

TUESDAY, 3 FEBRUARY 2009

IN THE CHAIR: MR BIELAN

Vice-President

1. Opening of the sitting

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

2. Documents received: see Minutes

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

4. Combating the sexual exploitation of children and child pornography (debate)

President. – The next item is report A6-0012/2009 by Mrs Angelilli, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on a proposal for a European Parliament recommendation to the Council on combating the sexual exploitation of children and child pornography (2008/2144(INI)).

Roberta Angelilli, rapporteur. – *(IT)* Mr President, ladies and gentlemen, I would like to begin by thanking my fellow Members for their excellent collaboration, which has enabled us, in my opinion, to draft a highly satisfactory text. I am also grateful to all the NGOs and institutions that have followed our work closely. Their valuable suggestions have enhanced the report.

We set out with two key objectives, the first being to check carefully to what extent the 2003 framework decision is being implemented within the 27 Member States, and the second being to propose improvements as necessary. The fact is that the framework decision must be updated to increase the level of protection for minors, in light of the rise in new and disturbing cases of exploitation linked to new technologies.

The first of the priorities identified is the fight against sex tourism, which worryingly is on the rise, partly because of lower travel costs. From this point of view, extra-territorial cooperation should be improved and Member States should be asked to rule out the principle of double criminality for crimes concerning the exploitation and abuse of children.

Secondly, grooming, that is to say online psychological manipulation with the aim of soliciting children for sexual purposes, should be considered a criminal offence in all Member States.

Thirdly, Member States should be bound to exchange the information contained in criminal records relating to sexual abuse convictions. The aim of this is to categorically eliminate the possibility that perpetrators of sexual abuse could hold jobs that involve contact with children.

Among the proposals to be implemented as soon as possible is the launch of the missing child rapid alert system. This system has already been trialled and implemented, although by only a small number of Member States and so only at trial level, but has given excellent results. We therefore need to roll it out across all 27 Member States. It is worth remembering, in fact, that every year in Europe, thousands and thousands of children disappear without trace.

I would like to highlight one further aspect: in general, national legislative authorities must commit to improving protection for child victims during investigations and before and after any court case in which children are involved. This will prevent children from becoming victims twice over, firstly victims of violation, and then victims of media or legal violation.

Finally, we have highlighted the need for urgency in criminalising forced marriages, the majority of which concern children.

To conclude, Mr President, I believe it is important to ask all Member States to ratify as soon as possible the most recent Council of Europe Convention on the Protection of Children against Sexual Exploitation and

Sexual Abuse. This is the convention of October 2007, the benchmark representing the most innovative and up-to-date act on child protection.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, ladies and gentlemen, I would first like to thank Mrs Angelilli warmly for her remarkable report. I would also like to thank her for the way she has worked with the Commission on a very delicate, sensitive subject about which we feel so strongly.

Children are vulnerable and they are entitled to protection in order to ensure their harmonious development. Sexual abuse and the various types of exploitation, especially child pornography, are despicable crimes with deep-seated, long-lasting effects on its young victims.

It is a terrible phenomenon whose scale is unknown. Some sources say that between 10 and 20% of children in Europe have suffered one form of sexual attack or another during their childhood.

The European Union has armed itself with legislation on the issue. The framework decision of 2004 establishes a minimum level of harmonisation for national legislations in respect of criminalisation and jurisdiction. Despite the incompleteness of the information, the Commission considered, in a 2007 report, that the framework decision had, in general, been satisfactorily implemented. That, however, is not enough.

The development of the Internet is contributing to the proliferation of new threats for our children. Child pornography is one of these and others exist, such as child solicitation, to which Mrs Angelilli has alluded. Sex tourism to third countries for the purposes of abusing children is a reality, whilst it is not unknown for abuse to be committed by individuals who have been convicted in other Member States.

The Member States are not satisfied. At the end of 2007, they negotiated a convention with the Council of Europe to introduce a very high standard of protection. In its first year, 20 of the 27 Member States have signed this convention.

That said, Parliament is still not satisfied, and Mrs Angelilli's report is evidence of this. Parliament demands better implementation and especially a substantial improvement in the European framework, with a set of features to reinforce the fight against these crimes.

I must say that I am not satisfied either. I have announced a review of the existing European legislation on the issue and will submit a proposal for adoption by the Commissioners in March. I want to put an ambitious text on the table that will deal not only with enforcement but also protection for victims and prevention.

The suggestions contained in the report will help us to implement this proposal. Most of the report's contents should find a place in the new framework decision, but if this proves not to be possible, for technical or legal reasons, we will try to identify the most suitable tools to implement any proposals left out of this framework decision. We will see if there is a possibility for political initiatives, particularly to use dialogue with third countries, or even to provide ourselves with financial instruments, as is the case for the existing programmes.

There you have it. Mr President, ladies and gentlemen, I am pleased to note Parliament's desire to move forward with the adoption of 'kidnap warning' mechanisms in each Member State. I have to say, at the last meeting of the interior and justice ministers, I argued with much determination that it was necessary to provide each of the Member States with a 'kidnap warning' system. To be fully effective, these systems would, of course, have to be interconnected.

Once again, I would like to thank the European Parliament for its determined commitment. I also thank Mrs Angelilli, who has unquestionably given us a high quality report.

Lissy Gröner, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (DE) Mr President, ladies and gentlemen, the new proposal submitted by the Commission is urgently needed. The members of the Committee on Women's Rights and Gender Equality have specific questions and suggestions relating to the proposal. It is essential that we go beyond the confines of the Daphne Programme and introduce legislative initiatives in the area of child pornography. Of course, this is also the responsibility of the users, but the states must take action. For example, I believe that Europol is an important tool which, combined with an effective network of experts and a special unit whose members have had training on very specific issues, can be used to combat child pornography and prostitution. We must also resolve the question of extraterritoriality by taking a joint European approach.

We need more background information in the form of concrete studies on the social situation of the victims, because family members themselves are often responsible for abusing children and putting them on the net. It is important for us to make definite progress in this area.

I hope that the Commission is prepared to work closely with the Committee on Women's Rights and Gender Equality so that we can resolve these questions together.

Edit Bauer, *on behalf of the PPE-DE Group*. – Mr President, Europol's organised crime report of 2006 stated that the advantages the Internet offers in terms of information and communication technology are extremely beneficial to organised crime. There is no doubt, in this regard, that children are the most vulnerable group. According to experts, around 90% of 12 to 17 year-olds chat on the Internet. Besides classmates and games, they use 'unknown user' networks via chat rooms on websites, which are perfect contact points for paedophiles using false identities to lure potential victims.

According to Internet Watch Foundation, which processed more than 30 000 reports in 2006, 91% of victims were under 12 years old. Eighty per cent were female, and child abuse domains totalled more than 3 000. Moreover, 55% of all child abuse domains were hosted in the United States, 28% in Russia and only 8% in Europe. It would be appropriate to put cooperation in the field of disabling websites abusing children on the agenda of an EU-US meeting.

We are witnessing a well-organised international network of paedophiles and organised crimes connected with the sex industry, as stated by Mrs Angelilli. On the other side, the international cooperation of law enforcement authorities is limited. It is almost incredible that eight ratifications are still missing in the case of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; four in the case of the Palermo Protocol, which is the basic document for international cooperation in combating trafficking in human beings. Slightly less than half of the Member States have still not ratified the Council of Europe Convention on Cybercrime.

In this field there is a lot to do. Therefore, it is time to send a strong and clear message to the Council to revise the Council framework decision combating the sexual exploitation of children and child pornography.

Inger Segelström, *on behalf of the PSE Group*. – (SV) Mr President, Commissioner Barrot, ladies and gentlemen, I would like to start by thanking Mrs Angelilli and everyone else for their very constructive cooperation. You will surely remember how little was done at the beginning of this parliamentary term, but with the children's strategy a year ago, the issue of children's rights turned a corner. The decision we are to make here now concerns a child's right not to be sexually abused and the combating of child pornography.

I am, of course, particularly happy with the three proposals that I managed to get accepted in the Committee on Civil Liberties, Justice and Home Affairs and which I hope will be retained through the vote today. The first proposal is that a child should be classed as such until he or she is 18 years old. It is very important to be able to protect both young girls and young boys against sexual crimes, sexual abuse and sexual exploitation throughout the EU.

The second proposal is to protect children against child sex tourism by all Member States criminalising sexual crimes both within and outside the EU. This means that those who commit crimes will never be able to be sex tourists and exploit the poorest and youngest children and young people in other countries because prosecution and punishment will await them when they arrive home, wherever that is in the EU.

The third proposal is that we should now seriously tackle the Internet and, together with the largest credit companies, develop the technical means, with the help of banks and exchange bureaux, Internet service providers and search engine providers and, of course, the travel industry, to close down payment systems when payment is made for sex crimes and violations or the sexual exploitation of children and young people. The same opinions are found everywhere where people are striving to get websites closed down and that is that children come before confidentiality and that the abuse of children and young people must be reported.

With this report we can now sit back and be satisfied that, here in Parliament, we have taken the first step in respect of the rights of children, and when we get a new Treaty of Lisbon, children's rights will also be a legal basis and a goal within the EU, and this is not before time. Thank you.

Alexander Alvaro, *on behalf of the ALDE Group*. – (DE) Mr President, Mr Vice-President of the Commission, I would like to thank the rapporteur for her efforts and her initiative on this report. Protecting children while they are using the Internet and combating child pornography are two of the most urgent issues which we have to deal with. For me, it is very important to ensure that this Framework Decision on combating the

sexual exploitation of children and child pornography offers a higher level of protection. The abuse of children over the Internet can only be handled as a joint initiative at a European level, because the Internet is not subject to national boundaries.

