

# MONDAY, 1 SEPTEMBER 2008

## IN THE CHAIR: MR PÖTTERING

*President*

*(The sitting was opened at 5 p.m.)*

### 1. Resumption of the session

**President.** – I declare resumed the session of the European Parliament adjourned on 10 July 2008.

### 2. Announcement by the President

**President.** – Ladies and gentlemen, welcome to you all. I would like to begin with some comments about the situation regarding the plenary chamber in Strasbourg. As you know, due to the partial collapse of the false ceiling in the plenary chamber in Strasbourg on 7 August, this first part-session of the European Parliament in September has had, exceptionally, to be held here in Brussels. I took this decision with a view to ensuring the greatest possible safety of Members and staff, based on my perusal of the initial expert reports and after consultation with the chairpersons of the groups and the French Council Presidency. The decision also takes account of the need to maintain continuity in the European Parliament's legislative work.

The preliminary findings of the investigations indicate that the partial collapse of the false ceiling was caused by fractures in the building components which connect the suspended ceiling with the actual ceiling structure. The investigations are ongoing and are being carried out by several independent international structural engineering firms commissioned by Parliament with a view to establishing further details and responsibilities for the collapse. These investigations are being carried out in very close cooperation with the relevant local authorities as well as with a senior buildings safety expert appointed by the French Government. The apportionment of responsibility and liability between the contractors involved in the construction of the original ceiling will be established on the basis of the final investigation reports, once they are available. The false ceiling in the plenary chamber will now be re-suspended using a new technique which has been approved by the independent experts and the local buildings authorities.

Although every effort is being made to complete the work as soon as possible, the procedure involved is, of necessity, somewhat lengthy. Nonetheless, we hope that all the safety investigations and necessary repairs will be completed in time for the House to hold its September II part-session in Strasbourg.

May I assure you that safety takes absolute priority in all our considerations and decision-making.

### 3. Tribute

**President.** – Ladies and gentlemen, I am afraid I have some very sad announcements to make. During the summer, we learned with great sadness of the tragic death of our friend and colleague Professor Bronisław Geremek. He was a great Polish patriot and a true European who, for decades, campaigned tirelessly for the Polish people to share in the fundamental values of democracy, liberty, human rights and the rule of law. His commitment to the democratic opposition and the great popular movement Solidarność ultimately bore fruit.

For almost two decades now, Poland has occupied its rightful place among the free and democratic nations of Europe and, as we all know, has been a member of the European Union since 1 May 2004. His contribution to this achievement undoubtedly made Bronisław Geremek – who also served as a member of the Sejm, the lower house of the Polish Parliament, for many years and was his country's Foreign Minister from 1997 to 2000 – one of the founding fathers and chief architects of the new Poland.

Bronisław Geremek had been a Member of the European Parliament since 2004. We knew him as a man whose belief in the European project was profound and genuine. It embodied his ideals and convictions: reconciliation, dialogue and compromise. I greatly admired his unique ability to be near to his country and near to the European Union at the same time. He worked tirelessly for the integration process, which he regarded as the best solution for the future of his country and, indeed, for our continent as a whole.

We have lost an exceptional figure from the European scene, a colleague whose tragic and untimely death has left a vacuum which will be hard to fill. I wish to express my deepest condolences to his family – especially his two sons – and all his friends. We in the European Parliament will always honour his memory.

Ladies and gentlemen, we also heard with great sorrow, in early August, of the death of our colleague Willi Piecyk shortly before his 60th birthday. On this sad occasion too, I would like to speak for the European Parliament in expressing our deepest sympathy to his family and friends. Willy Piecyk had been a Member of the European Parliament since 1992. He was a leading figure in the Committee on Transport and Tourism, where he served as spokesman for the Socialist Group for many years.

Only a few weeks ago, he was able to join us to celebrate the first European Maritime Day. At the time, although I was aware of his serious illness, it seemed to me that his health was improving. Sadly, this impression was mistaken.

Willi Piecyk will remain in our memories in many ways as the initiator of many important projects. With his passing, we have lost a colleague who enjoyed the respect and appreciation of everyone in this House. We will remember Willi Piecyk, too, with lasting gratitude.

Ladies and gentlemen, I am afraid I must also inform you about the death of a much-loved former colleague, Maria Luisa Cassanmagnago Cerretti, who died on 4 August. I have particularly vivid memories of her, for she joined the European Parliament at the same time as I did, in 1979, when she took up the cause of Europe and European integration in this House. She served as a Vice-Chairwoman of the Group of the European People's Party and was Vice-President of the European Parliament from 1982 to 1987. Her other political functions included chairing the Political Affairs Committee of the European Parliament, the forerunner of the Committee on Foreign Affairs, for a time.

Through her political commitment, Maria Luisa Cassanmagnago Cerretti was an inspiration, particularly for women, and as a Member of the European Parliament, she was a woman of intellectual courage and compassion who made a valuable contribution to European integration. We will remember her with great fondness.

Ladies and gentlemen, during the summer recess, a series of tragic air disasters occurred. On 20 August, Spain's worst air disaster for 25 years left 154 people dead. Only 18 of the 172 people on board the aircraft, which was en route from Madrid's Barajas Airport to the Canary Islands, survived the tragedy. The day after the crash, I made a statement on behalf of the European Parliament, and today I would like to reiterate that message of solidarity and support to the families and friends of the deceased.

Just a few days after the Madrid tragedy, on 24 August, another plane crashed shortly after take-off at Kyrgyzstan's capital, Bishkek, killing 68 of the passengers and crew. I would like to speak for everyone in this House in expressing our most heartfelt condolences to the victims of these and other tragic events.

I would ask you all to rise for a minute's silence in memory of those who have lost their lives.

*(The House rose and observed a minute's silence)*

**4. Approval of the minutes of the previous sitting: see minutes**

**5. Composition of Parliament: see minutes**

**6. Composition of committees and delegations: see minutes**

**7. Interpretation of the Rules of Procedure: see minutes**

**8. Texts of agreements forwarded by the Council: see Minutes**

**9. Action taken on Parliament's resolutions: see Minutes**

**10. Lapsed written declarations: see Minutes**

**11. Transfers of appropriations: see Minutes****12. Petitions: see Minutes****13. Documents received: see Minutes****14. Oral questions and written declarations (submission): see Minutes****15. Order of business**

**President.** – The final version of the draft agenda as drawn up by the Conference of Presidents at its meeting of Thursday, 28 August 2008 pursuant to Rules 130 and 131 of the Rules of Procedure has been distributed. No amendments have been proposed, so the agenda is adopted.

**Hannes Swoboda (PSE).** – (DE) Mr President, looking at the agenda and assuming that the debate on Georgia takes place today, we do not have any specific requests. However, if there are delays and the sitting overruns, with the result that the debate on Georgia cannot take place until tomorrow, then we would move that the debate on the social package be postponed until the September II part-session for, in my view, it will be impossible for us to debate the social package and Georgia in a single morning. I just wanted to give the House advance notice, as it were.

**President.** – Thank you, Mr Swoboda. There was no interpretation, I believe, particularly into English, if I have identified the colleagues concerned correctly. Let me repeat what Mr Swoboda has just said. Mr Swoboda said that, if the debate on today's Summit does not take place today but happens tomorrow, the debate on the social package should then be postponed until the September II part-session, as the time allocated for this debate will then be taken up talking about today's Summit. That is as I understand it. Do we agree on that? It seems we do. That brings us to the one-minute speeches on important political issues under Rule 144 of the Rules of Procedure.

**16. One-minute speeches on matters of political importance**

**President.** – We now come to the one-minute speeches on important political issues.

**Tunne Kelam (PPE-DE).** – Mr President, the Beijing Olympics have proved, sadly, that authoritarian regimes are not able or willing to comply with Olympic ideals of respect for human rights and peace.

Symbolically the Russian authorities preferred to mark the start of the Beijing Olympics by launching an armed invasion of a neighbouring country. All this happened in the immediate neighbourhood of the future Sochi Winter Olympics.

I am convinced that by this unprecedented violation of the territorial integrity of a neighbouring country, and by annexing parts of its territory, the Russian Federation has lost the moral and political justification to host the 2014 Sochi Olympics.

I call on the International Olympics Committee to designate in the shortest possible time another city to host these Winter Olympics.

**Manuel Medina Ortega (PSE).** – (ES) Mr President, as a Spanish Member resident in the Canary Islands, I want to thank you for remembering the victims of the accident on 20 August. I also want to add my condolences. I hope that this type of accident will not occur again and that the European Union will be able to act to guarantee aviation safety.

**Jelko Kacin (ALDE).** – (SL) Mr President, the problems of environmental protection and increased energy needs in connection with climate change are a challenge requiring a conscientious approach by all politicians. They transcend state borders and national interests. The construction of marine gas terminals in enclosed seas, such as the Adriatic, is even more sensitive.

Terrestrial and marine gas terminals have been planned for the bay of Trieste with an intended location only five miles from the Slovenian coast, right opposite the largest tourist region of Piran. If the Italian Government

dared, it could locate it in the Venetian Laguna as well, but this would not succeed because the whole of the civilised world would object to it.

Citizens have the right to object to such a construction, and politicians must respect their wishes and make up for the democratic deficit in the European Union. We have neglected the environment too often to allow ourselves to do such a thing again. The Italian Government should be given a clear message about it from the European Parliament.

**Jean Lambert (Verts/ALE).** – Mr President, I wanted to raise with you quite a serious case about a Sri Lankan journalist, Mr J. S. Tissainayagam, which we raised on our recent delegation visit to Sri Lanka. He is a very well-known writer and journalist and has been running, amongst other things, a German-Government-funded website called 'Outreach' promoting peace and justice. At that point he had been detained without charge for over four months in poor conditions, and he was finally charged and remanded in custody last week under the country's Prevention of Terrorism Act, with charges related to bringing the government into disrepute and stirring up communal disharmony.

We would ask you, Mr President, to use your good offices with Council and Commission to follow this important case, not least to see to it that he be able to meet his lawyers in private – which he has not been able to do yet – and that there will be full disclosure of the evidence against him.

**President.** – Our officials will follow the case.

**Andrzej Tomasz Zapalowski (UEN).** – (PL) Mr President, Russia is one of our main political and economic partners. In recent days, however, Russia has made intimidating statements against the Union, threatening it with the Russian economic and military might. Countries involved in the European Neighbourhood Policy have received similar threats. Ladies and gentlemen, in the context of a partnership, is it normal practice for one of the partners to resort to such action? I have in mind, in particular, our shared interests, namely the construction of oil and gas pipelines.

The European Community is home to 500 million citizens and is the largest economy in the world. The fact that a country with significantly less potential can ride roughshod over the Union indicates that we are being treated as a weak partner incapable of taking serious political decisions. It is just as well that the Lisbon Treaty is not in force because if it were, even individual Member States of the Union would be denied the opportunity to give an honourable response.

**President.** – Thank you. The Lisbon Treaty is explicit: I would ask you to bear with me as I have just made the same point in my speech to the European Council. Solidarity between the Member States in the energy sphere is a principle laid down in the Lisbon Treaty. This means that should one EU Member State be faced with a threat to cut off its energy supplies, all the other Member States would have a duty to support it. For this reason, it is particularly important that the Lisbon Treaty be ratified. I apologise for reiterating the point, but the Treaty is very important for the energy sphere in particular.

**Kathy Sinnott (IND/DEM).** – Mr President, I should like to take this time to point out the effect that the implementation of the Energy-using Products Directive will have on a company in my constituency that has expertise in this heating field. They inform me that the current proposal for implementation in relation to boilers will have a severe and unnecessary impact on Ireland's central heating industry, which employs many people in my constituency.

Current proposals for boilers will require manufacturers to apply an energy-rating label to the boiler, as well as heating controls, pumps and some renewables. These labelling proposals overlook the key role of the professional installer. Installers are a vital part of the heating supply chain, and the Commission's approach will mean their expertise will be largely ignored or wasted.

The Commission's proposals will fundamentally change the entire Irish domestic heating market, with wider implications in terms of restricted choice, misleading information for consumers, higher costs and a less flexible and competitive market, as well as loss of employment.

Ahead of the Commission's Consultation Forum, I should like the Commission to listen to the experts when considering the effects of this directive on Ireland.

**Willy Meyer Pleite (GUE/NGL).** – (ES) Mr President, I too want to add my thanks for the formal statement made by the Chamber on the grave accident that occurred on 20 August at Barajas Airport and which led

to 155 deaths. However, I also think it is perhaps time, ladies and gentlemen, for us to question whether all the airlines are strictly applying all the European directives on safety and maintenance.

I think the time has come, and I make this request from this House, for the European Commission to critically review the level of compliance in terms of aviation safety, particularly in the area of aircraft maintenance.

I therefore believe that this is the time, not only for sorrow, of course, and solidarity, of course, but also to critically review the level of compliance with the European directives on aviation safety and maintenance of European aircraft.

**Jim Allister (NI).** - Mr President, the EU often shows interest, with good intention, in my constituency of Northern Ireland. However, I wish to warn it against funding a project of immense divisive potential. I refer to the foolish embracing by the EU task force, at the behest of the DUP and Sinn Féin leaders of the Northern Ireland Executive, of possible support for a so-called 'conflict transformation centre' at the site of the former Maze prison.

However it is dressed up and whatever spin is deployed, the preservation of the H-block section, including the hospital wing, would become a shrine to the terrorists who committed suicide in the Maze in the 1980s. That would be obnoxious to the vast majority of people, and is something that Unionists, whom I represent, would not accept.

I would therefore caution the Commission against meddling with such an explosive issue and against being used by those anxious to hide behind the EU to deliver something which will severely set back relations in Northern Ireland.

**Petru Filip (PPE-DE).** - (RO) Following the Russian Parliament's recognition of the independence of South Ossetia and Abkhazia, the settlement of the Dniester conflict regarding the issue of Transnistria has entered a new phase. It is obvious for each of us that Russia's foreign policy has changed following the Russian Parliament's decision and, consequently, a repositioning is required at the level of the entire Union by taking into account this reality.

Taking into consideration that the issue of Transnistria, a region close to the European Union's Eastern border, is of high interest for all Member States and in particular for Romania, I consider a decisive involvement at Community level to be necessary in order to avoid needless tense relations between the countries and entities that have declared interests in this region.

Taking into consideration that Natalia Timakova, Dimitri Medvedev's spokeswoman, announced that several meetings shall take place, with participation of all interested parties, including with the Tiraspol representatives, it could be important to examine here the possibility of establishing a committee to determine and present the Community point of view in this matter.

A recent study of the *European Council on Foreign Relations* shows that, following the events in Georgia, the negotiations for the Moldova-Transnistria agreement shall be much harder.

**Ioan Mircea Pașcu (PSE).** - Mr President, Georgia is not just another international crisis to which the EU has to respond. It signals Russia's military comeback, heralded by its offensive energy supply policy initiated in 2006.

The EU is caught between principles and economic interests. Upholding the former would imply a readiness to sacrifice the latter. Conversely, giving priority to the latter would imply a major loss of face. In its turn, Russia is equally caught between the profits from its energy sales to the West and respect for international legality. The latter cannot be disrespected with impunity. That is the message our leaders should convey to Moscow loudly and clearly.

It would be a major waste for the entire international community if Russia chose to invest its newly-acquired energies in a futile attempt to restore the bipolar world, instead of associating itself with shaping the new, multipolar, globalised one.

**Maria Petre (PPE-DE).** - (RO) I will speak about the blockage of Sapard payments for Romania and its short and medium-term effects.

A European Commission mission of June 2008 visited Bulgaria and Romania and ordered the suspension of payments in Sapard projects. It requested actions to remedy procedures deemed non-compliant and, in

Romania, the authorities directly involved and responsible proposed an action plan to remedy the problems, which was accepted.

Nevertheless, difficulties have only begun now. National payments will be resumed, probably in September, by implementing procedures related to the manner of making payments and with an independent audit, which may last for one year, ensuring that they are compliant and with the major risk that money could be lost permanently, unfortunately in a region that was seriously affected by floods this summer.

If the twelve previous audit missions found no irregularities, if deficiencies are not fundamental, I wonder and I ask the European Commission if sometimes savings from the agriculture budget are not more important than the Sapard projects and their results.

I see only one solution, namely to accept the deadline extension by one more year.

**Katalin Lévai (PSE).** – Mr President, there are threatening signs of the revival of racism, homophobia and anti-Semitism in many countries of the EU. The peaceful Pride Festival in Budapest this summer was brutally attacked by extreme right-wing groups, and stones and eggs filled with acid were thrown at the participants. Many of them were injured. After that shameful event, the Hungarian Prime Minister has initiated a Hungarian Charter, and here in the European Parliament I would like to launch a European Charter with my colleagues Michael Cashman and Edit Bauer.

We condemn all kinds of violence. We cannot allow the formation of extreme organisations that want to practise their own idea of justice. We reject the rebirth of fascist ideas and prejudice against all kinds of minorities, and we strongly reject all forms of racism. We should act together against violence and intimidation with the help of legislation and also by setting a good example in our everyday lives. That is why I would like to ask for support for the European Charter here in Parliament as well.

**Marco Pannella (ALDE).** – (IT) Mr President, ladies and gentlemen, Europe was founded on the conviction that it was no longer possible to guarantee well-being, freedom, democracy and peace on the basis of national sovereignty. However, we are condemning the Georgians, who cast off the suffocating yoke of dictatorship in the name of Europe and with hopes of Europe, we are condemning them to national independence, while much of Europe is now kowtowing to Moscow and Putin's politics in a most cowardly fashion, and preparing to do likewise with China.

Our problem today is that we cannot carry on condemning Georgia, Turkey, Israel and Morocco – whose king asked to join the European Union in 1985 – we certainly cannot condemn them to something that we ourselves rejected, leading to our salvation!

**Milan Horáček (Verts/ALE).** – (DE) Mr President, ladies and gentlemen, despite substantial efforts and worldwide initiatives to secure justice for the former head of Yukos, Mikhail Khodorkovsky, and his business partner, Platon Lebedev, their fate remains unchanged. 'Freedom is better than unfreedom' said the newly elected President Medvedev. That should be the basis for Russia's future, along with a reform of the judicial system and a much-needed improvement in prison conditions. Unfortunately, the latest ruling in the Khodorkovsky case shows that hopes for more rule of law in Russia are not being fulfilled. The recent military policy decisions in respect of Georgia and NATO also indicate that, with the new Putin-Medvedev duo in power, a new Ice Age has begun, not only in the domestic but also in the foreign policy arena. We really do need to be alert to that.

**Janusz Wojciechowski (UEN).** – (PL) Mr President, I should like to refer to an incident that has caused considerable distress to my fellow citizens. In the course of a debate on criminality in a committee of the British House of Commons, a senior representative of the British police stated that all Poles carry a knife, because it is part of their culture to carry one, and that they need to be re-educated. I should like to make it clear that, although I am a Pole, I do not myself carry a knife and that the standard use of a knife in my culture is in conjunction with a fork for the purpose of eating a meal.

It is unfortunate that such a statement was made, particularly as the large number of my fellow citizens living in the British Isles are far more likely to be the victims of crime than its perpetrators. Indeed, all collective allegations ascribing any kind of negative characteristics to any nation whatsoever are expressions of intolerance. No such allegation should ever be made in a Member State of the European Union.

**Ilda Figueiredo (GUE/NGL).** – (PT) The media in Portugal has in recent days reported a further 312 redundancies at Yasaki in Ovar. Together with this latest round of redundancies, in the last year and a half Yasaki Saltano has made nearly 1 200 people redundant at the Ovar and Vila Nova de Gaia units.

This poses a serious social problem in an area where there are few alternative jobs and where unemployment is constantly on the increase. However, this is also a real scandal, bearing in mind that this multinational has received millions of euros in Community funds to invest in Portugal. The people suffering from the change in its business strategy are the workers and residents of the areas where its plants are located.

We must prevent these situations from being systematically repeated.

**Christa Klauß (PPE-DE).** – (DE) Mr President, ladies and gentlemen, after yesterday's Sunday service in my home town, our Indian priest reported on the atrocities being committed in his home country. For the last week, Christians in the state of Orissa in East India have been subjected to a campaign of persecution, humiliation, abuse and murder. By the end of last week, this had left 26 people dead, with 41 churches destroyed, four monasteries in flames and many Christian homes in ruins. People are taking refuge in the forests, praying for safety from the Hindu fanatics.

This is not the first attack on Christians, which is why some 60 000 Christians in Orissa have now fled their homes. The present conflict was triggered by the murder of a spiritual leader and member of the World Hindu Council on 23 August. Father Saji from my village has asked our parish to pray for the victims, but we can do more than that. I utterly condemn these crimes against humanity. The European Parliament must urge the Indian Government to guarantee the right to life and liberty of Christians in Orissa.

**Marianne Mikko (PSE).** – (ET) Ladies and gentlemen, Transnistria has recognised the independence of South Ossetia and Abkhazia. As far as the separatist Transnistria area of Moldova is concerned, this overheating has much to do with a frozen conflict.

South Ossetia, Abkhazia and Transnistria are in a similar position – for years Russia has been refusing to withdraw its forces from there. The President of Moldova has said that Transnistria resembles a volcano which, like the events in Georgia, could begin erupting at any time.

Russia has told President Voronin that it is interested in an agreement under which Transnistria would be treated as an autonomous region of Moldova. As such, if necessary, Transnistria could legitimately separate from Moldova following a referendum.

It is vital to bring the 5+2 partners to the negotiating table; we cannot allow Medvedev and Voronin to resolve the conflict between them. As head of the Moldova delegation I strenuously urge preventive action on Transnistria.

Transnistria should have an international peace-keeping force; we should offer Moldova a plan for closer partnership and allow Moldovans to enter the European Union without visas.

**Toomas Savi (ALDE).** – Mr President, the International Olympic Committee (IOC) decided in July 2007 to grant the right to host the 2014 Winter Olympics to Sochi, Russia. Following the Russian aggression against Georgia, United States Congressmen Allyson Schwartz and Bill Shuster made an announcement that, as soon as the US Congress returns from its summer vacation, there will be a US Congress resolution calling on the IOC to designate a new venue for the 2014 Olympic Games.

It is quite clear that, if the Olympic Games were to be held in Sochi, countries would boycott the event, just as in Moscow 1980 following the Soviet military invasion of Afghanistan. That would strike the Olympic movement much harder than selecting a new host for the 2014 Olympics now. Therefore it is time for the European Parliament to act. Otherwise we might once again be facing the idea of holding the Olympics in an authoritarian and aggressive country that respects neither human rights, civil liberties nor the Olympic Charter.

**László Tóké (Verts/ALE).** – (HU) Mr President, in connection with the independence of South Ossetia and Abkhazia, Traian Băsescu, the President of Romania, has lashed out violently at the collective rights of minorities since, in his opinion, they would lead to the collapse of some states. The European Community's concerns about the crisis in the Caucasus, the imperialist aggression and menace of Russia, and the dangers facing Ukraine and Moldova are justified. However, over and above any interests of great powers, and despite the endeavours of all separatists, a real, peaceful solution could ensure collective human and national rights, as well as full autonomy. According to Andreas Gross, rapporteur for the Council of Europe, autonomy is the most effective antidote against separatism. President Băsescu should not worry, because the Hungarians in Transylvania do not want to separate from Romania, in the same way as Tibet does not want to separate from China; they are merely striving to achieve their collective rights and autonomy.

**James Nicholson (PPE-DE).** - Mr President, during the summer break in Northern Ireland, the region I come from, we suffered very heavy falls of rain during the month of August. While many areas suffered, there were flash floods washing away topsoil, destroying many hectares of potatoes and flattening grain.

I visited some of the areas that were worst affected, and what I witnessed was a pitiful sight for those who had worked so hard to try and produce food at this time, with road and bridges washed away as well as some livestock being lost.

Now farmers are well used to battling the weather to survive, but on this occasion these small areas could and should be helped. In Europe we have the Solidarity Fund that should be made available to the Northern Ireland Executive by the Commission, and I would ask you to write to the head of the Commission, to contact the Office of the First Minister in Northern Ireland to see how best it can help.

**Hanna Foltyn-Kubicka (UEN).** - (PL) Mr President, today is the anniversary of the outbreak of the Second World War. I believe it is an appropriate occasion on which to call on you and on all MEPs to support the call for 25 May to be declared an international day devoted to honouring those who fought heroically against totalitarianism.

The choice of the date of 25 May is not accidental. On 25 May 1948 the Communists murdered Captain Witold Pilecki. The Captain was the only person to go to a concentration camp voluntarily, in order to organise resistance inside the latter and gather information on the mass murders taking place. After spending more than two years in Auschwitz, he escaped and subsequently fought in the Warsaw Uprising. He remained in Poland after the fall of the Nazis in order to oppose the next totalitarian regime, namely the Soviet one. This decision eventually cost him his life.

People like Witold Pilecki deserve to be remembered. As the democratically elected representatives of Europe, we have it in our power to establish a day on which to honour their memory. Let us hope that, once the date of 25 May is set aside for that purpose, we will only need to remember past struggles against genocide and that the tragedy of totalitarianism will never be re-enacted.

**Nickolay Mladenov (PPE-DE).** - (BG) President, colleagues, at the beginning of July Filip Dimitrov, our first democratically elected prime minister of Bulgaria, retired from politics.

Filip Dimitrov was among the founders of democratic opposition in Bulgaria, he took over the governance of the state from the disintegrated communist regime in the beginning of the 1990s, was a representative in the European parliament and, finally, Deputy Chairman of the Bulgarian National Assembly.

In all the eighteen years when Mr. Dimitrov was in politics, to all of us who knew him, he served as an example of honesty, openness and a man who to the very depths of his soul believes in the European, Euro-Atlantic choice of our country, in the freedom of speech, in democracy and human rights.

I am convinced that in spite of his retirement from politics, with his advice and with his experience he will continue to help all of us return to our state the image it deserves to have because of the efforts of people like Filip Dimitrov.

**Luis Yañez-Barnuevo García (PSE).** - (ES) Mr President, my speech concerns an issue that has not been mentioned.

In Cuba, dissidents and people who do not agree with the dictatorship are being arbitrarily detained on a frequent basis. The latest detention was that of Gorki Águila, leader of a rock band, who has now fortunately been released. However, I want to bring to the President's attention the fact that these arbitrary acts of the Cuban dictatorship must be reported and publicised to prevent them from being repeated. I therefore invite the President, when he has the opportunity, to inform the Cuban Government and the Cuban Embassy to the European Union of our dissatisfaction and disagreement with such actions.

**Avril Doyle (PPE-DE).** - Mr President, the consumer rights of air passengers travelling from third countries who are transiting through EU hub airports are being breached. Thousands of EU citizens continue to have their liquid duty-free purchases confiscated because of the failure of the Commission to speedily implement Regulation (EC) No 915/2007, which amends Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security. Thirteen non-EU countries have applied for recognition under the Regulation, but only one has been approved.



I would appeal through you, Mr President, to again ask our new Commissioner, Antonio Tajani, to sort this issue out and implement the regulation as quickly as possible.

Many competitors at the Olympic Games in Beijing – and, indeed, their supporters and families – had goods taken from them transiting back through the main hub airports in Europe when coming home. Again, the complaints have been coming in in their dozens. Please sort this out. It is not in the interests of consumer rights, and it is a farce if we are quoting security reasons.

#### IN THE CHAIR: MRS ROURE

*Vice-President*

**Jörg Leichtfried (PSE).** – (DE) Madam President, on 14 August 2008 the departure time of a Ryanair flight from Austria to the United Kingdom was postponed until the following day. The company then guaranteed that they would reimburse passengers' hotel and transfer costs and, in accordance with Regulation (EC) No 261/2004, an information leaflet was distributed, pointing out passengers' rights in the event of a flight being delayed or cancelled.

When one passenger applied to Ryanair to refund the additional costs, the airline refused to pay, without giving any precise reasons for its decision. Ryanair's refusal to pay is a clear contravention of Regulation (EC) No 261/2004 which specifies the assistance to be provided for air passengers throughout the EU. In the event of a delay, or more particularly the postponement of a flight until the following day, passengers have a right to compensation which is regulated by law. Low-cost airlines such as Ryanair must also comply with the law and adhere to the Regulation. This type of thing is happening more and more frequently, at European air passengers' expense, and it really is time that the European Commission took some action.

**Ryszard Czarnecki (UEN).** – (PL) Madam President, 87 years ago Lenin, the then leader of world Communism and of the Soviet Union, took the decision to separate three regions from Georgia. South Ossetia and Abkhazia were two of those regions. Almost 90 years later, Georgia and Europe are paying a high price for this decision. It so happens that today's sitting of the European Parliament coincides with a meeting of the European Council. We therefore have the opportunity to say loud and clear to the Union's leaders that, in the name of the freedom of nations and of human rights, we cannot condone Russian aggression against Georgia.

Like the Soviet attack on Hungary in 1956 and its later attack on Czechoslovakia in 1968, this is a notable case of a large state invading a small one during the period following the Second World War. It is, however, the first case in the last 60 years in which a large country has appropriated part of a small one through military action. After all, the declaration of the so-called independence of Abkhazia and South Ossetia is merely an act of political theatre, choreographed by Mr Putin. The European Parliament should today declare its solidarity with Georgia and, more generally, with all the nations of the Caucasus.

**György Schöpflin (PPE-DE).** – (HU) Thank you for the floor, Madam President. Hungarian public opinion witnessed a remarkable manifestation right in the middle of the Georgian crisis. The Russian ambassador to Budapest made a considerably undiplomatic declaration against the leader of the opposition, Viktor Orbán, since Mr Orbán stood up for Georgia. The Russian ambassador – this cannot be described any other way – threatened the Hungarian opposition, and thereby most of Hungarian society, with the malevolence of the Russian state. It is not difficult to decipher the coded message: whoever votes for FIDESZ must face the disapproval of the Russians. His Excellency's message is undisguised interference in Hungarian internal affairs, and thus in the democratic system of one of the Member States of the European Union. Of course, Hungary is not alone, and nearly all the former Communist states have received similar threats, which threaten the whole of Europe.

**Proinsias De Rossa (PSE).** – Madam President, despite Ireland's military neutrality, Ireland is not neutral, or indeed unconcerned, about the crisis that has erupted in Georgia. There is deep public concern that powerful people on all sides seem to want a new Cold War, and worry about the self-destructive talk of sanctions against Russia. Knee-jerk reactions will not build or guarantee peace or justice for the people of the region, or indeed anywhere else.

Essentially, Russia has fired a warning shot across our bows. The EU's response must be to use its resources to build new EU institutions capable of negotiating binding multilateral agreements. We must seek to build a new peaceful world in partnership with Russia, not in opposition to it.

**President.** – That concludes the item.

## 17. European Judicial Network - Strengthening of Eurojust and amendment of Decision 2002/187/JHA - Application of the principle of mutual recognition to judgments in criminal matters (debate)

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

- A6-0292/2008 by Mrs Kaufmann, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the European Judicial Network (05620/2008 - C6-0074/2008 - 2008/0802(CNS));

- A6-0293/2008 by Mrs Weber, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the strengthening of Eurojust and amendment of Decision 2002/187/JHA (05613/2008 - C6-0076/2008 - 2008/0804(CNS));

- A6-0285/2008 by Mr França, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the application of the principle of mutual recognition to judgments in criminal matters (05598/2008 - C6-0075/2008 - 2008/0803(CNS)).

**Rachida Dati**, *President-in-Office of the Council*. – (FR) Madam President, ladies and gentlemen, it is a great honour for me to speak to you today and to tell you about my deep attachment to the values of the European Union. At the heart of these values, without doubt, is justice. You wanted to start your part-session with a joint debate on justice issues. This shows the importance that this House places on the issues of European judicial cooperation and protection of fundamental rights. I am just as keen on these issues and thank you for this opportunity.

Three texts are on the agenda, as recalled by your President: the decision on the European Judicial Network, the decision on Eurojust and the framework decision on the enforcement of decisions rendered *in absentia*. These three texts will improve judicial cooperation within the European Union and will also alter the way in which the Member States work. These three initiatives are also eagerly awaited by those working within justice in our countries. The work of the JHA Council on 25 July has allowed a political agreement to be reached on the draft decisions on the European Judicial Network and the strengthening of Eurojust. The combined efforts of the Slovenian Presidency and the French Presidency have brought this about in under a year. These two draft decisions will give greater protection to Europe's citizens and strengthen judicial cooperation in criminal matters. That is the mark of a European Union that can act and make progress while taking account of freedoms and fundamental rights.

As regards the European Judicial Network, the draft decision which should replace the 1998 Joint Action clarifies the obligations of Eurojust and the Network. It takes account of the wish of Member States to maintain both bodies and to reinforce their complementarity. The creation of secure methods of communication between Eurojust and the European Judicial Network will ensure effective judicial cooperation and greater mutual trust. The European Judicial Network is a well-known and recognised tool and has proven its usefulness in encouraging contacts between those involved on the ground. The report by Sylvia Kaufmann stresses the usefulness of the Network and its success. It highlights the Network's adaptability which meets the needs, in particular, of magistrates. This report further underlines the need to retain this flexibility and decentralised structure.

Mrs Kaufmann, you have taken on board and supported the main lines of the original proposal for which I thank you. You have also raised some concerns. You have rightly said that secure telecommunications should be established in strict compliance with data protection rules. We absolutely agree. I can assure you that the Council will pay close attention to the proposals adopted by Parliament. This assessment of the operation of the European Judicial Network goes hand-in-hand with the strengthening of Eurojust. One cannot exist without the other. After six years of Eurojust, experience shows that we need to improve the operation of this judicial cooperation unit. Eurojust is not sufficiently well-informed, particularly on terrorism matters. The powers of the national members are not harmonised and the operational capacity of Eurojust is not sufficiently well-developed.

