on the EU's websites. One area currently being explored is the possibility of having a common search feature for all institutions allowing users to retrieve information on EU affairs in an easier way.

At the CEIII meeting on 2 October 2008, the Parliament presented its new European elections website to be launched in January 2009. The Commission will reserve a prominent place for coverage on the EP elections on the EUROPA homepage, including links to the EP elections website.

Concerning ensuring that legislation can be easily and conveniently tracked throughout its evolution from draft to adoption, the Commission would like to stress the importance of the PRELEX webpages available on EUROPA[(12)], which offers an exhaustive and appreciated information.

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(11) SEC(2007)1742

(12) http://ec.europa.eu/prelex/apcnet.cfm?CL=en

Question no 47 by Dimitrios Papadimoulis (H-0838/08)

Subject: Breakdown of the Large Hadron Collider (LHC) of the European Organisation for Nuclear Research (CERN)

The Large Hadron Collider (LHC) of the European Organisation for Nuclear Research (CERN) broke down a few days after the start of the so-called 'experiment of the century', the attempt by scientists at CERN to recreate the 'big bang'.

What is the level of Community funding of CERN, particularly the conducting of the 'experiment of the century'? Does the Commission know what caused the damage to the installation? When will the LHC be back in action?

Answer

(EN) CERN is an international organisation set up in 1954 to conduct research in Nuclear and Particle Physics. It conducts research under the auspices of the 20 member countries of the CERN Council, including 18 EU Member States and 2 Non-EU States. Those 20 countries jointly provide CERN's annual operation and investment budget. The EC has only an observer status in the CERN Council. It does not participate in the decision-making process and does not contribute to the annual budget.

Like any other research organisation, CERN has the possibility to participate in calls organised under the Community's Framework Programme for Research. CERN has participated in a number of calls under successive Framework Programmes, submitting joint proposals with various other European research organisations.

Under FP6 and FP7, the EC has so far provided about € 60 million to CERN for its participation in projects selected on the basis of competitive calls. These projects aim among others at the joint development of a European Grid computing infrastructure, at the joint development of future accelerator and detector design, or at joint training programmes for young researchers. These projects have indirectly also helped CERN in its efforts towards building the LHC collider.

The EC has learned that CERN has conducted an inquiry into the cause of the accident that occurred on September 19, 2008. CERN concludes that the cause of the incident was a faulty electrical connection between two of the accelerator's magnets. This resulted in mechanical damage and release of helium from the magnet cold mass into the tunnel. CERN announced that they plan to restart the LHC in spring 2009. Further request for information about the causes of the accident and measures to be taken can best be obtained directly from the CERN Council and its Member States.

For further information on the particle physics experiment, the Commission refers the honourable Member to the answer it gave to written question E-5100/08 by Marios Matsakis[13].

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Question no 48 by Alojz Peterle (H-0844/08)

Subject: Cancer research

On 10 April this year the European Parliament adopted a Resolution (P6_TA(2008)0121) on combating cancer in the enlarged European Union. Realising the fragmented nature of cancer research across Europe, the EP called for better collaboration and less duplication between different research efforts to bring the fruits of research faster to the cancer patient.

What is the Commission doing to encourage and support more transnational cancer research under FP7?

How is the Commission planning to support research into rare and difficult-to-treat cancers, such as paediatric cancers, where market incentives often fail to stimulate commercial investment in research?

Answer

(EN) As a result of the efforts undertaken within the 6th Framework Programme for Research and Technological Development (FP6, 2002-2006) in the field of translational cancer research (i.e. translating

[13] http//www.europarl.europa.eu/QP-WEB

basic science results into clinical applications), 108 research projects are being supported for a global amount of € 485 million. These projects tackle, with a multidisciplinary approach, different issues relating to prevention, early diagnosis, understanding of cancer and identifying drug targets as well as therapeutic strategies and novel technology and palliative care[14].

In addition, the report of the EUROCAN+PLUS[15] feasibility study, presented at the European Parliament in February 2008, called for increased coordination and guidance of translational and clinical research, including management of networks and a platform of comprehensive cancer centres.

Pursuant to these efforts, the Specific Programme 'Cooperation' of the 7th Framework Programme for Research (FP7, 2007-2013), has - under the theme 'Health' - set a priority to further reinforce translational cancer research towards clinical applications and address fragmentation, taking into account the outcome of EUROCAN+PLUS and the recommendations of the European Council conclusions on 'Reducing the burden of cancer'[16] as well as the Parliament Resolution on 'Combating cancer in the enlarged European Union'[17].

Indeed, the 2007 calls for proposals have addressed recommended research areas, such as screening, end-of-life care and fragmentation of research efforts regarding cancer registries through the ERA-NET scheme[18].

For the next call for proposals of the Health theme, to be published in 2009, it is expected to further address fragmentation by stimulating the development of coordinated translational cancer research programmes in Europe and address rare and childhood cancers research, the latter building on an important portfolio of initiatives developed under FP6 (such as KidsCancerKinome, EET-Pipeline, Conticanet, Siopen-R-Net, etc.). This will be complemented by initiatives aimed at supporting off-patent medicines for paediatric use in a concerted effort with the European Medicines Agency (EMEA)[19].

Finally, the Commission is considering the future EU actions on cancer - European platform, to share best practices and support Member States in their efforts to tackle more efficiently cancer by bringing together the full range of stakeholders into a concerted action. The Commission has also just adopted proposals for a European strategy on rare diseases in general[20], and the cooperation and greater efficiency facilitated by those actions should also help to facilitate research in this area.

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Question no 51 by Robert Evans (H-0802/08)

Subject: Humanitarian aid in Sri Lanka

I congratulate Commissioner Michel for his statement of 15 September 2008 regarding the respect of international humanitarian law in Sri Lanka.

I am sure the Commission is, as I am, extremely worried about the escalation of violence in Sri Lanka and the effect this is having on innocent civilians. In particular, how has the Commission responded to the Sri Lankan government's recent decision that all UN and international aid organisations and relief efforts are to withdraw from the conflict area?

In light of this, what further pressure will the Commission put on both the Sri Lankan government and the LTTE (Liberation Tigers of Tamil Eelam) to ensure that international humanitarian law is respected, aid reaches the most vulnerable and a peaceful solution to the conflict is reached as soon as possible?

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(14) http:/,lcordis.europa.eu/lifescihealtli/cancer/cancer-pro-calls.htm#tab3

(15) www.eurocanplus.org/

(16) 9636/08 SAN 87

(17) P6_TA(2008)0121 (www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2008-0121&language=EN)

(18) ec.europa.eu/research/fp6/era-net.html

(19) http://www.emeaxuropa.eu/htms/human/paediatrics/prioritv1ist.htm

(20) COM(2008)679 and COM(2008)726 of 11.11.2008

Answer

(EN) The decision by the Sri Lankan Government for United Nations (UN) and international aid organisations to withdraw from the conflict area was based on security considerations. Following the withdrawal, the Commission and other humanitarian actors pressed for the establishment of a system of safe humanitarian convoys with food and other essential supplies to reach people in need in the Vanni. They also insisted on independent observers being allowed to accompany the convoys to ensure that supplies reach those in need without discrimination. Both sides to the conflict agreed. Four convoys travelling under the UN flag have now successfully reached the Vanni, both delivering much needed food from World Food Programme (WFP). Regular convoys are planned in the coming weeks.

In addition, the International Committee of the Red Cross (ICRC) has been allowed to continue their activities with international staff in the Vanni. ICRC plays a crucial role through having lines of communication with both parties to the conflict and also provides much needed assistance such as shelter and essential household items. The Commission will continue to support both ICRC and WFP operations. Funding to the two agencies in Sri Lanka in 2008 is currently €5.5 million. If necessary the Commission could consider the possibility of further humanitarian funding to these agencies later in the year.

It is clear however that more needs to be done in terms of ensuring that sufficient aid reaches the population in need. The Commission estimates that only around 45% of food needs are actually being met at this time. In addition there is an urgent need for shelter materials for the displaced people, given the approaching monsoon season The Commission will continue to argue for increased access to the Vanni, not only for UN agencies but also for those International non-governmental organisations who, were forced to withdraw in September, since these organisations play a key role in the provision of humanitarian relief.

In terms of ensuring that international humanitarian law is respected the Commission will continue to take every opportunity to remind both parties to the conflict of their obligations in this regard and to advocate for a peaceful solution to the conflict.

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Question no 52 by Claude Moraes (H-0804/08)

Subject: Humanitarian aid to Zimbabwe

The EU has given a total of over €350 million in humanitarian aid to Zimbabwe since 2002, including €10 million announced this September. Given the recent political turmoil in the country and the restrictions placed by the Mugabe government on humanitarian operations, what instruments does the Commission have in place to measure the effectiveness of this aid and to ensure that it reaches those who need it?

Answer

(FR) The Commission implements the EU's humanitarian aid via partners who are either international organisations or non-governmental organisations based in the EU. These humanitarian organisations are contractually responsible for managing humanitarian aid financed by the EU.

