

THURSDAY, 4 SEPTEMBER 2008

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

1. Opening of the sitting

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

Bernd Posselt (PPE-DE). - (DE) Madam President, just very briefly: some of our colleagues may not be aware of this yet, but it was mentioned to me that yesterday, it was decided that the next part-session will be held in Brussels. I have heard that there are tremendous problems getting beds here in Brussels as the hotel rooms are booked out due to a trade fair. This part-session should simply have been postponed or transformed into a mini-part-session. That would have been the best solution. With a measure of good will, that could have been done.

The second point which I would briefly like to make is directly related to this: has the safety situation actually been checked here in this building? I hear that there are major structural defects here. Has this building been checked using the same criteria as have now been applied in the Strasbourg building?

President. – Ladies and gentlemen, let us not start a debate on this topic now. Announcements will be made this afternoon at voting time.

All the appropriate steps are being taken to check the buildings on a preventive basis and to make the appropriate repairs at Strasbourg so that we can return there as soon as possible for our work.

We shall not return until we are sure that it is safe.

Philip Bushill-Matthews (PPE-DE). - Madam President, I shall be brief, as I accept you do not want a debate. If there is to be an announcement at 12 o'clock, could that announcement also state whether the Bureau is considering – and I am not trying to be provocative – having a longer period of being in Brussels, so that we can have decisions in due time in order to get hotels and meeting rooms? Because these constant one-by-one decisions are not making life easy for any of us. Practically, could that be considered, and could we have a comment back in the announcement at 12 o'clock, please?

President. – Mr Bushill-Matthews, it is not Parliament's practice to change the sitting from Brussels to Strasbourg for no reason. There was a serious, unexpected reason and Parliament is attempting to deal with the matter with composure, determination and consistency. We must all show the same composure, seriousness of purpose and maturity.

Information will be provided when the facts are available and will be given in sufficient time to enable Members to book their rooms on site as necessary.

I think that what is needed to deal with this problem is maturity, the right attitude and composure. I do not consider this to be a serious crisis, as we have averted one that might have occurred.

2. Documents received: see Minutes

3. Palestinian prisoners in Israel (motions for resolutions tabled): see Minutes

4. Mid-term review of the European Environment and Health Action Plan 2004-2010 (debate)

President. – The next item is the report (A6-0260/2008) by Frédérique Ries, on behalf of the Committee on the Environment, Public Health and Food Safety, on the mid-term review of the European Environment and Health Action Plan 2004-2010 (2007/2252(INI)).

Frédérique Ries, rapporteur. – (FR) Madam President, Secretary of State – and may I express our appreciation of the fact that you clearly took trouble to be here in time for the debate –, Commissioner Dimas, ladies and

gentlemen, health and the environment are not always compatible subjects, especially now at the beginning of the 21st century. Our citizens are exposed to pollution in various forms, more often than not as a combination of different factors, and this applies whether you live in town or in the countryside, by the sea or in the mountains.

It is therefore anything but a coincidence that, according to the latest statistics put out by Eurostat, six out of every ten Europeans believe it highly or relatively likely that environmental pollution is affecting their health and also, and this is important, that the European Union is not sufficiently active in this area, which is the whole object of our debate this morning.

First and foremost, I would like to thank my colleagues and most particularly the shadow rapporteurs of this report, Mrs Ferreira, Professor Trakatellis, Mrs Breyer, Mrs Belohorská and Mrs de Brún, for the excellent collaboration that we have maintained since the start of this particular project, which dates back to 2003. Indeed it was in 2003 that the European Commission set the ball rolling with what was then the SCALE initiative, which focused on children's health, followed the year after with the launching of an Action Plan that is due to run until 2010. This is an initiative that we consider to be inadequate in scope in that at its February 2005 sitting Parliament adopted a resolution that was fairly critical, it has to be said, based on the simple assessment that an action plan, in essence, cannot set itself the sole objective of producing more data and conducting more research, even if these are of an essential nature. We were therefore disappointed, and all the more since one Member State after another, notably France with its national health and environment plan along with many of the German Länder, Belgium, Luxembourg, the Netherlands and others, went on to set up ambitious national plans of their own,

Three years later how far have we got in reducing illnesses that can be attributed to the impact of pollution? At Community level not very far, it seems to me, and I therefore now want to present a proper mid-term review of the situation as it stands. Certainly the European Union, as we have said over and over again, can pride itself on having achieved many successes in combating various forms of pollution. While it is impossible to list them all, they include the recent legislation on ambient air quality – which owes much to your vigorous efforts, Commissioner – the pesticides package, which is about to be completed, and of course the REACH initiative, which places controls on more than 10 000 chemical substances and proposes to replace those that are causing the most problems. I would also like to mention another important aspect, namely the funding provided by the Commission over the last three years for more than 38 projects devoted to health and the environment as part of the Sixth Research Framework Programme, which comes to an estimated total of more than EUR 200 million. In other respects, and given the difficulty of assessing the impact of this plan, which has so far failed to live up to its name, I would say that our overall impression is somewhat mixed.

Our draft resolution today therefore centres on the need to restore the precautionary principle, which I know is also held dear by the Secretary of State. Like her, I sincerely believe that we need to redeem and revive this principle, which as I have said before is that of action rather than abstention, and ensure that it is applied as part of Community policy, as provided for in Article 174(2) of our Treaty and now established as an ongoing precedent by the Court of Justice. Still on this subject I believe that it is important that we should seek to shift the burden of proof for all product legislation – and this is what we are providing for in point 13 of our resolution – because it is only right, and indeed it is obvious, that the producers and importers should be responsible for demonstrating that a product is harmless. I would add that, wrongly perhaps, this is what most consumers already believe.

The second subject of concern, and of no less importance, is that which is covered in points 23 to 25, namely the issue of climate change. We have examined this crucial question in close collaboration with experts from the WHO. The phenomenon that is most frequently depicted by these experts is that of an increased intensity and frequency of heat waves. How can we forget that after the summer 2003 heat wave more than 70 000 additional deaths were recorded in some ten European countries? It appears to us that a system of preventive measures – reduced exposure to heat, an early warning system and of course aid for the elderly – needs to be put in place here. I would also point out that the increase in temperature levels brings with it the appearance of certain viruses, such as the chikungunya virus that struck Italy in 2007, and that while this was anything but an epiphenomenon, at least according to the experts, it was perhaps an early warning sign of numerous pandemics in Europe. Obviously this also calls for a response that is appropriate to the potential scale of the problem, and at the very least a proper system of coordination between the Commission, the European Centre for Disease Prevention and Control in Stockholm and the various European capitals.

I would like to round up my presentation by referring to what has, for the health sector, been the soap opera, the saga of summer 2008, one that has been running everywhere in many countries – in France, Belgium and others besides – and here I am talking about the flood of information, articles and studies, most of them contradictory, on the health risks, proven or otherwise, of mobile telephone devices, and particularly of the threat they pose to the most vulnerable groups, especially children. Here the highly, if not to say excessively, media-conscious David Servan-Schreiber was not the first to set the alarm bells ringing. What we are stating in paragraphs 21 and 22 of our resolution is simple: all these various studies tend to show that electromagnetic fields have an impact on human health; moreover, exposure limits, it has to be recalled, have not been amended since 1999 and therefore remain the official European Union standard, while at the same time we have a complete lack of consensus among researchers as to whether or not GSM waves pose health risks.

This scientific uncertainty is likely to run and run. The time will come when the policy-makers have to take a decision and that is what we are doing in the resolution that is being presented today.

Nathalie Kosciusko-Morizet, *President-in-Office of the Council*. – (FR) Madam President, Commissioner, Mrs Ries, ladies and gentlemen, European citizens in every country are quite legitimately worried about the quality of the environment and are increasingly concerned about the link between the environment and health.

The Environment Ministers had an opportunity to deal with this issue last December and the Council is now attaching increasing importance to this matter. Different pathologies are involved here, and while these are numerous, the facts and the links between pollution and health have still not been properly established. What we are referring to here are respiratory diseases, asthma, allergies, cancer and endocrine disruptors, especially those that affect the most vulnerable sections of the population, as Mrs Ries has already pointed out, including children, pregnant women, the elderly and the disadvantaged.

The European Union's new strategy to promote sustainable development, as adopted by our heads of state or government in June 2006, quite rightly includes public health as one of the key challenges we face, the aim being to promote health without discrimination and to improve protection against the health risks that are now being posed, and all this has to be achieved – and I will come back to this – by means of robust preventive measures.

There are several ways of improving the current situation, and all have been mentioned. There is better cooperation between the health sector and the environment sector, which unfortunately sometimes tend to develop in separate directions. There is the need to improve the quality of the environment, and that is what we are doing, especially with our work on the IPPC Directive and the proposal for a directive on soil quality, which we shall speak about presently, as well as the need currently facing us to improve Community expertise in this area. There is the work that we are all doing together at international level, and especially within the World Health Organisation. Finally, there is the objective that we are pursuing in a very hands-on way, which is to improve the manner in which environment is incorporated into every relevant policy, plan and programme, and especially in the course of the health and environment programme that is to run from 2004 to 2010. In short, it is important to bring this mid-term review to a successful conclusion so as to ensure that the actions taken are as effective as possible.

Like Mrs Ries, I in turn would like to stress the need for preventive measures in all the different fields of action, and in all the points that have been mentioned in your work.

The Council in its conclusions of last December, just like Parliament today, takes the view that action is needed as soon as possible. We have to act quickly and we have to act ahead of events. We need to act according to the principles of prevention and according to the principles of precaution, which certainly means developing new tools capable of anticipating and analysing potential threats as soon as they appear or as soon as any suspicion arises, and then being able to view these various problems against a different background, such as that of climate change or biosecurity, for example, which are both areas that are connected with human health.

Stavros Dimas, *Member of the Commission*. – (EL) Madam President, ladies and gentlemen, about a year ago now the Commission adopted the mid-term review of the European Environment and Health Action Plan 2004-2010. This review is a report on the implementation of the Action Plan to date.

I am pleased that the European Parliament's response to this mid-term review has been positive and that, in common with the Commission, it considers the mutual interaction between the environment and health to

be very important. I am particularly happy that the French Presidency, both today and via the Minister on previous occasions, has shown its full support for this subject, which is so important to European citizens.

As you know, the aim of the European Action Plan for the relationship between the environment and health is to improve the provision of information, and to encourage research on the environment and human health, in order to better understand the threats and risk factors posed to human health by the environment. Political leaders at European and national level will thus be able to create more effective legislation and measures to protect the health of European citizens.

The Plan covers 13 specific courses of action for the 2004-2010 period. It was drawn up after extensive consultation with experts and bodies working in the European environmental, health and research sectors.

In the Action Plan, emphasis is laid on the vital importance of close cooperation between environmental, health and research departments, at both national and European level. This cooperation is key in dealing in the best possible way with the mutual impact that the environment and health have on each other.

Four years after the adoption of the Action Plan I am happy to report that this close cooperation between the various services has now been consolidated. This is clearly a very positive development, according to last year's mid-term review.

Let me give you a specific example. The Member States are now working together to coordinate a European approach to the issue of human biomonitoring. This involves the ministries of research, health and the environment.

I think it is important to add that, after the approval of last year's progress report, the Commission also undertook other important activities, especially regarding human biomonitoring, the relationship between climate change and health, air quality in indoor areas, research on the environment, and health and electromagnetic fields. I am therefore glad that these issues are included in the European Parliament's report.

Let me briefly elaborate on the new developments. The Commission is now adopting a broader approach to the issue of air quality in indoor areas. This approach also corresponds to the European Parliament's 2005 resolution. Many activities have been undertaken that go beyond the specific targets in the Action Plan. For instance, new research projects have been funded by the Commission, a working group of experts has been set up and a Green Paper on tobacco smoke and scientific opinions have been approved. What still remains to be decided is the legal means to deal with the issue of air in indoor areas in the best possible way.

With regard to human biomonitoring, the Commission regrets that the proposal submitted by the consortium of 24 Member States was not judged suitable for funding on the basis of the 7th Framework Programme. In any case, a new call will be published this month to submit proposals on human biomonitoring.

Meanwhile, the Commission will continue preparatory work on the pilot project within the framework of an ERA-NET network and within the framework of an administrative arrangement with the Joint Research Centre in Ispra in close collaboration with the Member States.

As for electromagnetic fields, the Commission is carrying out continuous monitoring of scientific developments, through the Scientific Committee on Emerging and Newly Identified Health Risks and through the MNT network for electromagnetic fields, a project in the 6th Framework Programme.

The Commission is promoting research in the most important subject areas in order to determine whether the exposure limit values laid down in the Council's recommendation should be revised. The Commission recently asked each Scientific Committee on Emerging and Newly Identified Health Risks to reconsider its opinion on the basis of the most recent data and reports.

The relationship between climate change and health is clearly an issue of growing importance, according to the mid-term review. The relationship will be dealt with in the White Paper on adaptation to climate change, due to be adopted very soon.

These developments show that the Commission places great importance on an even higher level of incorporation of the health dimension into European environmental policy. Recent legislation, such as that on chemicals, REACH, and the new directive on ambient air quality, reinforce environmental and health protection and are examples of a mutually beneficial way of dealing with the environment and health in the interests of European citizens.

Finally, let me thank the rapporteur, Mrs Ries, for her report, her excellent work and the enormous interest she has shown in the issue of the relationship between the environment and health. I should also like to reiterate the firm intention of the Commission to continue its efforts on the Environment and Health Action Plan. The Commission is determined to shape effective environmental legislation and ensure the correct implementation of existing legislation in order to protect both the environment and the health of European citizens.

With this in mind, the Commission will play an active role in preparations for the Fifth Ministerial Conference on Environment and Health, scheduled to be held in July 2009.

Françoise Grossetête, *on behalf of the PPE-DE Group*. – (FR) Madam President, allow me first to welcome Mrs Kosciusko-Morizet, whose convictions and determination in this area are well known, along with the Commissioner. I would of course also like to congratulate Mrs Ries for the excellent work that she has carried out in dealing with an issue that is of special importance and sensitivity for our citizens. Hippocrates once said that to study medicine you have to study the climate. While we can certainly recognise the efforts that the European Commission has made since the launch of the Environment and Health Action Plan in 2004, it is a matter of some regret that this initiative is not based on a genuine prevention policy that is aimed at reducing diseases linked to environmental factors and one that pursues a clear and properly costed objective. Ten years ago, when climate change was being debated, the health risks as such were never mentioned. Today the frequent occurrence of heat waves, floods, wildfires and natural disasters of all kinds within the European Union is altering the appearance of those illnesses that are caused by bacteria and viruses and transmitted by some insects. We therefore have to acquire a better understanding of the consequences that all this may have for human health, and especially that of the most vulnerable members of society, so that we become better able to manage the risks involved. Where the main objective of the 2008-2013 health programme is to act upon the factors that traditionally determine health, namely diet, smoking, alcohol consumption and the use of drugs, the present 2004-2010 Action Plan is to focus on certain new health challenges and address the determining environmental factors that affect human health. I am also thinking about air quality, electromagnetic waves – a subject that has already been touched on – worrying nanoparticles, as we have seen in the REACH programme, substances that are classed as carcinogenic, mutagenic or toxic to reproduction, endocrine disruptors and all the health risks posed by climate change, and I have already spoken about these. I also wish to point out that while respiratory illnesses rank second as a cause of death and in terms of incidence, prevalence and cost, within the EU they constitute the main cause of death among children under the age of five and are continuing to progress on account of indoor and outdoor air pollution in particular.

With reference to the subject of urban environmental health, and particularly the quality of indoor air, the Commission should do more to combat domestic pollution, given that Europeans spend on average 90% of their time inside buildings. We know that this subject, this link between environment and health, is a particularly important and sensitive issue and we need to find a proper response to it as soon as possible for our citizens' sake.

Anne Ferreira, *on behalf of the PSE Group*. – (FR) Madam President, Mrs Kosciusko-Morizet, Commissioner, ladies and gentlemen, I too wish to salute the work done by our colleague and the determination she has shown in dealing with this dossier. This is a determination that I share, because the link between environment and health, which is now widely recognised, warrants a response in the shape of our political actions.

It is therefore essential to move forward so as to update our knowledge in this area and, more especially, to implement actions designed to limit the negative impact of our environment on human health.

The different subject areas have been clearly identified and are covered in the Action Plan. It has been necessary not only to take account of the effects of climate change and to devise methods of risk assessment but also to discuss other factors such as electromagnetic fields.

I am also gratified to see that the report contains a reference to the 2007 document produced by the European Environment Agency showing that atmospheric pollutants, and particularly those associated with fine particles and ground-level ozone, represent a considerable threat to the proper development of children and are reducing life expectancy in the EU.

However, I regret that the problems associated with health in the work environment have not been included in the text. It should be remembered that millions of people now suffer from illnesses that are linked to their working environment and whose origins are many and varied: stress, work intensity, various pollutants,

musculoskeletal disorders associated with poor workplace ergonomics and so on. I hope that this issue will be considered seriously by other committees.

As Mrs Ries has said, the biggest problem is also that we are falling behind. The Commission, it seems to me, has not been sufficiently active in honouring the commitments that it set itself. Here I would refer, for example, to the issue of nanoparticles, a subject that is currently the focus of numerous reports and one that is raising many questions.

For example, I read in the Commission's 2007 communication on the objectives for 2004-2006 that the intention is to examine the possible effects of nanoparticles on health and the environment. Following that, for the 2007-2010 period there is provision for research into the potential risk that nanoparticles pose for human health. This means three years to look into a subject and another three years to carry out studies. It seems to me that we could be more efficient than this.

Doubtless there are reasons for this inadequate approach: lack of human resources and lack of financial means. However, what kind of credibility can the EU expect if it fails to keep to its own commitments? We know that on these issues Europeans can recognise the valued added of the European dimension. Let us therefore not disappoint them.

I will finish with a question that is directed at the Council and at the Commission: you referred, Commissioner, to cooperation between the different services and between the research teams, which is a good thing. Is there also coordination between the different national environmental-health plans drawn up at government level and the European Action Plan? Finally, Madam Minister, when you take the floor again, perhaps you can tell us whether France, for example, has linked its efforts to those that it has been making under the environmental Grenelle?

Lena Ek, *on behalf of the ALDE Group*. – (SV) Madam President, I usually say that the EU must become narrower but sharper, in other words that we should focus our actions while also respecting subsidiarity. This action plan is exactly this kind of area. I would like to raise a few things which our rapporteur Mrs Ries addresses in her report. Her criticism of the lack of quantified objectives and indicators is very serious. We must add to the action plan. The criticism from Mrs Ries and several other Members of the fact that there are insufficient precautionary measures is serious. It is directed at this material and we must take it into account in our ongoing work.

I would particularly like to highlight three areas: weak groups, endemic disease and the link between climate and health. We must become much better at seeing the differences in treatment and medication of adults and children, and women and men. It is a scandal that this is still not self-evident and has not already been implemented in medical research and treatment.

The work which has started on patient mobility in the internal market is incredibly important to different patient groups, e.g. those with neck injuries, where different standards of treatment are found in different Member States.

I welcome the focus of the French Presidency on Alzheimer's disease, one of our major endemic diseases, but we also need a coordinated approach for diabetes, asthma and rheumatism, to name but a few examples. This is also the case for working environment-related injuries.

We are now witnessing a trend in Europe and worldwide of more pandemics and the greater spreading of viruses, bacteria and parasites in a manner which has not been seen in a very long time. Much of this is naturally related to climate change.

Antibiotic-resistant bacteria mean medicines and treatments are not working and this is one of our most urgent health problems. It is a shame that the development of new antibiotics has largely ground to a halt in the major pharmaceutical companies. I hope that the Presidency and the Commission will tackle this very serious and major problem as soon as possible!

We also need an analysis of different climate change scenarios. What effect would a global increase in temperature of two degrees, four degrees or even more have on health in Europe? No such material is available today. If we are to be able to make concrete and good decisions on the climate change package, we also need reliable material on the various climate scenarios we will have to cope with in the future.

Zbigniew Krzysztof Kuźmiuk, *on behalf of the UEN Group.* – (PL) Madam President, as I take the floor on behalf of the UEN Group in the debate on the mid-term review of the European Environment and Health Action Plan 2004-2010, I should like to draw attention to the following issues.

Firstly, the very appropriate measures to improve the natural environment and combat climate change require additional financial resources. This puts public authorities and economic entities in the new Member States in a particularly difficult situation. The new Member States are obviously focusing mainly on catching up with the more developed countries of the European Union in terms of development.

Secondly, the European Union is endeavouring to take the lead, for example as regards limiting carbon dioxide emissions, but the Commission allocated the limits without taking account of how much individual Member States had to make up in terms of development. As a result, my country, Poland, was awarded a lower limit of carbon dioxide emissions. This led to electricity prices rising immediately by between 10 and 20 per cent. I dread to think how far electricity prices will rise after 2013, when power stations will have to purchase all their emissions limits on the open market. In this way, a sensible measure to limit carbon dioxide emissions and thus combat climate change has become a burden for consumers and resulted in increasingly widespread social discontent.

Thirdly, the appropriate measures contained in the report on health care also require additional financial resources. It is particularly hard for the less developed Member States to find these resources, as they are already experiencing serious difficulties in financing very basic health care for their citizens. As I conclude, I should like to thank Mrs Ries for a very comprehensive and detailed report on the impact of the natural environment on human health.

Hiltrud Breyer, *on behalf of the Verts/ALE Group.* – (DE) Madam President, we are at the half-way point in this Action Plan, and it is time for a review. We are taking stock of what has been done up to now, and the question we must ask ourselves is this: have there been any visible results?

The Commission is sitting back and saying that it is satisfied. However, if the air we breathe and the water we drink are making us ill, it is high time for Europe to take action and become the driving force for a new overall approach to such health risks. That is why the Action Plan cannot be regarded as simply an add-on to existing EU policy; it must set new benchmarks.

I welcome the fact that the Committee on the Environment, Public Health and Food Safety has adopted a highly critical position towards the Action Plan and has demanded major improvements. We are firmly convinced that the Action Plan is doomed to failure unless it is based on a pro-active policy of prevention, and one thing must be clear: without clear-cut quantitative goals, it will remain a paper tiger.

We are pleased that the environmental report bears a green handprint, especially when it comes to nanotechnology. It is clear that the potential new risks have not been taken into adequate account in the Action Plan. Indeed, it is scandalous that when it comes to the risks associated with nanotechnology, the European Commission is still burying its head in the sand and is claiming that the current legislation in place is quite adequate. We know that the very opposite is true. Nanotechnology is being allowed to develop in what is in effect a legal vacuum.

Then there is the issue of electrosmog: we know that electromagnetic radiation poses a major and increasing problem, so it is quite unacceptable for us, as the European Parliament, to water down limit values which are already set much too high. Yet another issue is indoor air quality: the EU has set milestones when it comes to protection against fine particles, but what about indoor air quality, given that we spend most of our time in closed rooms? The Commission cannot continue to ignore this issue.

We call on the Commission to bring forward clear legislative proposals to improve air quality in all the relevant areas: construction projects, glues used in furniture, etc.

Achieving better protection for particularly vulnerable groups such as children and pregnant women is also a matter which is very close to our hearts, and the precautionary principle should be the guiding principle for our legislation in all these areas. Naturally, we would have liked to achieve more, but we hope that the Commission will not stop at that. This area of work must not be allowed to come to a standstill, and we believe that we can take this issue forward.

Bairbre de Brún, *on behalf of the GUE/NGL Group.* – (GA) I want to welcome this report from Ms. Ries.

I call upon the Commission and Member States to recommit fully to the goals of the European Environment and Health Action Plan and furthermore to step up the plan by making it more ambitious and more in tune with our needs. I welcome, in particular, that which Commissioner Dimas had to say. The rise in the incidents of certain types of cancer shows us that we cannot afford to rest on our laurels.

In particular, I want to single out action in the field of mental health as being of the utmost importance. Mental ill-health is a major risk factor for suicide in Ireland and suicide itself is the biggest killer of our young people. The EU should give more support to developing adequate prevention strategies, any actions at an EU or international level to help us promote mental health would be welcomed warmly.

I also support the calls for action on the issue of indoor air quality and on the safety of chemical compounds used in equipment and furnishings. The Commission has taken some important action but we need a comprehensive policy on indoor air quality given the extent of respiratory illness in the EU.

We must also provide support for our SME's to ensure that they can comply with environmental health regulations and to take steps to improve the impact they have on the environment. In my constituency a wonderful project in relation to this subject was supported by Interreg.

Our climate is changing and this brings with it new challenges in both the fields of health and environment. The new threats to our environment and our health caused by climate change must be met head-on and in an effective way.

A lot has been done, but more ambition and sensible concrete actions is the message I want to send to the European Commission today.!

Irena Belohorská (NI). - (SK) Thank you, Commissioner, and you, Minister, for coming to listen to our views. Thank you to Frédérique Ries, the rapporteur, for producing this report. This is a very ambitious programme, which is very difficult, even impossible, to assess. Furthermore, we are assessing the implementation of ambitious objectives in the highly diverse environment of the 27 Member States with differing health care systems and differing natural environments.

One of the most serious worries going forward is cancer. We have often been faced with future predictions which are very threatening. There are statistics showing that this disease results in a huge loss of population mainly of working and retirement age. In many cases, the effect of the environment on the state of health of the population has been clearly demonstrated.

No less important – and the report supports my emphasis on this – is the provision of information to the population concerning both the effects of the environment on health and the incidence of serious diseases and concerning the ability of various non-governmental organisations to support these activities.

There are two sides to every coin: on one side, an important role is played by the provision of information by the European Union or local institutions, but on the other side, it is very important for the population to have access, to know how to obtain such information and facts and how to deal with them.

Prevention is only effective if its properly understood and interpreted and, if these conditions are met, it is also possible to monitor the response in real figures. It is possible to assess the plan with a short-term view, but the main consequences of implementation of these tools are best observed and quantified with a long-term view.

Avril Doyle (PPE-DE). - Madam President, while this review is very welcome, I think we also need more frankness in the debate, and we must accept that we cannot protect people – our citizens – from themselves, nor should we try to legislate for all life's risks. Popular support for the EU project is actually at risk if we give the impression that we are on a mission to regulate every aspect of our lives – and that is the interpretation on the ground at the moment. We must be very careful to communicate exactly what the EU project is all about.

I would also like reassurance that the majority of this plan is not just repackaging and rebranding of projects already planned. We need better implementation of existing EU legislation at Member State level, and better monitoring and enforcement by the Commission. Greater assessment and, indeed, debate on the roll-out and effectiveness of the existing legislation is a priority as far as I am concerned.

The priority concern in terms of new legislation in this House has to be the climate and energy package. Climate change will impact on health in many ways, including malnutrition resulting from food scarcity in

parts of the world; deaths and injuries as a result of extreme weather events such as heat waves, floods, storms, and fires and the consequent social problems therefrom; the increased burden of a range of diarrhoeal diseases; increased frequency of cardio-respiratory diseases; serious problems with water scarcity – over 40% of the world will, in part, actually have water scarcity problems within 10 years – and drinking water. It is very welcome that this resolution on the mid-term review recognises the health impacts of climate change, and I applaud it for that.

On another point, a very serious issue – which really is still a Cinderella issue in terms of how we treat it at European and Member State level – is the whole area around European mental health. One in four Europeans suffers from mental health problems at least once during their life. In Ireland alone, the cost of mental ill health is estimated at up to 4% of our GDP and, tragically, there were over 460 suicides last year alone – recorded suicides. That was an increase of 12% on the previous year, in 2006 – in Ireland, a country which, on the best-place-to-live barometers, comes way up there, I think after Luxembourg. (I do not know who draws up the criteria for these barometers.) But we have to question this.

This problem with mental health in Europe, and the projected problems, deserves attention and adequate prevention strategies in this most important area. The rapporteur's prognosis that the action plan is bound to fail, in all or part, is worrying, and I would like to hear reassurances from the Commission – but also from the presidency – that this will not be the case.

Evangelia Tzambazi (PSE). – (EL) Madam President, ladies and gentlemen, I congratulate the rapporteur on her comprehensive and cohesive report, which objectively assesses the progress made in implementing the European Action Plan 2004-2010 while at the same time taking note of shortcomings and new data.

Let me point out some issues relating to indoor air quality and its impact on human health, especially for the most vulnerable groups such as children and the elderly. Bearing in mind that we spend 90% of our time indoors, the European Commission must proceed immediately to the drafting of a strategy for this, focusing on both establishing guidelines and protecting citizens who are exposed to multiple sources of biological and chemical pollution.

It is essential that a suitable framework is established to reduce exposure to chemicals. Particular emphasis must be placed on the condition of public buildings, offices and schools, so that we can protect the most vulnerable.

Janusz Wojciechowski (UEN). – (PL) Madam President, the link between health and the environment is obvious, as is the link between the environment and agriculture, because sensible and rational farming helps to protect the environment.

We are unfortunately faced with certain developments in agriculture that are detrimental to the environment. Small family farms are disappearing, and European agriculture is becoming more and more industrialised, which is damaging to the environment. Agricultural policy should do more to protect smaller family farms, because they are run in a more environmentally-friendly manner.

GMO technology represents a further threat. It continues to spread despite the many serious concerns about the negative effects of GMO crops on the environment and on human and animal health. The European Union should act with caution regarding GMOs. I support the report by Mrs Ries who deserves to be congratulated on her excellent work.

Satu Hassi (Verts/ALE). – (FI) Madam President, ladies and gentlemen, my sincerest thanks go to the rapporteur, Mrs Ries, for her excellent work. Unfortunately, I have to agree with the criticism which many here have made about the programme itself. It relies on existing measures and not on showing the way forward.

Time and again the precautionary principle is ignored when people get excited about new discoveries. This is also apparent now with regard to nanomaterials and electromagnetic fields. Nanomaterials are becoming a more common phenomenon, even in consumer products, but the legislation is lagging behind, although researchers warn that nanomaterials could become a health problem on the scale of asbestos unless we take the risks seriously. The same goes for electromagnetic fields, to which hundreds of millions of people are exposed, even though we know very little about their effects. In some countries, such as Italy, there is a 500 metre safety zone between base stations and schools, while in Finland there are base stations even on the roofs of schools. New European norms which take account of scientific findings are urgently needed for this.

Jana Bobošíková (NI). - (CS) Ladies and gentlemen, I fully agree with Mrs Ries's assessment of the environment and health action plan. Like the rapporteur, I believe that the plan is impossible to interpret and is doomed to failure. Some of its objectives such as the prevention of suicide or a communication strategy on the impact of climate change on human health are astonishing. The plan is ill-founded, both financially and in particular from an organisational perspective. The actions to be implemented are vague and give rise to doubts and questions rather than providing answers. The document also duplicates the World Health Organisation's similar plan.

The European Environment and Health Action Plan is unfortunately just another subject for justified criticism as a waste of taxpayers' money and pointless bureaucracy in Brussels. I believe that the Commission should immediately terminate the implementation of this plan, cooperate more closely with the World Health Organisation and definitely not announce a further phase of the health plan at European level.

Edite Estrela (PSE). - (PT) I want to start by congratulating Mrs Ries on her work. The relationship between a poor environment and health risks is now clear. There are now more diseases associated with environmental factors and climate change, such as respiratory diseases, allergies and cancers.

Global warming is at the root of new pandemics. Studies show that droughts and floods kill more people than any other natural disaster. Poor air quality in schools and health establishments also causes serious problems.

Increasing numbers of people are falling ill due to air pollution in the big cities and inside buildings, due to the pollution of water and even groundwater, due to contamination of agricultural land with plant protection products and due to a lack of treatment of wastewater and urban waste. Measures need to be taken to prevent future problems.

Luca Romagnoli (NI). - (IT) Madam President, ladies and gentlemen, the report by Mrs Ries is absolutely beyond reproach, especially since the rapporteur monitors the implementation of the Commission's planned actions with close, unstinting attention, as well as by asking questions, and demands further efforts in the hoped-for preventive strategy which must characterise European policy action.

I likewise applaud the request for the Commission to publish a Green Paper on indoor air quality, and I would draw attention to the sensitivity shown by the rapporteur as concerns the effect that electromagnetic fields have on human health.

All in all, I can endorse everything said by Mrs Ries, and I hope this report will garner the widest possible support from Parliament.

Silvia-Adriana Țicău (PSE). - (RO) Climate change influences human health considerably, by the proliferation of certain infectious and parasitic diseases, mainly caused by the increase in temperature.

The frequency of heat waves, floods and fires on uncultivated land may lead to the occurrence of other diseases, to inadequate hygiene conditions and deaths.

In summers, Romania has increasingly dealt with periods of hot weather, floods and storms. This summer's floods have left thousands of Romanian citizens without a shelter and hygiene conditions.

I request the Commission to provide Romania with adequate financial support in order to reduce the effects of these natural disasters.

The reduction of emissions generated by transport, which is responsible for 70% of the urban pollution, shall contribute to the air quality improvement. Directives such as on fuel quality, reduction of road vehicle emissions, and promotion of ecological vehicles for urban transport, shall contribute to the reduction of environmental pollution.

Nevertheless, it is important to monitor their implementation and the results achieved.

Daciana Octavia Sârbu (PSE). - (RO) The international "BioInitiative" report on electromagnetic fields and their effects on human health raises concerns and finds that the existing limit values as regards the protection against non-ionizing radiations are out-of-date and immediate actions are required in order to reduce people's exposure to the radiations generated by the equipment used by the mobile telephone operators.

Scientific studies have shown that these radiations generate health problems, such as sleep disorder, child leukaemia, significant increase in stress and the use of a mobile phone for ten years doubles the risk of brain

cancer. The new action and health plan has to take into consideration these threats that are increasing due to the occurrence of new technologies and are gaining ground in rural areas and developing countries.

We need to continue the research in this field and the fields related to mental health, such as stress and depression, in order to determine if they can be truly associated with non-ionising radiations.

Genowefa Grabowska (PSE). - (PL) Madam President, I should like to congratulate the rapporteur on her report on this subject, which is of such importance for all of us Europeans. I wish to focus on one particular issue and highlight the importance of bio monitoring. This is the procedure whereby the relationship between environmental pollution and the health of Europeans is measured. We should not skimp on resources for this strategy. We should invest in research, and then implement its findings. In addition, we should not merely pay lip service to the precautionary principle. We should apply this principle if we are ever uncertain as to the possible negative impact of a specific environmental issue on our health. The precautionary principle also prevents the spread of illnesses. It will prevent the spread of allergies and improve the way Europeans live and operate. I believe that the European Union must do more in the area of environmental diseases and take more effective action in the interests of the citizen. I expect the Commission to do so too.

Miroslav Míkolášik (PPE-DE). - (SK) I should like to congratulate the rapporteur, Mrs Ries, on her report, which describes the extent of implementation of the Action Plan and puts forward many recommendations for the next stage.

I welcome the measures introduced by the European Commission with the aim of improving the environment in indoor spaces. As a doctor, I consider this step to be very important. In offices, schools and homes we all spend the overwhelming majority of our time in enclosed spaces. High levels of pollution may result in asthmatic diseases, allergies and even cancer. I therefore support the proposal to publish a Green Paper and to adopt a proper European strategy on this topic.

I also consider it important to draw our attention to electromagnetic radiation. Technical progress may, when used incorrectly or excessively, represent a definite health risk, whether in the form of irregular sleep patterns, Alzheimer's disease, leukaemia or other disorders. The European Community must therefore become more actively engaged and adopt a position with respect to this modern threat as well as taking practical steps.

Silvia-Adriana Țicău (PSE). - (RO) I would like to add the fact that the Union's population is ageing and I consider that the European Environment and Health Plan should deal with the problems that old people have.

Nevertheless, the perspective of the year 2010 is not very near. I think a long-term perspective and an adequate strategy are required. We should also not forget that the birth rate has decreased in recent years. In some Member States, the rate of child mortality is high. The Union's economic sustainability is based upon a young and healthy European population and, consequently, the Union needs to come up with a concrete action plan in order to ensure the natural growth the community needs.

I end by reminding you of the need to conduct epidemiological studies, under the Commission's care, in order to determine the effect of electromagnetic radiation on human health.