There are three points in this report which I believe are in need of improvement. Firstly, a balance must be maintained between children's security and data protection. We must take into consideration not only children's personal data, but also the personal data of people and content which is relevant for the purpose of providing this protection for children. As well as creating criminal offences for Internet users and suppliers of child pornography, we must first identify the people behind these dreadful activities and arrest them. We can only combat this abuse successfully by attacking it at the roots. We must also target those people who make these services, these appalling criminal activities, available to others and who profit from them.

As well as criminalising the offenders, as described in Mrs Angelilli's report, we must also raise awareness among people who look after children and explain the risks involved in Internet use. We must focus on developing new technological methods and establishing the principle of privacy by design. In addition, we must promote the exchange of information and experiences between the individual authorities in the Member States. The data protection authorities in the Member States can act as important intermediaries in this respect. Only an all-embracing approach will be successful.

However, I do not approve of making Internet service providers into an extension of the law enforcement agencies. A much better solution is the implementation of agreements which allow Internet service providers to collaborate with the law enforcement agencies on a voluntary basis, as is already the case.

Child pornography in all its manifestations is no more and no less than a crime against humanity. We must put every effort into combating it. We must ensure that the Member States cooperate with us and that we in Parliament are all moving in the same direction. On this basis, the members of the Group of the Alliance of Liberals and Democrats for Europe will support Mrs Angelilli's report.

Bogusław Rogalski, *on behalf of the UEN Group*. – (PL) Mr President, although the legal systems of Member States make provision for sanctions against the sexual exploitation of children and child pornography, it is still necessary to raise the level of protection of our children.

It should be emphasised that children who use new technologies, and especially the Internet, are at risk of contact with potential perpetrators of sexual offences. In connection with the danger which exists, Member States should be called upon to block access to Internet sites which contain child pornography. This must be a legally binding obligation.

There is also an urgent need to carry out a Europe-wide campaign to make parents and teenagers aware of the dangers of child pornography on the Internet. Supporting the victims of this reprehensible business, and of their families, is also an important matter. They are often left without help. It is our obligation to give the best possible protection to our children.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Mr President, I should like to thank Ms Angelilli for this report. I would echo what has been said by our colleague, Ms Bauer, in terms of our own Member States taking action to sign and ratify some of the conventions and protocols which are missing at the moment. If we are looking for a common framework and a common approach, these are very key reference points which also help to send a signal from Member States that they, too, are concerned about these issues. I think this is one of the key things they should be doing, and it would be interesting to know why certain Member States have not yet actually signed up to the relevant conventions and protocols.

We welcome much of the report in terms of the rights-based approach, which I would like to see leading on and away from the view that it is only about criminal justice. This is actually about the rights and the protection of children and young people. We need those clear measures to support children who have been victims – whether through court proceedings, where obviously the key issue is to find the truth but not in a way that leaves children more traumatised than they were at the beginning of the process, or through the collective work on identifying children.

However, the protection also has to involve the children themselves. We should encourage Internet literacy among children as well their own understanding of what the dangers are and what they should be looking for so that they, too, can play an active part in helping to combat these crimes.

We intend to support certain of the amendments this morning, particularly where we think there are certain principles which we tamper with at our peril – such as on double criminality and confidentiality in certain

professions – and one or two others where we think the concept perhaps needs further definition. We are, however, generally very much in favour of this report and look forward to its further progress.

Eva-Britt Svensson, *on behalf of the GUE/NGL Group*. – (SV) This report has the support of the Confederal Group of the European United Left/Nordic Green Left. The sexual exploitation of children and child pornography are abhorrent crimes, the prevention of which requires international cooperation. Children are violated by being forced to pose in sexual contexts, photographed or filmed and posted on the Internet. These films and images can be seen all over the world and increased international cooperation is therefore needed to stop these violations. We know that there are definite connections between the sex slave trade and the sexual exploitation of children. The United Nations estimates that 85% of the victims of the sex slave trade are children under the age of 18.

We do not know how many children are bought and sold as commodities to be sexually exploited, but we do know that it is a lot, and we know that every child that is affected is one child too many. The adult world must take responsibility for protecting our children from this, one of the worst crimes that a child can be subjected to.

In this debate, we must not forget that many of the crimes against children are committed within the family or within the family's circle of friends and it is therefore important for society to ensure that children have other adult contacts so that they have someone they can turn to for help.

All kinds of sexual abuse of children are criminal and must be seen as the crimes that they are in all Member States. All citizens who commit sexual crimes against children must be punished, regardless of whether the crime is committed within or outside the EU.

Johannes Blokland, *on behalf of the IND/DEM Group*. – (NL) I should like to congratulate Mrs Angelilli on this lucid report. It is patently obvious that the sexual exploitation of children should be brought to an end. The explosive increase in criminal activities via the Internet requires a coordinated approach.

We should, however, exercise caution when it comes to prescribing detailed sentences for this abuse at European level. The Member States themselves will need to make every effort to penalise the abuse of modern media. Internet child porn will need to be regulated in the Member States' criminal law. The Council should, in line with the prohibition against pursuing one's profession, commit to closing the loopholes in the legal network, so that exploitation and transmission via the Internet do not move to countries where there is no adequate legislation. I would have liked to hear from the Commission whether it would also be possible to discuss this with non-EU countries, but the Council is absent, unfortunately.

Moreover, I would like to argue in favour of strengthening cooperation with Europol and Eurojust. The fight against international child pornography networks must be given priority in their organisations, as indeed, this enhances the scope for taking appropriate action outside of the European Union.

If we are agreed on the undesirability of the sexual exploitation of children, I suggest we also discuss the exploitation of adults. The initiatives to reduce prostitution at large-scale events, such as football championships and Olympic Games, deserve more support in this Parliament.

Roberto Fiore (NI). – (IT) Mr President, ladies and gentlemen, paedophile organisations are a threat to citizens and, as such, should be treated like mafia or terrorist organisations, with special, severe laws.

It is an outrage that there are thousands of people who have been charged with child pornography offences and have spent not so much as a single day in prison. I would also like to remind the rapporteur, Mrs Angelilli, the quality of whose work we have all admired, that in her city last year, there was a case known as 'Lotus flower', involving 200 Roma children. Once the case was over, these Roma children virtually disappeared; no one knows whether they in fact went back to the same camps where the abuse took place.

All Member States must therefore be vigilant, special legislation must be introduced, and this outrage, this horrible threat to society, must be addressed with special and extremely severe laws.

Kinga Gál (PPE-DE). – (HU) Mr President, Commissioner, ladies and gentlemen, this House is debating a topic today which rightfully outrages all people of good will. We condemn the phenomenon, and then believe that such trauma can only happen to other people's children. Yet all our children are in danger, as the victims of the sexual exploitation of children and child pornography multiply. We must therefore fight to prevent such acts using all available means. We must ensure that the sanctions laid down in national legal

systems are effectively applied, and that daily practice reflects this struggle. Member States must do everything possible to eliminate demand entirely.

We must be particularly vigilant regarding the constant challenge posed by the use of new online technologies – web cams, mobile phones and, in particular, the use of the Internet – in this regard. The introduction of technologies that block access can be one way of doing this, besides making families and children aware of the dangers. In any case, we must emphasise that these are serious crimes, and that in order to detect them, it is essential to remove any obstacles in the way of the smooth exchange of law enforcement records among Member States, to allow the creation of centralised databases for information on offenders.

I consider it very important and absolutely essential that the existing international documents be ratified by the Member States, and that their contents be effectively implemented. We must make sure that child safety becomes a central issue in all EU Member States. Mrs Angelilli's excellent report contributes to this effort, and we support it with our vote as well. Thank you very much.

Iratxe García Pérez (PSE). – (ES) Mr President, sexual exploitation is a reality endured by boys and girls all over the world, since there is a supply of child sexual exploitation, particularly in poor countries, and a demand for Internet pornography and sex tourism on the part of rich countries.

With this recommendation, we advocate that real steps be taken: we request European harmonisation of differences in the age of consent; tougher punishments for sexual abuse; and stronger, increased national intervention programmes and systems. To achieve this, we must focus attention on Member States so that – as Spain has done, beyond transposing the Council's framework decision on this matter, – we can develop and implement action plans in which interest groups are involved, including public awareness and social mobilisation programmes, without neglecting to work on international cooperation.

Finally, I would like to add my voice to calls urging Member States to sign, ratify and apply all the relevant international conventions so that we may guarantee that the rights of minors are respected.

Siiri Oviir (ALDE). – (ET) Mr President, Mr Vice-President of the Commission, Mrs Angelilli, ladies and gentlemen, the rapid development of information and communication technology has created a new channel for criminals to perpetrate or present their crimes. The crimes that are the subject of the report have been discussed in various global and European forums.

In 2003, the Council of the European Union passed a binding framework resolution on the sexual exploitation of children and the struggle against child pornography, and the contents of that resolution have today largely been integrated into Member States' legal systems. However, in connection with the rapid development of IT, it needs to be brought up to date and, of course, we cannot drag our feet on this. I am glad that the commission will soon have completed a new updated framework resolution.

All Member States must define the concept of 'child pornography' and declare the sexual solicitation of children through the Internet to be a crime. Harassers operating on the Internet are difficult to catch, but it is not impossible. At the same time, several national laws constrain surveillance. Thus, surveillance cannot be used in the case of second-degree crimes, and data protection is also often an obstruction.

In my home country, there have been cases, even recently, where a minor committed suicide due to the activities of an Internet harasser. There have also been such cases in other Member States. We must be able to protect our children before they become victims. There must be zero tolerance for paedophilia and child pornography in the European Union. We must achieve this.

Salvatore Tatarella (UEN). – (IT) Mr President, ladies and gentlemen, the sexual exploitation of children is a terrible problem. It is a disgrace of today's world and a grave sign of our decline.

A sharp increase has been observed in recent times, due to the vertiginous spread of the Internet and of new and sophisticated technologies to which children are exposed and to which they have access, without any limits, rules, controls or penalties. These are now more urgently required than ever, and must be applied in an increasingly efficient and exemplary fashion.