A set of inspection and monitoring systems has been introduced to ensure the correct implementation of the financed operations, at the various stages in the lifecycle of a humanitarian operations project. The main features are described below:

- Rigorous mechanisms of selection and quality control are introduced by the Framework Partnership Agreement (FPA) signed with the European NGOs and the international organisations;

- The systems used to identify which actions are financed are based strictly on the real needs which have to be met;

- The projects are inspected by a worldwide network of field experts (technical assistants) working for the Commission. These Humanitarian Aid specialists are permanently in the field to facilitate and maximise the impact of the humanitarian operations financed by the Commission, in whatever country or region;

- The partners have to provide intermediate and final reports and justify their expenses;

- The Commission regularly assesses its humanitarian operations;

- The activities financed by the Commission and implemented by the humanitarian organisations are subject to financial audits carried out both at the headquarters of the Commission's partners for finalised projects (every two years) and in the field for current projects. For example, the Commission has verified a third of the expenses claims submitted for humanitarian projects in Zimbabwe.

At the start of September, subsequent to the lifting of the suspension of NGO field activities, which was ordered by the Government in June, the partners are reporting few access problems, and food distribution has been able to resume.

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Question no 54 by Eoin Ryan (H-0816/08)

Subject: Education of girls in the developing world

Educating females in the developing world has been described as 'the greatest hope for ending poverty' and, by the former UN Secretary-General Kofi Annan, as 'the single highest-returning social investment in the world today'.

What is the Commission doing to ensure that the particular societal, cultural and practical challenges associated with providing full-time education for girls is incorporated into education and development strategies?

Furthermore, given that many societies give preference in education to boys and that dropout rates are higher for girls - as they can be withdrawn from education for reasons of marriage or work - what measures does the Commission have at its disposal to encourage girls to stay in education beyond the Millennium Development Goal 2 aim of primary education?

Answer

(FR) The European Consensus on Development underlines the crucial role of gender equality in the achievement of the Millennium Development Goals (MDGs). In its work on education, the Commission gives priority to the achievement of MDG 2 on universal primary education and MDG 3 on gender equality. Consequently, the sectoral programmes implemented with the partner countries pay equal attention to the participation of girls at all levels in the education system.

In Egypt, in the poorest regions, girls receive little schooling and have high dropout rates. These problems are addressed by the Girls' Education Initiative, led by the National Council for Childhood and Motherhood (NCCM). This national plan, which focuses on primary education, has, as its principal objectives, the improvement of the quality of basic education for girls and facilitating their access thereto.

In other countries, such as Burkina Faso and Tanzania, the Commission is supporting the reform of the whole education sector, in coordination with the other funding providers. In parallel, the EC is undertaking a dialogue with the sector to influence certain choices and priorities and to assess the results of the reform via key indicators. Amongst these indicators may be cited, for Burkina, the 'Gross rate of female primary education' and the 'Number of literate females'. In Tanzania, the focus is on the number of female teachers and the creation of a school environment that promotes girls' education.

A growing number of countries are receiving support which allows them to develop social protection programmes which, by distributing money or food to the most vulnerable families, mean that families do not have to consider the cost of educational opportunities for their daughters.

Finally, in its higher education mobility programmes (webpage on the Erasmus Mundus programme on external cooperation and on the future Mwalimu Julius Nyerere programme), the Commission has set itself the objective of 50% female recipients.

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Question no 55 by Mairead McGuinness (H-0831/08)

Subject: EU humanitarian aid

'The question of development is more pressing today than ever before', words the Commissioner for Development and Humanitarian Aid has quite rightly stated.

Is the Commission able to reassure this House that the EU's proud record as the world's largest humanitarian aid donor will not be affected by the current global financial crisis?

Answer

(EN) Global worldwide humanitarian aid for the year 2007 totalled 7.7 billion U$ (€ 5.2 million at the conversion rate of 31 December 2007).[21]

The EU remains by large the world's main donor of humanitarian aid funding and accounted for 46.8% of the global humanitarian aid contributions in 2007 (of which 13.7% funding from the EC and 33.1 % funding from Member States).

The amount of the humanitarian assistance provided by the Commission is defined in the Multi-annual Financial Framework (MFF) for 2007-2013. The annual amount available for humanitarian aid is around € 750 million per year. These funds can be topped up from the Emergency Aid Reserve of around € 240 million a year in the case of unforeseen events occurring during the year. The conditions for mobilization of the Emergency Aid Reserve set out in the Inter-Institutional Agreement between the Parliament, Council and the Commission are quite strict and cover aid requirements of non-member countries following events which could not be foreseen when the budget was established. The amount of humanitarian assistance provided by the EC remained quite stable over recent years and with deference to rights of the budget authority, is likely to remain within the MFF.

In the year 2008 the funds available to the Humanitarian aid and the Food Aid budget line managed by the EC have been supplemented by € 180 million due to the increase in food, fuel and commodity prices, with funds, mainly, coming from the Emergency Aid Reserve.

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Question no 56 by Bart Staes (H-0835/08)

Subject: Intellectual property rights as an obstacle to the transfer of sustainable energy technology from Europe to developing countries

Commissioner Louis Michel has on various occasions expressed his support for the transfer of sustainable energy generation technology to developing countries. This is crucial in the interests of environmental justice and as a part of the global approach to climate change. However, in practice certain mechanisms – such as intellectual property rights – are evidently delaying and/or preventing this transfer of sustainable technology to the South.

What action is the Commission taking, or proposing to take, to combat these obstacles in practice so as to ensure that this technology transfer actually gets started?

Answer

(FR) The Commission recognises the importance of an intellectual property rights (IPR) system which operates appropriately in developing countries. This system is a necessary framework for promoting technology transfer, as commercial companies would be little inclined to transfer technology to countries where there are weak, poorly applied intellectual property rights regulations.

However, in a certain number of cases, the intellectual property rights regulations must take into account the concerns of developing countries, especially where patents increase the price of products essential to development. This is the case, for example, with medicines: the Commission has been at the forefront of international initiatives to provide developing countries with access to vital medicines at affordable prices.

That said, in the sustainable energy production sector (photovoltaic, biomass and wind power), there is no clear evidence that intellectual property rights have had a negative impact on development and technology transfer. The patents to the underlying technologies are long-expired and a number of patented products are competing, bringing down the cost of these technologies. There is also competition between the various technologies used to produce electricity. If companies in the developing countries wish to enter this field of new technologies as producers, they can obtain affordable operating licences. Companies in India and China, for example, have already entered the photovoltaic energy market. Perhaps in the biomass area, exclusive

[21] Source: OCHA Financial Tracking System (http://www.reliefweb.int)

operating rights for the new biotechnologies might cause a problem. In practice, however, customs duty and other barriers to trade form greater obstacles.

In fact, many modern products or technologies are expensive not because of intellectual property rights but simply because of the complexity of the way they are produced, the high cost of materials and the high costs of installation and operation, often magnified by the lack of local skills.

This is why the Commission provides developing countries with major funds to promote the use of sustainable energy production technologies, especially via the ACP[22]-EU Energy Facility, launched in 2006. This is why the Facility, which covers all the sources of renewable energy, finances projects which go beyond the mere introduction of new technology and deal with issues of the skills needed to adapt, operate, maintain and propagate the technologies.

The facility should be replenished with almost EUR 200 million in the framework of the tenth European Development Fund (EDF). These funds will aim more particularly at renewable energy sources, thus allowing greater access at local level to sustainable energy supplies.

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Question no 57 by Justas Vincas Paleckis (H-0847/08)

Subject: Development cooperation aid during the financial crisis

Not even the EU's development cooperation policy funds are immune to the financial crisis that began on Wall Street and which is causing turmoil all over the world. Developing countries threatened with interruptions of EU development aid will again be the victims even though they can in no way be held responsible for the financial crisis. It is important to ensure that the EU's development cooperation commitments to developing countries for the period until 2013 made by the Commission before the financial crisis began are not reduced because of the current financial problems.

How does the Commission intend to set new development cooperation financing priorities in the light of the financial crisis?

Answer

(FR) This issue of the effects of the current financial crisis on development cooperation is particularly relevant in light of the follow-up International Conference on Financing for Development to Review the Implementation of the Monterrey Consensus, taking place between 29 November and 2 December in Doha, Qatar.

In the meantime, on 29 October 2008, the Commission published a communication entitled 'From financial crisis to recovery', which emphasises, among other things, the importance of sharing the benefits of sustainable growth and meeting the challenge of the Millennium Development Goals.

In Doha, one of the main issues in the conclusions the European Union plans to present is the firm reaffirmation of its commitment to increase the levels of Official Development Assistance (ODA), to achieve a collective ODA of 0.56% of Gross Domestic Product (GDP) by 2010 and 0.7% of GDP by 2015. The Member States are drawing up rolling multi-annual indicative timetables to illustrate how they will achieve the ODA objective.

Despite the financial crisis, this commitment is not in question. On the contrary, in a time of crisis, it is very important to maintain the levels of ODA. Experience shows that reducing ODA has a direct correlation with increased levels of extremism and world instability.