Nathalie Kosciusko-Morizet, President-in-Office of the Council. - (FR) Madam President, Commissioner, ladies and gentlemen, I would like to highlight the fact that many of the Members who have spoken in this debate have chosen to tie in other environmental problems and it seems to me that they are right to do so, and that this being the case you are in fact calling on us to apply greater coordination and greater integration between the different environmental policies. I have taken note, for example, of the reference to climate change made by Mrs Ek, by Mrs Țicău and even by Mr Kuźmiuk, even though his intervention was focused in a different direction, and of the reference to agricultural problems made by Mr Wojciechowski, along with the reference to the Urban Waste Water Directive made by Mrs Estrela. All these subjects are interlinked and this apparent complexity must provide us with the additional motivation needed to improve our knowledge of environmental health issues. Yes, Mrs Doyle, the presidency is totally motivated in this direction. This will be achieved by way of the directives that we are working on at the present time, namely the IPPC Directive, the proposal for a soils directive and the energy-climate package, as I am reminded of the link with climate change. Through these directives we are in a way addressing subjects and establishing links with various recognised pathologies such as cancer, which has already been referred to by Mrs Belohorská.

However many new problems are also arising and these have been touched on by a number of today's speakers. The problem of electromagnetic waves has already been researched in some detail, and here I am thinking especially of the Interphone study, but there are also new technologies coming on to the market all the time and these will in any case compel us to take an extremely long-term approach. I am also thinking of indoor air quality, a subject mentioned by many of you, which is something that should not be regarded as an emergent issue since it has always existed. However, it is much less researched than that of outdoor air quality, even though we spend 90% of our time indoors.

Mrs Ferreira wanted to know if there was a link, for example, at national level in France between the environmental Grenelle and the European Action Plan. Within the context of the environmental Grenelle we have done a lot of work on environmental health issues and have come up against the same problems as those that you have been commenting on in one way or another. First of all we have the recognised pathologies, those areas that are well documented and where further progress needs to be made, including the question of cancers linked to environmental causes. Then we have all the new concerns where our actions can go much further. In the environmental Grenelle, for example, we have made provision for classifying all nanoparticles, for setting up a compulsory declaration process for those nanoparticles that are being put on the market, for providing a better regulation and monitoring system for indoor air and for introducing better controls for all interior equipment and furnishings, some of which present problems for indoor air quality.

Mrs Ferreira, you asked about coordination and whether there was in fact any degree of coordination between the national environmental-health schemes and the European Action Plan. Clearly any link of this kind will present problems. We are currently in a phase in which each Member State is drawing up its own plan based on its own particular problem areas. Having said this, it seems to me that a measure of coordination could be introduced once this initial phase has been completed and this would provide the basis for the next stage of the process. Finally, if you would permit me, Madam President, I would like to allude to the fact that – while not wishing to offend those male Members who are also present and indeed I would thank them for their contributions – it has mainly been the female Members of this House who have spoken this morning and I see in this situation not a problem but rather an opportunity and perhaps also a sign of hope.

Stavros Dimas, *Member of the Commission*. – (EL) Madam President, ladies and gentlemen, I thank you for the constructive discussion we have had on the important issue of the relationship between the environment and health. I think this discussion has been a very useful opportunity to exchange views on the progress that has been made and the research carried out in key areas, with the aim of determining whether the exposure limit values set out in the Council recommendation need to be revised.

The Commission recently asked its scientific committee for the emerging and most recently identified health risks, with a view to revising its opinion to take account of the most recent information in the report.

The latest developments and the initiatives taken by the Commission on the specific issues of the environment-health relationship are very significant; they show that alongside the cooperation developing on a mid- to long-term basis between the environment, health and research sectors, it is possible to take immediate measures to further incorporate the health dimension into environment policy, with benefits to both the environment and health.

Now to the coordination that one of the speakers mentioned. Coordination between the various national environment and health action plans is achieved firstly through the Forum on Environment and Health under the auspices of the European Commission, and secondly through the WHO, in whose relevant activities the Commission actively participates.

As regards nanomaterials, six weeks ago, on 17 June 2008, the Commission adopted a communication on the scope of application of EU legislation to nanomaterials, which underlines the importance of applying the prevention principle in this area.

EU legislation may not refer directly to the term 'nanomaterials', but it should be accepted that EU legislation does to a large extent cover the risks associated with nanomaterials. The Commission has of course concluded that enforcement of the existing legislation must be stepped up and that the relevant texts, such as specifications and technical instructions, must be revised so that they can be better applied in the case of nanomaterials. The Commission will also continue, of course, to support the relevant research to fill the existing gaps in knowledge.

The relationship between climate change and health is clearly one of the increasingly important issues, according to the interim assessment, and I am glad it has been highlighted by many speakers today. This topic is to be covered in the White Paper on adaptation to climate change, which is to be approved soon.

As for the comment by our Polish fellow Member, which is not directly relevant to the topic under discussion but is very significant in the context of the energy and climate change package, I must make it absolutely clear that any increase in electricity prices in Poland and other countries where electricity prices are regulated will not be due to the introduction of auctioning into the European system of greenhouse gas emission rights. The increase will be due to the need for further investment in the energy sector, as there will be no investors if there is no corresponding prospect of profit from their investments in the energy sector. The increases will also come about because of liberalisation in the energy sector and the unification of the EU energy market.

Participating in the CO₂ trading scheme to combat climate change will account for about 15%, and it should be noted – and I must underline this, because I have recently read statements by Polish officials in many newspapers to the effect that it will create an economic problem in Poland etc. – indeed, I must make it absolutely clear that whatever money is needed for the purchase of CO₂ emission rights, that money will stay in the country concerned, such as Poland, for example. Not only that, but Poland will have the additional advantage of about EUR 1 billion coming from the redistribution which will result from the auctioning of rights in the EU countries whose income per head is above the EU average.

These worries are therefore unfounded. Poland can only gain from the system and the package to be discussed in the European Parliament and in the Commission.

The Action Plan is an effective means of marshalling all the agents involved in the sectors of the environment, health and research at Member State and Community level, with a view to taking the environment-health relationship into account even more effectively when formulating environmental policy.

This objective must be pursued even more intensively, with the cooperation of all interested parties and the support of the European Parliament. Once again, let me stress that I am happy with the cooperation we have and with the support of the French Presidency.

IN THE CHAIR: MR VIDAL-QUADRAS

Vice-President

Frédérique Ries, *rapporteur*. – (FR) Mr President, I would like to congratulate every single one of the Members here present for the high quality of today's debate. I find that this area is central to the concerns of Europeans and is one that lies at the heart of the 'People's Europe'. This is essential. I want to thank every one of my colleagues and fellow Members for their views and assessments and also for the proposals they have put forward, most of which have been very ambitious indeed. I am not going to summarise them all here, for that has already been done by the Secretary of State and Commissioner Dimas.

I would just like to return specifically to the question of electromagnetic fields.

Mrs Kosciusko-Morizet mentioned the Interphone study, but we are very focused on this problem: the findings from this study have not been published in full precisely because some consider them to be contradictory, whereas a number of experts who have been involved in it and are working in Israel have now highlighted the link between exposure to GSM waves and the emergence of cancer of the parotid gland. We are therefore essentially awaiting proof before acting. As I said before, when scientific uncertainty persists it is up to the politicians to make a decision.

I would conclude by mentioning our Amendment 1, as presented in plenary, and would call on you to support it, as it has been put forward by most of the parliamentary groups. It effectively confirms that when technologies evolve and change, as is the case in this particular area, the exposure thresholds should also be amended; otherwise we are doing nothing to help those consumers who might be at risk. I fervently hope that the French Presidency will support this proposal for an amendment of the 1999 recommendation.

President. – The debate is closed.

The vote will take place today at 12 noon.

Written statements (Rule 142)

Gyula Hegyi (PSE), in writing. – (HU) The Ries report relates to important questions about the mid-term review of the European environment and health action plan. Within this brief scope, I would like to address the freshwater question. In Hungary and many other Union countries, global climate change basically means extreme distribution of rainfall.

Floods alternate with dry months, and this calls for a new water management strategy. We must manage every drop of freshwater responsibly. This can only be achieved through collaboration at Union level, and considerable Community resources must be made available for water management during the budget period starting in 2013, at the latest. Ensuring healthy drinking water throughout the territory of the Union, and using medicinal waters and geothermal energy as sources of heat, are related to this.

Several tens of thousands of European citizens have died in urban heatwaves, and alleviating these also requires water. By using the water projects of the developing world, our outstanding experts can also provide help within the framework of Union projects. Let us not forget that freshwater is perhaps the most important treasure of the twenty-first century!

Rareș-Lucian Niculescu (PPE-DE), in writing. – (RO) I consider opportune the inclusion in the report of a reference to the Commission's and Member States' obligation to support the Children's Environment and Health Action Plan in Europe. The issue of the European child health needs to receive all the attention due, taking into consideration the serious problems that all Member States are dealing with.

I would like to inform you about worrying statistics recorded this year in the Romanian schools: one pupil out of four suffers from chronic diseases. According to an official report, the main causes are inadequate nutrition, absence of physical activity and school bags that are too heavy. The most frequent health conditions are sight problems, growth delays, spinal deformations, speech disorders and anemia.

Many pupils and children under school age are overweight and obesity has been caused by fast-food nutrition. Besides the fact that they live in a natural environment that is increasingly dangerous for their health, it seems that the social environment in which children are developing is not the most suited either. For this reason, I believe all of Europe should consider very seriously the children's health problems before we arrive in the situation of wondering what Europe will look like tomorrow.

Bogusław Rogalski (UEN), in writing. – (PL) Respect for human rights, democracy and the rule of law is one of the European Union's priorities. When necessary, the Union imposes restrictive measures known as sanctions if these are called for in order to attain the aforementioned objectives. Sanctions should only be resorted to in cases of serious threats to security or violations of human rights, or when conciliation or diplomatic measures have proved ineffective.

Recourse to sanctions may also be justified in cases of irreversible environmental damage to the natural environment when this becomes a threat to security and thus a serious infringement of human rights. So-called double standards are not allowed, however. By this I mean lack of consistency or equality when imposing or implementing sanctions. The sanctions most commonly resorted to by the European Union are denial of visas and arms embargoes. In addition, sanctions are one of the weapons used in the war on terror.

The procedure for drawing up a black list of the names of institutions and entities linked to terrorist activity is an important element of the EU's anti-terrorist policy.

Coordinated international action is required in order to improve the effectiveness of the sanctions imposed.

The Union should continue to impose appropriately targeted smart sanctions to deal with specific problems whilst minimising the humanitarian consequences or negative effects on individuals against whom they were not aimed.

5. Soil protection (debate)

President. – The next item is the debate on the oral question to the Council by Miroslav Ouzký, on behalf of the Committee on the Environment, Public Health and Food Safety, on progress in Council on the Framework Directive on Soil Protection (O-0070/2008 - B6-0455/2008).

Miroslav Ouzký, author. – Mr President, let me just stress that in September 2006 the Commission adopted a proposal for a framework directive on soil protection with the aim of protecting soil across the European

Union. This proposal resulted in a very lively and interesting discussion in my committee – the Committee on the Environment, Public Health and Food Safety. The rapporteur, Mrs Christina Gutiérrez-Cortines, worked hard to find a compromise.

A first-reading position was adopted by the European Parliament on 14 November 2007. Since then it has been unclear when the Council will be able to adopt a common position and when this will be communicated to the European Parliament.

At the beginning of June my committee, therefore, put an oral question to the Council to learn more about the progress achieved in the Council since the adoption of Parliament's position. On behalf of my committee, I would like to ask the Council to elaborate on the progress achieved. Furthermore, my committee would like to know when the Council, according to current planning, will be able to communicate its common position on the framework directive on soil protection to the European Parliament.

Nathalie Kosciusko-Morizet, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, Mr Ouzký, the Sixth Environment Action Programme of the European Community recognises that soil is a limited resource and is a medium that is subjected to environmental constraints. The Programme seeks to define in absolute and unambiguous terms a specific strategy for soil protection that takes into account the principles of subsidiarity and regional diversity, which everyone understands very well.

In February 2007 – and here I too am retracing history – the Council held an advisory debate on the Commission's communication on a thematic strategy and on the proposal for a directive. In December 2007 it examined suggestions for a compromise on the directives that had been drawn up by the Portuguese Presidency, which had undertaken an enormous amount of work on this proposal, and these proposals took into account the opinion expressed by the European Parliament at first reading. Unfortunately, and in spite of the considerable efforts of the Portuguese Presidency, it was not possible to reach a political agreement at that particular time. The disagreement took various forms: some Member States questioned the very validity of the initiative, in other words the need to introduce Community regulations for soil protection; others thought that a framework directive would offer greater flexibility and would in particular help take into consideration those national policies that had already been implemented, policies that were not adequately recognised by the proposal for a directive as put forward. Since then various Member States have had time to reflect and France wishes to reopen this debate within the Council. The views of the European Parliament will naturally be a key component in our discussions and in the revival of the debate that we now want to see through to completion. We are aware of the fact that you have had to find a balance between those who did not want to infringe the legitimate powers of the Member States in the area of soil protection and those who were calling for an ambitious harmonised system of Community rules. We believe that Parliament's opinion represents a good basis for putting together a balanced package that we can all work on.

This initiative has therefore been re-launched today, though it is too early to say whether or not it will be possible to reach an agreement within the Council, and if so when this will happen and on what basis. It would not be fair on my part to give any indications in this regard. All that I can promise you is that the French Presidency will do its best – and here I repeat myself – while at the same time taking account of the opinion expressed by Parliament, which has managed to adopt a balanced position of its own, and one that is therefore extremely valuable in this difficult discussion. At the same time we are realistic, for this is a very sensitive dossier – as everyone has seen in the course of previous discussions – and even in the best-case scenario a second reading cannot in any case take place until after the EP elections next year. We are therefore in no hurry and will take the time that is needed to reach the most consensual result possible on a subject that has in the past shown itself to be extremely complex.

Cristina Gutiérrez-Cortines, *on behalf of the PPE-DE Group*. – (ES) Mr President, I wish to direct my comments at the Minister in particular because I believe that her intellectual capacity will allow her to understand that this is a completely new issue.

The Commission, in line with its usual practices, presented a binding and, to a certain extent, reductionist directive. However, here in Parliament we realised that such a complex system as the soil could only be tackled on a comprehensive and theoretical basis. This is because soil affects the capture of CO₂, it is the setting for human life, and it affects the productive system, agriculture, natural disasters and the creation of infrastructures. In short it affects everything and we understood that, in the case of 27 countries with very long legislative experience, many of these could not apply a directive based on simplistic criteria and extensive comitology. As a result, for the first time in the history of this Parliament, we developed a directive that was open, flexible, based on systematic criteria of self-organisation and aimed at a new development of Article 249

of the Treaty, which establishes that the Member States must have the same objectives and must meet these objectives, but allows them freedom in their application.

In this directive, existing legislation, existing catalogues and the bureaucracies of each country are respected. There is no obligation for the countries to do anything new if they can prove that the objectives of the directive have been met. Many of these countries have already fully met all these objectives. However, many Members have not understood this interaction between freedom and complexity, that order is possible within an open system and that open and flexible systems can exist within self-organisation. They have preferred to turn their backs on this legislation which affects life and the earth.

I do not understand how governments concerned about climate change can allow themselves to oppose a directive that tackles the problems of the soil, the earth and climate change and that encourages disaster prevention, supports reforestation, agriculture and productivity, and respects all previous agreements.

I repeat that we must understand what freedom is, as many do not know how to live with this.

Inés Ayala Sender, *on behalf of the PSE Group*. – (ES) Mr President, Minister, Commissioner, ladies and gentlemen, all the important natural resources and environments, such as water, air and species and habitats of flora and fauna, are covered by specific Community legislation, whereas the soil, which is non-renewable and a scarce resource, as the Minister has just said, does not have this protection.

This omission must therefore be urgently rectified as we all suffer as a result of it, particularly at times of food scares or debates on fundamental economic and energy alternatives which are essentially based on the soil.

Filling this gap in Community legislation would serve to highlight the measures that we advocate in the fight against climate change, including aspects such as combating increasing erosion and desertification, and not forgetting the serious problem of soil contamination or the sealing of this soil as a result of rapid and unsustainable development which is not only at the root of the current economic crisis, but also devours such a fundamental resource as the soil.

In addition, including this issue within the European institutional legislative system would act as a stimulus to improve what is happening in the legislative process, by placing it within a coherent framework based on regulation and possibly on European funding which we could also link with the resources committed to the fight against climate change.

We should not forget that the risks threatening this finite and non-renewable resource affect, to a greater or lesser extent, the whole territory of all the Member States of the European Union, including significant cross-border effects.

There are various Member States – as my fellow Member has just said – which are not particularly inclined to standardise soil protection at European level. They should remember that what this Parliament previously adopted is not only a flexible, adaptable and ambitious legal instrument but also one which is not excessively prescriptive. It is an instrument that could help in making the fight against climate change more rigorous and effective.

Soil also has a very important function as a reserve of raw materials and as a carbon reserve, not to mention the CO₂ storage proposals that are currently being debated or the effects that may be indicated in the legislation on the scarcity of water.

This proposal for a directive has been blocked in the Council since November 2007. This is unacceptable. Nearly a year has passed since this Chamber gave its opinion and I therefore consider that everything must be done to reverse this situation.

In this way, the Member States would have a specific regulation to protect the soil, not only with the aim of protecting the environment, but also to fight against climate change and the deforestation and desertification that are occurring. It would also create new areas for research, innovation and the application of technologies, lead to the creation of jobs and social opportunities and, in particular, improve the quality of life of European citizens.

I want to end by encouraging the Council Presidency to pursue its efforts to get this vital directive adopted. Do not be disheartened, Mrs Kosciusko-Morizet. We all know that there have been encouraging changes in

the positions within the Council but you should be aware that we will not allow this directive to be stripped of its content.

Mrs Kosciusko-Morizet, your President often demonstrates great courage and great ambition on certain issues and challenges that are important: soil protection must be one of them.

Jan Mulder, *on behalf of the ALDE Group*. – (NL) Mr President, one of the points mentioned in the speech by the President-in-Office of the Council on this subject was that it is a highly sensitive issue. I agree with that completely. I will go further than that: I am, I believe, the first speaker up to now who can say in no uncertain terms that he does not see the need for a directive like this. I do not see why Europe has to have another directive. Why do I think that?

In the first place, we already have many directives relating to the soil that affect the health of the soil and the soil environment. Just think of the Water Directive, the Groundwater Directive, the Nitrates Directive, the 18 Directives relating to cross-compliance. All of these have an influence on the health of the soil. In Europe – and this is true in France and everywhere else – we are weighed down by too many administrative rules. The average farmer needs more time to fill in forms about all manner of things than he has to do his normal work on the farm. If there were to be yet another directive on top of all that, then that would be too much of a good thing.

We should first of all wait to see the results of the directives we already have: whether they are not enough and whether they do not make an adequate contribution to restoring the soil to a healthy condition. The Groundwater Directive will only come into operation in 2009, and so it is completely unnecessary to introduce a new directive before then. The Commission has produced a proposal and has calculated what the benefits will be. What I did not see anywhere in the calculation is what the administrative burden of implementing all this will be for those concerned. I will say it again: too much time is being wasted on administrative tasks, on filling in forms, on meetings and I do not know what else.

What could be done at this point in time? The Commission could play a very important role in the exchange of experience. There are certain countries that have already gone a very long way in restoring the soil to a healthy condition and there are other countries that have not. The countries that have already done this have done it without any help from Europe. Why not use those good examples for the countries that still have a problem?

Once again, I think that we have too much red tape at the moment and that Europe and the European Union in general will certainly not make itself more popular with the citizens by piling one regulation on top of another and then saying to them 'just get on with it'. No, let us reduce it as much as possible and follow the example of the Member States that could serve as examples for the other countries.

Janusz Wojciechowski, *on behalf of the UEN Group*. – (PL) Mr President, I should like to thank Mr Ouzký for the question he posed, as I too am concerned about how long it is taking to complete our legislative work on soil protection. The food crisis is increasingly making itself felt and the world population is growing whilst less and less land is being used for agriculture and the options for intensifying agricultural production are running out. In view of this state of affairs, sensible soil protection is especially necessary.

The very best way of protecting the soil is through sound agriculture and farming. Soil that is not used for agricultural purposes soon becomes degraded. We are all aware that a substantial amount of agricultural land is not being cultivated and is becoming degraded. This ought to change. The European Union's agricultural policy should ensure that it is profitable to cultivate agricultural land and legislation should encourage cultivation of the land. Those are the thoughts I would like to share with you in the course of this debate.

Friedrich-Wilhelm Graefe zu Baringdorf, *on behalf of the Verts/ALE Group*. – (DE) Mr President, the Council representative said that there is considerable controversy in the Council on this issue, and that exists in the European Parliament as well.

The background to this controversy is as follows. It all depends on our definition of soil: is it a treasure hoard of fertility, whose purpose is to provide a source of nutrition for our crops and which forms the basis of life in an ecologically sound farming system, with a high level of CO₂ capture? Or is it simply a substance which supports plants in a system of agro-industrial production which involves the use of oil, chemical and genetic technology and has extremely hazardous climate impacts? These are the two trends which exist, including in the European Union. We also have soils which have been taken out of agricultural production.

The Committee on Agriculture and Rural Development adopted an opinion which triggered a certain amount of controversy because the rapporteur who was appointed wanted to reject a directive. The majority in committee then delivered an opinion which accorded with a sensible approach to soil management, and this has been taken on board in the report. From an agricultural perspective, it would be extremely beneficial if this directive were adopted.

I cannot understand, let alone support, the opposition from the traditional farmers' associations. In my view, they are shooting themselves in the foot, because farming created our cultural landscapes during the course of history and is in a position to maintain them now.

I cannot endorse the view that it would create too much red tape. Mr Mulder, you said that this is already happening in some countries, one of them being Germany. We do not want excessive red tape. Why should these examples which you have cited not be incorporated into a framework directive with a clear principle of subsidiarity, taking account of regional, cultural, social and climatic conditions, so that decisions can be made at grassroots level as to what is necessary and what is not?

Ilda Figueiredo, on behalf of the GUE/NGL Group. – (PT) Mr President, we know that this is a very sensitive area because protection of the soil, which is a scarce and non-renewable resource, is vital given that agriculture and the protection of biodiversity depend on this and because it forms a platform for human activities, not just for cities and infrastructures, but also for nature and the countryside. As a result, its protection is crucial to preserve our heritage, natural resources, surface water and groundwater quality, health and human life.

As a very dynamic system which performs many functions and delivers services vital to human activities and to the survival of ecosystems, soil protection is a collective imperative in our common lives and in the defence of future generations. This means that it must not be subject to competition rules. However, soil is also subject to a great deal of abuse, to property speculation, and to degradation and contamination, including in border areas, which means that there must be better cooperation between Member States and the definition of common objectives in line with the subsidiarity principle and the social function of the earth.

There are various Community policies which have implications for the soil and which may endanger its protection. That is why we need to further study the risks and various perspectives of soil in order to identify appropriate measures which can protect the soil. One very important contribution would be a change in the common agricultural policy to provide greater support for family-based agriculture and small and medium-sized farmers.

It is in this context that we need to know the Council's position and also monitor its development.

Françoise Grossetête (PPE-DE). – (FR) Mr President, my first reaction to the discussion that has taken place on this proposal for a framework directive was to ask myself whether we really needed such a text and whether such a solution was really appropriate. We already have a raft of regulations on soil protection, waste, pesticides, the protection of the natural environment, groundwater and so on. Moreover, in the context of 'better regulation', which is something we in Parliament have been working on for some time, I realise that it is important not to give the impression that we are once again just putting things through the Commission mill and accumulating one regulation after another. I was also thinking about our local representatives and about our municipal mayors who will have even more on their plate with this framework directive.

There is another reality, however. The fact is that human practices have failed completely to treat our soil with respect and that efforts have been systematically made to engage in intensive production methods and in so doing to impoverish the soil and to adopt urban practices that have led to its degradation. I believe that Mrs Gutiérrez, whose work I would describe as remarkable, has presented us with very acceptable proposals in an effort to bring the different sides closer together – because indeed we see that there really is quite marked opposition within Parliament, just as there is within the Council – and that by listening to Parliament she has finally succeeded in putting forward proposals that appear to be as consensual as possible. She has produced a set of balanced positions that respect the subsidiarity principle, particularly in the choice of methods that the Member States are required to adopt in order to put the soil regulations into practice. She has avoided any increase in the administrative burden by urging us to make up for the errors of the past by way of our agricultural, industrial and urban practices, which until now have failed to respect the soil.

I now address the Council: when the Council Presidency tells us that we need not hurry, this means that they are going to put the dossier on hold. They are going to put it on hold when there is in fact a real need, given

the disparity that exists between the Member States, to take up positions that while respecting the subsidiarity principle are clearly aimed at preserving and protecting our soil.

Edite Estrela (PSE). – (PT) Mr President, as the Minister said, this is a sensitive and highly complex issue on which it is not easy to achieve consensus among 27 Member States or even in this Parliament, as has been seen. As my colleague Inés Ayala said, soil is a non-renewable resource that is connected with natural disasters and agricultural production and that encompasses such delicate and demanding issues as soil use, development and nature conservation.

Many interests are at stake and many fellow Members question whether this directive is necessary. Others question its flexibility. A very rigid legal framework is not always the best way to achieve the objectives sought, bearing in mind the different situations. In my opinion, this directive is important and necessary to maintain the balance of the ecosystems.

Neil Parish (PPE-DE). – Mr President, can I say to the President-in-Office that it is very nice of her to put the ball rolling onto the playing field, but can I suggest that she take it back and put it in the box? Because, in my view, we really do not need this directive. I think the previous Council had it absolutely right when they said they did not want it. I echo very much the words of Jan Mulder that we do already have the Nitrates Directive and the Groundwater Directive. All these things are beginning to take action on the soil and making sure we are cleaning up our soils throughout the European Union.

I agree with Graefe zu Baringdorf that the farmers are indeed the custodians of the soil and that soil is so important for everything we grow, but do we actually need a soil directive? The problem with this soil directive is that it has been far too all-encompassing. We are trying to deal with industrial land and industrial pollution; we are talking about urban development and then about agricultural land and agricultural soils.

It is just nonsense to actually bring in legislation like this at this stage. I think one of the problems we have here in the European Union – and I think we do it out of the very best of intentions – is that if we need to do something, we immediately legislate. I do not think so. I think we have to pause for a moment and reflect. I think the Council got it right. I suggest that it is not time to bring this back. I would suggest that it goes back to a new Commission and the new Council in the next parliamentary session. They can look again to see what is happening.

I would encourage Member States that do not have controls over the use of industrial land and over pollution from industry to actually put those in place at the national level. Let us not interfere from the European level because I do not believe we need it. I think we want to make sure that we do not have the level of bureaucracy that we are getting. People are absolutely fed up to their back teeth with further bureaucracy. So I would say to the President-in-Office: please do not set the ball rolling; take it back again.

Glenis Willmott (PSE). – Mr President, firstly I would like to remind colleagues and the French presidency that, at Parliament's first reading on 14 November 2007, a considerable number of MEPs – 295 in fact – voted against this directive.

There is no doubt that there are significant concerns about the cost of the proposed directive, especially those sections on contaminated land and national inventories.

Subsidiarity is a key question here, given that soil has limited cross-border effects, unlike air and water which, of course, are mobile. The proposed directive would force too many Member States with already-effective domestic measures to dismantle them, as they would be incompatible with the directive.

The point is not that we do not need any EU action on soil protection – indeed, the thematic strategy contains many good suggestions – but that any new EU strategy on soil protection should add value to and complement, not replace, Member States' existing domestic policies.

Hartmut Nassauer (PPE-DE). – (DE) Mr President, ladies and gentlemen, soil protection is an extremely important task for ensuring a healthy farming environment for future generations. I would underscore everything that has been said in that connection so far. However, none of these arguments means that soil protection should be a European task. Not every problem in Europe is necessarily a problem for Europe. Soil is a local, a localised medium. As a rule, soil contamination has no cross-border impacts, so there is no reason for soil protection to be a task for the European Union; nor, indeed, does it have any European added value. Many of the European countries already have soil protection regulations which work very well, and there is not the slightest reason to impose a European regulation on those that do not. Or do you believe,

Commissioner – quite seriously – that wherever Member States are not taking action within their own sphere of competence, the Commission should fill the gap? That would be absurd.

For reasons of subsidiarity, soil protection is a task for the Member States, and they are quite capable of dealing with it. That being the case, the Council – including your own country, Madam Secretary of State – provisionally halted this initiative. I very much hope that the French Republic will stick to this position. I have no doubt that it could be useful to draft a European soil protection strategy, and I would also have no problem with Europe making a financial contribution wherever optimum soil protection has not yet been achieved. However, I am firmly opposed to having harmonised soil protection legislation imposed upon all of us, funded by the Community, simply because there is no soil protection legislation in some countries. That is not what Europe is supposed to be about. It would be a piece of completely superfluous bureaucracy of the type which sends citizens running for cover, before expressing their opinions in elections and referenda. It has to be stopped.

Csaba Sándor Tabajdi (PSE). - (HU) However right Mr Graefe zu Baringdorf is in saying that farmers protect the soil, there has indeed been a very considerable loss of soil cleanliness in recent decades as a consequence of intensive farming and the great use of fertilisers and chemicals. This previously applied to both the old and the new Member States. In the last twenty years, the new Member States have not really had the money for fertilisers or chemicals and so, for example, four times less fertiliser per hectare is used in Hungary than in The Netherlands. The real solution to the question is therefore a farming matter, namely that in future we will have to use methods that protect the biosphere and the soil and that reduce this burden on the soil, so brand new methods and new approaches are needed in order to protect the soil, since this is in the interests of all European farmers. There are a huge number of irrational things in this system, for example crops are not planted after the harvest and energy is lost. Compostable crops could be planted and, for example, the fertiliser burden could thus be reduced. Thank you for your attention.

Ioannis Gklavakis (PPE-DE). - (EL) Madam President, Commissioner, President-in-Office of the Council, we all agree on this, and we all want to see the land protected. It is the land that feeds the population, and we want it to continue giving us food, above all healthy food. The land, we all agree, is the environment, and we want to protect it, but I am seriously afraid we are destroying it.

The Soil Protection Directive makes a clear distinction between pollution caused by agriculture and pollution from industry. As regards pollution caused by agriculture, we see many efforts being made under the common agricultural policy, and many efforts within the scope of the Health Check; and recently we had the report on a significant reduction in the use of agricultural chemicals. All these efforts are being made in terms of agriculture.

However, the major concern is what is being done about industrial pollution. We in the Committee on Agriculture and Rural Development are concerned by the impact intensifying soil contamination is having on our agricultural produce and on the environment.

This pollution is reflected in the soil and water, and it is therefore advisable to adopt indicators and assessment thresholds before we reach the point of no return. Therefore, I urgently request that we monitor air pollution very frequently – we happen to do this thoroughly – and also monitor soil pollution. We should do this particularly in highly industrialised areas.

I am optimistic that the French Presidency will take account of the Member States' positions and will find a mutually acceptable solution on this issue.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, a year has gone by since we adopted our stance at first reading concerning the directive on soil protection. Nonetheless, the Council has so far been unable to secure agreement. A few Member States still persist in acting as a blocking minority. There is now hope of achieving a compromise under the French Presidency. The presentation by the representative of France indicated that such hope did exist.

We have heard much criticism of the project, alleging that it will increase bureaucracy or duplicate existing national and Community legislation. I believe the opposite is the case. Such a directive is needed, because it will result in unification of legislation in this area and will bring together at Union level all the efforts being made to protect the soil. In addition to local and regional efforts, action at Union level is required if we are to halt soil degradation. The soil is an asset common to us all. Common principles and objectives must therefore be established, and the relevant action taken. It is important for all Union citizens to become aware of the important part the soil plays in the ecosystem and also in our daily lives and in the economy.

Unfortunately, dangerous substances are still to be found on the territory of many Member States. I refer to landfill sites and chemical weapons left behind by the Soviet army present there in the past. Certain countries are not in a position to deal with these issues on their own. Appropriate encouragement and aid for Member States to assist such countries with the removal of such material is therefore needed. There is an urgent need for relevant provisions that will allow degraded land to be put back into use and will also limit soil degradation and ensure that the soil is exploited in a sustainable manner. All this would certainly be a step in the right direction in terms of protection of the natural environment and in terms of preserving the soil which is such a valuable natural resource. In this respect, the directive should prove very helpful to us. The legislative work ought therefore to continue. In addition, independent experts must be consulted and we should take their opinions into account.

Mairead McGuinness (PPE-DE). - Mr President, I spoke to a farmer this morning, unfortunately a farmer who is sitting looking at sodden fields because certainly in Ireland and in other parts of northern Europe we are having a really bad harvest. I think we should bear them in mind this morning. This young farmer – and she is trained – has read the soils directive and has a real concern that for someone like her who is using minimum cultivation, doing the right thing for the soil, this directive will penalise her, particularly in unseasonable weather conditions. She knows what she is talking about. I believe we do not need a directive to have good soils: we need Member States to take responsibility and most of all we need good farm advice backed up with good national research on what is best for soils.

I think one of the big problems we face, and we face it certainly in Ireland, is very bad planning, which has created huge problems of flooding and the ancillary difficulties that leads to. Let us leave this to the Member States. Let us give them direction, but not another directive to add to the 18 that farmers already have to comply with.

James Nicholson (PPE-DE). - Mr President, I would say to the Commission and the Council to take all the time they need for this directive. In fact, as far as I am concerned, they can take it away forever. From my point of view, I believe we neither need nor require this directive.

Farmers suffer enough red tape and bureaucracy at present and they see this all emanating from Brussels. This could well be the straw that breaks the camel's back.

It is true that soil is very important and must be protected, but I have never yet met a farmer who will not protect the soil on his land – their future depends on it. The needs from the different parts of Europe are very different. Soils require different support from the north to the south, from the east to the west.

This is a sensitive issue. Please take it away and bury this directive. As Mr Mulder said, we already have sufficient directives. The intention may be good, but we do not need this good intention.

Reinhard Rack (PPE-DE). - (DE) Mr President, Commissioner, ladies and gentlemen, the European Union should act within the scope of its competences in those areas where it can genuinely create European added value with its own rules. In this particular case, I do not see any added value being created. What I do see are certain countries which are not taking their responsibilities in the domestic arena seriously, or at least have not done so to date, or simply believe that they can access European money in this way. I cannot identify any added value at all; what I do see, however, are additional costs and more red tape, especially for those countries which have fulfilled their commitments at home and have taken reasonable soil protection measures.

Jim Allister (NI). - Mr President, soil protection is of course necessary, but what is not necessary is another EU directive. As Mr Mulder said, we already have a plethora of directives and legions of rules on cross-compliance. This is a Member State issue. What nation is going to let its soil erode away and degrade? Indeed, what farmer needs Brussels to tell him not to allow his assets to degrade? It is ludicrous. More Brussels nannying will only add to the already intolerable administrative burden on farmers, whose time looking after their land is being constantly diminished by the time taken to fill in foolish forms. The Parliament and Commission should break the habit of a lifetime and forget about it.

Robert Sturdy (PPE-DE). - Mr President, I totally endorse what my colleagues in the 'catch-the-eye' process have been talking about.

If the Commission would like to come and look at my farm, it has been farmed for 3 000 years before Christ was born, and continues to be farmed. The soil is in some of the best hearts. In fact this year we are producing four and a half tonnes of wheat to the acre, which is over 10 tonnes of wheat per hectare – if we can combine it, of course.

We look after and manage the soil. Leave it to those people who know about it. Do not bring in any more bureaucracy from Brussels because all you do is give everybody here a bad name, and we do some good work. Keep up and do the good work, but leave it to the Member State.