Mrs Angelilli's excellent report, on which I warmly congratulate her, and the specific recommendations that Parliament will make to the Commission, indicate and suggest measures that can genuinely curb the spread of child pornography, online grooming of children, sex tourism and all forms of child abuse.

Recent disturbing data, including a UN study on violence against children, indicate that sexual exploitation of children is rapidly increasing and that, together with people trafficking, it is becoming one of the major sources of profit and one of the fastest growing crimes at transnational level, with a yearly turnover of approximately USD 10 billion.

According to an estimate by the International Labour Organisation, more than 12 million people are victims of forced labour, of whom more than 1 million are involved in sexual exploitation and between 45% and 50% are children.

Luca Romagnoli (NI). – (IT) Mr President, ladies and gentlemen, the proposal for a European Parliament recommendation to the Council on combating the sexual exploitation of children and child pornography in general is prompted by the clear development of new telecommunication technologies.

Forms of online grooming of children have certainly increased, but I would like to take this opportunity to denounce the exploitation of images of women also. In the majority of EU countries, an often disgusting view of womanhood is propagated, where the commercial aim is pursued not only with vulgarity but with a real contempt for women's dignity, not to mention the use of subliminal advertising and also television programming – above all in my country, I have to say.

I agree with the rapporteur that Council Framework Decision 2004/68 should be updated to increase the level of protection for children and to better combat sexual exploitation in general. The ratification of the Council of Europe Convention is just as important, but we must not stop there: we also need to criminalise the online grooming of children and press for cross-border cooperation in this field.

In my opinion, Member States should be obliged to exchange the information contained in criminal records relating to sexual abuse convictions – and I believe that the ECRIS system is certainly a step forward on this front – in order to prevent those who have committed certain crimes from having contact with children and therefore to improve protection for victims, not just during investigations, but also after trials have been concluded.

I would like to close by emphasising that forms of child exploitation unfortunately encompass more than just sexual abuse, and I would like to see a greater commitment from our institutions on those other areas.

Manolis Mavrommatis (PPE-DE). – (EL) Mr President, Commissioner, ladies and gentlemen, first of all, I should like to congratulate Mrs Angelilli on her exceptional work on such a sensitive issue which concerns us all. The sexual exploitation of children is a phenomenon which continues to shock society in the Member States of the European Union and elsewhere. Child pornography on the Internet is a worsening problem if you think that, between 1997 and 2007, the number of websites showing the sexual exploitation of children increased one thousand per cent. Reinforced cooperation with the private sector could make an effective contribution towards limiting the number of websites hosting child pornography. For example, cooperation could be promoted with credit card companies to fight child pornography on the Internet at European level by using their systems for payments to commercial sites selling photographs of children.

In addition, the new Community programme to protect children using the Internet will help to promote a safer online environment. The Council of Europe Convention signed by 20 Member States of the European Union is the first international legal act qualifying the various forms of sexual exploitation of children as a criminal offence. In order to deal effectively with this phenomenon, Member States need to criminalise every form of coercion of children to take part in sexual activities. Finally, I consider it very important to take account of paedophile registers and to prohibit them from accessing jobs or voluntary work which brings them into direct contact with minors.

Katalin Lévai (PSE). – (HU) Thank you very much, Mr President, ladies and gentlemen, around the world, some 40 million children under the age of 12 are the victims of some form of violent act. Given that the new technologies and, in particular, the constant development of the Internet and the new online methods used by paedophiles, it is of paramount importance that the level of child protection be increased. According to Eurobarometer, 74% of underage children use the Internet on a daily basis, and hence many of them are exposed to violent or pornographic elements.

In the interests of effective protection, I would like to recommend the introduction of the so-called free family information packages in Europe. These are already widely used by certain European Internet service providers, and I believe that others can also become partners in this effort. The packages address four basic safety topics – safety and communication, entertainment, downloading, and virtual violence, and, in a playful manner,

offer families help with the safe use of the Internet. I further recommend that these packages contain a free, child-friendly Internet browser which could serve as a web filter, to keep children away from undesirable content on the World Wide Web. We must be sure that our children are safe, not only on the Internet, but in public and private institutions as well. Therefore, it is of paramount importance that everyone whose work involves regular contact with children be required to report any situation in which sexual abuse has occurred. Thank you.

Cristian Silviu Buşoi (ALDE). – (RO) Sexual exploitation of children and child pornography are very serious crimes. Although legislation in many European Union countries is sufficiently stringent, there are still many measures which need to be taken to guarantee children adequate protection. All Member States should ratify the Council of Europe Convention and implement in full the framework decision in order to establish a united approach at European Union level.

Illegal material involving child abuse should be removed from the Internet at source and websites should be blocked by providers. Indeed, the telecom legislation review which we are debating at the moment in the European Parliament, along with the Council and Commission, offers a good opportunity to improve the legislation.

Perpetrators of sexual abuse should be denied the opportunity to pursue professional activities which involve contact with children. In fact, special orphan homes should be supervised much more closely by the local authorities.

Finally, I believe that the European Commission and Member States should provide financial and logistical support for the campaigns aimed at parents and children.

Andrzej Tomasz Zapalowski (UEN). – (PL) Mr President, I am very pleased that Parliament has taken up the question of combating the sexual exploitation of children and child pornography seriously. I am especially pleased because, until now, many left-wing groups in Europe have been fighting openly for the greatest possible sexual freedom, while not giving attention to the consequences of this course of action in relation to children. There have even been attempts to form paedophile political parties. This must fill every decent citizen of the European Union with horror. The scale of this phenomenon is huge, as can be seen just by looking through the daily papers.

Taking the opportunity of this discussion, attention should be drawn to the violation of children's rights and the sexual exploitation of children of immigrants from outside Europe. The fact that it is permissible in their home countries is one thing, but when they are living in the countries of the European Union, they must rigorously comply with the prevailing law or leave Europe. There cannot be some laws for the traditional peoples of Europe and others for immigrants. This concerns every aspect of life.

Jaroslav Zvěřina (PPE-DE). – (CS) Mr President, ladies and gentlemen, this is undoubtedly an important issue requiring effective cooperation by all Member States. I would like to point out that the protection of children from abuse in a modern society has weakened in many respects. The reasons range from increasing family breakdown and the growing number of children brought up in single-parent families, to greater mobility of citizens and the spread of modern information technologies. That is why I am strongly in favour of the report.

I believe that frank sex education for children is relevant to the prevention of sexual abuse of children, but it should also be addressed at parents, educators and social and health professionals. It is important that everyone gains a proper awareness of such crimes while acknowledging first of all that they do exist, so that they can detect potential abusers and prevent the abuse.

I would like to draw your attention to the fact that child sex offenders have a high repeat offence rate. To some extent, the adage of our German friends, *einmal ist keinmal*, applies here. However, if somebody commits such an offence two or more times, then we should be able to prevent them from committing further crimes. In such cases, both therapeutic and various preventive measures should be used, particularly bans on working with children and adolescents. Since extended periods of time can lapse between offences being repeated, information on tendencies to commit such crimes should be kept on record over the long term. I would also recommend the compulsory vetting of persons applying to work as teachers, coaches and youth supervisors for past sex offences.

In my experience, child sex offenders often try to circumvent bans on working with children by using various ruses, including false identities, to try to regain access to their targets. The free movement of people in the European Union gives them greater scope for doing so.

Proinsias De Rossa (PSE). - Mr President, I should like to thank Roberta Angelilli for this excellent report.

Sex exploitation of children is a crime against the most vulnerable in our society and I am, therefore, shocked that seven of our Member States in the European Union have still not signed the Council of Europe Convention; nor, indeed, have eight of these states ratified the Optional Protocol to the UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The fact is that the Internet now provides new routes for these crimes, and I therefore think it is incumbent on us to urge that the acts of using the Internet for child pornography and for grooming children be made a criminal offence. It is not enough for states to plead that this is difficult to do. We have to cooperate and coordinate our efforts in order to ensure we can do it. Indeed, in all Member States, it should be possible for any citizen or person living in the European Union who committed a crime outside the European Union to be brought before the courts.

Eoin Ryan (UEN). - Mr President, I would also like to congratulate Mrs Angelilli for her very fine report. I think we will all support such a report.

As has been said, it is a crime, and anybody who would attack or in any way undermine children should be treated as criminals. Unfortunately, this is what is going on on the Internet. The Internet is a wonderful tool, a wonderful source of information for all of us and something that will be part of our lives into the future. However, there are those who prey on children and they will use the Internet as much as they possibly can to try to undermine children.

About 8 out of 10 children in the European Union use the Internet and I think we must take particular care to protect the most vulnerable children from bullying, grooming and harassment. We need to promote public awareness and online safety, especially among children, but also among parents so that they know exactly what is going on and what can be done on the Internet.

I think Member States should work together to introduce a network of contact points for the public to reach in order to report illegal and harmful content and conduct. It is important that both parents and children feel secure using the Internet and have a point of contact to report any wrongdoing. In order to make those who are responsible for online grooming and pornography accountable, we should see this for what it is. It is a crime and should be treated as such.

Carlos Coelho (PPE-DE). - (PT) Mr President, Mr Barrot, ladies and gentlemen: the 2003 framework decision aimed to narrow the legislative gap between Member States in combating the sexual exploitation of children and child pornography. To this end, it adopted a common framework of provisions to regulate, amongst other things, criminalisation, the applicable sanctions and protection of and assistance to victims. I consider it regrettable that some Member States have yet to adopt the measures necessary for the implementation of this framework decision, even though the deadline for them to do so has already passed.

It is essential that all Member States criminalise all types of sexual abuse of children and that all European citizens who commit a sex crime against children in any country within or outside the European Union be subject to uniform extraterritorial criminal legislation applicable throughout the Union. It is important to ensure that the perpetrators of such crimes cannot slip through the law's fingers. I also support the revision of the framework decision so that it guarantees at least the same level of protection as the 2007 Council of Europe Convention. It is regrettable that some Member States have yet to sign this Convention.