The text on which overall political agreement was reached on 25 July is a vital stage in the construction of the European judicial area. You will be well aware that the fight against all forms of serious crime is one of the European Union's priorities. As an example, in 2004 fourteen cases on the trafficking of human beings were referred to Eurojust; in 2007 there were seventy-one cases referred. This shows that we must have effective tools for combating the trafficking on an unparalleled scale to which thousands of our citizens are falling victim.

Eurojust must also become a leading unit in European judicial cooperation. Thanks to this text on which the JHA Council has agreed, Eurojust will be more operational and reactive. This is therefore an important step forward for us.

I particularly want to congratulate the work of Renate Weber and to thank her for her support. I am well aware of her commitment and her desire to make this proposal succeed.

With the strengthening of Eurojust, the prerogatives of the national members will be reinforced. An emergency coordination cell will be established and the transmission of information will be improved to better respond to the challenges posed by the new forms of crime. Some would have preferred an even more ambitious approach. As the institutional framework does not allow this, we must take advantage of every possibility to reinforce Eurojust, on the basis of established law and without delay.

Some of your concerns have also been taken into account. The reporting to Parliament on Eurojust's operation in this respect will be looked at closely.

As regards the application of the principle of mutual recognition, which is also one of the pivotal aspects in the construction of an area of justice, freedom and security, the framework decision on the enforcement of decisions rendered *in absentia* will allow existing instruments, such as the European arrest warrant, to be reinforced. It is vital that a decision rendered in a person's absence by a Member State can be enforced throughout the European Union. The framework decision will also be accompanied by a reinforcement of people's procedural rights. This involves allowing sentences delivered *in absentia* to be enforced while respecting the right of defence. However, this framework decision does not aim to amend national rules but rather to improve the enforcement of decisions rendered *in absentia*.

Your report, Mr França, underlines the need to harmonise the existing instruments and that the right to be heard during proceedings must be guaranteed. The diversity of legal systems must be respected, for example with regard to how a person is summoned. The Council shares these concerns and the draft proposal therefore relaunches the joint debate on strengthening fundamental guarantees within the European Union. I know that your Parliament is deeply attached to this issue. The Council will examine your proposals which, in the main, are along the same lines as the text which has been the subject of political agreement in the Council. This is the case in particular with the proposals on representation by a legal counsellor and the right to a retrial. These amendments are undoubtedly improvements on the original proposal.

Madam President, ladies and gentlemen, the Council will study closely the proposals that will be adopted this week and I must once again assure you of the Presidency's desire to work with your Parliament. We must move forward hand-in-hand and I will never forget that you are the representatives of the European people. Through these three texts, progress will be made in terms of judicial cooperation in criminal matters and also the common good in Europe.

**Jacques Barrot, Vice-President of the Commission.** – (FR) As you have just said, Mrs Dati, we are at a critical point in the formation of this European judicial area which we want with all our hearts and to which the European Parliament is making a vital contribution.

I want to thank the rapporteurs, Mrs Kaufmann, Mrs Weber and Mr França, for their excellent reports on the three initiatives. These documents show that the European Parliament supports the proposals made by the Member States. I am also delighted, Mrs Dati, that the Council meeting on 25 July proved to be so fruitful, with a political agreement on the three texts. The Commission supports these three initiatives and we have endeavoured to contribute constructively to the Council's work.

As regards Eurojust and the European Judicial Network, the Member States, taking inspiration from our communication of October 2007 on the subject, have clearly shown their desire for convergence. Many proposals have been included in these two Member-State initiatives: harmonising the powers of the national members of Eurojust, reinforcing the role of the College in the event of conflicts of jurisdiction, improving the circulation of information from national members to Eurojust, and the possibility of appointing Eurojust liaison magistrates to third countries. Many of the amendments proposed in the extremely useful reports of Mrs Kaufmann and Mrs Weber have already been taken on board during the Council discussions. Accordingly, Amendment 32 to the Eurojust decision, appearing in Mrs Weber's report, aims to improve the level of data protection in third countries cooperating with Eurojust. This cooperation will be evaluated not only when the agreement is concluded, but also after its entry into force. The Commission suggested taking up this idea and the draft decision was amended accordingly. It states that the cooperation agreement must include provisions on the monitoring of its application, including the application of data protection provisions.

I will cite another example: Amendment 38 to the 'European Judicial Network' decision, as set out in Mrs Kaufmann's report. As highlighted by Mrs Dati, this amendment aims to ensure that a report is made to the European Parliament every two years on the activities of the European Judicial Network. This amendment was supported by the Commission and is included in the text of the draft decision.

As you know, the Council has reached political agreement on the Eurojust and Network initiatives. I hope that the Council will soon formally adopt these instruments and, just as important, that the Member States will take the necessary steps to fully implement the decisions in their national legal systems.

As regards the França report on the enforcement of decisions rendered *in absentia*, I note that most of the amendments, at least in their spirit, if not also in their wording, are already included in the text adopted by the JHA Council on 5 and 6 June.

These are just a few of my observations, Madam President. I will obviously pay close attention to all Parliament's suggestions. However, I am very happy that we are starting this part-session with work that is extremely positive for the future of the European judicial area.

**Sylvia-Yvonne Kaufmann, rapporteur.** – (DE) Madam President, I should like to make use of my full allocation of speaking time now, if I may. I am pleased to see that the President-in-Office of the Council and the Vice-President of the Commission are here today.

The Committee adopted my report on the European Judicial Network unanimously. The cooperation was very constructive and I should like to thank everyone involved, especially Mr Popa, Mrs Gebhardt and Mrs Weber, the rapporteur on Eurojust.

The European Judicial Network – or EJNI for short – has been in existence for 10 years and has proved its worth in practice. Even after the launch of Eurojust in 2002, the EJNI remains relevant. The EJNI is not about coordinating investigations; it is about facilitating direct contacts, the proper execution of mutual legal assistance requests and the provision of information. It is important, therefore, to leave the EJNI's decentralised structure untouched. Changes should only be made where necessary, or where such changes arise naturally from the practice applied over recent years. One example is the establishment of national contact points which play a coordinating role within the Member States and are responsible for maintaining contact with the EJNI Secretariat.

A key innovation is the establishment of a secure telecommunications network. I was delighted to hear that the President-in-Office of the Council has also drawn attention to this issue. Personal data are exchanged between authorities in the Member States, and this can include sensitive data such as fingerprints under a European arrest warrant. In order to ensure secure transmission in this case, a secure telecommunications network is needed for it would be unacceptable for such data to be transmitted by fax, for example. As early as 1998, when the EJNI was established, a secure telecommunications network was envisaged, but it has been impossible, so far, to agree on the modalities, apparently on grounds of cost.

The report proposes that safe telecommunications be established, initially, for the contact points alone. However, given that the aim is to ensure that, as far as possible, all contacts between the competent authorities take place on a direct basis, a second step envisages integrating all the relevant authorities responsible for legal assistance in their respective Member State into the secure telecommunications network. Due to the sensitivity of the data, the report makes reference to the relevant data protection provisions, and I would emphasise once more, in this context, how important it is to have a strong framework decision on the protection of personal data within the framework of the third pillar. This would apply to the exchange of data between the various contact points of the Member States. Regrettably, the Council has yet to adopt such a framework decision as *lex generalis*, so basic data protection provisions have been included directly in the legal text itself.

The EJNI's functionality largely depends on the contact points. For that reason, guidelines have been drawn up for the selection of contact points based on specific criteria. Persons acting as contact points should certainly have good foreign language skills in at least one other EU language and should have gained experience in international cooperation in criminal matters as well as have served as a judge, public prosecutor or other official in the justice system. It is important that these guidelines are complied with by the Member States and, of course, they must also ensure that the contact points are adequately resourced.

In order to improve cooperation between the EJNI and Eurojust and achieve better coordination of their activities, members of Eurojust should be able to attend EJNI meetings by invitation and vice versa. The Eurojust decision states when the Member States' judicial authorities – in other words the EJNI contact points

– must inform Eurojust about specific cases. The present decision supplements this obligation to the effect that the EJM and Eurojust must inform each other on a reciprocal basis about all cases on which they take the view that the other organisation is better able to deal with these. Using this flexible and needs-based rule, the aim is to avoid a situation in which national authorities have to provide overly extensive information to Eurojust and also avoid ‘swamping’ Eurojust with information which the authority simply cannot process.

Finally, as regards reporting on the administration and activities of the Network, this should be carried out by the EJM itself, not only to Council and the Commission but also to Parliament. I am pleased that this approach is expressly supported by the Commission.

With the present decision, the European Judicial Network will be adapted to the developments that have taken place over recent years, and its relationship to Eurojust defined in more precise terms. As a result, the European Judicial Network will be better able to fulfil its remit in the field of judicial cooperation in criminal matters, especially in the event that the Lisbon Treaty does come into force, with the ensuing communitisation of judicial cooperation in criminal matters.

**Renate Weber, rapporteur.** – Madam President, conceiving of the European Union as an area of freedom, security and justice would be nothing but a remarkable goal without the involvement of the already-established European agencies, whose capacities to act and react to combat organised cross-border crime should become stronger.

I should like to thank the shadow rapporteurs, with whom I have worked very well on nearly all aspects of this report, and also the President of Eurojust and his team for their openness during this process.

While drawing up this report, I heard many colleagues call for a European prosecutor. In this respect, I am much more in favour of harmonisation and the setting-up of a European justice system than of reinforcing cooperation. However, for a number of reasons we are, for the time being, still pretty far from such a goal: firstly, because there is no European legislation addressing the issue of jurisdiction in cases that are the competence of Eurojust; secondly, because of the reluctance shown by Member States even to transfer some of their investigative powers to a European agency. The text on the possibility of Eurojust’s national members being part of a joint investigation teams provides a good example.

It is a paradox that while the Members of the European Parliament are ready to truly address serious cross-border crime – including by granting more powers to Eurojust, with our major concern being respect for human rights – the Member States are preaching one thing but legislating in another. It is difficult to explain to European citizens how we can establish an area of freedom, security and justice if Member States do not sufficiently trust our own European agencies.

We as a Parliament understand and agree with the fact that Eurojust must work 24 hours a day, seven days a week. The Committee on Civil Liberties, Justice and Home Affairs has also agreed that in order for Eurojust to be efficient it is essential for its national members to have the same judicial powers they enjoy in their own countries. It also voted in favour of strengthening relations with Europol and the European judicial network, and of creating links with other European and international agencies, such as Frontex, Interpol and the World Customs Organisation.

What we as Members of this Parliament require – and the report is a reflection of this approach – is a proper balance between the powers of Eurojust and those of its national members, on the one hand, and the rights of the defendant, on the other. That is why several of the amendments I have tabled aim to increase the level of protection of procedural rights, such as the right to defence, the right to a fair trial, the right to be informed and the right to judicial redress. At the same time, although we are aware of the strong data-protection system established by the agency, several amendments represent additional safeguards.

However, a major concern still exists about data transmitted to third countries and international organisations, because the truth is that we do not know, in reality, what will happen to this data. Therefore, in order to make sure that our own European standards are observed, I propose setting up an evaluation mechanism. I should like to thank Commissioner Barrot for mentioning this.

Last but not least, I am concerned about the role that the European Parliament should play in relation to Eurojust. Not knowing what the fate of the Lisbon Treaty will be makes things even more worrisome. However, there is nothing in current Community law to prevent Parliament from playing an active role in supervising the activities of Eurojust. It is entirely a matter of political will, and I truly hope that this House will be allowed to do its job.

**Armando França**, *rapporteur*. – (PT) Madam President, Madam Dati, Commissioner, ladies and gentlemen, the process of European construction initially involved the communitisation of the economic area. However, step by step, the Community, this method idealised by Jean Monnet and its founders, has advanced into other areas in order to find common solutions to common problems.

We have not yet reached the end of this long and difficult road, but must continue taking firm and decisive steps. One of the areas that causes us all complex and difficult problems within the European Union, now enlarged to 27 Member States and occupied by nearly 500 million people, is justice. Justice is one of the pillars of democracy and one of the instruments at the service of freedom. Democracy and freedom are two of the EU's fundamental values. As a result, due to the challenges posed by the process of European construction itself and due to the new problems of modern life, justice has now, in my opinion, assumed critical importance. It demands particular attention from those of the EU's institutions with responsibility for legislating, making decisions and giving political guidelines on this issue. Decisions rendered in the absence of defendants in criminal proceedings, known as decisions *in absentia*, have different procedural solutions which vary a great deal from Member State to Member State.

The situation is serious as these different procedural solutions form a permanent obstacle to the enforcement in one Member State of criminal decisions rendered in another Member State. This situation hinders, or even prevents, the application of the principle of mutual recognition and encourages an increase in crime and insecurity within the Union.

We therefore welcome the legislative initiative of Slovenia, France, the Czech Republic, Sweden, the Slovak Republic, the United Kingdom and Germany, as received and welcomed by the Council. Its main aim is to lay down procedural rules on summoning people, retrials or appropriate appeals and legal representation. These rules will make criminal proceedings quicker and more efficient. They will also increase the effectiveness of the principle of mutual recognition, particularly in terms of the European arrest warrant and surrender procedures between Member States, and also the application of the principle of mutual recognition to financial penalties, confiscation orders and judgments in criminal matters imposing custodial sentences and other measures involving deprivation of freedom for the purpose of their enforcement in the European Union. The recognition and supervision of suspended sentences, alternative sanctions and conditional sentences must also be included.

The report that I am presenting to the House today includes contributions from a large number of members of the Committee on Civil Liberties, Justice and Home Affairs. Various amendments were proposed by myself or by other colleagues, resulting in numerous compromise amendments and a firm consensus between Members of the PSE, PPE, ALDE, Verts/ALE and UEN Groups, such that there were only two votes against this report.

Madam President, ladies and gentlemen, this report therefore contains amendments to the proposal for a Council framework decision which, in our opinion, technically enrich this and make it politically robust, particularly with regard to the procedures for summoning defendants and the guarantee of their rights of defence, the possibility of the defendant being represented in his absence and being represented by a legal counsellor appointed and paid by the State and also the possibility of a retrial or appropriate appeal, in accordance with national laws, to be instigated by the defendant already judged *in absentia*.

Finally, I must highlight and express my thanks for the understanding and consensus of the political groups and I hope, and wish, that the outcome of the vote will at least match the broad consensus achieved.

**Neena Gill**, *rapporteur for the opinion of the Committee on Legal Affairs*. – Madam President, I welcome these reports, especially the one on *in absentia*, because it will make it easier and simpler for those who have to defend or take legal action where one or the other party is not able to be present. Differences in approach across the Union have created a degree of uncertainty and have undermined confidence in each other's judicial systems.

I therefore welcome the statement made by the Minister that the Council will try and ensure that this process is harmonised across all Member States, because to date some Member States have not made every effort to contact the defendants. I believe that the onus has to be on the judicial system, wherever it is, to ensure that the defendants understand the implications of any judgments made in their absence, and that their fundamental rights are protected in this respect.

I would also call upon the Council to ensure that all Member States have a system where defendants are able to have legal representation regardless of the country they may reside in.

Finally, my congratulations to all the rapporteurs in their work to simplify a complex set of legal processes and proposals that I believe will give substance to the European arrest warrant.

**Nicolae Vlad Popa**, *on behalf of the PPE-DE group*. – (RO) Thus, cross-border crimes have increased and the judicial system must adjust to the new situation.

Thus, I have noticed the need to harmonize legislation between the Member States and, in particular, during this period, the need for rapid and efficient information of the relevant authorities of Member States.

This report is obviously a step forward for solving this challenge that the European citizens and institutions are dealing with. Modernizing the European judicial network shall create an adequate response to the cross-border crime phenomenon. The report, which was voted unanimously in the LIBE Committee, makes the European judicial network more efficient and capable of providing necessary information at all times and from anywhere in the Member States.

The beneficiaries of this modernization will be the European citizens, who will notice that the national judicial institutions have the necessary means for a rapid response, through a modern and safe telecommunication network.

Both Eurojust and the judicial system in the Member States shall be able to rely upon the European judicial network structure and nobody shall be able to come up with excuses anymore for the lack of necessary information. As a Shadow – Rapporteur from the European People's Party, I thank Mrs. Rapporteur Silvia-Yvonne Kaufmann for her work and for the way in which we managed to find compromise solutions.

**Evelyne Gebhardt**, *on behalf of the PSE Group*. – (DE) Madam President, Minister, Commissioner, I am delighted that we today have the opportunity to debate such an important package together, and I fully anticipate that tomorrow we will be adopting decisions on the basis of a very large majority. I should particularly like to thank the two rapporteurs whom I shadowed, Mrs Kaufmann and Mrs Weber, for their very good cooperation, as this was a prerequisite for being able to produce such good work.

Good work is essential in this area and I am also very pleased that, when it comes to the European Judicial Network (EJN), the outcome achieved enables us to take forward the work that has already been done. Good cooperation among jurists, magistrates and the relevant authorities in the Member States is essential if we are genuinely to create law and justice for our citizens, and that, after all, is what we want to do.

I am particularly gratified, in this context, that we are finally establishing the cooperation between the EJN and Eurojust on a formal basis and ensuring links which can only be productive and which we can only welcome. However, whenever increasing volumes of data are exchanged, data protection naturally becomes increasingly important, and this applies to security of telecommunications and the exchange of these data as well. I am therefore very pleased that Parliament, the Commission and the Council apparently agree on this, and again, this is something I can only welcome.

I am equally glad to say that we will get a large majority on all the reports tomorrow, for this expansion that we have proposed – and which I hope will secure the endorsement of the Commission and the Council – this addition by the European Parliament which we have Mrs Weber to thank for, namely that the sexual exploitation of children or child pornography is now also to be included as an offence, which was not the case before, this is, in my view, a very important issue for our society, and one which I would underscore.

A particularly important issue for the Socialist Group in this context – but also one where I believe a solution has been found – is ensuring that, in this area, it is not just about organised crime but also serious crime. I think it is important that we do not have to produce evidence, first of all, that organised crime is taking place, but that, through the exchange of information, we can demonstrate that organised crime may be happening somewhere along the line. It cannot be a basic prerequisite. I think there has been something of a misunderstanding here between the groups and I wanted to try and clear that up. I hope, and I am confident, that we can move ahead in a positive way, and I greatly welcome that.

**Sarah Ludford**, *on behalf of the ALDE Group*. – Madam President, when our Prime Ministers' meeting almost a decade ago in Tampere set out the main guidelines for EU criminal justice policy, they rightly stressed that European citizens had the right to expect the Union to ensure there was no hiding place for criminals. That is why European Liberal Democrats have consistently supported measures like the European arrest warrant, unlike British Conservatives who spout hot air on law and order but oppose EU cooperation instruments.

Those measures also explain the justification for strengthening the ability of national prosecutors to work together in Eurojust and bring major criminals to justice. It is legitimate to ensure that they are available around the clock and to give them more powers to get their decisions implemented, like issuing search and seizure warrants in their own Member States and accessing their own national criminal databases.

There is also certainly scope for clarifying and streamlining the rules on when judgments delivered *in absentia* without the presence of the accused will be recognised, but this must not shade into lazy habits of not trying hard enough to inform the defendant. I would not want every Member State to copy the worrying Italian volume of *in absentia* trials.

When I questioned the Commission a few months ago, it stressed that the initiative was balanced, increasing the fundamental rights of citizens while also enhancing the principle of mutual recognition. But bodies like the European Criminal Bar Association, the Council of Bars and Law Societies, and Fair Trials International have all expressed fears at weak safeguards for defendants.

The presidency minister stressed and promised that the Council would consider Parliament's amendments with attention. I am sure she means well, but my response is: big deal. Directly-elected MEPs are marginalised in decisions on EU law as regards cross-border justice. Until we get the Treaty of Lisbon into force those laws are largely decided by national civil servants and that is a big part of the reason why the second part of the 10-year-old deal, which promised to raise justice standards in Member States like good data protection rules and to strengthen defendants' rights like legal aid, translation and bail, have not been kept. Until we get a democratic instead of a technocratic EU justice policy, one truly balanced between catching criminals and guaranteeing fair trials, support for the measures discussed now must be qualified.

**Kathalijne Maria Buitenweg**, *on behalf of the Verts/ALE Group*. – (NL) Madam President, I know that I could never be accused of being a Tory, but I too voted against the European arrest warrant. The reason for this is not that I am against extradition, against suspects being handed over from one country to another. Actually I am very much for that. My problem at the time was that I believed that we had not put in place adequate regulations on the rights of suspects and that we should have done that at the same time. The procedural rights of defendants were not regulated. Despite the energy put into this and the excellent proposals that we are going to debate here today and which I am also in favour of, it remains a fact that we have still not got that proposal through which has been on the table for years and which is a crucial element to creating trust between Member States, and therefore also facilitating extradition.

I should very much like to hear from Minister Dati whether she also considers that proposal to be so crucial to our European cooperation, on what points it is still sticking in the Council and whether there is a possibility, in this energetic French Presidency, to make any headway with this issue of the rights of defendants. The fact of the matter is that this is really essential to facilitating extradition.

As far as the judgments *in absentia* are concerned, it is good that the requirements as presently worded are being put in place for extradition. The question is: are they sufficient? You could infer from the political agreement within the Council that you should be given a retrial or that a possibility of appeal is sufficient. Can Minister Dati assure me that everyone has the right to a retrial? After all, an appeal does not give you all the chances and all the options that you have with a completely new trial. I really would like to hear, therefore, whether people do indeed have the right to a completely new trial and not only an appeal.

Now to my final point which I will keep short: we hear a great deal about what is needed to facilitate the work of the investigation authorities. We hear too little – or it is unorganised – about how things are with the loopholes in the area of defence, loopholes that are precisely because of the European cooperation. I hope that we will arrive at a Eurorights panel, an ombudspanel, so that we can see what loopholes there are in the area of defence, and so that we can find solutions for them together.

**Gerard Batten**, *on behalf of the IND/DEM Group*. – Madam President, here is a concrete example of what a one-size-fits-all integrated European judicial system leads to.

A 19-year-old man in London, Andrew Symeou, faces extradition to Greece on a manslaughter charge. Mr Symeou maintains that he has nothing whatsoever to do with the crime in question. The evidence against him is suspect, depending on dubious identification and statements allegedly beaten out of his friends by the Greek police.



That evidence should be scrutinised by a British court before it agrees to his extradition. However, under a European arrest warrant, a British court now has no right to examine *prima facie* evidence in order to satisfy itself that extradition is justified, and no power to prevent it.

The European arrest warrant means that British citizens now effectively no longer enjoy the basic protection of the law against arbitrary arrest and detention as established by Magna Carta. That does not serve the interests of justice for the victim or the accused, both of whom deserve it.

**Panayiotis Demetriou (PPE-DE).** – (EL) Madam President, let me first congratulate the Slovenian Presidency and the other 13 countries that have endorsed this proposal brought before us today. It is a significant contribution to the issue of justice in the EU.

Let me also congratulate the three rapporteurs, Mrs Kaufmann, Mrs Weber and Mr França, on their fine, methodical work. They have basically approved the proposal with the amendments, which the Council and the Commission are on the verge of adopting. I was glad to hear this and welcome it.

I should be even happier if today we also had the proposal to adopt the minimum procedural rights for suspects and defendants before us for approval. Efforts would then be complete. I therefore appeal to the Commission and the Council to put forward this proposal as quickly as possible.

As shadow rapporteur for the proposal on Eurojust, I must say that I am pleased with the strengthening of this body. When it was founded, it seemed to be merely a typical institution with precious few prospects and of minimal use. The facts have proved this to be wrong; its usefulness has been proved, as has its need to be strengthened further.

I need not refer to what previous speakers and rapporteurs have said about the additions to this body; I merely welcome its reinforcement.

These proposals undoubtedly make for useful progress towards the development of justice, freedom and security. More radical steps need to be taken, however. We must overcome an obstructively nationalist approach to issues and implement broader justice in the European area. Then we shall be able to say that justice really is the same throughout the EU.

I hope that this will come about with the approval of the Lisbon Treaty.

**Daciana Octavia Sârbu (PSE).** – (RO) First of all, I would like to congratulate the Rapporteurs.

In recent years, the activity of the European Judicial Network and Eurojust has proved extremely important and useful in the field of judicial cooperation in criminal matters.

The adoption of the Council's decision regarding the European Judicial Network, as well as of the decision on the strengthening of Eurojust, is necessary for the two structures to become increasingly prompt, taking into consideration that the mobility of people and cross-border crimes have increased significantly in recent years.

The two structures should cooperate and supplement each other.

The creation of a contact point as national correspondent for coordinating the activity of the European Judicial Network, as well as the creation of a Eurojust national co-ordination system, is important for permanent mutual information, as well as for guiding the national authorities either toward the Judicial Network or toward Eurojust, according to the specific cases handled.

Structured information, provided in due time, is essential for an efficient Eurojust activity. Increased attention should be given to the creation of a special communication network for the transmission of personal data. Ensuring adequate protection of data in the activity of the two structures is extremely important.

**Mihael Brejc (PPE-DE).** – (SL) The nature of Mr França's report seemed at first to be more legal and technical than concrete. However, it transpired that among the Member States there are some which are totally unfamiliar with this legal institution. This report also exposed differences between the Anglo-Saxon and Continental penal systems. It is therefore logical that some of my fellow Members will oppose the report. Of course, that does not imply that the topics are not important.

We of the Group of the European People's Party (Christian Democrats) and European Democrats are of the opinion that the right to be tried is a fundamental political right. However, there have been cases when the

accused did not attend the trial, but the court nevertheless pronounced sentence. Sentences pronounced *in absentia* in one country have not so far been recognised in another Member State. This outline decision ensures that such sentences could also be enforced in other Member States of the European Union, under certain conditions of course, one of those conditions, in our opinion, being that the accused was summoned to the court in a correct manner and that, despite being summoned by the court authorities, failed to attend the court. Evading justice is common and a person legally sentenced in one European Union country should not be allowed to stroll peacefully down the streets of other Member States.

We of the PPE-DE are of the opinion that the rapporteur has managed to harmonise the amendments and prepare a balanced report, for which I would like to thank him.

I would also like to make the following remark: it is right and proper for us to secure conditions for just trials, but we must also take care of the victims of criminal acts.

**Philip Bradbourn (PPE-DE).** - Madam President, I rise to speak solely on the França report on mutual recognition of judgements *in absentia*. The very concept of this proposal is alien to many judicial systems within Member States, especially those who have a legal system based on common law.

In the UK we have over centuries built up our legal system based on the idea of habeas corpus and the right of the defendant not to be judged unless he has the opportunity to defend himself. This principle is enshrined in the well-known document I have here – Magna Carta of 1215 – which has guaranteed this right in my country for 800 years. Recognition of trials *in absentia* goes wholly against the basic ideals of this historic document.

For a judgment to be made in one Member State and subsequently recognised in another, once a European arrest warrant has been issued, certainly raises the question of whether a fair trial has taken place. The organisation Fair Trials International, in their paper on this proposal, mirrors my concerns and highlights – and I quote – ‘significant concerns on the issue of extradition procedure to be followed’. Colleagues, I urge you to look seriously at what is proposed and think how this will affect your constituents and their right to a fair trial.

**Jim Allister (NI).** - Madam President, no sensible person wants to make life easy for criminals, but we do have to guard against justice in Europe being reduced to the lowest common denominator. And with such a wide range of judicial procedures, safeguards and processes across the EU, talk of obtaining judicial equivalence often involves exactly that.

In the United Kingdom, our common-law-based legal system is quite different in practice, precedent and processes to the system in our continental neighbours. So when I see reports that are predicated on the fusion of practice for fusion's sake, I must be concerned.

I take the report on mutual recognition of judgments *in absentia*. I frankly say that there is not equivalence between the painstaking judicial precautions taken before someone is convicted *in absentia* in the United Kingdom and what seems to me the far more casual approach in, for example, Greece or Bulgaria. Therefore, I do not agree that my British constituent convicted there in his absence should have that conviction automatically recognised in the UK.

**Jean-Paul Gauzès (PPE-DE).** – (FR) Madam President, Commissioner, I simply want to congratulate the rapporteurs and also the Council Presidency on the results achieved at this stage of the debate and preparation of the texts. Many of our citizens question the added value of Europe in their daily lives. As regards justice, any measure to improve this vital public service is likely to improve the perception of Europe's usefulness in relation to the security of its citizens. In this respect, it is particularly important to ensure that decisions can be enforced across Europe and to remove the barriers to their enforcement within the EU territory. This is the aim of the proposed texts. While respecting public freedoms, these measures will reinforce the effectiveness of penalties ordered by national courts.

**Kathalijne Maria Buitenweg (Verts/ALE).** - Madam President, this is just to react to the British sceptics because I agree with them that we should not make legislation on the basis of the lowest common denominator. The thing is, however, that you then have to think about how you want to make legislation, because if we also agree that we want to have a common approach in catching criminals, then you cannot make legislation through unanimity. That is why everything is now stuck in Council.

But I also expect their help in coming up with a decision-making process with Qualified Majority Voting (QMV), because otherwise we are stuck. Either you isolate yourself and do not want to cooperate in the field

of justice, or we go over to QMV, because that is the only way we can make really substantial, meaningful legislation.

**Jacques Toubon (PPE-DE).** – (FR) Madam President, I must reiterate what Mrs Buitenweg has just said. The question raised by these texts, as by all the progress made in this area in the last 20 years, is very simple: in the European Union, as stated by my colleague Jean-Paul Gauzès, do we first of all take into account the interests of the people, in particular honest people, or do we first of all take into account the interests of the States and the mechanisms of State? It is clear that European construction – and this may be regretted but it is a fact and a positive fact in today's world – involves ensuring that the mechanisms of State of the 27 Member States cannot, as they have done for too long, prevail over the interests of the people and in particular the interests of security. This is the whole purpose of the European project, otherwise there is no European project. The Council and these three proposals must therefore be supported.

**Rachida Dati, President-in-Office of the Council.** – (FR) Madam President, ladies and gentlemen, your words this afternoon bear witness to the great importance that you place on these three texts. They also show your commitment to ensuring that effective progress is made in judicial cooperation, particularly in criminal matters, and, as you have pointed out, while respecting fundamental rights. This dual requirement is essential as it forms the very condition for the construction of the European judicial area, because we all have different legal systems and even different legal organisations. The guarantees given in the operation of Eurojust and the European Judicial Network, like those which will be offered when enforcing decisions rendered *in absentia*, clearly obey an identical logic. I should therefore like to thank the European Commission, and Jacques Barrot in particular, for its support of the Presidency. As you indicated, numerous elements of these reports were agreed by the Council, in the end, almost unanimously. As you also said, we have a lot to do and must work together on this.

I also want to thank Sylvia Kaufmann for her report and for her speech today because the assessment of the European Judicial Network is an important step in improving judicial cooperation in criminal matters. It should be noted that this Network has been important and effective. Mrs Kaufmann, you have again today rightly emphasised the links between Eurojust and the European Judicial Network. Their development goes hand-in-hand; this point was also raised on numerous occasions during the last European Council.

I also want to thank Renate Weber for her report and for the important contribution that she has made. Her speech in Toulouse on this subject was also brilliant. Mrs Weber, I must also thank you for your welcome. I know that you have carried out remarkable work with all the other people involved in Eurojust. You also mentioned the Lisbon Treaty. I understand that you would have preferred to work within another institutional framework but we must, however, progress on the basis of established law as this affects all the European institutions.

Mr França, your speech highlighted the need to adopt a single framework for enforcing decisions rendered *in absentia*. You are right to raise this point and it is one way for our legal systems to prove their effectiveness.

Mrs Gebhardt, there is a vital need for cooperation between all political and legal players because the challenge facing judicial cooperation in criminal matters in Europe is to learn to work together in order to effectively combat all forms of crime. I know that you are a demanding advocate of this cooperation.

I should now like to respond to those of you who have doubts about a Europe of justice and who fear that we are endangering fundamental rights. It is true that, under the German Presidency, we could not reach agreement on the minimum procedural guarantees. In response, I must say that the framework decision on decisions rendered *in absentia* provides for the right to a retrial which is a fundamental guarantee. The result of this process is eagerly awaited by judges, public prosecutors and legal professionals who cooperate on a daily basis and also by the victims who suffer from the forms of crime which are constantly adapting and changing. We must show that we are equal to these demands and put in place effective and useful tools. We must build a Europe that protects its citizens within such a judicial area.

The Presidency knows that it can count on your full support for these three texts. It would like to express its recognition of this fact and thank everyone who has today shown an interest in these issues.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Madam President, I should like to join in the praise and thanks of Mrs Dati who is chairing the JHA Council during the French Presidency. I must say to Mrs Kaufmann that she is right to insist on data protection. I must also remind her that the draft framework decision on data protection actually lays down detailed rules that will also apply to information exchanged between the contact points of the European Judicial Network, but we should certainly make sure of this.

I must also say to Mrs Weber that, in order to ensure the success of these texts, trust between Member States and in the EU agencies is clearly very important. Mrs Weber, I believe that you made some very strong statements on this subject.

Mr França has clearly shown the importance of the text on more rapid enforcement of decisions, for which he was rapporteur. He did this in a balanced manner, which I must highlight, while confirming that there will also be a possibility of a retrial, as just mentioned by Mrs Dati, and that the right of defence will clearly be maintained. I must respond to Mrs Buitenweg and Mr Demetriou on procedural rights. I regard procedural rights as extremely important for the development of the common area of freedom, security and justice. The Commission was disappointed that no agreement could be reached last year on our proposal for a framework decision on procedural rights. I am now considering initiatives in this area that could be taken in the near future. I am determined to make progress in this area, perhaps by presenting a new proposal on procedural rights. In any event, you may be sure that this matter is receiving my full attention.