Therefore, the EU, the biggest ODA donor with, in 2007, no less than USD 61.5 billion allocated, out of a world total of 104 billion, invites all the other donors to contribute development financing in an equitable manner, to increase their Official Development Assistance to the target 0.7% of GDP and urges all the other donors to draw up rolling multi-annual indicative timetables to illustrate how they will achieve these objectives.

Whilst ODA is the pillar of development, it is not the only solution. More work is needed on innovative sources of financing, especially related to implementation. The new challenges, particularly the reduction

[22] Africa, Caribbean, Pacific

of and adaptation to climate change, food and energy security and financing needed to respond thereto, must be dealt with. Good economic and financial governance, including the fight against fraud, corruption and tax evasion, must be sustained and, finally, we must work on a real reform of the international financial system.

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Question no 58 by Anne Van Lancker (H-0853/08)

Subject: Decency gap

The European Parliament resolution of 4 September 2008 on MOD5 (P6_TA(2008)0406) stresses worldwide access to reproductive health as a development objective for the international community and calls on the Commission to devote the maximum available resources to attaining this objective.

In 2002 the Commission pledged support for UNFPA and IPPF in order to close the 'decency gap' which had arisen after the Bush administration refused to provide funding. This programme expires at the end of 2008. Earlier this year, Bush again pronounced his veto. Thus there is a danger that a fresh decency gap will arise if the Commission also ceases its funding.

Will the Commission close the decency gap using the 10th EDF and allocate the maximum available resources to attaining MOD5?

Answer

(FR) The improvement of maternal health and maternal mortality has been a constant concern of the Commission in its work on health and development. Despite all our efforts, however, MDG 5 is probably the most difficult MDG to achieve. The European Union has doubled its efforts in 2008 to mark a real turning point in the international community's actions to promote the MDGs and to set the objective of progressing from policy declarations to practical actions.

What is being done in practical terms?

The actions financed on the budget lines (European Development Fund (EDF) and General Budget) are designed to have lasting effects on the national health system policies. It is difficult to differentiate between the contributions of the EDF and the budget for sexual and reproductive health and rights (SRHR) which are usually dealt with as support to the health sector in general or which may be designated as priority sectors or, more often, in the wider framework of activities such as 'macro-economic support'. According to a (non exhaustive) inventory recently carried out by the Commission, in the framework of bilateral regional cooperation agreements between 2002 and 2008, around EUR 150 million was allocated to the financing of projects with a significant reproductive health component.

In the framework of the reproductive health thematic lines (2003-2006), over EUR 73 million was allocated to sexual and reproductive health and rights policies and actions in developing countries.

As for the tenth EDF, we are planning directly to support the health sector in 31 developing countries[23]. The countries benefitting from our activities have very high maternal mortality rates and extremely weak health systems. In addition, to make the aid more predictable, the Commission is introducing a new financial instrument, the so-called 'MDG contract', in a number of partner countries, in whose framework the budget support will be tied, in the long term, to the concrete results achieved in the MDGs. This makes it easier for governments to bear the recurrent costs relating to health systems, such as the salaries of medical staff, which is vital if one wishes to increase access to primary health care, including childbirth services, which is essential for MDG 5.

Despite everything, what is currently being done to improve maternal health is far from sufficient. Greater effort, therefore, is necessary if the situation is to be changed This is why the Council of the European Union adopted, on 24 June, the EU MDG Action Plan, in which the Commission and the Member States commit

[23] ACP (4% not incl GBS): Liberia, Ivory Coast, Congo, DRC, Angola, Zimbabwe, Burundi, Chad, East Timor, St Vincent, Lesotho, Swaziland, South Africa, Zambia, Mozambique; Asia (17%): Afghanistan, Burma, India, Philippines, Vietnam; Latin America (Soc cohesion) :Honduras and Ecuador; North Africa /Middle East and Eastern Europe (8.8%): Algeria, Morocco, Egypt, Syria, Libya, Yemen, Ukraine, Moldova, Georgia.

(amongst other things) to increase their support to the health sector in developing countries by an extra EUR 8 million by 2010 (of which EUR 6 million is allocated to Africa).

As for MDG 5, the EU MDG Action Plan mentions two major objectives to be achieved by 2010:

1) 21 million more births attended by qualified health staff

2) 50 million more women in Africa with access to modern contraceptives

Finally, we also have the 'Investing in human resources' Instrument in which EUR 44 million is allocated to the implementation of the Cairo agenda on reproductive health for 2009 and 2010. Part of these funds will be used to finance NGO projects in the partner countries.

The Commission does not plan to continue to make up for the 'decency gap' beyond 2008 by giving extra financing to the IPPF[24] and the UNFPA[25], due to the various instruments, explained above, already at its disposal.

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Question no 60 by Liam Aylward (H-0814/08)

Subject: Drugs and EU Public Health Programme

What plans does the European Commission have to highlight the dangers of using illegal and prohibited drugs under the EU Public Health Programme 2008-2013?

Answer

(EN) The EU Health Programme 2008-2013[26] continues to include drug prevention as a priority under the strand of 'promotion of health - action on health determinants ', as it has been the case under the previous public health programme, under the heading of 'health determinants'.

The selection of specific priorities will continue to be in line with the EU Drugs Strategy[27] and Action Plans[28], the Drug prevention and information programme[29] and the Council Recommendation on the prevention and reduction of health-related harm associated with drug dependence[30]. The new proposal for an EU Action Plan 2009-2012[31], currently under discussions in the Council, calls for the EU to further improve the effectiveness of measures to reduce drug use and its consequences. This includes particular attention for vulnerable groups and the prevention of poly-drug use (combined use of illicit and licit substances).

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Question no 61 by Brian Crowley (H-0818/08)

Subject: Development of golf clubs in special areas of conservation

Does the Commission have specific rules forbidding the development of golf clubs and other amenities in special areas of conservation?

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(24) International Planned Parenthood Federation

(25) United Nations Population Fund

(26) http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:301:0003:0013:EN:PDF

(27) 12555/2/99 CORDROGUE 64 REV 2

(28) http://eur-lex.europa.eu/LexUriServ/site/en/oj/2005/c_168/c_16820050708en00010018.pdf

(29) OJ L 257, 03/10/2007

(30) OJ L 165, 3.7.2003; (2003/488/EC)

(31) COM(2008) 567/4

Answer

There are no rules at Community level specifically forbidding the development of golf clubs and other amenities in Special Area of Conservation.

Article 6.3 of the Habitats Directive[32] requires Member States to undertake an assessment of projects (including golf courses) that may have a significant impact on Natura 2000 sites. This assessment includes an evaluation of possible alternatives as well as the development of mitigation measures. If the conclusion from the assessment is that a planned project will not adversely affect the integrity of the site, the project can be undertaken.

In the event that a project is considered likely to have an adverse affect on the integrity of the site, Article 6.4 of the Habitats Directive sets out the procedures which must be followed. Projects may still go ahead if certain conditions are respected and compensation measures are taken.

The Commission has published comprehensive guidance on how to apply Article 6 of the Habitats Directive. This guidance is available at the Commission's Environment Website under Nature and Biodiversity[33].

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Question no 62 by Marco Cappato(H-0821/08)

Subject: End-of-life choices and living wills

Since compulsory medical treatment is against the law in many countries and prohibited by international agreements such as the Oviedo Convention, while clandestine euthanasia is practised widely in the countries where it is banned, but without any of the necessary safeguards, procedures and restrictions, does the Commission agree that it would be useful to compile, analyse and compare empirical data on end-of-life choices about medical treatment with a view to promoting best practices, including the recognition of living wills, and ensuring free access to treatment and respect for patients' wishes throughout Europe?

Answer

(EN) The Commission does not collect data on end-of-life choices, and has no plans concerning the exchange of best practice on this topic. Banning or authorizing euthanasia is an issue falling within the full responsibility of each Member State.

As far as access to treatment is concerned, all EU citizens are free to seek any kind of medical service in a Member State different from their Member State of affiliation. This right derives from article 49 of the Treaty relating to the freedom of providing services, as ruled by European Court of Justice.

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Question no 63 by Marian Harkin(H-0823/08)

Subject: Human rights in Belarus

Given the ongoing human rights issues in Belarus, and in particular given the current situation in Belarus in relation to visa procedures for Belarusian citizens leaving the country, what steps can the Commission propose in order to ensure that the Belarusian authorities have a greater respect for human rights by ensuring that the travel ban on children leaving the country is lifted, which will allow them to take part in youth programmes, including rest and recuperation holidays?

Answer

(EN) Democracy and respect for human rights are, and will continue to be, the core elements in our contacts with Belarus, be it with civil society or with the Belarusian authorities.

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(32) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, consolidated version available at

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:01992L0043-20070101:EN:NOT

(33) http://ec.europa.eu/environment/nature/index_en.htm

Commission representatives travelled to Minsk on 4-5 November to further follow up on the 13th October Council conclusions with representatives from Belarusian civil society and from the opposition, as well as with the authorities.

The partial and conditional suspension of sanctions and the resumption of ministerial talks that stem from the Council conclusions allow us to convey in a more direct manner our message on what we expect from Belarus in terms of progress towards democratisation, respect for human rights and the rule of law.