It is also important to strengthen this framework decision in response to the most recent technological developments in the field of communication. Children make ever greater use of the Internet, which has become one of the preferred tools of potential and actual offenders, in particular through the grooming and fraudulent solicitation of children for unlawful purposes to which Mrs Angelilli has already referred. I take this opportunity to congratulate the rapporteur on her excellent work and on the report which she has submitted to us.

I am aware of the complexity and difficulty of this struggle, but I believe that it is possible to confront the sexual exploitation of children with unified action and a joint effort. The emphasis should be given to prevention, by promoting campaigns to make parents and children aware of the risks of child pornography, specifically on the Internet and, in particular, the risk of sexual exploitation in online chat rooms and forums.

Mieczysław Edmund Janowski (UEN). – (PL) Mr President, it was the poet Zbigniew Herbert who said, 'We must learn to say 'no' (...) 'no' is a very significant part of speech. It is disagreement with evil.' Today we must say 'no' to the violation of fundamental children's rights, 'no' to violence and the sexual exploitation of children, 'no' to depravity and pornography on the Internet and 'no' to sex tourism.

I therefore thank Mrs Angelilli for her report. I have raised this subject many times myself. Prophylactic and preventative measures are needed in this area. It is essential to raise awareness of the dangers, both among children and also among their parents and carers. Rapid crime detection and strict enforcement of penalties are imperative. Cooperation is needed from the media. These measures must include the whole world, because in some countries there are organisations which question the penalising of sexual contact with children. Indeed, there are even specious notions about so-called 'good paedophilia.' We should not be indifferent to the degradation of our children, or to their pain and humiliation. This is a reproach of our times.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Mr Vice-President, the recommendation presented so perfectly today by Mrs Angelilli and supported by my fellow members is directed mainly at the Council. However, as you said that you would be tabling your own proposal in March, I should like to ask for this proposal to be in keeping with numerous policies of the European Union and not move in just one direction. This proposal will need to make provision for criminalisation, strict measures and cooperation with Europol, whose convention is the first to mention trafficking in human beings. Let us not forget that, apart from the threats, violence, deception and abuse of dependents, especially within the family, we also have exploitation from deliberate promotion, mainly of people at an age at which they cannot react. I refer to the phenomenon of trafficking in abandoned infants which we have seen emerging on the Internet and, when I say Internet, I mean not just the World Wide Web and the chatrooms which children enter from their bedrooms, but also the numerous other means, including mobiles, which children can use, which is why we need to make provision for all the parameters.

When we talk about a criminal offence, we also need to think about the situation in correctional facilities and prisons. If we cut down on the number of people in these institutions, we have an increased risk of such phenomena. Provision also needs to be made for improving the living conditions of victims. We need to protect victims and their families, given that violence by abusers is spreading and the means which they use are stronger than the means of defence available to victims, because they are mainly economic. I trust therefore that your new proposal will feature a stronger level of protection for minors and high-specification means.

Urszula Gacek (PPE-DE). – (PL) Mr President, Mrs Angelilli's report will help all parents to protect their children from paedophiles who prowl the Internet. We should remember that all the support we receive in the form of filters and monitoring service suppliers on the Internet does not relieve us, as parents, from our obligation to protect and warn our children.

I live in a small village, where people know each other and are interested in what is happening around them. A stranger arouses interest. In a small village in the south of Poland it would be difficult for someone to make contact with the children unnoticed, but I venture to say that in just such peaceful and safe places all over Europe, when the parents are quietly reading the newspaper or watching television, an unwanted stranger is in their children's bedroom, and has made contact with them over the Internet. Are we, as parents, helpless? No, we are not. Perhaps our children are more proficient in using the new technologies. Perhaps it is difficult to get them away from their computers.

Dear parents, do something today to protect your children. Remind them of something we were taught, namely: 'do not talk to strangers.' It is such a simple message. Today, those strangers are not lurking outside the school with a bag of sweets, they enter Internet chat rooms and seek their victims there. They are more dangerous, because we do not see when they slip without difficulty from one child's bedroom to another. We should teach our children that they must not talk to strangers, and likewise on the Internet, shut the door in their face.

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

Mairead McGuinness (PPE-DE). – Madam President, there is such political agreement on this issue that it seems strange that so little is happening in Member States.

Our focus on the Internet is obviously very important, but it suggests that this problem is a new one, when we clearly know that it is a very old problem and was very well hidden. It happened not just outside schools with bags of sweets, but it happened in homes, in all of our Member States, in churches and in hospitals.

The Internet has perhaps shone a light on this very dark part of society which we are still grappling with, and grappling very badly with. It is very urgent that Member States take seriously their many fine words about protecting children, just as we in this House have spoken very much about how we value and protect children, whereas in fact, our actions are often much weaker than the strong words we speak.

I mentioned that the home is sometimes the most dangerous place for children. We had a recent case in Ireland which highlighted this. I would also add that those who believe that small towns, where everyone knows one another, are a safe place for children, need to think again. In small towns, people very often close their eyes because they do not want to speak about 'soft information' that they have, and are perhaps afraid to pass it on to the authorities.

This is something that we all need to look at and be prepared to speak about, because silence causes abuse to grow, and causes awful damage to the children who are caught in that situation. I call on the Irish Government to bring forward legislation on a wide range of measures to protect children against sexual abuse. I think we also need to look at our Constitution, which puts the family before the rights of the child. They should not be in conflict: both deserve protection from our Constitution.

Colm Burke (PPE-DE). - Madam President, I welcome this debate and, in line with the accompanying motion for a resolution, I encourage all EU Member States to sign and ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. I also urge all EU Member States to sign up to the Optional Protocol to the UN Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

The Council of Europe Convention is the first international legal instrument to categorise the various forms of sexual abuse of children as criminal offences, including such abuse perpetrated with the use of force, coercion or threats, even within the family. However, seven EU Member States have still not signed this Convention, and eight Member States have still to ratify the UN Optional Protocol.

The Internet is increasingly being used by potential and actual sex offenders as a medium for the sexual abuse of children, in particular, through grooming and child pornography.

While I accept that Irish criminal law protecting children against sexual abuse and exploitation is quite comprehensive, I would, nevertheless, urge the Irish Government to bring forward up-to-date legislation as soon as possible to deal with the proliferation of new ways by which children can be subject to sexual abuse.

Marusya Ivanova Lyubcheva (PSE). - (BG) Mrs Angelilli's report is very timely and important. We live in a world where the risks for children and adolescents are continuously growing.

Child exploitation, including the sexual exploitation of children, is among society's biggest ills. The battle against this phenomenon requires much common effort and an integration of measures, methods and resources. Judicial and punitive measures are very important, such as the criminalisation of sexual exploitation, especially legislation on Internet technology used against children's best interests.

We cannot allow to otherwise ignore the fact that prevention of this phenomenon is part of the battle against it: to educate children and parents how to avoid coming into contact with this phenomenon and with the people involved in it; to limit all types of advertising which provoke open and aggressive sexuality; that there is more concern for children in various institutions, who often become victims of sexual violence; integrating efforts for averting child trafficking – one of the main reasons for trafficking is namely sexual exploitation; and to form networks consisting of non-government and government structures as a countermeasure.

Marios Matsakis (ALDE). – Madam President, it is truly inconceivable and shameful that, in the 21st century, with respect to sexual offences against children, the level of cooperation between different services within a state – but also of cooperation between Member States themselves – is not what it should be. I congratulate both the Commissioner and the rapporteur for speaking so clearly and for stressing the need for actual improvement.

I further ask them to name publicly those Member States that have deficient legislation in this respect. One measure I suggest should be considered is the establishment of a pan-European – or even better, international – public list of offenders convicted of sexual offences against children. I propose that such a listing should

be permanent, with no possibility of anyone's name being erased from it unless there has been a court decision reversing the original conviction. A sexual offence against a child causes permanent damage to the victim and should also result in permanent labelling of the perpetrator. This will be an additional measure of punishment, but will also act as a prevention measure.

Ewa Tomaszewska (UEN). – (PL) Madam President, 20 Member States have signed the Council of Europe Convention, the first international legal document which classifies the sexual exploitation of children as a crime.

Developments in science and technology and in new methods of communication, and especially the Internet and mobile telephony, have also revealed a new way of luring children into sexual exploitation, as well as a new way of distributing child pornography. The introduction of penalties for this kind of activity under the criminal law of all Member States is essential. However, the introduction of criminal responsibility for such acts is not sufficient. Another imperative is the establishment of systems which will prevent situations in which the danger of sexual exploitation of a child would be possible, such as by the education of parents and children, and also by tracking down paedophile organisations which are active on the Internet.

I thank Mrs Angelilli for a very important and well prepared report.

Miroslav Mikolášik (PPE-DE). – (SK) I agree with this draft recommendation of the European Parliament to the Council. Child protection must always be a priority issue in all countries of the European Union as children are the most vulnerable group of society. Harmonisation of laws would be a great contribution to preventing crimes of this kind and it would help in the more effective prosecution of offenders in all Member States. Subsequently harmonised legislation can prevent child sex tourism, which persists in the European Union because of varying levels of legislation.

Child protection is also needed in respect of children's access to the web, where they are exposed to all kinds of content, including possible abuse by paedophiles, and to Internet grooming. Sexual abuse of children and child pornography is contrary to the world code of children's rights adopted by the UN and, at the same time, it contravenes fundamental human rights.

Rovana Plumb (PSE). – (RO) Sexual exploitation of children and child pornography are very serious crimes which are on the increase, but which can be combated through legislation, including awareness campaigns. As a mother myself and an MEP from a country which is among the main locations for hosting websites featuring pornographic content, I feel that EU Member States need clear laws which ensure that child pornography is banned from the Internet, while making Internet service providers block public access to websites which post such images.