I must also say to Mrs Gebhardt, although I believe Mrs Dati has already responded on this subject, that we are talking about serious crime in new forms that perhaps do not correspond to the overly strict definition of organised crime. Serious crime must also form one aspect of this judicial cooperation that we truly want.

I do not have much else to add, apart from reiterating what Jacques Toubon said, namely that we must consider the interests of European defendants and the interests of everyone of us and our compatriots in order to ensure that this judicial cooperation proves to be increasingly effective, while of course respecting human rights.

In any event, I too should like to thank Parliament for the quality of its contribution to this important debate which will mark a very positive step in the development of this European judicial area.

Madam President, Mrs Dati, thank you for having urged on this European Council which was able to reach a consensus in this area and arrive at these political agreements.

**Renate Weber, rapporteur.** – Madam President, I should like to say a few words in my capacity as a shadow rapporteur on the other two reports and to thank Mrs Kaufmann for the way we worked together, and Mr França for his work. There were 57 compromise amendments in his report, which says something about the level of work we put in.

Concerning the report on decisions rendered *in absentia*, probably the most sensitive aspect relates to the fact that, in some Member States, when judgments are rendered in the absence of the defendant, the solution is to have a retrial, thus fully respecting the European Convention on Human Rights (Protocol No 7, Article 2) and the International Covenant on Civil and Political Rights, whereas other countries recognise only the right to an appeal.

Unfortunately, the proposal in this report is not about harmonising current legislation in the 27 Member States. Although we should aim at having a European legislation in the future, for the time being we have done our best, at least by ensuring that even in the appeal the defendant enjoys the procedural guarantees as provided for by Articles 5 and 6 of the European Convention on Human Rights.

I should like to conclude by saying that the good functioning of the principle of mutual recognition of judicial decisions requires a high level of mutual confidence between the Member States, and this confidence must be based on a common observance of human rights and fundamental principles.

**Armando França, rapporteur.** – (PT) I must thank the Minister for her words and also the Commissioner and my fellow Members, both those who agree and those who disagree, because the latter give me the opportunity, here and now, to clarify one or two points.

However, first of all I want to say the following: both as a Member of this House and as a lawyer and citizen, I feel particularly satisfied today to be able to endorse the Council's proposal and our amendments. Why do I hope and pray that the framework decision will be adopted and applied? The answer is because the situation in Europe is serious and we must respond without further delay. There are many people who have already been sentenced and who are moving freely through the Union without the courts being able to enforce the decisions rendered in other countries. This is serious in terms of the development of crime itself and security in Europe and it is important that the European institutions respond.

In particular, the framework decision promotes the principle of mutual recognition, and our amendments, the amendments proposed by Parliament, must be read in conjunction with one another. The solutions

proposed on summoning people, on the rules for the representation of defendants and on retrials or appeals must be read in conjunction with one another. All these technical solutions are interlinked and, in our opinion, the rights of defence of defendants must always be guaranteed in all circumstances.

We well know, and this must be said, what we should leave well alone. Under these circumstances, the solution that has been found is, in my opinion, a solution that we must adopt. It is both an important and a great step forward and also another small step forward. According to the old rule, this is how to build the European Union, this is how to build Europe.

#### IN THE CHAIR: MR DOS SANTOS

*Vice-President*

**President.** – The debate is closed.

The vote will take place tomorrow.

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

**Carlo Casini (PPE-DE), in writing.** – (IT) The legislative proposal on decisions rendered *in absentia* must be adopted in order to overcome serious differences in treatment and the huge amount of discretion granted to executing authorities in the 27 EU Member States.

These are the objectives which the Committee on Legal Affairs set itself when presenting its opinion to the Committee on Civil Liberties. The four amendments, adopted unanimously last May and basically taken over by the committee responsible, aim to ensure a fair balance between citizens' fundamental rights and freedoms and the need for mutual recognition of judgments.

It has therefore become essential to harmonise our criminal justice systems, by introducing into the proposal uniform criteria recognised by the largest possible number of EU countries, with a view to legal clarity. These are minimum standards geared to combining safeguards for guarantees to protect the accused with the need to preserve efficient cross-border judicial cooperation. Nevertheless, in certain cases the Member State is granted the leeway needed to take into account the specifics of its own legal system.

**Athanasios Pafilis (GUE/NGL), in writing.** – (EL) The European Parliament voted in favour of the proposal for mutual recognition by the legal authorities of the EU Member States of penal sentences *in absentia*, that is, sentences that have been pronounced in another Member State in the absence of the accused party.

Together with the European arrest warrant, this means that anyone is liable to be arrested and sentenced in any EU Member State in which they have been tried and sentenced by default, without ever being told or realising that proceedings have been brought against them. The problem is even greater for Member States such as Greece, where the legal system, at least for the most serious offences, does not recognise the possibility of the accused standing trial in their absence. This regulation crucially undermines the accused's right to a fair trial. It destroys the right of the accused to a real defence; it has already led to violent reactions in legal bodies and associations throughout the EU.

It is now becoming clear that harmonising the Member States' penal systems and the so-called 'communitarisation' of criminal law being promoted by the EU are leading to the infringement of fundamental sovereign rights and of the rights of Member States to determine their own guarantees of protection in critical areas such as criminal proceedings.

### **18. Use of the Visa Information System (VIS) under the Schengen Borders Code (debate)**

**President.** – The next item is the report (A6-0208/2008) by Mr Brejc, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code (COM(2008)0101 - C6-0086/2008 - 2008/0041(COD)).

**Jacques Barrot, Vice-President of the Commission.** – (FR) Mr President, I should firstly like to thank the rapporteur, Mr Brejc, for his work on this proposal. An important step is being taken which will allow us to benefit fully from the technical tools available to secure our external borders.

It is extremely important to use the Visa Information System (VIS) to ensure that the checks carried out at external borders are efficient. The VIS provides a reliable link between the visa holder, the visa and the passport in order to prevent false identities from being used.

The full benefits of this system will only be gained with the introduction of biometrics. The legislative instrument on the agenda will lay down, once formally adopted, the common rules to guarantee the efficient and harmonised use of the VIS at our external borders.

Without common rules, those border crossing points where the VIS is not systematically used could be exploited by illegal immigrants and criminals. By amending the Schengen Borders Code, these common rules will be established.

I can therefore fully support the compromise reached and congratulate the European Parliament and the Council on the agreement at first reading.

**Mihael Brejč, rapporteur.** – (SL) I would like to thank the Commissioner for his kind words. The European Parliament is involved in a co-determination process for amending the regulation governing the use of the Visa Information System. The amendments to the visa system proposed by the Commission initially envisaged a very thorough control of the entry of third-country citizens needing a visa. This would involve not only the usual procedure of matching the person to the document, but also fingerprinting. The regulation contains all the search measures and conditions for the appropriate authorities managing the controls at external border crossings to access data for checking identity and so on – I will refrain from listing all these checks.

In accordance with this regulation, the border official has access to the Visa Information System, where he can check all the data on the passenger at the border, including fingerprints. The proposed regulation, that is to say a systematic checking with fingerprinting of third-country citizens every time (I emphasise every time) they enter the Schengen area, would certainly prolong the waiting time at border crossings, especially during the tourist season and at the beginning and end of public holidays.

Since Europe is a global economic power as well as an interesting tourist destination for third-country citizens, who of course need entry visas, in my opinion it is, or was, necessary to ease the regulation appropriately. That is why I proposed random checking and fingerprinting at border crossings. I thereby wanted to draw attention to the fact that the visa holder was fingerprinted once in the process of obtaining a visa, and then again on entering the Schengen area for the purpose of comparison and verification of identity.

I think that such an operation or such a rigid provision is an exaggeration because we actually have no data on, or estimates of, the numbers of forged visas. On top of that, fingerprinting totally unsuspecting people is senseless and time-consuming. Despite separate lanes for citizens of the European Union, very long queues would form at border crossings where everyone, namely citizens of the European Union and those with visas, would be queuing during public holidays and vacations.

In this session of Parliament we have managed, relatively quickly, to reach a consensus on certain deviations from such rigid provisions, and a compromise with the Council and the Commission was also reached after two trialogues. The Committee on Civil Liberties, Justice and Home Affairs approved the proposal with a large majority, there being no votes against and only two abstentions.

In brief, I think that the current regulation is good because it ensures a smooth border crossing. Even when there are many people queuing, the border official makes his own assessment in accordance with the regulation and, if conditions dictate, carries out a random check. The decision to carry out random checks is not a matter for the official alone, but primarily for his superiors at the border. I think we have ensured appropriate safety standards and at the same time enabled passengers to cross the border in the shortest possible time.

Allow me to take this opportunity to thank the Council and the Commission for their excellent cooperation, and especially the shadow rapporteurs, in particular Mr Cashman, for a number of good ideas and their active search for a compromise.

**Urszula Gacek, on behalf of the PPE-DE Group.** – Mr President, the extension of the Schengen area has removed border controls in most of the EU and made day-to-day travel within those borders quicker and easier for our citizens. It also means, however, that non-EU citizens entering the Schengen area are effectively only checked once, at the external border.

While our citizens often equate illegal immigration with dramatic scenes of unseaworthy and overcrowded vessels breaching our maritime borders, or container-loads of unfortunates – victims of human trafficking – crossing land borders, the reality is much more complex. About 50% of illegal immigrants enter the EU legally, but fail to leave our territory on expiry of their visas. Secondly, incidents of falsified documents are widespread, especially at airports.

In order to reduce the number of overstayers, as well as to decrease the risk of granting access to persons with falsified documents, a harmonised and secure system for checking visa validity and taking fingerprints will apply in the Schengen area. However, as all our citizens who travel are well aware, increased security leads to increased inconvenience and waiting times at borders for bona fide travellers. Therefore a degree of pragmatism is also necessary. If there is deemed to be no risk related to internal security and illegal immigration, and traffic at a border is of such intensity that waiting times become excessive, then the need to take fingerprints may be waived.

This more flexible system may operate for a maximum of three years, after which an evaluation of its effectiveness will take place. While we aim to make Europe secure, we need at the same time to be welcoming to business travellers and tourists alike. I believe that the proposed visa information system has struck the right balance between those two objectives.

**Michael Cashman**, *on behalf of the PSE Group*. – Mr President, I wish to thank the rapporteur for the excellent work he has done. The compromises we have achieved with the Council are sensible and effective, and I say this as the original rapporteur on the Schengen border code.

Brevity is the source of wit, so I will detain the House no more, other than thanking – as every MEP should – the two wonderful assistants, Renaud and Maris, who work with me and who make my work not only enjoyable but also productive.

**Sarah Ludford**, *on behalf of the ALDE Group*. – Mr President, as the rapporteur on the visa information system (VIS), and still working on the amendment of the common consular instructions to govern the actual collection of the biometrics, I take a great interest in anything that concerns the visa information system.

When we decided on the VIS, we allowed for this three-year period when the search could be done using just the visa sticker, without the fingerprints in the VIS. But I have slightly mixed feelings about the compromise. I support it because that is what has been able to be agreed. But on the other hand the Commission has rightly said that only a biometric check can confirm with certainty that the person wishing to enter is the one to whom the visa has been issued, and therefore a systematic consultation of the VIS, including a biometric check by border guards, should be performed for each visa holder. I am therefore a little bit worried about the derogation and the ability to have random checks.

I shall look forward to this report after three years, and ensure that flexibility has not become a loophole, because of course if we are going to have the VIS we had better apply it properly.

**Tatjana Ždanoka**, *on behalf of the Verts/ALE Group*. – Mr President, I would like to thank Mr Brejc for his excellent report. We appreciate his point that consulting the VIS using the visa sticker number in combination with the verification of fingerprints will create a lot of problems. Therefore we welcome the introduction of a derogation in exceptional cases to consult the VIS without verification of fingerprints.

Nevertheless, in our opinion, the report is not as ambitious as it should be. The derogation should instead be a general rule. We suggest that the VIS should be consulted in exceptional cases when there are doubts regarding identity. It is well known that the Verts/ALE Group strongly opposes the extensive introduction of biometrics until its necessity is proved beyond reasonable doubt. We believe that it has crucial implications for personal data security and for fundamental rights. Therefore we cannot vote in favour of the regulation at this time.

**Philip Claeys (NI)**. – (NL) Mr President, the regulation rightly provides that, for everyone in possession of a visa, the Visa Information System (VIS) should be systematically consulted for a biometric check. This is the best and safest way to check the authenticity of a visa. It is regrettable, therefore, that Parliament feels the need to undermine the principle by introducing a list of situations in which we will make do with checking the identification sticker and not proceed to check the biometric data. There is a danger then that, due to the introduction of this list, biometric checks will become the exception rather than the rule. I know, of course, that it is impossible to perform the biometric checks routinely in all circumstances, but it should certainly

be the rule. In the context of the fight against illegal immigration and the fight against terrorism and cross-border criminality, we cannot permit a lax and informal approach in this case.

**Gyula Hegyi (PSE).** - (HU) Mr President, Hungary was naturally also very pleased about joining the Schengen zone. Allow me to say a few more sentences in connection with this topic, concerning the unfortunate situation that has developed on the border of Hungary and Austria. In many respects the Austrian authorities do not take the Schengen system into account: although Hungary has been part of Schengen for nearly a year, they ask for the passports of Hungarians arriving from across the border and impose fines if they do not have a passport. Naturally, this is not a frequent occurrence but, when it does happen, it understandably and justifiably causes great antipathy in Hungarian public opinion. Unfortunately, in addition to this, there is also a practice of closing, at the border, roads that have existed up to now, to prevent Hungarians from using them to cross the border without a passport under the Schengen Agreement. I hope that there will be a way for us to stop these abuses by the Austrians. Thank you.

**Manfred Weber (PPE-DE).** - (DE) Mr President, I also believe that we have an excellent result from our rapporteur which takes account of security on the one hand and practicability on the other. However, we have also heard that, if we look to the future, one of the key concerns is the issue of overstayers, in other words people who enter the EU legally but fail to leave our territory and vanish from view on expiry of their visas.

I should just like to add this to the debate: over the long term, if the entry and exit system is to work, we will need to have systematic checks. We will not be able to avoid these, and we need to be looking at this issue at Europe's external borders.

**Jacques Barrot, Vice-President of the Commission.** - (FR) Mr President, I must once again thank your rapporteur, Mr Brejc, because he has grasped the main aim of the proposal, which is to secure the borders, without forgetting, however, that these borders must be sufficiently flexible. I believe that the two can be reconciled and that you have achieved this in this text which is the result of an excellent compromise. I would add, as an echo to what Mr Weber has just said, that we do have a problem in terms of both opening up Europe to everyone wishing to enter and leave on a regular basis, while being relatively attentive to those who, it must be said, try to cheat and abuse the rules. This dual requirement of openness and, at the same time, regularity and respect for the law must therefore be taken into account.

My thanks go to the House for allowing us to make progress in securing our borders while maintaining the necessary flexibility.

**Mihael Brejc, rapporteur.** - (SL) I would like to comment on two contradicting opinions: deviation as a general principle and strict observance of the rules laid down in the Schengen Code.

It is precisely the compromise we have reached that allows reasonable border crossings even when the queues are really long. Just imagine a border crossing between, say, Slovenia and Croatia during a public holiday when fifty to sixty thousand people turn up, ten thousand of whom have a visa. If those ten thousand had to be fingerprinted, the others, who are citizens of the European Union and can cross the border without any formalities, would have to wait a day or two. Therefore, let us be realistic and create a strict control system comprising reasonable measures for a smooth border crossing.

Let us not forget that the regulation clearly states, and I quote: '*... for the sole purpose of verifying the identity of the visa holder and/or the authenticity of the visa ... , the competent authorities for carrying out checks at external border crossing points ... shall, ... , have access to search using the number of the visa sticker in combination with verification of fingerprints of the visa holder*'. Therefore, in all cases where there is even the slightest doubt, the border official will check; in all other cases, when there are a large number of people at the border, he will act in accordance with the regulation, which allows for some deviation.

We must not build a new 'Berlin Wall' of officials and information. The European Union is and should continue to be a global power that is considerate towards its own citizens and to others who are entering.

I would like to thank Mr Cashman, among others, and of course the Commissioner for their patience when we were working on this compromise.

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

The vote will take place tomorrow.



**Written statements (Rule 142)**

**Kinga Gál (PPE-DE), in writing.** – (HU) Mr President, ladies and gentlemen, we all agree on the necessity of amending the Schengen Borders Code so that its provisions are consistent with the stipulations of the Visa Information System.

However, the Commission's original proposal is problematic since it stipulates that, when citizens of third countries cross the border, not only should the validity of the visas be checked but fingerprints should also be taken from them. This may, however, cause huge congestion at the EU's external borders, mainly at inland border-crossing points during holiday periods or on public holidays.

I therefore welcome the rapporteur's proposed amendments, which provide that these checks should not be carried out systematically but only as random samples, under well-defined conditions and time restrictions.

In the vote tomorrow, please support the Committee's opinion that crossing our external borders should become possible without long waiting times, not only in principle but also in practice.

**Ramona Nicole Mănescu (ALDE), in writing.** – (RO) This regulation comes as an answer to the need to secure and strengthen the European Union's borders by making control at border check points more efficient. Nevertheless, the most important aspect refers to establishing common rules for the harmonization of the Visa Information System.

Although some Member States deemed that the mandatory use of VIS could only be achieved when the technological development allowed the feasible use of portable devices, with a rapid transfer and a certain check, I believe the rapporteur's proposal to let the border police officer choose whether to use the Visa Information System or not represents a solution until the technological system allows rapid data transfer and its systematic use.

We should also not forget that an adequate control at the EU borders would increase the internal security of Member States and, consequently, would fight frauds such as organized crime and even acts of terrorism. Moreover, in addition to the significant increase in the efficiency of border controls, a systematic consultation of the Visa Information System would also constitute a preliminary condition for greater flexibility when submitting the visa application.

**19. Evaluation of the Dublin system (debate)**

**President.** – The next item is the report (A6-0287/2008) by Mrs Lambert, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the evaluation of the Dublin system (2007/2262(INI)).

**Jean Lambert, rapporteur.** – Mr President, I should also like to thank the shadow rapporteurs for their serious interest and commitment, and all those who have contributed to this report.

The Dublin II Regulation, as you will know, is part of the European common asylum system and it determines which Member State is responsible for the examination and determination of an asylum claim. Its effect is also linked very much to the sound implementation of other directives, such as the Reception and the Procedures Directives.

Our committee report makes clear that the Dublin Regulation, and indeed the system as a whole, is a system based on mutual trust and reliability, so that all Member States have to fulfil their responsibilities.

We have a number of concerns which we address in this report – although I obviously will not address them all here – about the quality of delivery in terms of the asylum system, the impact on the individuals concerned and whether Dublin II is effective overall. What problems does it create for some Member States? Are we almost looking at something and making it too simple for the complexity of the issue?

On the quality of delivery, we know that there are enormous variations between Member States in delivering a fair and thorough examination of claims for protection. This is unjust for the individual and unfair to other Member States. In fact, looking at one or two Member States within the European Union, if you were an asylum-seeker really fearing for your life you would have to be almost suicidal to claim asylum in one or two of them, because your chances of having your claim recognised would be so low and, therefore, your risk of return would be very high.

So we agree as a committee that we wish to see systematic measures taken against those Member States which fail in this respect. A majority in the committee also wants to see the Dublin transfers to such Member States stopped until failures are rectified – although there is an amendment on this issue which we will vote on tomorrow.

For the individuals concerned, we want to see a clear improvement in the quality and consistency of decision-making. We want to see cases fully examined on transfer and not closed due to technicalities (our paragraph 11). We want clear information provided to those coming under the Dublin Regulation; we also want to increase the possibility of family reunion and a wider definition of family for this purpose – although, again, I know there is an amendment on this – so that, for example, a minor can be transferred to live with their sole family member in the European Union, even if that person is a cousin rather than a sibling.

We also want clear procedures in relation to minors, who should only be transferred for the purpose of family reunion; these procedures should include their representation and accompaniment throughout, so that no child is lost in transit, as has unfortunately happened on a number of occasions. We are also asking for greater use of the humanitarian clause, for example, for those who are particularly vulnerable.

We have concerns about the potential extension of Eurodac for purposes other than identification. The Council and the Commission will be aware that Parliament takes such issues very seriously.

As regards the problems – and I know that other colleagues will talk more on this – one of the issues which also concerns us is that Dublin II can create pressure on certain Member States which find themselves as primary points of entry to the European Union for asylum-seekers. We are, therefore, asking the Commission to bring forward proposals on so-called ‘burden sharing’ which are not just financial but actually provide a solution for the Member States and the individuals affected.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Mr President, the application of the Dublin system was technically and politically evaluated during the debate commenced in 2007 following the Green Paper on the future Common European Asylum System.

Based on the conclusions of this dual evaluation, the Commission intends to propose, before the end of the year, amendments to the Dublin and Eurodac Regulations while retaining the basic principles of the Dublin system. The aim is to reinforce both the efficiency of the system and the protection of those concerned.

Mr President, ladies and gentlemen, I must thank Parliament for instigating this debate on these future amendments. This is a debate that is shaping up to be constructive and undoubtedly intense. The Commission shares the concerns expressed in your report, Mrs Lambert, as regards the shortcomings. It agrees with the conclusion that the success of the Dublin system depends on greater harmonisation of protection standards at EU level. This is the way to guarantee equal access to protection for all asylum seekers transferred to other Member States.

We need both this greater harmonisation of the laws of the Member States on asylum and also an increase in practical cooperation as envisaged in the second phase of the Common European Asylum System.

The Commission plans to better define the procedures and time-limits to be respected and also to improve the quality and reliability of the data contained within the Eurodac database.

Mr President, ladies and gentlemen, I do not wish to go into too much detail, but it is true that we are considering a series of amendments. These include improving the information given to asylum seekers, making the right of appeal more effective, ensuring that the detention of asylum seekers is not arbitrary, clarifying the conditions and procedures to be respected in the application of the humanitarian clause, offering more guarantees for unaccompanied minors, and expanding the right to family reunification for asylum seekers and beneficiaries of subsidiary protection.

Although, despite everything, the evaluation of the Dublin system has been positive, it is also true that this system has led to additional burdens for certain Member States which have limited capacity for reception and absorption while, at the same time, being subject to particular migratory pressure due to their geographical situation.

The Commission is considering the possibility of introducing a temporary suspension of the application of the Dublin provisions for an overburdened Member State and also creating teams of asylum experts who may be called upon by these somewhat overburdened Member States.

The Commission takes note of the substantial and constructive recommendations contained in Parliament's report. We will not spare any efforts in taking all the necessary steps to respond to the concerns expressed by Parliament in its report on the operation and impact of the Dublin system.

Thank you Mrs Lambert, ladies and gentlemen. I am going to listen to you closely as I am convinced that perfecting the right of asylum is an important issue for the future and, I would say, for our design of Europe which must remain true to its great tradition of welcoming people.

**Simon Busuttil**, *on behalf of the PPE-DE Group.* – (MT) This law needs to be revised. Let me try to explain why. When this law was issued, the aim was that anyone seeking asylum – that is, asking for protection – could do so in the country in which they first landed. This seems reasonable, but when this law was issued, no-one ever imagined, especially in this day and age, that many people would end up entering and arriving in the European Union or a Member State by boat, crossing the Atlantic or the Mediterranean Sea to enter the European Union. This was never the idea of this Regulation, and now it is forcing countries in this situation to welcome these people who arrive by boat, in a disproportionate, difficult and serious situation. I am pleased to hear Commissioner Barrot say here that one of the possibilities for revision of this Regulation is to temporarily suspend it in the case of those countries that are bearing a disproportionate share of a particular burden. This is what we need: either this, or a well-functioning mechanism, one of solidarity, which permits immigrants arriving in a country bearing such a burden to proceed to another EU country. It is imperative that this revision is carried out, and as soon as possible.

**Martine Roure**, *on behalf of the PSE Group.* – (FR) Mr President, the Dublin system must be used to determine the Member State responsible for examining an asylum application. However, this system is deeply unjust. Asylum seekers can sometimes therefore be returned to a Member State which it is known will reject their asylum application whereas the Member State in which they are found would have granted them refugee status. This is the first injustice.

In addition, this system poses a problem of solidarity between Member States. It is well-known that Member States situated at the external borders of Europe bear a greater burden. On our return from Malta, we demanded that the very principle of the Dublin system be questioned. We believe that the Member State responsible for examining an asylum application should not necessarily be the first country entered. There must be solidarity in the examination of applications.

We have observed serious shortcomings, particularly with regard to the protection of unaccompanied minors. We have seen that Member States do not sufficiently use the instruments allowing minors to be reunited with members of their families present in another Member State. We also want minors to be able to join, for example, aunts and uncles in another Member State, rather than being left to their own devices. We must therefore extend the idea of the family.

Finally, we deplore the virtually systematic use by some Member States of the detention of people awaiting a Dublin transfer. We would point out that these people are applying for international protection and that their application has not yet been examined in detail. The evaluation of the Dublin II Regulation must therefore allow us to correct the serious shortcomings that we have observed during our visits to the detention centres. We have visited numerous detention centres and I must tell you that some of these visits have left us quite disgusted.

I must remind you that the aim of the Dublin Regulation is to determine the Member State responsible for examining the asylum application. The Regulation must allow access to the asylum system and must guarantee that a Member State carries out a detailed examination of every asylum application.

The European Union must not ignore its responsibility towards third countries. It must guarantee protection of the right of asylum.

**Jeanine Hennis-Plasschaert**, *on behalf of the ALDE Group.* – (NL) Mr President, first of all I should like to thank the rapporteur for what was generally a balanced piece of work. I do not want to split hairs over a few details therefore. Besides, if we are completely fair, the evaluation is already quite dated.

Priority number one, at least as far as the Group of the Alliance of Liberals and Democrats for Europe is concerned, is to bring the available data from the Member States up to the same standard. Only then will a really good, and therefore effective, evaluation be possible. The Member States really do need to work on this, with the necessary guidance from the European Commission, of course.

It is important to emphasise – and obviously I am making a different distinction here from Martine Roure – the fact that, on the basis of the transfer data obtained, we cannot conclude that the Dublin system as such results in a disproportionate transfer burden for the Member States at Europe's external borders. Of course – and that is what the rapporteur and also what the Commissioner said – the geographical position of these Member States means that they are confronted with a substantial burden. That is precisely the reason why the ALDE Group has been arguing all this time for a compulsory burden-sharing mechanism alongside the Dublin system, not only in terms of financial and material resources but also in terms of putting in manpower on the ground. After all, all 27 Member States are responsible for what is going on at Europe's external borders.

I am also very intrigued, Commissioner, about what exactly you mean by the possibility of temporary suspension. What does that involve? Does it mean that the asylum seeker can choose the Member State he wants to go to, that he is free to travel on? If it does, that would seriously undermine the political message of the Dublin system. In short, just go for the compulsory solidarity mechanism that we have been arguing for all this time.

Finally, if the EU wants to retain its credibility, there really does have to be an adequate and consistent level of protection in all 27 Member States. The importance of a proper common asylum procedure and corresponding status cannot be over-emphasised.

**Johannes Blokland**, *on behalf of the IND/DEM Group.* – (NL) Mr President, Mrs Lambert's report should spur us on to deliberate seriously on this issue. The facts that the report describes are worrying. While the European Commission continues with new initiatives in the area of asylum and legal immigration, it appears that the implementation cannot be controlled. The cost calculation, data on asylum applications and the handling of personal details are inadequate. I find that a worrying conclusion. If the Dublin system already does not operate as it should, how will it work with the new initiatives on migration? Can this House rely on the Council and the Commission to make serious work of the cost calculation? Will the protection of personal data be taken seriously then?

I am very keen to hear what conclusion the Council draws from Mrs Lambert's report. It is clear to me that the Dublin system is not perfect yet. Can the Council investigate whether the exchange of data will work properly with the new initiatives on asylum and migration?

**Stavros Lambrinidis (PSE).** – (EL) Mr President, the Dublin II system for granting asylum should, at long last, be revised. Firstly, it is not truly European: it does not guarantee genuine solidarity and support for those Member States that receive a disproportionate number of asylum seekers owing to their geographical location.

The second and more important reason why it should be revised is that such disproportionate numbers often directly threaten the humanitarian principles and the obligation to treat people arriving at our borders in search of protection with dignity.

We know that occasionally many Member States are either perfectly reasonably unable to fulfil their obligations according to the regulation or, in the worst case, they hide behind a lack of European solidarity to justify even extreme violations of human rights committed by their authorities.

Practices such as detaining minors in unacceptable conditions and the wholesale rejection of asylum applications on political grounds are not justified by any lack of solidarity. We also know, however, that other Member States that do not face such problems consider their humanitarian obligation fulfilled if they accuse other states. We hear nothing about solidarity, however.

Thus Dublin II has in practice led to a series of accusations and counter-accusations between Member States. The only real losers are the asylum seekers. It is therefore of crucial importance to establish a genuine common European asylum system.

#### IN THE CHAIR: MR PÖTTERING

*President*

**President.** – The debate will be resumed after the debate on Georgia.

## 20. Situation in Georgia (debate)

**President.** – The next item is the Council and Commission statements on the situation in Georgia.

(FR) I should like to welcome the French Minister for Foreign Affairs, President-in-Office of the Council and a former Member of this European Parliament, Mr Kouchner. I also welcome the Secretary of State for European Affairs, Jean-Pierre Jouyet. In particular I welcome the responsible Commissioner, Benita Ferrero-Waldner. I also welcome Jacques Barrot who unfortunately is leaving us.

The European Council has just ended, but Minister Bernard Kouchner will undoubtedly tell us all about it himself.

**Bernard Kouchner, President-in-Office of the Council.** – (FR) Mr President, ladies and gentlemen, you have kindly waited for the Extraordinary European Council to end and so I have rushed here to present its results to you. We, the French Presidency, wanted you to be immediately informed of the decisions taken, not only because we want to keep you constantly updated on our work, but also because the European Parliament has shown itself to be extremely active in recent months on the issue of Georgia. Thank you Commissioner.

We want to thank you for this interest and also to inform you of what happened in the Council on 13 August and at the meeting of the Committee on Foreign Affairs on 20 August, on which Jean-Pierre Jouyet is here to present our provisional conclusions.

I would remind you that the conflict began 20 years ago, in 1991/1992. However, the latest phase of this conflict began during the night of 7 to 8 August. It would be useful to look at this particular outbreak. Journalists and historians must study the events and see how they developed in Ossetia and, more particularly, in Tskhinvali, the capital of South Ossetia.

The battle raged during that night and then during 9 and 10 August. We decided, with my colleague Alexander Stubb, the Finnish Minister for Foreign Affairs who is also President of the OSCE, to go to Tbilisi on Sunday 10 August. We proposed a ceasefire agreement to President Saakashvili which he accepted.

As it is important, I will quickly go over what we found there, what we saw in Gori and on the roads during this painful episode of the Russian troops' entry and rapid advance. The first thing to say is that we feared the arrival of Russian troops in Tbilisi. These troops were in Gori, just 45 or 50 km from Tbilisi. The road was straight and there were few obstacles. We therefore thought, with some reason, that the aim of the Russian troops was, as they had said, to respond to the provocation and to liberate South Ossetia, but also to get to Tbilisi and force a change in government.

It was therefore absolutely vital, or at least that is what we thought, for the troops to halt and for the ceasefire to come into force as quickly as possible. Ceasefire as quickly as possible was our aim.

I met up with President Sarkozy in Moscow the next day but, before that, after having spoken to refugees on the Georgian side and to victims that I met at Gori hospital, I and the French Presidency were keen to go and listen to the stories of refugees on the other side, in North Ossetia, who had arrived from South Ossetia after the bombing of Tskhinvali during the night of 7 to 8 August. I heard stories that were unfortunately similar in terms of suffering but which clearly revealed very different interpretations.

We met up with President Sarkozy in Moscow where lengthy discussions took place, lasting five hours, between President Medvedev, Prime Minister Putin, the Minister for Foreign Affairs, Sergei Lavrov, President Sarkozy and myself.

At the end of these quite tough discussions, there was a press conference during which President Sarkozy and President Medvedev set out the six points of the French agreement which then had to be taken back to Tbilisi for approval, as amendments had been made between our first trip to Tbilisi and what would be our final stay in Tbilisi, the next day.

Two amendments were accepted by President Medvedev, in particular one point on the final status which we understand he did not want in the text.

The ceasefire agreement was accepted by President Saakashvili thanks to this mediation which, while it was not perfect – because nothing is perfect in a situation such as that – you must at least acknowledge that it was quick. This mediation therefore allowed an effective ceasefire, with a few sad exceptions. On the ground, the Russian troops began to withdraw on 21 August – this being the second of the six points in the document –

although this was nearly eight days later. However, there were movements that were interpreted differently, as is always the case, because some tanks went in one direction and then also in another.

This withdrawal has still not yet been completed. Actually, I am not sure whether it has been completed but it has certainly not been fully carried out. The war ended quite quickly as, on 10 and 11 August, the main war operations were brought to an end, at least according to certain observers, including our French Ambassador, Eric Fournier, who is here. However, what did not end – and these have wrought havoc – were the actions of the Ossetian and Abkhazian militias which, following behind the Russian troops, were responsible for looting and sometimes even killing. However, I must say, albeit with the greatest of care, that the damage was not extensive. I must also say that the damage from the bombing was not extensive. Of course any damage is always very serious and too much and always leads to too many victims but, compared to what was described to us, the damage has not been as extensive as was feared, which is definitely good.