Our expectations were already spelt out in the document 'What the EU could bring to Belarus', which the Commissioner in charge of External relations and European neighbourhood policy made public in 2006. Our renewed key messages to the Belarusian authorities build further on our message back then.

Among other things, we expect Belarus to ensure the right to liberty and security of persons. This includes the unimpeded participation of Belarusian children and youth in EU exchange programmes. It also includes Belarus reviewing its travel ban against certain members of civil society and of the opposition.

On the specific issue of the travel ban for the so called 'Chernobyl children', it is a bilateral matter which requires solutions at bilateral level, because the situation varies between the concerned Member States.

Although it is not an issue for Commission intervention, the Commission follows the issue closely.

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Question no 64 by Michl Ebner (H-0837/08)

Subject: Introduction of kerosene tax

The aviation sector has experienced extremely dynamic development in recent years, and aviation is becoming an increasingly important means of transport.

Given that aviation currently produces 3% of total CO2 emissions in Europe and this trend will continue to rise, consideration must be given to the introduction of a kerosene tax.

From the point of view of environment policy, it makes sense to levy a tax on aviation fuel, at least within the EU's borders. This is the only way of guaranteeing a more environmentally friendly approach to aviation fuel.

Other fossil fuels are also subject to tax, and the situation should be harmonised.

Even minor additional costs to passengers would produce added value for the environment, so that a light tax on kerosene would benefit both the environment and consumers.

What action will the Commission take in connection with the debate on kerosene tax?

Answer

(EN) The Commission sets out its position with respect to taxation of aviation fuel in its 2005 Communication on Reducing the Climate Change Impact of Aviation[34]. This reaffirmed the Commission's preference for normalising the treatment of aviation fuel as soon as possible within the international legal framework governing aviation.

Under Council Directive 2003/96/EC[35], Member States can already introduce fuel taxation for domestic flights. Subject to mutual agreement, fuel taxation can also be introduced for flights between two Member States under this Directive.

However, in practical terms, Member States face difficulties in taxing kerosene because doing so would introduce a competitive distortion between EU and non-EU airlines. This is because there are legally binding tax exemptions in bilateral air service agreements between Member States and non-EU countries. These make

(34) COM(2005)459 Communication from the Commission to the Council, the Parliament, the European Economic and Social Committee and the Committee of the Regions, Reducing the Climate Change Impact of Aviation.

(35) Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity.

it difficult to apply fuel taxation on intra-Community routes where non-EU carriers have traffic rights and continue to enjoy tax exemptions under the relevant bilateral agreements.

The Commission is actively working to renegotiate the terms of these bilateral air services agreements with non-EU countries in order to open the possibility of taxing fuel supplied to EU and non-EU carriers on an equal basis. However, it is recognised that this process will inevitably take time. So far almost 450 bilateral agreements have been amended to this effect through negotiations with non-EU countries.

Given these difficulties, the wider application of energy taxes to aviation can not be relied upon as the key pillar of a strategy to combat the climate change impact of aviation in the short and medium term.

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Question no 65 by Paolo Bartolozzi (H-0841/08)

Subject: Evaluation report on Regulation (EC) No 1400/2002

Does the Commission agree that the evaluation report of 28 May 2008 on Regulation (EC) No 1400/2002[(36)] on motor vehicle distribution implies, without providing any adequate justification, that the content of the legislation must be radically revised, despite the fact that competition in the markets concerned has increased in the last five years in which the Regulation has been in force?

Does the report not contradict the Commission itself, which recognises the distinctive features of the motor vehicle distribution and after-sales service sector and the need for special provisions to meet the needs of some 350 000 SMEs employing about 2.8 million people?

Does the Commission agree that there is no justification for abandoning the Regulation, which would breach the general principle of reliability, as recognised by the case law of the Court of Justice of the European Communities?

Would it not be better to improve the existing legislation rather than repeal it?

Answer

(EN) At this stage of the review process, the Commission has not taken any decision as to the regulatory framework which would apply to the motor vehicle sector after 2010. The submissions received during the consultation on the Evaluation Report[(37)] will be made public on Directorate General for Competition's website soon. With the Report, this will form the basis for the next step in the review process. Following an impact assessment of the different options which would pay particular attention to the effect of any future legal framework on SMEs the Commission would envisage releasing a Communication in 2009 on the future competition law framework applicable to this sector.

The Commission would like to reassure the honourable Member of its firm commitment to ensuring an adequate level of protection of competition in the motor vehicle sector, irrespective of the legal framework which will be applied to this sector after 2010 as a result of the ongoing review process.

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Question no 67 by Gerardo Galeote (H-0846/08):

Subject: More marine accidents in the Bay of Gibraltar: environmental implications

On 11 and 12 October there were two more marine accidents in the Bay of Gibraltar involving ships flying the Liberian flag – the Fedra and the Tawe; their environmental consequences have yet to be determined. These accidents follow on from the three which occurred in 2007 – involving the Samotakis (in January), the Sierra Nava (in February), and the New Flame; the upshot is that the Bay of Gibraltar has become the EU coastal area exposed to the most serious chronic risk of environmental disaster.

Have the Spanish or British authorities informed the Commission about this situation?

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

(37) http://ec.europa.eu/comm/competition/sectors/motor_vehicles/documents/evaluation_report_en.pdf

Have the authorities concerned asked the European Maritime Safety Agency to assist with pollution abatement?

Does the Commission have any initiative in mind to make the proper authorities implement some form of plan to prevent further repetition of incidents of this sort?

Answer

(FR) The Commission has closely monitored last October's shipping accidents involving the FEDRA and the TAWE. The Commission is especially pleased that all the sailors on the FEDRA were saved, despite the difficult weather conditions.

The services of the Commission, especially the Monitoring and Information Centre (MIC), part of the Directorate-General for the Environment in charge of civil defence, were in close contact with the Spanish and British authorities.

In response to requests from the Spanish authorities, satellite images were provided via the European Maritime Safety Agency (EMSA) to detect any oil pollution in the Bay of Algeciras. In addition, via the Monitoring and Information Centre (MIC), Spain decided to mobilise one of the anti-pollution vessels under contract to EMSA. This vessel, the BAHIA TRES, operating under the command of the Spanish authorities, was able to recover around 50 tonnes of oil.

More widely, the Commission points out that the European Union has introduced ambitious maritime safety and marine environment protection policies. The new initiatives in the third maritime safety package will bring major improvements, for example, in traffic monitoring and operator liability.

These new instruments will contribute to helping the Member States to combat the polluters and to preventing and combating pollution.

The Commission has also been informed that the organisation of an anti-pollution campaign in the Bay of Alegeciras could appear on the agenda of the next meeting between the Spanish and UK authorities (including representatives from Gibraltar).

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Question no 68 by Jacky Hénin (H-0848/08)

Subject: Safety of sea straits in the European Union

In October 2008 two Liberian-registered cargo ships were involved in accidents near the coasts of the Strait of Gibraltar. The worst was prevented by the helpful and effective action of the European Maritime Safety Agency. However, these repeated accidents, plus the growing transport of hazardous goods by sea, give renewed urgency to the issue of tightening the safety rules governing all the European Union's sea straits and to the question of how to ensure these rules are respected. In particular, such straits and their approach routes should be classified as 'Seveso areas'.

What specific measures does the Commission propose to take to enhance the safety of sea straits in the Union?

Answer

(FR) Under the United Nations Convention on the Law of the Sea, ships enjoy the right of transit passage, which shall not be impeded, in international straits. This does not prevent States bordering the straits from taking measures to ensure safety at sea. Member States therefore monitor maritime traffic in the principal straits of the Union, such as Gibraltar, through maritime traffic services (MTS), to which shipping routes and ship's log systems can be linked.

Within the European Union, since the Prestige accident, several steps have been taken to reinforce the battery of Community legislation on maritime safety and the prevention of pollution from ships. Thus the implementation of Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system has led to improved monitoring of shipping and sharing of information between Member States concerning hazardous cargos.

Furthermore, the Commission adopted a third package of seven measures on maritime safety in November 2005, in order to cement this work by bolstering the existing range of preventive measures, while at the

same time developing procedures to ensure better responses to the consequences of accidents. In particular, this package includes a strengthening of the provisions relating to the monitoring of maritime traffic.

With regard to averting the risk of maritime pollution, the role of the European Maritime Safety Agency (EMSA) in combating pollution caused by ships is a significant measure providing Member States with not inconsiderable operational assistance. For this purpose EMSA has formed the CleanSeaNet service.

The EU/ESA Kopernikus initiative supports an important improvement to the current CleanSeaNet oil spill monitoring activity. In the MARCOAST project the added oil spill movement hind- and forecast components will significantly help rescue work and tracing spill sources. These services will be carried over into the future Kopernikus programme to sustain them for a long term. From 2011 onwards the Kopernikus Sentinel 1 satellite missions will sustain crucial earth observation infrastructure by continuing monitoring after ESA's ENVISAT mission.

As regards classifying maritime straits and their approach routes as 'Seveso zones', the Seveso directive (Directive 96/82/EC) applies only to establishments where hazardous substances are present. The transport of hazardous substances by sea is excluded from the scope of the directive.