Given that access to, and the distribution of, pornographic material are not controlled by time and place, I welcome the timely suggestion to set up, at European level, a separate unit for combating child pornography and prostitution and I suggest that Member States and the Commission provide financial support for information and awareness campaigns.

Zuzana Roithová (PPE-DE). – (CS) Madam President, I welcome this report with just two reservations. Firstly, I do not believe that prosecuting parents who coerce their children into forced marriages is effective. Realistically, it is impossible to prove this within a family where there is also an exceptional right to remain silent. Secondly, the provision on overriding professional confidentiality would need to be worked out in more detail. Regardless of these two reservations, I appeal to the Member States, the Council and the Commission, including the Czech Presidency, to urgently update the relevant European and national legislation and to ratify international agreements for effectively combating paedophilia. A Europe-wide database of paedophiles must be set up as soon as possible to prevent these people from being employed in education or child services in other Member States. The age limit for sexually motivated crime should also be harmonised. I would also like to point out that Member States need to finance the development and expansion of programmes which will help parents to protect their children from Internet grooming.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I believe this debate has shown the European Parliament's unanimous commitment to the protection of children.

I am trying to be as clear as I can: I would point out that we are going to review the framework decision dealing with child protection. We wish to improve its contents to bring child protection in the European Union up to the level of the highest international standards, particularly the new 2007 Council of Europe Convention, and best national practices.

In terms of criminal investigations, the legislative proposal will include new criminal offences to deal with the new forms of abuse which are being facilitated by new technologies. It will be easier to carry out investigations and bring charges. I will say no more on this. As for helping victims, we will make it easier for them to gain access to justice.

Furthermore, and especially, we will organise prevention by managing offenders on the basis of an individual diagnosis and a risk assessment for each offender. In addition, we will try to prevent and minimise the risks of repeat offending and introduce measures to ensure the optimum effectiveness of safety mechanisms in the entire Union. In this respect, the ECRIS system, which will allow the networking of criminal records, will be very valuable.

I have also had questions on extraterritoriality. We will also take the opportunity to propose more restrictive measures at this level to prosecute crimes of sexual exploitation committed in third countries by citizens of EU countries, even if the third country in which the crime is committed is unable to do so.

That is the current thinking. Obviously, Mrs Angelilli, we will follow all the recommendations in your report most carefully as we develop this framework directive.

Madam President, ladies and gentlemen, I would also like to say to Parliament that it is not enough to have a good legal framework. There is also a need for tools. This is why, at European level, around Europol, we are trying to build a platform which can be used to bring together information gathered in the Member States and distribute reports and statistics from the national platforms. Several EU countries have such platforms, but now there is a need at Community level to ensure that everyone can be familiar with all this information. In this matter, the European Union can offer added value, provided that we can succeed in creating this platform around Europol.

I would also say that we have a further tool in which I have a lot of faith, in other words, the informal public-private group created by the Commission, which has introduced a European financial coalition against commercial child pornography images. In the face of a quadrupling in the number of sites between 2003 and 2007, we have to involve the private sector, as it controls a large part of the IT infrastructures. In particular, the access providers have to be mobilised. This is fundamental.

The coalition will bring together all of the stakeholders: non-governmental organisations, banks, companies that issue credit cards, online payment organisations, Internet service providers and other private operators with an Internet presence. It will set about locating and confiscating the profits made from criminal activities. This is a major factor in bringing an end to a number of commercial practices which are exploiting such child pornography.

That, in brief, is my answer, Madam President, but we will have occasion to return to this major issue. I would add that, last week, we had a very nice data protection day. It saw youngsters sending out remarkable warnings to other young people to be careful when they use the Internet.

You are aware that there are now an increasing number of monitoring mechanisms that families can use to make the Internet safer for children to use. I am not saying that things are perfect, but a major effort is being made and, of course, we need to mobilise the entire Internet community.

I wish to stress the concept of 'kidnap warnings', because they have not been the subject of many speeches. It really is important for Parliament to encourage the Member States, as it did in its declaration of 2 September 2008, to arm themselves with warning systems and to conclude cooperation agreements to achieve cross-border trigger mechanisms.

In addition, you have also very generously created a budget line to encourage Member States to create these mechanisms, or at least to create links between themselves to deal with 'kidnap alerts'. We know that a 'kidnap alert' can be very effective if it is triggered quickly. Now, before the European Parliament, I would lay particular stress on the horror that is child kidnapping, often carried out for the purposes of pornography.

I would again like to thank the European Parliament for its support in the struggle to protect children. I would also add that I have noted the speeches on data protection during legal procedures involving children. I cannot go on any longer, but I would stress that in March, we will attempt to give the European Union an exemplary legal framework in accordance with the most stringent standards of child protection.

Roberta Angelilli, rapporteur. – (IT) Madam President, ladies and gentlemen, I would like to thank my fellow Members once again for their thoughts and the support shown during the debate and, in conclusion, I would

like to extend a special thank you to the European Commission for its active collaboration. To Mr Barrot I owe a particular debt of gratitude, since even this morning he demonstrated extremely strong political and legislative will in terms of child protection. He really has provided much food for thought and, above all, practical commitment.

I would like to take this opportunity to make a few additional points. Firstly, there is a lack of data. Too often we lack sufficient data, statistics, which are indispensable as a basis for our work in better monitoring, better understanding and, of course, better combating child abuse. This lack of data is – how can I put it – a recurring issue, but I think it important to emphasise since it is a shortcoming that we must overcome.

As far as data protection is concerned, some Members raised this topic and the Commissioner has already given them a very specific response. I would like to stress that I am very aware of data protection and I do not believe that there is a conflict between privacy and children's rights, if, of course, the institutions play their part and if everyone, from the providers to the police, respects the rules.

Moreover, I would point out that children are, in fact, those with the greatest need for privacy and data protection. Mr Barrot mentioned this too: often during legal proceedings, when a scandal breaks in which the victim is sadly a child, it is precisely the exploited child that is fed to the media without any form of protection, and I would say without any compassion either for their image or for their privacy, and all simply to boost television ratings and sell a few more newspapers. I would also like to add that no child is exempt from these dangers, and unaccompanied children and Roma children are often even more vulnerable.

I will conclude, Madam President, by saying that clearly a significant effort is needed at a cultural and political level, and this effort must be made by families, schools and the media. Much can be done in terms of self-regulation, but without binding, weighty legislative instruments, clearly, we cannot fight cases of exploitation behind which there are not only individuals but often actual criminal organisations.

President. - The debate is closed.

The vote will take place today.

Written statements (Rule 142)

Corina Crețu (PSE), in writing. – (RO) One of the features of sexual abuse of children has been its rapid spread with the help of the Internet, making it all the more difficult to combat. It must become a legal obligation to block access to websites which spread child pornography. Indeed, grooming children must be considered an offence.

We need to be much more aware of the risk of new technologies being used by paedophiles at a time when children are becoming increasingly more active in their use of the Internet. We cannot help but be concerned by the gap that exists between generations in terms of Internet usage and, by extension, in terms of controlling children's access to websites posing a high level of risk.

It is extremely important to establish communication between the school and family in order to educate children in how to identify risk situations and respond. This is the reason why special information and education programmes are useful, not to mention a European strategy for combating sexual abuse and more active cooperation between Member States aimed at setting up a transnational police network for tackling child pornography and prostitution, as well as a network for managing a database containing the details of people convicted of such acts.

From the point of view of European cooperation, it is regrettable that the ratification process of the Council of Europe's 2007 Convention has been so slow.

Louis Grech (PSE), in writing. – This report recognises that the violation of a child's dignity is a serious breach of human rights, as well as a despicable act, which, unfortunately, is not tackled uniformly throughout the EU. It is disturbing that some Member States have not implemented all relevant international conventions for the protection of children. I urge the Commission to use all tools at its disposal to pressure those states into compliance.

To fight child pornography, the EU should enforce tough legislation, but also undertake educational projects that inform people about this subject. Existing technical solutions to protect children should be promoted among parents, in particular, software tools that are easy to use and available for free or at a low-cost.

Low barriers of entry and minimal risk are making it very easy for criminal organisations to get into cyberspace. To face this new threat, we need to harmonise legislation, boost law enforcement and strengthen cooperation in police work. Moreover, EU legislation would only partially solve the problem since this issue has a global dimension and therefore needs a global framework to enforce the law internationally. In that regard, I urge the EU to take the lead.

Tunne Kelam (PPE-DE), in writing. – Exploiting children in any way is unacceptable. Being the future of any society, children are, at the same time, the most vulnerable group of it. Therefore it is the priority duty of politicians to protect children from any abuse, in particular, to free them of the risks of sexual abuse.

I warmly welcome the comprehensive report which calls upon all Member States to address the problem in question with utmost seriousness.

I support the call to the seven Member States which have not yet signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Furthermore, I join the call upon all Member States to sign, ratify and implement all relevant international conventions to protect our children.

Nevertheless, signing and ratifying conventions is merely providing a framework for improvement. Practical actions are needed because of the increasing evidence of sexual exploitation of children. Children need to grow up in a safe environment for which parents have the primary responsibility. Urging the Member States to coordinate their actions, I also support the idea to set up the Missing Child Alert System which would improve the cooperation on this issue on the European level.

Marianne Mikko (PSE), in writing. – (ET) Children need our care and protection as legislators. It is very important that seven Member States and neighbouring countries sign the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. The implementation of the Council's framework resolution is also important.

Those who have fallen victim to abuse at an early age must be guaranteed full protection during the investigation, before and after judicial proceedings. Victim protection mechanisms such as the provision of appropriate assistance to families of victims and the treating of victims as particularly defenceless victims must be implemented immediately.