What we have not seen, and what we should see, given that the accounts have been very biased, is what happened in Ossetia. While it was possible to see fairly quickly the situation in Georgia, it was not possible to get into Ossetia, at least not easily, and only a few people have managed to get there. They have all given rather different accounts.

The ceasefire, which was the first of the six points, was therefore immediate and effective. There was a temporary ceasefire and a permanent ceasefire. The second point concerned the withdrawal of troops. It was specified that withdrawal meant, for the Georgian troops, withdrawal to their barracks and, for the Russian troops, withdrawal behind the lines that were held prior to the crisis. There were also a number of other points, including access to humanitarian aid for all victims. The specific points which posed a problem were points 5 and 6. In our negotiations a zone was established along the border between South Ossetia and Georgia where Russian patrols would be temporarily tolerated, while awaiting the arrival of observers from the OSCE or European Union. A letter of clarification was then needed from President Sarkozy, which was published in agreement with President Saakashvili, to specify that this meant immediately adjacent to the border. Given that, in places, this border is only two kilometres from the main road crossing through Georgia, this was not straightforward. There were therefore several points which were agreed pending – and this was clearly specified in the text – the arrival of international observers. The word ‘observers’ was used rather than ‘peacekeepers’. All this had to be very precise. Point 6, which was in a way the most important point, concerned the political settlement and the international discussions or negotiations which had to lead to this political settlement. This agreement was signed by President Saakashvili with the assistance of Mrs Condoleezza Rice because the first document was signed, but was then amended. Then there was the document agreed with Mr Medvedev and finally the third and final document agreed with President Saakashvili which we were unable to get him to sign. It was midnight or one o’clock in the morning when there was a big demonstration. In the end, we were unable to get him to sign the document, so we then had to get him to sign this, after a few corrections, with the assistance of Mrs Condoleezza Rice who, while passing through Paris, came to see us and who we then entrusted with the document so that this – if I dare say it, the final six-point document – could be signed by President Saakashvili. The immediate result was the ceasefire! The less immediate result, although it was very rapid, was the incomplete withdrawal of Russian troops. The other points will now be closely monitored by us, by the 27 countries making up the European Union and by this Parliament in particular, as the document has just been accepted. I would remind you that the conclusions of the first Extraordinary Foreign Affairs Council had already been accepted by the 27 Member States and provided for the physical presence of the European Union on the ground. We have since then entrusted Javier Solana with driving forward this part of the common foreign and security policy. Two or four French observers have already been sent under the aegis of the OSCE which was already present. We are hopeful that more observers will be accepted given that yesterday, in a conversation between President Sarkozy and President Medvedev, the latter indicated that he would accept and even wanted there to be observers from the European Union. We are working to this end. An extremely rapid result was therefore achieved: in three days, a ceasefire and troops halted who had been threatening Tbilisi; then, after a few days, in fact eight days, with a few movements before the end of these eight days, withdrawal of these Russian troops to Ossetia and Abkhazia.

I am now absolutely ready to answer all your questions of which I am sure there will be many, as is my good fortune, which will keep us here for a very long time. However, I have forgotten to say a brief word on the document now accepted. I would remind you that this Extraordinary Council has a clear precedent convened in the month of August 2003 on the situation in Iraq. During that Extraordinary Council, the unity of the European Union was harmed, which is the very least that one can say. Now, in 2008, unity has prevailed and it has not been as difficult as we thought to propose a text and get it accepted by those who definitely wanted sanctions – what sanctions? why? – and those who definitely wanted to maintain dialogue with Russia, without sanctions. You will see that this text is firm in its condemnations but that it leaves the door

open as we did not want to engage in a Cold War exercise, as some were proposing. We wanted to maintain the links so that the political negotiations which are essential in our opinion could be pursued.

We convened this European Council because the President of the French Republic, as the President of the Council of the European Union, considered that the crisis in Georgia was serious and directly affected all Europeans. Obviously Georgia is not in the European Union, nor is Ukraine. However, several Member States also wanted this meeting which it was up to us to arrange. I believe that we were truly inspired because no one else outside the European Union, in our opinion, could have done this. It was the European Union which had to take charge of this whole issue. This does not mean that we were on our own – because that was not the case at all – but that it was up to us to take the initiative, it was up to us to show that the European Union is reactive, particularly in a situation where the institutional problems are unresolved. The European Union has therefore shown, at the highest level, that it enjoys unity and that it wants to fully assume its responsibilities. I believe that, in comparison to the 2003 precedent, this is real progress.

What were the main results of this Council? You can clearly see from the text our condemnation of the military actions and the disproportionate reaction of Russia. Some wanted the series of provocations that probably preceded the bombing of Tskhinvali to be denounced. It would be very easy to denounce this side and that side but what really counts, when you are trying to carry out a peace mission, is that each side agrees to halt the fighting. Russia's disproportionate reaction was therefore highlighted. Once again, we need those on the ground to tell us what actually happened. It is true that this was not a success on the part of Georgia which had been very widely warned, in particular by the Americans, against provoking this reaction, even if Georgia itself was provoked, as this reaction would be well-prepared, something of which I was completely unaware. When I went to see the Russian refugees on the other side, in North Ossetia, I saw huge convoys of tanks and military vehicles which were heading for the border. Were they ready prepared or not? I leave you to find this out for yourselves, although it does seem that they were not far away.

You can therefore see in the text our condemnation of the military actions and the disproportionate reaction, the unanimous condemnation by the Heads of State or Government of the 27 Member States of the recognition of the independence of Abkhazia and South Ossetia, and the reminder of the European Union's attachment to the independence, sovereignty and territorial integrity of Georgia, as recognised by international law and the UN Security Council resolutions. You can see the confirmation, as the central document given that there is no other, of the six-point agreement reached on 12 August which the European Council has said must be fully implemented. You can see the firm commitment that we have made to implement this roadmap. You can see the readiness of the European Union to participate in the international monitoring mechanism provided for by point 5 of this agreement, as I have already mentioned, both through an OSCE mission and through a commitment under the European Security and Defence Policy. The terms of this participation are yet to be defined but they are on the way to being defined, and not only that, I also believe that things are moving at a very fast pace.

I am not going to explain in detail all the various opinions, but I would reiterate that they were not fundamentally different. It was all about nuances: does the reminder of international law and the ban on altering the borders of a neighbouring country by force constitute a sanction? No, this is not a sanction. It is a basic requirement. Therefore, there were not many differences of opinion. There were demands to include this reminder which we accepted in the end and we therefore included this reminder because, as you know, on 9 September there will be a meeting between the European Union and Ukraine. Also, on 8 September we will return to Moscow with Mr Barroso, Javier Solana and President Sarkozy. We therefore have a meeting arranged on 8 September in Moscow and on 8 September in Tbilisi – so Moscow and then Tbilisi – in order to record, and we hope that we will be able to record this, that the Russian troops have withdrawn behind the lines indicated to them, in other words behind the border between Ossetia and Georgia. We will also hope to record that the remaining checkpoints around the Port of Poti and the remaining checkpoints along the border between Ossetia and Georgia but inside Georgian territory have been replaced or will be in a position to be immediately replaced with international observers. That is what we are expecting.

Everyone has agreed to this meeting which will therefore complete the implementation of the six points of the agreement. It is on this basis that we will judge the goodwill and political follow-up, depending on which we will then propose a conference. This will be an international conference involving – and why not, because, for nearly 20 years, the United Nations have been involved in this issue, although more so in Abkhazia than Ossetia – a number of partners so that the political negotiations can begin. Mr Medvedev has also agreed, which is a very good point, that the refugees may return, and not just the refugees who have left since these recent events, in other words in the last month, but the refugees who have left since the 1990s. You will say to me that this is actually very debatable because where are they, can they return, do they need to return, do

they want to return, and so on. However, if we are talking about people's right to self-determination, we should note that all these refugees came from either Abkhazia or Ossetia. This has been accepted and we will wait to see how far this agreement can be implemented.

I will now raise some points which I believe we can then discuss. I am going to mention the points that were amended or slightly changed because the others you can see for yourself, such as 'gravely concerned by the open conflict ...' and so on. The text states that the European Council strongly condemns Russia's unilateral decision to recognise the independence of Abkhazia and South Ossetia. That decision is unacceptable and the European Council calls on other States not to recognise this proclaimed independence and asks the Commission to examine the practical consequences to be drawn. It recalls that a peaceful and lasting solution to the conflict in Georgia must be based on full respect for the principles of independence, sovereignty and territorial integrity recognised by international law, the Final Act of the Helsinki Conference on Security and Cooperation in Europe and the three UN Security Council resolutions. It emphasises that all European States have the right freely to determine their foreign policy and their alliances, and so on. The European Council is pleased that the six-point agreement achieved on 12 August on the basis of the European Union's mediation efforts has led to a ceasefire, improved delivery of humanitarian aid to the victims and a substantial withdrawal of Russian military forces. The implementation of that plan has to be complete, and so on. This has not been discussed.

Jean-Pierre, you said something to me about the English amendment on Georgia. I had: the European Union has already supplied emergency aid. It is prepared to supply aid for reconstruction in Georgia, including the regions of South Ossetia and Abkhazia. It is ready to support confidence-building measures and the development of regional cooperation. It also decides to step up its relations with Georgia, including visa facilitation measures and the possible establishment of a full and comprehensive free trade area as soon as the conditions are met. It will take the initiative of convening an international conference shortly to assist reconstruction in Georgia and requests the Council and the Commission to start preparations for this conference. Another point is the impact which the current crisis is having on the whole of the region and regional cooperation. As regards point 8: the European Council decides to appoint a European Union Special Representative for the crisis in Georgia and asks the Council to make the necessary arrangements. We will add: recent events illustrate the need for Europe to intensify its efforts with regard to the security of energy supplies. The European Council invites the Council, in cooperation with the Commission, to examine initiatives to be taken to this end, in particular as regards diversification of energy sources and supply routes. Finally, at the request of the Germans, Poles and a number of other countries, the end is worded as follows: We call on Russia to join with us in making this fundamental choice in favour of mutual interest, understanding and cooperation. We are convinced that it is in Russia's own interest not to isolate itself from Europe. For its part, the European Union has shown itself willing to engage in partnership and cooperation, in keeping with the principles and values on which it is based. We expect Russia to behave in a responsible manner, honouring all its commitments. The Union will remain vigilant; the European Council requests the Council, with the Commission, to conduct a careful in-depth examination of the situation and of the various aspects of EU-Russia relations; this evaluation must begin now and continue. The European Council gives a mandate to its President to continue discussions with a view to the full application of the six-point agreement. To that end, the President of the European Council will go to Moscow on 8 September, accompanied by the President of the Commission and the High Representative. Until troops have withdrawn to the positions held prior to 7 August, meetings on the negotiation of the partnership agreement will be postponed. There is a small addition to point 3: The Council awaits the results of the forthcoming summit between the European Union and Ukraine. While awaiting the results of this summit, our institutional cooperation with Ukraine will be intensified and stepped up.

(Applause)

**Benita Ferrero-Waldner**, *Member of the Commission*. – (FR) Mr President-in-Office of the Council, ladies and gentlemen, I firstly want to welcome the European Parliament's political commitment to Georgia. I also want to start by congratulating the efforts of the French Presidency, in particular the speed of the actions taken at the moment of crisis.

It is true that the European Union, through the negotiation of a ceasefire and the prompt delivery of humanitarian aid, in particular by the Commission, has proven its efficiency. Today's European Council was, in my opinion, very important and, given the complexity of the issues raised by this conflict, the European Union must and had to react collectively and define, by mutual agreement, the appropriate responses. I will be brief because a lot has already been said.



In my opinion, our meeting today sent out a very clear message on Georgia, aimed at both Georgia and also Russia, in terms of our capacity to respond to crisis situations and the unity of the European Union. That is what we have always demanded.

Secondly, our unity is also expressed through the defence of our values. Since the start of the crisis, as I have already said, the Commission has contributed to the EU's efforts aimed at stabilising the humanitarian and security situation in Georgia in, I believe, a fairly significant way.

In terms of humanitarian aid, we immediately made available EUR 6 million which should allow the immediate needs of all the civilian populations affected by the conflict to be met. To this sum must be added nearly EUR 9 million made available in the meantime by the Member States. We have therefore managed to cover all the immediate humanitarian needs.

As regards aid for reconstruction, last week we sent a Commission expert mission to make an initial assessment of the needs and, according to our initial evaluations, as Bernard Kouchner has already said, which do not include the areas under the control of Russia, the property damage is much less than anticipated. Around EUR 15 million will be needed for reconstruction and repair. However, the most pressing need is in relation to the fate of the 22 000 people recently displaced by the conflict. Around EUR 110 million will be required to meet their needs.

It is important that the European Union shows that it is ready to provide real support to Georgia, as evidence of our political determination to strengthen our relations. First of all, the Council has decided to plan a substantial increase in our financial aid to Georgia, particularly for reconstruction, as I have just mentioned, and for the refugees.

We are currently in the process of assessing the reserves that could be rapidly mobilised from the 2008 appropriations. However, there is no doubt that, without an extraordinary budget appropriation, we will be unable to mobilise the necessary funds. I am already delighted at the general political support that we have received today from President Pöttering in this regard. A conference of international donors will also be needed to send out a strong signal of confidence to investors.

In my opinion, it is also more important than ever to strengthen the instruments of the neighbourhood policy in order to stabilise Georgia. Based on the European Council conclusions, we will step up our efforts to prepare, once the conditions are met, to create a free trade area and to facilitate the issue of short-term visas.

The latter agreement will of course also be linked to a readmission agreement and it remains essential to encourage Georgia's commitment to democracy, rule of law and freedom of expression. It is crucial to speed up the democratic reforms and political pluralism.

As regards stabilising security and implementing the ceasefire agreement, we are effectively relying on the civilian observation mission organised under the European Security and Defence Policy, as already mentioned. This must be closely linked with other EU actions, such as reconstruction.

Now for some comments on relations with Russia.

Russia's actions raise wider questions about the nature of our relations in both the short and long term. Its failure, to date, to honour the six-point plan brokered by the presidency and its decision to recognise Abkhazia and South Ossetia are against the basic principles that underpin international relations.

We have been seeking to rework our relations into a modern partnership to reflect our growing economic integration. I think fundamental mutual interests are at stake – economic interdependence, the need to find common approaches on non-proliferation or counterterrorism or many other international questions – so keeping channels of communication open with Russia was – and is – vital.

However, relations with Russia cannot remain 'business as usual' in the light of recent events. Therefore it was important to strike the right balance between maintaining channels of communication and sending a clear signal to Russia. I think the right approach is for our existing joint work and dialogues to continue but for new initiatives to be put on hold. Therefore the Commission will now review all new initiatives under way to deepen our relations, which then will allow the Council to draw conclusions ahead of the Nice Summit in November.

Regarding long-term implications, recent events will give new importance to some areas of policy. Our commitment in June to developing an Eastern Partnership and a European Neighbourhood Policy does

indeed demonstrate the EU's legitimate interests in the region. These policies underline the fact that we will not accept new dividing lines in Europe and that partners like Georgia, Ukraine and Moldova can count on our support for their territorial integrity and sovereignty. We are ready to accelerate and also to submit as soon as possible new proposals for a new Eastern Partnership, certainly before the end of the year but maybe even in the late autumn.

Secondly – and this is my last point – energy is at the heart of our relations with Russia. What we do on energy inside Europe will directly shape our relations with Russia, so we must keep up the momentum to develop a coherent and strategic energy policy for Europe. In conclusion, recent events have posed a real challenge to the European Union. In the coming months, I think we will need to continue to show that we can rise together to the tasks ahead.

Today has been a very important marker. Only through coherent strategy, united positions and concerted action can we defend European interests and values. I applaud Parliament's commitment, and trust that we will all play our parts in ensuring that the Union maintains a strong and a united front.

**Joseph Daul**, *on behalf of the PPE-DE Group*. – (FR) Mr President, Mr President-in-Office of the Council, Mrs Ferrero-Waldner, ladies and gentlemen, the situation that has developed in Georgia since this summer is unacceptable and intolerable and merits a firm and determined response from the European Union.

Russia has the same rights and obligations as all states in the international community. One of these obligations is to respect sovereignty and territorial integrity and in particular not to violate internationally recognised borders. By invading and occupying Georgian territory, and by recognising the independence of the breakaway Georgian provinces of South Ossetia and Abkhazia, the Russian authorities have flouted, one after the other, each of these three fundamental principles of international law.

The European Union must actively participate in the resolution of this conflict and I congratulate the French Presidency on its proactive attitude. We must show that we are equal to meeting the hopes of thousands of Georgians who are proclaiming their distress in the streets of Tbilisi.

My Group invites the Commission, the Council and all the Member States to demonstrate both their unity and also their resolve with regard to our Russian neighbour. The European Union cannot be content to verbally condemn these systematic violations of international law. Our Group believes that Europe must use the means that it has available, and in particular its political and economic tools, to put pressure on Russia and make it respect the agreements that it has signed. We call on Russia to honour all the commitments that it made on signing the ceasefire agreement, starting with the full and immediate withdrawal of Russian troops from Georgian territory and the reduction of the Russian military presence in South Ossetia and Abkhazia. We also condemn the looting perpetrated by the Russian invading forces and the accompanying mercenaries, as you very rightly said, Mr Kouchner.

We are extremely concerned about the fate of the Georgian populations in South Ossetia who have been displaced by force, even after the signature of the ceasefire agreement. We strongly call on the Russian and South Abkhazian authorities to guarantee the return of these people to their homes. We call on the Council and the Commission to review their policy towards Russia, including the negotiations on the partnership agreement, if this country should fail to respect its commitments on the ceasefire. We also call on the Council and the Commission to positively contribute to the international mechanisms that will be put in place to resolve the conflict, including through a field mission under the European Security and Defence Policy.

Mr President, ladies and gentlemen, this crisis has revealed the vulnerabilities of the European Union in several sensitive areas: firstly, our energy supply. More than ever we must ensure the security of Europe's energy supply. We must develop and protect alternatives to the Russian energy transport infrastructures. Furthermore, it seems obvious that the role of the European Union could be much greater in the management of this crisis if the European Security and Defence Policy were reinforced. The Lisbon Treaty allows for this reinforcement. We therefore call on the Member States which have not yet ratified this Treaty to do so as quickly as possible. Our Group considers that the only way of ensuring stability and security on both sides of the Atlantic is to develop cooperation on an equal basis between the European Union and the US.

Finally, we would point out that Georgia wants to eventually join NATO. Ladies and gentlemen, this is a crucial moment and the European Union must not fail to take advantage of this opportunity to show that it is firm and determined with regard to the Russian Federation, however great and powerful the latter may be. The credibility of the European Union, the stability of the whole region, and the protection of our closest neighbours and even Member States of the Union depend on this. I also call on you, Mr President-in-Office

of the Council, to ensure that relations with Ukraine are also very quickly resumed. Thank you for your attention. Please stand firm.

**Hannes Swoboda**, *on behalf of the PSE Group*. – (DE) Mr President, Mr President-in-Office of the Council, Commissioner, for several days now, advertisements have been run in various newspapers with the following message: ‘Lenin. Stalin. Putin. Give in?’ In fact, the message is somewhat simplistic, for it was actually under Lenin that South Ossetia became part of Georgia. In the process, some 18 000 lives were lost and around 50 000 people were expelled. Abkhazia became part of Georgia under Stalin. It is important to stick with the truth here and to take account of all sides’ positions. Zviad Gamsakhurdia, who became the first [http://en.wikipedia.org/wiki/President\\_of\\_Georgia](http://en.wikipedia.org/wiki/President_of_Georgia) \o “President of Georgia” of the [http://en.wikipedia.org/wiki/Georgia\\_\(country\)](http://en.wikipedia.org/wiki/Georgia_(country)) \o “Georgia (country)” and has now become very fashionable again, described the <http://en.wikipedia.org/wiki/Ossetians> \o “Ossetians” as ‘trash that has to be swept out through the Roki’ [http://en.wikipedia.org/wiki/Roki\\_tunnel](http://en.wikipedia.org/wiki/Roki_tunnel) \o “Roki tunnel” tunnel’. We do need to be mindful of this aspect of Georgian nationalism as well.

None of this, however – and let me make this very clear, as Martin Schulz has done on many occasions – none of this justifies the Russian intervention which, after all, has been ongoing for years. It is the expression of imperialist behaviour and we have repeatedly seen Russia exploiting the existing minority conflicts accordingly. We have witnessed repeated threats and boycotts which we absolutely cannot accept. I do not wish to deny that mistakes have been made by the West and by Georgian President Mikheil Saakashvili, but in its relations with its neighbours, Russia has repeatedly sought to exploit internal conflicts for its own ends.

Nor does the recognition of Kosovo offer any justification for this action. The fact is that the European Union has always made clear and unequivocal attempts to achieve an international multilateral solution. Russia has made no such attempt. The European Union has also offered clear and unequivocal support for the Serbian minority in Kosovo and will continue to do so. What has Russia done? It has, at the very least, looked on while Georgians were expelled from South Ossetia and Abkhazia, and I hope that Mr Kouchner is right when he says that a new policy will now be adopted.

The EU should now concentrate on giving our neighbours our backing and support. We have been proposing a Union for the Black Sea for some time. Whatever name we choose for this structure, it is clear that the current Neighbourhood Policy must be strengthened and reinforced and that we must invite everyone in the region who has an interest in the integrity and stability of this region, from Turkey to Kazakhstan, to get involved.

If Russia is prepared to revert to a policy of cooperation and respect for its neighbours, Russia will be invited to join as well. Russia feels strong at the moment because of the high energy prices, but we all know that this is not a sound economic basis for Russia and that it has a lot to gain from partnership and cooperation with Europe. In the meantime, we must focus on giving our neighbours our clear support. In that sense, Mr President-in-Office, may I say that the conclusions that you have agreed at today’s Summit are good conclusions which offer a sound basis on which to move forward, for they are a clear expression of what is realistic and sustainable. I hope that the European Parliament will arrive at similarly clear and consensus-based conclusions as the Council, so that the European Union can speak with one – and a stronger – voice.

(Applause)

**Graham Watson**, *on behalf of the ALDE Group*. – Mr President, I am a little surprised by the President-in-Office’s speech tonight, as indeed I am by its delivery from the *podium d’honneur*.

The conflict in the Caucasus is one for which both sides must take responsibility, as you have said, President-in-Office. So why do the Council’s conclusions not reflect this?

President Saakashvili cannot have believed that military intervention would evoke no response from Russia. Equally, Russia’s reaction was disproportionate.

You said, ‘*Les dégâts n’ont pas été considérables*,’ and yet Commissioner Ferrero Waldner has given us the figures and this House will be called on to agree to pay the bill!

On one thing we do agree with you: we must condemn Russia’s actions; they are indefensible, but we will not dissuade the Russian bear by backing Medvedev into a corner. Dialogue and engagement will defuse tensions better than isolation. That is the lesson of the Cold War, and the Union – as with the Helsinki Process – has a central role to play.

This conflict highlights the need for us to build a common foreign and security policy. And though Member States hold diffuse views about Russia, your presidency was quick to negotiate its six-point plan and for that credit is due.

The plan may not be perfect, but it has brought an end to violence and it should be fully implemented, including Russian withdrawal from the Black Sea port of Poti.

But what steps should the Union take now? The Council is right to agree a crisis-management and reconstruction fund and the rapid deployment of humanitarian assistance. Now it must designate an EU representative who will make both sides listen.

The Union is right to send observers, but they must replace Russian peacekeepers, which will mean commitment from those Member States which are not already stretched militarily on other fronts.

Europe should convene a trans-Caucasian peace conference, bringing together all sides in the search for the settlement of unresolved conflicts.

But the Union should start in one area of glaring inconsistency which requires little more than ministerial fiat to fix. End the anomaly whereby Georgian citizens with Russian passports have freer access to the European Union, because this encourages them to adopt Russian citizenship. Georgians should have the same access to Europe as Russians, although this could be achieved by freezing the visa facilitation agreement with Russia.

In strengthening our neighbourhood policy, how can we ensure continued cooperation with Russia while showing that a full 'strategic partnership' is no longer credible? What more can we do to cut Europe's dependence on Russia's energy supplies? You did well to strengthen the text of your conclusions in that regard. Russia must of course face the consequences of its illegal actions, perhaps including a discussion on the future of the Sochi Winter Olympics just 40 km from the border.

Can Russia's behaviour be considered in keeping with the Olympic Charter? No. Solving these matters requires determination, foresight and patience. That is a challenge that this Union must meet and I am afraid, President-in-Office, one that we must meet before we offer you your *vin d'honneur*.

**President.** – Could I say to the next speaker that, at the next Conference of Presidents, we will be looking at the order of the political groups as one objection has already been raised. For today, I will call Mr Szymański next, on behalf of the **Union for Europe of the Nations Group**. We will be looking at this matter on Thursday, as no one can explain to me why the order is as it is. It is an issue that needs to be clarified systematically.

**Konrad Szymański, on behalf of the UEN Group.** – (PL) Mr President, Commissioner, Mr Kouchner, Russia is not complying with three of the six points in the agreement negotiated on our behalf by President Sarkozy. By failing to do so, Russia has forfeited the right to be deemed Europe's partner. The European Union's credibility is therefore also at stake in this dispute.

It is not enough to set up humanitarian aid, rebuild Georgia and introduce visa facilitation and trading agreements. Russia needs to fully experience what self-isolation is like. If it does not, we shall actually be depriving it of the opportunity to review its policy. Russia will simply be confirmed in its belief that it can get away with anything. In the run-up to the next presidential elections, due in 2012, generating awareness of increasing political and economic isolation is our only chance of sowing doubt and division amongst the dominant group in Moscow. Russia must not be allowed to benefit from this aggression.

We need to review our energy policy. Europe's room for manoeuvre is already limited because of its dependence on Russia. Do we really wish to aggravate the situation? The Member States should put an end to their involvement in the construction of the northern and southern pipelines at the earliest opportunity. If we fail to draw these long-term conclusions, we run the risk of being sidelined and becoming a laughing stock.

**Daniel Cohn-Bendit, on behalf of the Verts/ALE Group.** – (FR) Mr President, Mr President-in-Office of the Council, Commissioner, ladies and gentlemen, I believe that, in the current situation, we should be discussing what to do now. I believe that what the Council has decided and what has been done is basically what was possible, although we could always quibble about whether an Extraordinary European Council of the Heads of State or Government should not have been held straightaway to show our cohesion, but so be it.

I believe that we must now ask some fundamental questions. The most fundamental question clearly concerns our position towards Russia, our cooperation with Russia and how we are in fact going to solve these problems in the Caucasus, because there is also Nagorno-Karabakh. We could from now on see permanent conflicts and President Sarkozy could therefore find himself permanently faced with such situations. He could take a room in the Kremlin and remain there indefinitely; that would also be a possibility.

My opinion is as follows: firstly, Mr Daul, if there is something that we should not be discussing, it is Georgia and Ukraine joining NATO. This is truly the most idiotic idea at the moment because it means that we would be unable to go any further politically. Will Georgia or Ukraine join NATO when its reforms have been carried out? Perhaps, I am not sure. However, this is not really the relevant issue today.

Do you think that, if Georgia had been in NATO, Article 5 would have been mobilised? Of course not! Therefore we should not talk rubbish. On the other hand – and here I agree with Mr Watson – how we can control actions such as those of President Saakashvili? While we agree that Russia's action was unacceptable, it was also unacceptable for a Georgian President to decide to bomb a town, for whatever reason! If you are provoked, you should respond in another way, not by bombing.

Therefore there is a real political problem. We propose to tackle this political problem as follows: we should propose to Georgia and Ukraine a privileged partnership as a first step towards possible integration. This integration can then take place if there is a fundamental reform in Europe, and so on. However, we should have political instruments and not just economic and social instruments to bring pressure to bear on these political classes. A future in the European space specifically means a future in which these countries are rid of nationalism.

We should consider the phrase of François Mitterrand: 'nationalism is war'. Georgian nationalism, Russian nationalism, Abkhazian nationalism and South Ossetian nationalism is war! We in Europe must say 'our view is to go beyond that'. Therefore, by proposing a European view, we are also proposing to put on the table European values because, if nationalism endures in these regions, we will never find a solution.

**Francis Wurtz**, *on behalf of the GUE/NGL Group*. – (FR) Mr President, Mr President-in-Office of the Council, Commissioner, with regard to the crisis in the Caucasus, adopting a pro-Georgian or a pro-Russian stance can only lead to deadlock. This has been blindingly obvious since the breakup of the Soviet Union 17 years ago as this region is full of recurring tensions and disputed borders. It is a place where the collective memory is haunted by the inherited traumas of successive wars and violence, where the ethnic and religious mosaic and the accumulation of resentments and humiliations provide dangerously fertile ground for nationalism. In this context, political irresponsibility will cost dear, and that is true for everyone. It is certainly true for the Georgian President who, since his election in 2004, has constantly pandered to the spirit of revenge in relation to the breakaway territories. He has constantly pushed his luck in terms of his allegiance to the Bush administration and his policy of confrontation in the region. He has launched an attack on South Ossetia, about which Mr Van den Brande, one of the co-rapporteurs of the Parliamentary Assembly of the Council of Europe, responsible for monitoring problems in the region, has declared having been – and I quote – 'shocked by the stories of the refugees about the massive and indiscriminate shelling and bombing of Tskhinvali and the destruction of residential areas'. This strategy is disastrous for Georgia, for the Caucasus and for Europe.

This lesson is also valid for Russia. The brutality of the counter-attack, including against civilian populations, the continued occupation of strategic sectors of the Georgian territory, the expulsion of Georgian populations from South Ossetia and the unilateral recognition of the independence of the two breakaway territories are just as likely to threaten the interest generated in more than one European country by the initial international initiatives of the new President. Russia has everything to lose by returning to a period of political isolation in Europe and in the world.

Finally, the West as a whole would do well to assess the unprecedented damage already caused by the American attitude of adventurism and the European attitude of follow-my-leader in this part of the continent. The limitless expansion strategy of NATO, the bombing of Serbia, the recognition of the unilaterally proclaimed independence of Kosovo, the support for the installation of the anti-missile defence shield on European soil, not to mention the extreme glorification of the region's leaders who should, perhaps, be more cautious when making anti-Russian and pro-Western statements, all these choices are evidence of a short-sighted policy worthy of the current White House, but not worthy of a European security policy. This strategy of militarising international relations and causing political confrontations has failed before our very eyes. In addition to sending in European observers under the aegis of the OSCE, the EU's priority should therefore be to prevent any escalation at any cost so that, as quickly as possible and without any signs of arrogance, it can explore

the possibility of drafting a new pan-European treaty for security and cooperation which would be legally binding and which would encompass all the problems that have currently been shelved: territorial integrity, inviolability of borders, the fate of conflicts that have reached a stalemate, non-use of force, disarmament and even security of energy supplies. This challenge is certainly more difficult to tackle now than ever before but, without such a perspective, I fear the worst is yet to come. In adopting our position, let us remember that today, the first of September, is the International Day of Peace.

(Applause)

**Bernard Wojciechowski**, *on behalf of the IND/DEM Group*. – Mr President, I come from a country whose history is marked by war and suffering. Poland supports endeavours for peace everywhere. It is imperative that this goal be achieved.

The East European countries, the so-called 'Baltic States', inspired by their leaders, want the European Union to show that Russia will pay some unspecified price for its military action in Georgia. This can be depicted as a classic example of political orthodoxy which assumes that Russia pursues nothing but imperial goals.

This traditional mindless attitude to Russia, full of empty platitudes, seems to be humiliating because it can be perceived, for example by Russia, as a clinical example of a response by a few hot-headed politicians.

The European Union needs Russia as much as it needs Georgia, if not more. Therefore, it is imperative that the European Union should not be a party to this conflict or take sides with either Russia or Georgia. The European Union must show the world that its policy is independent of the United States and, at the same time, is a friendly policy based upon a full partnership.

Russia is the EU's third-biggest trading partner, accounting for half a trillion dollars in European goods. Can we afford to risk that kind of relationship?

There is no doubt that the European Parliament is a genuine co-legislator with the Council under the codecision procedure. However, is it really an equal partner in the matter of the EU's foreign affairs?

Minister, you spoke to us after everything seems to have been decided on Georgia. Let me ask then: is the voice of the European Parliament supposed to mean nothing? What is this debate for when everything has been arranged and done?

**Sylwester Chruszcz**, *on behalf of the NI Group*. – (PL) Commissioner, there is a strong link between the outbreak of fighting in the Caucasus and the issue of Kosovo. I am one of those who opposed the carve-up of Serbia. From the outset we highlighted the fact that the unilateral decision by the Kosovo Albanians, supported by the United States and by many European countries, would amount to opening Pandora's box and would re-ignite similar disputes the world over. The Georgian situation is one such case. President Saakashvili of Georgia took the decision to attack civilians in Ossetia. It should be recalled that Abkhazia and Ossetia are nations that have occupied their respective homelands for centuries. They have developed their own culture and identity and have on several occasions fought for their independence, which Stalin deprived them of before the Second World War.

Serbia and Georgia constitute an excellent example of how some are more equal than others in the international arena, and of how international law is always interpreted by the strongest allies. Furthermore, the European order has been destroyed, with the support of many Members of this House. Let us restore peace and the rule of international law to Europe! Let us restore the European order! I call on the countries that supported the carve-up of Serbia to withdraw their recognition of Kosovo, and on Russia to withdraw its recognition of Ossetia and Abkhazia. If the partition of Serbia recognised by the United States and by most Member States of the Union is deemed to be a good thing, how can a similar operation in Georgia be condemned? Ladies and gentlemen, I can but appeal to you to be less hypocritical.