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Question no 69 by Olle Schmidt (H-0849/08)

Subject: New protectionism following the financial crisis

Information has emerged that the State aid granted following the financial crisis now has an impact in other sectors. According to the Financial Times on 21 October 2008, it will also be available for the banking activity of car manufacturers in France and Germany. In his speech to this Parliament that same day, President Sarkozy mentioned the need for a European car package similar to the American one. What is the Commission doing to stop these calls for supranational State aid that risks creating protectionism?

What guarantees are there that all this new aid does not distort competition, as businesses that have looked after their finances lose customers to businesses and institutions that were previously poorly run but now seem the most attractive simply because they are protected by the State?

Answer

(EN) In order to face the financial crisis, the Commission has assessed and approved the emergency rescue packages decided by Member States in favour of their financial institutions according to existing State aid rules in a very short period of time, with the aim to prevent negative spill-over effects from the financial sphere to the whole economy.

With a view to alleged risks, such as any move towards new State aid that would result in distortions of competition or more protectionism, the Commission wishes to recall that the current State aid framework will fully remain in force. Any measure proposed by Member States would therefore need to continue complying with this framework.

In this context, it should be noted that State aids granted to financial institutions within this framework are supposed to have a positive impact on other sectors, in the sense that they aim at stabilizing the financial relations between economic operators. This however cannot be understood as relaxing existing State aid rules and practices: Member States' rescue aid packages for their financial markets were designed in a way so as to limit state intervention to the strict minimum and with special regards to Internal Market rules.

In that sense, the car industry is already benefitting indirectly via the state aid towards the banking sector. The continued application of the State aid rules will ensure that no undue distortions of competition are taking place. Every measure to be proposed to support this sector will have to comply with this: Either it does not constitute State aid in the first place, or it has to be State aid that complies with the existing rules.

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Question no 70 by Manolis Mavrommatis (H-0852/08)

Subject: Measures to help those with learning difficulties

In 2006, Ireland launched the 'Laptops Initiative', as part of the education and training programme to 2010, in which 31 secondary schools were selected to participate and asked to provide feedback for the development of the software necessary to assist dyslexic pupils. In 2008 the MINERVA initiative, as part of European cooperation in the field of information and communications technology (ICT) and open distance learning (ODL), will offer a combined educational approach involving electronic interaction under human supervision to facilitate the integration of dyslexic pupils.

Aside from this, what other initiatives has the Commission taken to help pupils with learning difficulties to adapt to their educational environment? Given that 30 million people in the EU are encountering such difficulties, does the Commission consider it necessary to extend the scope of its endeavours in this field to make life easier for them at every level, at both school and workplace? Are the EU Member States required to follow mandatory programmes designed to develop new methods of educating young children with dyslexia and other learning difficulties?

Answer

(EN) The Commission informs the honourable Member that in accordance with Article 149 of the EC Treaty the support for young children with dyslexia and other learning difficulties is a competence of the Member States.

However, within the Education and Training 2010–work programme the support for students with any kind of special educational needs is an integral part of all European initiatives and activities.

The 2006 Recommendation of the Parliament and of the Council on key competences for lifelong learning (2006/962/EC) recommends Member States to ensure that appropriate provision is made for those who due to educational disadvantage – thus including learning difficulties - need particular support to fulfil their educational potential.

In its Communication on Improving the Quality of Teacher Education[38] the Commission stresses the need to equip teachers with skills to identify the specific needs of each individual learner, and respond to them by deploying a wide range of teaching strategies.

Both the Recommendation and the Communication are now followed up by expert groups through the Open Method of Coordination.

The annual reports 'Progress towards the Lisbon Objectives in Education and Training' provide Member States with comparable data on the provision for those students with Special Educational Needs.

The 2008 Commission Communication Improving Competences for the 21st Century: An Agenda for Cooperation on Schools[39] states that support for those with special needs implies, inter alia, re-thinking of policies for organising learning support, and collaboration between schools and other services. In that same document, the Commission proposes that future cooperation between Member States should focus on providing timely support and personalised learning approaches within mainstream schooling with students with special needs.

In 2009 the Commission will propose what concrete steps could be taken in the future, in the framework of the Open Method of Coordination, to address these issues.

In addition, Pupils with dyslexia or other learning difficulties are also able to benefit from Commission support programmes.

Within the Lifelong Learning Programme[40], it is clearly recognised that there is a need to widen access for those from disadvantaged groups and to address actively the special learning needs of those with disabilities

(38) COM (2007) 392 final

(39) COM(2008)425

(40) Decision N 1720/2006/EC of the Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning

in the implementation of all parts of the programme. Article 12 recognised also that in implementing the Programme, due regard shall be paid to making provision for learners with special needs, and in particular by helping to promote their integration into mainstream education and training.

In addition, among the various ICT-oriented research projects selected by the EC for receiving funding under the e-inclusion / e-accessibility topic for the last 15 years, initially in the TIDE initiative and since in the Framework Programmes 4, 5, 6 and now 7, the support to persons with learning difficulties in particular children and specifically with dyslexia has been regularly targeted.

Furthermore, within the Jean Monnet programme, the Commission supports the European Agency for the Development of Special Needs Education and works closely with it in order to help Member States to create adequate support systems for those with special needs, and, in particular, to promote their inclusion in mainstream settings.[41]

Finally, equal access to education for persons with disabilities is also one of the priorities of the EU Disability Action Plan as referred to in the recent Communication on the situation of disabled persons in the European Union[42]. This is fully in line with the UN Convention on the rights of persons with disabilities that has been signed by the Community and all the Member States. Article 24 of the Convention contains clear obligations to realize the right to education of person with disabilities without discrimination and on the basis of equal opportunities among others by ensuring an inclusive education system at all levels.

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Question no 71 by Antonios Trakatellis (H-0854/08)

Subject: Revision of Council Recommendation on Cancer Screening

It is recognised that early diagnosis, together with prevention, are the most important measures to combat cancer and can cover up to 70% of cases.

Given that one year has now elapsed since the European Parliament adopted the text of a written declaration (P6_TA(2007)0434) calling on the Commission review all existing measures with a view to drawing up an updated and integrated strategy for controlling cancer, what actions has the Commission taken so far to this end?

Bearing in mind that the European Parliament resolution (P6_TA(2008)0121) on combating cancer, adopted in April 2008, stressed the need to revise Council Recommendation 2003/878/EC[43] on cancer screening so as to include better diagnostic techniques and more types of cancer, when does the Commission intend to revise this Recommendation and submit it to the European Parliament?

Answer

(EN) Council Recommendation of 2 December 2003 on cancer screening (2003/878/EC) recognises that for breast, cervical cancer and colorectal cancer sufficient evidence exists to recommend population-based, organised screening in all EU Member States and high quality should be assured at all steps of the screening process.

The Commission is actively following development within cancer research and in particular the impact of population-based prostate, lung, colorectal and ovarian screening on cancer mortality. It is true that screening tests are available for many types of cancers, but before introducing new screening tests their effectiveness has to be adequately evaluated and demonstrated.

By the end of November the Commission intends to present the first Report on the Implementation of the Council Recommendation. It will be based on the external Report[44] prepared by the European Cancer Network and the European Network for Information on Cancer, that was presented earlier in 2008 and

(41) http://www.european-agency.org/

(42) COM (2007) 738

(43) OJ L 327, 16.12.2003, p. 34.

(44) Cancer Screening in the European Union - Report on the implementation of the Council Recommendation on cancer screening (http://ec.europa.eu/health/ph_determinants/genetics/documents/cancer_screening.pdf)

shows that despite the efforts we are less then half way towards implementing the existing Council Recommendation. Slightly less than half of the population who should be covered by screening according to Recommendation actually are; and less than half of those examinations are performed as part of screening programmes meeting the stipulations of the Recommendation. Even with the current volume of activities, the current expenditure in human and financial resources is already considerable.

The scale of these resources and the challenge of maintaining an appropriate balance between benefits and harms of screening call for identifying appropriate and effective measures to assure the quality, effectiveness and cost-effectiveness of current and future screening activities. Regular, systematic investigation, monitoring, evaluation and EU-wide status reporting on implementation of cancer screening programmes will continue to support exchange of information on successful developments and to identify weak points requiring improvement.

Finally the Commission is actively considering the future EU actions on cancer – in particular, the possibility of establishing a European platform, to share best practice and support Member States in their efforts to more efficiently tackle cancer by bringing together a full range of stakeholders into a common initiative with a common commitment to addressing cancer. This is also one of the priority initiatives of the European Commission for 2009. A brainstorming workshop was held on 29 October 2008 with invited stakeholders to discuss how to structure such a multi-stakeholder platform and to identify immediate areas and actions to be addressed within such a framework, including the area of cancer screenings.

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Question no 72 by Anne E. Jensen (H-0856/08)

Subject: Impact of IMO agreement on short-sea shipping

In its answer of 18 October 2007 to Written Question No. E-3951/07, the Commission states that, if no agreement can be reached in the IMO, the Commission will submit legislative proposals to reduce air pollution from ships and, in so doing, will take cost-effectiveness and the impact on short sea shipping into consideration. In the meantime, the IMO has now adopted a climate and environment agreement, which may, however, have a negative impact on short-sea shipping in that it allows no freedom of choice over the method of implementation, for example.