We must raise the level of protection. What is taking place on the Internet has surpassed all limits. Children are often unable to understand the seriousness and consequences of a situation. What often seems to be a game can lead to lifelong psychological damage.

Thus, we must ban paedophiles' chat rooms and Internet forums, and make solicitation using such methods a criminal offence. We really must.

It is our duty to protect children from a world that may destroy them. We must keep sexual criminals away from children, and we must take the necessary steps to ensure that.

Katrin Saks (PSE), in writing. – (ET) Estonia is one of the countries in which the process of strengthening punishments against those who have committed crimes against children is currently underway. This, however, is a struggle against consequences.

In order to prevent crimes, we must promote 'Internet literacy', which must also include teaching people about risks. The world of computers is, unfortunately, precisely the place in which parents have been unable to act as guides for their children.

In order to prevent crimes, one must increase awareness. The 2008 Eurobarometer study shows that a large percentage of parents do not pay attention to what their children are doing on the Internet. I, for instance, represent a country where Internet use is among the highest in the EU, but parents' disregard is also among the highest in the EU. Namely, 60% of them are not concerned that their children might fall victim to harassment; 47% are not concerned that their children see pornography or violent material; 62% are not concerned that their children may divulge personal data.

It is very important that parents be informed and that awareness programmes for children be launched on the Internet, because only 10% of (Estonian) children claim that they have approached their parents for help in connection with unpleasant incidents they have experienced on the Internet.

5. Sanctions against employers of illegally staying third-country nationals (debate)

President. - The next item is the report (A6-0026/2009) by Claudio Fava on sanctions against employers of illegally staying third-country nationals.

Claudio Fava, rapporteur. – (IT) Madam President, ladies and gentlemen, four minutes will be enough to give you a summary of two years' work – work that has been hard but, I hope, useful – which has involved Parliament alongside both the Commission, with its proposal, and the Council. The essence of this work has been to prepare a directive which, for the first time, lays down sanctions for employers who benefit from the work of illegal immigrants.

I believe we have succeeded in changing the philosophy behind this directive, which had been confined solely to fighting illegal immigration. The compromise text agreed with the Council also provides some protection for those immigrants forced to work illegally, who are often held hostage by criminal organisations. Otherwise, Madam President, there would have been a risk of punishing them twice over, both as exploited workers, often forced to accept indecent working conditions, and as illegal immigrants who have to be repatriated, with the repatriation ban which, in many countries, means years and years.

In this context, in Articles 7 and 14, we have provided that, in cases involving minors, serious exploitation or people trafficking, the Member States will be obliged to draw up rules for issuing temporary residence permits, the term of which may be extended until any remuneration due has been paid. We should have liked this possibility to be extended to all illegal immigrants, but that is prevented by the Return Directive adopted last year. I was not one of those who supported it.

We have, however, succeeded in introducing a rule allowing Member States to apply more favourable measures to immigrants regarding the issuing of residence permits. Article 10 is, in my view, the key article. For the first time, it provides for criminal sanctions to be imposed in the worst cases, including those where the regular workers are minors.

I think the additional sanctions laid down in Article 8 are important. They include withdrawal of licences, closure of establishments in particularly serious cases, and exclusion from state aid derived from European funding. Otherwise, we would be guilty of extraordinary hypocrisy: we would be punishing employers with one hand yet still giving them generous subsidies with the other.

I believe it is fundamental that we have succeeded in including a definition of remuneration that equates the pay due to an illegal immigrant with the pay of a regular worker, without any discrimination.

We have included temporary work agencies in the scope of the directive. In certain countries – such as my own – in particular, these are the organisations that most readily recruit illegal workers under the very worst kinds of exploitative conditions. Just think of the cases where illegal agricultural workers have been hired, which have long filled the crime columns.

We have successfully asked for the trade unions to be able to represent immigrants in administrative and civil cases. The text previously mentioned third parties in general, but now it mentions trade unions.

We need a running-in period to see how it works, and we have therefore asked the Commission to report to Parliament and the Council after the directive has been in force for three years, specifically about the rules on inspections, residence permits, sanctions and subcontracting.

On the subject of subcontracting – Article 9, which was the subject of discussion between Parliament and the Council and within the Council itself – your rapporteur would have liked to extend liability to the whole contracting chain, as the Commission had originally proposed. The Council and Parliament, or rather part of Parliament, were for excluding subcontracting entirely, but we have reached a compromise solution that I believe is workable: dual liability, which should not prevent us from legislating again on this issue in future. That is why tomorrow, for my part and on behalf of the other shadow rapporteurs, whom I thank for the collaboration they have given me during these two years, I shall ask the Council to add a statement to the compromise text on which we are going to vote, to the effect that the provisions of this Article 9 shall not prejudice any future legislative action on subcontracting.

In conclusion, Madam President, I believe this directive lets us envisage a Europe in which immigration has finally become a matter of collective responsibility and recognised rights, and not just of rules against immigrants.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Madam President, I would, of course, like to thank Mr Fava and the Committee on Civil Liberties, Justice and Home Affairs.

Major efforts have been made by various parties to reach an agreement at first reading and, given the broad majorities in favour of this on the LIBE Committee several days ago and on the Permanent Representatives Committee just before Christmas, I think we will get there.

This text, of course, does not fulfil the initial ambitions in all respects. The Commission can, however, support this compromise without hesitation. This directive lets us introduce an effective instrument, a common framework to discourage the employment of workers from third countries who are residing illegally.

The Commission will be vigilant about the inspections. The compromise text recommends better targeted, qualitative inspections, so it remains to be seen in the coming years if these qualitative criteria have been used and if the obligation on Member States to regularly identify the risk sectors for illegal working on their territory has been really effective. This is what we want, in order to fight against the employment of people from third countries residing illegally and, above all, to impose sanctions on the employers who profit from these people. Examination of the implementation of the provisions relating to the inspections will, therefore, be a priority for the Commission in its future reports on the application of this directive.

In addition, there are, of course, positive results emerging from this compromise, particularly the consensus achieved on the difficult question of subcontracting. I have noted that Mr Fava was hoping for a statement from the Council and Parliament. Personally, I do not see any drawbacks.

The Commission is pleased that the directive recommends criminal sanctions for particularly serious cases, for which these sanctions are both necessary and appropriate. They are necessary to reinforce the deterrent since, in the most serious cases, administrative sanctions are not sufficient to deter unscrupulous employers. They are appropriate in an instrument intended to match the ambitious European policy to combat illegal immigration. In this context, the Commission appreciates the fact that criminalisation of employers of the victims of trafficking has been reinserted in the text in the final compromise.

Madam President, ladies and gentlemen, this directive is a first significant step in the fight against illegal immigration. It targets the practices of unscrupulous employers, whilst protecting migrant workers who, most often, are the victims in such cases.

This directive should be adopted and implemented quickly. The Commission will support and accompany this process by calling regular meetings of experts from the Member States during the transposition phase to discuss any issues that might arise. It is an important tool and the Commission will do everything necessary to ensure this tool is used effectively.

My thanks go to Parliament, Mr Fava and the LIBE Committee.

Edit Bauer, *draftsman of the opinion of the Committee on Employment and Social Affairs*. – (SK) It is hoped that legislating against employers employing illegal migrants from third countries will be an instrument for reducing the 'pool-factor' of illegal migration. However, on the other hand, one can also see its possible effect on improving conditions for competition and I also believe that it will help to combat human trafficking.

There is a view that this legislation will not bring added value. As no such legislative instrument exists yet at Community level, for some Member States, the added value is high, while for others, where such legislation already exists, the added value may not be evident.

In discussions of possible compromises with the Commission and the Council, the discussions concentrated on particular problem areas. Firstly: the issue of the contractor's liability for obligations under law on sub-contractors, where the draft proposal limits the liability for the actions of direct sub-contractors. Secondly: the means of ensuring effective procedures by which illegal migrants can be paid outstanding wages where we have pursued the principle of non-discrimination, and we looked for a way to provide available help to illegal migrants and to provide tools for them to receive wages even after their return to their home country. Thirdly: the possible effect of postponing the execution of the return of an illegal migrant until that person receives their wages. Here I would say that postponing the execution of such a decision would greatly undermine and possibly negate the purpose of the proposed legislation. And finally, the problem of inspections has been left to Member States in the knowledge that labour inspectors play a vital role in making the legislation effective.

No doubt there are various views on how to resolve this and other problems in this draft. Some of these will be decided when it comes to their implementation. I would like to finish by thanking Mr Fava, the Commission and the French Presidency for successfully incorporating the compromises.

Esther de Lange, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (NL) I, too, should like to thank the rapporteur for his work, without overlooking the efforts, though, of the shadow rapporteur of the Group of the European People's Party (Christian Democrats) and European Democrats, Mr Busuttil, and the social affairs rapporteur, Mrs Edit Bauer. It is, after all, thanks to their efforts that the compromise reached ultimately does what it is supposed to do, namely take away the prospect of work as an incentive for illegal immigration by actually penalising workers who are staying in the European Union illegally.

Contrary to what some parties in this Parliament tried to achieve in the first instance, this legislation has not become an instrument for subsequently legalising illegal immigrants. Indeed, the debate on legal migration is being held elsewhere. As rapporteur for the Committee on Women's Rights and Gender Equality, I do believe, though, that more thought should be given to gender issues when dealing with this group of people who are staying in the European Union illegally and, as has already been stated, are often the victims of exploitation.

Estimates of how many people from third countries are staying in the European Union illegally are not precise and vary between 4.5 and 8 million. Moreover, these estimates give no indication as to the proportion of men and women in that total, and neither do they grant an insight into the gender-specific problems which illegal female immigrants face. I would draw your attention to the fact that female illegal immigrants are very vulnerable and that they are often at the receiving end of forced labour, human trafficking and violence. This, therefore, requires specific education within the bodies that deal with these issues.