**Bernard Kouchner**, *President-in-Office of the Council*. – (FR) I understand that my big mistake, Mr Watson, was to have spoken from this podium. If you only have that to reproach me for, I can make amends, because the last time I was here, I spoke from this podium and I was not Head of State. When all is said and done, everyone can make a mistake.

There are a number of questions which I can try to answer and others which I truly cannot. It is clear, Mr Daul, that we all want, particularly in relation to this crisis – and this is one of the priorities of the French Presidency – to successfully implement a European defence policy. What does 'successfully' mean? It means, in any event, that we must restart the process that allowed us, in Saint-Malo, to at least reach an understanding. We

must then build on this with a common purpose. We will do this, or so I hope. In fact we must do this, but not because this crisis merited a military response. Not by any stretch of the imagination! To have considered a military response to Russia's invasion of Georgia would have been worse than anything. In fact I do not believe that the vessels which arrived in the Black Sea were an appropriate response, as some of these vessels were carrying missiles. In my opinion, that was not what we should have done, but the French Presidency had the opposite opinion. In fact, in order to enjoy a solid European defence, which we do need, the Lisbon Treaty must be accepted, which brings us back to our own institutional difficulties. We absolutely have to find a way out of this institutional crisis.

In my honest opinion, I do not think that NATO is the right response in this situation. It is in fact the wrong response as, if we had voted for the Membership Action Plan (MAP) in Bucharest, strictly speaking this would not have made any difference because I believe that no one was ready to make war on behalf of Georgia. I say this without any cynicism. I say this because this was the opinion that was truly unanimous at the start of all the meetings and conversations that we had. This does not mean – because we have said so – that neither Georgia nor Ukraine have the right to become members of NATO.

There is also something else to be considered. It is hard to say this at the moment, so I will be very discreet, but there is one country, Russia, which for 20 years felt that it was badly treated. I believe that, in one way, in particular here in the European Union, this was somewhat true. We were unable to find the language to speak to Russia. Perhaps we would not have been successful anyway, but I believe that we did not sufficiently realise that changes were happening because, after all, Georgia, 20 years ago, was itself also in the Soviet orbit. It was also a Communist country. On both sides there has been a truly incomplete exercise in democracy. I believe that, as with all countries, the problem will arise later on for Ukraine and for Georgia, but I truly do not believe that this was the response.

On the other hand, you are right: we must strengthen our relations with Ukraine, as mentioned in this document. This is also true for Georgia. We will talk in a minute about a privileged partnership.

To Mr Swoboda I would say – and this is an anecdote – that I wanted to go and see Stalin's house in Gori, because that is where his house is. He was born there. You could say that he drew small red circles on the map to mark where there could be autonomy or, in any event, communities where there could not. He was very familiar with the region and already Ossetia and Abkhazia did not get on with either the Georgians or the rest of the region. We did not need this crisis to find out that there were conflicts in the area. What is worse than the Balkans? The Caucasus. What is worse than the Caucasus? The Balkans. I am not sure, but I think what is happening there is actually very widespread. If you go back just a bit further, if you think about what happened in Chechnya, which I strongly condemn, you can see that the allies of the Chechens were the Abkhazians against Georgia.

We should leave all that in the past, although it may be necessary to return to it. You have said, and I agree, that nothing justifies this reaction. Nothing. However, we must look at how this series of provocations has arisen because, honestly, the stories are so different that it all becomes very difficult. When we were in Moscow negotiating this document, we were asked how they should have reacted. Should they have left their own to die and allowed the bombings? Do not forget the initial figures. I am not going to discuss these because I really have no way of checking them, but the Russians straightaway talked about 1 000 to 2 000 deaths which is no doubt untrue because the only people who went there, namely Human Rights Watch, talked about a few hundred. In fact they reported hundreds, or even dozens. I am not sure. In any event, it was a reaction that theoretically was justified by the very high number of victims and, once again, I went to listen to the refugees in North Ossetia and the accounts were dreadful: grenades in basements where children were hiding. I have not made this up. Perhaps this was not true but there is a tone of voice that does not lie. I have seen many refugees in my life. These were scared witless. They had travelled for two days on this road through the tunnel. This must also be checked.

You are absolutely right that we need a neighbourhood policy, but that is exactly what the Turks are trying to do at the moment. The Turks have put in place what they are calling a regional platform and they want to set up talks between Russia, which has already agreed, Azerbaijan, Armenia, and – it is they who are responsible for this – obviously Georgia and Turkey. I think that this is a good idea and, on behalf of the Presidency, I have agreed to meet them very shortly. Mr Babachan should have been here today so that we could find out how to exchange our experiences, but I do agree with your analysis of the need for a neighbourhood policy. Mrs Benita Ferrero-Waldner must also agree with me that this is what we should do. They are our great neighbour. If they cannot find ways to talk to Russia, then we will certainly have great difficulty, all the more so as you heard Mr Medvedev say yesterday that sanctions could be applied in both

directions and that he also knew how to do it. Sanctions do not amount to the same thing when one side supplies the gas and the other side does not want to receive it. We must therefore look realistically at the situation. It is he who turns the tap, not us.

Mr Watson, as regards the figures you gave, I agree with your sentiment. What has Mr Saakashvili done? When we had our discussions with him, given that I have met with him on two occasions, he said that – actually we should not go into that discussion because I would certainly be biased and I do not have enough information – but he said that he had been obliged to respond to the provocation. He had watched the other side prepare the batteries, and in particular the Grad rockets. They had arrived and set up in the Georgian villages around the capital of Ossetia. Who do we believe? I do not know. In any event, some advisors have said that things did not happen at all like the international press told it. There is no one really credible in this whole affair. As an observer, you know that the problem has not been solved. We have tried. Javier Solana says that we must call them observers. We are therefore calling them observers and in the text they are termed observers. Peacekeepers are something else because that would need the full withdrawal by the Russians of all those who took part in the battle. The resolutions on both Abkhazia and Ossetia indicated that there should be two-thirds/one-third. Two-thirds were responsible for keeping the peace, the Russian peacekeepers, and the rest were Georgians. Each accuse the other and they both accuse the peacekeeping forces decided by the OSCE and by the UN of having participated in both sides, right from the start of the battle. It therefore seems to me that this cannot continue and sending in peacekeepers is a bigger operation which we will try to set up. However, for the time being, it is going to be difficult. We need an international conference to resolve these conflicts that have reached a stalemate. For the moment we should try to have a conference on Ossetia as that is the most urgent, and then on Abkhazia.

As regards passports, I do not know who raised this problem of passports. Yes, passports were distributed, very widely, and therefore the people that I met, the Ossetian refugees, felt like Russian citizens, which is clearly very perverse. They felt like Russian citizens, they were welcomed in Russia and they were defended like Russian citizens. When you realise that apparently the same happened in the Crimea, you can only feel very concerned. We must therefore tackle this problem with the Russians in an extremely subtle but firm manner. They are distributing passports to populations that they deem to be Russian. However, this cannot be said without remembering that the borders of Russia were fairly arbitrarily drawn by Mr Gorbachev and Mr Yeltsin, at great speed and without taking account of history. I am not going to go into this problem. I do not want to dwell on the fact that Kiev was the capital of Russia and that the Crimea provides access to the seven seas. However, if you thought that the Russians were going to abandon the only tunnel passing between North Ossetia and South Ossetia, in other words crossing the Caucasus, then you were mistaken. We must understand these contradictions of history and also these contradictions of geography, but not give satisfaction to one side or the other. The Presidency of the European Union has not made any moral judgements about either side. It has been said that this action was excessive, that this was not the way to solve the problem, that this town should not have been bombed at night and that such a heavy attack should not have occurred in reply. However, once again, we need to know something about how this happened.

Mr Szymański, you said that only three points have been implemented. That is not bad as no one else has tried to do even one apart from us. Three points have been implemented and these were the three most important: ceasefire, withdrawal of troops and access to humanitarian aid. If that is all we have achieved, then we need not be ashamed. I believe it was very important to start with these. As for the other three, we should wait for 8 September because, after that, no pressure will be spared. We will decide all together what we should do. That means the 27 countries of the European Council and also Parliament which we have got into the habit of consulting in the meantime. In fact Jean-Pierre and myself have got into a constant habit of consulting you and talking to you. Nothing is taken for granted. If, on 8 September, we find that movements have begun, then alright. However, if nothing has been done, we must take another look. That is absolutely clear. Aggression cannot pay. Of course it cannot pay, but who should pay the price? I like the sermonisers who say, with regard to the Russian army, what did you expect? What should have been done? I note that the most resolute people and a number of those who will in fact tomorrow visit Georgia and who were very decided in their thundering replies will not do anything at all. I believe, like Francis Wurtz, that for a very long time Georgia has been encouraged to prove that it is, how should I say, robust and virile. I believe that this was not good advice because encouraging a country to prove itself to be vindictive, or in any event decided in its resistance, when it is not given the means, does not sit very well with me. I felt, together with the government, that, not only were they very unfortunate, because there were victims and because Georgians were in the streets not knowing which saint to pray to, but that there was also something like a feeling of abandonment among them. They were promised so much, they were promised a lot, and these promises were not kept.



As regards the Nabucco pipeline, of course there are explanations like that. It is a pipeline; it is oil that passes through it. Obviously all that must be taken into account, in one sense or another. This brings us back to what you said. I would point out, Mr Daul, that, in reality, that is not the only priority of the French Presidency. There is also energy and this is one way of truly focusing our attention – and this is in the text – on energy and on renewable energies, of course.

Mr Cohn-Bendit, what are we doing now? We have done what we could, namely to try and halt the war. Perhaps this was not perfect, perhaps the document is not perfect, perhaps it was quickly written and perhaps a struggle had to be fought between the two delegations in order to arrive at some sort of coherence. It was not at all perfect. However, in the end, it has worked for the time being. It is not sufficient, but it has worked. I completely agree that there are other difficult places, such as Nagorno-Karabakh, Nachichevan and others. There are plenty of places – and I do not think that the Russians are interested in these in the same way – such as Nagorno-Karabakh, but also other places, in particular the Crimea. There can be no doubt of this. It is not insulting the Russians to say that we are watching what is happening. That is actually our duty.

As regards NATO, I will say something else very cautiously. At the Bucharest Summit, we – the six founding countries of Europe – voted against the MAP. In fact, in the end, we did not vote, we did not even have to vote, because there was no unanimity. We therefore did not have to vote. The explanation was really very difficult and the six founding countries said that this is our neighbour. We must take into account that we have not been able to build or maintain adequate relations with this great country and that we do not want to leave it with a siege feeling, a kind of permanent siege. I believe that we were right. Now we are talking about anti-missile batteries set up in Poland and also in the Czech Republic. It is true that this is also not the way to dialogue, although they are not aimed towards Russia. However, what is important, without doubt more on the side of Iran and our policy towards Iran, is absolutely keeping the six together. Perhaps this policy could be conducted with Russia, and this is very important, because I believe that we would have a lot to lose by not retaining these channels of partnership.

How can we control the actions of Mr Saakashvili? I do not know, but a town cannot be bombed at night. I believe that a town should not be bombed at night. Once again, I do not know what the level of this bombing was, but how could they have expected any other reaction from Russia having done that? I do not understand.

I should just like to make a quick comment on the François Mitterrand quotation. François Mitterrand actually said: 'Nationalism, to a point, is about culture and is what forms a nation. Too much nationalism is war.' I wanted to correct that.

In response to Francis Wurtz, I should like to go back to the words 'Cold War', which he did not use but which he implied, because each time we hear all around: 'are we returning to the Cold War?' However, this cannot mark the return to the Cold War, firstly because the historical circumstances are totally different. There may be animosities, but I agree that we must absolutely condemn this expression. On the other hand, the need not to talk, but to re-form two blocks, one against the other, has been much mentioned. A number of the Members of this noble House, and in fact their countries, think like this. We must tackle this idea head on. I absolutely disagree with it. It is absolutely the opposite of what we should do and would clearly resemble Cold War, minus the ideology. That does not mean that we must absolutely accept all hyper-nationalist statements as we have done. We must find a way to talk and maintain these channels. That is what we are trying to do.

I would remind Francis that several of the proposals were made by Mr Medvedev in the security treaty that you mentioned, although he does not seem likely to apply this straightaway. Perhaps he will do so at a later date. He proposed this on 5 June to you all. He received the reply that it was interesting and that it was essential to take him at his word. However, we were immediately caught up by a small wave of panic.

The European Union apparently needs an independent policy from the US which is itself a great independent country. Mr Wojciechowski, that is what we have done. The European Union needs an independent policy from the US and from Russia. It needs an EU policy. That is what we have tried to do. The initial reaction of our American friends when we decided to get involved was not very kind. They thought that we should not do so but, very quickly, they realised, on the contrary, given that they are very pragmatic, that this was exactly what should be done. As a result, they were, shall we say, cooperative as it was Mrs Condoleezza Rice who got the six-point agreement signed. They were then extremely critical, not of the six-point agreement but of the fact that the Russians had not abided by it. This I can understand. We were also critical.

My final point is about Pandora's box and Kosovo. I wanted to talk to you about this. There is an intellectual tendency to compare Kosovo to Ossetia, with which I really cannot agree. We cannot say, just because there

is a small population which feels, due to some particular nationalist urge, the need to be liberated, that this is the same thing. No! Firstly, in the Caucasus, people are in the habit of tearing each other to pieces in a truly violent manner with there being a great deal of profit in murder over the centuries. This is not at all the case with Kosovo and Serbia. What was different with Kosovo and Serbia was the unanimity of one group, 98% of Kosovars, and in particular the international decision. This was not because we bombed Serbia through NATO. In fact this occurred after nearly two years of the Contact Group, in which Russia was involved, and a Rambouillet conference which lasted over a month and at which everyone was in agreement except for Mr Milošević. What triggered everything, and I will end on this point, was the decision by Mr Milošević in 1999 at Kosovo Field, at Obilić, to declare that there would be no more autonomy, to hound the Kosovars out of the administration and to bring in Serbians from Belgrade to replace them, such that Mr Ibrahim Rugova, from the Democratic League of Kosovo, had to set up underground schools and clandestine hospitals. This is totally different. The process was accepted by international opinion because there had been a whole international approach. The Finnish President, Martti Ahtisaari, produced a document that everyone at the UN accepted and that said 'the parties are not able to reach an agreement'. I am about to finish. There are some hatreds that cannot be overcome. I am sorry, I sensed – and I am being very careful in what I say – in the words of the Ossetians about the Georgians, something which resembled that undying hatred which is based on tens of years and centuries of opposition. This does not mean that one day this will not happen, but it will take time and several generations, I believe.

#### IN THE CHAIR: MR SIWIEC

*Vice-President*

**Elmar Brok (PPE-DE).** – (DE) Mr President, Mr President-in-Office of the Council, Commissioner: 'Le nationalisme, c'est la guerre!' This is an exact quote from François Mitterrand's speech to the European Parliament, with no abbreviation. I think we can learn from this, and the lesson to be learned is European integration. That means no longer attempting to settle past accounts, but starting afresh in order to make war and dictatorship an impossibility in Europe once and for all.

I should like to voice my most heartfelt thanks to the French Presidency for its rapid intervention to end the war and for bringing about a European Council decision today which is an expression of unity. Unity is the most important signal that we can send out. It is a signal that we will not accept violations of international law, that we will not accept war and the invasion of foreign countries, and that we will not accept the destabilisation of democratically elected governments or the invasion and occupation of another country. It is important, therefore, to make it clear that there will be no negotiations on the partnership and cooperation agreement until there is compliance with the fifth principle of the ceasefire agreement – namely a return to the lines held before 7 August – and that an evaluation of compliance with all six principles of the ceasefire agreement must now begin and continue in the run-up to the forthcoming summit scheduled to take place in November 2008.

It is important that we make clear that certain things will not be accepted, but it is also important – so that we do not slip into an escalation spiral – to make it clear that lines of communication must remain open. Above all, we must reinforce our own capacities, and that means reinforcing our friends' capacities as well. It means providing immediate infrastructural assistance to Georgia without red tape. It means participating in peace missions in Georgia and in initiatives carried out by the OSCE and the UN. We must make it clear that negotiations on a free trade agreement are the right path to pursue, as indeed are the proposals that we have made here in the House in line with the Polish-Swedish initiative or our proposal for an 'EEA Plus'.

This applies not only to Georgia but also to countries such as Moldova and especially Ukraine. I think these are clear signals which enable us to move forward in a positive way. If in so doing, we could recognise that we could do this so much better, if only we did not always have to bale out a situation which others have caused, if only we had a European foreign policy which, under the Treaty of Lisbon, would give us appropriate mechanisms and increased preventive capacities to stop this situation from arising in the first place, that would be a policy that we should pursue. This crisis should clearly demonstrate that, as the European Union, we must strengthen our own capacities if we want to prevent war and move towards a positive future.

**Jan Marinus Wiersma (PSE).** – (NL) Mr President, I endorse the words of many fellow Members that the reaction today of the European Summit to the events of the past month is the right reaction. We have spoken with one voice and at the same time maintained our composure. However, the EU – and this is also made clear in today's statement – has let it be known in no uncertain terms that what happened there, especially

the Russian reaction, is not acceptable and that the disproportionate reaction of Russia to the military developments in Georgia must be condemned.

At the same time all parties have stated that the use of military force is not the right solution and I consider that also to be an implicit criticism of the actions of the Georgian Government which started the military activities. This reaction also shows that we believe, and rightly so, that we do not solve problems in Europe in this way, that this is not in accordance with the security agreements that we have and which were made in the past on the problems with South Ossetia and Abkhazia in Georgia.

I also distance myself from the statements of the Russian Foreign Minister, Mr Lavrov, that the way Russia reacted has set the tone for Russia's new foreign policy in the surrounding region. I think that the European Union should do everything it can to persuade Mr Lavrov and the Russian Government that this is not the way that we in Europe try to resolve issues or press our interests. Cooperation is the watchword, not unilateral action.

I remember discussions over the past few years about the actions of the Bush Administration. I hope that we will not end up having the same discussion with Russia. That is why it is so important that the Council today, under the leadership of the French President-in-Office, has called again for attention to be given to this issue and has put the emphasis on the six-point plan, especially the return to the previous military *status quo*. By doing that he is laying the foundations for an international mechanism to keep the peace and particularly for an international debate about the future status of South Ossetia and Abkhazia, and he is dissociating himself, and rightly so, from the recognition by Russia of the independence of these two separatist regions.

That is also our opening position for a mission to Moscow that will take place next week at the highest level and which will again have to put pressure on Moscow to implement those six points. In these circumstances it goes without saying that our position is that, as long as there is no clarity about implementing this agreement, as long as there is no agreement, we will not engage in any further talks about the new partnership agreement.

This crisis is placing great demands on the European Union. It is right that we take the lead in the search for solutions. There is no alternative: NATO cannot do it, the OSCE is too weak, America is not in the position that we are in, and the UN cannot play a mediating role due to the blockades in the Security Council. Today's summit was of one mind, let that remain so.

**Marco Cappato (ALDE).** – (IT) Mr President, ladies and gentlemen, we in fact find ourselves commenting on decisions already taken and, given the widely differing information on fatalities, crimes and possible war crimes, I believe the European Union ought to propose that the investigation be an international one, if necessary with the involvement of the International Criminal Court.

Apart from that, as for the reasons why we have reached this point, Mr Kouchner said that some people had given Georgia too much encouragement to flex its muscles and issue threats. This is undoubtedly true, but in that case let us say that some people also discouraged the Georgians from feeling European. We, in the European Union, are those people, because the European inclination of Georgia and its people is a fact that we have ignored. Hundreds of them signed a Radical Party appeal at the end of the 1990s calling for a European future for Georgia, which we have denied them.

That is why, and I am concluding, the suggested international conference ought to involve the unrepresented peoples of the entire area and examine that area's European prospects, both political and strategic.

**Inese Vaidere (UEN).** – (LV) Ladies and gentlemen, today's summit meeting is focused on offering assistance to Georgia. That is necessary, but it is also Russia's duty to participate financially in Georgia's reconstruction. What else must happen so that the European Union can properly assess Russia's role in events and take action to ensure that nothing of the kind is ever repeated? Firstly, it must be acknowledged that this was planned aggression on the part of Russia, and that it started with the systematic provocation of Georgia over many months. If Russia's aggression and recognition of the independence of the separatist regions are not met with an appropriate response, then that will be a clear signal that it can act in the same way again in the future. After all, there are many Russian citizens in the EU states, too, whom the EU is willing to protect. There are many things that Russia needs from us, but we consistently lose the initiative. Firstly, we should freeze the agreement on the visa facilitation system with Russia. At the same time, such an agreement should be concluded with Georgia. Secondly, until Russia has fully released the occupied territories, the operation of the Partnership and Cooperation Agreement must be suspended. Thirdly, the so-called Russian peace-keeping forces must be replaced with international peace-keepers, respecting Georgia's territorial

integrity. I also suggest that the International Olympic Committee be called upon to announce a new competition for the organisation of the Winter Olympics in 2014, since holding them in a totalitarian state will only lead to problems. We should not be worried or fearful about the suspension of so-called dialogue. At the moment the dialogue has turned into the expression of one-sided offers on our side and infringement of the rules on the Russian side. We need to understand that only strong action can make Russia opt for a position worthy of a 21st century state. Russia is just one state. It is not special.

**Marie Anne Isler Béguin (Verts/ALE).** – (FR) Mr President, ladies and gentlemen, I represented you in Georgia when I was sent there by our President from 12 to 17 August. I gave our full support to the Georgian people and reassured them by saying that the European Union would not abandon them. I therefore thank the Presidency for the efforts that were made to act very quickly in Georgia.

Resolving this conflict is clearly a test for the European Union to which it has finally responded, but at what price? At the price once again of innocent citizens because these events were in fact inevitable. How long have some of us been preaching in the wilderness? Even those who are today saying that we must aim for integration and offer the prospect of accession to the European Union previously said to us: 'wait, be reasonable'. Now we have a war between Russia and Georgia. When we said that this was not a conflict between Georgia and Abkhazia and South Ossetia, but that it was a conflict between Russia and Georgia, no one wanted to listen. Now we have one war behind us. Therefore these events were inevitable, particularly if you go back to other events or other times before the 11th. Let us go back to 2005 when Russia vetoed having border guards on the Russian-Georgian border. No one replied and even France – please excuse me Mr President – even France refused when we called for OSCE forces on the border. No one reacted. When the Russians violated Georgian airspace, we again had no response and the situation escalated. Now this regrettable war has occurred and we must not only rebuild, but also resolve the conflict. Of course we must have a conference on reconstruction, but we must also have a conference to resolve the conflict. I would ask you perhaps to use what happened in Kosovo as a model, in other words to put in place an international civil administration, together with peacekeeping forces. What Georgian citizen could now agree to the Russian army playing the role of policeman?

*(The President cut off the speaker)*

**Tobias Pflüger (GUE/NGL).** – (DE) Mr President, I should like to start by voicing my thanks for the objectivity of this debate; it is certainly more objective than the extraordinary meeting held by the Committee on Foreign Affairs on 20 August. Let us be blunt. Georgian President Saakashvili ordered a military offensive. That was what actually sparked off the war and triggered a spiral of violence. If we ignore that fact, we deny the real cause of the war. The attacks, especially on the civilian population in Tskhinvali, are to be roundly condemned, along with the military response, especially the military response by Russia and the attacks on the civilian population, particularly in the town of Gori. Both sides have deployed cluster bombs in this conflict as well, which is unacceptable. International humanitarian law and the law of war have been clearly violated by both sides in this conflict.

The message which I have heard very often, however, is that Russia is solely responsible for the current situation. That is not the case, and I am pleased that the French Council Presidency has adopted a more balanced position on this point. My own position remains unchanged: recognition of South Ossetia and Abkhazia are comparable, under international law, with recognition of Kosovo. The Western countries recognised Kosovo and really opened Pandora's box. The West, NATO and the European Union are heavily implicated in the escalation of this conflict and the war in Georgia: the US redeployed Georgian troops from Iraq to Georgia and a number of Western countries – NATO countries, EU countries – have played a role in arming Georgia. Even Israel has armed Georgia, and the arrival of NATO warships in the Black Sea is not necessarily a sign of peace. We know that, in this war, geopolitical interests are also at stake; I need only mention the oil pipelines in this context.

The conflict should not be used as a pretext to drive forward the militarisation of the European Union. The EU has been successful as a non-military actor. If we now take sides, the EU will lose its credibility as a mediator. We are on the brink of a Cold War, and as for what lies ahead, well, it could go either way. Today is 1 September, a day which is celebrated as an Anti-War Day. We should be mindful of that: war is unacceptable and should never be supported, directly or indirectly, by countries in the European Union.

**Bastiaan Belder (IND/DEM).** – (NL) Mr President, the display of naked Russian power on Georgian territory in this day and age is an attempt to legitimise two ethnic cleansing operations, in Abkhazia in the early 1990s and in South Ossetia last month, in August. It is also based on the mass issuing of Russian passports in these

regions. What can and should the European Union do about this brutal resurgence of imperialist ideas in Kremlin policy? We should offer a deeper and stronger European, even transatlantic, commitment towards our East European neighbours along the lines of the Swedish-Polish proposal for an eastern partnership. I am grateful to Commissioner Ferrero-Waldner that she has spoken out clearly on this.

In addition, the current situation in Georgia makes it imperative that the Member States really do press on seriously with a common foreign energy policy, with energy diversification. Naturally pipelines that are under the control of the sovereign states through which they run and which are not under threat are part of that.

**Jim Allister (NI).** - Mr President, it is hard to avoid the conclusion that Europe has been impotent in the face of Russian aggression. Whereas condemnation has greeted Russia's effective annexation of parts of the sovereign state of Georgia, even the tone from within the EU has varied.

The message of ambivalence will not be lost on Moscow. It is hardly shaking in its boots over the divided mutterings of Europe.

Without a robust response to Russian aggression, I fear these matters will not end with Georgia. Is Ukraine next, one has to wonder? And what will it take, with the EU now having made itself wittingly so dependent on Russian energy, to eventually permit an effective response?

If the last few weeks have demonstrated anything, they have been an object lesson in the unworkability of a common foreign policy in this EU. It has merely delivered the paralysis...

*(The President cut off the speaker.)*

**José Ignacio Salafranca Sánchez-Neyra (PPE-DE).** - (ES) Mr President, the European Council met this morning to decide its position on three challenges, as explained to us by Mr Kouchner. These are: firstly, the disproportionate reaction, violation of international law, and invasion and ongoing occupation of a sovereign State; secondly, the disregard for a peace plan signed thanks to the diligence of the Presidency of the European Union, and, thirdly, recognition of the independence of South Ossetia and Abkhazia which, by curiously invoking the precedent of Kosovo, has been rapidly recognised by Venezuela, Belarus and Hamas: 'A man is known by the company he keeps'.

Today's response from the European Council to these challenges is very clear: we are at a crossroads in our relations with Russia. We have to be serious, Mr President, because we cannot continue in this way. The prestige and credibility of the European Union are at stake. The EU cannot simply sign the cheque for these great modern dramas.

Despite the excellent work of Commissioner Ferrero-Waldner, we, as the European Union, are not just here to pay for the damage and destruction wrought by the Russians in Georgia or by the Israelis in Palestine. We must have a proper foreign policy.

I would ask you, Mr Jouyet, to ensure that, on the 8th when the President of the Council of the European Union, Mr Sarkozy, visits Moscow, purely in the interests of ensuring consistency in the principles that we apply and value in the European Union, he gives a clear warning and a blunt and credible message that flouting international rules and law and violating the territorial integrity of a sovereign State will have a cost in terms of relations with the European Union. This is important as there must be consequences, Mr President, and, in this respect, there is a lot riding on this.

**Véronique De Keyser (PSE).** - (FR) Mr President, this summer there have been various attempts to force our hand with, in addition to this tragic drama, two immediate consequences: firstly, the almost immediate acceptance of the anti-missile defence shield by Poland – even aimed towards Iran this is a problem – and secondly, the commitment of the European Union to finance the reconstruction of Georgia, although we very well know that the foreign affairs budget will not allow this as it is dramatically underfinanced. You said this, Commissioner Ferrero-Waldner, and I support you: we must find other sources of financing, otherwise we may not be able to deal with this situation.

I therefore believe that any escalation must be prevented. My Group and I are in favour of clear, albeit firm, relations with Russia, particularly in terms of energy issues, human rights and international law. However, we are against any return to the Cold War.

I would also warn against the hurried entry into NATO or the European Union of countries which cannot yet offer the necessary guarantees. I invite the French Presidency, which I congratulate on its rapid action this summer, to consider the idea of the Union for the Black Sea, along the lines of the Union for the Mediterranean.

Finally, I say to my counterparts in the East, particularly in the Baltic States, we are no longer in 1938 but in 2008. We will not allow history to falter.

*(The President cut off the speaker)*

**Lydie Polfer (ALDE).** – (FR) Mr Kouchner, ladies and gentlemen, in January this year, as rapporteur on the South Caucasus, I became aware of the danger of an unrestrained arms race and stressed the importance of a peaceful resolution to the conflicts inherited from the Soviet era. We suggested organising a three-plus-three conference, in other words the three countries of the Caucasus plus the European Union, Russia and the US. Since then, as recalled by Mrs Isler, we have proposed to grant the same visa rights to Georgians as to Abkhazians. We are now all well aware of what has happened – a military action and a disproportionate response – but the fact remains that two countries which had said that they wanted to abide by European values, by becoming members of the Council of Europe, have flouted these principles by using violence. This is unacceptable. This must be denounced and cannot be forgotten overnight.

Europe, which has important relations with both countries, must play a careful and considered role to ensure that they return to a more reasonable policy. This is why it was important to speak with one voice and I am very happy that this was possible, even without the Lisbon Treaty ...

*(The President cut off the speaker)*

**President.** ? I must remind Members that the time allocated to them was determined by the political groups. You agreed to one-minute speeches, ladies and gentlemen, and that calls for exceptionally well-disciplined interventions. I therefore beg your understanding when I need to interrupt speakers.

**Vittorio Agnoletto (GUE/NGL).** – (IT) Mr President, the Ossetia and Abkhazia of today are yesterday's Kosovo. None of the many governments now calling for peace in Georgia can deny their own responsibilities: by recognising Kosovo, the US and most of the European countries set a precedent which was bound to destabilise the Caucasus region. Owing to the expansion of NATO right up to Russia's borders, the US is politically, even more than militarily, responsible for having encouraged Georgia to mount its surprise attack during the night of 7 to 8 August. Indeed, when attacking South Ossetia, Tbilisi thought it could count on protection from the United States, including military protection.

It was an unjustifiable attack, which struck at civilians and shattered already highly fragile agreements. The Russian response had been prepared well in advance and was only awaiting an opportunity to unleash its full force. No governments are innocent in this affair! The sole victims are the civilian populations, whatever their allegiance, forced to abandon their homes and subject to all kinds of violence.

We are witnessing a war where the nationalist aspirations of local leaders are overlaid by a clash of great powers over control of energy resources: the real reason for the conflict is the gas and oil pipelines running westwards from central Asia. Indeed, both the route through Turkey to the Mediterranean and the one from Georgia across Ukraine into Poland run through the Caucasus. It is no accident that the US asked Poland in particular to accommodate its missiles pointing to the east.

Europe must work towards a peaceful solution, calling both for the withdrawal of Russian troops from Georgian territory and for the people there to have the right of self-determination. The EU must first and foremost assist the refugees and refrain from any political action likely to worsen the situation even further. Georgia's entry into NATO must be flatly refused, the US fleet should be called upon to withdraw from the Black Sea, and Poland should be asked to reject the installation of the US missiles. We must be certain that our aid is not used to purchase weapons and that the refugees are not used as instruments of war by the conflicting parties.

**Bruno Gollnisch (NI).** – (FR) Mr President, many speakers, starting with the President-in-Office of the Council, Mr Bernard Kouchner, deplore Russia's recognition of the independence of Abkhazia and South Ossetia. Certainly this decision has led to some serious consequences for the countries of the Caucasus and for Europe and could do so in the future for Russia itself. This is because recognising the independence of Abkhazia and South Ossetia could give ideas in the future to North Ossetia, Chechnya, Ingushetia, Dagestan and others which currently form part of the Russian Federation.

Whether in the Caucasus, Tibet, Africa or elsewhere, one of the challenges of our times is to find a balance between the aspirations of certain peoples to autonomy, on the one hand, and the inviolability of borders, on the other hand. Without this inviolability, the peace to which true patriots aspire could be seriously threatened.

However, we Europeans are also open to criticism. We have heard talk of respect for international borders, but we set a precedent in Kosovo, whether Mr Kouchner likes it or not. To say that there was an international decision on Kosovo is a joke because the UN never authorised war against Serbia.

Russia has withdrawn from Eastern Europe, which not so long ago was ruled by the implacable Communist dictatorship. It has withdrawn from the Baltic states, from Ukraine and from the republics of Central Asia. The more it has withdrawn, the more it has become encircled. The Warsaw Pact has disappeared but we have not offered any response other than the ceaseless expansion of NATO. We are now reaping the rewards of this!

**Jacek Saryusz-Wolski (PPE-DE).** – (FR) Mr President, I must first of all congratulate the French Presidency on this achievement. I believe that we have come a long way from Europe's position on Iraq to its current attitude towards the crisis in the Caucasus. Congratulations. Thanks to its Presidency, the Union has been more effective and quicker off the mark than Washington. All this is positive, but questions do remain: firstly, how can we minimise the suffering of the population; secondly, how can we ensure that the Russians respect the rules and what strategy do we adopt, in the longer term, with regard to Russia?