Does the Commission consider that the agreement takes account of the fact that ships can reduce emissions in many different ways, each having different financial implications?

How will the Commission ensure that the IMO agreement is not prejudicial to short-sea shipping in northern Europe and, therefore, contrary to the EU's strategy of transferring the transport of goods from road to sea?

Answer

(EN) The International Maritime Organization, at its 58th Maritime Environment Protection Committee meeting (6-10 October 2008), adopted amendments to the legislation on air pollution from ships, MARPOL Annex VI. Pursuant to the amendment, the emission of oxides of sulphur will be reduced up to 93% in special control areas by 2015 and by 85% worldwide by 2020. Also the emissions of oxides of nitrogen will be reduced up to 80% in special areas from 2016. Unlike the successful adoption of measures to reduce air pollution, the IMO has made little progress on measures to reduce greenhouse gas emissions.

The Commission welcomes these amendments as they represent an important reduction of air pollution from ships that will significantly improve human health and the environment. Whilst ships are in general energy efficient, up to now little effort has been made to reduce air pollution and the MARPOL amendment will bridge an important part of the gap in environmental performance between ships and other modes of transport.

The newly agreed emission limits are goal based so ship operators will have the choice on how to comply with the new emission standards. To comply with the standards for oxides of sulphur, options include the use of low sulphur fuel or abatement technology; whilst for nitrogen oxides the options are either 'in engine' modifications or abatement technology.

As to the possible negative consequences for short sea shipping, the Commission will shortly commission a study on the economic impacts and possible negative modal shift, followed by a more extensive study that will also look at broader trade impacts.

It is important to note that the recently proposed revision to Directive 1999/62/EC (the 'Eurovignette' Directive) would, if adopted, further assist the Member States action to internalise the external costs of Heavy Goods Vehicles.

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Question no 73 by Ryszard Czarnecki (H-0858/08)

Subject: Health service reform in Poland

Is the Polish Government's proposed health service reform, involving substantial budget funds also earmarked for supporting privatised health services, in keeping with EU law?

Answer

(EN) According to Article 152(5) of the Treaty establishing the European Community, 'Community action in the field of public health shall fully respect the responsibilities of the Member States for the organisation and delivery of health services and medical care.' As a consequence, the adoption of rules governing rights and duties relating to healthcare organisation and financing is a national responsibility, provided, nevertheless, that such rules comply with general EC law, in particular on competition (such as rules on State aid) and the internal market.

In this respect, it is recalled that Article 86(2) of the EC Treaty foresees the non-application of EC rules if the application of such rules obstructs the performance of the services of general economic interest (hereinafter SGEI). In line with community case-law, Member States have a wide margin of discretion to classify services as being SGEI, and health services appear typically to fall under this category.

Moreover, in July 2005, the Commission adopted the SGEI 'package' in order to provide greater legal certainty for financing services of general economic interest by specifying the conditions under which the compensation to companies for the provision of public services is compatible with State aid rules. The SGEI package is composed of a 'Community framework for State aid in the form of public service compensation'[(45)] and of a Commission decision 'on the application of Article 86(2) of the Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest' [(46)]. The three conditions underscoring the compatibility of compensation for SGEI in the 'package' derive from Article 86(2) EC and namely are: clear public service definition; transparency and objectivity of the compensation; absence of over-compensation of the discharge of the public service.

In the wake of the 2005 Commission decision, State aid compensating hospitals for the costs incurred in the provision of services of general economic interest entrusted to them benefits from derogation to the notification obligation under Article 88(3) EC.

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Question no 74 by Britta Thomsen (H-0863/08)

Subject: Implementation of Directive 2002/73/EC

In March 2007, the Commission sent a letter of formal notice to the Danish Government regarding Denmark's implementation of Directive 2002/73/EC[(47)]. Could the Commission say how the matter stands and when new developments can be expected?

According to the Danish government, KVINFO (the Centre for Information on Women and Gender), the Institut for Menneskerettigheder (Institute for Human Rights) and Ligestillingsnævnet (the Gender Equality Board) fulfil the requirements of the Directive that they should be independent bodies (cf. Article. 8a). Both

(45) Community framework for State aid in the form of public service compensation, OJ C 297, 29.11.2005.

(46) Commission Decision of 28 November 2005 on the application of Article 86(2) of the EC Treaty to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest, OJ L 312, 29.11.2005.

(47) 11 OJ L 269, 5.10.2002, p. 15.

KVINFO and the Institute for Human Rights have, however, refused to play the role requested by the Commission. What does the Commission have to say about this?

The Danish Gender Equality Board can only handle specific complaints. It cannot draw up letters of complaint or procedural documents for victims. It must reject all cases that cannot be settled on the basis of written submissions. Does this Board live up to the requirements of the Directive, such as the provision of assistance to victims?

Answer

(EN) The Commission is currently finalising the assessment of the conformity of Danish law with Directive 2002/73/EC[(48)].

In that context, the Commission will pay particular attention to the transposition of Article 8 (a) of that Directive which provides that Member States shall designate an independent body or independent bodies for the promotion, analysis, monitoring and support of equal treatment between men and women. The Commission indeed considers that the establishment of such bodies, which have to be granted the necessary powers and resources, is essential to ensure the effective application of gender equality Community law, including through the provision of support to victims of discrimination.

On the basis of that assessment, the Commission may decide to issue a reasoned opinion if it finds that Danish law is not in conformity with Directive 2002/73/EC.

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Question no 75 by Timothy Kirkhope (H-0864/08)

Subject: Commission formal notice on a Code of Conduct for computerised reservation systems

Parliament recently approved the compromise text agreed at first reading with the Council and the Commission on a Code of Conduct for computer reservation systems (CRS) COM(2007)0709, P6_TA(2008)0402. During the debate prior to the adoption of the text, the Commission undertook to draw up and publish in the Official Journal, before the entry into force of the regulation (possibly in March 2009), a formal notice as guidance for the most controversial issue dealt with in the regulation, i.e. the definition of 'parent carrier'.

Has the Commission started to prepare the formal notice on the definition of 'parent carrier'? What are the main qualitative and quantitative criteria that would be used to define 'participation in the capital with rights of representation on the board of directors, supervisory board or any other governing body of a system airport' and 'the possibility of exercising, alone or jointly with others, decisive influence on the running of the business of the system vendor'? How and to what extent will accidental investments not conferring the possibility of exercising, alone or jointly with others, 'decisive influence' on the running of the business be assessed?

Answer

(EN) The new Regulation on a Code of Conduct for computerised reservation systems (CRS) was adopted by the Parliament on 4 September 2008 in first reading. The formal adoption by the Council is expected in the coming months.

With regard to the definition of a 'parent carrier', the Commission confirms that it will issue a notice explaining how it intends to apply the Regulation. The notice will be prepared in time to be published before the entry into force of the Regulation, so as to provide the necessary legal certainty to all interested parties.

The Commission needs to assess carefully the status of air carriers or rail transport operators with regard to the definition of a 'parent carrier' of a CRS, as heavy obligations are attached to the status of a parent carrier. The assessment will include an analysis of the ownership structure of a CRS, of its statutes and of possible agreements between shareholders. The notice will explain the criteria and the procedures that the Commission will use to assess whether an air carrier or rail transport operator is a parent carrier of a CRS system vendor. These criteria will take account of existing practices in competition law.

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(48) Directive 2002/73/EC of the Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, OJ L 269, 5.10.2002.

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Question no 76 by Pedro Guerreiro (H-0866/08)

Subject: Protection of production and employment in the textile and clothing sector in various EU Member States

In the light of the answer to question H-0782/08[(49)] on the (possible) expiry on 31 December 2008 of the joint surveillance system regarding exports from China to various EU Member States of certain categories of textile and clothing products, and taking account of the increasing number of enterprises that are ceasing or relocating production, notably in Portugal, leaving in their wake unemployment and dramatic social situations, can the Commission state:

how many enterprises ceased and/or relocated production and how many jobs disappeared in the textile and clothing sector (figures broken down by Member State), in 2007 and 2008;

which are the 'few' Member States which have asked for measures to be taken, and what is the nature of those measures;

what is the percentage increase for the current year, as compared with both 2004 and 2007, for Chinese imports in the ten categories in question;

how it intends to prevent a recurrence after 2008 of the situation which occurred in 2005, namely an exponential growth in imports of textile and clothing products from China, and why it is not planning to propose the prolongation of the dual monitoring mechanism beyond 31 December 2008?

Answer

(EN) During the last two years, 350.000 employment posts have been lost in the textile and clothing sector which represents a decrease of 15% of the textile employment in Europe compared to 2005. The number of companies was reduced by 5% during the same period. This evolution results from a variety of factors, notably delocalisation and the restructuring process. Unfortunately, it is not possible to provide the honourable Member with a breakdown by Member States for the year 2008. For 2007 preliminary data on the number of enterprises and the number of persons employed are available from structural business statistics for a few Member States. 2006 is the latest year for which data from this source is available for all Member States with the exception of Malta. Preliminary data currently available indicate that the production has remained stable in the past two years.