As ever, though, this is about effective monitoring. I am pleased that the arbitrary 10% monitoring level that was suggested initially has now been dismissed and that a risk approach has been incorporated in the compromise text. The reports in the Belgian newspaper *De Standaard* last summer about house slaves in certain embassies in Brussels, only a stone's throw from the Berlaymont building, prove that these scenarios are not far-fetched. I would therefore like to say to the European Commission that the proof of the pudding is in the eating. Face up to your responsibility to examine critically how countries deal with this legislation and whether they apply it effectively.

Simon Busuttil, *on behalf of the PPE-DE Group*. – (MT) This law, Madam President, is probably one of the first that directly tackles the illegal immigration phenomenon using legislative tools, and now it can be said that this law has finally arrived. It was sorely needed and therefore I am extremely pleased that we have managed to reach an excellent compromise here. What exactly did we achieve by way of this law? What we did was to attack one of the main sources that motivate people to turn to illegal immigration. We attacked incentive. What kind of incentive are we referring to? The incentive is that a person living, for example, in Africa might have to risk his life in order to journey to another country, thinking that he might find work there, even if illegally. From now on, we are sending out the clear message that illegal employment will no longer be tolerated and therefore it makes no sense to make the crossing over to Europe, while under the mistaken impression that there are jobs to be had here. As of now, this will be absolutely impossible. As the previous speaker said, it is important that this instrument is not used to regularise irregular situations, but should serve as a clear message that illegal employment can no longer be tolerated. This is being enforced through effective measures and sanctions: financial, administrative and even criminal ones. These also serve to pass on the unequivocal message to employers that we shall no longer tolerate the recruitment of workers without a permit. Thank you.

Stavros Lambrinidis, *on behalf of the PSE Group*. – (EL) Madam President, we have managed here in the European Parliament to radically change the objective of the directive which we are debating today. Claudio Fava deserves our congratulations on this in particular. Firstly, we have managed to obtain provision for the mandatory payment of remuneration outstanding to illegal immigrants who are deported. Secondly, we have helped to ensure that provision is made for strict and binding criminal sanctions for employers of immigrants under unacceptable living conditions. Thirdly, we have safeguarded the right of trade unions and other bodies to go to court on behalf of immigrants and, fourthly, we have imposed the right to grant residence permits of short or longer duration to illegal immigrants who uncover criminal organisations. In other words, we are at last treating illegal immigrants as human beings, without at the same time legalising illegal immigration, which is why we support this compromise.

However, there is still a dangerous mismatch between the continuing police approach to illegal immigration and the reality in numerous Member States. That is why the application of the directive will also require special attention. It could lead thousands of illegal immigrants into poverty, ghettoisation and crime and, although we demonstrably cannot or will not deport them, these illegal immigrants may remain out of work. If, in fact, numerous illegal immigrants are currently occupying jobs in Europe which Europeans do not want, we should now be debating in this House, at long last, common rules on legal immigration into Europe and the legalisation of these people, not new rules to deport them.

Finally, the absolutely necessary fight against the black labour market obviously does not only concern illegal immigrants; it mainly concerns legal immigrants, it concerns millions of European citizens whose employment rights are trampled underfoot by their employers on a daily basis, it concerns the fact that employment laws are being trampled underfoot, without any material control or material sanctions. Today's directive should therefore have as its legal basis, in my opinion, the general fight against undeclared work in Europe, not immigration in particular. This targeting of immigrants every time something goes wrong in Europe is very dangerous for social cohesion in our countries. Obviously, illegal immigration also needs to be combated, but we cannot demonise people who are fleeing miserable conditions in their own country in the hope of a better life.

Jeanine Hennis-Plasschaert, *on behalf of the ALDE Group*. – (NL) For years, the European Union has had to contend with the presence of millions of illegal immigrants on its territory, and the pressure to find a solution is mounting. This pressure is considerable, and rightly so, frankly. Indeed, if we wish to adopt manageable and reliable migration policy, in which refugees are entitled to protection and in which we create transparent opportunities for legal migration, then an approach that takes due account of all discouraging and encouraging factors that lead to illegal immigration is a necessary measure.

Last summer, the Council and Parliament reached agreement on what was known as the Return Directive, which mainly focuses on the illegal immigrants themselves, whereas today, we are looking at the employers who do not hesitate to employ illegal immigrants. This is not only a significant inducement for illegal immigrants, but also unmistakeably creates cases of abuse and gross exploitation.

The importance of harmonised European policy is, in my view, beyond dispute. After all, when internal borders are non-existent, Member State A may worry itself silly, but if Member State B barely addresses the employment of illegal immigrants, if at all, then Member State A will remain nothing but a voice in the wilderness.

After a rather slow start, there is now, following intense negotiations with the Council, a compromise before us that is acceptable to me, and I would like to thank the rapporteur for his constructive and pragmatic way of working. It was like a breath of fresh air which, in fact, cannot be said of a few of his fellow MEPs who now insist, at any price, on this accompanying written declaration, a show for the *Bühne*, which does not do much for the image of this Parliament. That too, my group will accept.

Moreover, it should be clear that, once this directive has been adopted, it is up to the Member States to galvanise themselves into action. It should be clear that neither the European Commission nor the European Parliament have magic wands at their disposal when it comes to decisiveness or enforcement. The Council was emphatically opposed to a binding percentage of inspections, and this is exactly where the problem often lies – as has been said by many in this Parliament, as well as the Commissioner. All I can do now is urge you to turn this enforcement into reality so as to ensure that we do not get bogged down with empty words on paper once more as, indeed, nobody benefits from this.

The proposal is again a step in the right direction when it comes to achieving comprehensive migration policy. We still have a long way to go though, so what we must do now is persevere. In this connection, I would like to ask the 64 thousand dollar question that has been on everybody's lips today: why is the Council absent from this debate? This is, quite frankly, unacceptable, in my view.

Zdzisław Zbigniew Podkański, *on behalf of the UEN Group*. – (PL) Madam President, the European Union is not coping with illegal immigration. Many facts prove this, and we also see this in Mr Fava's explanatory statement, where we read, amongst other things, that '[i]t is estimated that there are between 4.5 and 8 million illegal immigrants in the EU, a figure that is steadily increasing, notably because of easy access to illegal work.' The very fact that the numbers from 4.5 million to 8 million are used shows that we are not even able to state precisely the scale of this problem and issue. And yet, economic migration also concerns many EU Member States, especially those which acceded more recently.

Today, millions of Poles and citizens of other countries are moving within the EU to the old Member States. These citizens are subjected to the same ills and are in the same situation as migrants from third countries. For illegal employment means the exploitation of workers while denying them the benefit of health insurance or pension rights, the exploitation of juveniles and even human trafficking. We can overcome this phenomenon only when there are severe legal sanctions and when we consistently make use of them.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Madam President, we very much appreciate the work of both Mr Fava in the Committee on Civil Liberties, Justice and Home Affairs and Ms Bauer in the Committee on Employment and Social Affairs. I think we in this House will have to get used to the enhanced cooperation procedure on measures which actually link employment and migration.

As has already been said, this is supposed to be part of the common immigration policy of the European Union, dealing with the pull factor of possible work, often within the informal economy and amongst vulnerable and non-organised workers. However, it can also apply where there are genuine vacancies, which cannot be filled from the national labour pool, and where Member States are not issuing sufficient work permits, or where there is a creaking bureaucracy that cannot respond quickly enough to applications with a labour-market purpose. There is also a gap that we have yet to fill for people for whom no return to their country of origin is possible – for example, to Zimbabwe – and who are often left legally destitute, as it were, and, therefore, need to find a way to keep themselves alive.

The majority of Member States already have, in theory, measures in place to deal with the situation of irregular migration, and you would think that would signal an apparent commitment to action. Yet the Commission proposals on inspection in its original document have been really watered down, and Parliament has had to fight to get even what we have currently in Article 15. It is to be hoped that those inspections will not just pick off small businesses but will actually look at some of the larger enterprises that rely very heavily, at the bottom end, on vulnerable workers. That is why the issue of subcontractor liability was extremely important to many of us in this House. Some of us consider that what we are left with is, again, a watered-down version of the Commission's original proposal.

People have mentioned the issue of the residence permit, where Member States may choose to make this available for particularly severe cases where complaints have been brought. That, I suppose, is a step forward – at least from where some Member States were.

One of the issues that has concerned many of us is remuneration – when you cannot determine what the length of an employment contract was – and issues regarding payment of national insurance and tax, which we know for many vulnerable workers are often taken out of their pay packets but not necessarily handed on to the authorities.

For many of us, this issue about payment for work done is a question of principle; it is also that companies and economies have benefited and that this is not supposed to be a legislative measure to punish the irregular migrant. It is also – if you are looking at this as part of an overall policy – part of a sustainable return that people will actually go back with what they have earned.

We have no guarantee that Member States will ensure that people are paid. We have an assurance that mechanisms will be in place so that claims can be made but not that money will be paid out. There is thus no guarantee that payment will be made. Some may take the view that individuals take a chance and there is a risk, but if we are looking at questions of human dignity, and where this fits in the overall goals of a common immigration policy, this is a serious issue.

So, for my political group, the balance of this proposal is no longer clear either on inspections or remuneration, and other areas have been watered down. We do not feel that Member States are showing much commitment and, therefore, we will not be supporting this proposal.

Giusto Catania, *on behalf of the GUE/NGL Group*. – (IT) Madam President, ladies and gentlemen, there are between four and a half and eight million non-EU citizens in an irregular situation in Europe – these are the Commission's figures.

This is an utterly negligible number: just over 1% of the resident population of the European Union. It is clearly a problem that has been over-exaggerated. These are workers who perform useful services, such as personal services and work in the tourist industry and, in the vast majority of cases, they have been absorbed by the job market. These are workers who are useful to our economy, but they are exploited workers –

exploited to reduce labour costs and to enrich unscrupulous employers. These are workers who often do jobs not performed by EU citizens.