I greet the measures and the text by the Council with moderate optimism and satisfaction. It contains all the main elements of condemnation and action, including the more generous offer in terms of Community assistance and a potential ESDP mission. But I would say to the presidency that it is just an *hors d'oeuvre*.

(FR) It is just an *hors d'œuvre* or an *entrée*. We are waiting for the main course which will be peace and stability in the region, and the European Union's long-term strategy in this region of the Caucasus.

We need to deploy all efforts to make Russia understand that it has the choice: either to cooperate with the EU as a responsible partner assuming its obligations and commitments and fully respecting the six-point Sarkozy plan, or to expose itself to the condemnation of the international community, which may evolve into ostracism, and eventually into isolation encompassing a set of appropriate measures to be taken if the need arises.

We, the Union, also have a choice – either to be satisfied with our verbal actions and avoid measures which Russia would understand, or to revise, if necessary, our policy towards Russia, making clear that we can be both assertive and respectful in the event of non-compliance by Russia with the rules which we expect...

(The President cut off the speaker.)

**Dariusz Rosati (PSE).** – (PL) Mr President, Commissioner, Mr Kouchner, Russia's actions amount to an attempt to revert to the imperialist policy of the former Soviet Union. They are an attempt to impose Russia's own political vision on an independent state. How should Europe respond?

In my view, we should begin by addressing Russia with one voice and making it abundantly clear that there can be no question of reverting to the policy of spheres of influence. There can be no return to imperialist policy, no repetition of previous actions, and no reversion to the use of force in international relations. We must speak with one voice as we convey this message to Russia, and do so in a clear and unambiguous manner. We need to make it quite clear to Russia that aggression does not pay.

Secondly, the Union must launch two types of long-term action. The first would involve drastically reducing its dependence on Russia for energy. I do not wish to be blackmailed by Russia over gas or oil, and I am sure the same is true of everyone else in this Chamber. We do not want our political activity and the defence of our principles and values to be dependent on the supply of gas or oil.

The second type of action is strategic in nature and amounts to making an offer to states that were formerly part of the Soviet Union. Not only should Georgia be involved but also, and most especially, Ukraine, along with other countries. What we have on offer is definitely more attractive than what Russia is proposing. I am very pleased that these views have been enshrined in the conclusions of today's Council, and I think this is the right course of action for the future.

**Janusz Onyszkiewicz (ALDE).** – (PL) Mr President, I am sure we all hoped and dreamt that Russia would begin to develop, become democratic and respect certain principles which are also the foundations on which the European Union is built. Those hopes and dreams must now be consigned to oblivion. The current situation is entirely different. I welcome the statement that talks on the partnership agreement and the EU-Russia Summit will be suspended until such time as Russia fulfils the commitments entered into by virtue of the documents signed. Furthermore, I believe the suspension should be for longer and that within the Union we should reflect on what kind of a relationship with Russia we actually want. Can we really go on referring to a common area of security shared with Russia? Can we really consider Russia to be our strategic partner, when it espouses values so radically different from our own?

I should now like to mention another issue, namely our energy security. To give one example, we keep reiterating the importance of the Nabucco pipeline. It has become a mantra. Now is the time to go beyond mere words and provide financial support for that project.

**Mario Borghesio (UEN).** – (IT) Mr President, ladies and gentlemen, the Council was quite right to send a very clear message to Moscow today, namely that we Europeans uphold the rights of peoples and will not sacrifice them to geopolitical pacts or accords. Moreover, we have a moral duty towards our own populations, especially those which endured many decades under the heel of Soviet imperialism, to defend these principles of freedom.

However, those – such as Italian Prime Minister Berlusconi – who kept open a channel of dialogue with Moscow also did the right thing, so as to explain Europe's way of thinking and to warn of the risk of re-entering a climate of Cold War, not just from a political point of view, not just from an economic and political point of view, but also and above all from a historical point of view, in that as time passes there is the prospect that Europe can of course include Russia or can exclude it once and for all.

It is therefore very important to open up and maintain a dialogue. Europe, the peoples of Europe, do not want a Cold War because Cold War reminds us of death, persecution ...

*(The President cut off the speaker)*

**Othmar Karas (PPE-DE).** – (DE) Mr President, Commissioner, ladies and gentlemen, the resolution is the most positive achievement since the ceasefire agreement and contains most of the demands made by Elmar Brok and myself, on behalf of the European People's Party (Christian Democrats) and European Democrats, after our visit to Georgia. However, this is not enough.

The European Union still has a role to play and our credibility is at stake. The resolution must be followed by resolute joint action, as Commissioner Ferrero-Waldner has made clear with her encouraging statement today. We must implement this resolution down to the last dot and comma, just as we are demanding Russia's full compliance, down to the last dot and comma, with the six-point plan.

What is more, over recent weeks, we have seen how important the European Union is and can be, but we have also seen where our weaknesses lie and where we have to take action – including preventive action – to remedy them. Yes, we can be mediators, but if that is what we want, we must have a common European foreign policy, a pro-active foreign, security and defence policy. We have also felt acutely, over recent weeks, the lack of a common position – indeed, the lack of political will to achieve a common position – and, even now, the lack of a shared resolve. The absence of the Lisbon Treaty is weakening us.

Reconstruction is not enough. We must invest in these countries' independence and cut the ground away from nationalism. Engagement by the EU is more important than the prospect of NATO membership.

Commissioner, you have said, very eloquently, that there can be no more 'business as usual' towards Russia, and that our policy needs to be reappraised. We must invest in economic, democratic, social and educational stability. It is not just about money. We must also expand our Neighbourhood Policy and put forward practical projects such as those you have announced today. We look forward to that.

**Adrian Severin (PSE).** – Mr President, the main problem we are facing does not concern the answer to the question of who is right and who is wrong; who is the aggressor or who is the victim; what is a sovereign right and what is a disproportionate reaction. The real problem is that we have no real means to impose a *status quo ante* or to exert efficient pressure on a country like Russia to revise a certain policy. Moreover, we cannot ask Russia to observe any provision of international law which we have not already breached before.



A world in which every crisis is dealt with on a *sui generis* basis is not a world of order, but of disorder. What we see around us today is not the beginning of a new Cold War, but the end of the unipolar order. It is a geopolitical confrontation at global level which takes place within an unregulated international environment where the unilateralists are clashing. When the unipolar order is dead and the multipolar order is not yet born, anarchy and the rule of might prevail.

The only reasonable thing we must do is to convene an international conference for security and cooperation, where all the global and regional players, together with the local stakeholders, should negotiate and redefine and reinvent the principles of international law in international relations, the role and powers of international organisations, the procedure for dealing with local crises and the system of security guarantees which could meet the specific opportunities, challenges and dangers of our times. Meanwhile, we must accelerate the process of economic integration, political association and institutional approximation with our eastern neighbours such as Ukraine and Moldova. Let us hope that the European Union will be up to these expectations.

(Applause)

**Siiri Oviir (ALDE).** – (ET) We have already discussed here today the need to send international peacekeeping and civilian missions to Georgia. As a member of the South Caucasus delegation I support this wholeheartedly, all the more so given that in early spring, speaking in this very spot, I drew attention to the urgent need for these very measures.

History has made many of our countries multi-ethnic, including Georgia. I am concerned about the potential for a very grim scenario. Specifically, a number of days ago, Russia recognised Abkhazia and South Ossetia. As though pursuing that theme, North Ossetia's Minister for Population talked about South and North Ossetia merging under Russian law, in other words of South Ossetia becoming part of Russia.

In the view of a number of countries, there is a clash between two keystones of international law here: national self-determination and territorial integrity. We know that we must take the Helsinki Final Act as our starting point, but my question to the Council is: 'What steps are being taken to prevent the violation of the territorial integrity of a sovereign State?'

**Wojciech Roszkowski (UEN).** – (PL) Mr President, the outcome of the European Council could be described either as a glass that is half empty or as one that is half full. The important thing is that agreement was reached and that the Union spoke with one voice. It is, however, disappointing that the Council joint position does not go far enough. It falls short of what most of those who expressed their opinion in this House would have liked.

During the Russian offensive in Georgia, the Russian media reported how Mr Putin found time to travel to Siberia and sedate a tiger that was threatening local people. This incident is a good illustration of Russia's behaviour and of the treatment it metes out to Europe. Moscow has not been entirely responsible for sedating the European tiger, however. In this context, how should the North Stream and South Stream projects be assessed, together with the support they have received from certain Member States of the Union? Lack of solidarity and subservience to an aggressor always encourages the latter. This is particularly true when certain partners pay for the benefits enjoyed by others. The current pronouncements about the Union's unity with regard to Russia, the emphasis placed on the Eastern partnership and the other statements made are certainly encouraging. If we content ourselves with words alone, however, the aggressor may strike again.

**Stefano Zappalà (PPE-DE).** – (IT) Mr President, ladies and gentlemen, I should like to pick up on a few practical points from this evening's debate. First of all I would pay tribute to the French Minister for having been bold enough to make some highly important assertions in this House.

I fully endorse everything the French Minister said. I agree with absolutely everything. I shall not repeat any of his words because tomorrow's press will already be full enough of what he has stated here, but I must say that the position outlined by the Presidency of the European Union is a very strong and very precise one.

What I wanted to say is that I believe the European Union has made a step-change: we can say whatever we like in this auditorium but we are not the makers of EU foreign policy and do not have powers to intervene in it; only the European Council can do that.

The European Council – as far as I can judge from my brief experience in this House – has demonstrated what Europe is making: a step-change. Today's European Council has shown that the European Union really

does exist, that even though the Lisbon Treaty is not yet in force, the EU is capable of addressing itself to extremely important issues.

I should also like to express great appreciation for what has been done by the French Presidency, by President Sarkozy, as well as by Chancellor Merkel and Prime Minister Berlusconi, in this crisis. I believe that the united response passes over the comments made by the British Prime Minister, who may have duly fallen into line today, but whose earlier statements to the press were far from welcome.

I believe, and I am concluding, that the step-change is this: the European Union exists! Let us proceed cautiously with accessions to NATO and the EU. Let us see how things stand. The French Minister is quite right.

**Libor Rouček (PSE).** – (CS) Ladies and gentlemen, I should like first of all to acknowledge the speed and effectiveness of the French Presidency in brokering a truce between the parties to the conflict. The six-point plan must now be brought to life, including, of course, the withdrawal of Russian troops to their positions prior to the outbreak of the conflict. The Georgia issue, however, is not an isolated issue as there is a whole series of interlinked conflicts and problems throughout the Southern Caucasus. It is therefore essential for the European Union to apply itself far more effectively and intensively than previously to the entire region of the Eastern Mediterranean and Transcaucasus. In other words, it is essential to strengthen the eastern dimension of our policies towards our neighbours through real measures.

Since I am a Member from a country which has not yet ratified the Lisbon Treaty, I should like to invite the Governments of the Czech Republic, Sweden and, of course, Ireland too to work hard on the ratification of this document, because it is the prerequisite for more unified and more effective common foreign and security policies enabling us to deal with the challenges, including the challenges coming from the East and from Russia, and to solve these problems.

**Mirosław Mariusz Piotrowski (UEN).** – (PL) Today is the anniversary of the outbreak of the Second World War. That war was immediately preceded by a secret pact between the Soviet Union and Germany, and by the policy of appeasement adopted by the countries of Western Europe. In 1939 it was naïvely believed that sacrificing selected smaller states would satisfy the aggressor.

I am recalling all this due to the war in Georgia. Georgia has become the first target for attack in the course of contemporary Russia's pursuit of the imperialist tendencies that it inherited from the Soviet Union. Russia is using Georgia as a testing ground, to establish how much Member States of the Union are prepared to put up with. It does not expect them to stand firm. In view of the armed conflict, the European Parliament must not confirm Russia's expectations. We must adopt a common, unambiguous and determined stance. Georgia is entitled to count on our diplomatic and material support. The European Parliament should send its own observers to Georgia, to verify information concerning ethnic cleansing. We must do all we can to stop expansion and prevent our tragic history from repeating itself.

**Tunne Kelam (PPE-DE).** - Mr President, we are witnessing the collapse of the 'end of history' paradigm, but this should also mark the end of the era of wishful thinking, replacing peace through speech with peace through strength and solidarity.

Russia has placed itself in the category of unstable, unpredictable states. It can no longer be seen as a reliable partner, and clearly does not share our common values. By invading Georgia it has challenged the fundamentals of the international security system, trying to replace it with the model of 'might is right'.

Everything now depends on EU actions – not just reactions. No 'business as usual' entails taking concrete steps, because Russia will only understand if we act.

I propose the following measures: firstly, a genuine international peacekeeping force – Russia cannot play the dual role of peacekeeper and invader; secondly, freezing the PCA negotiations; thirdly, putting on hold the Nord Stream and South Stream projects; fourthly, freezing visa facilitation; and, fifthly, cancelling the Sochi Olympic Games.

If nothing concrete is done, Russia will not only never release Georgia from its hold, but will also follow the same pattern elsewhere. The first priority of the democratic community is to set firm limits. Today, we have to answer the same moral challenge. If not us, then who? If not now, then when?

(Applause)

**Katrin Saks (PSE).** - (ET) In spring during the Georgian elections I met, in the town of Gori, a Georgian woman who had been forced to flee Abkhazia 15 years previously. Today she has become a refugee in her own country for the second time. What a tragedy.

It is also tragic that here today, in this Chamber, we have so many different interpretations of what has happened, and for that reason I think it especially important, above all else, to send an independent research commission, an international commission, to Georgia to establish what really happened.

This conflict is not between Georgians or Ossetians, this conflict did not begin on 8 August, it is not only Russia and Georgia's conflict, it is a conflict of values and it involves us all.

**Christopher Beazley (PPE-DE).** - (FR) Mr President, I believe it is important to congratulate the French Presidency, President Sarkozy and Mr Kouchner who is here today, not only because they have adopted, in this crisis, a very firm attitude towards Russia, but also because they have managed to maintain the unity of the European Union, a unity which unfortunately did not exist in 2003.

I would join with those who say that this issue, grave though it is, is not only about Georgia and the illegal occupation and invasion of that country. I would say to the Commissioner that it is also about the EU's relations with Russia. It goes to the heart of what used to be described as the common values we share. I personally find it very difficult to see what common values I share with a country that uses force, military aggression and a propaganda war to accuse the occupied country of being the invader and aggressor.

It appears that the Cooperation and Partnership Agreement is likely to be on hold for some time unless Russia withdraws its troops. The question then arises of what we will do if Russia were to refuse to withdraw its troops. We are told we must have dialogue, but what kind of dialogue can you have with a partner who does not respect the values you are trying to defend and support?

It seems to me that, from a historical perspective, we want harmonious relations with Russia, but not at the price simply of surrendering the values we hold dear. I agree with Mr Kelam and others that there are already consequences for Russia, with massive disinvestment on its markets, because international investors now regard Russia as a very uncertain place in which to invest. However, Nord Stream and South Stream also have to be re-examined. We cannot simply go ahead with these as if a Russian monopoly on energy supply was perfectly normal. The Winter Olympics in Sochi also have to be re-examined; there cannot be an Olympic truce.

The Russians will recognise the consequences of our taking resolute action and not simply being driven by their agenda.

(Applause)

**Raimon Obiols i Germà (PSE).** - (ES) I should like to say two things very quickly. Firstly, I think I am right in saying that Mr Jouyet previously regretted in the press the influence of US conservative sectors, or certain conservative sectors, in the 'No' vote in the Irish referendum. I believe we all now regret the extravagant praise of neo-con policies in the Caucasus crisis. In this respect, many can be held responsible.

Tbilisi is responsible for the incomprehensible decision to take military action. Moscow is responsible for deciding on a brutal and disproportionate response. Washington, with a happily retiring President, is responsible for having fuelled years of tension in the region.

Secondly, I believe that Europe has a fundamental responsibility which can only be met by building, not soft power or hard power, but political power which depends on the unity of all the Member State governments.

**Árpád Duka-Zólyomi (PPE-DE).** - (HU) Thank you, Mr President. For many years, Russian power politics have primed the tension in Georgia, which has degenerated into a brief but destructive war. The Russian military forces have violated international law and invaded the territory of a sovereign state. The Kremlin has crowned this process by recognising the independence of the two breakaway provinces. This has given a new dimension to the international political stage. It is a dangerous situation, partly from the perspective of the states that border Russia and partly because Putin and his men have created a dangerous precedent for themselves.

Why is it important for the international community to unite? Russian politics have now come to a standstill and have gone down a dead end, so we must make the most of this moment. The EU must press for the sending of neutral, international peacekeepers, thus relieving the peacekeeping forces that have now lost

their credibility and authority. Our decision to facilitate visas for Russians should be reviewed, and at the same time the visa requirement in respect of Georgia should finally be eased. Georgia is an integral part of our neighbourhood policy and so we have an obligation to ensure the maximum support necessary for rebuilding the country. Thank you very much.

**Giulietto Chiesa (PSE).** – (IT) Mr President, ladies and gentlemen, the Saakashvili adventure is the result of an unpardonable error of judgement: namely, to think that Russia would not respond to military aggression, because military aggression is what took place.

Russia is no longer what it was in 2000, and will no longer withdraw either tactically or strategically. The first thing to do is face the facts: Europe and its unity have been seriously damaged by this error. We cannot allow ourselves to repeat it, and we cannot allow anyone else to force us to repeat it. Some people believe that the entry of Ukraine and Georgia into NATO should now be accelerated, but I would ask anyone who believes that to think hard, since such a decision would do nothing to enhance our safety; on the contrary, it would be jeopardised. As we now know, Russia will react, if not in equal measure, then certainly with counter-measures. We would soon run the risk of having a crisis much bigger than that of August on our hands, and in a country like Ukraine at the heart of Europe. Wisdom dictates that we redo a number of calculations, since they were wrong, and that we sit down at the negotiating table with Russia on a basis of reciprocity and ...

*(The President cut off the speaker)*

**Vytautas Landsbergis (PPE-DE).** - Mr President, the day before yesterday I had a long dinner conversation with one of the wisest heads of Europe, Otto von Habsburg. He said that, based on his broad knowledge of the facts, European governments have been enormously corrupted, as it is well known that Russia is using a new secret weapon against the West – namely global bribery. Today's Council meeting might shed more light on that dark corner of European politics.

If the Council and our Parliament, the last fortress of political conscience in Europe, do not demand immediate withdrawal of Russian occupation forces from Poti and the buffer zones established by the occupier, then political disaster would appear to be looming for our fading Europe. Those zones are most needed by Russian and Ossetian smugglers in order to prevent Georgia having any control at the internal borders between the puppet Ossetia and the still independent Georgia. The idea of giving the occupier until the EU-Russia summit in November to build fortifications is totally wrong, and points to the fact that Otto von Habsburg is probably right.

*(Applause)*

**Pierre Pribetich (PSE).** – (FR) Mr President, our discerning and determined position is eagerly awaited. The United States, due to the wishes of the Russians but also due to the current election period, cannot act as the catalyst of a global political situation in this area neighbouring the Union.

We, the European Union, have a unique historical opportunity to build our foreign and security policy and develop Europe through its achievements and experience. We must not waste this opportunity. The necessary condemnations do not offer solutions. Even if Pandora's box was opened with Kosovo, with a recognition defying the rules of international law, let us return international law and respect for human rights to the heart of the solution.

Let us be firm and act politically. Let us adopt a clear, common and firm position towards Russia, but one which is aimed at finding a solution and a partnership, because we should be clear-headed in our approach to Russia in 2008.

Let us propose, under the aegis of the European Union, a regional conference on the resolution of the situation and on the future of the partnerships. It is with this determination for a single voice of the European Union that we will minimise the destructive venom of nationalism which always, inexorably, leads to war.

**Urszula Gacek (PPE-DE).** – (PL) Mr President, today the Council reached agreement concerning Russia. This may be deemed success of a sort, though many were disappointed that Russia was treated so gently. We must now await Moscow's reaction. No doubt the Russian press will quote those parts of our debate in which the Council's representative and certain MEPs blamed Georgia. In public, Moscow will express strong criticism of the Council's stance, yet in private it will be delighted.

I would say to those in power in Moscow: do not rejoice prematurely. Europe no longer considers you a reliable partner that keeps its word and respects international law. Europe is seriously considering whether it can be dependent on Russian oil and gas. Europe has not dealt with you too severely today, but the ranks of your supporters have been significantly depleted.

**Csaba Sándor Tabajdi (PSE).** - (HU) We are completely agreed that we should condemn Russia for awarding citizenship, and we should condemn it for the excessive military role that it has assumed, and for recognising Abkhazia and Ossetia; at the same time, we should also condemn Georgia because the Georgian leadership should have known what its own geo-strategic room for manoeuvre was. At the same time, we agree that there should be peacekeeping forces, but we are not talking about what the basis would be for a lasting solution, and this would only be extensive autonomy for the Abkhazians and South Ossetians under the Ahtisaari plan. We are not talking about the minorities that are affected, but we are talking about everything else, so I believe that it is not only the conflict that has frozen but also, in many respects, our thinking. We should find a long-term solution for this problem.

**Erik Meijer (GUE/NGL).** - (NL) Mr President, most of the attention has been focused on the Russian military intervention in Georgia. The possible use of cluster bombs and the occupation of a port outside the disputed area are just cause for anger.

That does not apply, in my opinion, to the protection of South Ossetia and Abkhazia. Since the breakup of the Soviet Union, these two regions have not in practice been part of Georgia. Most inhabitants of these two small states do not want to be subject to Georgia under any circumstances, just as most of the inhabitants of Kosovo do not want to belong to Serbia under any circumstances. They would, unfortunately, be second-class citizens in those countries. For these people equal rights and democracy are only possible if their secession ceases to be a matter of debate and they have a guarantee that they will not be subject to military attack from outside.

To sum up, there is very good reason to criticise Russia, but not on account of the fact that it has now recognised the *de facto* independence of these two small states. Kosovo could not be a unique case ...

*(The President cut off the speaker)*

**Zita Pleštinšká (PPE-DE).** - (SK) The events in Georgia paradoxically took place in the month of August, just like in the former Czechoslovakia 40 years ago, when my country too was invaded and occupied for many a long year by the Soviet Army.

Fellow Members, we must not forget that Russia has shown by its actions that it has not put its past behind it. Just as in 1968, it has not hesitated to send in tanks to achieve its political goals. Once again military force is destabilising countries which are trying to free themselves from Russian influence. Today it is Georgia, tomorrow it could be Ukraine.

I am convinced that the EU must be even more resolute in its opposition to Russia's stance with regard to recognition of the independence of Abkhazia and South Ossetia. I am convinced that the EU's response must be to intensify cooperation with Georgia and especially with Ukraine, not only with words but also by clear and meaningful actions.

**Ioan Mircea Pașcu (PSE).** - Mr President, Georgia is not a simple episode in international politics. It is the beginning of a chain reaction with important consequences.

First, it indicates Russia's military comeback, which will have to be reflected in the new European security strategy under preparation.

Second, this apparent *reconquista* indicates Russia's desire to use its newly acquired energies in making good its losses from the 1990s and pay back for the accompanying humiliation, rather than willingness to contribute to the shaping of the future world.

Third, it highlights the weak position of Europe due to increasing energy dependence on Russia and the delay in ratification of the Lisbon Treaty.

Fourth, it can either restore or further damage transatlantic unity.

Fifth, it demonstrates that international legality needs to be strengthened both in concept and in respect.

Sixth, it makes clear that the Black Sea area needs much more attention and involvement from the EU and therefore that it requires more than a simply synergy.

**Charles Tannock (PPE-DE).** - Mr President, I support democratic Georgia's right to seek security in the west and I disapprove of Russia's disproportionate aggression and continued occupation of the country. The EU must increase its aid to Georgia for reconstruction, fast-track an EU free trade agreement and press ahead with visa facilitation. Georgia should also be allowed to go on the path for NATO, eventually for full membership. We must use this opportunity now, through the EU's common external energy security policy, to break Moscow's stranglehold on Europe's oil and gas supplies. Germany and Italy are both building pipelines in joint ventures with Gazprom. To balance this, the EU should also support the White Stream pipeline project which will transport gas from the Caspian Sea to Europe through Georgia and Ukraine – both governments supporting this project – thereby circumventing Russia. Targeting Gazprom's monopoly and Russia's use of the gas weapon as our long-term response will hit Russia hard.

**Jean-Pierre Jouyet, President-in-Office of the Council.** - (FR) Mr President, Commissioner, ladies and gentlemen, I will be brief because Bernard Kouchner has already spoken twice and I know that you too have a lot of work to do.

As this debate comes to a close, I should firstly like to thank you for your constant involvement in this matter. The resolutions adopted, the fact that Chairman Saryusz-Wolski convened the Committee on Foreign Affairs on 20 August and the fact that Mrs Isler Béguin – as she pointed out – went to the conflict region and gave a powerful testimony on behalf of this institution and, beyond that, on behalf of the European Union have confirmed the European Parliament's involvement in this crisis.

This leads me to say that I have been surprised to hear certain comments about the European Union: firstly, that it has not reacted; secondly, that it was powerless, and thirdly, that it adopted a position of weakness. If the European Union was not influential, if it did not play a role in this crisis, then I should like to know who did? Who was powerful? Who proved themselves either militarily or in any other way? I saw no power other than the European Union taking action and it was during this crisis that the European Union was possibly seen in a new light as a partner and as a power.

Everyone has their own responsibilities. The European Union has its responsibilities which are not the same as those of NATO or the US. However, through its values and its means – to which I will return – the European Union has fulfilled all its responsibilities.

People say to us: 'Russia does not have the same values as the European Union' but, between us, that is old news. It is not a scoop. We know that Russia does not have the same values as the European Union. If it had the same values as the EU, other questions would be asked about Russia. All the questions asked about Russia concern what type of relations we want to have with this neighbour, what type of partnership we want to build, what type of dialogue we want to have, how we can encourage Russia to fulfil its duties and assume its responsibilities and how can we steer it towards an approach more in line with international law. These are the questions. As for myself, I have never believed that we have the same values, whatever respect I may have for Russia, and I have known Russia for some time.

The third thought you have had, and you have all had this thought, is that we cannot go very far, despite a rapid reaction and despite what has been done today, because we do not have the instruments needed, because we will only have these instruments if the Lisbon Treaty is ratified and because this crisis has perfectly demonstrated how much we need this Treaty, how much we need to strengthen our foreign policy and how much we need, also, to strengthen our defence policy. We must be very clear on this and several of you have rightly underlined this.

I now come to the European Council. Today's European Council forms a starting point. It did not cover everything and it cannot cover everything in relation to the management of this crisis by the European Union and the relations between the European Union and Russia. Today was about reviewing the situation on the ground and assessing the consequences for relations between the European Union and Russia. It was about showing that we are united and that we are active in this conflict.

This European Council has enabled us to show that we are united, that we have acted and that we have firm positions. I would remind you of these: condemnation of Russia's disproportionate reaction; support for Georgia in the financial, humanitarian, economic and political spheres; confirmation of the strengthening of the relationship between the European Union and Georgia; implementation of the six-point conflict resolution plan including – and several of you have stressed this point – the existence of an international

monitoring mechanism; commitment of the European Union on the ground by sending a Special Representative; strengthening of the eastern partnership, particularly with regard to the Black Sea area and Ukraine, which was explicitly underlined in today's conclusions, and an energy policy which is more diverse and independent and better organised at European level.

I have understood everything you have said this evening. You can be sure that the French Presidency will remind everyone of its wish to have a much more diverse, independent and better structured European energy policy. You can count on the Presidency in this respect.

This is a starting point because it has been decided that an important journey should be made by the President of the Council of the European Union, the President of the Commission and the High Representative, on 8 September, to Moscow and Tbilisi. It is in that context that we must assess the subsequent actions that we will need to take.

Finally, we have agreed on the fact that all meetings on the partnership agreement should be postponed until the Russians withdraw to their previous positions.

This is therefore a starting point. Our aim today was not to solve everything but to show our unity and our determination and for this we need the support of the European Parliament.

**Benita Ferrero-Waldner**, *Member of the Commission*. – (DE) Mr President, I am the final speaker, so I will try to be as brief as possible. As I am the last speaker, however, I should like to highlight a few key points from this debate.

Firstly, I am sure I do not need to remind you that it was on this day, 1 September, in 1939 that the Second World War began. Today, on that anniversary, we are debating a new war which has broken out, but this new war was one which we – the European Union – have been able to stop very quickly. In my view, that is a very important point. That is why this has been a lengthy and wide-ranging debate, but it has also been a good debate. We had a good debate in the European Council too, with sound conclusions. In my view, the European Union's credibility has played a key role here: credibility and unity. As the President-in-Office of the Council and I have both said, this was a major test for the credibility and, indeed, the unity of the European Union, but it is a test which we have passed with flying colours.

Assistance for Georgia is important, as we have heard. We have said that there is a need for humanitarian aid and reconstruction assistance, where we will be looking to Parliament for support. I should like to thank you, as of now, for your support and will of course be coming back to you with more precise figures. Above all, however, I am thinking about the visa agreement. We are aware, of course, that there is discrimination taking place here: Abkhazians and South Ossetians, many of whom have Russian passports, are in a more favourable position than Georgians, but I would also point out that many of the individual Member States have a role to play here, and let me emphasise that the same applies to a free trade agreement. I would remind you that we had already identified three issues in relation to the strengthening of the European Neighbourhood Policy, but these did not really strike a chord with the Member States at the time. Mobility was one, the second was the issue of economic partnerships, and the third was enhanced security, which means, of course, that all conflicts, actions and consequences have to be discussed in the case of Russia too.

We are at a fork in the road – a crossroads – but the future will mainly be determined by Russia, for it will be Russia which will be called to account here, just as we have said today: there will be no more negotiations on the new agreement without a withdrawal of troops. Russia has it in its power to comply with what we have said today. I very much hope that a good solution will be found on 8 September.

Beyond this, there are two main consequences: the Neighbourhood Policy Plus, or whatever we call it in future, must be strengthened at regional and bilateral level; this means going beyond Georgia and involving Ukraine, Moldova and, indeed, other countries as well. This is something we have often talked about, but I am hoping that now, I can perhaps count on more support from the individual Member States.

Finally, let me say a word about energy policy. This is another issue which has been of particular concern for me over the last 18 months, and I can assure you that it will continue to be a very important issue for me personally in future too.

That brings me to the end of my quick resumé of what has been a lengthy but extremely important debate.

(Applause)

**President.** ? The debate is closed.

The vote will take place on Wednesday.

**Written statements (Rule 142)**

**Roberta Alma Anastase (PPE-DE), in writing.** – (RO) As a Rapporteur for the Black Sea region, I have always insistently emphasized the major challenge that unsolved conflicts represent for the regional stability, as well as the need for a EU firm and deep involvement in the above-mentioned region.

Russia's actions in Georgia are regrettable, dangerous in the context of regional and European stability and, implicitly, unacceptable by the international community.

Therefore, it is imperative and urgent for the EU to pass from promises to action, and to demonstrate firmness both in its actions in Georgia and in re-examining its relations with Russia.

For ensuring stability in the Black Sea region, three key principles should guide the EU action.

First of all, all decisions should be based upon compliance with Georgia's territorial integrity and the international law.

Secondly, this formula for managing the conflicts in the region should be re-examined in order to accelerate and increase the possibilities for their final settlement. This supposes the EU's active involvement in peacekeeping operations in Georgia, as well as in the process of managing and solving the other conflicts in the region, i.e. the Transnistrian conflict.

The EU efforts to ensure its energy security should also be increased to the maximum, including by the development of the Nabucco project.

**Jean-Pierre Audy (PPE-DE), in writing.** – (FR) Mr President, Mr President-in-Office of the Council, Mr Jouyet, Mrs Benita Ferrero-Waldner, I must firstly thank my fellow Members who have congratulated the French Presidency of the European Union and welcomed the actions of Nicolas Sarkozy in this difficult conflict between Russia and Georgia.

It could take for ever to determine the borders of the former Eastern Roman Empire with, to the west, the Balkans and Kosovo and, to the north, the Caucasus, South Ossetia and Abkhazia. What must guide the European approach is respect for people. I suggest that, given how serious the situation in Georgia has become, an extraordinary meeting of the Committees on Foreign Affairs of the European Parliament and of the national parliaments of the Member States should be envisaged because it is we parliamentarians who represent the people.

It is finally becoming clear that the 'Black Sea Synergy' introduced at the end of 2007 by the European Commission is not sufficient. It is now urgent for the Union to propose a truly ambitious neighbourhood policy with the countries bordering the Black Sea, starting with an economic free-trade area.

**Titus Corlăţean (PSE), in writing.** – (RO) The EU is not entitled to allow the Georgian scenario to repeat in other conflict regions as well.

The events in Georgia represent a serious test for the EU capacity of response and involvement in the frozen conflicts regions of the former Soviet area. It is necessary that the EU examines the possibility of sending to Georgia a European Union civilian observer mission to monitor compliance with the cease-fire agreement.

Russia's disproportionate counterstroke in South Ossetia had a negative impact on the civilian population, as well as on the infrastructure, and was a serious infringement of the international rules. This obviously indicates the need to strengthen security through the presence of a multinational and impartial peacekeeping force.

The EU should also seriously consider a more consistent process of cooperation with the Republic of Moldova and the possibility to provide, under certain conditions as regards Chisinau's guaranteeing certain democratic standards, a much clearer European perspective for this country.

In order to strengthen good relations and avoid any conflict situations, regional cooperation between the countries bordering the Black Sea should turn into a multidimensional cooperation to be institutionalized, for instance by establishing the Union of countries bordering the Black Sea.