Nathalie Kosciusko-Morizet, *President-in-Office of the Council*. – (FR) Mr President, Commissioner, ladies and gentlemen, firstly let me say that I want no more uncertainty on this point. The Presidency is very much motivated by this directive and is convinced of the need for having such a directive on this issue. I would also repeat that this position has been steadily held, that it does not just date from the current presidency, and I cannot accept some of the insinuations that have been made in this regard. In December 2007, when the first debate was held in the Council, certain Member States – and there is an echo of this in today's discussion – were formally opposed to the principle of a directive. Other Member States were already involved in drawing up national policies in this area and were of the view that while a directive was a good idea the proposal being put forward did not adequately respect the subsidiarity principle and did not take sufficient account of the efforts that had already been made, including points of a highly technical nature. At that time France was one of this group of states. Today, as we hold the presidency and once again remain faithful to this position, we are very much motivated and keen to find agreement on a directive for soil protection. For all that, we have all seen today that there are sharp disagreements and that these are a fairly true reflection of what has been happening within the European Council. We are striving to reach an agreement that may perhaps, as we hope, yield success during the current French Presidency. However, as we can all see, this is going to be far from simple.

Stavros Dimas, *Member of the Commission*. – Mr President, thank you for the opportunity to contribute to this debate arising from the oral question from Parliament to the Council. Let me state that the Commission reaffirms its commitment to reaching an agreement on the soil protection directive, and will do its utmost to achieve that aim.

The Commission made its proposal on the basis of Parliament and Council resolutions calling for a comprehensive European Union approach to soil protection. I remember very clearly, Mr Nassauer, that in late spring 2006 I received a letter from the German Government with the majority – if not all – the *Länder* in Germany calling for a soil directive. We welcome Parliament's strong support for a soil directive, albeit introducing modifications to the Commission proposal. I hope we can achieve the sufficient level of complexity indicated by Mrs Gutiérrez-Cortines

We regret that the Council was not able to reach a political agreement in December, in spite of the enormous work done by the Portuguese presidency, the support of 22 Member States and the flexibility shown by the Commission. I stress that, while this political impasse remains, soil degradation is continuing, as has been made very clear by the scientific community, for instance at a high-level conference on soil and climate change recently organised by the Commission.

I therefore welcome France's commitment to restarting the work, and look forward to working constructively with France and the other Member States to make sure that we reach a political agreement in the Council securing a high level of soil protection as early as possible.

However, the Commission has to ensure that the final text can be implemented and that it represents added value compared to current levels of soil protection. I assure you that I remain committed to that task.

President. – The debate is closed.

IN THE CHAIR: MR PÖTTERING

President

6. Corrigendum (Rule 204a): see Minutes

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Zbigniew Zaleski (PPE-DE). - Mr President, on a point of order, yesterday, before the vote on the motion for a resolution on Georgia, our colleague Mr Schulz – officially, before the whole of Europe – accused President Saakashvili of triggering the whole conflict. This is Russian propaganda, similar to the one according to which Polish soldiers were murdered by Germans in Katyn, which prevailed for 50 years.

I think that Mr Schulz and the whole group have much to learn about Russian methods, Russian intrigues and Russian propaganda.

(Sustained applause from the right)

President. – Ladies and gentlemen, we have a lengthy vote ahead of us today. Since Mr Schulz is affected by what Mr Zaleski said, he will be given the floor, but after that, we want to move on to the vote. We held the debate about Georgia yesterday and we have drawn up a resolution, so we do not need to reiterate everything today. We want to get on with the vote, but as Mr Schulz was the subject of the remark, he has the floor.

Martin Schulz (PSE). – *(DE)* Mr President, perhaps Mr Zaleski did not listen properly to what I said yesterday. I did not accuse any nation. It is not my intention to lay the blame on any particular nation. As to the crimes against humanity committed by Germans in the Second World War, I have on more than one occasion voiced my shame about my nation in whose name these crimes were committed.

I would like to reiterate that here and now. I am one of those Germans who want to ensure that it never happens again. Nonetheless, one thing is true: every responsible politician, every man or woman who is leading a government and wants to solve problems on his or her own country's territory through force of arms places themselves outside international law, and that applies to Mr Saakashvili.

(Applause)

President. – Ladies and gentlemen, that is an issue which greatly concerns us all. I do not want to describe the speech I gave to the European Council as a successful attempt to combine all the different positions but I would recommend that you read that speech and I think that most people here in the House will find their position reflected in it.

Jörg Leichtfried (PSE). – *(DE)* Mr President, perhaps it has escaped my notice as well, but I would be pleased to hear officially at last – in other words, from you – whether the many rumours circulating in the House are true and what is happening about Strasbourg in the coming weeks.

President. – I was going to make a statement about that at the end of the sitting, because I would like to avoid having a debate about it now.

(Applause)

Can we agree that I will make a statement at the end on what has been decided, so that we really can get on with the vote just now? There is also a communication about this matter which you will be receiving. I would ask you to check your emails. However, I will be making a statement at the end, when you will all still be here.

7. Voting time

President. – We shall now proceed to the vote.

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

7.1. Code of Conduct for computerised reservation systems (A6-0248/2008, Timothy Kirkhope) (vote)

– *Before the vote:*

Jeanine Hennis-Plasschaert, *on behalf of the ALDE Group.* – Mr President, I speak on behalf of the ALDE Group, with regard to the Kirkhope report. Pursuant to Rule 168, the ALDE Group would like to make a request for referral back to committee. To be clear, there is no intention of breaking up the compromise package with the Council as such, but my group does believe that a more extensive debate on the definition of a parent carrier should take place.

The Commission is working on a formal notice, which is most welcome. However, that does not give us the 100% clarity we need at this very moment. A proper debate should be allowed for, as well as decent consultation of our legal services. There is no rush to put this matter to the vote at this very moment.

Brian Simpson (PSE). - Mr President, I am happy to speak in favour of the ALDE Group motion to refer this back to committee. In my long years in this Parliament I cannot recall, within the transport area, a report that has caused so much confusion and uncertainty as this one. We are making law here, and with that comes a responsibility to act with full knowledge and understanding of the text that honourable Members will be asked to vote on. Yet many Members are unsure. Many Members are struggling to comprehend and understand this complex piece of legislation, made even more complex by the intervention of the Council.

There is great uncertainty, great unease across a wide spectrum of this Chamber, which is why I believe we need to reassess, re-evaluate and examine more carefully the implications of these proposals back in the Committee on Transport. It is about getting it right, not about doing it quickly. By doing this, we will not be creating problems; we will be acting responsibly as legislators, defending Parliament's right to work at its pace, not at a pace dictated to it by industry lobbyists and the Council of Ministers.

Georg Jarzembowski (PPE-DE). - (DE) Mr President, ladies and gentlemen, what Mr Simpson has just said is really quite abstruse; indeed, he turns the whole matter on its head. There are certain industries which attempt to block legislation in the interests of their companies. May I say this: with this code of conduct, our intention is to improve consumers' rights. We need to strengthen consumer rights so that we get fair offers from the computerised systems.

We vigorously reject these delaying tactics on the part of the Socialists, who are attempting to wreck the compromise with the French Government and bring about its collapse during this legislative term. I would urge you to reject the referral back to committee.

Timothy Kirkhope, rapporteur. - Mr President, I urge us not to refer this back to the committee. I think this is an unnecessary, and a potentially damaging, delaying tactic in the interests of the consumers of Europe, whom we represent. The first-reading agreement was struck in June with Council and Commission, after comprehensive debate and support in my – Transport – Committee. My shadow rapporteurs were fully involved with the process throughout and, as far as I am concerned, agreed the outcome.

Two presidencies – the Slovenian and French – have both cooperated fully with me in this matter, and I do not understand why more time is now needed to debate or scrutinise this vital measure. The fairest and most democratic way to proceed is to vote now on the agreement. Many of the people who are now protesting did not bother to come to the debate last night when Commissioner Mandelson, at my request, clarified to Parliament the assurances that a formal notice will be published in the Official Journal before the entry into force of this regulation, giving a clear interpretation of the regulation from the Commission's point of view and very concrete and strict criteria (which happens on competition issues) to enforce these measures, in the interests of the consumers of Europe. I do not think that the consumers will understand these protests if we do not proceed to bring this measure forward. I therefore ask you, sincerely – all of you – to support me and the hard work that all of us have done across political groups to bring this matter through as quickly as possible.

(Parliament rejected the motion for referral back to committee)

7.2. Eligibility of Central Asian countries under Council Decision 2006/1016/EC (A6-0317/2008, Esko Seppänen) (vote)

7.3. Palestinian prisoners in Israel (vote)

7.4. Evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights (A6-0309/2008, Hélène Flautre) (vote)

– *Before the vote on Amendment 10:*

Hélène Flautre, rapporteur. - (FR) Mr President, the amendment has been withdrawn and does not have to be put to a vote.

7.5. Maternal health (vote)

– *After the vote on paragraph 6:*

Ewa Tomaszewska (UEN). - (PL) My voting mechanism failed to work on five occasions during the roll-call vote. I realised this and tried to ask for the floor but was not permitted to speak. That was not right. In addition, there was no interpretation into Polish for a certain time, and that was not dealt with either. I would ask that we cease to be treated in this way.

President. – Mrs Tomaszewska, I am terribly sorry that your vote was not counted. I hope that this will not happen again. Please submit your vote here, and then it will be correctly registered, and your view will go on record for posterity.

7.6. Trade in services (A6-0283/2008, Syed Kamall) (vote)

7.7. European ports policy (A6-0308/2008, Josu Ortuondo Larrea) (vote)

7.8. Freight transport in Europe (A6-0326/2008, Michael Cramer) (vote)

7.9. Mid-term review of the European Environment and Health Action Plan 2004-2010 (A6-0260/2008, Frédérique Ries) (vote)

President. – The vote is closed.

8. Announcement by the President

President. – Ladies and gentlemen, that brings me to the statement on Strasbourg. The Bureau considered the matter yesterday. Various repairs are still being carried out in Strasbourg. The Bureau adopted a unanimous decision yesterday evening – also at Mr Fazakas's suggestion – which we intend to publish now that the Conference of Presidents has been informed, as is the case: thus the September II part-session will take place here in Brussels as well.

(Applause)

I do not want your delight to be premature: we have found that there are several places in this building as well where the rain is coming in, and we are looking into that. We want to have the same safety standards here in Brussels as we have in Strasbourg, and I can assure you that safety will always be paramount.

As things stand at present, the final inspection by the experts will take place on 22 September. That allows enough time for a decision on the October part-session to be taken. I would like to wish you a safe and pleasant stay here in Brussels, and as lunchtime is approaching, let me also wish you *bon appétit*!

IN THE CHAIR: MR MAURO

Vice-President

9. Explanations of vote

Oral explanations of vote

– Motion for a resolution: Palestinian prisoners in Israel (RC-B6-0343/2008)

Miroslav Mikolášik (PPE-DE). - (SK) I should like to state that the European Parliament's resolution on Israel and Palestine is not quite appropriately timed in view of the latest developments, whereby Israel last week released another 198 Palestinian prisoners. This gesture gives evidence of Israel's willingness to build mutual confidence in the peace process, despite a severely critical Israeli public.

The same also applied to the recent exchange of prisoners on the Lebanese border. It is undoubtedly very sad that Israeli prisons are also holding Palestinian youths. The primary reason is, however, the fact that terrorist organisations are exploiting them, inciting hatred and a determination to kill. Over the last eight years, up to 16 % of suicide assassins and potential assassins have been minors and there has been a pronounced downward trend in age. Children's upbringing and education are key factors which may have a significant effect on the future development of coexistence between Israelis and Palestinians.

Frank Vanhecke (NI). – (NL) Mr President, with this resolution in particular, Parliament is showing that it does not take a neutral position on the highly complex conflict in the Middle East, that it is not a neutral player. Quite the contrary, this Parliament always systematically takes the side of the Palestinians against the Israelis.

Evidently it is not enough for this Parliament that every year tens of millions of euro of European tax money disappears into the bottomless, corrupt and anti-Western pits of the Palestinian Territories. Evidently it is not enough for this Parliament that NGOs which openly – and I stress that – openly approve and explain away terrorist acts are sponsored again with millions of European taxpayers' money. Now Parliament is asking for this literally in a resolution for the release of convicted terrorists. This position may well be politically correct; I think we will live to regret it.

Philip Claeys (NI). – (NL) Mr President, I also voted against the resolution on the Palestinian prisoners in Israel, because at the very least this resolution conveys the idea – and I will put this in a friendly way – that we as the European Parliament are not really serious when we condemn terrorism. The resolution argues for the release of people who have been involved in terrorist activities. At least one of them is responsible for the deaths of a number of Israeli citizens. Approving the resolution is not good for the credibility of Parliament, therefore, but much worse than that, it undermines the fight against terrorism in general.

– **Report: Hélène Flautre (A6-309/2008)**

Véronique De Keyser (PSE). – (FR) Mr President, in the Flautre report I voted for Amendments 4 and 5, which were not taken over and which concern Israel. I would like to explain my reasons: these amendments had nothing to do with sanctions against Israel; rather they – and particularly Amendment 5 – referred to violations of international law perpetrated by Israel, which are widely documented.

I would like to say that I am generally opposed to sanctions, whether they are imposed against the Palestinians or against Israel. What I regret, however, is that this amendment, which spoke of initiatives that could be taken with regard to Israel, as opposed to sanctions, was not retained. If we abandon the idea that we in the European Union need to take initiatives to prevent violations of human rights then we are failing our democratic system.

I would also like to say that in putting forward this view we are not criticising the Jewish people, for we hold them dear and condemn all forms of anti-Semitism. We are not criticising the Israeli State, for we support its existence and want it to be secure, but we are opposed to those within Israel who are undermining democracy in that country, and that is something completely different. Moreover we support all the Israeli NGOs that are working to promote human rights and international law.

Frank Vanhecke (NI). – (NL) Mr President, in the debate yesterday I already had the opportunity to mention briefly that the Flautre report on the human rights policy of the European Union really is quite a good and balanced document. However, what I regret is that there is no explicit reference in the report to the problem and the danger of Islamisation in Europe and in the world. That Islamisation is undeniable and puts a number of very fundamental European and Western values, fundamental rights and human rights at risk. I am thinking in the first place of the important separation of church and state and especially of the equality of men and women.

The Islamic countries themselves also get off far too lightly in this report, even though in a number of those so-called developed countries and in a number of those often very rich countries, oil states like Saudi Arabia, situations prevail which are unacceptable, from actual slave trade and slave labour to exceptionally far-reaching and degrading discrimination against women. That should certainly be improved in a subsequent report.

Ryszard Czarnecki (UEN). – (PL) Mr President, the report by Mrs Flautre may well prove to be one of the most significant ones adopted during this part-session. This report concerns sanctions, an instrument that we, the European Community, cannot afford to do without. We must, however, only use this instrument with great care, in a very flexible manner, and preferably infrequently, so as to avoid it becoming degraded or undergoing a *sui generis* inflation.

Nonetheless, I wish to warn against applying double standards in the use of this instrument. Sanctions should not only serve as a threat to small and poor countries that violate human rights. Wealthier and larger countries that are good business partners for the European Union should also be exposed to the threat of sanctions, and need to be aware that the European Union may resort to the latter.

– **Motion for a resolution: MDGs and maternal mortality (RC-B6-0377/2008)**

Zita Pleštinšá (PPE-DE). - (SK) I consider the joint motion for a resolution to evaluate MDG 5 on maternal mortality to be well balanced.

I agree with the resolution's point that maternal health is the area in which the least progress has been recorded among all the Millennium Development Goals. Since it is not at all likely that progress will be achieved in this area by 2015, especially in sub-Saharan Africa and southern Asia, I agree that we must take steps.

I am worried in particular about the four amendments proposed on behalf of the ALDE and GUE/NGL Groups, once again forcing the European Parliament to make decisions on matters which fall within the sovereignty of Member States. This involves consent to safe and legal abortions. Unfortunately, these amendments were accepted in today's vote.

Every EU Member State has a different view of the artificial termination of pregnancy and they therefore make decisions on this problem in accordance with the principle of subsidiarity. Even the referendum on the Lisbon Treaty founded on abortion in Catholic Ireland, abortions are forbidden in Poland, and Slovakia takes a different view on abortion. This is why I voted against this motion for a resolution.

Frank Vanhecke (NI). – (NL) Mr President, I voted against this resolution, not only because I really am opposed to yet another piece of propaganda for abortion that is contained in this resolution, but at least as much because I find the position of Parliament in general on this issue to be really rather hypocritical. On the one hand, Parliament rightly says that everything should be done to bring about a large reduction in maternal mortality in developing countries, but, on the other hand, Parliament continues to argue elsewhere for ever increasing, ever more extensive legal immigration and for the European Commission's proposals for the so-called Blue Card. It is precisely this immigration policy that is resulting in a huge brain drain from the developing countries to Western countries, and it is precisely this policy that is robbing the developing countries of the best workers that they need, including health care workers, doctors and nurses who are needed much more in Africa than in the West. I refuse to go along with such a hypocritical position.

Daniel Hannan (NI). - Mr President, I rise to make an explanation of vote on our resolution on maternal health. We shall have to wait and see where this Chamber stands on apple pie, but it has, at least, pronounced itself clearly on the subject of motherhood.

Nonetheless, I rise in no carping spirit to ask why we felt the need to pronounce on these questions at all. These are sensitive, intimate and, for many of our constituents, ethical questions. They ought properly to be addressed through the national democratic procedures of the Member States. By expressing ourselves as we have this afternoon, we have exhibited a presumption, an arrogance, and a desire to arrogate power to the centre and to overrule the national traditions of our constituent members. Look at that resolution and you may understand why it is that the institutions of the European Union are so widely disliked and mistrusted by the voters.

Linda McAvan (PSE). - Mr President, I think Daniel Hannan has missed the point. This resolution is actually about the United Nations meeting on the Millennium Development Goals, and aims to put pressure on world leaders to take seriously MDG 5 on maternal health: that is what it is about. It is nothing to do with abortion in Poland or Ireland. It is about access to maternity rights. However, my explanation of vote was not about that.

What I wanted to say was that one of the saddest things I have ever seen in my life was in Addis Ababa at the fistula hospital we went to with a number of women colleagues as part of the ACP delegation. There we saw queues of young women – in fact they were really just girls of 13 or 14 – and there was a stream of urine coming down the street from where they were queuing. They were queuing up and there was a stream of urine because they had developed a vaginal fistula as a result of there being no medical care during childbirth in remote parts of Ethiopia.

I think it is extremely important that the European Union invest in proper maternal health care in some of the poorest countries in the world. It is a disgrace that there is so little progress on this Millennium Development Goal, as it is one of the most important. I hope this will arm our negotiators, such as Glenys Kinnock, who are going to New York.

I also think that people like Daniel Hannan really ought to read and find out about what is going on in this Parliament.

– Report: Syed Kamall (A6-0283/2008)

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, this is a particularly important report. A high demand for services is a characteristic feature of developed economies. Services determine the standard of living and well being of societies. There is a constant increase in demand for the development of services linked to modern technology and for high-quality services meeting the standards and expectations of their users.

The growth of GDP is increasingly dependent on the size of the services sector. Services represent a significant proportion of trade. This part of the market is constantly expanding. That is why there has been so much debate regarding the conditions and principles of the liberalisation of trade in services at global level within the framework of the WTO. There are many highly profitable types of services, notably those filling specific niches. This is one of the reasons why the liberalisation of trade in services is progressing slowly and why there is such great resistance to it. As I conclude, I should like to say that we are now living in times when services are the main indicators of development.

– Report: Josu Ortuondo Larrea (A6-0308/2008)

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, I voted in favour of adoption of the report on European ports policy, because it deals with many issues of importance for that sector of the economy. These issues are also relevant to Poland.

I asked myself how these texts could apply to the situation of Polish shipyards in Gdańsk, Gdynia and Szczecin. Proceedings relating to State aid for Polish shipyards have been under way in the European Commission for quite some time now. The Szczecin shipyard is the fifth largest in Europe and is experiencing serious difficulties, as is the shipyard in Gdynia. All this is due to a series of problems that have arisen over the years, which are a result of the change of economic regime and the international situation, as I pointed out when I took the floor yesterday.

As to the current situation of Polish shipyards, the Commission is of the opinion that they do not represent a source of employment. They are not exposed to unfair competition. That might well sound odd. In addition, it is proposed to close two slipways in order to achieve full potential, and this is simply ridiculous. The restructuring plan for these shipyards is forever being rejected, which is bound to result in them collapsing, instead of helping the European shipbuilding industry to regain its place in the world.

President. – I would remind colleagues who have not been able to take the floor that they may enter a written statement, which will enable them to put their explanation of vote on the record.

Written explanations of vote

– Report: Timothy Kirkhope (A6-0248/2008)

Glyn Ford (PSE), in writing. – I thank Mr Kirkhope for his report, which will help provide a better service for consumers. At the moment, the price consumers pay for an inter-Member State ticket depends on the country of purchase. In my own country, England, I pay the same price for a ticket whether I buy it in the city of departure, city of arrival or a third city. I see absolutely no reason why this should not apply across the whole of the Union.

Jörg Leichtfried (PSE), in writing. – (DE) I am voting in favour of Timothy Kirkhope's report on the code of conduct for computerised reservation systems.

The new code of conduct will stimulate competition between the computer reservation systems, thereby benefiting the price and quality of services. The current arrangements are out of date, as almost 40% of bookings are now carried out via alternative websites, dispensing with booking fees altogether. The new code will benefit consumers by increasing competition and cutting charges, with low-cost airlines now being included in the reservation system as well.

In order to offer customers the best possible information and protection from anti-competitive practices, the provision of services must be expanded, and regulated and controlled on an EU-wide basis. It is important, therefore, that the flight prices given in main advertisements set out the full flight price including all taxes and charges, so that the customer is not duped by special offers which are not in fact available. The same applies to the listing of CO₂ emissions and fuel consumption: both must be clear to the consumer. An

alternative rail offer for flights of less than 90 minutes gives the customer another option and enables him or her to make an informed choice.

David Martin (PSE), in writing. – By updating the code of conduct for computerised reservation systems (CRS) you ensure that reservation systems for air travel services adhere to the principle of fair competition. However, I fear that the vague definition of a company's 'participation in capital' as the carrier having 'decisive influence' on the CRS will cause confusion and allow for the distortion of competition. This report should be about benefiting the consumer and these views are reflected in my vote.

Andrzej Jan Szejna (PSE), in writing. – (PL) The computerised reservation system is a platform bringing together air and rail transport providers and used for the sale of tickets for their services. The report on the proposal for a regulation of the European Parliament and of the Council was aimed at amending the provisions currently in force and strengthening competition through a computerised reservations system.

The code of conduct was updated in order to improve transparency and also to prevent market abuse and distortion of competition. I voted against the report on the code for computerised reservations systems because I advocated referring it to the Committee on Transport and Tourism.

In my view, many of the concepts in the Commission's report are poorly defined. This is particularly true regarding the key concept of parent carrier. I therefore believe that the interests of consumers within the common European market are not being fully protected.

Silvia-Adriana Țicău (PSE), in writing. – (RO) I voted for sending back to the Commission the regulation on the computerized reservation system because there are still ambiguous wordings, which may lead to different text interpretations. A regulation is mandatory in all its elements and directly applicable in all Member States and, for this reason, the text must be precise.

I am of the opinion that the publishing of a specification presenting the interpretation given by the European Commission to certain definitions in the regulation in the Official Journal of the European Union before the regulation becomes effective is not an acceptable solution. The European institutions have committed to a process of legislative simplification and, especially, of legislation stability.

Obviously, an update and improvement of the Regulation on the computerized reservation system is necessary and I appreciate the work of all the colleagues in the commission. Nevertheless, I consider that greater clarity of the text would have been required in order to ensure a stable legal framework necessary for the good operation of the passenger air transport sector.

Ewa Tomaszewska (UEN), in writing. – (PL) In the course of the roll-call vote and in connection with Amendment 48, I voted against infringement of equal rights for competing entities by singling out three European Union countries and granting them a privileged position on the market. Unfortunately my voting equipment failed, and my efforts to draw attention to this fact were ignored. I would like it to be recorded that I voted against the second half of the amendment concerned.

– Report: Esko Seppänen (A6-0317/2008)

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) Standing up for human rights in the world around us is one of the political tasks of the European Union in its capacity as a union of values. However, in the view of the June List, this must not be used to pursue foreign policy at EU level and thus encroach on the foreign policy sovereignty of Member States.

We therefore appreciate the EIB prioritising the granting of credit which promotes the development of democracy and stability in Central Asia, but are opposed to a trend in which the EIB becomes an instrument for furthering the EU's foreign policy ambitions.

After careful consideration, we have chosen to vote in favour of the amendments proposed by the European Parliament to the Commission's proposal, despite the fact that some of the amendments are not precisely in line with our principles in this respect.

– Motion for a resolution: Palestinian prisoners in Israel (RC-B6-0343/2008)

Alessandro Battilocchio (PSE), in writing. – (IT) Mr President, I am voting in favour of this document, but I wish to point out that it is the umpteenth text approved by this House in support of respect for human

rights in this part of the world. What effect do our declarations have? Very little, unfortunately, apart from expressing political solidarity.

If Europe wishes to be credible on this matter, it must speak with a single voice and place international security above individual national interests. I believe that it is vital to strike a balance between two requirements: for the Palestinians, a free and independent state; for the Israelis, the security of living in their own territory, free from attacks and threats. If the two aspects are separated, it becomes rather awkward to find a credible stance and a lasting solution. I hope that in future this European Union of ours, which has such an interest in peace in a part of the world so close to us, will be able to play a more effective mediating role than it has done in the past.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) We voted in favour of the compromise resolution, not because we agree with all its points or wording, but because we believe that this may help to denounce the unacceptable situation of Palestinian political prisoners in Israeli jails.

Israel, with the support and connivance of the US and its allies, is illegally occupying the Palestinian Territories, has built settlements and a dividing wall, and is assassinating, detaining, attacking and exploiting the Palestinian people, while systematically violating international law and disregarding the inalienable right of this people to their sovereign, viable and independent State.

Around 10 000 Palestinians are currently detained in Israeli jails, including hundreds of children, under inhumane conditions and subject to humiliating and degrading treatment and also ill-treatment, including torture. Most are prevented from receiving visits from their family. Many have been detained 'administratively', without charge or trial.

Israel is holding in its jails around one-third of the elected members of the Palestinian Legislative Council as well as other Palestinian local elected officials.

The imprisonment of Palestinian activists is an instrument used to combat the legitimate resistance of the Palestinian people and to perpetuate the Israeli occupation.

Any fair, viable and lasting solution to end the Israeli occupation of the Occupied Territories requires the release of all Palestinian political prisoners by Israel.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) This is an unacceptable resolution, which essentially absolves Israel of the genocide of the Palestinian people and occupation of its territories.

Section 4, for example, supports Israel's fight against terrorism. It thus brands as terrorists a people struggling for freedom, opposed to the occupation of their territories by the Israeli army and opposed to the economic, social and political blockade and the reprisal attacks they suffer. Young children are among the victims, in the Gaza Strip, for example, because a government has been elected that is not to the liking of the Israelis, the United States and the EU.

Furthermore, Section 7 provocatively calls on the Palestinian Authorities to police the Palestinian people's resistance. It accuses former prisoners, particularly little children, even, of violent or terrorist acts.

It is shameful to make such allegations. Instead, the European Parliament should demand Israel's withdrawal from the West Bank occupied territories. The wall of shame in Jerusalem should be demolished, the murderous attacks on civilians, women and children must cease, and all political prisoners must be released. The European Parliament should demand Israel's compliance with the principles of international law and the relevant UN resolutions.

Olle Schmidt (ALDE), in writing. – (SV) The situation of Israel and Palestine is complicated. For Israel, dealing with the huge insecurity created by its surroundings is problematic. As a good friend to Israel, I know this very well. However, it is always important to uphold international law. I therefore chose to participate in the negotiations on the European Parliament's resolution on the situation of Palestinian prisoners in Israeli jails.

Through these negotiations the final result became considerably more balanced, which meant that, in the end, I supported the resolution. As I see it, it is important not to condemn Israel, as was the case in Mrs Flautre's report on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights, where the facts had not been studied. I therefore voted no to that.

Marek Siwiec (PSE), in writing. – (PL) The resolution on the situation of Palestinian prisoners in Israeli jails adopted by the European Parliament is biased and therefore does not provide an accurate reflection of the

conflict in the Middle East. The resolution fails to take any account of the political context or of the fact that the Israeli authorities need to be able to guarantee the security of their citizens. Israel is still under constant threat of terrorist activity originating in the Palestinian territories, despite ongoing peace negotiations and goodwill gestures such as the recent decision to free 198 Palestinian prisoners. Israel is the one and only democratic country in the region, and is dealing with this threat by way of democratic methods and resources.

The resolution condemns the Israeli authorities for using inappropriate methods to deal with minors. It fails to mention, however, that according to reports by Amnesty International, terrorist organisations such as the al-Asqa Martyrs Brigade, Hamas, Islamic Jihad and the Popular Front for the Liberation of Palestine recruit minors and use them as couriers. In some cases minors are also assigned to combat duties or used to perpetrate terrorist attacks against Israeli soldiers and civilians.

It was because the issue of Palestinian prisoners was dealt with in such a biased and incomplete manner that I voted against this resolution.

- Report: Hélène Flautre (A6-0309/2008)

Slavi Binev (NI), *in written form*. – (BG) Mr. President, respected colleagues, the report of Ms. Helene Flautre discusses the sanctions that have to be undertaken by the European Union in respect to any violation of human rights, regardless of the part of the world. But what happens in our own backyard?! On yet another occasion, I would like to draw your attention to the unprecedented actions of the incumbent coalition in Bulgaria.

On July 30, the day when a no-confidence vote was to be voted [in the Bulgarian Parliament] police force was used against MEP Dimiter Stoyanov. In spite of the fact that the names of the uniformed “helpers” were established immediately, to this day there are no penalties, no excuse, but there is glaring arrogance in the attempts to cover up the case.

The conduct of the Interior Ministry officials shows that they were aware who they were beating, particularly as Stoyanov held his MEP ID all the time and repeatedly explained who he was.

Illegal detention and beating of a Member of the European Parliament is something that has not occurred in the 50-year history of this institution! The case of our colleague is a dangerous blow on the founding principles of contemporary European democracy. It is a direct and demotrative encroachment on personal rights.

After the repressive apparatus of the incumbent did not spare the MEP status of Dimiter Stoyanov, what remains for the ordinary Bulgarian citizen?

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) As it is impossible in an explanation of vote to discuss all the many important issues raised by the report, particularly the many with which we totally disagree, perhaps the best approach is to use the example of the vote on the amendments tabled in plenary to highlight the central aim of this political instrument of the EU.

Despite reference being made to various countries within the report, a majority in Parliament rejected two proposed amendments which considered that:

- ‘... the European Union sanctions against the Palestinian Government formed in February 2006 following elections which the EU recognised as free and democratic have undermined the consistency of Union policy and proved seriously counterproductive by making the political and humanitarian situation considerably worse’;

- ‘... the persistent violations of international law by Israel call for urgent action on the part of the Union’.

What better example is there to show that the aim of EU sanctions is unacceptable interference, obviously applied with ‘double standards’. In other words, sanctions are being used as a means of pressure and political interference to protect ‘friends’ and criticise ‘others’ that the EU (and the US) indicate as the target.

That is why we voted against the report.

Ona Juknevičienė (ALDE), *in writing*. – In the context of the Common Foreign and Security Policy, the EU applies restrictive measures, or sanctions, to ensure compliance with the CFSP objectives. The current EU sanctions policy suffers from excessive ad-hoc cases, which often result in incoherence and inconsistency. I believe that the Commission should play a more proactive role in defining a clear EU policy on sanctions.

I believe that the EP must be very precise when talking about sanctions, and especially when calling for EU action in response to violations of international law, as the House did in this report on Israel. I believe that before asking the EU to impose any sanctions, we must be well informed about concrete breaches of international law and should refrain from making statements of a generic nature. If there are factual cases, they have to be specified in the text or presented in a footnote to the respective document.

David Martin (PSE), in writing. – I voted in support of H       Flautre's report on the evaluation of EU sanctions as part of the EU's actions and policies in the area of human rights. I welcome the rapporteur's balanced approach towards an important tool of the EU's common foreign and security policy. Sanctions need to be applied on a case-by-case basis and targeted in a way that avoids affecting innocent parties. I am satisfied that Mrs Flautre's report adequately covers such points.

Zita Ple  tinsk   (PPE-DE), in writing. – (SK) The EU considers respect for human rights to be the most important principle and therefore includes clauses on human rights and implementing mechanisms in all new bilateral agreements concluded with third countries.

The political effectiveness of sanctions and their negative consequences are subject to dispute today. We are particularly conscious of this when the EU has to adopt a standpoint with respect to the conflict in the Caucasus.

I therefore welcome and have voted for H       Flautre's report, which brings a new philosophy to the application of sanctions and a change of ideas in the area of human rights.

We need an effective sanctions policy, so as not to apply 'double standards', based, for example, on the strategic importance of the partner, as in the case of Russia and China.

We must use strategy papers for the different countries and other similar types of documents as the basis for the development of a coherent strategy relating to human rights in the country and the situation as regards democracy. We must use objective and up-to-date information obtained from representatives of local and non-governmental organisations. We must support civil society and target those to blame for conflicts, for example by freezing assets and imposing travel bans. Sanctions should not affect the poorest people.

I firmly believe that the sanctions policy will not be more effective until it is incorporated in an integrated EU human rights strategy. Sanctions will only be effective when they help to change relationships and consequently resolve conflicts.

Pierre Schapira (PSE), in writing. – (FR) Following the legislative elections in Palestine in February 2006 I was one of the first to say, both from Jerusalem and in Parliament, that we should not be applying sanctions against the Palestinian Government because it would be the people who would suffer. Admittedly, we have to accept that the political situation in the Territories has completely deteriorated, especially between Fatah and Hamas, but this political crisis cannot be attributed solely to European sanctions. This is why I abstained from voting on Amendment 4.

I also wish to state that I clearly condemn Israel's persistent violation of international law, but regret that the text of the report fails to mention those violations of international law committed by other countries in the Middle East. This appears to be a case of double standards and that is why I voted against Amendment 5.

S       S  ndergaard (GUE/NGL), in writing. – (DA) In spite of the fact that there are aspects of the Flautre report that are worthy of criticism, I am voting in favour of the report in order to show support for the battle for human rights.

Andrzej Jan Szejna (PSE), in writing. – (PL) Sanctions imposed by the European Union are instruments that ensure the effectiveness of the CFSP. They may be diplomatic tools but they are most commonly economic ones, and they serve to ensure compliance with the fundamental principles of international law, democracy and human rights.

The rapporteur calls for a comprehensive and in-depth review of existing restrictive measures and I believe that she is right to do so. Appropriate principles for the imposition of sanctions should be drafted, so that the latter are only used following detailed individual analysis.

Furthermore, I also believe that priority should be given to developing economic sanctions that do not impact negatively on society and do not violate the human rights of citizens of the countries sanctioned. This is

particularly necessary in relation to the custom of drawing up black lists. That is why I also supported the report on a review of EU sanctions as regards the area of human rights.

Should it prove necessary to impose sanctions, I believe that it is important to introduce positive measures so as to help the citizens of countries on which restrictive measures have been imposed.

Charles Tannock (PPE-DE), in writing. – I and my British Conservative colleagues wholeheartedly support human rights for all. We support the concept of a CFSP EU sanctions regime which is applied on a unanimous basis to target the most egregious abusers of human rights in the world, provided the UK can always exercise a veto in this respect. We also deplore the way they have been applied inconsistently and are wide open to breaches, such as the way President Mugabe has been allowed into the EU on several occasions in spite of a travel ban on his regime.

Unfortunately the Flautre Report goes further by recognising the right of the European Court of Justice to rule over the list of banned terrorist organisations – which must remain a political decision not a judicial one – and claiming the Lisbon Treaty is required to make EU sanctions for abuses of human rights more effective. It calls for European Parliamentary oversight of the Member State security services and making the code of conduct on arms exports binding. For those reasons we will not be supporting the report.

Ewa Tomaszewska (UEN), in writing. – (PL) I voted against paragraph 57 during the roll-call vote. Unfortunately my voting equipment failed to work. My attempts to draw attention to the fact were ignored, as was the case during five other roll-call votes. I would like it to be recorded that I voted against the original text of paragraph 57 of the document.

- Motion for a resolution: MDGs and maternal health (RC-B6-0377/2008)

Marie-Arlette Carlotti (PSE), in writing. – (FR) On paper, the fifth of the Millennium Development Goals – which is to reduce maternal mortality by 75% between now and 2015 – was clearly one of the most achievable targets.