On the second question, the Commission presumes that the honourable Member is referring to discussions which the Commission and the Member States have had in the run up to the end of the double checking surveillance system. During the discussions, there have been a variety of requests ranging from single checking surveillance to simple customs monitoring, with most Member States expressing themselves on the different options. Finally, the option of full liberalisation with a monitoring of the trade flows was taken as the way forward for 2009. Indeed the Commission will continue to follow closely the evolution of the actual trade statistics (Comext) and the customs data in 2009.

On import evolution from China in 2008[(50)] compared to 2007 and 2004, the statistics show that imports from China for the ten categories have increased on average by 50.8% in 2008 over 2007 (with increase variations for single categories from 11.1% for Category 115 to 105.9% for Category 5). Comparisons between 2008 and 2004 show an average increase of 305.6% (with increase variation from 104.9% for Category 2 to 545.1% for Category 6).

These figures should also be seen within the wider context of the total textiles and clothing imports both from all EU suppliers and from China. For both periods above, the increases are much more moderate. Total textiles and clothing imports from China increased by 6.6% in 2008 over 2007 and by 76.6% in 2008 over 2004. Total textiles and clothing imports from all EU suppliers including China increased by 1.8% in 2008 over 2007 and by 16.4% in 2008 over 2004. Moreover, imports in the ten categories from all suppliers

(49) Written answer of 22.10.2008.

(50) Imports for the full year 2008 are evaluated on the basis of imports for the first eight months.

including China have increased by a moderate 5.1% in 2008 over 2007 and by 29% in 2008 over 2004. All in all, it is in this context that the imports from China should be analysed.

As for 2009, China does not wish to continue the double checking surveillance system. At any rate, it is the Commission's view that the purpose of smooth transition in 2008 has been achieved. In 2009, close following of the evolution of the actual trade statistics (Comext) and the customs data will continue but textile trade needs now to be liberalised. Indeed after the extra years of protection since 2005, the EU industry has understood the need to enhance its competitiveness through restructuring and there are no objective reasons to continue to treat textile sector as special sector indefinitely. The question is not how to avoid 2005 in 2009; the question is the sector has to compete in a liberalized environment.

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Question no 77 by Konstantinos Droutsas (H-0868/08)

Subject: Dramatic fall in farm prices

The policy of the EU and the Greek Government, based on the recent CAP reforms including those resulting from the CAP 'health check' and within the framework of the WTO agreements, has undermined the agricultural sector with devastating effects on small and medium-sized farms, while ensuring mouth-watering profits for big business. Prices for basic agricultural commodities in Greece have been driven through the floor. For example, prices have fallen to 12 cents per kilo for maize, 25 cents for cotton and less than 30 cents for durum wheat. The price of extra virgin oil has fallen to 2.37 Euros per kilo, which does not even cover the cost of production. With the agreement of the ND and Pasok Governments, EU farm subsidies for most products are no longer linked to production and have remained frozen at the 2000-2002 three-year average.

Does the Commission intend to continue with this policy, which will lead to the elimination of small and medium-sized farms, concentrating ownership of land and production in fewer hands and increasing profits for big business, while leading to the economic and social decline of rural areas?

Answer

(EN) The honourable Member links the recent price decrease of certain agricultural products in Greece to the Commission's strategy towards further decoupling, and the recent reforms of the Common Agricultural Policy. In fact, as all analyses, internal and external, demonstrate, these price developments are more related to world market developments and the adjustment of commodity prices to levels below the exceptional ones we have seen over the last year.

The Commission underlines that, while the recent price developments have had differential effects for farmers across the EU, the level of prices varied among products but still remained above the 2000-2003 average. Therefore the relevant price variations in Greece should be addressed within this context.

Even in times where both input prices and the prices farmers could get for their products have increased and farmers could achieve high incomes through the market, Commission has always pointed out that, while many farmers have been able to profit, others have been rather negatively affected because they were more vulnerable to increases in the prices of inputs.

What is important is that farmers are given clear signals far in advance that will enable them to plan their future activities. In the EU, this is guaranteed by allowing them to adjust their production to the signals markets give them and, simultaneously, providing them significant income support through decoupled direct payments.

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Question no 78 by Athanasios Pafilis (H-0869/08)

Subject: Attacks on immigrants by Greek police

A 29-year old Pakistani died and three others were injured in a vicious attack by police in Athens on hundreds of foreign nationals who were waiting all night in wretched conditions outside the Police Aliens Department in order to submit applications for political asylum. This attack is the latest in an increasingly frequent number of similar instances of unprovoked police violence, torture, beatings and public humiliation of immigrants

and refugees on the streets and in police stations. This situation is the outcome of the more general anti-immigrant and anti-refugee policies pursued by the EU and Greek governments.

Does the Commission condemn such barbaric incidents and methods faced by immigrants and refugees as people with no rights?

Answer

(EN) The Commission is not aware of the case of police brutality in Greece which the honourable Member refers to.

Police systems in all EU Member States should be characterised by democratic control, respect of individual rights, transparency, integrity and responsibility to the public. The Commission therefore deeply regrets that the intervention of law enforcement authorities could possibly be linked to the death of one person.

Under the Treaty establishing the European Community and the Treaty on European Union, the Commission has no general power to intervene in the field of fundamental rights or the day-to-day running of the national criminal justice systems. It can do so only where an issue of European Community law is involved. On the basis of the information provided, it is not possible to establish such a link. For this reason, it is not possible for the Commission to take action on this matter.

If the alleged victims of police brutality are not satisfied with the answer given by the Greek courts and believe that their rights have been infringed, they may lodge a complaint with the Council of Europe's European Court of Human Rights (Council of Europe, 67075 Strasbourg-Cedex, France[51]). This also applies to the legal heirs of the deceased.

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Question no 79 by Georgios Toussas (H-0870/08)

Subject: Proposals which will have a devastating impact on shop workers and the self-employed

The Greek Government, bowing to ongoing pressure from multinational retailers seeking to tighten their grip on the market, is pushing for the introduction of Sunday trading, a move which will make it impossible for small undertakings and the self-employed to compete and will drive them out of business. At the same time the multinational giants are seeking a wider deregulation of opening hours. The introduction of Sunday trading, together with already deregulated arrangements regarding opening hours, will give these companies unlimited freedom to further exploit their workers and further encroach upon the minimal amount of free time they are able to devote to leisure and social activities and their personal lives.

Does the Commission agree with the proposed extension of opening hours and the erosion of the right to Sunday rest which has been won by workers? Does it not consider that such a move will simply serve to strengthen the market hold of multinationals, while having a devastating impact on thousands of workers, driving the self-employed out of business and resulting in the closure of thousands of small undertakings?

Answer

(EN) The Commission would recall that the Working Time Directive[52] guarantees the right to a minimum weekly rest period for all workers[53] in the European Community. Under the Directive, all Member States must ensure that for each seven-day period, every worker is entitled to a minimum uninterrupted rest period of 24 hours.

However, Community labour law does not prescribe that the minimum weekly rest must be taken on a Sunday. The Directive[54] originally contained a sentence stating that the weekly rest period should, in principle,

(51) http://www.echr.coe.int/ECHR

(52) Directive 2003/88/EC of the Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003.

(53) Self-employed persons are not covered by the Working Time Directive.

(54) Council Directive 93/104/EC of 23 November 1993 concerning certain aspects of the organisation of working time, OJ L 307, 13.12.1993. This Directive was consolidated and repealed by Directive 2003/88/EC.

include Sunday. In its ruling in Case C-84/94[55], however, the Court of Justice annulled that sentence. It pointed out that the Working Time Directive was adopted as a health and safety directive, and held that the Council had acted outside its powers in including the provision on Sunday, since it had 'failed to explain why Sunday, as a weekly rest day, is more closely connected with the health and safety of workers than any other day of the week.'

This does not prevent the Member States from legislating on this point. In practice, the national legislation of many Member States[56] does provide for the weekly rest to be taken in principle on a Sunday, though exceptions from that principle may be permitted.

As regards retailing, as the honourable Member implies in his question, small independently owned shops may already open on Sundays. Thus to the extent that restrictions apply to Sunday trading in this sector they apply to supermarkets and larger stores only. Moreover, there are derogations offered to such stores notably when they are located in touristic areas. The Commission has no evidence to suggest that Sunday opening leads to the demise of small independent stores. Indeed it would refute the suggestion that the only chance for such stores to compete is to have access to Sunday opening when their larger competitors are closed since it would imply that small stores are fundamentally inefficient and therefore not in the consumer's interest which the Commission would wish to contest. The Commission will be reviewing this issue in its Communication on monitoring of the retail market that is due to be adopted in November 2009.

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Question no 80 by Proinsias De Rossa (H-0871/08)

Subject: Airport departure tax

Could the Commission indicate whether it believes that the airport departure tax introduced by the Irish Government in its October 2008 budget, namely a € 2 tax on flights of less than 300 kilometres and a € 10 tax on flights of more than 300 kilometres, is compatible with EU Treaty? Has the Commission raised these new taxes with the Irish authorities, and if so what was their response? What action will the Commission take if it comes to the conclusion that these taxes are incompatible with the EU Treaty?