**Dragoş Florin David (PPE-DE), in writing.** – (RO) Mr. President of the European Parliament, Mr. President of the Council of the European Union, Mrs. Commissioner, dear colleagues.

I would like to send my condolences both to the Russian citizens and to the Georgian citizens who lost their dear ones in this stupid conflict and to offer them my compassion. Due to history, I now speak to you as a European citizen with deep roots both in Russia and Georgia, as a citizen who feels part of the European diversity and less part of the European unity.

In this conflict, we lay emphasis on the energy situation in Europe, on Russia's "imperialist" position and on Georgia's nationalism and lack of diplomacy, but we forget that people and, especially, hopes have died in this conflict. I consider that today, more than ever, we all need to find ourselves part of a beneficial and constructive unity, in a diplomatic and national balance in order to deal with the major challenges waiting for the future generations.

In conclusion, I ask the President of Russia, the President of Georgia and the President of the Council of the European Union to take all necessary actions to end this regional conflict as soon as possible and resume an open and balanced cooperation policy, first of all to the benefit of citizens. Thank you.

**Hanna Foltyn-Kubicka (UEN), in writing.** – (PL) Mr President, in recent weeks we have witnessed an attack by Russia on a sovereign and independent state. We have seen how land hundreds of kilometres away from the theatre of war has been occupied, and how the promises made to the West have been torn up.

I am convinced that Georgia's European aspirations were half of the reason for Russia's attack. The other half was the desire to control the routes through Georgia used to transport raw materials for energy. It is our political and moral duty to support the people of Georgia and to make Russia understand that the time when it could act at will in its self-proclaimed sphere of influence has gone forever.

The latest events have made it abundantly clear that Russia cannot be a reliable energy partner. Russia's control of oil and gas has made us hostages to the Kremlin. As a result, the main challenge now facing us is to free ourselves from dependence on Russian raw materials. How to achieve this is currently a controversial issue. If, however, we continue investing in ventures such as North Stream and South Stream, we shall be providing the Russian authorities with new and powerful ways of exerting pressure on the European Union. The Russians will have no reservations whatsoever in using these to their advantage when the time is right.

**Roselyne Lefrançois (PSE), in writing.** – (FR) I must firstly thank Mrs Lambert for the quality of her work.

The report on which we must decide tomorrow has the dual merit of taking a very clearheaded look at the imperfections and problems of the Dublin system and of formulating proposals to improve the efficiency of procedures and the situation of asylum seekers.

I should like to stress a number of points that, in my opinion, are fundamental: the need to reinforce the rights of asylum seekers and guarantee these in the same way across the whole EU territory; the fact that detaining asylum seekers should always be a decision of last resort and duly justified; the need to ensure better distribution of asylum applications as the current system places a disproportionate burden on those Member States situated at the external borders of the EU; the need to take measures against Member States not guaranteeing an in-depth and fair examination of these applications, and finally, the importance of family reunification and a broader definition of the 'family member' concept, to include all close relatives.

**Marian-Jean Marinescu (PPE-DE), in writing.** – (RO) The great gain of today's extraordinary meeting of the European Council is the unity of Member States.

We must not enter the situation of a Cold War again. The Russian Federation should receive a unitary message from the EU: It must comply with the sovereignty and territorial integrity of countries, withdraw its troops from the frozen conflict regions by complying with the international conventions and treaties it signed and must not establish its foreign policy on the capacity of energy supplier.

This unity of Member States should also be seen in the Union's future actions: - a common energy policy based on the creation of new transportation routes to use different sources than the present ones, the development of a set of Black Sea policies to increase the geostrategic and security importance of the region, as well as the active involvement and promotion of new mechanisms for solving the frozen conflicts in the region.

In this context, the review of the Neighbourhood Policy is absolutely necessary. Countries such as Ukraine, Moldova, Georgia or Azerbaijan should be included in a coherent and accelerated mechanism that, in the case of meeting the necessary requirements, could lead to their future membership in the EU.

**Péter Olajos (PPE-DE), in writing.** – (HU) Georgia – the illusion of freedom?

We all know that the Georgian-Russian war is not about Georgia. My fellow Members know, and the Heads of State or Government meeting in Brussels today know, that they are debating the possible sanctions.

In the midst of our work for ever closer integration of the European Union, the Georgian-Russian conflict has come like a bolt from the blue to remind us that force makes decisions even in the 21st century.

Over the next seven years, Russia may spend 190 billion dollars on arms and on developing its army. It will not be afraid of deploying its army, updated using the dollars from oil and gas – August 2008 was proof of this, at least.

As a Hungarian who was once forced to be a citizen of the Russian empire, it is especially difficult for me to draw this conclusion. Russian menace lives, and has already penetrated our everyday consciousness, not only through energy prices but also in the image of columns of tanks filing into Georgia.

At the same time, I trust that it is clear to my fellow Members and to those taking part in the European summit that it is not the peace of Georgia, Ukraine or Western Europe that is at stake in our current conflict with Russia. We can lay down the framework and emphases for future dialogue with a common, resolute Union response – or we will have excessively cocksure Russian foreign policy as our bedfellow.

Those Member States of the Union that suffered from Soviet oppression twenty years ago know what this danger means, whatever ideological form it may be dressed up in. The leaders of the new Member States therefore have a moral responsibility to protect their voters from the increasing external threat.

**Toomas Savi (ALDE), in writing.** – Mr President, the Russian aggression against Georgia has provoked the world public to question the decision of the International Olympic Committee to grant Sochi, Russia, the right of hosting the Winter Olympics in 2014. Sochi is located on the coast of the Black Sea just 20 miles from the border of the Russian Federation and Abkhazia, and therefore in close proximity to a zone of conflict.

But there is another aspect that concerns me as well. Just as in Beijing, people's homes are getting in the way of the construction of Olympic facilities. For example the construction in progress is wiping out a whole village called Eesti-Aiake or "Estonian Garden" in English, which was founded 120 years ago by 36 Estonian families, who migrated to the Caucasus region in Imperial Russia and who were granted lands there.

The Russian authorities are constructing stands, intended to be used for only 14 days during the Olympics, on the location of the oldest part of the village. The compensation that will be paid to the families is said to be lower than the market price of the land.

Such outrageous actions violate the natural right to property and therefore should be condemned.

**Esko Seppänen (GUE/NGL), in writing.** – The Georgian President, Mikheil Saakashvili, whom the opposition accuses of vote-rigging on a massive scale and widespread corruption, came to office by stirring up extreme Georgian nationalism and promising to force South Ossetia and Abkhazia, which are kindly disposed towards Russia, to become Georgian.

The United States of America has been Georgia's best ally, but Israel has not been too bad for Georgia either. The United States sent 130–170 military trainers to the country, Israel over 100. Like Tomer, a code name, was a soldier in an elite unit in the Israeli army enlisted as a trainer by Defensive Shield, a company that sells military services run by General Gal Hirsch, the anti-hero in the war Israel lost against Lebanon. He had this to say: 'By Israeli standards, the soldiers had almost zero capability and the officers were mediocre. It was clear that taking that army to war was illogical.' An offensive that was illogical and unwise led to the total defeat of Saakashvili's army of clowns.

The soldiers abandoned their heavy weaponry, leaving it in the hands of the Russian troops, and fled in a chaotic frenzy to Tbilisi. Daring exploits of this kind do not deserve the support of the European Parliament. It has the support of America's neoconservative Georgia Lobby, which is headed by Randy Scheunemann, presidential candidate John McCain's adviser on foreign policy. He has been on both McCain's and Saakashvili's

payroll at the same time, and during the last 18 months has received USD 290 000 in fees from Georgia. I agree, however, that the Russians reacted too strongly.

**Csaba Sógor (PPE-DE), in writing. – (HU)** According to some people, the crisis in the Caucasus started with President Bush's speech in Riga in 2005, when he announced that a new Yalta Agreement was needed. He could just as well have said a new Treaty of Trianon, since the misery of many small peoples and countries did not start with the Second World War but with the Trianon Peace Treaty that ended the First World War. The recommendation of the then American President, Wilson, concerning the self-determination of peoples has only remained a dream.

Today, in connection with the crisis in the Caucasus, people are talking about the interests of great powers, about oil and about war, but they are saying very little about the right of self-determination of the peoples living there. The most important task for the EU in such conflict situations could be to set an example. Of the Member States of the EU, 11 ensure autonomy for minorities in some form or other. This is 41% of the Member States of the EU.

The objective is an exemplary policy on national minorities for every Member State of the EU: not in 41%, but in 100%! A European Union with an exemplary policy on national minorities could even take more effective action in the Caucasus too.

**Daniel Stroj (GUE/NGL), in writing. – (CS)** From the very start of the discussions about recognising Kosovan independence, we have been warning that such a step would start a spiral of events, the negative consequences of which can only be imagined with outcomes which are hard to predict.

Even on the floor of the Czech Parliament, the CPBM has expressed its disagreement with the Czech Republic's recognition of Kosovo. Those who have been playing with fire should not now be surprised that fingers have been burnt in another part of the globe, especially when their partner was such a problematic person as President Mikhail Saakashvili.

The solution to the current situation is the observance of international law, which is especially important for such a small state as the Czech Republic with its historic experience. Evoking any kind of phobia through certain policies is in this situation simply wrong and dangerous.

The reaction of some NATO states and the change in relations with Russia needs to be contrasted, for example, with Russia's part in the fight against international terrorism and also, for example, with the fact that 70% of the supplies needed for the expeditionary force in Afghanistan are transported across Russian Federation territory. NATO headquarters is clearly aware of this fact.

The situation will not be resolved by strong language and gestures, but by rational negotiations around the table.

**József Szájer (PPE-DE), in writing. – (HU)** Forty years have passed since the Warsaw Pact troops crushed Czechoslovakia and overthrew the government that had set itself the task of making the Communist dictatorship democratic. Unfortunately, Socialist Hungary also assumed a shameful role in the operation, together with the other Soviet satellite states, thus serving the raw, imperialist despotism of Moscow. We ask the Slovak and Czech peoples to forgive us for this.

For us Hungarians this is especially painful, since twelve years before that, in 1956, Soviet troops similarly drowned the Hungarian revolution in blood. By crushing the Prague Spring, Moscow signalled that it could do whatever it wanted in its sphere of influence, which it had stolen from Europe at the end of the Second World War, and that there were no borders to the imperialist shamelessness and hypocrisy of Soviet Russia.

There is only one possible tool against this – the firm, resolute defence of citizens' human rights and of the principles of democracy and national sovereignty, and action against aggression. This is needed so that democratic Europe still has a clear message today!

**Andrzej Jan Szejna (PSE), in writing. – (PL)** I believe great caution should be exercised when assessing the conflict between Russia and Georgia.

There can be no doubt that Russia violated the principles of international law when it crossed into Georgian territory. I strongly condemn such a disproportionate reaction on Russia's part. It should be borne in mind, however, that the Georgian side is also to blame, because it initiated the military action. Recourse to such action can never be the solution to a dispute.

The European Union has been called upon to perform the very important role of mediator in this situation. I believe the Union was right to condemn Russia's recognition of the independence of South Ossetia and Abkhazia. Georgia's sovereignty and its territorial integrity must be respected.

In my view, given the present situation, it is essential for the European Union to send a peacekeeping and monitoring mission to South Ossetia.

The current situation demonstrates the need for ever-closer cooperation with the countries of the Black Sea area.

I voted in favour of adopting the joint motion for a resolution on the situation in Georgia.

**Marian Zlotea (PPE-DE), in writing. – (RO)** I believe it is very important that, at this delicate moment, Europe shows it is united and supports a unitary position regarding the conflict in Georgia.

Nevertheless, we need to continue to provide assistance and help the reconstruction of the affected regions in Georgia, support confidence-building measures, as well as the development of regional cooperation. At the same time, it is necessary that Europe accelerates the development of the European energy projects (such as Nabucco și P8).

Even if most of the attention is turned to Georgia, taking into consideration the geographical situation of Azerbaijan, I believe we should also have in view the need to establish an EU – Azerbaijan partnership for supporting and continuing the EU's energy projects.

I would like to emphasize that the settlement of frozen conflicts in the Black Sea region can only be achieved within the limits and based upon the international law, in compliance with the territorial integrity of countries and their sovereignty over the entire territory, as well as in compliance with the principle of border inviolability.

I support the Council's position, according to which the European Union is ready to commit, including through a presence on the ground, to support all efforts to ensure a peaceful and lasting solution to the conflict in Georgia. I believe that only through dialogue and negotiation could we achieve the desired results.

## 21. Evaluation of the Dublin system (continuation of debate)

**President.** – Let us resume the debate on the report by Mrs Lambert on the evaluation of the Dublin System.

**Inger Segelström (PSE).** – (SV) Mr President, this is a huge change of topic but, if we do not resolve the crisis in Georgia, we will need an even better asylum and refugee policy in Europe.

I would like to start by thanking Mrs Lambert for a very thorough report. I also support the amendments tabled by Mrs Roure and Mrs Lefrançois. The Dublin system and the choice of first-country-of-entry for people entering the EU really need to be evaluated, especially regarding the problems this involves for the countries which receive refugees. Here I am thinking of the Mediterranean countries, but also of Sweden, which is the European country which has accepted the largest number of refugees from Iraq. The EU should take greater joint responsibility, otherwise the Dublin Regulation is meaningless.

A year ago the Committee on Civil Liberties, Justice and Home Affairs went on a fact-finding visit to the Mediterranean. The situation was appalling! It was not improved by Sweden starting to send refugees and asylum seekers back to Greece, which had been heavily overburdened for some time. Subsequently, the Group of the European People's Party and European Democrats in the European Parliament adopted a directive on the return of illegal immigrants which contained inhumane rules, such as deportation after a wait of up to 18 months, which is particularly tough for children. A common European asylum and refugee policy is necessary, but I feel that it is heading in the wrong direction and I am concerned about this. I am worried that we are not accepting and are not prepared to pay more attention to children.

However, there is one thing to which we have paid attention and that is Commissioner Barrot's talk today of a temporary suspension. As a Swede, I would like to take the opportunity to highlight the municipality of Södertälje, south of Stockholm. Södertälje has taken in more refugees from Iraq than the whole of the US and Canada put together! In my view Södertälje must be included in the kind of trial the Commissioner referred to. Thank you.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, this debate is clearly very important and was interrupted, but that happens. In any event, I too am convinced that equipping Europe with a truly harmonised right of asylum will be an excellent response to the problems that were mentioned during the previous debate.

I should briefly like to pick up on certain comments. It is true that the current system is not 'fair' in that asylum seekers, depending on the Member State to which they apply, do not always receive the same response. You are right, Madam, to underline how certain countries have been much more open and generous than others. We therefore need this harmonisation. We also need to consider a number of issues that are of concern, such as the problem of unaccompanied minors. We must also examine the problem of the detention of asylum seekers and, quite clearly, we must do this within the framework of a review of these texts, not necessarily to move away from the Dublin system but to perfect this European response to asylum seekers.

We must remain faithful to Europe's tradition of a democratic and humanist welcome. That is why, Mr President, ladies and gentlemen, we have found this debate extremely useful. It definitely gives us food for thought and I will of course return before Parliament to present the texts that we are now going to prepare in light of the excellent observations that have filled this debate.

I must therefore warmly thank Parliament and you, Mr President, and I hope that, by the end of the year, I can return with draft texts that will enable us to significantly improve the situation with regard to the right of asylum in Europe.

**President**. – I should like to apologise to the Commissioner once again for the interruption of the debate. Unfortunately, the priorities were established in such a way that we were obliged to depart from normal procedure and interrupt this particular debate.

**Jean Lambert**, *rapporteur*. – Mr President, I too would like to thank the Commissioner very much for what he has just said, and for his assurances. I think it is clear, from what has been said tonight from all parts of the House, that there is need for not just an efficient but a high-quality system which is one based on joint responsibility: as my colleague Ms Segelström has said, there must be joint responsibility or the system is meaningless.

I think that the Council too needs to hear that message very, very clearly, because they, the Council, are the governments that are responsible for fulfilling their obligations. It is true that some Member States, such as Sweden, are very good at fulfilling their obligations. Others are not. This means that the actions that the Commission can take to support them in that – for example, the use of the UNHCR, and the idea of the Asylum Support Office – become very important, providing they are adequately resourced. That, too, is something which I think all of us involved in the budget system need to think about.

However, on behalf of my colleague Mr Busuttil I would say that some of us still remain to be convinced that the pressures on certain Member States are temporary rather than systemic, and therefore that the responses we make perhaps need to be more systemic – unless, of course, we foresee a rapid change in the world situation which would then have an effect on refugee flows. So again I would like to thank the Commissioner and my colleagues for their warm words. We will see what we can do to pass the message to Council, and we very much look forward to the proposals coming from the Commission later in the year.

**President**. – The debate is closed.

The vote will take place on Tuesday.

## 22. Common frame of reference for European contract law (debate)

**President**. – The next item is the debate on the oral question to the Commission by Mr Lehne, on behalf of the Committee on Legal Affairs, on the common frame of reference for European contract law (O-0072/2008 - B6-0456/2008).

**Hans-Peter Mayer**, *draftsman*. – (DE) Mr President, Commissioner, ladies and gentleman, the Draft Common Frame of Reference (DCFR) has brought the work on European civil law to a head, at least for the moment. It is, of course, a draft produced by legal scholars which has yet to be debated politically. The goal of this debate, then, is to try and get a broad policy discussion going on the future of European private law. The European Parliament wants to achieve a situation in which all stakeholders are involved in this debate but,

in order for that to happen, we have to make sure that the academic draft, which is currently only available in English, is produced in other official languages as well.

Commissioner, the funds earmarked for translation have not been used up for 2008 yet. We need these translations if there is to be a proper Europe-wide dialogue on the future of European civil law. It is not enough just to get the forthcoming Commission document translated, although obviously that has to be done. The Commission has started a selection process internally, trying to sift through the rules of the academic frame of reference and picking up what needs to be included in the Commission text.

We welcome the fact that all the relevant Directorates-General are involved in this selection process. However, I would stress that the 'European contract law' project should really be led by DG Justice and Home Affairs because the reference framework is not just about consumer contract law; it is also intended to make it easier for SMEs to shape their cross-border contracts with other business partners who are not consumers.

Precisely because the Common Frame of Reference (CFR) needs to take account of the SME sector as well, over recent months the Commission has been holding workshops on selected problem areas in the business-to-business (B2B) arena, and the outcomes of these workshops need to be taken into account in the forthcoming Commission text as well.

In the resolution, we also say that the final version of the academic frame of reference could play a toolbox role; indeed, it has already done so, in effect, simply by virtue of its publication. The Community legislator will have to make sure that, in future, legal acts in the field of Community private law are based on the CFR.

The CFR can, at a subsequent stage, be turned into an optional instrument; the parties would then be able to choose an alternative system of civil law to govern their legal relationships. That is a step that will need to be taken in order to solve problems that are quite clearly still with us in the sphere of the internal market.

In order to give a boost to legal transactions in the internal market, an optional instrument will, however, have to go beyond general contractual law. For example, besides rules governing the conclusion of sales contracts, there will have to be rules on transfer of property and on the rescinding of asset transfers which have no sound legal basis: in other words, the law of obligations.

Parliament is particularly keen to ensure that it is consulted and involved on an ongoing basis by the Commission throughout the selection process. We will undoubtedly have to consider how, in future, the significance of this project can be enhanced, especially in the Committee on Legal Affairs. The Commission needs to start considering now, though, what sort of mechanisms we need in order to ensure that the new Commission document can take account of future developments. In the current selection process, the Commission must already start to consider, in its planning, the changes that will feature in the definitive version of the academic frame of reference.

All this shows that this CFR is taking us into new territory in European contract law. The European Parliament, the Commission and the Council need to make a clear commitment to this project, which is likely to be the most important initiative for the next parliamentary term. It is a project which offers benefits for everyone: consumers, because they will soon be able to go shopping all round Europe with the backing of European contract law, and companies, because with this greater legal certainty, they will be able to tap into new markets, and as there will be a uniform set of rules, they will be able to achieve substantial cost savings.

**Meglana Kuneva, Member of the Commission.** – Mr President, the Commission as a whole welcomes wholeheartedly the interest that Parliament is taking in the Common Framework of Reference, or, as I will refer to it in short, the CFR. The CFR is a long-term project to improve the quality and coherence of EU legislation.

Let me answer your questions in this connection. First of all, I would like to say that the Commission indeed intends to ensure that the Commission CFR will be translated so that it can be discussed and applied in order to improve the quality of EU contract law legislation and to make it more coherent.

However, this reasoning does not apply to the academic preliminary draft. The Commission CFR will most probably be considerably shorter than the academic draft. Given the huge work which will already be necessary to translate the CFR, it does not make sense to spend valuable translation resources to translate parts of an academic draft which are not relevant for the purposes of the CFR.

The Commission is currently proceeding to select those parts of the academic CFR which are relevant for the final Commission CFR, on the basis of its policy objectives. All the DGs concerned are involved in this

selection process according to their field of competence, of course including DG JHA. The final selection will be presented for consultation to the other institutions, including Parliament and stakeholders.

The Commission will indeed ensure that the outcome of the workshops which were organised in 2007 will be taken into account in the CFR.

The Commission has always conceived the CFR as a tool for better law-making. The CFR should contain a set of definitions, general principles and model rules in the field of contract law. The Commission has not yet decided which topics of contract law the CFR should cover.

In adopting the decision on CFR, the Commission will take into account the position of Parliament and the Council.

As I have already mentioned, the Commission will in all likelihood shorten the present academic draft and it will probably be necessary to amend the remaining text in order to make it useful for policy-making purposes. Even if it is premature to say so, it is likely that the CFR should form a non-binding legislative tool.

The Commission understands fully that Parliament wants to be kept informed of, and involved in, the ongoing work on the CFR. We welcome Parliament's involvement in the CFR process and we very much rely on this involvement. The Commission will continue to keep Parliament informed of developments in the most appropriate way, in particular through the Parliament working group dedicated to the CFR, and will consult Parliament and all stakeholders on the results of its preliminary selection process.

Once the Commission CFR is completed, the Commission will decide on the need for keeping it up to date and on the best possible mechanism to do this.

I would like to conclude by thanking you for Parliament's support for the Commission work on this important dossier.

**Jacques Toubon**, *on behalf of the PPE-DE Group*. – (FR) Mr President, our colleague Mr Meyer has correctly indicated the challenges of this issue. I should like to say to the Commissioner that I do understand your technical answer on the translations, but what Mr Meyer said on this subject absolutely embodies the real issue: how do you go from university work to a political decision and a legal decision?

I believe it is absolutely vital that everyone understands this because this draft Common Frame of Reference (CFR) that was presented to you at the end of last year must be considered in relation to all the work done on this issue, and not just the draft presented to you. For example, it is clear that a choice must be made between the law of obligations and the law of contract. There are several schools of thought on this but this is the choice that we must make and, to do so, there must of course be several proposals on the table. Likewise, will the content of the CFR be restricted and therefore binding or will it be general and therefore much more indicative?

As a result of all this, we need a range of information and it is of course essential that Parliament can do its work, and that it can do this at a very early stage. That is why – and I will conclude on this very practical point – it is very important that many Members participate in the hearing that the Commission will organise with experts at the beginning of October and in the conference that the French Presidency of the European Union will hold in Paris on 23 and 24 October. This subject merits open and transparent debate that goes beyond the experts and involves those responsible for the political decisions.

**Manuel Medina Ortega**, *on behalf of the PSE Group*. – (ES) Mr President, I agree with Mr Toubon's observations, namely that the work of the academic group on the Common Frame of Reference is clearly very valuable and serious work. However, how do we get from this academic work to political proposals? Perhaps the answer is, based on the use of a single language and, possibly, only one theoretical direction.

While recognising the internal work that has been done, Commissioner, I believe that we must move on to the next phase in which Parliament and the sectors concerned are involved, not just large companies, but also small companies, trade unions and other types of economic operator.

The PSE Group has tabled an amendment to increase the participation in this project at an early stage, for which we of course would need a translation of the text, albeit a summary of the text. This text could subsequently form the basis of an optional element but, to do this, we first need to define what the content is.

To sum up, this debate must serve to inform European citizens that the Commission is working on a project. However, the Commission, given that it is only one of the European institutions, cannot keep this project to itself. The time has come for the Commission to share this knowledge with the European Parliament and with the general public. I repeat: trade unions, large companies, small companies, other economic operators and people in general.

Regulation of the contractual framework affects all European citizens and the drafting of a possible code of substantive law would require the greatest possible number of sectors to be involved which, without a translation into all the languages of the European Union, would seem impossible. This would also be impossible without increased participation by other sectors.

**Diana Wallis, on behalf of the ALDE Group.** – Mr President, the Commissioner has answered some of the questions put by my colleagues. However, this project is of great importance to all our institutions, and we are now coming to the politics of it, and the major issues concerning the democratic legitimacy of the creation of a CFR. There has been a lot of consultation, with many working groups and many stakeholder groups, from which we can learn a lot, but now it is time for decision-making, and we need a process that is open, inclusive and coherent.

The Commission is rightly conducting a selection process before presenting a white paper. However, that process needs to be as inclusive as possible, and we are obviously worried about the languages used, since if this were mainstream legislation it would be available in all the languages. Can Parliament have an assurance that at white paper stage it will still be possible to change the selection if it considers that appropriate?

This is at the heart of the conundrum we face. Will the white paper kick off a legislative process, or something analogous to it, or are we going to deal with a separate legislative process each and every time in the future that we look at anything to do with contract law? It comes down to the question of whether it will be binding or non-binding. The Council seems to think it should be non-binding and voluntary. If that is the case, it is arguable whether we need a selection process at all. You can keep everything open and have the political debate at every moment in the future that a contract law question arises in a legislative proposal. On the other hand, if we are creating something binding now – which Parliament is well known to prefer, in the form of an optional instrument – then we have to have some very serious inclusive political debates now about content and coverage, leading us on to the next set of questions about a legal base and the involvement of Parliament as something more than a mere consultee.

**Ieke van den Burg (PSE).** – (NL) Mr President, I endorse what the previous speakers have said and I should like to highlight two points in particular. One is how we guarantee that there really is an inclusive and democratic process of consultation, in which not only this Parliament, but also national parliaments play a role and in which all stakeholders can be consulted. I am especially concerned about whether this consultation will be balanced and whether, for instance, consumer organisations, small and medium-sized enterprises, trade unions and others will be able to bring in the expertise and pay for it, so that they can also play a real role in this consultation process.

The Commission has a responsibility in this respect and so I should like to ask the Commission how they intend to support this. I should like to ask Parliament to support an amendment that we are submitting on this point.

The other point concerns the breadth of the selection. I ask myself whether we should really be ruling out certain things now in paragraph 12. It makes more sense to keep these things open at this stage.

**Andreas Schwab (PPE-DE).** – (DE) Mr President, Commissioner, ladies and gentlemen, I have followed this debate with great interest, but have had the impression at times that the various joint meetings between the Committee on Legal Affairs and the Committee on Internal Market and Consumer Protection never actually took place. Yes, Mrs van den Burg, we have noted – also among our colleagues in the committees – that it is extremely difficult, at the various events, to find the interest and expertise that are required for this important legal policy initiative in Europe. In my view, doing so is not only a task for the Commission, it is also the job of parliamentarians to ensure that the relevant associations, trade unions, employees and SMEs are involved in this debate as early as possible.

However, I also take the view – and I fully endorse what Hans-Peter Mayer has said on this point, and Jacques Toubon also touched upon this – that this early involvement of the various stakeholders can, of course, only be successful if the legal bases are available in all the languages. I am not surprised by the Commissioner's answer and her withdrawal to the position that the available academic documents are no more than a technical



basis for the development of the White Paper position. Nonetheless, in this difficult process, I would say to the Commissioner that, in my view, it is indeed necessary to translate these bases of her White Paper recommendations as well, as this is the only way to ensure a meaningful debate. I believe that the motion therefore points in the right direction and I would ask the Commissioner to take appropriate supportive action here.

**Meglana Kuneva**, *Member of the Commission*. – Mr President, all the honourable Members' remarks have been very well presented and very wise. I would like to stress that the decision to translate only parts of the academic text is a political one. That is because the areas which are not useful for the purposes of the CFR will not be translated. I am sorry to repeat myself, but it is very important to stress that the CFR will be a toolbox by nature, and Parliament will be fully involved in the decision on which parts of the text are to be translated.

I would also like to inform you of the meetings tabled by the French presidency, which has scheduled two meetings of the Civil Law Committee for 5 September and 3 November, in order to discuss selection of the chapters of the draft academic CFR for the future Commission CFR. As you can see, nothing is set in stone. Both Parliament and the Commission can fully participate and do the job together. The outcome of these discussions should be adopted as JHA Council conclusions in December 2008. That gives us sufficient certainty that the process is truly inclusive of all the interested parties. With reference to Mrs van den Burg's remark, I would like to assure you that the consultation process will be broad and inclusive.

I have received feedback from the academics, who have announced that they will translate their draft, which means that there will definitely be French, German and English versions. This guarantees, besides the efforts of the Commission, that the project will certainly be available in those three languages. The Commission has a clear interest in working together with Parliament, which has been so supportive of this project, and with the Council, to ensure proper scope, with translated versions of the already-completed academic part of the project.

**President**. – I have received one motion for a resolution<sup>(1)</sup> pursuant to Rule 108(5) of the Rules of Procedure.

The debate is closed.

The vote will take place on Wednesday.

### 23. Certain issues relating to motor insurance (debate)

**President**. – The next item is the report (A6-0249/2008) by Mr Mladenov, on behalf of the Committee on Internal Market and Consumer Protection, on certain issues relating to motor insurance (2007/2258(INI)).

**Nickolay Mladenov**, *rapporteur*. – Mr President, Madam Commissioner, colleagues, and interpreters who are staying this late on such an interesting day as today with the European Council discussing Georgia, I hope you will have a little time and energy to focus on another report which is, despite its technicality, quite important for all of us.

It goes back to an issue raised in this House when the fourth Motor Insurance Directive was adopted. Back then, this House decided to ask the Commission to undertake a more in-depth study of a number of questions that were raised by Parliament but were not addressed in the fourth Motor Insurance Directive itself. Namely these three sets of questions: the first being to look into whether the national penalty provisions are effectively implemented across the European Union; then to look at how the claims representative system set up under the directive functions and whether there is a need to harmonise across the European Union; and finally to look at perhaps the most important and controversial issue that is intimately connected to questions raised by consumers which is whether the current availability of voluntary legal expenses schemes for motor insurance in Europe should be converted into a compulsory scheme to cover cross-border accidents across the European Union.

Let me start with the last question because that is perhaps the most important question and clearly one of the questions which is of most interest to European consumers. I myself when I went looking into this report was very much tempted to argue for harmonisation and to argue for compulsory legal expenses insurance

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<sup>(1)</sup> See Minutes.

across the European Union. But detailed study suggested that that might not be in the interests of the consumers or in the interests of the European insurance industry.

It would, if that were adopted, raise the costs of motor insurance for consumers in many Member States. It would create incentives for higher and unjustified claims to be made. It would create many delays in addressing existing claims and it would create a very strong disincentive for people to go for out-of-court settlements.

Finally, it would create a very strong and unfortunate burden on the judicial systems of our Member States, something which I do not believe any one of us really wants to do. So perhaps the other approach which this report suggests is the better approach and that is to increase awareness of existing voluntary schemes across the European Union.

Now, in many of the old Member States, they exist and function quite well and are now developing in the new Member States. In the new Member States in particular they need to be promoted more, perhaps through including them in pre-contractual information on taking out such options across the European Union with a particular focus on new Member States.

As far as the question of claims representatives is concerned, the European Commission did undertake a study. We looked at that study very carefully. We consulted with industry and we consulted with consumer organisations across the European Union, and national information centres have been set up in all Member States. Through these national information centres, consumers can pursue their claims and can find the information that they need.

Now what we do need to do there is to make consumers actually more aware of the existing system rather than try to set up a new system on top of it.

Finally, on the question of national penalty provisions and whether to harmonise them or not, the report argues that we should uphold the principle of subsidiarity. That means that existing national penalty provisions in European Member States have to be upheld. There is no need to harmonise. There is, however, a need for the European Commission to monitor the situation in more detail across the European Union and make sure that, when national authorities do need help, they receive that help from the European Commission.

This is the gist of the report that we are debating tonight.

**Meglena Kuneva**, *Member of the Commission*. – Mr President, on behalf of my colleague Commissioner Charlie McCreevy, let me first of all congratulate the Internal Market and Consumer Protection Committee and the Legal Affairs Committee, and in particular Mr Mladenov and Mr Gargani, for their work in producing a thorough and consistent report on a number of specific motor insurance issues.

Mr Mladenov, I cannot agree more with you that this is also a consumer issue.

The Commission welcomes your support for the conclusions we draw in our Motor Insurance report of 2007. Allow me to address briefly some issues covered in this report.

Let me start with national penalties introduced in respect of the reasoned offer procedure.

The Commission welcomes the clear position you have taken in the report on this issue. Indeed, your report seems to confirm our stance on the matter, namely that national penalty provisions, although not equivalent, produce the desired effect and therefore no harmonisation at EU level is needed in this respect.

The Commission will stay vigilant and take steps, if necessary, against those Member States which do not fully comply with the Directive's provisions in question. Therefore we can only welcome your call upon the Commission to further closely monitor the functioning of the mechanism introduced by the EU motor insurance Directives. The motor insurance expert group, set up by my services a year ago, brings Member States' representatives and stakeholders together and has proven to be a very useful tool to this end.

In line with your suggestion, the Commission will involve consumer organisations representing traffic accident victims in the process of assessing the effectiveness of the systems existing in the Member States.