In fact this was the one that fell most behind schedule. Here is a damning fact: in sub-Saharan Africa one woman in 16 dies in childbirth. This figure has hardly changed in 20 years.

Where else on the planet could you find such a dramatic imbalance as this in the area of human health? What is more, when the mother dies the child is 10 times more likely to die too.

In our all-out efforts to achieve the MDGs we therefore need to pay special attention to number 5.

The G8 itself has finally got the message. At its last meeting in Japan it adopted a 'health package' aimed at recruiting and training 1 million health professionals for Africa so that 80% of mothers will have support during childbirth.

The ball is now in the EU's court.

The Community needs to act simultaneously and with real substance in several directions:

- information and education for women,
- strengthening of public health systems in the countries of the south,
- massive investment in human resources in the area of health care.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) Each year there are around 536 000 maternal deaths (95% of which occur in Africa and South Asia). For every woman who dies, 20 or more experience serious complications, ranging from chronic infections to disabling injuries, which could be easily avoided if there were universal access to basic and emergency obstetric care and reproductive health services. This requires greater support from the developed countries.

These figures are very worrying and indicate that maternal mortality (MDG 5) is not only not on track to be achieved by developing countries, but is also the only one in which no progress is being recorded. The figures from today are exactly the same as the figures from 20 years ago.

The fact is that maternal mortality could be avoided through the provision of better health care and by guaranteeing access for all women to comprehensive sexual and reproductive health information and services.

We therefore support the resolution adopted and are pleased that our proposal to protect access to effective contraception and to legal and safe abortion has also been adopted in plenary.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) It is terrible that such a large proportion of the world's population lives in extreme poverty, that women in these countries and areas die during pregnancy or childbirth, and that so many people lack information on and access to safe contraception. This is a question which is about the value of human life and inviolate universal human rights, not least for women living in poverty.

This resolution contains positive – and necessary – proposals but also raises issues which are not within the EU's remit. We have chosen to support proposals which call for better conditions for women, especially regarding sexual and reproductive health. However, the resolution also addresses other subjects, some of which refer to foreign policy. We have therefore abstained in the final vote.

Ona Juknevičienė (ALDE), in writing. – The resolution of the EP on maternal mortality carries a great significance in the light of the Millennium Development Goals and conveys our message that we are aware of the current situation and that we call for action to help millions of women in developing countries. I strongly support the suggestion to ask the Commission and the Council to develop programmes and policies that would help to prevent maternal mortality, with a particular emphasis on access to information on sexual and reproductive health, literacy and nutrition.

Within the context of this resolution, I believe that the use of contraceptives is very important in preventing diseases, unwanted pregnancies and reducing maternal mortality, but at the same time I am convinced that we do not have a right to condemn or criticise churches, which stand merely as a moral but not as a legislative authority, promoting their faith but not prohibiting making a personal choice. Furthermore, there are churches which do not address the issues of contraception to their congregation.

Rovana Plumb (PSE), in writing. – (RO) I voted in favour of this resolution because there is a high maternal mortality rate not even in the countries under development, but also in the new EU Member States.

It is worrying that, every year, 536,000 families are left without the mother's support, which creates imbalances at the level of the society's basic cell. We know the causes and the methods to fight this phenomenon; the way of organizing and planning the activity depends on us.

I really consider that emphasis should be laid mainly on women's access to information regarding healthy reproduction. We cannot be successful in our actions unless women themselves become aware of the dangers they incur before or during pregnancy. We should also allocate maximum possible resources for providing quality services available to everybody.

Toomas Savi (ALDE), in writing. – Mr President, having supported the amendments concerning the condemnation of the US Global Gag rule and of the ban on the use of contraceptives advocated by some churches, I voted in favour of the resolution. But I was shocked to learn that some of my colleagues, who can usually be taken seriously, have prioritized the statements of the Pope over the health and well-being of the people in developing countries.

Silvia-Adriana Țicău (PSE), in writing. – (RO) The increase in the infant mortality rate and the decrease in the birth rate, on the one hand, and the ageing of population, on the other hand, require firm and urgent actions from Member States and the European institutions.

I voted for the Resolution on maternal mortality before the UN High-Level Meeting of 25 September, designed for the review of the Millennium Development Goals, due to the fact that its text requests the Council and the Commission to expand the provisions on maternal health services and lay emphasis on programmes of prenatal care, maternal nutrition, adequate delivery assistance that avoids excessive recourse to caesarean sections, post-natal assistance and family planning. By this resolution, we request the Council and the Commission to guarantee that reproductive health services are affordable, available and of high quality.

It is important to allocate the maximum available resources for programmes and policies on prevention of maternal mortality.

I also consider it important to finance family planning activities from public funds.

Ewa Tomaszewska (UEN), in writing. – (PL) The resolution contains provisions that indirectly encourage abortion and others that openly call for abortion to be legalised. The inclusion of statements on this subject

amounts to a violation of the principle of subsidiarity. It also means that financial resources from contributions to the Community by Member States where abortion is not permitted may be used to promote abortion in third countries.

It is hypocritical to justify engaging in pro-abortion propaganda in terms of promoting maternal health, and to allocate financial resources to abortion, instead of devoting them to improving maternal health. That is why I voted against this resolution.

Anna Záborská (PPE-DE), in writing. – (SK) I voted against this resolution.

The protection of maternal health is an unconditional prerequisite for the survival of humanity.

Mothers in developing countries are at present faced with a pandemic with no access to basic health care, aspirin or a cup of drinking water. The UN General Secretary clearly emphasised that less than 10% of the budget is used to resolve problems affecting 90% of the world's population. Pneumonia, infectious diarrhoea, tuberculosis and malaria - diseases which cause enormous health problems in developing countries but can be treated - benefit from less than 1% of the budget.

The UN has adopted a strategy supporting childbirth under qualified medical supervision. This is intended to limit the risks of motherhood, reduce infant mortality and provide access to services.

Our resolution, however, proposes, among other things, 'provision of comprehensive and safe abortion' and regrets the lack of provision of services in the field of reproductive health. It calls for the Council and the Commission to 'guarantee that reproductive health care services are available, accessible and of good quality and promote the access of all women to comprehensive sexual and reproductive health information and services.' It calls for the Council and the Commission to intervene in this field, but abortion falls within the exclusive competence of Member States and not the EU.

We cannot offer mothers in developing countries an unclear, simplified or, even worse, ideologically biased vision of health protection.

- Report: Syed Kamall (A6-0283/2008)

Bruno Gollnisch (NI), in writing. – (FR) The General Agreement on Trade in Services (GATS) that provides for the liberalisation of services at international level, and which the rapporteur so passionately wants to see concluded, is in reality no more than a Bolkestein Directive on a global scale. Yesterday's 'Polish plumber' will tomorrow be Chinese or Pakistani.

The only exception applies to services 'supplied in the exercise of governmental authority', which are 'supplied neither on a commercial basis nor in competition with one or more service suppliers'. In other words, the only ones not affected will be the police, the courts, the diplomatic service and the army. On the other hand, the GATS will be another step towards the dismantling of public services, a process begun by the Commission some 15 years ago in the name of competition and the single market.

Today the European Union believes it enjoys a competitive advantage and asserts that its service providers have inadequate access to third-country markets. However, the services sector will end up just like our industry, with relocations and downsizing and, as a bonus, the import of social dumping. Putting the social, environmental and quality standards into perspective, which according to the rapporteur should not become a barrier to trade, contains the seeds of a gradual disintegration of the European social and economic model.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) Despite having removed some of its more negative aspects and toned down some of its wording, which, while not calling into question the process of liberalisation, tries to 'humanise' it, this resolution is basically still a textbook defending the liberalisation of services, including public services (supposedly limited, in their presentation, by the need for a 'differentiated' approach to liberalisation).

However, despite the concerns of a majority in Parliament, the current international situation is not the same as it was at the time when the Doha Round began in 2001, meaning that the US and the EU are struggling to get the WTO to impose their agenda of economic domination on the world.

However, despite successive failures, the EU and the 'social democrats' Mandelson and Lamy are again trying to prevent the negotiations from 'coming off the rails', in order to safeguard and not lose the ground already gained in the negotiations.

As we have stated before, the aim of the major economic and financial groups is control of international trade, in a framework of capitalist competition, control of the national economies (agriculture, industry, services, labour, natural resources) and control of the states themselves.

Liberalisation means attacking the victories of workers and the sovereignty of peoples as well as environmental destruction.

That is why we voted against the resolution!

Małgorzata Handzlik (PPE-DE), in writing. – (PL) Services account for more than three-quarters of the European economy. The services sector is of vital importance to the competitiveness and innovation of the European economy, which is largely based on knowledge. Efficient operation of the European Union's internal market in services is very important for the competitiveness of EU enterprises on the global market. Timely and appropriate transposition and implementation will be vital to sound operation of the market, especially in the case of the Services Directive.

Trade in services largely involves the transfer of specialised knowledge between countries. Consequently, free trade in services plays an important part in all development strategies, because it facilitates swift and effective transfer of know-how on a large scale. In addition, increasing access to the market in services represents an opportunity not only for developed countries but also for developing ones, which are often deprived of access to know-how.

Access to the market for services is a difficult issue in the context of the ongoing negotiations at the WTO. It should be borne in mind, however, that negotiations on trade in services must serve the interests of the EU as well as promoting the development of the poorest countries. If substantial foreign investment is allowed, it could be precisely the liberalisation of trade in services that might facilitate increased and more sustainable production and the modernisation of infrastructure in all economies.

David Martin (PSE), in writing. – Mr Kamall's report on trade in services looks at ways EU companies can gain access to third-country service markets. Indeed, services are playing an increasingly important role in international trade. It is precisely for this reason that it is important to distinguish between commercial and essential public services. I have made this clear in the way I have voted.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) Under GATS, through bilateral and multilateral agreements and open or veiled coercion and threats, the EU is encouraging capital to penetrate the developing service markets of the less developed countries in order to increase profits and its own influence. The Commission's report applauds and supports this policy.

Public commodities such as water, health and welfare, education, etc., are being targeted by the monopolies, which are aiming to liberalise and open up the national markets and privatise entities. Capitalist restructuring will be even more disastrous for workers in the poorer countries.

The rivalry of the imperialist centres combined with the opposition of the poorer countries has resulted in the failure of the latest WTO negotiations. The centres of power are vying with one another to conclude bilateral and multilateral agreements in a bid to strengthen their position.

Attention is focused on the direct and indirect abolition of public services, particularly in sectors profitable for capital, and on the abolition of all safety barriers. These are an attempt to equate services with commodities and carry out joint negotiations on agricultural produce. All these are simply examples of European capitalist imperialist aggression, which is quick to wage war in order to impose its choices.

Tokia Saïfi (PPE-DE), in writing. – (FR) I voted for the report on trade in services in order to urge the Commission, in its trade negotiations, to pursue both the progressive and reciprocal opening of access to the services market and a policy for increased transparency. The European Union, which is the world's largest exporter and largest provider of services, has to promote greater access to the services market for both the developed nations and the developing countries alike.

Nevertheless, this liberalisation has to be progressive and reciprocal in such a way that it takes account of the different interests of the countries concerned. It was with this in mind that I voted for Amendment 2, which highlights the need for a distinction to be drawn between commercial and non-commercial services and for a differentiated approach to be taken when opening markets for general interest services. I also voted in favour of Amendment 5 that in the context of the EPA calls for universal, accessible and sustainable public services to be guaranteed for everyone.

Finally, I voted for Amendment 7, which recognises that certain products, such as water, should be considered as a universal public asset, and I would point out that a measure of caution is required when proposing to open up markets for services of this kind.

Olle Schmidt (ALDE), *in writing*. – (SV) Trade in services has today become a necessity for all economies. It is impossible for any country to achieve economic success with an expensive and ineffective service infrastructure. Producers and exporters of textiles, tomatoes and other goods will not be competitive without access to an efficient banking system, efficient insurance companies, accountancy firms, telecommunications and transport systems.

However, the opportunity to offer public services run by private companies is also crucial. Competition in the health sector, education and public communications results in better service. I therefore chose to support not making any categorical difference between services for private or public use because I believe that competition also in the public sphere contributes to greater efficiency and better service. To me this is obvious, whether it concerns our internal market or trade in services in other countries, outside the EU's borders.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) The report on trade in services aims to emphasise the role of trade in services as a sector instrumental in the creation of new permanent jobs and in improving the citizens' quality of life. These services currently represent as much as 75% of the European Union's GDP.

The rapporteur calls for the market in trade in services to be opened up and liberalised. It is certainly necessary to open up the market and improve competitiveness. In my view, however, opening up trade in services should not be understood to mean privatisation. It must be established clearly that commercial services are different in nature from public ones. Consequently, it must also be ensured that the approach adopted to opening up trade in public services is quite different from that adopted to opening up trade in commercial services.

Silvia-Adriana Țicău (PSE), *in writing*. – (RO) I voted for the Report on Trade in services, which emphasizes the importance of trade in services for the creation of jobs.

Amendment 2, submitted by the Socialist Group, emphasizes the need for a differentiated approach in the context of opening the market in services of general interest and, in particular, the need to make a distinction between commercial and non-commercial services.

I consider amendment 5 extremely important, which calls for universal, accessible, sustainable and affordable public services, with high-quality standards to be ensured for all and amendment 10, which calls on the Commission to take stronger action against counterfeiting, particularly via the Internet and requests the Commission to submit to the Parliament and Council a proposal with a view to providing the Community and its Member States with qualitative and statistical data at European level on counterfeiting, particularly via the Internet.

Bernard Wojciechowski (IND/DEM), *in writing*. – (PL) The so-called services revolution that has been under way since the middle of the 20th century has led to services becoming the most important sector of the economy for most countries. Technological progress, notably in the areas of telecommunications and information technology, has fundamentally changed the perception of services and their potential role in international trade. Dramatic expansion of the aforementioned system, together with technological advances, has resulted in the expansion of international trade in services.

Poland's involvement in international trade in services has never been very great. The same is true of the other countries of Central and Eastern Europe. This was largely due to the underdevelopment of the sector in centrally planned economies. Fundamental changes in the development of the services sector only began during the period of transition that followed the Communist era, and continued throughout the process of accession to the European Communities. Radical changes in the services sector are already evident. Furthermore, Poland's integration into the Communities and the related process of adjusting Poland's economy to EC requirements should accelerate the rate of development of the services sector and provide increased opportunities for Poland to participate in the international trade in services.

I therefore believe that the EU should make every effort to improve the quality of trade in services, as this sector promotes well-being and job creation in all of the world's economies. In addition, it helps to accelerate development.

- Report: Josu Ortuondo Larrea (A6-0308/2008)

Pedro Guerreiro (GUE/NGL), in writing. – (PT) While we welcome the concerns expressed in the report about the need for investment in port regions, technological modernisation and environmental protection, we consider that this report hides the fact that one of the objectives of the European Commission for a future port policy is to pursue the liberalisation of this strategic public service in various Member States.

We therefore regret the rejection of our proposals which:

- Underlined the rejection of any new attempt to liberalise port services at EU level by applying internal market competition rules;
- And called for initiatives to be taken to combat insecurity and accident risks in the sector and to guarantee and ensure respect for the rights of port workers, particularly in the areas of employment, fair pay, dignified working conditions, social welfare, collective agreements, trade union rights and vocational training.

The diversities and complementarities of European ports must be safeguarded and their management must be based on advanced standards of quality and safety, a strategic element in economic development. Opening up the management of European ports to transnationals, as appears to be happening, will devalue labour relations and collective bargaining and increase the risks of insecurity in the port system, which will subsequently call into question maritime safety.

That is why we abstained.

Ona Juknevičienė (ALDE), in writing. – During the votes I have expressed my position by voting against the amendments of the GUE group. The port sector is of crucial importance to the European Union from economic, commercial, social, environmental and strategic points of view. However, bearing in mind the importance of the sector, I cannot support the approach that ports should constitute public property.

On the contrary, I support the right of the Member States to take their best interests into account in deciding whether or not to open the port sector to liberalisation. Decisions on whether to privatise and/or to apply private and public partnership in ports are the competence of the Member States and shall not be directed by European institutions as long as it is in compliance with European legislation. In fact, some European ports are already managed by authorities or companies from third countries. In my view, the port sector, as any other sector, should be allowed to operate on an equally competitive basis.

Athanasios Pafilis (GUE/NGL), in writing. – (EL) The Communist Party of Greece is voting against the report because it endorses and follows the rationale of the Commission Communication on Ports, which promotes the EU's fixed objective of privatising the ports. The privatisation of ports has been blocked until now by the port workers' struggle, but has not been abandoned by the EU, because it is a key objective of EU capital.

That is why the Commission is now seeking to promote it by means of fragmentation, i.e. handing over profitable port services to capital. At the same time, the EU has its sights trained on state subsidies for ports; it is preparing for their abolition or drastic curtailment, thus paving the way for their privatisation. Ports represent sectors of strategic importance for the economy of the Member States and are directly linked to their defence capability and sovereignty. For this reason, the plans to liberalise port services and privatise ports affect not only those who work in them, but the whole of the working class and the masses.

It is not enough for the working class and workers in general to be vigilant and to organise their struggle against privatisation plans alone; they must fight for ports that will be owned by the people within the framework of a self-reliant people's economy under popular authority.

- Report: Michael Cramer (A6-0326/2008)

Pedro Guerreiro (GUE/NGL), in writing. – (PT) Despite agreeing with the concerns and proposals contained in the report, we consider that this does not reflect essential elements of national policy in this strategic sector – with social, economic and environmental implications – particularly that of establishing this system within a strong public sector and the need to combat the systematic violation of, and non-compliance with, the rights of workers which can be seen in segments of this sector.

As a result, we consider that, in not tackling this central aspect of working conditions for professionals in this sector, the report fails in its objective. The practice of temporary contracting, which encourages a lack of respect for working hours, rest periods and collective labour agreements, in addition to constituting a

violation of workers' rights, calls into question their very safety (and that of third parties). This is why we need to halt the destruction of jobs and the increased insecurity of labour relations by promoting integration within the workforces of companies and dignifying careers and wages.

We also disagree with the emphasis on applying the principles of 'user pays' and 'polluter pays' as it is the end consumer who is mainly affected by these measures, which only benefit those who have the financial capacity to 'use' or 'pollute', without necessarily contributing to a significant improvement in freight transport.

Jörg Leichtfried (PSE), in writing. – (DE) I am voting in favour of Michael Cramer's report for a sustainable and efficient logistics and freight transport system in Europe.

This system plays a vital role in strengthening and expanding Europe's position as an internationally competitive economy, but without this occurring at the expense of the environment and citizens. 'Green corridors' are a fundamental concept for optimising Europe's transport and do so as sustainably as possible. Reducing all types of pollution while increasing the use of renewable energy sources is the right approach to take.

In this context, investment in new technologies such as computerised 'stop-go' in freight transport and support for modes of transport other than road transport play an important role and point the way ahead.

Harmonisation of management and administrative procedures on an EU-wide basis will also make the European transport system better and more efficient. Europe needs a competitive and innovative economy in order to be successful. The present report makes an important contribution to achieving that goal.

Bogusław Liberadzki (PSE), in writing. – (PL) I agree with the views expressed by Mr Cramer, namely that efforts should be made to improve the efficiency, integration and sustainability of freight transport in Europe.

I also support all the measures advocated with a view to attaining the desired objectives. The former include focusing on the transport corridors, supporting innovative technologies, innovative infrastructure and more efficient management of freight transport. There has also been mention of the need to simplify administrative procedures and the freight transport chain, and to make transport that does not rely on the road network more attractive. I support all these approaches. In my view, the priorities identified by the rapporteur should make a significant contribution to improving freight transport in Europe.

- Report: Frédérique Ries (A6-0260/2008)

Liam Aylward (UEN), in writing. – My colleagues and I welcome the renewed interest in research on the potential health risks posed by prolonged exposure to electromagnetic fields. Prudence as regards those effects on health is essential. This is an issue I personally have been concerned with and which I sought to address in January this year. In my letter to former Commissioner Kyprianou, I brought to his attention the fact that no review has been done on this issue since July 12th 1999, despite an expected review 5 years from that date.

I voted in favour of the Ries report which acknowledges that owing to the influx of new technology since the 1999 report, it is out of date. However, I voted against the amendment calling for the imposition of harmonized stricter limits on the emission of specific electromagnetic waves. This is a health issue and consequently an Irish one. The Irish Government has published a recent report concluding that, so far, no adverse short- or long-term health effects have been found. It has already adopted ICNIRP guidelines limiting public and occupational exposure to electromagnetic fields, endorsed by the World Health Organization. Ireland needs to govern for Ireland, and is guided by the WHO.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted in favour of this report, despite certain contradictions. However, there are many positive aspects which are important, in particular its defence of the precautionary principle, confirming that this should constitute one of the cornerstones of Community policies in the areas of health and the environment.

The report also makes some criticisms of the Action Plan, particularly where it states that this 'is bound to fail at least in part, since it is designed solely to accompany existing Community policies, it is not based upon a preventive policy intended to reduce illnesses linked to environmental factors, and it pursues no clear, quantified objective.'

The report also underlines that the European Commission must take account of the economic importance of SMEs, by providing technical support to allow and help them to comply with binding environmental

health regulations and to encourage them to make other changes which are positive from the point of view of environmental health and affect the operation of enterprises.

David Martin (PSE), *in writing*. – I voted in support of Frédérique Ries's report on the mid-term review of the European Environment and Health Action Plan 2004-2010. The call for the action plan to focus on indoor and outdoor air quality and chemicals has my backing. For all producers or importers to be obliged to demonstrate the safety of their product before it can be put on the market is also a positive step to ensure that both consumers and the environment are adequately protected.

Athanasios Pafilis (GUE/NGL), *in writing*. – (EL) The thoughtless use of natural resources for profit, capitalist restructuring, the liberalisation of markets and the privatisation of energy, transport and telecommunications are leading to the destruction of the environment. In combination with the worsening of working terms and conditions and the privatisation of health, welfare and insurance, we are seeing an increase in health problems generally, particularly those linked to environmental risks. The commercialisation of health services and the EU's environmental policy that, with the pollution trading system and the polluter pays principle, is turning the environment into a commodity, cannot prevent risks and illnesses, nor can it even manage them for the benefit of the workers, because their basic aim is to increase the profits of capital.

The report is correct in its findings on the application of the principles of prevention and protection; the lack of substantial, strict measures; the need for comprehensive studies based on the most vulnerable groups; mental health, and the effects of magnetic fields etc. However, it ends with proposals governed by the pro-monopolistic policy of the EU, such as more tax breaks and financial incentives for companies. This is a rationale that shifts responsibility for protection onto the individual.

Rovana Plumb (PSE), *in writing*. – (RO) The enthusiasm of February 2005, when the "European Environment and Health Action Plan 2004-2010" was approved, has been exhausted without many of the proposed actions to be achieved. It is highly necessary to meet these deadlines and achieve these actions, especially this decade, when the greatest challenge for human health, in the field of environment protection, is adjustment to climate change.

The less wealthy segments of society, as well as the more biologically fragile (children, pregnant women and old people) will be more vulnerable to these effects.

Special attention should be given to the social aspects of adjustment, including to the risks related to employment and the effects on living and inhabiting conditions.

The prevention of negative effects on people's health, caused by extreme weather events, plays an essential role and, for this purpose, the Commission is requested to draft good practice guides containing actions to be adopted by the regional and local authorities in cooperation with other institutions, as well as population education and awareness programmes for increasing awareness as regards adjustment to climate change effects.

10. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 1.05 p.m. and resumed at 3 p.m.)

IN THE CHAIR: MR DOS SANTOS

Vice-President

11. Approval of Minutes of previous sitting: see Minutes

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

12.1. Coup in Mauritania

President. – The next item is the debate on six motions for a resolution on the coup in Mauritania⁽¹⁾.

Alain Hutchinson, author. – (FR) Mr President, Commissioner, we can regard the coup d'état that has taken place in Mauritania as a real tragedy. Just as it has invested in many other countries, the European Union has invested enormously in the democratisation of Mauritania; more than this, and even more importantly I would say, the Mauritanian people have contributed significantly and those responsible for the relatively recent overthrow of the dictator Taya succeeded in arousing huge hopes among the population of that country, while at the same time honouring each of their commitments from the organisation of the constitutional referendum in June 2006 to the presidential elections in March 2007, including the holding of local and general elections in 2006. This long process gave everyone an opportunity to have their say: trade unions, civil society and, of course, politicians. After just one year this coup has shattered everything and there is huge disappointment among the ranks of the democrats.

This catastrophe for democracy and for the people of Mauritania clearly reminds us of the extreme fragility of all young democracies and also of the special attention that has to be paid to them. It is now vital for us to condemn the new Mauritanian regime without equivocation. If the elected President had committed mistakes or blunders it was up to the Mauritanian people, to its parliament and to the country's elected representatives to react, to criticise and to impose sanctions. It was not in any way whatsoever the right of the army, the gendarmerie or any other police force to involve itself in what is exclusively a political matter.

We are therefore calling on the new 'strong men' of Mauritania to restore to the people of Mauritania the powers that they have stolen from them. We demand that they allow the elected President to resume his political functions as soon as possible, even if this means suffering all the criticisms, provided that these are expressed in a democratic manner and with respect for the aspirations of the Mauritanian people who have once more been taken hostage by the wishes of a minority.

Moreover, I would add, Mr President, that I had the honour of leading Parliament's observation mission to Mauritania and I am naturally deeply affected by what has happened. I will finish there and allow Mrs Isler Béguin, who led the European Union's election observation mission, to take the floor. We very much regret these events because what we witnessed in Mauritania was a real desire on the part of the entire population, a desire that has been expressed throughout the past year, and what has happened now is a tragedy.

Marios Matsakis, author. – Mr President, this poor African nation has been suffering from political instability and turmoil for a number of years now. A reflection of this is the fact that two military coups occurred in the country in the last three years. The second of these took place on 6 August 2008. A general seized power in violation of constitutional legality and placed the President, the Prime Minister, other members of the Government and many civilians under arrest. Oddly enough, two thirds of Mauritania's parliamentarians have signed a declaration of support for the coup leadership.

Notwithstanding the possible involvement of fear of persecution, it is an affront to democracy and a sorry state of affairs when elected parliamentary representatives resort to admitting to the failure of the democratic process and declare approval of a military dictatorship. We call upon all political forces in Mauritania to put their people's interests first, and with common-sense maturity to work jointly on restoring the constitutional order in their country. To this end, we urge and expect the EU, the UN and the African Union to offer all necessary support.

Esko Seppänen, author. – (FI) Mr President, the coup by the military junta in Mauritania has been widely condemned, with good reason. According to international observers in the country, the elections in 2006 and 2007 were conducted in accordance with the rules and there is no doubt as to the legitimacy of Mauritania's ousted government.

Mauritania has had more than 10 coups or attempted coups since it gained independence from French colonial rule. The previous one was only three years ago. At the time the upper ranks of the army visibly took part, as they have now again. The development could hardly be described as stable or democratic.

⁽¹⁾ See Minutes.

The disputes between the democratically elected President and the generals in Mauritania in their attitude to extremist Islamism contributed to the coup. This is a huge challenge for others who are trying to bring peace and stability to the region.

The draft resolution quite rightly observes that the restoration of the legal and democratically elected government is a precondition for Mauritania's stable, democratic development. It is therefore not an acceptable solution to hold new elections, as that would entitle the military junta to use force. What is precarious about the situation is that, if the country remains isolated, this will nourish extremist opinions and activity, which will sidetrack democratic development. For this reason, we have to support a UN-led solution that is as prompt and peaceful as possible. Our group supports the draft resolution on the situation in Mauritania.

Marie Anne Isler Béguin, *author*. – (FR) Mr President, Commissioner, it was thanks to you that I was able to head the election observation mission to Mauritania.

We were very proud of the results, because the great success was that after 24 years the military was handing over power to the people.

I was in Mauritania for eight days last week and what did I hear there? I heard a people who, having previously been so happy to have a civilian government, were once again pleased that the military had come back to 'readjust democracy', as they put it.

Of course we call that a coup d'état. It is a coup d'état. We denounce it and we have denounced it. However, I think that we really need to go and see what is happening there and I would advise you, my fellow Members, to send a delegation to find out. The representative from the African Union, Mr Ping, is calling it 'an atypical situation'. Mr Djinnit of the United Nations calls it 'a reversal situation' and both are saying that today we have to be creative. Indeed, when they say that there is deadlock it is quite true that there is institutional deadlock, but this institutional deadlock does not come from the coup; it is the result of a process of degradation that dates back to April and that culminated in June or July with a motion of censure that could not be voted on, with extraordinary sittings of the parliament that were not adopted, that were not granted and, indeed, with a resounding majority of two thirds, if not three quarters in favour of the President, which found itself overturned, with the call for him to resign. This truly was a reversal and for those who are not following things it is difficult to comprehend.

I would ask you, fellow Members, to go and see the situation as it really is and would call on you to support the democratic legacy that the country managed to acquire at the last elections.

It should also be remembered that institutions such as the Senate, the parliament and the municipal councils are still functioning and I really believe that these bodies are acting as custodians of the people's power. I therefore think that it is up to them to find a solution. I believe that we have to trust in our parliamentary colleagues to propose a roadmap to this military junta, which we have rejected, and that it is really up to the representatives of the people, just as we are the representatives of our citizens, to decide what to do now.

I think that we can give them this credibility and show some trust in them: if they fail to come up with solutions that are lawful and institutionally legitimate then we can intervene forcefully, but I believe that today these representatives of the people, who have legitimacy on their side, should put forward proposals and we should give them our support as colleagues.

Ryszard Czarnecki, *author*. – (PL) Mr President, anyone with an interest in Mauritania is aware of the current situation in that country. So too are the Members who had the honour of representing the European Parliament in that country. I was part of that group.

Mrs Isler Béguin has a great deal of relevant experience. I believe that she is right to advocate that for our part, we should increase resources so that the European Parliament can make an effective contribution to the situation, as it has already done in the case of other countries. This should not involve stating what is right, what ought to happen, or referring to certain standards. It should instead involve providing genuine assistance to people who are fighting for citizens' rights and democratic values in areas where these are far more difficult to attain than in the European Union. That is why it is proposed to distribute the resources in such a way that really effective use can be made of them.

Colm Burke, *author*. – I intend to propose an oral amendment before the vote. The recent coup in Mauritania is disappointing. For a country which has made much progress towards democracy in recent years, this coup is a setback to such advancements.

The importance of a democratic Mauritania cannot be underestimated in this fragile subregion of Africa, so a return to democracy and civil rule is paramount. To overthrow a democratically elected government is simple unacceptable, as is the continued house arrest of the President and the Prime Minister of this country. However, it must also be noted that two thirds of the members of Mauritania's Parliament signed a declaration of support for the coup leader and his fellow generals. Last Sunday, the generals constituted their own government which, in my view, must be regarded as illegitimate.

While not recognising this self-appointed interim administration, I would nevertheless encourage the military junta to set a timetable for dates for new presidential elections as soon as possible so that civilian ministers can once again be appointed instead of military personalities. The junta must commit to electoral neutrality as they did after the last coup in 2005. If such moves cannot be achieved in the very near future, the European Union must consider harsher measures, such as the suspension of aid of a non-humanitarian nature. The Commission must give serious consideration to the reactivation of Article 96 of the Cotonou Agreement, which could lead to the freezing of assets of members of the junta as well as the suspension of aid. Finally, I urge the European Union to collaborate closely with the African Union on a resolution of this political crisis.

Laima Liucija Andrikiienė, *on behalf of the PPE-DE Group.* – (LT) It is deplorable, but Mauritania's generals have committed yet another coup d'état which, regretfully, will affect the people of that country very badly. The fact that in the wake of a military coup, in a deteriorating economic and social situation, the World Bank has reached the decision to suspend payments to this country has made the situation even worse and the people will soon feel the effects of this. The only possible opinion on this situation is that we condemn the perpetrators of the coup and demand that constitutional and civil order be restored in this country as soon as possible. We demand the immediate release of President Sidi Mohamed Cheikh Abdallahi and the establishment of normal working conditions for government officials.

A military coup is not a way out of a crisis. Only political discussions and free and fair elections can lead any country out of a constitutional crisis. The European Union's duty is to help overcome the crisis in the most efficient way, rendering aid to people made vulnerable in the throes of an economic and food crisis.

Leopold Józef Rutowicz, *on behalf of the UEN Group.* – (PL) Mr President, Mauritania is a poor country. It is also an untypical Islamic country and the victim of many bloodless coups d'état. It is a country that recognises Israel and one that supports the United States in its war against Al-Qaeda. Mauritania has a democratic constitution. It is afflicted by many natural disasters. Slavery is still the custom there, which means people are deprived of their cultural and religious identity and their personality. However, this is a long-standing custom in the country. It is believed that Mauritania is making relatively good use of the assistance provided to it for the development of infrastructure and education.

The latest coup has been accompanied by a declaration of holy war on the part of Al-Qaeda. This may well destabilise the country, increase starvation and negate the progress made. It may also result in the death of many people and in the introduction of the inhuman methods of radical Islam into the country. In view of these dangers, it is essential for the European Union and for the organisations of African countries to act swiftly in order to prevent such a tragedy.

Raül Romeva i Rueda, *on behalf of the Verts/ALE Group.* – (ES) Mr President, just yesterday we were talking about the inconsistency and ineffectiveness that sometimes characterises the European Union's sanctions policy. It is clear that Mauritania is an obvious example of this. The coup that occurred in that country this summer must be condemned, which is what we are doing in this resolution.

However, we also call for the political tensions to be eased within the relevant institutions, which are the ones that still have the capacity to do so at the moment.

Aside from that, the international response should not castigate those who do not merit this, particularly the Mauritanian people, who are already suffering enough from the economic and food crises.

We therefore call on the European Commission not to cancel the funding of support projects for civil society provided for under the European Instrument for Democracy and Human Rights (EIDHR) and also to reconsider the freezing of the Fisheries Agreement.

We also call on the Commission to engage in a political dialogue, pursuant to Article 8 of the Cotonou Agreement, with a view to restoring constitutional legality. If that dialogue should not succeed, it should then reactivate Article 96 of the Cotonou Agreement, which could lead to the freezing of aid, excluding food and humanitarian assistance.

Koenraad Dillen (NI). – (NL) Mr President, fragile democratic regimes in Africa which are overthrown by a military coup: it is a never-ending story, a saga that goes on and on. I am not exaggerating when I say that this House has probably expressed its condemnation of all kinds of coups in Africa dozens of times in the past. In the majority of African countries unjust rule remains and the same rulers have often been in power for decades. Billions of development aid has not changed that. The despots often remain in power and we roll out the red carpet for them far too often. This is cause for pessimism.

The elections that this Parliament helped to monitor were conducted fairly: that has already been established here. However, the events this summer in Mauritania provide further evidence that elections alone will not be enough to get democratic values accepted on a permanent basis in Africa.

The lesson that we have to learn today is that Europe needs to have the courage to make economic support and development aid dependent on good governance and democracy, since at the end of the day it will be the Africans themselves who will benefit from that. However, the EU has not had the courage to adopt this position up to now. A verbal condemnation of the coup in Mauritania is not enough if the European Union does not take concrete sanctions at the same time to isolate the junta.

Filip Kaczmarek (PPE-DE). – (PL) Mr President, it is most regrettable that we find ourselves debating Mauritania today. Last year, the first free elections were held in Mauritania. They were recognised as fair and transparent by the international community, including the European Parliament's Observation Mission. Mauritania had made significant progress in relation to issues of vital importance to its democratisation, stability and future development. I have in mind penalising slavery, liberalising the media and the return of refugees.

Mauritania has now taken a step backwards, cancelling the results of the democratic elections and demonstrating a lack of respect for the rule of law. There may well be varying interpretations and assessments of President Abdallah's conduct, but one thing is certain. A president elected in universal, democratic and free elections can never be replaced through a *coup d'état*. Such a move is unacceptable in a country that is developing its democracy, which is what Mauritania was doing until recently. The European Union should cooperate with the government of Mauritania and with the African Union in order to resolve the situation.