Answer

(EN) The Commission will contact the Irish authorities to ask for more information on the air travel tax.

From the information the Commission has it understands that this tax is levied on passengers departing from an airport in Ireland. The tax also distinguishes between shorter and longer flights based on a distance criterion. The higher tax level of €10 is levied on passengers departing on flights of more than 300 kilometres and €2 on passengers on flights of less than 300 kilometres.

Any further action by the Commission will depend on its assessment of the response from the Irish authorities and whether there are aspects of the tax that may breach Community law.

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Question no 82 by Laima Liucija Andrikienė (H-0876/08)

Subject: Eastern Europe's situation and prospects in the context of the financial crisis

Eastern Europe's fragility in the face of the financial crisis is a matter of concern for EU policy-makers. Leaders of Eastern European states feel that their economies are more vulnerable than those of their Western partners. What main threats could the Commission highlight for the Eastern European countries and Baltic States in particular in this financial crisis? What prospects does the Commission see for the Eastern European countries and Baltic States in particular in the near future (2009-2010) and in the longer term? Could the Commission elaborate more on its communication 'From financial crisis to recovery', bearing in mind the situation of the Eastern European countries?

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(55) Case C-84/94 United Kingdom v Council of the European Union [1996] ECR I-5755, paragraph 37.

(56) For example, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Slovakia, Spain and the United Kingdom.

Answer

(EN) The Commission's views on prospects for the Eastern European countries and the Baltic States for the period 2009-2010 have been set out in its services' autumn forecast published on 3 November. The forecast is based on the assumption that the functioning of financial markets will resume only gradually in the coming months and that the negative effects of the crisis on the financial sector and on the broader economy will be persistent throughout the period 2009-2010.

Central and eastern European economies are obviously affected by the impact of global financial turmoil. However, the central European economies are on average expected to record more favourable growth rates than the EU-15 in 2009 and 2010, while the Baltic States are forecast to go through a sharp reversal of the high growth rates experienced in previous years. This is the result of a necessary correction - following a period of substantial overheating - which is being further amplified by the negative impact of the global financial crisis.

The boom phase in the Baltic States was associated with sizeable inflows of financing, both in terms of Foreign Direct Investment (FDI) and other forms of funding. A large part of this financing was channelled to the non-tradable sector. On the budgetary side, windfall revenue associated with the booming economy was largely directed towards higher expenditure, in a context where fiscal policy should, on the other hand, have been more restrictive, thereby also providing appropriate signals to market participants. Business and consumer confidence levels have now fallen to the lowest levels in a decade, while the authorities have little fiscal room to counter the adverse effects of the downturn.

The Commission has made a first contribution to the ongoing debate on how best to respond to the current crisis and its aftermath in the Communication 'From financial crisis to recovery: a European framework for action', issued 29 October. On 26 November the Commission will propose a more detailed EU recovery framework, under the umbrella of the Lisbon strategy for growth and jobs. This framework will bring together a series of targeted short term initiatives designed to help counter adverse effects on the wider economy and adapting the medium to long term measures of the Lisbon strategy to take account of the crisis. On the basis of the framework, country-specific measures tailored to each country situation, will be proposed in December.

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Question no 83 by Ona Juknevičienė (H-0877/08)

Subject: Consistency of the Nuclear Power Plant Law with Directive 2003/54/EC

The amendments adopted on 1 February 2008 to the Lithuanian Nuclear Power Plant Law created the preconditions for the establishment of a new energy holding company 'Lithuanian Electricity Organisation' (LEO). LEO will be responsible for the country's electricity production, transmission and distribution networks.

The Commission has asked the Government of Lithuania to provide detailed information on the various aspects of the establishment of LEO. Has the Commission required the Government of Lithuania to bring the provisions of the Nuclear Power Plant Law into line with Directive 2003/54/EC[57] and has it set a time-frame for this process? If not, why not?

Has the Commission finalised its analysis of the privatisation and nationalisation of the public limited liability company 'VST'? If so, when will the Commission's conclusions be made available?

When does the Commission intend to reply to the complaint I submitted to DG Competition on 6 June 2008 regarding possible provision of unlawful State aid (Case CP 148/2008) in connection with the establishment of LEO?

Answer

(EN) After receiving a complaint alleging possible infringements of the State aid provisions of the Treaty, the Commission, in line with its procedural rules, has submitted the complaint for comments to the Member State concerned and asked questions in this regard. The Commission is thus conducting a preliminary State aid investigation regarding the conditions under which the new energy holding company 'Lithuanian Electricity Organisation' (LEO) has been established.

[57] OJ L 176, 15.7.2003, p. 37.

Any national measure which transposes provisions of Directive 2003/54/EC[58] must be notified to the Commission. In this particular case, the relevant provision of the Directive 2003/54/EC is Article 6 relating to the authorisation procedure for new generation capacity. Provisions of Article 6 of the Electricity Directive are transposed into national legislation by the Lithuanian Law on Electricity of July 20, 2000, No. VIII – 1881 as of July 10, 2004, article 14 in this instance. Lithuania has not notified any other national measure which would amend the transposition of Article 6 provisions of the Directive 2003/54. However the Commission is aware of the new Law on Nuclear Power Plant of February 1, 2008, No X – 1231 and is currently evaluating its compliance with existing energy legislation.

The Commission has not finalised yet its analysis of the privatisation and nationalisation of the public limited company 'VST', an issue which is part of the following state aid complaint.

As regards the State aid complaint that the honourable Member submitted on 6 June 2008 regarding possible provision of unlawful State aid in connection with the establishment of LEO group, the Commission received a further submission of information from the Lithuanian authorities at the end of October 2008. This submission, together with the elements submitted by the Lithuanian authorities in the second part of September 2008 in reply to the Commission's sending of the complaint, is currently under examination.

The Commission will have to determine as part of its analysis whether all the necessary information to take a position on the complaint is now available. If not, further questions will be addressed to the Member State concerned.

After having finalised the analysis of the submission received, the Commission will decide on the next procedural step to take and will inform the complainant in due time.

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Question no 84 by Jan Mulder (H-0878/08)

Subject: GMO approval procedure and zero tolerance policy and the economic consequences thereof

During the Commission debate on GMOs held on 7 May 2008, it was confirmed that a 'technical solution' to the low-level presence of non-approved GMOs had to be found 'as soon as possible and at the latest before the summer of 2008'. In October 2007, however, Commissioner Vassiliou and DG SANCO officials suggested that speeding up the process for approving new GMOs would be a more practical way of addressing the problem of asynchronous approvals than re-opening the zero tolerance legislation.

How do the suggestions made by Commissioner Vassiliou fit with the task of formulating a 'technical solution' that she was given at the Commission debate on 7 May 2008?

How fast will the accelerated process for approving new GMOs be? Can the Commission guarantee that the proposed speeding-up of the approval procedure for new GMOs will prevent any further deterioration of the economic situation of EU livestock farmers as a result of delays in approving new GMO events in the EU?

Answer

(EN) The Commission is well aware of the economic impact of the possible presence of unapproved GMOs in feed imports.

For this reason the College instructed in May the services of the Commission to find a technical solution to the issue of low level presence of unauthorised GMOs.

In the period since the College discussion, the Commission services have invested in an intensive and constructive analysis of the situation. The aim was and still is very clear: finding the facts as well as an approach that would, at the same time, secure the sourcing of feed commodities and respect the zero-tolerance approach for unauthorised GMOs laid down in the EU legislation.

There are various technical and legal elements to consider before defining a technical measure able to meet these conditions. The Commission's services are to conclude their technical work which would allow the Commission to present a draft text.

[58] OJ L 176, 15.7.2003

In particular, experience has shown that the combined effect of asynchronous authorisations with diverging approaches to controls for the presence of unapproved GM events results in a climate of uncertainty for EU operators and thus in possible disruption of trade. A technical measure of harmonisation of controls could address the problem of traces of not yet approved GMOs, thus reducing the impact of asynchronous authorisations on feed import during the first phases of commercialisation of new GM events in Third Countries. It would not cover the possible contamination deriving from a wide commercial cultivation of a GM event not yet authorised in the EU.

Amongst the key factors is the difference in the duration of the GMO approval procedure between Third Countries and the EU, in combination with the lack of appropriate segregation mechanisms in exporting countries, and the global marketing strategies of the seed industry.

The efforts of the Commission to (quickly) process the authorisation of GM events (like the maize GA21 and the soybeans Liberty Link and Roundup Ready2) already approved in Third Countries in order to avoid trade disruption for the EU feed and livestock industry should also be recalled.

Furthermore, discussions with the European Food Safety Authority have already allowed efficiency gains in the duration of the authorisation procedure without compromising on the quality of the EFSA scientific assessment. The shortening of the preliminary phase of completeness check in the EFSA assessment is a good example. The future approval by a Commission Regulation of guidelines on the requirements for the scientific assessment of GM dossiers should further contribute to reducing the timeline for authorisation. This Regulation will precisely identify what is expected from the biotech applicants to prove that their products respect our high level standards of food safety and thus improve the quality of applications, thereby facilitating the assessment process.

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