Let me now turn to a second point: the legal expenses, which are very important for the consumers and for insurers as well.

Your report considers several pros and cons of a system where legal expenses would be compulsorily covered, EU-wide, by the motor insurance policy of the liable party. As stated in the Commission report of 2007, we are convinced that such a solution would be very unlikely to provide clear benefits for road traffic accident

victims; it might even lead to a distortion of well-established national systems of motor claims settlement. In addition, premiums are likely to increase in those countries where either no or limited reimbursement of legal costs has been the practice so far.

I am pleased to see that your report reflects some of these concerns and that it gives preference to market-led solutions, such as the use of voluntary legal expenses insurance. It seems to be evident, though, that in some markets this type of insurance cover is hardly used, and that better promotion is needed. This is a mission the market should accomplish itself, as the Commission should not promote particular insurance products or particular lines of insurance business.

Finally, let me address the issue of the awareness of tools and mechanisms under the EU motor insurance directives.

The Commission agrees that there is room for improvement, especially in relation to the new Member States, as regards the degree of citizens' awareness of the tools created by the EU motor insurance directives, such as the claims representative mechanism or the existence of national information centres.

The insurance industry can and should play a major role in this area. The Commission has contributed to the information need of both traffic accident victims and motorists through the publication of a number of motor insurance leaflets placed on the 'Your Europe' portal. Many other information sources exist at national level, such as automobile clubs, motor insurance bureaux, claims settlement agencies and others.

In conclusion: Over the last years, regular reporting to the European Parliament on motor insurance issues has become a well-established practice and I am looking forward to our continued good cooperation.

**Othmar Karas**, *representing the draftsman of the opinion of the Committee on Legal Affairs*. – (DE) Mr President, Commissioner, rapporteur, ladies and gentlemen, on behalf of the Chairman of the Committee on Legal Affairs, Mr Gargani, I should like to thank the rapporteur for his report and the good cooperation.

There are three points in particular which I should like to mention: firstly, consumers' interests; secondly, the principle of subsidiarity, and thirdly, relevance. We believe it is far more in line with consumers' interests not to convert voluntary legal expenses schemes for motor insurance in Europe into a compulsory scheme. We do not need mandatory product bundling or product integration which would simply push up the price of insurance and restrict consumer choice.

On the issue of subsidiarity, I welcome the fact that the rapporteur is not attempting to drive forward harmonisation at all costs. The countries in which some legal costs are already covered by motor insurance can continue with this type of scheme without other countries being forced to follow suit.

As to the issue of relevance, I would remind the House that we are dealing with an issue which, in numerical terms, is of only very limited relevance. Cross-border accidents account for only around 1% of road traffic accidents in Europe, and almost all of them are settled out of court. I congratulate the rapporteur on the report.

**Andreas Schwab**, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, I should like to start by thanking my colleague Nickolay Mladenov for his truly excellent work on this very difficult issue. His own-initiative report covers all the key problems and does so quite outstandingly.

Nonetheless, I would point out that this report is just one little piece of the puzzle in people's everyday dealings with the EU. Mr Karas has rightly pointed out that cross-border accidents account for a very small percentage of road traffic accidents and that most of them are settled out of court. However, a major German weekly newspaper published an article last week which described how an ordinary citizen wished to re-register a German car in Italy, only to fail eight months later, having realised that it is simply not possible. Citizens dealing with this type of problem on an individual basis feel extremely unhappy about it.

That is why the report, with its incentive for voluntary schemes, is the right approach. However, the Member States have a role to play in determining whether harmonisation of compensation law in the European Union might not, in the long term, be a far better solution which is more in line with citizens' interests.

Here in Parliament and especially in the Committee on Legal Affairs, we have dealt with the issue of non-contractual damages – in the case of Rome II, for example – on various occasions and it is now up to the Member States to look at which alternative solutions they can identify, if harmonisation of compensation law and the adoption of legal costs as damages is not possible for this House due to the issue of competence.

This is an issue which we will need to resolve in future. That being the case, Mr Mladenov's proposal is outstanding and deserves our support.

**Diana Wallis, on behalf of the ALDE Group.** – Mr President, motor insurance has been a success story of this Parliament and the long line of directives still actually represents some unfinished business – business which sadly involves an increasing number of our citizens as they exercise their rights of free movement across the Union.

Mr Mladenov's report makes a very important contribution to the ongoing work. It is clear that claims need to be simplified as much as possible and the three-month period has to be respected. Accident trauma must not be increased by legal trauma. We know that there are complicated issues of conflict of law that this Parliament wanted to solve in our approach to the Rome II Regulation. We have now been assisted by the Court of Justice in its Oldenburg judgment, where the Court has read together the fourth Directive and the Brussels Regulation in the way we intended, allowing a victim to take direct legal action in their country of residence rather than going to the defendant's court. This will put pressure on the need for out-of-court settlements. It is an important development. It may in the short term create some difficulties but, Commissioner, you need to ensure that Member States respect this judgment and this interpretation of EU law.

The next step is to devise a system arising from the Rome II follow-up studies that ensures that victims are compensated fully in relation to their home country circumstances. The story is ongoing but the achievements, likewise, are very far from being inconsiderable.

**Malcolm Harbour (PPE-DE).** – Mr President, first of all I want to join in thanking Nickolay Mladenov for a very important and serious piece of work. His first major report for the Committee on the Internal Market will, I hope, be the first of many. It has been very helpful that he has come in and looked at this issue with fresh eyes, representing citizens who are enjoying new entitlements through their membership of the European Union and who perhaps expect some of these issues to be dealt with better than in the past.

I want to build on some of the points that a number of my colleagues have made, particularly Diana Wallis and Andrew Schwab. Diana and I have been involved in this area since we came to Parliament in 1999, and therefore understand its importance. I think it is fair to say that if Parliament had not consistently raised these issues with the Commission and said that the motor insurance regime, and particularly its cross-border aspects for mobile motorists, was deeply unsatisfactory, then I do not think that we would be where we are now, anywhere close to the fourth Motor Insurance Directive, and maybe looking for a fifth.

This shows how Parliament really can reflect the interests of citizens in what are complex cross-border issues, but ones that do not come into play unless people run into serious problems. People have brought their problems to us, when they have had accidents in other countries and are unable to claim compensation for what are, in many cases, severe or even lifelong injuries.

I was pleased that the Commissioner, in line with her very strong commitment to consumers and the energy she has brought to this portfolio, wanted to seize this issue. However, I would particularly highlight what Nikolay Mladenov says in his report about the need to step up the level of cooperation between the insurance industry, Member States and the Commission, in order to get better deals under existing legislation. We are acting as a ginger group to put salt and pepper into the system, and I feel we are entitled to a bit more support from the European insurance industry.

**Zita Pleštinšká (PPE-DE).** – (SK) Like my fellow Members who have contributed to today's debate, I too consider Nickolay Mladenov's report to be correctly timed and very important with regard to consumer protection.

In the context of the increased volume of foreign automobile travel, especially following the enlargement of the EU and the extension of Schengen, many European citizens are becoming accident victims abroad and, through ignorance, often experience serious problems.

Before travelling abroad by car, citizens must be provided with basic information on how to handle claims. It is important to contact the appropriate information centres which, pursuant to the Fourth Motor Insurance Directive, are to be established in every Member State. The pre-contractual information package should include comprehensive information to consumers on how the claims representative system works and on legal expenses insurance.

Member States have established different systems and national regulatory bodies are better placed to guarantee the highest possible level of consumer protection in their national markets. For this reason, I agree with the rapporteur that it is not necessary to harmonise national penalty provisions at Community level.

**Milan Gaľa (PPE-DE).** – (SK) I consider the creation of a network of claims representatives to be a benefit of the 2000 Motor Insurance Directive. Their efforts will speed up the settlement of motoring claims.

As regards penalties for delays in addressing claims, I agree with the rapporteur's view. On the basis of subsidiarity, national regulatory bodies are better placed to guarantee the highest possible level of consumer protection in their national markets.

According to the available data, more than 90% of all claims are settled out of court so, in this respect, there is no need for the Commission's initiative to introduce compulsory legal expenses insurance across the European Union. It would raise the costs of compulsory motor insurance and burden the courts with additional disputes, which could be settled out of court.

The voluntary nature of legal expenses insurance needs to be retained and, in the new Member States, citizens must be provided with more information on insurance products.

**Colm Burke (PPE-DE).** – Mr President, as a legal practitioner who has dealt with cross-border claims, it is not all rosy in the garden as might be suggested in the report. While I welcome the report, some of the kind of problems that I have come across are problems where there is legal cost insurance and where the claimants are finding it difficult to recover costs on the basis of it. These claimants have gone through court procedures and expended monies in order to validate their claims and then find that, on the one hand, the insurer of the offending party which caused the accident is not paying the full costs of putting the case together, and on the other hand, their own insurance company, with whom they had insurance for covering legal costs, is also not paying up and is walking away from its responsibilities.

This is an area that we need to look at and be very careful about. I had one case, for instance, where we had to pay EUR 30 000 for a forensic accountant's report and where we were not allowed to recover the full cost of that report. Although the person had their own insurance, they were not able to add their own insurance policy for costs and were not able to recover under that policy either. That is a matter that we need to look at and make sure that it is properly monitored.

**Meglena Kuneva, Member of the Commission.** – Mr President, let me thank you once more for the very useful piece of work which Mr Mladenov presented with the help of his colleagues. It is very useful for the Commission as well. The Commission is preparing a study dealing with compensation levels awarded to cross-border victims and this issue was raised by Mrs Wallis and some other colleagues. We are aiming in this study at obtaining an objective, well-founded and evidence-based analysis of the issue. The study is under way and the Commission is examining the second interim report.

Mr Harbour also mentioned that we need to be very concrete in our work and cooperate firmly on this issue to make the internal market more complete both for businesses and for consumers. It is very important for this cooperation to be straightened up.

I am really more than glad to see that Mr Mladenov's report is doing this through the good set-up of the pieces of his work and also has such nice and meaningful support from his colleagues.

Once more, congratulations and thank you.

**Nickolay Mladenov, rapporteur.** – Mr President, I would like to thank the Commissioner and my colleagues for their very interesting and insightful comments on this report. I am a firm believer that the best-protected consumer is the consumer who is best informed on their rights and can defend those rights based on the information provided. We as legislators need to make sure that consumers receive information and are free to make the choice of whether to take certain protection against a certain risk or not, rather than to impose a uniform level on all of them.

Mrs Wallis, Andreas Schwab and Mr Burke raised extremely important points that go beyond the very limited scope of this report. I am very happy that Commissioner Kuneva has said that the Commission will pursue a further study of many of the questions raised in this House. I am convinced that Parliament will look very carefully at the study that the Commission produces, precisely to go back and look at the questions that Mr Burke has raised, which are absolutely valid and an increasing matter of discussion in many Member States,

including my own. Mr Schwab raised the question of a uniform approach to damages, which is a very valid question for all of us. I hope that the Commission's study will address that issue.

Let me also say a couple of things about the follow-up to this report. I hope that the Commission will take very seriously its responsibility to monitor national authorities' implementation of existing penalty provisions. Indeed, when we were gathering information in order to put this report together, a small number of Member States were not very forthcoming in providing information on how the system functions in their societies, but we did manage to receive an adequate reply in the end. Looking carefully at how the system functions and at how it can be improved in the future is an important task that I am sure the Commission will take very seriously in the months and years to come.

**President.** – The debate is closed.

The vote will take place on Tuesday.

## 24. Coordinated strategy to improve the fight against fiscal fraud (debate)

**President.** – The next item is the report (A6-0312/2008) by Mrs Bowles, on behalf of the Committee on Economic and Monetary Affairs, on a coordinated strategy to improve the fight against fiscal fraud (2008/2033(INI)).

**Sharon Bowles, rapporteur.** – Mr President, may I first take this opportunity to thank colleagues for their input, especially on one or two topics where we still have differences of opinion. I think we have more in common than divides us and that we can reach a satisfactory outcome by not straying too far from the core subject.

The broad principles underlying this report on fiscal fraud are simple, and only fraudsters themselves would disagree. The tax losses due to fraud are difficult to assess. Fraudsters and tax evaders take care to hide their activity from the tax authorities, but estimates put the level of fraud at EUR 200-250 billion or 2-2.5% of the total GDP of the EU.

My question is, do we put 2-2.5% of our collective effort into resolving it? Since the answer to that question is clearly no, there can only be one conclusion. It needs more effort, more attention and in particular it needs more collective cooperative attention by Member States.

Now VAT fraud, particularly the missing trade or carousel fraud, may be the largest single cause of tax loss. It comes about simply because of the loophole in the arrangements for VAT under which it is not levied on cross-border intra-Community trade. So VAT-free purchases can be sold on, the VAT pocketed and then the trader vanishes. In complex carousels innocent traders can get enmeshed, and measures within Member States to combat fraud, such as freezing rebates, can damage innocent businesses. This is a well-known problem in my own country, the United Kingdom. So that is all the more reason to tackle the problem at its root.

Pragmatically VAT will have to remain a consumption tax based on accruing to the fiscal authority of final destination. The report proposes that VAT should be levied on intra-Community supplies at the minimum rate, 15%, with the importing Member State then levying its own domestic rate for subsequent stages.

The 15% collected by the originating Member State then needs to be handed over to the Member State of final consumption by some method of clearing or settlement. This now is technically feasible; all the more so as we move inevitably to real-time recording of transactions. And it does not have to be centralised; it can be done in a decentralised or bilateral manner.

Regarding other ways of combating fraud and tax evasion, the exchange of information and cooperation are central to this and, dare I say it, a 'cash now' attitude of 'What am I getting out of it?' in some quarters does not lead to progress and is a short-sighted view. Payback comes another time when you are on the requesting end.

Tax authorities need to know about assets in order to help track down hidden income which may be undeclared or originate itself from criminal activity. This is undermined if exchange of information between authorities is restricted. Here we also need to act in the international dimension to be most effective.

Finally this brings me to revision of the Savings Tax Directive. It is proper to revisit that Directive, for example to close loopholes such as using alternative legal entities like foundations to escape its provisions. Withholding tax is not ideal, but here we are divided on whether it can be done without undesirable consequences.

These are the issues that we address in this report. I commend it to you and I look forward to the forthcoming debate with interest.

**László Kovács**, *Member of the Commission*. – Mr President, first of all I would like to thank the European Parliament and, in particular, the rapporteur, Mrs Bowles, for its very constructive report on a coordinated strategy to improve the fight against fiscal fraud.

In May 2006, the Commission presented a communication aimed at launching a broad debate on the different elements to be taken into account in an anti-fraud strategy in the Community.

I am pleased that the European Parliament recognises and supports the initiatives taken and the approach chosen by the Commission in its communication. Equally, I am pleased to see that the European Parliament invites the Commission to submit further proposals.

The report is a very useful and comprehensive contribution to the ongoing discussion about the fight against fiscal fraud. The Commission fully agrees that fraud is not a problem that can be combated successfully at national level alone.

The Commission will take account of the numerous comments and suggestions made by the European Parliament in the context of its work on the current and forthcoming legislative proposals for conventional measures to combat tax fraud.

As far as actions foreseen in 2008 are concerned, I can confirm that the Commission is planning to present three sets of legislative proposals – one in October, the second in November and the third in December 2008. Those sets of measures include improved procedures for registration and de-registration of persons liable for VAT in order to ensure the swift detection and de-registration of fake taxable persons and to give more security to honest business. The legislative proposals will also cover traders' joint and several liability, the creation of a European network (EUROFISC) aimed at improving cooperation in order to detect fraudsters at an early stage, fixing conditions for VAT exemption at importation, mutual assistance in recovery, automated access to data, confirmation of the name and address of taxpayers in the VAT Information Exchange System database and shared responsibility for the protection of all Member States' revenues.

By October, the Commission will present a communication setting out the coherence of the approach it will present, together with a timetable for further actions. The communication will also address issues relating to a long-term approach, notably the necessity to examine the better use of modern technologies, which has also been underlined in your report.

The Commission is still open to examining alternative systems to the current VAT system, provided that certain conditions are met. The report mentions, in this context, a reverse-charge mechanism and the taxation of intra-Community supplies. The Commission has offered both of these radical options for consideration to the ECOFIN Council, but so far Member States have not shown the political will to take such far-reaching measures.

Regarding direct taxes, the Commission is working on the review of the Savings Taxation Directive, and intends to present the report on the operation of the Directive before the end of September, as requested by the ECOFIN Council of 14 May 2008. During the review process, we have been carefully analysing the current scope of the Directive and the need for amendments in order to enhance its efficiency. The report will be followed by a proposal for such amendments to the Savings Taxation Directive that prove necessary and appropriate. The Commission has also carefully taken note of the ECOFIN Council conclusions of the same date, emphasising the importance of promoting the principles of good governance in the tax area – that is transparency, exchange of information and fair tax competition – and the inclusion of related provisions in agreements with third countries and third country groupings.

Thanks to close cooperation with the Member States in the Anti-Tax Fraud Strategy expert group of the Commission, the idea of an anti-fraud strategy at EU level is taking concrete form. The announced measures will be a big step forward, even if further efforts will have to be made.

Concerning your discussion on tax competition, you will know that we have been working in the Code of Conduct Group on abolishing harmful business tax regimes in the EU. All in all, the Code of Conduct Group

assessed over 400 measures by the present 27 Member States and their dependencies and overseas territories, of which over a hundred were considered harmful. Almost all of those hundred have already been abolished and the remainder are set to be abolished, subject to the transitional arrangements. The work conducted under the Code has been successful. It has led to the dismantling of almost all harmful tax measures in the Member States and their dependent or associated territories.

In conclusion, I would like to thank the European Parliament for its constructive contribution to the debate on the coordinated strategy to improve the fight against fiscal fraud.

**Othmar Karas**, *draftsman of the opinion of the Committee on Legal Affairs*. – (DE) Mr President, Commissioner, rapporteur, thank you for the good cooperation and your report.

I have four points to make. Firstly, we believe that we need to stress that fiscal fraud is not something that can be combated in isolation and that a coordinated approach is essential, both among the individual Member States and with third countries. Secondly, the planned pilot projects to fight carousel fraud are a good idea and we take note of these, but we would make the point that this must not lead to any deterioration in framework conditions for small and medium-sized enterprises. Thirdly, we expressly support the Commission's proposals for amendment of the VAT Directive and the Council Regulation on administrative cooperation in this area. Fourthly, I am pleased that the discussion on a general lifting of banking secrecy is something which did not command a majority in any committee and has now been resoundingly rejected by a large majority.

**Werner Langen**, *on behalf of the PPE-DE Group*. – (DE) Mr President, I should like to add my own congratulations to those expressed to the rapporteur. Combating fiscal fraud has been an ongoing issue for the House for years, and unfortunately, despite numerous initiatives and comprehensive support from Parliament, the Commissioner still has little to show in the way of success – although this is urgently needed – because of blocking, to a greater or lesser extent, by the Member States. One would think that it would be in the interests of the Member States to make progress on fighting fiscal fraud, given that we are talking about recouping a figure in excess of EUR 200 billion a year – in other words, more than the EU budget – without any need to raise tax rates for honest taxpayers. In any discussion of this issue, then, it is essential to underline that some of the responsibility lies with the Member States themselves.

The adoption of the report proved rather difficult, for problems initially arose with one particular issue in committee, but this matter has now been resolved. Mrs Bowles showed a great deal of willingness to cooperate. From our perspective, this was a difficult report because it has involved one amendment which we cannot support. Even now, there are proposals to squeeze the very last drop out of the taxpayer and tax sources. Whether this is a sensible option or will simply lead to new offences remains to be seen. Above all, Amendment 4, which was proposed by two of our fellow Members from the Socialist Group and is aimed at the repeal of the Savings Taxation Directive, is not something that we can support.

This, then, is our position: we fully support Mrs Bowles' report in all other respects, but if Amendment 4 on the abolition of the Savings Taxation Directive gains a majority, we will reject the report in its entirety.

**Benoît Hamon**, *on behalf of the PSE Group*. – (FR) Mr President, I too should like to thank Mrs Bowles for the quality of her work and for the result that we were able to achieve in the Committee on Economic and Monetary Affairs on such an important text as this. I should like to remind my fellow Members that the public purse currently loses between EUR 200 and 250 billion due to fiscal fraud in the internal market. These missing billions mean less public investment, fewer schools, fewer public services, more social needs that cannot be met and, of course frequently, in compensation, higher taxes for those honest and humble taxpayers who do not have the time to spend on tax evasion and tax shopping.

I am delighted to see that, on the issue of VAT, there is broad consensus within this House on putting an end to fraud and practices which take advantage of the fragility of the transitional system set up in 1993. We are all well aware since the Liechtenstein scandal that the biggest fiscal fraud is committed by those large savers who place considerable sums of money in third countries, often tax havens, to avoid tax.

The European Union has an instrument for fighting this fraud: the Directive on the Taxation of Savings Income. However, as underlined by Mrs Bowles, there are too many loopholes in this Directive and it only covers savings income in the form of interest payable to individuals. It is therefore currently far too easy to artificially set up a legal entity, sometimes with a single partner or shareholder, or to invent financial revenue that is not strictly interest in order to avoid tax.



It is therefore absolutely vital to widen the scope of this Directive, as proposed by the report, so that, at the very least, fiscal fraud is not so easy. This is in fact a moral imperative.

I must express my astonishment and disappointment at the amendment tabled by the PPE-DE Group which, due to both its timidity and its direction, ends up proposing that nothing should change and that, in terms of fiscal fraud, we should stick with the current situation.

Let us put these positions to the European people, in particular the German people, and let us see how the European and German people judge the choices made here. I have heard big statements made in the media, particularly in the German media, about this issue of fiscal fraud. Here, in the silence of the European Parliament, other choices are being made. I hope that the European people will be the judge of these.

**Zbigniew Krzysztof Kuźmiuk**, *on behalf of the UEN Group*. – (PL) Mr President, Commissioner, I should like to highlight three issues in the course of this debate. Firstly, it has been estimated that tax losses due to fiscal fraud relating to VAT and excise duty amount to more than 2% of the European Union's GDP. The losses total between EUR 200 billion and EUR 250 billion. These are enormous sums of money. National incomes are reduced, and there is also an impact on the structure of the European Union's budget income as the proportion of own income based on GNI is increased.

Secondly, despite this diagnosis, the solutions proposed in the report could do more harm than good. I refer, for instance, to the solutions relating to intra-Community transactions, such as the reverse charge mechanism whereby the tax is paid by the recipient, not by the supplier. I am also concerned about the proposal to unify VAT rates, which in effect means eliminating the reduced rates, and about the proposal to set up a clearing house system to apportion tax between Member States.

Thirdly, it would seem that what is really needed in order to combat fiscal fraud is closer cooperation between the fiscal administrations of the Member States. This should involve swifter exchange of information, and perhaps even automatic access to certain data concerning VAT taxpayers and excise duty payers.

**Hans-Peter Martin (NI)**. – (DE) Mr President, I rise for two reasons: firstly, because this is an issue – as Mr Langen has said – that has been on our agenda for many years and we really should be asking why no progress is being made, especially when it comes to VAT evasion. Secondly, it is unacceptable to the vast majority of Europeans that here we are discussing tax evasion and fraud – taxpayers' money – so hypocritically without addressing the problems here in our midst.

The European Parliament, as represented by many MEPs, is a hotbed of fraud. We can read about it in the Galvin report and elsewhere, but attempts are being made to sweep this under the carpet. I need only mention Chichester, Purvis or certain Liberal MEPs. It is scandalous. Unless we address the cases of fraud in our own ranks, we lack any credibility and have no right to criticise others.

I urge OLAF, but particularly the parliamentary administration and parliamentary groups, to establish clarity here. It is outrageous that attempts are being made to hush things up, here of all places.

**Zsolt László Becsey (PPE-DE)**. – (HU) Thank you, Mr President. I am very pleased that a Community strategy is emerging for this issue, albeit slowly, perhaps too slowly. I agree that the fight against fiscal fraud must be incorporated into the individual national obligations of the Member States on the one hand, but it must also be incorporated into the Community's Lisbon programme.

My observations are as follows: first, I do not agree with the phrasing of the Parliament's report according to which the strengthening of tax competition would distort the internal market unnecessarily and undermine the social model. This reflects the obsession with stipulating minimum levels of taxation for every area of taxation that exists, which would in fact cause unfairness in addition to the impact of inflation, since it would hit those who have otherwise put their houses in order and are able to lower taxes. Concerning indirect taxation that falls under the Community's jurisdiction too, the policy of referring exclusively to minimum values without having us regulate the maximum is unacceptable. I would like it to be noted that the hotbed of abuse occurring with excise duty is due to the increase in minimum levels, since it stimulates the spread of the black-market economy and the manufacture of home-made produce, which contradict all the Community's policies. Next, in the area of VAT, I am pleased with the policy of taking slow steps and with the experimental idea of the reverse charge, but resolute steps forward are also needed here. In my opinion, given the level of technology we have today, this could easily be done for cross-border transactions within an internal market, and the supplier's VAT for the destination country could easily be collected and transferred to the destination country. In order to do this, of course, there must be improved willingness for cooperation

between the tax authorities of the Member States, which is still lacking, and we can take a deep breath and achieve this now that the euro has been introduced and the Payments Directive has come into being. Finally, I feel that it is important to take action concerning the operations of primarily offshore companies outside the Union, since the tax base is often channelled there before taxation and is then returned from there to companies in the Union through messy transactions in order to evade tax, and this is not in the interests of selecting a favourable tax location. Thank you.

**Antolín Sánchez Presedo (PSE).** – (ES) Mr President, Commissioner Kovács, ladies and gentlemen, according to some estimates, fiscal fraud in Europe exceeds 6% of tax revenue. It has a corrosive effect on confidence in tax systems, on the capability and fairness of treasury departments and on the wellbeing of citizens. It is a breeding ground for the informal economy and organised crime.

Within the European Union, it affects the proper functioning of the internal market, distorts competition and harms the financial interests of the EU and also fulfilment of the Lisbon Strategy.

If tax were paid on the one-quarter of global wealth that is hidden in tax havens, according to data from the International Monetary Fund, the Millennium Development Goals of the United Nations could be covered with money to spare.

The European Union must be tough in its fight against fiscal fraud. This can be done safely and responsibly, without imposing exorbitant burdens on our economy. The increase in cross-border trade and the effects of globalisation demand that we be determined in promoting a European strategy against fiscal fraud. National actions are not enough.

This strategy must have an internal dimension, tackling problems posed by fraud in VAT and special taxes, and also tax evasion issues in terms of direct taxation, as well as an external dimension, by asserting the economic weight of the European Union.

We cannot disappoint those of our citizens who scrupulously comply with their tax obligations and who expect leadership from the European Union.

In this context, we demand that the package of measures against VAT fraud that the Commission will present next month is ambitious and that the report announced for the end of this month on the application of taxation to savings is useful for making definite progress in the fight against fraud in this area in Europe. We welcome the general contents of the report produced by Mrs Bowles who we congratulate. We trust that this report will be adopted in plenary and that, if improvements are not made, then at least we do not go backwards.

**Desislav Chukolov (NI).** – (BG) Ms Bowles, I admire your desire to overcome tax fraud at European level.

Consider, though, what this will cause to those who govern Bulgaria now. If cases of tax fraud stop in Bulgaria I assure you that at the next elections the liberals from the Muslim party Movement for Rights and Freedoms (MRF) will not win even half of the percentage they win at the moment. If the theft of public funds in my country is terminated once and for all, the socialists can no longer sponsor their campaigns or, respectively, their absurd initiatives.

As a member of the Attack party I will support this report of yours, for Attack is the only party in Bulgaria which works for stopping the syphoning of state funds and Attack is the party, whose platform includes the firm commitment to review all shady and tainted deals, which resulted in damages for the state budget and which have so far benefited not one or two political forces. Thank you.

**Astrid Lulling (PPE-DE).** – (FR) Mr President, please allow me first of all to say to Mr Hamon that his blackmail does not impress us at all, and I regret that he has clearly been the victim of a huge misunderstanding.

Mr President, while agreeing with the broad outlines of the report by Mrs Bowles, I believe that two points must be highlighted. Firstly, the transitional system of VAT, which dates back to 1993, is now showing its limitations. I do not believe that we can any longer accept the continuation of this transitional system. Fiscal fraud, which we all condemn due to its direct and indirect effects, is partly attributable to failures in the current system which should therefore be changed. Obviously I am aware that there are certain problems. That is why I recommend to the Commission that it promotes the solution devised by the RTvat organisation which should allow a tax loss of EUR 275 million per day to be avoided, while reducing administrative costs for SMEs.

The second point concerns the issue of tax evasion in connection with the Directive on the Taxation of Savings Income. The report contains unjustified remarks that have led me to table amendments in order to rectify the situation. The legitimate and necessary fight against fiscal fraud must not cause us to call into question the principle of tax competition. I absolutely reject this as the two have no connection. Furthermore, experience shows that the system of tax deduction at source for the taxation of savings is the most efficient system, rather than trying to impose, across the board, the information exchange system which has its own problems.

Finally, the demands to reform this Directive, in terms of widening its scope to all legal entities and all other sources of financial revenue, are also very badly thought out because they will simply have the effect of hounding savings out of the European Union. That is why I want these points to be amended. If they are not amended, we will be unable to vote for this report.

**Andrzej Jan Szejna (PSE).** – (PL) Mr President, fiscal fraud has been a global problem for some time now. Estimates suggest that the losses incurred are in the order of 2% to 2.5% of GDP, which is between EUR 200 billion and EUR 250 billion at European level. There is therefore an urgent need to coordinate action at Community level and to tighten up cooperation between Member States.

Article 10 and Article 280 of the Treaty establishing the European Community state that the Member States shall take all appropriate measures to ensure fulfilment of the obligations arising out of the Treaty and to coordinate their action aimed at protecting the financial interests of the Community. It is important to bear in mind, however, that although the free movement of goods and services within the Community's market makes it difficult for countries to combat this type of fraud on their own, the actions taken should not hamper economic activity and place unnecessary burdens on taxpayers.

**László Kovács, Member of the Commission.** – Mr President, first of all I want to thank the Members of the House for the comments and views they expressed during the debate.

As I said in my opening remarks, the Commission very much appreciates the contribution made by the European Parliament to the debate on a coordinated strategy to improve the fight against fiscal fraud. The Commission has assumed its responsibility and will take further initiatives to strengthen the legal framework and administrative cooperation between Member States. Member States certainly have to do the same.

Some of you have referred to the review of the Savings Taxation Directive, and I can assure you that the ongoing review is a very thorough one, where we are examining in detail whether the current scope is effective, and the pros and cons of extending it. It is a complex matter where many factors have to be taken into account: efficiency from a tax compliance point of view; the administrative burden for market operators, and also for tax administration; the need for a level playing field both inside the EU and in relation to the outside world – to name just a few. As I mentioned earlier, we will soon present the report. It will be followed by a proposal for amendments to the Savings Taxation Directive, and we will do our utmost to strike a proper balance.

It is clear that there exists no single and global solution for eliminating tax fraud. Each individual measure should bring an added value, but it is only their implementation as a whole which provides the tax authorities with an enhanced framework for combating tax evasion and tax fraud.

**Sharon Bowles, rapporteur.** – Mr President, tax fraud is the business of the EU because fraudsters make use of cross-border loopholes, and that is what we are trying to close.

As the Commissioner says, the savings tax issues are complex. I think it is possible for us to reach agreement through our voting that we do not pre-empt too much the more detailed discussions that we are going to have to hold on that topic when the Commission comes out with their further proposals. Likewise I think that we can also avoid reference to tax competition where we are divided but which is not core to this report. Therefore I think we can achieve some harmony amongst ourselves.

On all these fronts, colleagues and Commissioner, I do not think that inaction or tentative action is an adequate response. 2.5% of GDP is at stake. That is a huge chunk of the tax base. As our colleague, Mr Sánchez Presedo, points out, that is possibly 5% of tax.

If any politician here or in any Member State campaigned on the basis of putting up tax by 5% to pay for nothing, they would not get very far. So, and I say this to Member States in particular, getting prickly about exchange of information, doing the minimum, being fearful, is just the same as taxing 5% for nothing, for that is what it costs the honest taxpayer. That is the message that I wish to send in this report and I believe

it is the collective message that this Parliament wishes to send in this report supporting the Commissioner in his efforts and urging him to be bold.

**President.** – The debate is closed.

The vote will take place on Tuesday.

**Written statements (Rule 142)**

**Siiri Oviir (ALDE), in writing.** – (ET) Fiscal fraud is a problem for both the EU and the Member States, distorting competition and reducing the revenue base of the EU and the Member States alike.

One of the roots of the problem is cited as being the current transitional system of VAT, which is complex and outmoded. It needs updating. In that regard the EP proposal that the European Commission should put forward a decision on a new VAT system in 2010 is undoubtedly welcome.

The working out of a new VAT system obviously means ensuring that the current tax system is not replaced by a more complex and bureaucratic one. It is obviously also important to stress that, before it is applied Europe-wide, it must be piloted to ensure that it works in practice because this will prevent many problems which may emerge later.

An equally important step in the fight against fiscal fraud is to update the availability of inter-State information, a process which would be assisted by the establishment of a pan-European e-tax administration information centre.

The balance between the public interest and the fundamental rights and freedoms of the individual will not be disregarded when personal data is processed.

Finally, the term 'tax haven' must also, in view of the point at issue here, be regarded as important. I welcome the ideas set out in the report that the EU should make the elimination of tax havens at worldwide level a priority.

**25. Agenda for next sitting: see Minutes**

**26. Closure of the sitting**

*(The sitting was closed at midnight.)*