Eija-Riitta Korhola (PPE-DE). – (FI) Mr President, as we heard at the beginning of August, the first democratically elected President in Mauritania has been deposed and imprisoned along with the country's Prime Minister and Minister of Internal Affairs as a result of a military coup.

Mauritania is one of the world's poorest countries and one of its newest oil producers. If its democratic development is under threat, cooperation on a broad scale with the country must be called into question. As the World Bank froze USD 175 million in financial assistance and as the EU is considering freezing EUR 156 million, there are several development projects in danger of being ditched. A softly-softly approach will not, however, pay off in a situation like this in the long term.

Taking a hard line obviously does not mean depriving the Mauritians of food and humanitarian aid. The ruling military junta, however, needs to be reminded of the Cotonou Agreement and that, if no dialogue on restoring democratic order is achieved, EU cash will once again be cut off.

Glyn Ford (PSE). – Mr President, I would echo what has been said by a large number of colleagues here this afternoon: a democratic Mauritania represents a pole of stability in the subregion. Barely 12 months after the European Union's election observation mission declared that the elections had integrity, there was a second coup in two years by the generals in Mauritania.

We call for the immediate release of the President and Prime Minister and believe that the solution to this is through dialogue. We welcome the involvement of the African Union in the process, but we urge the Commission to engage in this dialogue to try to find a peaceful and democratic solution to the current crisis and to use, if necessary, the threat that we will cut off all aid – apart from food and humanitarian aid – to Mauritania if we do not find a satisfactory solution in the coming months.

Zbigniew Zaleski (PPE-DE). – (PL) Mr President, Commissioner, I should like to endorse the comments made by Mr Kaczmarek. A *coup d'état* in Africa and more precisely in Mauritania can come as no surprise. If we consider the situation on that continent we are bound to come to the conclusion that although thankfully the process of democratisation has begun in many areas and is still continuing, it remains very weak. That is a fact.

Our role is to do all we can to assist democratisation. That involves our activities in the course of our missions to monitor parliamentary or presidential elections. It also involves financial assistance. Our presence on the ground, raising awareness amongst the people as to what democracy is all about and explaining how they can now play their part in it after a difficult period of preparation is surely a venture worth investing in, as we are indeed doing. I do not think we should skimp on this. On the contrary, we need to be generous. Africa's future is at stake.

Benita Ferrero-Waldner, *Member of the Commission*. – Mr President, for several months Mauritania has been experiencing a tense political situation, opposing a large section of the Parliament to the President of Mauritania. On 6 August 2008, following the dismissal by President Adallahi of several army chiefs, the military reacted by carrying out a swift and bloodless coup d'état. At present, the elected President remains imprisoned in a guest villa. It should be noted that the Prime Minister has also been arrested, while other institutions, such as the elected Parliament, have not been affected.

Three years ago, on 3 August 2005, these same generals – at the time colonels – had carried out a similar take-over against the 20-year-old regime of Colonel Ould Taya, himself in power following a coup.

The recent take-over, nevertheless, is radically different from the one in 2005 that brought to an end a dictatorial regime and resulted in an exemplary transition to democracy strongly supported, politically and financially, by the European Union. This transition, through a series of free and fair elections, had brought into power the first democratically elected institutions in Mauritania, whose functioning must still be improved.

From the first day of the coup, our position has been clear. Commissioner Michel firmly condemned the coup and requested the release and reinstatement of President Abdallahi, as well as a quick return to constitutional rule. The whole international community followed with a very similar stance.

The latest decisions taken by the military junta – the self-proclaimed 'High Council of State' – to formalise the take-over and nominate a new prime minister and government are now a series of steps in the wrong direction, going against the demands of the international community.

This coup, I think, represents a serious and evident breach of the essential elements of the Cotonou Agreement regarding democratic principles and the rule of law. Therefore, on 2 September 2008, the Commission adopted a Communication to the Council on the opening of consultations with Mauritania under Article 96 of the Cotonou Agreement.

On the basis of the results of the consultations, appropriate measures will be proposed. However, considering the potential negative impact that measures could have on the population, we still hope that an acceptable solution will be found without the necessity to isolate such a strategically important country, as many of you have said.

Meanwhile, we will continue to follow developments in Mauritania, while fully supporting the efforts of the African Union to re-establish constitutional rule in the country.

Now, let me comment briefly on two questions. It is too early at this stage to go into any details of appropriate actions to be taken on particular projects or areas of cooperation. I think we should wait for the results of the Cotonou Article 96 consultations, and it would also be good, Ms Isler Béguin, to wait for a delegation to go there. The Cotonou Article 96 consultations have to be started first.

Finally, there are two important projects: one is a European Development Fund project that is ongoing (value: EUR 4.5 million) for civil society support, and the other is planned support for democracy and human rights investment (value: EUR 300 000). These would probably be continued in the case of a partial freeze of cooperation. So, at the moment, we are at the stage where we think that the Cotonou Agreement must be invoked and '96' consultations have to be taken, and then we will see.

President. – The debate is closed.

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

Written statements (Rule 142)

Sebastian Valentin Bodu (PPE-DE), *in writing*. – (RO) Unfortunately, the subject of the respect for human rights in African countries has been eternally present. For many Europeans, the respect for human rights is a gift they were born with. I come from a country that experienced the hardest communism in Europe, where

human rights were not very high on its leaders' agenda. I could not say that the 18 years of democracy have led to the complete disappearance of the cases of infringement of human rights but the situation is much better than during the years of communism.

The fragile African continent, whose centuries-old history has seriously marked the mentality of its inhabitants, is now also facing the threat of destabilization of an entire region following the coup d'état of the military leaders of Mauritania. They actually annulled the 2007 democratic decision of the Mauritanian people, which had elected its first president in a democratic manner. Compliance with the rule of law is the first, fundamental requirement for democracy.

The new regime in Mauritania does not have the people's support and represents the exclusive wish of a limited group of people. The international community has the duty to make sure that things do not degenerate in this country, both for the safety of its inhabitants and for the stability of the entire region, where terrorism is a real threat.

12.2. Hangings in Iran

President. – The next item is the debate on six motions for a resolution on hangings in Iran⁽²⁾.

Paulo Casaca, author. – (PT) This year is the 20th anniversary of the mass execution of thousands of political prisoners in Tehran jails. This was one of the greatest crimes against humanity committed since the Second World War.

The number of executions in Iran is currently totally out of control: according to official communications from the Iranian authorities, 29 hangings took place in one day at Evin prison in Tehran. The regime does not respect minors or anyone's rights and we are now facing the possibility, announced by the US authorities, of the handover of Camp Ashraf, where almost 4 000 Iranians are being protected under the Fourth Geneva Convention, in accordance with the status that was granted by the US authorities themselves. Despite having been officially recognised as protected by the US authorities, we are witnessing negotiations for their handover to the Iranian authorities at this time and under these conditions.

Commissioner, ladies and gentlemen, it is absolutely impossible for us to allow such a thing; otherwise we will be collaborating with the worst crime against humanity. This would make us accomplices. We cannot under any circumstances allow this. I must tell you, ladies and gentlemen, that this is much worse than Guantanamo and we have to make the US authorities clearly understand this. We cannot allow such a thing as it would signify the total breakdown of our civilising values.

Charles Tannock, author. – Mr President, the brutal theocratic regime in Tehran seems to take a perverse pleasure in shocking the world and defying the civilised standards that characterise most other countries. Iran is notorious not only for the sheer volume of executions, but the regular and merciless executions of juveniles and young adults who committed crimes as children.

Whereas most countries that still impose the death penalty against adults do so exclusively for aggravated murder, Iran's interpretation of capital crimes is extremely wide and includes homosexuality and adultery. The courts often impose such a sentence for what to us in Europe are misdemeanours or not an offence at all.

In the past, teenage girls found to be sexually active outside marriage have been executed for so-called 'crimes of sexual chastity'. As a Union, we should be unwavering in our condemnation of Iran's appalling human rights record, just as we are of its efforts to enrich uranium for nuclear weapons. We appeal here in this House for the Iranian President to show clemency, but I have to say I am not very hopeful.

Marios Matsakis, author. – Mr President, despite past resolutions of this Parliament and of the United Nations General Assembly, and contrary to basic moral and ethical considerations, the theocratic, totalitarian regime in charge of Iran continues to subject its citizens to – amongst other evils – the death penalty. However, it must be said that executions by the dreaded and most barbaric method of stoning appear, thankfully, to be coming to an end. That is without doubt a step in the right direction.

(2) See Minutes.

Nevertheless, the fairness of many trials taking place in Iran leaves much to be desired. In many cases, the standards of administration of justice are far from those expected in the 21st century. In addition, persecutions on political and/or theological grounds continue to occur frequently. Such practices are a further stigma of shame on the governing authorities in Tehran. Furthermore, the execution of juvenile offenders continues, despite the international outcry.

With this new resolution today, it is very much to be hoped that the leaders of the regime in Iran will at last listen to reason and common sense, and will proceed speedily to bringing their country into line with internationally-accepted norms of rational behaviour. The Iranian people deserve much better than to suffer the barbarism of blinkered political or religious fanaticism imposed by severely short-sighted and grossly cruel leaders. The time for liberal change in Iran is long overdue. Let us hope that it happens soon.

Feleknas Uca, *author.* – (DE) Mr President, once again, it is necessary for us to talk about human rights violations in Iran, and it is no time at all since we last spoke about it.

Just three months ago, we drafted a resolution in this House on the executions in Iran. Unfortunately, there has been no change for the better since then. On the contrary: in the shadow of the nuclear crisis, the murdering by the Mullah regime continues unabated. Only a week ago, an 18-year-old man, Behnam Saree, was executed in public. The week before, a 20-year-old man was hanged for a crime he had committed at the age of 15. The procedure is always the same: the young man has to climb onto a stool, the noose is placed around his neck, and when the executioner kicks away the stool, the noose pulls tight. There is no mercy in this method.

Faced with this type of barbaric act, even greater barbarism is hard to imagine. I ask you, ladies and gentlemen, could it get any worse? Yet I have to say to you: yes, it can! What is even worse is the execution of minors. The death sentences imposed and carried out on young people who have not yet attained their majority is a severe breach of the Islamic Republic's international obligations and commitments.

Iran is party to a number of international conventions which commit it to refrain from executing under-age offenders. It is macabre – indeed, it is verging on the tasteless – when Iranian Government representatives respond to criticism of this practice by claiming that the execution is suspended until the person has attained their majority.

Iran is the country which carries out the most executions of minors and thus occupies a deeply shameful position at the top of the league. Since 1990, according to Amnesty International, no other country anywhere in the world has executed so many minors. In 2007 and 2008 alone, 15 young people were executed, and the situation of under-age offenders who face execution has reached an unacceptable, indeed a critical level in Iran. At least 132 under-age offenders are currently being held in death cells, and the real figure may well be much higher.

The situation in Iran's prisons is critical as well: since 25 August, several hundred Kurdish political prisoners have been on hunger strike in Iranian prisons. They are protesting against the inhumane conditions, against torture and abuse, and against the death penalty. The international community must take urgent action here. We must continue to campaign tirelessly and insist on Iran's obligation to respect human rights.

The situation is far too precarious to brook any delay in tackling this issue.

Raül Romeva i Rueda, *author.* – (ES) Mr President, at the beginning of August we received magnificent news from Iran. The Iranian judiciary had decided to suspend the use of stoning as a means of execution.

The immediate consequence was that at least 10 women would not be executed by this brutal method. However, the satisfaction was short-lived because, in the penal code reform proposal currently under consideration by the Iranian Parliament, death by stoning for certain forms of adultery is retained.

However, our issue with Iran is not just about stoning, but about the very existence of the death penalty because the number of people executed in Iran is still one of the highest in the world. It has already been said, and I will repeat it, that 191 people have been executed this year and 317 people were executed in 2007. Only China can beat this record.

In general terms, we openly condemn the persecution, imprisonment and frequent execution of those people who engage in the defence and promotion of human rights, those who defend sexual freedom and those who are campaigning against the death penalty. All these people are frequently charged in Iran with carrying out activities against national security.

There are many cases that we should mention here, but please allow me to talk about at least one: that of the activist and defender of minority rights, Yaghoub Mehrnehad, an ethnic Baluchi and executive director of the 'Voice of Justice' Youth Association, who was executed on 4 August after having publicly confronted local officials about their attitude.

Marcin Libicki, *author*. – (PL) Mr President, we are today debating crimes perpetrated by Iran against its own citizens. This issue differs somewhat from others we are often called upon to debate, because Iran is not at war with anyone. It is not therefore subject to intense pressures that might provoke various kinds of criminal action. The Iranian regime was elected in a fairly democratic manner. That is another reason why there should not be any political pressure. In addition, there are no tensions between the different national groups within Iran.

Nonetheless, at least one person is executed every day in Iran. Older people are executed for offences committed when they were 13 or 14 years old, and minors are executed too. The international community should draw the appropriate conclusions. It should exclude Iran from all the international organisations it can. Action of this nature can bring results. The best example of this is the fact that stoning has been suspended. I also appeal for the inmates of Camp Ashraf not to be handed over to Iran, because they would be in danger of being handed over to the executioner.

Tunne Kelam, *on behalf of the PPE-DE Group*. – Mr President, Commissioner, it is really urgent to demonstrate to the Iranian regime our strong condemnation of the increased number of executions there and also our support for democratic change in that country. But we are also concerned about the fate of almost 4 000 members of the Iranian opposition who are residing in Camp Ashraf in Iraq.

We strongly call, therefore, on the Iraqi and also the US authorities not to forcibly return to Iran any Iranian refugees, but instead to find a long-term satisfactory solution for those located in Camp Ashraf who have the status of protected persons under the Fourth Geneva Convention.

Proinsias De Rossa, *on behalf of the PSE Group*. – Mr President, it seems to me that, whenever a religion of any kind gains absolute power anywhere in the world, it is just as brutal and intolerant as any secular dictatorship. In Iran, homosexuality is a capital offence, adultery is a capital offence, espionage, armed robbery, drug trafficking and, of course, apostasy are all capital offences: you will be hung if you do not toe the line.

According to opposition sources, political activists have been charged with criminal offences and executed. An Iranian man has been hanged for rape, despite his alleged victim withdrawing her accusations and a judicial review being ordered into the sentence. Mobile cranes and truck jibs are used for public hangings and, as there is no drop, this subjects the person being executed to a slow, painful death by asphyxiation.

It is essential that we press the Iranian authorities to systematically commute all death penalties for juvenile offenders at the very least, and to halt the execution of the four young boys who are awaiting execution at this moment. I would welcome the ending of the stoning of women – hopefully it will be followed through. However, as the resolution points out, it is worrying that there is new legislation seeking to retain it for adultery.

Marco Cappato, *on behalf of the ALDE Group*. – (IT) Mr President, ladies and gentlemen, when looking at Iran as a global and nuclear threat, strong political and diplomatic action would require that we involve Russia, for example. Furthermore, Iran provides the clearest evidence ever that the issue of human rights ought to be an integral part of our international and common security policy, because lying at the root of Iran as a nuclear threat there is the day-to-day violence being carried out against Iranian citizens by that regime, to which we must turn our attention.

I hope the Commissioner can tell us more about the use being made of the funds for the promotion of democracy and the rule of law. We know how very difficult it is to contact the democratic opposition in Iran. There is in addition the general question of the death penalty, on which the UN has voted. This House pushed hard for a moratorium, a global suspension. Now is the time to reinforce that attitude and propose that the UN appoint a special envoy of the Secretary General on the death penalty. I am proposing this in an oral amendment, and I hope the political groups will see fit to endorse it.

Mogens Camre, *on behalf of the UEN Group*. – Mr President, I believe that everyone in this Chamber will agree with me that, when reading about the individual cases of violation of human rights reported in this resolution, you feel that it cannot be referring to events taking place in this century. But this is the deplorable truth about

the situation in a country that has fallen back to medieval, primitive brutality in the attempt to suppress its own people – a people that longs for democracy, liberty and reform.

We, the western democracies, cannot negotiate for ever with the criminal regime in Tehran in the naive hope that our weak negotiators could ever obtain anything from a regime that does not understand and respect the modern world and its values and that apparently hates its own people as much as it hates us. Let this resolution be a last call for justice and human rights. I would also mention – and with deep regret – that the EU is still holding the democratic Iranian opposition movement, the PMOI, on its list of terrorists, despite decisions by both the European Court of Justice in Luxembourg and the highest British court that this is unjustified.

Finally, I support the oral amendments by Mr Kelam concerning the Ashraf camp and the oral amendment by Mr Hutchinson. These amendments will improve the resolution.

Koenraad Dillen (NI). – (NL) Mr President, we must be under no illusions. The theocracy in Teheran clearly has nothing but contempt for democracy in Europe. All the same, it is good that Parliament has again condemned the executions in Iran in no uncertain terms. The execution of minors is not only contrary to international law, it is absolutely barbaric and it says everything about the merciless nature of the regime that has held sway in Teheran for decades. It should also be a warning to the naive people who think Iran can be handled with kid gloves.

Yet there is something that this resolution fails to say. It notes rightly that more people are executed in Iran than in any other country apart from China. However, what should have been added is that since January 2005, the only countries to sentence minors to death and execute them have been Saudi Arabia, Sudan, Yemen and Pakistan. It is no coincidence that these are Islamic countries where sharia is applied to the spirit and the letter. It may be politically incorrect to say so but the facts speak for themselves. These practices provide further evidence that this Islam, which has not yet had an enlightenment, is incompatible with our Western values.

Bernd Posselt (PPE-DE). – (DE) Mr President, a fellow Member on the left of the House has just used the tragic issue of the death penalty in Iran and the dreadful crimes being committed there as a pretext to launch an assault on religion per se. He has attributed these actions to the religious nature of the regime. In my view, that is absurd.

This is a perfectly ordinary totalitarian regime which simply exploits Islam for its own ends. That is the problem, and we must vigorously condemn the regime itself, not Islam or religion per se.

Incidentally, the most heinous regimes in the world's history were those which invoked National or International Socialism, as China continues to do today.

We should therefore be clear on one point: this House is not the place for ideological disputes, even on the issue of Iran. It is not about ideology; it is about the universality of human rights. This universality of human rights transcends ideological differences. There are no Asian human rights, and there are no Islamic human rights which give people less security and might condone the death penalty in one form or another. We are radically opposed to the death penalty, whether it is practised in the US, China, or Iran, but we do not view these countries as the same. We must be very clear about one thing: the Iranian regime is a totalitarian regime, and we would like to see it come to an end.

Józef Pinior (PSE). – (PL) Mr President, international law is crystal clear. The death penalty may not be imposed on individuals who were under the age of 18 when they committed an offence. Iran is violating that international legislation.

I should like to emphasise that as a state, Iran is party to international conventions. It has signed undertakings of such a nature. In July of this year, 24 organisations for the protection of human rights from all over the world called on Iran to suspend use of the death penalty for minors and also to suspend all use of the death penalty on its territory. Six minors have been executed in Iran so far this year: that brings the total since 2005 to 26.

Mr President, Commissioner, the House has already held several debates on the cruel way in which the law is implemented in Iran. We cannot allow the people currently in Camp Ashraf to be handed over to Iran, as the rule of law does not apply in that country.

Janusz Onyszkiewicz (ALDE). - (PL) Mr President, the situation regarding human rights in Iran is not improving. Two people were hung yesterday, in Arak and in Boujerd, and many more are waiting for their sentences to be carried out. Several thousand opponents of the Ayatollahs' regime are currently held in Camp Ashraf. They are members of the People's Mujahadeen, and they are threatened with expulsion from Iraq. For many of them, this would mean certain death. The US forces have been providing security for the camp's inmates, pursuant to the IVth Geneva Convention. The planned change in the status of these forces means that as stated in the motion for a resolution, a long-term solution for the Iranian refugees resident in that camp must be found as soon as possible. While I have the floor I should like to remind the House once again of the need for court rulings to be properly implemented and the Mujahideen removed from the list of terrorist organisations.

Marek Aleksander Czarnecki (ALDE). - (PL) Mr President, the number of public executions in Iran is increasing. According to Amnesty International data, every year some 200 individuals are put to death in this way before audiences of thousands. In Iran the death penalty applies in cases of blasphemy, apostasy, adultery and prostitution, amongst others. The very severe penalties for immorality and apostasy have led to justified protests by defenders of human rights outside Iran and by reformist politicians inside the country.

The West cannot simply be a passive observer of such macabre acts. The European Parliament should unequivocally condemn the actions of the Iranian regime. At the same time, Parliament should support the peaceful and reformist aspirations of the opposition, represented by the People's Mujahadeen. The logical outcome of the democratic transformation of the aforementioned organisation, led by Mrs Maryam Radjavi, would be for it to be removed from the European Union's list of terrorist organisations.

Dumitru Oprea (PPE-DE). - (RO) Regarding things from the psychological point of view, it has been proved that tough punishments have never had a corrective role, but they generate hatred, violence, and a wish for revenge against fellow people and authorities. I do not militate in favour of not punishing guilty people, but not by using the death penalty.

Let's not forget that people can be recovered by re-education and social reintegration programmes. Let's not forget that, in Iran, young people under the age of 18 years are subject to the death penalty, although the international rights, acknowledged under signature by Iranians, do not allow such atrocities. At a given moment, we found out about a terrible situation, when a group of young people from Isfahan were punished for dancing forbiddenly close, a few centimetres from each other.

As a teacher, I would like to remind that positive results in education cannot be obtained by fear, constraint and physical punishment.

Aloyzas Sakalas (PSE). - Mr President, I would like to draw colleagues' attention to the fact that in Iran hundreds of people are being executed every year. That is the result of the failed policy our Union has been conducting with Iran in recent years.

We ought to know that only strong internal opposition in Iran is capable of changing that situation. My question today is why does the EU continue to keep the Iranian opposition movement on a black list, despite the fact that the British courts ordered it to be removed from that list? Is it not time for the Council, under the current presidency, to live up to its obligation of respect for the rule of law and to remove opposition movements from the black list once and for all? I believe that Mrs Ferrero-Waldner could take the necessary steps.

Ewa Tomaszewska (UEN). - (PL) Mr President, condemning a ten-year-old child to death is simply inhuman. Using cranes as gallows is a crime, and a misuse of technology. In addition, public executions encourage aggressive behaviour amongst the population. We have already debated the situation in Iran on many occasions. Iran is cynically violating the international commitments to which it signed up. Our resolutions are proving ineffective. I trust the European Commission will consider the possibility of imposing sanctions in view of the crimes committed by Iran's rulers against their own nation.

Zbigniew Zaleski (PPE-DE). - (PL) Mr President, the current totalitarian regime in Iran can best be described as having undertaken a *reductio ad absurdum* of the law, and resorted to the psychology of terror. The law works when people know what can be penalised, but things need to be kept in proportion. There is a relevant historical example. There was no law at all in Soviet Russia, simply the will of a single all-knowing individual and of his department, namely the KGB. The situation in Iran is absurd because the death penalty can be imposed for anything and everything. In Iran there are no courts, no logic and no proper trials. That is why

I support the call for no political refugees such as the ones in Iraq mentioned earlier to be returned to Iran, especially no minors, because they would simply be slaughtered without trial.

Benita Ferrero-Waldner, *Member of the Commission*. – Mr President, I think this is certainly one of the saddest questions of human rights violations, namely the death sentence – and particularly the death sentence carried out on young people. I think we all share the same profound, serious and urgent need to do something. There was a debate in June on the same issue, and yet between June and now the situation has unfortunately not improved but deteriorated. The extent and the severity of our concern is reflected in the growing number of statements published also by the European Union since the June debate – eight more to date.

You mentioned many cases and I also would like to mention a few. Last week, for instance, the day after the EU deplored the hanging of Mr Hejazi, a minor, yet another juvenile execution took place. On 26 August Mr Zaree was put to death at the prison in Shiraz. This was despite specific calls for mercy emanating not only from the European Union, but also from all over the world, notably from the UN High Commissioner for Human Rights. Mr Zaree's execution has brought the number of juvenile executions – as you have said – since the beginning of this year to the very high number of six. Information suggests that there are over a hundred minors on death row in Iran. Unfortunately the death toll keeps rising. As we speak, yet another minor, Mr Soleimani, faces imminent execution. The moratorium on youth executions, decreed by Iran's Chief Judiciary, is blatantly and repeatedly violated by his own judges.

Regarding the question of Camp Ashraf, the Geneva Conventions should of course apply as for anyone else. In the case of forceful deportation to Iran of Camp Ashraf residents, necessary representations towards the Government of Iran will have to be made. We have tried on many occasions either to speak up openly or to try discreet diplomacy. I, myself, on every occasion when either the Foreign Minister or the President of the Parliament came to see me on other issues – on nuclear issues – always made the case very strongly. We were only successful in one case and that was the stoning of women. I have always spoken out against that but, as you can imagine, I am also totally against what is happening to young people and of course, to the death sentence in general. However the Iranian authorities' ears are largely deaf to our calls. We sometimes, therefore, have no choice but to resort to the so-called 'megaphone diplomacy' that Tehran claims to abhor and reject.

Iran must face up to its own responsibilities. Its behaviour can only cast a shadow over its already tainted international reputation. Without a concrete improvement in the human rights situation, our common objective of developing the relationship between the European Union and the Islamic Republic of Iran cannot proceed properly, even if the nuclear issue were to be solved.

I trust that the European Parliament and all EU partners will agree to this line and act accordingly. Today I call once more on the authorities of the Islamic Republic of Iran to fully abide by the international conventions to which it is party. I call on Iran to spare the lives of all minors still languishing on death row. The whole human rights situation is indeed very difficult. As you know, we had a human rights dialogue, but unfortunately this did not work. We tried to work on public diplomacy and we are working closely with EU Member States to pursue a well-coordinated public diplomacy. We have allocated EUR 3 million for a TV news service in Farsi. We are also trying to work with civil society in Iran, but many obstacles are being put in our way.

President. – The debate is closed.

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

Written statements (Rule 142)

Glyn Ford (PSE), *in writing*. – This Parliament supports the total abolition of the death penalty around the world. Unfortunately there is a long way to go. Therefore we have to try to make what progress we can. We welcome the suspension of the use of stoning as a means of execution for women in Iran. We urge the Majlis to urgently amend legislation in order to ensure that no one is executed for crimes committed when less than 18 years of age.

We should also condemn the imprisonment and persecution of Iranian citizens who campaign for human rights and the abolition of the death penalty. In the present circumstances we call on Iraqi and US authorities not to forcibly return to Iran refugees and asylum-seekers and to work to find a long-term solution to the situation facing those people currently in limbo in Camp Ashraf.

12.3. Albino killings in Tanzania

President. – The next item is the debate on six motions for a resolution on albino killings in Tanzania⁽³⁾.

Ryszard Czarnecki, author. – (PL) Mr President, in the 21st century people are being murdered simply because they are albinos. This is happening in Tanzania, a country where over a third of the population is living below the poverty threshold. In recent times, 173 individuals have been arrested on suspicion of killing or injuring albinos. This indicates the scale of the problem. Twenty-five people have been killed or injured because they were albinos during the last six months.

There is a sizeable population of albinos in the world. In fact, 50 out of every million persons are albinos. It is only in Tanzania, however, that they are treated so cruelly. In that country, the blood and body parts of albinos are traded. The responsibility for this lies with animist witch doctors and the gangs they employ. It should be noted that the police also bear a share of the blame as they tend to turn a blind eye.

As I conclude, I should like to point out that we will only be able to consider that our protest here today has been effective if and when medical care, education and the opportunity to integrate into society are made available to albinos in Tanzania.

Laima Liucija Andrikiienė, author. – (LT) Today we are discussing a case of discrimination against a minority. The minority in question are albinos, who are being killed and mutilated in Tanzania, including small children. This is a serious problem throughout sub-Saharan Africa. I would like to remind you that albinism affects one in 20 000 people worldwide. As mentioned in the previous speech, witch-doctors in Tanzania sell severed body parts and blood from albinos to miners and fishermen, who naively believe that they can bring them luck, health and fortune. Our position is very clear – the killing of albinos and discrimination against them is totally unacceptable and should not be tolerated. The Tanzanian Government must take consistent measures to end this dreadful situation. The Government and President of Tanzania have already started to implement measures, which we appreciate, but it is not enough. The court case in which 173 people suspected of albino killings are to be tried will be a litmus test that will reveal the disposition of those in power in Tanzania, and the guilty must be punished. However, the best way to solve the problem would be through better education and adequate health care that is accessible to all the citizens of this country, including albinos. The international community as well as the European Union should render assistance in overcoming these problems. Most people with albinism die of skin cancer before they reach age 30.

Marios Matsakis, author. – Mr President, people with the genetic defect of albinism, apart from serious health-care problems, suffer various degrees of discrimination internationally.

But recently in sub-Saharan Africa, and especially in Tanzania, albinos have, in addition, suffered unprecedented barbaric attacks of mutilation, with their body parts being used by witchcraft doctors as ingredients in the production of potions that are promised to make people rich. Such a state of affairs, apart from its obvious criminality, points towards a seriously backward society in which sickeningly brutal witchcraft practices are still operating.

The government of Tanzania has an obligation to act swiftly and decisively in the following aspects: firstly, to protect all albinos from further attacks; secondly, to investigate fully all crimes against albinos and bring those responsible to justice; thirdly, to educate their citizens sufficiently, so as to rid them from the curse of witchcraft and superstition and, fourthly, to make sure that people with albinism are offered the best possible medical and social assistance they need in order to lead near-normal, safe and peaceful lives.

Erik Meijer, author. – (NL) Mr President, what is going on in Tanzania is not violence perpetrated by the State. The discrimination and violence are practices which have survived from the time before the Judeo-Christian-Islamic civilisations, a time when there was no assumption of the equality of all persons.

Tanzania has 150 000 inhabitants who, due to a shortage of the colour pigment melanin, have red eyes, pale skin and fair hair. They are seen as products of witchcraft. Many of these people are murdered, after which their skin is stripped off and their skin and other body parts are used in magic rituals. Because of its large number of albinos, Tanzania is the largest supplier of human body parts for the whole of Africa.

⁽³⁾ See Minutes.

It will not be possible to put an end to these horrific practices without actively educating ordinary people in Tanzania and throughout Africa, providing better medical care and ensuring better access for albinos to prominent jobs. The Tanzanian Government is taking measures, including a register of all albinos, with a view to being able to protect them. Without changing attitudes on the position of albinos, this register could be misused in future to track down these people and exterminate them. We had bad experiences in Europe in the 1940s with the registration of threatened population groups.

Charles Tannock, *on behalf of the PPE-DE Group*. – Mr President, the plight of albino people in Tanzania seems barely credible in today's age. When I first heard about this issue, it seemed like something straight out of Joseph Conrad's novel *Heart of Darkness*. I would like to believe in the renaissance and potential of Africa, as so many other colleagues in this House seem to, but the murder of albino people for their body parts does nothing to improve the image of the continent internationally. Sadly, the suffering of albino people is not limited to Tanzania but occurs all over Africa.

Quite apart from the medical consequences of albinism in the tropics, including a high risk of terrible skin cancers, the long-suffering albino people are at best traditionally considered as freaks or curiosities, and at worst they are murdered to satisfy demand for traditional medicine that is more akin to medieval sorcery.

The EU should not hesitate to campaign on the issue and bring pressure to bear on countries like Tanzania, where, apparently, such scant regard for human rights and dignity is common. However, I am heartened that the Tanzanian President has appealed to his people to change their traditional ways. Let us hope that other leaders throughout Africa repeat this important message.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group*. – (PL) Mr President, in March of this year over 25 albinos living in the vicinity of Lake Victoria, were brutally murdered or maimed. The victims included children. People alleged to have supernatural characteristics had been the subject of attacks in that area in the past.

It should be recalled that 36% of Tanzania's population lives below the poverty threshold. To all intents and purposes these people have no access to health care. Normal practice is to turn to local witch doctors for help. The low level of education of the local population contributes to its belief in supernatural characteristics. A large number of albinos live in the territory of sub-Saharan Africa and they have become the victims of open discrimination because they are different. Not only are albinos denied the right to health care, but they are also denied the right to social and legal assistance. It is standard practice to discriminate against albinos in daily life, in schools, in public institutions and on the labour market. Albinos feel that they are being constantly humiliated and treated like second-class citizens.

The current intolerance could be countered and the number of attacks against albinos reduced in future by penalising those guilty of murder whilst at the same time undertaking fundamental awareness-raising work within Tanzanian society. It is essential to support the initiatives taken by the Tanzanian Government in this regard. Such initiatives include special protection for albino children along with cooperation with civil society and non-governmental organisations. Actions should be focused first and foremost on rural areas, where social awareness is at its lowest. In addition, the Commission and the Member States should give strong support to the emergency actions undertaken by the Tanzania Albino Society. Longer-term measures should aim at ensuring that the albino population enjoys full rights in terms of access to education, the labour market and also to social and health protection.

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Mr President, since March of this year 25 albinos have been murdered in Tanzania. These murders are connected with the superstitious practices current in the area and are based on the belief that albino body parts such as the feet, hands, hair and blood will make a person healthy, wealthy and rich. The latest victim was a seven-year-old child. Last year too, 25 albinos lost their lives.

These occult practices take place along the shores of Lake Victoria, in farming areas and also amongst fishermen and miners. Albinos are often the victims of discrimination and persecution. President Kikwete has been using the police to try and locate albinos in hiding. The President has promised to provide albinos with protection, but the albinos remain mistrustful, because some police officers are also involved in occult practices. Witch doctors' gangs are responsible for organising the murder of albinos. One hundred and seventy-eight local people have been arrested on suspicion of involvement in the murders.

The President of Tanzania has been instrumental in the appointment of Mrs Kway-Geer as the country's first albino Member of Parliament in recognition of her fight against discrimination. We welcome this appointment

as a step in the right direction. We support the activities of the Tanzania Albino Society and trust that the Commission will offer it genuine support.

Urszula Krupa, *on behalf of the IND/DEM Group*. – (PL) Mr President, we are today discussing breaches of human rights in Tanzania. The latter is a subtropical country where albinos are discriminated against, as is the case in many other African countries.

Albinos are murdered in a particularly brutal fashion in Tanzania, however. Last year more than 25 individuals lost their lives in this way. There are 39 million Tanzanians, 270 thousand of which suffer from a genetic defect caused by the presence of a recessive gene which means their skin lacks pigment. Consequently, albinos can suffer from sight problems, sunburn, cancer and premature death. Both parents have to be carriers of the gene for the condition to become apparent in their children. Women who give birth to albino babies are forced into divorce. The children are considered to be a curse on their family. They are thought to be possessed by unclean spirits and are treated as animals. On the other hand, however, witch doctors spread tales of the magical properties of albinos' white skin, which allegedly helps to bring luck and wealth. This leads to the killing of albinos who are then brutally quartered and their body parts used in the production of potions.

It is hard to understand what the reason for such cruelty might be and what purpose it could serve. Perhaps it is an attempt to eliminate sick people who have a genetic defect. In recent times, the government has condemned the use of force against white-skinned Africans and run educational campaigns. An albino member of parliament has even been appointed. Nonetheless, the tragedy affecting these people still continues. In addition, there is a lack of funding for protective clothing and other assistance for this marginalised sector of the population which is discriminated against and denied work and education.

Protests and appeals by the international community, together with educational and financial help would help to counter extreme discrimination of this type. Bringing legal proceedings against the 173 would-be witch doctors arrested and accused of murderous activity, incitement to murder and trade in human organs would also help.

Avril Doyle (PPE-DE). - Mr President, I would just like to add my voice of support to that of colleagues on all sides of this House about the appalling story of the treatment of albinos in Tanzania. I know it happens in other parts of Africa but there is a concentration in Tanzania – we have heard the number of 270 000 albinos – who are discriminated against, who are marginalised, brutalised and murdered for their body parts due to superstition, witchcraft and various occult practices.

By raising this issue here (and I commend all my colleagues who have raised it and those who put this item on the agenda), we add our voice in the European Parliament to the international voice of protest, and hopefully the Tanzanian Government – and indeed others – will listen.

It is a question mainly of education but, above all, we need protection for albinos within their own communities; we need full investigation. The fact that some of the police force are part of the problem and cannot be trusted to be part of the solution is extremely worrying.

Benita Ferrero-Waldner, *Member of the Commission*. – Mr President, we share Parliament's outrage at the increasing number of attacks in Tanzania against the albino population and at the abhorrent and illegal trade in albino body parts linked to traditional medicine, to superstition and to the practices of witch doctors.

In particular, we share the concerns recently reported by the UN Committee on the Elimination of Discrimination against Women that, for instance, albino women and girls have been targeted very specifically in ritual killings. We condemn all forms of discrimination and victimisation, and we are committed to supporting policies and actions aimed at eradicating them.

The Government of Tanzania, too, it must be said, is committed to stamping out these practices and raising awareness of the plight of the albino population. Therefore, we welcome the nomination of an albino Member of Parliament, the recent arrests of some witch doctors, and the President's commitment, as has been mentioned, to bringing those responsible to justice.

We also closely monitor the human rights situation in general in Tanzania, together with Member States and other development partners. Several Member States and other partners are supporting organisations, such as the Legal and Human Rights Centre, which regularly monitor possible human rights violations. As a member of the Donor Group on Governance, the Commission will continue to coordinate donor responses to addressing the problem, including the Albino Association.

The Commission will also, with Member States in Tanzania, raise the problem in its political dialogue with the Tanzanian authorities.

The EUR 3 million EDF-funded Civil Society Programme will help to create awareness: workshops are being organised to highlight the albino situation and a new sensitisation campaign is shortly to be implemented in the Mwanza region of Northern Tanzania.

So, in general, we use our regular dialogues to refer to this issue. These questions are, of course, also being raised in our ongoing exercise concerning public funds and the health, education and employment sectors. We believe that an independent and functioning judicial system is vital.

Therefore, we, the Commission, in our contacts with the authorities, will underline the importance of appropriate legal action being taken against the perpetrators of these horrible acts.

We will also contact the honourable Kway-Geer, the first Albino Member of Parliament in Tanzania (she has already been mentioned), and discuss possible actions with her, because she can tell us even better what can be done. Finally, together with the presidency in Tanzania, we will discuss this issue at the 60th anniversary of the signature of the Universal Declaration of Human Rights planned in Tanzania on 10 December 2008.

President. – The debate is closed.

The vote will take place immediately after the debates.

13. Voting time

President. – We shall now proceed to the vote.

13.1. Coup in Mauritania (vote)

– *Before the vote:*

Colm Burke (PPE-DE). – Mr President, my apologies for being late for the debate earlier on. This was due to the fact that we were trying to agree the terms of an oral amendment relating to paragraph 8. This is the oral amendment as agreed: ‘Notes the announcement of new presidential elections by the junta, but deplores the failure – contrary to the position of the 2005-2007 junta – of a commitment to neutrality; calls on the military in power to commit themselves forthwith to a timetable for the restoration of the democratic institutions, in cooperation with the political forces’.

In relation to paragraph 10, there is a typographical correction to be made which was agreed in the discussions. The last line of paragraph 10 should read ‘which could lead to the freezing of aid, excluding food and humanitarian assistance’.

(Parliament agreed to accept the oral amendment)

13.2. Hangings in Iran (vote)

– *Before the vote:*

Marco Cappato (ALDE). – *(IT)* Mr President, ladies and gentlemen, I propose putting these amendments at the end of the resolution. I apologise for doing so at the last moment, but it has to do with the UN moratorium on the death penalty, on which Parliament has already expressed a view on three occasions. That is why I believe a purely oral amendment to be acceptable.

The two paragraphs I am proposing are as follows. I shall read them out very slowly in English:

‘Calls for the presentation of a resolution, at the next UN General Assembly, with a request to all countries who retain the death penalty to make available to the UN Secretary-General and to public opinion all information on capital punishment and executions, so as to overcome the state secret on the death penalty, which is also a direct cause of a greater number of executions’.

The second paragraph is as follows:

'Calls for the new resolution to foresee the figure of a Special Envoy of the Secretary-General, with the task of monitoring the situation, ensuring maximum transparency in the capital punishment system and favouring an internal process directed at the implementation of the United Nations resolution on the moratorium on executions'.

(IT) I realise that this is, let us say, an additional subject on the issue of Iran, but it is also an issue on which rapid action is needed. I therefore ask you to accept this addition to our resolution.

(Parliament agreed to accept the oral amendment)

Raül Romeva i Rueda, author. – Mr President, the two amendments relate firstly to Article 9. We have a specific request from the UNHCR that it not be mentioned in the resolution. I think that this is absolutely acceptable and, according to this amendment, I ask for the words 'starting to notably work together with the UNHCR and others' to be deleted. Please note that in this amendment we also include Mr Hutchinson's oral amendment, in which he also asked for the opposition members to be included.

Concerning recital K, we also had the same request in connection with the same principle that I have already mentioned. Here the words that we ask to be deleted from the resolution are 'under Article 27 of the Fourth Geneva Convention'. It should also be noted here that we are also including Mr Kelam's oral amendment. Given the fact that this is a specific request from the UNHCR, I insist that we should take them into consideration.

Paulo Casaca, on behalf of the PSE Group. – (PT) Mr President, I believe that what has just been said should be corrected. I can guarantee to this House that the United Nations High Commissioner has not at any time suggested this nor is he in agreement with what has just been said by our fellow Member. I therefore call on the House not to vote for what is being proposed. This would call into question the most important point, as underlined by the Commissioner, which is the protection offered by the Geneva Convention to prisoners in Camp Ashraf. We should therefore not accept this amendment as tabled. I must also point out that this would be in total contradiction to what was proposed by my colleague, Mr Hutchinson, and also our fellow Member from the Group of the European People's Party. I therefore vehemently reject this oral amendment.

Bernd Posselt, on behalf of the PPE-DE Group. – (DE) Mr President, I would just like to say that our Group is also opposed to this oral amendment and is of the opinion that the Convention should continue to be mentioned, which is what was negotiated at the beginning of the week.

Tunne Kelam (PPE-DE). – Mr President, I am really against joining, in recital K, my oral amendment, which is to replace 'ex-members' with 'associates', with deletion of the mention of the Geneva Convention. The Commissioner has just confirmed that the Fourth Geneva Convention applies as well to the inhabitants of Ashraf, so I would like to ask you to support the first part of this amendment, which is the same as Mr Hutchinson's, but to oppose deletion of the mention of the Geneva Convention.

Mogens Camre, on behalf of the UEN Group. – Mr President, I want to join with the last two speakers, as the UEN Group is also against any changes to the existing oral amendments printed in the files.

Alain Hutchinson, author. – (FR) Mr President, I simply wish to confirm that we shall not be supporting the amendment that has been tabled here by our fellow Member, but that we have tabled an oral amendment to Article 9 that takes the same line as that put forward by the Member in question and that we shall of course be standing by this.

(The oral amendments tabled by Mr Romeva i Rueda were not accepted. The oral amendments tabled by Mr Kelam and Mr Hutchinson were accepted.)

13.3. Albino killings in Tanzania (vote)

President. – That concludes voting time.

14. Composition of committees and delegations : see Minutes

15. Decisions concerning certain documents: see Minutes

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

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

18. Dates of forthcoming sittings : see Minutes

19. Adjournment of the session

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

(The sitting was closed at 4.45 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 7 by Gay Mitchell (H-0540/08)

Subject: The EU's vision in the aftermath of the Irish rejection of the Lisbon Treaty

In the aftermath of the Irish rejection of the Lisbon Treaty much was said about the perceived lack of understanding and/or communication of the EU vis-à-vis individual EU citizens, resulting from the way the EU is presented in national contexts, with the EU often being the scapegoat for difficulties and too easily overlooked for many positive effects.

If this is indeed the case it threatens the EU's legitimacy and should be taken very seriously. The EU needs to engage with the citizen, and the people of Europe should be given an EU vision.

Will the Council comment on this issue and specify how the EU can collectively work towards remedying the EU's vision deficit?

Question no 8 by Christopher Heaton-Harris (H-0571/08)

Subject: Elections 2009 and the Lisbon Treaty

Does the Council expect the Lisbon Treaty to be ratified before the 2009 elections to the European Parliament?

Question no 9 by Martin Callanan (H-0576/08)

Subject: Lisbon Treaty and the future

Does the Council believe that the EU needs another 'period of reflection' following the rejection of the Lisbon Treaty, and does it anticipate yet another re-hashed document at the end of that period of reflection, as has already happened?

Question no 10 by David Sumberg (H-0593/08)

Subject: Voting on the Lisbon Treaty

Does the Council believe that a second referendum in the Republic of Ireland on the Lisbon Treaty is a good idea, despite the majority of voters rejected the text in the recent referendum there?

Question no 11 by Georgios Toussas (H-0598/08)

Subject: Halting the Lisbon Treaty ratification process

Following the referendum held in Ireland on 12-13 June 2008, statements have been issued by the Commission President, EU Heads of Government and members of the European Council in a bid to ignore the resounding 'no' of the Irish people regarding the Lisbon Treaty and proceed with the ratification process, thereby disregarding not only the verdict delivered in Ireland, but also the outcome of the referendums held in France and the Netherlands in 2005 rejecting the European Constitution, and this at a time when growing anti-EU sentiment is spreading to other Member States, which have been deprived by their governments of the right to a referendum on the Lisbon Treaty.

Does the Council intend to respect the verdict of the Irish, French and Dutch people, acknowledge the 'demise' of the Lisbon Treaty and halt any further ratification proceedings?

Joint Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

On 19 and 20 June the European Council noted the outcome of the Irish referendum and noted that the ratification process was continuing in other Member States.

The French Presidency is in close contact with the Irish authorities. Mr Sarkozy visited Dublin along with Bernard Kouchner on 21 July in order to listen to and understand the different points of view. They met with the Irish authorities, the leaders of the political parties and representatives of civil society. Further contacts are due to take place in the months ahead in both Paris and Dublin.

I noted the recent statements by the Irish Minister for European Affairs on the possible prospect of allowing the Irish people to vote in another referendum.

As the European Council indicated in June, we respect the sensibilities and the choice of the Irish people. However, we must not forget that 24 national parliaments have approved the Lisbon Treaty.

Moreover, your Assembly is very aware of the fact that in the new uncertain international climate it is crucial for the Union to have at its disposal the political and legal resources and instruments that will allow it to fulfil its objectives.

With a view to the European Council meeting in October, we will make every effort to help the Irish authorities to draw up proposals for the future. It is important for these proposals to be ready by October so that a solution acceptable to all 27 Member States can be found as quickly as possible. At an institutional level, we cannot waste any time. We need to act. We must ensure that, on the basis of the Irish proposals, we are ready to put in place our future legal framework and to put into practice the lessons we have learned when it comes to the organisation of the European elections and composition of the Commission in 2009.

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Question no 12 by David Martin (H-0542/08)

Subject: Expansion of Israeli settlements

What representation has the Council made to Israel regarding the continued expansion of Israeli settlements?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Union's position is clear. It has reiterated it on several occasions:

As far as the European Union is concerned, the establishment of settlements in the occupied Palestinian Territories, including East Jerusalem, is illegal under international law. The act of establishing settlements prejudices the result of the negotiations on the final status of the Palestinian Territories and threatens the viability of an agreed solution based on the coexistence of two States.

In July and August the European Union once again called on Israel to suspend all settlement activities, notably those linked to 'natural growth', including those in East Jerusalem, and to dismantle the uncontrolled settlements established since March 2001.

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Question no 14 by Bernd Posselt (H-0551/08)

Subject: Accession negotiations with Croatia

What steps is the Council taking to ensure that the EU's accession negotiations with Croatia can be wound up before the end of the year, and what would be the ensuing timetable, in the Council's opinion, for full Croatian EU membership?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The accession negotiations with Croatia are making good progress and have entered a key phase in 2008. Since the beginning of the negotiations in October 2005, 21 chapters have been opened, and three of these have been provisionally closed:

Chapter 25, 'Science and research'

Chapter 26, 'Education and culture'

Chapter 20, 'Enterprise and industrial policy'

In addition to the closing of Chapter 20, the Accession Conference of 25 July saw the opening of Chapter 1, 'Free movement of goods'.

The rate of the negotiations depends, and will depend, first and foremost on the progress Croatia can make in terms of fulfilling the conditions laid down.

The main challenge now is to draw on the progress that has been achieved in order to speed up the rate of the reforms and their implementation, notably:

the reform of the justice system and public administration

the fight against corruption, minority rights

the economic reforms.

In the field of regional cooperation, the EU encourages Croatia to continue its efforts to establish good neighbourhood relations in order to:

find definitive, mutually acceptable solutions to all the outstanding bilateral questions with neighbouring countries, particularly border issues

work towards reconciliation among the people of the region.

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Question no 16 by Marian Harkin (H-0556/08)

Subject: CAP

In view of the worldwide shortages of food and the expanding world population, does the French Presidency agree that it is vital for the European Union's citizens that the Common Agricultural Policy be able to fulfil its original objective of ensuring food security for Europe and, if so, what concrete proposals does the Presidency have to ensure this?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

As you know, on 3 July 2008 the French Presidency, in partnership with the European Commission and the European Parliament, organised a conference entitled 'Who will feed the world?', with the participation of many representatives of EU institutions and international organisations, including the FAO, IFAD and the WTO, as well as representatives of civil society from a number of continents. All the participants in the conference acknowledged the importance of agriculture as a catalyst for growth and development.

On 19 and 20 June the European Council reiterated the measures already taken by the Union to moderate the pressure on food prices:

sale of intervention stocks

reduction in export refunds

removal of the set-aside requirement for 2008

increase in milk quotas and suspension of import duties for cereals.

These measures have helped to improve supply and stabilise the agricultural markets.

The European Council has invited the Commission to put forward additional measures to tackle these problems.

Specific measures to support the most disadvantaged, both in Europe and around the world, are also being drawn up in the Commission and the Council will examine these in October.

Over and above the CAP Health Check, the French Presidency hopes that a reflection on the future of the common agricultural policy will be launched to determine whether our production methods and organisation are suitably adapted to our food security requirements and other challenges of our time.

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Question no 17 by Dimitrios Papadimoulis (H-0561/08)

Subject: Measures in response to the rising cost of living

The record inflation figures for May, 3.7% for the Eurozone and 3.9% for the European Union, causing particular hardship for the poorer sections of society, including low earners, pensioners, the unemployed, young people and economic migrants, have given rise to concern throughout Europe as a whole.

What measures will the French Presidency recommend in response to the rising cost of living?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

I provided a partial answer to this question on 8 July in response to the question posed by your colleague Mr Matsis.

However, it is true that during the summer the situation changed somewhat. We are now seeing a slow-down in the increase in the price of raw materials. That is good news, even if it is still not enough. It is still important to emphasise it, nonetheless.

As you know, on 19 and 20 June 2008 the European Council discussed the development of agricultural and food prices. A series of specific measures were thus introduced with a view to the European Council in October or December 2008.

As I have just said, it is important in this respect to reiterate the measures already taken by the Union in order to moderate the pressure on food prices and stabilise the markets, for example selling intervention stocks, reducing export refunds, removing the set-aside requirement and increasing milk quotas.

With regard to the measures to be taken, the European Council has highlighted the importance of ensuring the sustainability of bio-fuel policies, assessing the possible impacts of these policies on agricultural products for food and taking action, if necessary, to deal with any problems.

Specific measures to support the most disadvantaged, both in Europe and around the world, are also being drawn up in the Commission and the Council will examine these in October.

I am not forgetting the links between this issue and development of international trade, however.

The negotiations in July on the Doha Round did not produce a balanced agreement, despite all the EU's efforts. It is not time, within a multilateral, or failing that a bilateral and regional, framework to look for the means to enable third countries to improve their production and promote their exports.

The European Council has welcomed the Commission's initiatives to examine the issue of restrictive regulations in the retail sector and to closely monitor activities in commodity-related financial markets, including speculative trade, and their impact on price movements as well as any policy implications. It has invited the Commission to report back on this issue in advance of the December 2008 European Council and to consider proposing adequate policy responses, including measures aimed at improving market transparency.

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Question no 19 by Sarah Ludford (H-0562/08)

Subject: Legal aid

After the breakdown of negotiations on an instrument enhancing procedural rights of suspects in criminal proceedings, is the Council willing, as a matter of urgency, to address the issue of legal aid?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council is not currently dealing with any initiative concerning legal aid. It is prepared to examine the question together with any other initiative taken by the Commission or by a Member State, in accordance with the Treaty.

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Question no 20 by Gunnar Hökmark (H-0565/08)

Subject: European Research Area (ERA)

The ambition of the council to create an overall political governance for ERA touches upon quite a few important issues, such as the definition of the policy area, the geographical scope of ERA and the subsidiarity principle.

How is the Council going to tackle this and in what time perspective?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council is aware of the key role played by the European Research Area (ERA), which is one of the main pillars in the fulfilment of the Lisbon objectives and a catalyst of European competitiveness.

During the March European Council and the meeting of the Competitiveness Council of May 2008 the broad outlines of the political governance of the ERA were laid down. The Member States were invited to establish governance arrangements for each of the ERA initiatives, i.e.:

- joint programming in research,
- researchers' partnership,
- legal framework for European research infrastructures,
- effective intellectual property management and protection,
- international cooperation strategy for the ERA.

We are aware of the need to enhance this governance and the French Presidency hopes that a '2020 vision' will be defined by the end of the year with a view to a longer-term European Research Area. In that regard, we will work closely with the Czech and Swedish Presidencies as all of our presidencies see this as a priority.

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Question no 21 by Diana Wallis (H-0567/08)**Subject: Judicial training in the European Union**

It is generally agreed that the training of the national judiciary and judicial staff is primarily a matter for the Member States. Why is it then that the Member States contribute less than a quarter of the European Judicial Training Network's budget?

Given, for example, the legal bases foreseen for training of the judiciary and judicial staff in the Treaty of Lisbon, does the Council consider such funding sufficient to ensure a proper support for such training in the European Union?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council attaches great importance to the training of the judiciary and judicial staff, and to judicial cooperation in developing the European area of justice.

We have not yet defined all of the instruments at Community level, however. A number of initiatives have therefore been launched:

on 7 and 8 July in Cannes the French Presidency devoted a significant proportion of the informal meeting of the Council of Ministers responsible for justice and home affairs to the subject of training of the judiciary and judicial staff. The Member States unanimously agreed that efforts in this area had to be stepped up considerably.

subsequently, on 10 July, France, together with 10 other Member States, tabled a draft resolution of the Council and of the representatives of the governments of the Member States meeting in the Council with a view to offering substantial political support for greater action in the field of training of the judiciary and judicial staff in the European Union.

a further initiative aimed at harmonising efforts, the European Judicial Training Network, has been launched in the form of a non-profit-making association under Belgian law, outside the scope of the EU's legal framework. This initiative receives Community funding and financial support from the participating Member States. We hope that it will be incorporated within the EU system. The French Presidency is not just in favour of this; it will actively support the project.

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Question no 22 by Laima Liucija Andrikiene (H-0568/08)**Subject: EU financial assistance to Afghanistan and Iraq**

Afghanistan and Iraq are becoming test cases for international development assistance and multilateral cooperation and for the European Union in particular.

Is the Council in a position to increase EU financial assistance to Afghanistan and Iraq in the upcoming years? What is the Council's position on the question that a right balance should be reached between the spending on law enforcement and support for military operations, on the one hand, and on civil reconstruction and humanitarian assistance as well as on enhancing services in health and education, on the other?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

In its conclusions of 26-27 May 2008, the Council recalled that the European Union wishes to see a sure, stable, democratic, prosperous and unified Afghanistan where human rights are respected. In general, the European Union is highly committed to Afghanistan. Not only all of its Member States, but also the European Commission, finance programmes to promote governance and the rule of law, rural development, health and social protection, mine clearance and regional cooperation. Consequently, at the International Conference

in support of Afghanistan held in Paris on 12 June the European Commission announced that it will contribute EUR 500 million to these actions over the period 2008-2010. As far as the EU's activities in Afghanistan are concerned, I must also mention the ESDP EUPOL Afghanistan mission, which does remarkable work in training the Afghan police.

Over and above these specific European actions in Afghanistan, the honourable Member rightly emphasises the fact that the action of the international community in Afghanistan is based on two principal elements: one military and one that consists of civil reconstruction. Both of these aspects are intertwined and stem from the international community's global approach in Afghanistan. Indeed, the international military presence can only be justified if it seeks to create conditions that will promote the institutional, economic and social development of Afghanistan.

As a result, the international effort in Afghanistan must encompass both aspects. In fact, after having strengthened its military effort in Afghanistan at the Bucharest Summit in April, the international community also decided, at the International Conference in support of Afghanistan in June, to increase substantially and over a considerable period its political and financial commitment to the reconstruction of Afghanistan. By amassing almost EUR 14 billion and renewing the partnership between the international community and the Afghan authorities, the Conference proved to be a great success for Afghanistan and its people. It was also a great success for the European Union, which succeeded in emphasising fully its positions on key issues for the successful development of the country.

As far as Iraq is concerned, in its conclusions of 26-27 May 2008 the Council reiterated its desire for a safe, stable, democratic, prosperous and unified Iraq where human rights are respected. The European Union carries out aid missions to support the reconstruction of the country. As regards the rule of law, the EUJUST LEX programme has enabled 1 400 Iraqi police, judicial and penitentiary personnel to be trained. Given the positive results of this mission, its mandate is likely to be extended in June 2009 with a view to adapting the training to the changes in the security situation in Iraq and ensuring that the Union's efforts meet as closely as possible the needs of those working in these sectors. In addition to these cooperation activities, the European Union is actively involved in Iraq's reintegration into the international community through its support for the International Compact with Iraq and its negotiations on the conclusion of a trade and cooperation agreement.

It is also necessary to remember that a balance must be maintained between the spending on military operations on the one hand, and the spending on reconstruction and humanitarian aid on the other, and above all, that the two elements of the operation are both part of the same objective of improving security and maintaining peace.

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Question no 23 by Liam Aylward (H-0579/08)

Subject: The EU and the Middle East

Can the Council state how the European Union is addressing the current political situation in Israel and Palestine and how it intends to promote peace and reconciliation in this region?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

As the honourable Member knows, peace and reconciliation in the Middle East are a strategic priority of the common foreign and security policy (CFSP) for the EU Member States.

The Union today is involved in two major types of efforts to promote peace in that region.

Firstly, it cooperates closely with the other members of the Quartet and its partners in the region to encourage the Israelis and Palestinians to resolve together the disputes that divide them with a view to concluding a peace agreement before the end of 2008, as agreed in Annapolis last November. In particular, the European Union has for more than 10 years appointed a special representative with responsibility for the peace process to work alongside both parties. This post is currently held by Ambassador Marc Otte.

Secondly, the European Union has recently established an action strategy entitled 'State-building for peace in the Middle East'. Presented in November 2007 and endorsed by the Member States during the General Affairs and External Relations Council, this strategy organises, in particular, the activities relating to the EU's current and future technical and financial assistance aimed at strengthening Palestinian state-building.

It is common knowledge that the European Union and its Member States have for a long time been the largest donors to the Palestinian Authority: they alone account for almost one third of its budget and more than half of all foreign aid. This EU support is provided notably through a special financing mechanism, currently known as PEGASE. This mechanism has just supported the three-year Palestinian Reform and Development Plan, which was approved in December 2007 by the international financial institutions and which relates to governance of the Territories, public infrastructures, private sector development and social development.

However, the European Union is not content to be merely a donor: for example, it is also involved in training and providing equipment for the Palestinian police (so-called EUPOL COPPS mission, a civilian mission governed by the legal regime for ESDP missions). The Union is also prepared at any moment to resume its border assistance mission at the Rafah border point (EUBAM Rafah) when circumstances so permit.

With a view once again to strengthening Palestinian state-building, the European Union has also organised, or strongly supported, in close collaboration with the Quartet representative, Mr Tony Blair, three international conferences in less than a year concerning: the financing of the Palestinian Authority (Paris Conference, December 2007); private investment in the Palestinian Territories (Bethlehem Conference, May 2008); and finally, support for civil security and the rule of law (Berlin Conference, June 2008). Each of these conferences resulted in resources being made available and new measures being agreed upon to strengthen Palestinian state-building.

Finally, within the framework of the action strategy, the Union is examining the specific contribution it could make to the implementation of a future peace agreement supported by the parties.

The honourable Member can therefore rest assured that the European Union is exploring every avenue and intends to use all its influence to ensure that the Middle East peace process continues to move forward.

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Question no 24 by Seán Ó Neachtain (H-0583/08)

Subject: EU rules for duty-free shopping

Frequently I receive complaints from European citizens who are transiting through EU Member State airports from a third country where their duty-free purchases have been confiscated by European airport authorities.

Could the Council state when it is going to ease and relax these rules by striking more bilateral deals with third countries?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

In accordance with the Community legislation on VAT and excise duty, all goods brought into the European Union from a third country are subject to tax.

Nevertheless, in order to avoid double taxation, a Community system of tax-free allowances is applied to non-commercial imports of goods contained in the personal luggage of travellers coming from third countries. At present, and in accordance with Directive 69/169/EEC⁽⁴⁾, the Member States do not apply tax to goods

(4) Council Directive 69/169/EEC of 28 May 1969 on the harmonisation of provisions laid down by law, regulation or administrative action relating to exemption from turnover tax and excise duty on imports in international travel, OJ L 133, 4.6.1969, p. 6.

whose value does not exceed EUR 175. This figure will increase on 1 December 2008 to EUR 300 and to EUR 430 for air and sea travellers, pursuant to Directive 2007/74/EC⁽⁵⁾.

In addition to these monetary thresholds, certain quantities of tobacco products and alcoholic beverages may also be imported duty-free and the limits for these items are laid down in the Directives.

It should be noted that Directive 69/169/EEC also lays down quantitative limits for exemptions from excise duty for tea, coffee and perfume, which will be abolished from 1 December 2008 pursuant to Directive 1007/74/EC.

The Council has not received any recommendations from the Commission to conclude agreements such as those mentioned by the honourable Member.

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Question no 26 by Nirj Deva (H-0587/08)

Subject: Lisbon Treaty and defence policy

At any point in the process of deciding the foreign policy provisions of the Lisbon Treaty was the idea of an EU army discussed? Does the Council believe that an EU army is still a possibility, even now the Lisbon Treaty cannot come into force, as it has not been ratified by all Member States?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

As the European Council has stated on several occasions, notably in Helsinki, Nice, Laeken and Seville, the development of the ESDP does not seek to create a European army.

The process of developing the EU's capacity (Headline Goal) is in fact based on the principle of voluntary contributions and responding on a case-by-case basis to requirements that are jointly defined.

Moreover, for every EU operation, each Member State determines the level of its contribution according to a national process. That contribution continues, in the last resort, to be under the authority of that Member State.

Finally, outside any operation, the forces in question are at all times controlled by the Member State to which they belong. The European Union therefore does not have any permanent forces as such.

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Question no 27 by Rodi Kratsa-Tsagaropoulou (H-0589/08)

Subject: Remuneration of company directors

Regarding the observations made by the Eurogroup President in the EP plenary assembly of 9 July 2008, and echoed by the ECB President, concerning the exorbitantly high salaries paid to company directors, what view does the Council Presidency take of proposals to increase employers' contributions and taxes for companies which pay out enormous amounts in the form of bonuses and severance packages ('golden parachutes')? Is it now necessary to introduce a European code of conduct for company management to promote transparency regarding directors' salaries while at the same time respecting corporate diversity in Europe? Can it explain why the relevant Commission recommendation⁽⁶⁾ fell on deaf ears in the Member States and in the companies concerned? Is it necessary to take measures to ensure the disclosure of information regarding directors' pay policies and avoid conflicts of interest between senior executives and shareholders? Which Member States have already acted on this, and how?

⁽⁵⁾ Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries, OJ L 346, 29.12.2007, p. 6.

⁽⁶⁾ Commission recommendation of 14 December 2004 fostering an appropriate regime for the remuneration of directors of listed companies (2004/913/EC), OJ L 385, 29.12.2004, p. 55.

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Presidency points out that questions concerning the transparency and taxation of the salaries paid to company directors is primarily the competence of the Member States. Nevertheless, the Presidency recognises their importance and the concerns held by our citizens. Consequently, this point will be discussed at the informal meeting of the finance ministers and governors of the EU central banks to be held in Nice on 12 and 13 September. The aim of this discussion will be to identify the best national practices in this area.

The main results of this meeting will, as usual, be published on the Presidency's website.

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Question no 28 by Zdzisław Kazimierz Chmielewski (H-0591/08)**Subject: Use of selective fishing gear**

The Council's latest legislative proposals do nothing to dispel the doubts felt in the Baltic countries concerning the rules governing the use of selective fishing gear. Why has the European Union not imposed the use of selective fishing gear, such as BACOMA escape window nets or T90-type nets, for waters outside the Baltic, when gear of this kind is compulsory in the Baltic?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council thanks the honourable Member for his question concerning the use of selective fishing gear.

At the moment, Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms⁽⁷⁾, which covers most of the European Union's maritime zones with the exception of the Baltic Sea and the Mediterranean, does not permit the use of gear with a Bacoma exit window or T90 codend.

Nevertheless, the proposal for a Council regulation concerning the conservation of fisheries resources through technical measures includes provisions that would allow the use of such gear in the future, without making their use obligatory⁽⁸⁾. This proposal is currently being discussed in the Council. The Council looks forward to receiving Parliament's opinion on this proposal.

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Question no 29 by Johan Van Hecke (H-0595/08)**Subject: Union for the Mediterranean**

In July, the Union for the Mediterranean was inaugurated: an effort to bind the 17 nations bordering the Mediterranean Sea with the European Union around regional projects. Some of the countries, however, have deplorable human rights records.

In Morocco, for example, a large mass grave was discovered in March in the city of Fez, 250 kilometres north of Casablanca. Human rights activists believe the bodies were shot by the army in an attempt to break a general strike in 1990. According to experts, the discovery of the bodies in mass graves shows how serious the violations of human rights have been in the recent modern history of Morocco. Up until now, the Moroccan authorities have not abolished the death penalty nor ratified the Rome Statute.

⁽⁷⁾ OJ L 125, 27.4.98, pp.1-36.

⁽⁸⁾ Commission proposal COM(2008)324 final of 4 June 2008, Doc. 10476/08.

Will this Union for the Mediterranean also serve as a platform to push for democratic reform and better human rights records in the non-EU members of the Union? Will the Presidency place human rights concerns on the agenda of the Union meetings?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

At the Paris Summit for the Mediterranean (13 July), the Heads of State or Government of the 'Barcelona Process: Union for the Mediterranean' stated that this Process would build on the acquis of the Barcelona Process, whose three chapters (political dialogue, economic cooperation and free trade, and human, social and cultural dialogue) continue to remain at the heart of Euro-Mediterranean relations. In the declaration adopted at this Summit the Heads of State and Government also underlined their commitment to strengthen democracy and political pluralism. They also affirm their ambition to build a common future based on respect for democratic principles, human rights and fundamental freedoms, as enshrined in the relevant international instruments, including the promotion of economic, social, cultural, civil and political rights, strengthening the role of women in society, respect for minorities, the fight against racism and xenophobia, and the advancement of cultural dialogue and mutual understanding.

Moreover, the association agreements and action plans that exist within the framework of the European Neighbourhood Policy contain commitments to human rights and provide for the possibility of raising questions on this aspect. Thus, bilateral dialogue focusing specifically on human rights has been initiated with several countries of the Southern Mediterranean, notably Egypt, Jordan, Morocco and Tunisia.

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Question no 30 by Syed Kamall (H-0600/08)

Subject: Ratification of the Lisbon Treaty

Can any of the Lisbon Treaty be legally implemented if only 26 Member States ratify the text?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

In accordance with Article 6(2) of the Lisbon Treaty, the provisions of the Treaty can only be applied once the instruments of ratification of all the signatory States have been deposited.

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Question no 31 by Mihael Brejc (H-0602/08)

Subject: Parliament's monthly migration

In the life of the current Parliament, as well as of its predecessors, there have been numerous calls to scrap part-sessions in Strasbourg. The European public are highly critical of a situation in which Members and officials have to trek from Brussels to Strasbourg, and consider that the money involved, more than EUR 200 million a year, could be spent more usefully elsewhere. Nor is it possible to ignore the fact that over a million European citizens have supported protests against the toing and froing.

Next year Parliament will be newly elected, and people will be asking us why we keep moving about in this way. How does the Council think that question should be answered?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

In accordance with Article 289 of the Treaty establishing the European Community and Article 189 of the Treaty establishing the European Atomic Energy Community, 'the seat of the institutions of the Community shall be determined by common accord of the governments of the Member States'.

According to Protocol (No 8) on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol, which, in accordance with Article 311 ECT, forms an integral part of the Treaties, 'the European Parliament shall have its seat in Strasbourg where the 12 periods of monthly plenary sessions, including the budget session, shall be held. The periods of additional plenary sessions shall be held in Brussels. The committees of the European Parliament shall meet in Brussels. The General Secretariat of the European Parliament and its departments shall remain in Luxembourg'.

It should be noted that the Treaties, including this Protocol, were signed and ratified by all the Member States in accordance with their respective constitutional procedures. Any amendment to the provisions concerning the seat of the institutions must follow the same procedure, which is laid down in Article 48 of the Treaty on European Union.

Determining the seat of the institutions is not a Council competence, but a Member State competence.

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Question no 32 by Konstantinos Droutsas (H-0607/08)

Subject: Crimes committed by private mercenary troops

The American imperialists and their allies have concluded major contracts for mercenary troops, such as those provided by Blackwater, which are occupying Iraq and other countries, carrying out deadly attacks on the unarmed populace and as well as engaging in drugs trafficking and other illegal activities. Recourse to mercenary troops is a deeply reactionary tactic and it is the people who pay the price. On the pretext of combating organised crime they assist in the killing of leading politicians and trade unionists and are generally hostile to working class movements, not only in Iraq, where their brutality has become a byword, but also in Afghanistan, Latin America and other areas, where they operate with state-of-the-art heavy weaponry furnished by the arms industry acting mainly on instructions from civilian governments.

Does the Council condemn the criminal activities of Blackwater and other private mercenary troops and does it call for their abolition?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council has not discussed the activities of Blackwater or other private military and security companies in general. However, the Council considers that, as mentioned in the EU Guidelines on promoting compliance with international humanitarian law, all parties to a conflict must respect international humanitarian law as well as human rights. The use of private military and security companies in no way changes this principle.

We note the recent hearing organised on 5 May 2008 by the European Parliament on private military and security companies and the study requested by the European Parliament's Subcommittee on Security and Defence on the increasing role of private military and security companies, which was presented at that hearing.

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Question no 33 by Leopold Józef Rutowicz (H-0608/08)

Subject: Greenhouse effect

Does the Council think it necessary to appoint a task force to assess the real influence of all factors contributing to the greenhouse effect and establish a comprehensive energy policy to mitigate its impact?

Discussions and reports on the greenhouse effect refer by and large to carbon dioxide, omitting to mention methane, which has contributed to the emergence of the ozone hole and to the greenhouse effect. One cubic metre of methane actually produces the same effects as 24 cubic metres of carbon dioxide. Methane is released

into the atmosphere by mining, animals and humans, and putrefactive processes. It should be stressed that the methane produced in some countries accounts for around 30% of the greenhouse effect.

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

As you know, in January 2007 the Commission presented the 'energy/climate' legislative package, which seeks to tackle simultaneously the challenges of reducing greenhouse gases, improving energy security and guaranteeing the European Union's competitiveness in the long term. The package contains numerous proposals in the area of energy and climate change.

One of the proposals in the package, the proposal on effort sharing, covers all the greenhouse gases listed in Annex A to the Kyoto Protocol, i.e. carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF₆), expressed as carbon dioxide equivalent.

As regards agriculture and climate change more specifically, I would remind you that in its conclusions of 19-20 June 2008 the European Council states that it is essential to pursue work on innovation, research and development of agricultural production, notably to enhance its energy efficiency, productivity growth and ability to adapt to climate change.

To date, the Council has not received any proposals concerning the appointment of a body to assess the real influence of all the factors contributing to the greenhouse effect, but, as you know, the discussions on the proposals in the 'energy/climate' package are continuing in the Council and with the European Parliament with a view to reaching a global agreement before the end of this year.

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Question no 34 by Athanasios Pafilis (H-0610/08)

Subject: Threats of attack on Iran

Recently Israel has been adopting an increasingly bellicose stance towards Iran in response to its nuclear programme, stepping up its threats to launch a military offensive. This has been made abundantly clear in recent statements issued by the Defence Minister Ehud Barak that Israel is prepared to move against Iran, pointing out that Israel has in the past repeatedly demonstrated its willingness to take unhesitating action. From 28 May to 12 June 2008 the threats were backed up by the 'Glorious Spartan' air force manoeuvres on Greek territory organised jointly by Greece and Israel simulating a hypothetical Israeli attack on a nuclear plant in Iran. These developments confirm that aggressive imperialist tactics by Israel pose a constant threat to peace in the area and to the peoples affected.

Does the Council condemn these threats of aggression and the organisation of training exercises in preparation for an Israeli military offensive on Iran, which would have incalculable consequences for the peoples concerned and for peace in that region and throughout the world?

Answer

This answer, which has been drawn up by the Presidency and is not binding on the Council or the Member States, was not delivered orally during Question Time to the Council at the 2008 September I part-session of the European Parliament in Brussels.

The Council supports the approach of the General Secretariat/High Representative Javier Solana and the Group of Six (Germany, China, United States, France, United Kingdom, Russia), which are actively seeking a diplomatic solution to the crisis between Iran and the international community on the issue of Iran's nuclear programme. The issues involved in the Iranian nuclear affair have a considerable impact on the stability of the region and the international non-proliferation regime.

The Council is making every effort to reach a peaceful and negotiated solution that responds to the concerns of the international community. To this end, as the Council has reiterated on many occasions, we must resolutely pursue the 'double approach' that combines an openness to dialogue and increasing sanctions if Iran refuses to apply the decisions of the United Nations Security Council.

At the same time, the Council regrets all statements that are likely to jeopardise the efforts to reach a negotiated solution and recalls that it has condemned in the strongest possible terms the threats made on several occasions by the Iranian authorities against Israel.

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QUESTIONS TO THE COMMISSION

Question no 41 by Christopher Heaton-Harris (H-0573/08)

Subject: Consumer protection and the Lisbon Treaty

Does the Commission believe that the now-defunct Lisbon Treaty would have helped consumer protection in the European Union, and does the Commission have any plans to move forward with any of the provisions in the Treaty relating to consumer protection?

Answer

The European Council of June 2008 noted the result of the Irish referendum and the Irish intention to propose a way forward. The Commission will not in any way anticipate the outcome of the ratification process.

The Lisbon Treaty would help an enlarged Union to act more effectively and more democratically, which is of positive benefit for all policy areas. This is also true for consumer policy, for which the Commission adopted a strategy covering the period 2007-2013.

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Question no 45 by Eoin Ryan (H-0586/08)

Subject: Regulation of credit rating agencies

Could the Commission give a detailed assessment of the solution proposed for the future regulation of credit rating agencies within the European Union?

Answer

In the summer of 2007 the Commission launched a review of the activities of credit rating agencies (CRAs) in the credit markets and their role in the subprime turmoil.

In view of the lessons learned following that review, work is now advanced on a regulatory response to a series of problems identified in relation to CRAs. The Commission is consulting on the main features of a regulatory framework. The documents subject to consultation suggest the adoption of a set of rules introducing a number of substantive requirements that CRAs would need to respect for the authorisation and exercise of their rating activity in the EU. The main objective would be to ensure that ratings are reliable and accurate pieces of information for investors. CRAs would be obliged to deal with conflicts of interest, have sound rating methodologies and increase the transparency of their rating activities. The consultation documents also propose two options for an efficient EU oversight of CRAs: The first option is based on a reinforced co-ordination role for the Committee of European Securities Regulators (CESR) and strong regulatory co-operation between national regulators. The second option would combine the establishment of a European Agency (either the CESR or a new agency) for the EU-wide registration of CRAs and the reliance on national regulators for the supervision of CRA activities. The consultation also deals with possible approaches to the issue of excessive reliance on ratings in EU legislation.

This preparatory work should conclude in autumn 2008 with the adoption of a legislative proposal by the Commission.

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Question no 46 by David Sumberg (H-0594/08)**Subject: Lisbon Treaty and internal market functions**

Does the Commission think that the death of the Lisbon Treaty - caused by it not being ratified in all Member States - is a good thing for the functioning of the Internal market?

Question no 47 by Syed Kamall (H-0601/08)**Subject: Lisbon Treaty and the Internal Market**

Now that the Lisbon Treaty is dead - due to it not being ratified by all 27 Member States - would the Commission agree that Treaty did not sufficiently strengthen the Internal Market, and that any future EU Treaties should remain strongly committed to the ideals of free trade and the internal market?

Joint answer

In reply to the first part of the question, the Commission would like to refer the Honourable Members to the conclusions of the June 2008 European Council. The European Council noted the outcome of the referendum in Ireland on the Lisbon Treaty and agreed that more time was needed to analyse the situation. It noted that the Irish Government would actively consult, both internally and with other Member States, in order to suggest a common way forward. The European Council recalled that the purpose of the Lisbon Treaty is to help an enlarged Union to act more effectively and more democratically. It noted that, by then, parliaments of 19 Member States had ratified the Treaty and that the ratification process continues in other countries. Indeed, since then the ratification of the Lisbon Treaty has been approved in a further three countries. The European Council indicated that it will address this issue on 15 October in order to consider the way forward. The President in office of the European Union, Mr Sarkozy, confirmed this approach in his intervention on 10 July 2008 before Parliament.

The Internal Market is and will remain at the heart of the European integration. Its future is not directly linked to the Lisbon Treaty. Therefore work will continue to strengthen the Internal Market and to make it more efficient so it can continue to be a driver of prosperity and economic growth to the benefit of European citizens and businesses.

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Question no 51 by Marco Pannella (H-0544/08)**Subject: Human rights and Vietnam**

Over the last few years, Vietnam has experienced a significant economic boom which has been supported by (amongst other things) the EU's development-aid and financial-support policies. The growth in the country's GDP has been matched by an increase in human-rights abuse. In particular, over 250 Montagnard political prisoners who were arrested in 2001 and 2004 have yet to be released, whilst a growing number of Khmer Kampuchea Krom are seeking asylum in Cambodia on account of religious persecution.

Given that the Commission is making efforts to ensure that its development policies are more consistent with human rights, can the Commission consider itself satisfied with the impact which its support has on the situation of ethnic and religious minorities, immigrant workers and democracy activists in Vietnam?

Does the Commission not think that it should check that the Vietnamese Government complies with the legal obligations which it assumed when it signed the cooperation agreements and ratified the international conventions on civil, political, social and economic rights?

Answer

While recognizing the benefits of the economic openness of Vietnam, the Commission shares the Parliament's concern on the human rights situation in the country. Rights of ethnic and religious minorities as well as of human rights activists are essential foundations of a democratic society and sustainable development. The Commission is extensively involved at the national, regional (ie. ASEAN), and multilateral levels to ensure respect and protection of these rights. While the Commission is actively promoting projects that focus on advancing human rights protection in Vietnam, it recognizes that there is still a lot to be done.

Currently the Commission is implementing numerous projects that aim to enhance life quality of the poor and disadvantaged people in Vietnam. The Commission is implementing a 18 million euro project (for the

years 2006-2010) with the main objective to improve health standards by providing high quality preventive, curative, and promotive care to the poor living in the Northern Uplands and Central Highlands. Additionally, the Commission contributes 11.45 million euro in grant to a project implemented by the World Bank, that will provide an increased coverage of essential health services, particularly at the commune level in the mountainous areas in Vietnam. The project is expected to benefit some 3 million people, mostly ethnic minorities and poor people. There is also a joint project of the Commission and the Office of the United Nations High Commissioner for Refugees (UNHCR) that will ensure equal and unrestricted access to education for disadvantaged indigenous families.

The Commission continues to press the Vietnamese government for progress in human rights protection during the local human rights dialogue, and a Joint Committee Sub-group on Human Rights. In addition, during the ongoing negotiations on the new Partnership and Cooperation Agreement (PCA), the Commission is strongly insisting on including the essential elements human rights clause and a human rights cooperation clause.

During the upcoming visit of Deputy Prime Minister and Foreign Minister of Vietnam, Mr. Pham Gia Khiem, the Commission will address the issue of Vietnam's international obligations, and will urge the Vietnamese government to observe the International Covenant on Civil and Political Rights and other international human rights standards in its internal laws.

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Question no 52 by Bernd Posselt (H-0552/08)

Subject: Commission representations in the Caucasus

Does the Commission have plans to set up a representation, or at least a monitoring office, in Chechnya, in the light of the problems there and the country's strategic importance, and what is the overall situation with regard to distribution of Commission representations and to the Commission's medium-term planning of operations in the Caucasus region?

Answer

The Commission has no plans to open either a representative office or a monitoring office either in Chechnya or elsewhere in the North Caucasus. The Commission has been active in the international humanitarian aid effort in the North Caucasus throughout the conflict in the region, and the Humanitarian Aid Department of the European Commission (ECHO) office in Moscow monitors this aid effort, including through frequent visits to the region. With regard to other countries in the region, the Commission has a Delegation in Tbilisi, a Delegation in Yerevan, and a new Delegation in Baku, thus reinforcing its presence in the region.

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Question no 53 by Vural Öger (H-0560/08)

Subject: Eastern partnership - Forms of regional cooperation in the European Neighbourhood area

Following the establishment of the Union for the Mediterranean, consideration is now being given at European level to establishing a Union for Eastern Europe. The idea of creating a Union for the Black Sea has also been mooted. In May 2008 Sweden and Poland came forward with a working document entitled 'Eastern Partnership', proposing enhanced cooperation between the EU and Ukraine, the Republic of Moldova, Azerbaijan, Armenia, Georgia and Belarus.

What is the Commission's view of the proposal for an EU-Eastern Europe Union? Will the Commission come up with concrete proposals for such a partnership in the form of a Communication, as it did with the Union for the Mediterranean? Can the Commission give any information on the basic pillars of such a partnership? Will the Union for the Mediterranean serve as a model in this and will the emphasis in the Union for Eastern Europe likewise be laid on project-focused cooperation? Has the Commission any preference concerning the name of this union? What is the Commission's position on the fundamental principle of the creation of several and various 'Unions'?

Answer

The European Neighbourhood Policy is and will remain a key priority for the Commission. In this context the Commission is keen to strengthen bilateral relations with its Eastern partners. Suggestions which pragmatically contribute to this goal, such as the Polish-Swedish initiative are welcome.

In June 2008, the European Council invited the Commission to take the work forward and to present to the Council in spring 2009 a proposal for modalities of the "Eastern Partnership", on the basis of relevant initiatives.

The Commission has immediately started working on this. At this stage it can be said that the Commission's proposals will be based on the following principles:

- a) The European Neighbourhood Policy, based on bilateral, differentiated co-operation with each individual partner, remains the principal framework of the relations towards the EU's Eastern neighbours. That is also clearly what these partners want.
- b) The proposals should build upon, complement and add value to already existing structures, without duplicating what is being done and in particular, the Black Sea Synergy, established a year ago and which is now bearing fruit with concrete results on the ground.
- c) Any new multilateral framework must comprise all EU Member States so that the Union can deploy its full political and economic weight and partners become gradually closer to the Union as such.
- d) New proposals must of course have the clear support of the neighbours they are designed for.

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Question no 54 by Sarah Ludford (H-0563/08)

Subject: EU funding for prevention of torture programmes

The European Union has been a leader in funding the prevention of torture and support for victims of torture under the European Instrument for Democracy and Human Rights (EIDHR). EU funding is scheduled to be phased out and/or reduced beginning in 2010, with that deficit to be taken on by Member States. Mr Manfred Nowak, UN Special Rapporteur on Torture, recently cautioned against this plan unless a comprehensive programme and clear commitments are first in place.

Given the fact that the phase-out is already scheduled, does the Commission have clear commitments from Member States to continue funding prevention of torture projects at current levels?

Answer

The prevention and eradication of all forms of torture and ill-treatment worldwide represents one of the main objectives of the EU's human rights policy. In this context, the Commission is committed to continue its substantial support to the fight against torture under the European Instrument for Democracy and Human Rights (EIDHR). It doesn't plan to reduce its overall support in this area. For 2007-10, more than € 44 million have been allocated to that purpose. Such funding is fully consistent with its past funding.

The Commission does, however, intend to somewhat redirect EIDHR support to torture rehabilitation centres. Indeed, it plans to phase out gradually our support to centres in the EU from 2010 onwards, with a view of funding more torture rehabilitation centres outside the EU, where government and private support is often scarce or even non-existent. The Commission recalls that the EIDHR is an instrument dedicated to supporting non-governmental organization (NGO) projects outside the EU and that EU Member States have an obligation under EC and international law to provide assistance to torture victims. In April 2008, the Council recalled the importance of financial support for torture prevention and rehabilitation programmes and specifically called on Member States to support torture rehabilitation centres.

The Commission is well aware of the potential consequences of this reorientation and has approached this issue with care. The Commission and Member States are committed to ensure that the phasing out will not be made at the cost of torture victims in the EU. To this aim, the Commission has already launched a process of consultations with stakeholders, including the relevant UN bodies and NGOs. It intends in the coming months, to take stock of current needs of torture victims and alternative forms of support in order to establish a comprehensive approach.

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Question no 55 by Gerard Batten (H-0564/08)

Subject: EU-Russia summit

With regard to the recent EU-Russia summit in Khanti Mansiisk can the Commission tell me if it raised the subject of the murder of Alexander Litvinenko, as I personally requested Mrs Ferrero-Waldner in the European Parliament on 18 June 2008 during the debate on preparation of the EU/Russia summit (26-27 June 2008)?

This was with regard to the fact the murder had all the appearances of being carried out by organs of the Russian state, and the refusal of the Russian authorities to allow the extradition of the main suspect, Andrei Lugovoi.

If the subject was raised, what was the response? If the subject was not raised, why not?

Answer

In relation to the death of Alexander Litvinenko the Commission refers to the statement made by the Presidency of the EU on behalf of EU over a year ago where the EU which stated explicitly "its disappointment at Russia's failure to cooperate constructively with the authorities of the United Kingdom" and it underlined "the importance of urgent and constructive cooperation by the Russian Federation on this matter". That position has not changed and the Commission continues to raise the issue in the context of its dialogue with Russia.

The Commission considers that the rule of law should be the guiding principle of our engagement with Russia, in line with the respect for binding international obligations which Russia has assumed, notably in the context of the Council of Europe and the Organization for Security and Cooperation in Europe.

At the recent EU-Russia Summit held in the end of June 2008, the Commission welcomed President Medvedev's continuing emphasis on the need to improve the rule of law in Russia and shall continue to press on him the need to ensure that this is implemented in practice.

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Question no 56 by Laima Liucija Andrikiienė (H-0569/08)

Subject: EU financial assistance to Afghanistan and Iraq

Afghanistan and Iraq are becoming test cases for international development assistance and multilateral cooperation and for the European Union in particular. For example, having regard to the Commission's National Indicative Programme, earmarking EUR 610 million for Afghanistan for 2007-2010, it is very important to find and implement a right balance between the spending on law enforcement and support for military operations, on the one hand, and on civil reconstruction and humanitarian assistance as well as on health and education, on the other.

What is envisaged by the Commission in this field? Is the EU financial assistance to Afghanistan and Iraq to be increased? What programmes and projects are to be financed in the upcoming three years? Does the Commission intend to regularly evaluate the effectiveness of the EU financial assistance to Afghanistan and Iraq and keep the European Parliament adequately informed about the results of such evaluation?

Answer

1. The Commission clearly agrees on the importance of ensuring effective support for reconstruction in Afghanistan and Iraq, and on the need for improvement in both the security situation and the welfare of their populations.

Most of the funds available for Afghanistan's Indicative Programme for the period 2007-2010 have been allocated to support reconstruction in rural development, governance and health. Education is supported through the Afghanistan Reconstruction Trust Fund managed by the World Bank.

In the case of Iraq, the Commission has unfortunately not yet been able to develop a multi annual indicative programme. Security, the volatile political situation and rapidly changing living conditions do not allow such multi-annual planning for the time being. Consequently, aid to Iraq has been provided until now through

Special Measures. In 2008 the Commission proposes to allocate 85% of the € 72 million total to the provision of basic services to the population and to refugees, and the balance for technical assistance to the Iraqi institutions.

2. The Country Strategy Paper for Afghanistan sets out the priorities for Community financial assistance for Afghanistan 2007-2013. For the period 2007-2010, €610 million has been allocated. In addition, Afghanistan benefits from support provided from thematic budget lines, the European Instrument for Democracy and Human Rights, humanitarian assistance and the Instrument for Stability.

In the case of Iraq, it is the common understanding of the Government of Iraq and the international community that donor support in the future should concentrate in improving the capacity of Iraqi institutions to make better use of Iraq's considerable financial resources. The Commission is therefore concentrating its support on the technical assistance to the Iraqi institutions and on the improvement of the basic services to the population.

3. The Commission will propose, in the Annual Action Programme 2008 for Afghanistan support for Health (€ 60 million) Social Protection (€ 24 million), Justice Sector and Customs (€ 30 million) and Agriculture (€ 30 million). For 2009 programmes are expected to include funding for Governance, Rural Development, Mine Action and Regional Cooperation and in 2010 programmes for Health, Rural Development and Governance.

In the case of Iraq, given the absence of multi-annual programming, no programmes are foreseen for the moment for the next three years. For 2008, the Special Measure for Iraq will be presented to the Council and to Parliament in October 2008. It will follow the guidelines of the Information Note distributed to Parliament in June 2008.

4. The Community's financial assistance to Afghanistan is being monitored and evaluated in a systematic way through field missions and visits, independent Result Oriented Monitoring missions, regular project reports, as well as through the Coordinated Donor Dialogue mechanism and steering committees with the Government. In the context of the Budgetary Discharge 2006 the Commission has confirmed its intention to report regularly to Parliament on the implementation of aid in Afghanistan. A first 'State of Play' report is being published on the web and will be regularly updated.

In Iraq, two verification missions and one evaluation on the ground were performed during 2008. Their first results are positive. The final results and conclusions will be shared with the Parliament as soon as they are available.

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Question no 57 by Martin Callanan (H-0572/08)

Subject: External relations and the Lisbon Treaty

Now that the Lisbon Treaty is dead - due to it not being ratified by all 27 Member States - how would the Commission like to develop the EU's involvement in external relations and foreign affairs without the provisions contained in the Treaty?

Answer

Following the "no" vote on the Lisbon Treaty in the Irish referendum in June 2008, the European Council examined the situation at its meeting on 19/20 June 2008. It was agreed that more time was needed to analyse the situation. It was noted that the Irish Government would actively consult, both internally and with other Member States, in order to suggest a common way forward. The European Council indicated that it will address this issue on 15 October in order to consider the way forward.

The European Council recalled that the purpose of the Lisbon Treaty is to help an enlarged Union to act more effectively and more democratically. The Commission believes that the entry into force and future implementation of new Treaty would reinforce the external dimension of the EU and increase the consistency and coherence of the EU action in the world.

In the meantime, and as presented in its June 2006 Communication "Europe in the world"⁽⁹⁾, the Commission is determined to contribute to reinforcing the effectiveness, efficiency and visibility of the EU's external relations on the basis of the current Treaties.

The Commission will continue to give its active contribution to the common reflection on the way forward.

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Question no 58 by Manuel Medina Ortega (H-0528/08)

Subject: Agreements concerning the reception of returning immigrants

With reference to the recently adopted Directive on the return of immigrants, will the Commission provide information concerning the state of play as regards the agreements (or the negotiation of agreements) with the countries which are the major source of emigration to Europe - agreements which are intended to ensure that immigrants (in particular unaccompanied minors) who cannot be accepted by Europe are taken back by those countries?

Answer

At present the Commission has been authorised to negotiate Community readmission agreements with 16 countries. The Council adopted decisions on negotiating directives for Morocco, Sri Lanka, Russia, Pakistan, Hong Kong, Macao, Ukraine, Albania, Algeria, China, Turkey, the Former Yugoslav Republic of Macedonia, Serbia, Montenegro, Bosnia-Herzegovina and Moldova.

The Commission successfully completed negotiations with 11 of the 16 countries. EC readmission agreements have entered into force with Hong Kong and Macao in March and June 2004 respectively, Sri Lanka in May 2005, Albania in May 2006, Russia in June 2007 and finally with the other 4 Western Balkan countries, Ukraine and Moldova in January 2008.

Negotiations with Pakistan were completed at chief negotiators' level in September 2007. The agreed text awaits formal approval from the Pakistani Cabinet.

Concluding the agreement with Morocco remains a priority for the EU. Negotiations are ongoing and can hopefully be completed in a not too distant future.

Negotiations with Turkey were formally launched in 2006 but little progress has been made since. Having an EC readmission agreement with Turkey remains a priority for the EU and ways to unblock the impasse are being considered.

Finally, negotiations with Algeria and China have not been formally launched yet but efforts are being made to do so as soon as possible.

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Question no 59 by Armando França (H-0531/08)

Subject: Service of judicial and extrajudicial documents in civil or commercial matters

Council Regulation No 1348/2000⁽¹⁰⁾ on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (which was improved and updated by the European Parliament and the Council in 2005) is a fine instrument for simplifying, facilitating and speeding up the service of judicial documents and ultimately for increasing EU trade and strengthening the EU's economy as a whole.

In view of the current state of enlargement (27 Member States) and the need for this important Regulation to be comprehensively implemented, will the Commission say which Member States have so far adopted the Regulation? To what extent has the Regulation been implemented within the EU and is the Commission planning to take any action in order to update the Manual of Receiving Agencies and the Glossary of Documents? When is the next report on the implementation of the Regulation due to be issued?

⁽⁹⁾ COM/2006/278 final

⁽¹⁰⁾ OJ L 160, 30.6.2000, p. 37.

Answer

Council Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters is applicable in all 27 Member States. With regard to Denmark, the Regulation is applicable since 1 July 2007 on the basis of an agreement between the European Community and the Kingdom of Denmark on the service of judicial and extrajudicial documents in civil or commercial matters⁽¹¹⁾.

In October 2004, the Commission adopted a report on the application of the Regulation. The Report concluded that since its entry into force in 2001, the application of the Regulation had generally improved and expedited the transmission and the service of documents between Member States. The main reasons for the speeding up of transmission and service were the introduction of direct contacts between local bodies, the possibility of postal service and direct service and the introduction of standard forms. Nevertheless, many persons involved in the application of the Regulation, in particular local bodies, still did not have sufficient knowledge about the Regulation. Furthermore, the application of certain provisions of the Regulation is not fully satisfactory. Adaptations of these provisions should be considered in order to further improve and facilitate the application of the Regulation.

Consequently, in July 2005 the Commission proposed to amend certain provisions of the Regulation (COM(2005) 305). On 13 November 2007, Parliament and the Council adopted Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000. The new Regulation will enter into force on 13 November 2008.

The most important modifications with respect to Council Regulation (EC) No 1348/2000 are:

Introduction of a rule providing that the receiving agency shall take all necessary steps to effect the service of the document as soon as possible, and in any event within one month of receipt.

Introduction of a new standard form to inform the addressee about his right to refuse to accept the document to be served at the time of service or by returning the document to the receiving agency within one week.

Introduction of a rule providing that costs occasioned by recourse to a judicial officer or to a person competent under the law of the Member State addressed shall correspond to a single fixed fee laid down by that Member State in advance which respects the principles of proportionality and non-discrimination.

Introduction of uniform conditions for service by postal services (registered letter with acknowledgement of receipt or equivalent).

In accordance with Art. 23 of Regulation (EC) No 1393/2007, the Commission will then publish the information communicated by Member States and an updated version of the manual and the glossary.

Art. 24 of Regulation (EC) No 1393/2007 provides that the next report on the application of the Regulation will be presented no later than 1 June 2011.

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Question no 62 by Mairead McGuinness (H-0549/08)

Subject: Cosmetic surgery 'holidays'

Evidence points to an increase in the number of citizens choosing to travel overseas on so-called 'cosmetic holidays' for a variety of surgical and non-surgical procedures, as well as cosmetic dentistry.

Will the Commission state how this industry is regulated? Is there monitoring of the results, and what data exists on the outcomes of procedures?

What regulations apply to surgeons 'flying in' to perform operations? And what quality controls are there to ensure the legitimacy of the surgeon?

⁽¹¹⁾ OJ L 300, 17.11.2005.

Answer

The Commission is not responsible for monitoring healthcare delivery in third countries.

As for the European Union, according to Article 152 of the Treaty, Member States are responsible for the organisation and delivery of health services on their territory, irrespective of whether healthcare is delivered to domestic patients or to foreign patients. This includes monitoring of results as well as quality and safety control.

Within its sphere of responsibilities, the Commission supports work leading to increased availability of data on the outcomes and quality of medical procedures in the European Union, through projects co-financed by the Public Health Programme.

For example, it supports the Organisation for Economic Co-operation and Development (OECD) Healthcare quality indicators project, focusing on cardiac care, diabetes care, mental health care, primary care and prevention, and patient safety. Other examples are the Euphoric project, aiming at benchmarking health outcomes and assessing quality of care of health procedures or the Hospital Data 2 (HPD2) project, improving the comparability and developing a time-series of hospital procedures.

As regards the case of "flying-in surgeons", Directive 2005/36/EC on recognition of professional qualifications provides for free provision of services whilst ensuring an appropriate level of qualification. Surgery belongs to the medical specialities for which the Directive ensures automatic recognition of diplomas based on minimum common standards at EU level.

In addition, without affecting the role of Member States in healthcare delivery, the European Community may contribute in the future to provide patients with better cross-border healthcare.

As regards healthcare provided in an EU Member State, the Commission proposed, on 2 July 2008, a Directive⁽¹²⁾ on the application of patients' rights in cross-border healthcare which would, inter alia, clarify the responsibilities of Member States in relation to quality and safety of cross-border healthcare. A clear principle would be agreed: the Member State of treatment has the responsibility for the definition, enforcement and monitoring of quality and safety standards. This proposal also aims at improving data collection on cross-border healthcare. However it is the Member State of origin of the patient that shall determine which treatments will be eligible for reimbursement. Moreover, this proposed directive is without prejudice to the Directive 2005/36/EC on recognition of professional qualifications and implementing measures adopted by the Member States should not constitute new barriers to the free movement of health professionals.

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Question no 63 by Bogusław Sonik (H-0550/08)

Subject: Paying with € 500 banknotes

Complaints from citizens who are experiencing problems making payments with € 500 banknotes in Belgium have been brought to my notice. The main problems are encountered in service stations and at Brussels-Charleroi airport. Not being able to pay with € 500 notes is extremely inconvenient, particularly in places such as airports. This is not a question of individual cases in which the person taking the payment is unable to change banknotes of that size, but rather of a systematic refusal to accept such banknotes.

What legal provisions apply in this area? Are such practices in keeping with Community law?

Answer

Pursuant to the third sentence of Article 106(1) of the Treaty establishing the European Community and Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro, all banknotes denominated in euro have the status of legal tender. Although Article 11 of the Regulation defines the maximum number of coins that a party is obliged to accept, the Regulation does not set any limit on banknotes. The various banknotes denominated in euro are stipulated in a decision of the Governing Council of the European Central Bank (ECB).

⁽¹²⁾ COM(2008) 414.

There are no Community rules that explicitly provide for appealing against a refusal to accept certain banknotes. Different provisions may apply under the civil law and monetary law of the Member States.

The Commission is aware of the fact that € 500 banknotes are sometimes refused as payment in certain shops in Belgium. However, this practice does not seem to be on the increase and it dates back to when the Belgian franc was in use, when the same thing happened with BEF 10 000 notes. Cases of € 500 banknotes being refused are also recorded in the other countries of the eurozone.

If a shopkeeper clearly informs his customers that he does not accept large banknotes as payment (for example in visible signs at the shop entrance and beside the checkout), the buyer is generally deemed to have entered into a contractual relationship with the seller and have tacitly agreed to the conditions set out.

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Question no 64 by Marian Harkin (H-0557/08)

Subject: Consumer protection

What steps is the Commission taking to ensure that the interests of the EU's food consumers are protected in future WTO negotiations by ensuring the continued ability of EU producers to remain in business and producing quality foods under EU controls and regulations?

Answer

After seven years of negotiation, right at the moment when success finally seemed within reach, Ministers meeting in Geneva in July 2008 could not finalise something in which the EU still believed and for which it had fought so much. It is too early now to assess the long-term consequences of this failure. What we know is that an agreement in Geneva would have brought benefits for Europe and its partners while boosting the economy of developing countries in a way which never occurred before, laying the foundations for enhanced trade and prosperity over the next decade.

Of course, new trade opportunities do mean greater competition and the challenge of adaptation – which is not always easy. It is important to ensure that this change is phased in: this is why the Doha round's provisions would have not been implemented overnight but over a number of years. It is also why in the area of agriculture, the EU has consistently rejected all over the negotiations the extreme liberalisation demands made by some World Trade Organisation (WTO) member states.

In the long run, the challenge of adaptation is worth taking, because the shift from less to more competitive sectors is critical to improving productivity and securing long-term growth. The Commission continues to believe that a successful conclusion of a multilateral agreement under the WTO is still the best way to achieve this objective and do so in a way that forces others to take similar steps.

The liberalisation and the lower tariffs inherent in a successful conclusion of such an agreement would inevitably mean lower tariffs for food products as well, but would also translate into cheaper food for consumers, and cheaper inputs for companies.

Moreover, all imported food products would continue to need to respect strict food safety rules comparable to those in place in the Community: the Commission can assure the Honourable Member that there will be no compromise on this crucial point. The Community has now a comprehensive legislative framework on food safety designed to ensure that all food is safe, irrespective of origin. The Commission is not going to jeopardise this.

A successful agreement would have also meant a level playing field for EU farmers and therefore more opportunities for European exports by opening new farm markets for European produce abroad. 70% of EU agricultural exports are finished consumer oriented products, for which there is a growing market in the world.

It is also very important that, through Doha, among great difficulties and opposition from many countries: the EU was trying to secure improved legal protection for what is called 'geographical indications', the special local agricultural products that are some of Europe's most competitive exports – things like Parma Ham and Roquefort cheese. It is also important to note that some form of commitment by our partners on this subject would have been a condition "sine qua non" for a final deal.

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Question no 65 by Lambert van Nistelrooij (H-0558/08)**Subject: Seventh Framework Programme**

In spite of the pledges made by the European Commission, the financial procedures for the Seventh Framework Programme for Research and Development are even more complicated than those for previous framework programmes. Project approval will now take more than 16 months from the submission of proposals to the actual start of activities. In other words, although the Commission had promised to speed up its internal financial procedures they will in fact take 80% longer.

Now that more than six months have been added to the waiting period, many small- and medium-sized undertakings are likely to lose interest in the programme and employ their capacity elsewhere, leaving none for EU work. Only larger undertakings and institutions can allow themselves the luxury of constantly being kept waiting.

Can the Commission explain why the financial procedures now take longer and have apparently become more complicated?

Can the Commission also state which of its staff are responsible for liaising with undertakings in connection with this matter?

Answer

The Commission has no indication that supports the statement in the question that there has been an increase of 80% in the time to process proposals. The average time-to-grant in the Sixth Framework Programme for Research and Development (FP6) was between 12 and 13 months. Detailed statistics for the Seventh Framework Programme for Research and Development (FP7) are not yet available (because the processes are still ongoing) but estimations show that the average time-to-grant for the first wave of FP7 projects will probably be of the same order.

The legal framework of FP7 itself provides for simplification of grant negotiation. However both this legal framework and the Financial Regulation also impose limits to such simplification in the interest of providing adequate assurances and accountability.

The introduction of the guarantee fund leads to a considerable reduction of the number of ex-ante financial capacity checks. Unless there are exceptional circumstances, only coordinators and participants requesting more than € 500 000 have to be checked, meaning that nine out of ten participants will not be concerned by ex-ante financial capacity checks (in FP6 all participants had to be checked). This is particularly beneficial for small and medium enterprises (SMEs) and start-ups.

In addition, major investments were made at the start of FP7 into new systems and procedures like the unique registration facility and the new online negotiation system; both of which are now fully operational. The introduction of these new systems has indeed led to certain delays in negotiations of the first wave of grant agreements, but we are confident that these investments will pay off during the further course of FP7 and have an effect on shortening time-to-grant. The unique registration of legal entities is now an established process. As a result of the first wave of calls, more than 7000 entities are already registered in the central data base of validated entities and will not have to undergo this step in future calls, which will save a considerable amount of time and effort in grant negotiations. The new online Web tool for negotiations (NEF) is now fully up and running and allows an easy exchange of information between coordinators and project officers. More generally our efforts to improve information and guidance to potential beneficiaries will ensure better targeted, and better prepared, applications.

The process of processing and evaluating the many hundreds of thousands of applications received for the research programme is a complicated task requiring efficiency, rigour, independence and fairness. The new facility in Brussels which manages this process is already undertaking this task effectively. Commissioner responsible for Science and Research recently extended an invitation to members of the Budgetary Control Committee of Parliament to visit this facility in October 2008 to witness for themselves the process. This invitation is hereby extended also to the Honourable Member.

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Question no 66 by Bart Staes (H-0559/08)**Subject: Research into the possible damaging impact of electromagnetic radiation from mobile telecommunications systems on consumers**

In June 2008, an alarming study by the Catholic University of Louvain (UCL) was published concerning the health risks posed by electromagnetic radiation (mobile telephony, WIFI, antennae). The same month, writing in the French Sunday newspaper *Journal du Dimanche*, 20 international scientists called for caution in the use of mobile telephones. In the '13th Progress Report on the Single European Telecoms Market 2007' (COM(2008)0153), I do not find any reference to the relationship between consumers and health. According to the group of 20 scientists, moreover, questions arise regarding the independent status of studies of mobile telephone use, because of the way in which these studies have been financed. In the light of the precautionary principle, the scientists suggest 10 practical tips for users.

Will the Commission investigate and endorse these tips from the point of view of consumer protection and the precautionary principle, and is the Commission financing or supporting scientific research of an independent nature, in the interests of consumer protection, into possible risks associated with the increase in electromagnetic radiation? If so, will the Commission also communicate the findings to Parliament?

Answer

The Commission is aware of concerns of the public about exposure to electromagnetic fields (EMF) from mobile telephony. It is also informed about the recent recommendations from a French group of 20 personalities and the outcome of a recent experiment led by the Catholic University of Leuven in Belgium. The Commission is continuously monitoring international research on EMF in order to fulfil its role of protecting the public from potential adverse health effects of EMF.

The matter is covered by Directive 1999/5/EC⁽¹³⁾ which covers radio equipment and the related health risks. The harmonised standards adopted under this Directive apply to all equipment and installations mentioned in the Honourable Member's question. The values imposed in those standards are based on the values listed in Council Recommendation 1999/519/EC on the limitation of exposure of the general public to electromagnetic fields (0-300 GHz), based on the best science available. Since 1999, the Commission has been monitoring its implementation regularly and has consulted several times its Scientific Committees to see whether it should be adapted in view of new scientific developments.

The recommendations of the French group are basic actions that can be taken easily by users to reduce exposure even more from the use of mobile phones if they so wish. As such, they are a sound way to apply a certain form of precaution.

In 2007, the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) confirmed that for Radio Frequency (RF) fields, so far no health effect has been consistently demonstrated at exposure levels below the limits established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and proposed in the Council Recommendation. The opinions of the SCENIHR are public and available to the European Parliament. The SCENIHR is already updating its 2007 opinion upon request of the Commission and will take into account all new published research available.

The Commission is continuing to promote independent research in this area. The most recent call for proposals under the Environment theme of the 7th Framework Programme for Research contains a topic on health impacts of RF exposure in children and adolescents. The results of this research are also published.

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Question no 67 by Karin Riis-Jørgensen (H-0566/08)**Subject: Competition case concerning an airport terminal**

A group of private investors in Copenhagen is planning to build a new private budget terminal at Copenhagen Airport. The project is called the 'Terminal A project'.

⁽¹³⁾ Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity, OJ L 91, 7.4.1999.

At Copenhagen Airport it is currently possible to fly from domestic terminals 2 and 3. The owner of these terminals, Københavns Lufthavne (Copenhagen Airports), does not however want Terminal A to be built, but is planning other initiatives instead to offer a competitive environment to budget airlines in Copenhagen.

Can this solution be viewed as an attempt to curb competition? Does the Commission consider that the rejection of a private competing terminal is in breach of the EU's guidelines on free competition?

Answer

The airport manager is required to guarantee free access to air carriers to its hub on condition that they comply with the operational rules in force, particularly those concerning time slots, environmental protection and airport charges.

This principle being established, and it does not seem that it is being called into question in Copenhagen, it is of course up to the airport manager to decide freely on its development and its commercial strategy.

It is important to add that the construction of a new terminal cannot be considered independently of the airport's other facilities, the operational capacities of which are, by their very nature, limited: runway system, approach control, airport access, car parking.

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Question no 68 by Ivo Belet (H-0570/08)

Subject: Kalitta Air

Two aircraft operated by Kalitta Air have crashed within two months. This gives rise to doubts about the safety of its aircraft.

Will the Commission consider investigating the airline's safety, in cooperation with safety authorities in other countries, with a view, if necessary, to imposing an operating ban? How soon can the results of this assessment be expected?

Answer

The Commission is monitoring closely the safety of the airline Kalitta Air LLC, in liaison with the competent US authorities and those of the Member States.

The information gathered by the Commission reveals that this company has had three accidents, one in 2004 and two in 2008: all three have been investigated by the US authorities, the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB). As far as the two accidents that took place in 2008 are concerned, the investigations are ongoing and it would therefore be premature to draw any conclusions at this stage.

The Commission is continuing the consultations with the US authorities in order to identify the causes of these accidents and to ensure that the appropriate measures have been taken. If it appears that the US authorities are not taking the measures needed to enable this airline's aircraft to continue to operate in accordance with the safety regulations, the Commission will therefore look at the possibility of updating the list of airlines subject to operational restrictions in the Community.

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Question no 69 by Carl Schlyter (H-0574/08)

Subject: Rules on the import of tea from third countries

I have been contacted by a citizen who told me that he wanted bring his teas with him when moving back to Sweden from the USA, but was informed that there is a 100g limit on the import of (duty-free) tea. It is possible to apply for customs release for the shipment of personal and/or household goods, but he was not informed of this, and in any case this is limited for products with special restrictions such as tea.

It is logical and correct to have strict rules for goods such as alcohol, tobacco, weapons, etc. in order to protect public health, but I have problems in understanding why something as harmless as tea has such extremely stringent import rules.

Can the Commission explain the background to these rules and why, for example, tea does not have at least the same 500g limit as coffee? Does the Commission have plans to relax the rules on the import of tea? Has Sweden applied the rules correctly in this case?

Answer

The Community provisions applicable distinguish between the conditions under which the goods enter the Community territory, as well as between customs duties, value added tax (VAT) and excise duties.

In case of a move from a third country, personal property is exempted from customs duties and VAT under certain conditions; notably, the goods must have been used at the former normal place of residence and must be intended to be used in the new normal place of residence, and the exemption does not apply to articles for use in the exercise of a trade or profession. The exemption does not extend to some specific goods, such as tobacco or tobacco products and alcoholic products. Tea however has no such special status and thus benefits from the exemption under the same conditions as other products. Excise duty on tea is subject to a different regime. Indeed, tea does not form part of the products to which harmonised excise duty applies. However, Community law does not prevent Member States either from levying excise duty on tea, nor does it provide for particular allowances in this field in the case of a move from a third country. Therefore, Member States levying excise duty on tea may in principle apply their national rules in the matter.

As regards travellers from third countries, the position is different. Here, the principle is that goods contained in the personal luggage are exempted from value added tax, from excise duty and from customs duty, up to a certain monetary amount applicable to the totality of the goods in the personal luggage (so far 175€). However, some goods are, instead, subject to quantitative limits. This concerns first and foremost alcohol and tobacco products. However, as regards VAT and excise duties, quantitative limits also apply to perfume, coffee and tea. In the case of tea, the quantitative limit is 100 g. The extension to these three latter categories, adopted in 1969, was due to the fact that at the time, a considerable proportion of Member States levied excise duties on them. Today however, this regime no longer reflects the real pattern of taxation of excisable goods in the vast majority of the Member States. Therefore, the Commission proposed on 22 February 2006 to abolish the quantitative limits applicable to these three product categories⁽¹⁴⁾. This proposal was adopted by the Council on 20 December 2007⁽¹⁵⁾. As a consequence, tea will be treated as any other product and thus be subject only to the monetary limit applicable to the totality of goods contained in the personal luggage (value increased to 300€, and in the case of air and sea travellers to 430€). However, the new regime will only apply with effect from 1 December 2008.

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Question no 70 by Lidia Joanna Geringer de Oedenberg (H-0575/08)

Subject: Refusal by Polish records office to issue civil status certificates

Nationals from two different Member States of the European Union wishing to marry or register a partnership (heterosexual, or homosexual in countries where such partnerships are recognised under national law) are required to produce a civil status certificate.

However, the Polish services responsible for civil status records are refusing to issue the relevant civil status certificates to Poles who request them in order to secure recognition of a partnership abroad.

It appears that the behaviour of the Polish authorities represents a breach of the basic human right to found a family and of a fundamental principle of the European Union, the free movement of persons. Will the Commission clarify this matter, bearing in mind that, in joining the European Union on 1 May 2004, Poland undertook to abide by Community law in its entirety?

⁽¹⁴⁾ Proposal for a Council Directive on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries, COM (2006) 76 final.

⁽¹⁵⁾ Council Directive 2007/74/EC of 20 December 2007 on the exemption from value added tax and excise duty of goods imported by persons travelling from third countries, OJ L 346, 29.12.2007.

Answer

The Commission thanks the honourable Member for her question on the issue of civil status certificates by Polish authorities to enable Polish nationals to marry or register a partnership in a state other than that of which they are nationals.

The principle of the Union as an area of freedom, security and justice within which the free movement of persons is guaranteed is one of the founding principles of the Union. We are firmly committed to that principle, just as we are committed to the legitimate right of every citizen to found a family.

Nonetheless, there is not at present any Community instrument concerning the issue of civil status certificates.

When it comes to family policy, the Commission's aim is to simplify the citizens' lives by implementing the programme for the mutual recognition of laws, acts and decisions. As stated during the hearing of the Commissioner responsible for justice, freedom and security on 16 June 2008, the Commission intends to begin work on the recognition of civil status acts and public acts legislation in the European Union, with a view in particular to enabling citizens' marriages and partnerships to be taken into consideration in countries other than the one where these marriages or partnerships were entered into. Similarly, a legal framework allowing for the recognition of the property consequences of marriages and partnerships will be proposed.

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Question no 72 by Brian Crowley (H-0582/08)

Subject: Regulatory standards for toy imports

Is the European Commission satisfied that the updated rules regulating toy imports coming into the European Union comply with the highest public health, safety and consumer protection standards?

Answer

The Commission shares the concern of the Honourable Member that toys should fulfil the highest health and safety standards. There can be no compromise on the safety for children, the most vulnerable consumers. For this reason the Commission has initiated a wide range of legal and operational measures to ensure the highest level of safety of toys placed on the market in the Community.

On the basis of a Commission proposal of 14 February 2007 Parliament and the Council adopted on 9 July 2008 two legal acts on the marketing of products namely a Regulation setting out the requirements for accreditation and market surveillance relating to the marketing of products⁽¹⁶⁾ and a Decision on a common framework for the marketing of products⁽¹⁷⁾. These horizontal acts contain considerably higher requirements for product safety, including toys, such as enhanced obligations of economic operators, i.e. manufacturers and importers, for market surveillance, and for the treatment of detected unsafe goods. Their application will contribute to ensuring that toys entering the Community market are safe.

Furthermore, the Commission adopted on 25 January 2008 a proposal for a revised Directive on the Safety of Toys⁽¹⁸⁾. The Commission proposal foresees to strengthened safety requirements for toys, in particular to deal with the recently identified hazards, such as chemicals in toys. The Commission proposal is now actively discussed in Parliament and in the Council. The Commission calls on Parliament to contribute to the ongoing work in order to reach a first reading agreement on this important initiative by the end of 2008.

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⁽¹⁶⁾ Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, OJ L 218, 13.8.2008.

⁽¹⁷⁾ Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC, OJ L 218, 13.8.2008.

⁽¹⁸⁾ COM(2008) 9 final.

Question no 73 by Seán Ó Neachtain (H-0584/08)**Subject: Spanish property sales for non-resident EU nationals**

Recently the European Commission brought infringement proceedings against Spain on the grounds that its domestic law discriminated against non-resident EU nationals in relation to property sales and capital gains tax. However this only applies for those people who sold their homes from 2007 onwards.

What is the Commission doing to help those EU citizens who sold their houses before 31 December 2006 and fell foul of the pre-2007 rule?

Answer

The Commission decided to refer Spain to the Court of Justice in accordance with Article 226 of the EC Treaty over its taxation of non-residents on capital gains realised on the sale of Spanish immovable property. The Commission considered that the Spanish tax legislation infringed the freedom of capital movement enshrined in the EC Treaty.

Under the previous Spanish legislation capital gains of non-resident individuals were taxed at a flat rate of 35%, whereas residents were subject to progressive taxation when the fixed assets remained within the possession of the taxpayer for less than one year, and to a flat rate of 15% when the assets were realised after one year of possession. Thus, non-resident individuals were always subject to a substantially higher tax burden if they sold their property after one year of possession, and were so in most cases, if the property was sold within a year after acquisition.

In the meantime, the Spanish parliament approved a tax reform through Law 35/2006, of 28 November 2006, published in the Official Gazette of 29 November 2006. The reform entered into force on 1 January 2007. One of the most significant amendments concerning the taxation of capital gains was the introduction of a flat rate tax of 18% on any capital gains. The Commission considers that this amendment removed any future discrimination in this field between residents and non-residents.

However, due to the fact that there are many non-resident citizens who have suffered from the application of discriminatory rules in respect of capital gains that have often accrued over a considerable period of time, the Commission decided to continue the infringement procedure when the new legislation entered into force as this legislation does not provide for satisfactory arrangements in respect of such pre-existing cases. The Court of Justice will decide whether the previous Spanish tax legislation infringed the freedom of capital movement enshrined in the EC Treaty.

It should be noted that even if an infringement procedure under Article 226 EC Treaty is opened against a Member State, any subsequent finding of an infringement by the Court of Justice has no automatic or immediate impact on the procedural position of individual complainants, since the Court procedure does not serve to resolve individual cases. It merely obliges the Member State to amend its tax rules in line with Community law. National courts and administrative bodies are responsible for ensuring that the authorities of the Member States comply with Community law in individual cases. Therefore, if citizens consider a particular measure or administrative practice to be incompatible with Community law, they are advised to seek redress from national administrative or judicial authorities.

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Question no 74 by Nirj Deva (H-0588/08)**Subject: Lisbon Treaty and international organisations**

Does the Commission think the now-defunct Lisbon Treaty would have strengthened the EU's presence in international organisations, such as the United Nations Security Council?

Answer

The Lisbon Treaty was signed by the Heads of State or Government of the 27 EU Member States on 13 December 2007. In accordance with international law, through its signature each signatory state has committed itself to making every effort to ensure that its country ratifies the Treaty. Ratification does not affect the existence of the Treaty; it relates solely to its entry into force. During the European Council of 19-20 June 2008 it was agreed that the follow-up to the Irish 'no' vote would be discussed at the European Council on 15 October 2008.

The Lisbon Treaty would in fact strengthen the European Union's role on the global stage and, in particular, within international organisations. For example, according to the Treaty, the High Representative of the Union for Foreign Affairs and Security Policy, who would also be a Vice-President of the Commission, would enhance the expression of the Union's positions, inter alia in international organisations and in most international conferences.

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Question no 75 by Zbigniew Krzysztof Kuźmiuk (H-0590/08)

Subject: Restructuring programme for Polish shipyards

On 9 July 2008, Polish television (TVP Info) reported that Karl Soukuep, Commission representative responsible for Polish shipyards, during a meeting with one of the Norwegian investors, Ulstein Verft, had advised representatives of that company to await the inevitable bankruptcy of the Szczecin shipyard in order to purchase its estate. This meeting took place on 20 June 2008, in other words one week before the Polish Treasury submitted its restructuring programme for three Polish shipyards to the Commission. If this information is correct, it means that a Commission representative knew that the Commission would reject the restructuring plans, regardless of their content. Will the Commission shed light on this highly disturbing matter?

Answer

The Commission can assure the Honourable Member that neither the television report he refers to, nor similar newspaper reports are correct.

At a meeting on 9 July 2008, the Commissioner for Competition informed the Minister of State Treasury of Poland that the draft restructuring plans for Gdynia Shipyard and Szczecin Shipyard that Poland submitted to the Commission on 26 June 2008 in the context of a State aid investigation, were not ensuring long-term viability of the two yards and did not comply with the conditions for the authorisation of State aid under the Community guidelines for rescuing and restructuring firms in difficulty⁽¹⁹⁾.

Following that meeting, press reports were published relating to a purported note of the meeting of 20 June 2008. This note was not produced by the Commission, and has not been seen, commented on or agreed by the Commission.

The Commission can confirm, however, that the press reports do not reflect the discussion that took place in the meeting of 20 June 2008.

At this meeting, Ulstein outlined its strategy for the restructuring of Szczecin Shipyard, and then asked a number of questions related to possible scenarios for the future of the ongoing State aid investigation. The Commission services therefore provided a comprehensive overview of possible scenarios for the development of the ongoing State aid investigation concerning Szczecin Shipyard. The Commission services explained the conditions for the authorisation of State aid under the Community guidelines for rescuing and restructuring firms in difficulty as well as the consequences should these conditions not be met. The Commission services explained that in the latter case, as in any case of unlawful and incompatible State aid granted by any Member State, the Commission would have to order recovery of the State aid granted. To the question of Ulstein on how the State aid recovery claim would affect the sale of assets in a bankruptcy procedure, should the recovery order indeed lead to bankruptcy, the Commission services responded by explaining the established Commission practice and the case-law of the European courts on the treatment of State aid recovery claims in bankruptcy procedures.

The responses of the Commission services were based on the Notice from the Commission "Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible State aid"⁽²⁰⁾. Part 3.2.4 of this Notice concerns the treatment of recovery claims in case of insolvency of the State aid beneficiary.

⁽¹⁹⁾ OJ C 244, 01.10.2004.

⁽²⁰⁾ OJ C 272, 15.11.2007.

The Commission can confirm that no suggestion such as described in the question of the Honourable Member has been made. The Commission services provided the Polish authorities present at the meeting and the representatives of Ulstein, on the request of the latter, with an explanation of the applicable Court jurisprudence and Commission case practice concerning the treatment of cases concerning rescue and restructuring State aid.

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Question no 76 by María Isabel Salinas García (H-0592/08)

Subject: Change in Commission criteria for the approval of rural development plans

Up until the end of March 2008, the European Commission had no major problems in approving the rural development plans (RDP) drawn up under Article 60 of Regulation (EC) No 1580/2007⁽²¹⁾, which gave the Member States the responsibility for determining the compatibility criteria for the financing of measures in the fruit and vegetable sector through OPs and RDPs, provided that there was no double funding. Since then the Commission has decided not to accept the criteria chosen by the Member States and has imposed a much more restrictive criterion, contrary to the political agreement in the 2007 reform whose objective was to seek complementarity between rural development aid and COM aid. Does the Commission not consider that by establishing its own criterion on compatibility and disregarding the one used by the Member States it is violating the application of the subsidiarity principle provided for by Regulation (EC) No 1580/2007, which reflects the Council's political agreement of June 2007? Has it assessed the consequences of this for the fruit and vegetable sector?

Answer

The political agreement on the fruit and vegetable market reform of June 2007 foresees specific provisions in relation to the coexistence of actions implemented under the operational programmes set out by the Common Market Organisation (CMO) for fruit and vegetables and measures implemented under the rural development programmes.

The principle of complementarity, i.e. specific provisions on coexistence, is foreseen by the rural development regulation. Also the implementing regulations of the Commission in the fruit and vegetable sector refer to that principle.

These provisions state as a general rule that no support can be granted under European Agricultural Fund for Rural Development to schemes that are eligible for support under the European Agricultural Guarantee Fund. However, where support under the rural development fund is exceptionally permitted for measures falling within the scope of common market organisations, such as the common organisation for fruit and vegetables, Member States shall ensure that a beneficiary may receive support for a given operation only under one scheme.

In order to provide this assurance, Member States shall describe in their rural development programmes the criteria and the administrative rules they will apply for these exceptions. A number of Member States had already defined such criteria and administrative rules when they prepared their rural development programmes for the period 2007-2013.

Where criteria and administrative rules have already been approved as part of the rural development programmes 2007-2013, Member States have to amend their programmes in order to take account of new rules introduced under the fruit and vegetables reform in relation to the National Framework for environmental actions and the National Strategy for operational programmes in the fruit and vegetable sector. Therefore, it is the Commission's view that the subsidiarity principle has been fully respected.

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⁽²¹⁾ OJ L 350, 31.12.2007, p. 1.

Question no 77 by Johan Van Hecke (H-0596/08)**Subject: Corruption and water crisis**

Water is an irreplaceable and indispensable natural resource which, regrettably, is not available to all. According to a report by Transparency International, corruption in the water sector is the principal cause of the world water crisis which is threatening millions of lives and aggravating environmental problems. The report mentions problems from small-scale bribery connected with the supply of water to fraud involving funds for irrigation and dams, concealment of industrial pollution and the manipulation of policy on water management and allocation. According to the report, the influence of corruption on water is insufficiently recognised in development aid and food and energy supply. Yet it should be recognised, as more than one billion people worldwide have no guaranteed access to water and more than two billion people have no access to adequate sanitation.

The Commission has always been very committed to combating all forms of corruption. Will the Commission take the conclusions of the Transparency International report to heart and devote greater attention to combating corruption in its water programme?

Answer

The EU takes an extremely firm stance on this matter of corruption in the water sector, and views corruption as a major obstacle to achieving development goals.

The EC sees corruption as a symptom of poor governance and of a lack of transparent, accountable management and control systems. Corruption can not be tackled in isolation but needs to be integrated into development and poverty reduction strategies and into support to the processes of democratic governance. This means strengthening the role of civil society and the media, as well as protection for multiparty democracy and electoral competition.

The Commission has been participating – without being a member – in annual meetings of the Water Integrity Network (WIN), formed in 2006, which promotes increased awareness and understanding of corruption issues related to water. Transparency International is one of the founders of the network and the Commission is aware of its recent report.

In this context in the last two years the Commission has introduced the Governance Profile under the European Development Fund (EDF) 10, which enables an in-depth analysis of service delivery and governance of aid programming - including projects in the water sector - to address these issues. The new format of Country Strategy Papers for the African, Caribbean and Pacific countries locates the analysis of the questions related to the governance in the broader context of the analysis of the political situation and provides useful information on this subject. The aim is to facilitate the link between the analysis and the response strategy.

Furthermore, the Commission is introducing a sector governance analysis framework encompassing the water sector. The framework analyses and addresses the issue of bad governance in our interventions and that includes the problem of corruption. In the water sector, the Commission is taking practical steps towards broader participation of local actors and the accountability through the promotion of integrated water resources management (IWRM). For 2007-2013, approximately € 180 million will be dedicated to IWRM worldwide through the EDF and the Community Budget.

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Question no 78 by Zdzisław Kazimierz Chmielewski (H-0597/08)**Subject: Use of driftnets for salmon fishing**

Unfortunately, the question of the rules governing the use of driftnets in the European Union needs to be addressed once more. In the light of the decision adopted by the Commission banning the use of driftnets for salmon fishing in the Baltic, the latest legislative proposal from the Council and Commission is surprising in that it authorises the use in other EU waters of driftnets up to 100 kilometres long, together with a 5% shark by-catch, whereas nearly all shark species are protected. Will the Commission therefore answer the following question, which I have asked many times before:

Why is the use of driftnets not authorised in the Baltic, when there is no evidence of significant porpoise by-catches? This is totally inconsistent on the part of the Commission and is tantamount to discrimination between different fishing grounds.

How can EU legislation be reconciled with the United Nations ban on the use of long pelagic driftnets?

Answer

The ban on the use of driftnets in EU waters has not changed and is clearly justified. When using driftnets, some cetacean bycatches such as porpoises or dolphins occur. Since no proven efficient technical solution has yet been identified, the only way to avoid such cetacean bycatches is to prohibit the use of driftnets.

The Commission adopted in June 2008 a proposal for new technical measures in the Atlantic and the North Sea. The main objectives of that revision were a simplification of the current rules which at times are too complex and too difficult to understand, along with a harmonisation of the main provisions, taking into account the distinctive regional nature of fisheries in those waters. In that proposal, there is no authorisation whatsoever for the use of driftnets which are and shall continue to be prohibited. There are some rules on the use of bottom set gillnets including a ban on using gillnets in depths of over 200 metres so as to reduce discards and catches of sharks. Nevertheless, the proposal allows the use of gillnets in depths of up to 600 metres where hake or monkfish are targeted.

In the Baltic Sea, the driftnet ban is a necessary conservation measure in line with the Community's Fisheries and Environmental Laws and with the existing international obligations for the protection and the recovery of harbour porpoises. In the last century, the incidental entanglements of harbour porpoises in fishing gears and particularly in driftnets were identified as one of the key factors behind the strong decline of the harbour porpoise population in the Baltic Sea. Whereas, harbour porpoises were present over the whole of the Baltic Sea in the past, they are today only found in the western part of the sea. Harbour porpoises are considered an endangered species and are listed under the Natura 2000 European Habitats Directive. Over the last ten years there have not been any signs of recovery according to the most recent assessments that have been made, although, there were still significant porpoise bycatches being reported within the Polish driftnet fisheries for salmon, over the last decade.

In contrast with the measures taken in other Community waters, the Baltic driftnet fishery was only banned with effect from 2008 instead of 2002, and only after a gradual adaptation period and the provision of financial support for fishermen to adapt to the ban and to change fishing gears.

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Question no 79 by Georgios Toussas (H-0599/08)

Subject: Firming up the concept of arduous and unhealthy work

According to the International Labour Office (ILO), industrial diseases claim over 2500 lives annually in Greece while, according to Eurostat, the equivalent figure for the EU as a whole is 142 400. However, on average only 20 cases of work-related illnesses are recorded each year by the national government departments responsible and the IKA social security authority, confirming the total absence of a system for registering and notifying work-related illnesses which is necessary for preventive and corrective action at the workplace. While, according to the World Health Organisation, 40-50% of the working population is exposed to risks at the workplace, the Greek Government and the EU are further eroding the concept of arduous unhealthy work in a bid to undermine the pay and welfare entitlements of workers while increasing profits for monopolies.

Does the Commission consider that the notion of arduous and unhealthy work should be more clearly defined with a view to improving preventive medical treatment and care at the workplace and reducing retirement age to 50 for women and 55 for men?

Answer

The Commission would point out to the Honourable Member that it is not in a position to comment on statistical data produced by the International Labour Organisation, but can refer only to data produced by Eurostat⁽²²⁾.

Under Articles 136 and 137 of the EC Treaty, the European Community has competence to adopt legislation and take action to make improvements, in particular in the working environment, to ensure a higher level of protection of the safety and health of workers.

On that basis an extensive body of Community legislation has been developed with the overall aim of protecting workers' health and safety.

The central piece of legislation concerned is the Framework Directive on the introduction of measures to encourage improvements in the safety and health of workers at work⁽²³⁾. It aims inter alia to introduce or improve preventative measures to safeguard the health and safety of workers and ensure a higher degree of protection (Recital 10).

The Framework Directive's scope is wide: in accordance with Article 2(1), it applies to all sectors of activity, both public and private (industrial, agricultural, commercial, administrative, service, educational, cultural, leisure, etc.).

Article 14 of the Framework Directive makes it an obligation to ensure that workers receive health surveillance appropriate to the health and safety risks they incur at work. Article 15 stipulates that particularly sensitive risk groups must be protected against the dangers which specifically affect them.

The Honourable Member's attention is also drawn to the fact that the Community strategy (2007-12) for health and safety at work provides that 'National and EU policies should help to create working environments and occupational health services which enable workers to play a full and protective part in working life until they reach old age.'⁽²⁴⁾

As regards the retirement age, the Commission would like to recall that the 2001 Stockholm European Council has agreed to set an EU target for increasing the average EU employment rate of men and women in the 55-64 age-group in the EU to 50% by 2010. The 2002 Barcelona European Council concluded that 'A progressive increase of about 5 years in the effective average age at which people stop working in the European Union should be sought by 2010.'⁽²⁵⁾

One of the aims of the EU's employment and social affairs policy is accordingly to improve working conditions at every workplace in order to obtain a continuous, sustainable reduction of occupational accidents and diseases and to maximise the ability of individuals to work and so prevent early withdrawal from the labour market.

For these reasons, developing the concept of arduous, unhealthy work would not be in line with the objectives of the EU policy concerned as the approach is to achieve a healthy and safe working environment by means of prevention and improving working conditions.

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(22) Harmonised data on occupational diseases are collected as part of European Occupational Diseases Statistics (EODS) on the basis of methodology adopted by gentleman's agreement with the Member States and candidate countries within Eurostat's EODS Working Group. However, Greece is not participating in those data collections. For EODS methodology, see: <http://circa.europa.eu/Public/irc/dsis/hasaw/library>.

(23) Council Directive 89/391/EEC of 12 June 1989, OJ L 183, 29.6.1989.

(24) Improving quality and productivity at work: Community strategy 2007-2012 on health and safety at work (COM(2007) 62 final), Introduction, p. 3.

(25) Presidency conclusions: Barcelona, 15 and 16 March 2002, Part I, point 32.

Question no 80 by Mihael Brejc (H-0603/08)**Subject: Consumer protection**

Because of the new EU security regulations restricting the quantity of liquid that they may carry with them on board, passengers cannot buy water, for example, until after they themselves and their hand-baggage have been security-checked. At some airports, however, in the shops and bars beyond the security checkpoints, the prices charged for, say, water are as much as five to six times higher than the normal prices. Traders are plainly abusing the strict security regulations at consumers' expense.

How does the Commission view this situation and what steps can it take to prevent further instances of such abuse?

Answer

On the basis of available information the Commission is not aware of airport shops using the restrictions on passengers taking liquids as a means of making excessive profits on the sale of non-alcoholic liquids. The Commission wrote on 11 June 2007 to the Airports Council International (ACI) – the stakeholder organisation that represents airports – raising the issue of granting passengers access to drinking water at airports.

In their reply, dated 26 July 2007, ACI said that a survey of its members revealed no price differences in the cost of bottled water sold before - and after - the security checkpoints. Furthermore, they informed the Commission that many airport shops benchmark the prices of their retailers and caterers against downtown stores.

However, should the Commission receive concrete indications about any abuse, it would raise the issue with ACI.

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Question no 81 by Proinsias De Rossa (H-0604/08)**Subject: Transposition of gender equality in Goods and Services Directive**

What is the current situation with regard to the letter of formal notice (i.e. first warning) sent to Ireland concerning the failure of the Irish Government to communicate by the 21 December 2007 deadline the national measures transposing the Directive prohibiting gender discrimination in the access to and supply of goods and services (Directive 2004/113/EC⁽²⁶⁾)?

What action will the Commission take to ensure this directive is transposed in full and correctly in Ireland?

Answer

The Irish authorities' response to the letter of formal notice sent by the Commission is currently being examined. On that basis, the Commission will decide on the next steps to be taken in relation to this infringement before the end of 2008.

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Question no 82 by Glyn Ford (H-0605/08)**Subject: Trade preferences for Colombia**

Given the number of trade unionists killed this year alone in Colombia (30 to date) and the level of impunity that exists in relation to these crimes, will the EU adopt the same moral stance as the Democrats in the US and suspend all trade preferences for Colombia until human rights for all have been established?

Answer

The EU follows closely Colombia's compliance with its obligations regarding core human rights laid down in the relevant United Nations (UN) human rights conventions, to which Colombia is a party and the ratification and effective implementation of which has been a condition for the granting of Generalized

⁽²⁶⁾ OJ L 373, 21.12.2004, p. 37.

System of Preferences Plus (GSP+) benefits. The human rights situation in Colombia is regularly discussed during bilateral contacts with the Government of Colombia. The GSP+ status of all GSP + beneficiaries, including Colombia, will be reviewed later in 2008.

The EU relies in its judgements concerning the accuracy of Colombia's actions, on, in particular, the monitoring and observations of relevant international, specialised monitoring bodies, inter alia the UN monitoring committees, which have the expertise and authority over the relevant conventions. In consequence the EU assessments regarding the human rights situation in Colombia will take into account any findings and reports of monitoring mechanisms under relevant international supervisory bodies set up under the conventions.

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Question no 83 by Konstantinos Droutsas (H-0606/08)

Subject: Additional works necessary for the operation of the Mavrorachi landfill site

The residents of the Assiros district of the province of Lagkadas situated in the prefecture of Thessaloniki are expressing great concern and are organising active protests in response to the projected Mavrorachi landfill site, an integrated waste management centre which is in danger of becoming a common dumping ground because of failure to carry out the necessary works. The seven waste transfer (WTS) the two recycling centres and the biological purification plant have not yet been completed. Responsibility for this lies with the authorities who have for decades been simply using the Tagarades waste disposal centre in the prefecture of Thessaloniki without building any landfill sites equipped with the necessary infrastructures to protect public health and the environment. When the Tagarades waste disposal centre ceases to operate within a few days, this will greatly increase the problems facing the residents of Thessaloniki, ever more so in the Assiros district.

How safe is the Mavrorachi landfill site, given that the abovementioned works, which are necessary to protect public health and the local environment have not been carried out? What measures will the Commission take to ensure that the additional works in question are carried out?

Answer

Through Decision C(2002)4710 of 27 December 2002, as amended by Decision C(2008)3823, the Commission decided to grant Community assistance under the Cohesion Fund to the project for a 'Waste disposal centre in the north-west zone of Thessaloniki and access road'. This project relates solely to the construction of the waste disposal centre and the related works as well as the access road. The final date for the eligibility of the expenditure is 31 December 2009.

Some of the actions mentioned by the honourable Member are actions envisaged by the Regional solid waste management plan and are not cofinanced by the Cohesion Fund.

As regards the work envisaged by the abovementioned Decision, the competent Greek authorities (Management authority of the 'Central Macedonia' operational programme) have informed the Commission that the test period for the operation of the landfill site (HYTA) situated in Mavrorahi, cofinanced by the Cohesion Fund, began on 7 June 2008 and will last for a period of five months. It should be noted that this test began after the completion of the work on the two waste recycling centres and the related infrastructure work as well as the site access road.

In addition, according to the information provided by the Greek authorities, the entire project as described in the Decision is due to be completed within the deadlines laid down in the Decision, including the construction of the leachate treatment plant.

The Greek authorities confirm that the additional work envisaged by the Regional solid waste management plan does not have any impact on the operation of the Mavrorahi landfill site. The completion of the network of waste transfer sites affects the way in which the waste is transported, not the operation of the site. The two waste recycling centres in Tagarades and Thermi are operational but have not yet achieved full capacity, while the Eukarpia centre is in the process of obtaining its environmental permit. Finally, according to the Greek authorities, the leachate treatment plant does not affect the operation of the landfill site since the plant should be completed by the time leachate production begins.

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Question no 84 by Leopold Józef Rutowicz (H-0609/08)**Subject: Aid to poor countries**

Has any research been done into the effectiveness of the aid provided by the EU to poor countries?

From the evidence I have examined on the subject - and excluding humanitarian aid - it seems that in most cases beneficiary countries have recorded scarcely any growth in GDP that might confirm the effectiveness of such aid, which runs into billions of euros of taxpayers' money?

Answer

The effectiveness of aid provided by the Commission has been a subject of both internal and external evaluation. The aid effectiveness agenda as known today was launched with the Paris declaration of 2005 which included targets to be achieved and indicators to measure progress. Signatories to the Paris Declaration agreed on a Joint Venture on Monitoring Implementation. The results of the latest survey are currently being finalised by the Organisation for Economic Cooperation and Development (OECD) and will be presented at the Third High Level Forum on Aid Effectiveness in Accra in September 2008.

Tentative results from the survey data show that in the 33 partner countries, which participated in both surveys (2006 and 2008), the Commission made progress in the field of capacity building (better coordination of technical assistance and less use of parallel project implementation units), alignment with priorities of partner countries, predictability of aid and coordination of field missions and analytical work with other donors. Outstanding challenges remain increasing the use of country systems (for public finance management and procurement) and the use of common arrangements and procedures by increased use of program based approaches. The survey also shows that investment in public finance management systems in partner countries is paying off, as one third of countries have improved their systems. Furthermore, a quarter of partner countries were able to improve the quality of their national development strategies, and nearly one fifth of the countries were able to improve the related result based monitoring frameworks.

Measuring the effectiveness of aid is a medium to long term process and the next comprehensive review by the international community will take place at the Fourth High Level Forum in 2011. At this point, it can be better established whether the 2010 targets set by the development community in Paris have been achieved, and what the impact has been of more effective aid (by applying the Paris commitments) on Gross Domestic Product (GDP) growth.

In 2007, the OECD/Development Assistance Committee (DAC) conducted an extensive peer review of aid provided by the Community which recognised the Commission's leading role in the aid effectiveness debate and included important recommendations in the areas of budget support, use of parallel implementation units, untying of aid and the relationship with civil society.

According to International Monetary Fund (IMF) data, GDP in developing countries has grown substantially in recent years: between 2000 and 2008 there has been an annual growth of between 3.8 and 7.9% for the group of "emerging and developing economies". For sub-Saharan Africa, a region consisting entirely of developing countries, the same figures are 3.8 and 6.8%. Clearly, country-situations differ substantially from one another.

There is extensive research and an ongoing debate about exactly to what extent aid assists in ensuring economic growth (see for example Dollar, Collier: "Aid Allocation and Poverty Reduction", JavaScript:WinOpen();

). Aid helps release constraints to growth in many different ways. How immediate this influence is depends on many factors. For example, a country's development strategy might be directed more towards private sector development and building up productive capacity. In such cases, expected effect on economic growth would be more direct. Similarly, resources can be directed, for example, to health and education which, over the longer term, would have an expected positive effect on economic growth.

In any case, there can be no doubt that effective aid is more conducive to assisting economic growth than poor quality aid which overburdens partners with large transaction costs. While improving aid effectiveness, implementing actions and changing behaviour, including new arrangements in administering aid, will, inevitably, take time, some elements of the aid effectiveness agenda should have a more direct influence on economic growth. Improving public financial management capacity by partner countries, for example,

should have a beneficial effect on investments. Moreover, untying of aid should provide more possibilities to providers from developing countries to provide and develop their expertise.

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Question no 85 by Göran Färm (H-0611/08)

Subject: Interpretation at expert meetings

What are the Commission's views on access to interpretation at meetings in Luxemburg of the EFBWW? There was, for example, no Swedish interpretation for the Building Committee on 22-23 April 2008, despite the fact that the three participants present at the meeting had said they would be attending two months in advance, thus fulfilling the requirements that the Commission now sets for the provision of interpretation. Interpretation into all the participants' languages is an issue of democratic importance at expert meetings. Difficult and crucial expert discussions are currently being held on the ECJ judgments in the Laval, Viking and Rüffert cases, in which freedom of movement comes up against the protection of workers' rights. Expert representatives are not chosen for their language skills and cannot be expected to take part in EU level meetings without interpretation.

Answer

The Commission agrees that access to information in one's language is a democratic issue and should as far as possible be provided in the institutional context.

The Commission notes, however, that the meetings referred to by the Honourable Member are not organised under the auspices of the Commission. They are internal meetings of European Federation of Building and Woodworkers (EFBWW) (or other trade unions as the case may be), for which the Commission has no role other than lending its premises. Interpretation is provided by Parliament.

Regarding the specific meeting of 22-23 April 2008, Parliament was unable to provide interpretation for either Danish or Swedish due to the parliamentary session that week. The Commission transmitted this information to EFBWW in advance of the meeting.

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