We need these people, but they have entered Europe illegally for a simple reason, which is that there is no legal way for them to come in. The same thing happened to the great majority of citizens whose situation is now legal but who entered the European Union illegally.

What was needed was another measure: one that regularised the situation of these millions of people. What was needed was a measure to free them from slavery, blackmail and exploitation. Instead we have a directive that carries on where the Return Directive left off. First we decided on the expulsion procedures; today we are deciding on the potential expulsion catchment area and are even specifying who will pay for the expulsions. With this directive, the exploited pay more than the exploiters. Unfortunately, there is no provision for a general regularisation measure, not even for those who report their own status, or who report their exploiters or the crime that is being committed. They go straight from being exploited in illegal work to being expelled.

We needed something different. We needed a measure to favour legality, and not the criminalisation of those who are currently here illegally. We needed a measure to curb xenophobia. Yesterday, the Italian Minister for Home Affairs said specifically, 'We have to be hard on illegal immigrants'; in other words, we have to be hard on the vulnerable. I believe we are fostering this kind of xenophobic attitude with this directive.

We in the European Union need immigrants – the Commission says so itself: 50 million by 2060 – because we are in the middle of a demographic crisis, but we are doing nothing to help them enter. Instead, we are harmonising the expulsion system and today we are deciding to expel those who are here illegally even though they may be workers who have been absorbed into the European job market.

I think the effects of this directive will be devastating, because it will make immigrants and the job market go even further underground and increase the exploitative crimes of unscrupulous bosses.

Nigel Farage, *on behalf of the IND/DEM Group*. – Madam President, illegal immigration is a problem, which is made worse by the free movement of peoples. However, the current wave of unrest that is spreading rapidly through Britain is, of course, being caused by legal migration and by the European Union's own rules.

For 20 years, British trade unions, having being seduced by Jacques Delors, thought the European Union was in their interests. Well, now the penny has dropped and they have realised that a British government is unable to put British interests first.

I am afraid it will get quite a lot worse. As we embark upon a round of massive public spending projects, such as the Olympics and council house building, thousands of European workers are set to benefit. British jobs for British workers cannot be guaranteed all the while we are inside the EU. The prospect of British taxpayers funding foreign workers is, frankly, unacceptable.

But the Government is holding firm, saying that the European Union is a wonderful thing. Well, it is not surprising is it? Lord Mandelson is still getting GBP 78 000 a year from the European Commission and, of course, gets a dependent pension on this in just a few years' time – a conflict of interest if ever I saw one.

The big concern now is whether the xenophobic far right will benefit. We do not want that either. We in UKIP will put a non-racist agenda to the British people at the European elections, saying that it is time to put British interests first. We are not protectionists, but we want good common sense. We want to control our own borders and decide who lives, works and settles in our country.

Andreas Mölzer (NI). – (DE) Madam President, throughout the world the hope of obtaining a well-paid job has a very strong appeal. In particular, in difficult economic times, the black economy starts to grow which, of course, results in many people risking their lives in the search for the land of plenty. It is important for us to make it clear that illegal employment will no longer be tolerated.

However, the recent report on fundamental human rights presents a few problems in this respect. The report indicates that breaches of EU entry requirements will be rewarded, as immigrants will be given greater protection than the people of Europe, whose identity and social harmony are under threat from mass immigration. Illegal immigration will be trivialised if, in future, every illegal immigrant is seen simply as a person without a valid work permit.

However, we must not forget that migrants without residence permits will ultimately have to be deported. It is important for us to do away with incentives, such as mass legalisation and the prospect of employment.

In addition, we must negotiate effective agreements on deportation with the countries of origin. Also, the FRONTEX border security organisation must finally be expanded so that it can be deployed efficiently.

Marian-Jean Marinescu (PPE-DE). – (RO) The current directive helps consolidate the common policy on illegal immigration and is a first step towards combating illegal employment by imposing financial penalties on employers. However, I should remind you that all Member States have national legislation governing illegal work and tax and duty evasion. Applying these laws also helps to identify the employment of illegal immigrants.

This is why I believe that it is important for us to have adequate regulations, but it is even more important for Member States to ensure that these regulations are strictly applied. I welcome the provisions in the final text on sanctions which are proportional to the number of illegal employees, as well as on imposing smaller fines where the employer is a natural person and the employee provides personal services or domestic help, and the working conditions are not regarded as exploitative.

The negotiations between the European Parliament and the Council have resulted in clarifying the concept of a subcontractor which can be held liable and in establishing the amount of the retrospective payments which need to be made by the employer. I firmly believe that the application of this directive will improve the situation in terms of observing Community preference when assigning jobs.

I also feel that the application of this directive should be an additional reason for Member States to remove the labour market restrictions imposed on European citizens, in view of the fact that restricting the chance of employing illegal immigrants will create new opportunities for the EU to recruit its own citizens.

Inger Segelström (PSE). – (SV) I would like to begin by thanking Claudio and everyone else who made this report possible. In previous debates about future asylum, refugee and migration policy, we mainly focussed on those who stay here illegally, on those who are well-educated and who are permitted to come here, or on people who are simply poor and wish to provide for their family and want to be able to come here.

Now we are placing the responsibility on employers who employ people with no documents. There would not be as many people without documents staying here if we did not always have irresponsible employers who will pay and exploit them. To me, it seems quite right to impose sanctions and to introduce an information requirement for employers, and if an employer has exploited someone, compensation should be paid even after that person has gone home.

However, there is one proposal that I would have voted against had there not been a vote in the committee, and that is that the majority is introducing less stringent rules for employment in the home. This, for me, is a question of equality, as it has mostly been women who have been working in the home for low wages. This group has also found it more difficult than those in workplaces with several employees, but I see this as a first step.

I was sorry to hear in the news today that the Swedish Conservative Government has a negative view of the report, which is intended to support responsible undertakings and criminalise irresponsible undertakings that exploit workers with no documents.

Finally, I am, of course, also concerned about the opinions we received from the trade unions regarding the report. I hope that we will be able to resolve these issues before a decision is taken. The same rules must apply to all employers, such as shared responsibility in connection with works contracts, otherwise we will be incorporating loopholes and encouraging cheating.

Ignasi Guardans Cambó (ALDE). – (ES) Madam President, the best way to safeguard a controlled form of immigration that is manageable for our society – manageable in both economic and social terms – is to combat illegal employment as well.

This does not mean we should fight against illegal immigrants themselves, since every one of them has his own story to tell, but rather against the phenomenon of illegal immigration as the only way to justify and truly systematise controlled immigration, particularly in today's world.

Of course, this should be done not only through those seeking work but also through those offering it. The fight against illegal immigration cannot only be waged in the underground stations in London or Madrid but must also be carried out in the human resources departments of the many companies that employ illegal workers in order to exploit them and deprive them of their rights.

That, therefore, is our reason for wholly welcoming this directive. It is a directive that gives context to employers' obligations and, certainly, the sanctions that must be imposed on employers who exploit workers without rights for their own benefit.

This is a well-balanced directive. The rapporteur should be congratulated on having reached a fair compromise and achieved a good balance on this matter.

I would like to highlight those articles that safeguard the rights of workers who have been exploited. They protect workers so that they can report the situation in which they find themselves. They protect them by guaranteeing that they can claim back what they have earned, without, of course, this resulting in a right to remain. However, any work that was done illegally, without national insurance and without payment will, of course, be remunerated regardless of the employment status of the worker who was working illegally.

The sanctions are certainly suitable and in proportion. The agreement on subcontracting, to which the rapporteur has already made reference in his speech, is very important. It is of great importance in practice, and that is what we are talking about.

Just one final mention: I consider the 24-month transposition period for this directive to be excessive. I realise that this cannot be changed, but 24 months is too long and should be shortened if possible.

IN THE CHAIR: MRS MORGANTINI

Vice-President

Ewa Tomaszewska (UEN). – (PL) Madam President, employing third-country nationals who are staying illegally in the European Union makes fair competition impossible and also denies the employees concerned the right protection.

I am thinking first and foremost about safe working conditions and social protection in the case of an accident at work. The number of illegal immigrants in the EU is estimated at 4.5 - 8 million people, and they are most often found working in the construction, agriculture, tourism, hotel and services sectors. Cases of slave labour occur, under conditions of exploitation and child labour. Illegal employment plays a significant role in reducing standards of employment.

This is why the right of trade unions to represent the interests of these workers is so important. It is the employer who decides to take on a person who is staying illegally, and so it is the employer who should be subject to a penalty for breaking the law. Coordinated action by all the countries of the EU is needed to tackle every aspect of illegal employment.

Mary Lou McDonald (GUE/NGL). – Madam President, there is an urgent need to protect workers from exploitation in these times of economic trauma, and the case to ensure the terms and conditions of European workers are not systematically driven down by exploitation of vulnerable migrant workers is unanswerable. Responsibility for this rests squarely with Member State governments and authorities.

While Member States need to take steps to regulate immigration, I regret very much that the legal base for this proposal is the fight against illegal immigration. The real fight is against rogue exploitative employers, and what we need at this time is an agenda that is pro-worker, not anti-immigrant.

The political and economic imperative must be to stop the exploitation of irregular migrants, to punish rogue employers, not to scapegoat or criminalise workers, migrant or otherwise. The use of criminal sanctions in this proposal should not be the competence of the EU and those that argue that the expulsion of migrant workers is the solution to exploitation are misguided. This directive does not strike the right balance.

Johannes Blokland (IND/DEM). – (NL) It is already two years since Commissioner Frattini unveiled the plans to tackle illegal labour that guarantees a steady flow of illegals entering the European Union to work. This situation is degrading and should be stopped.

Madam President, I beg to differ with the rapporteur, though, about the question whether the European Union should get involved in criminal law. I am not in favour of including criminal law within Europe's remit. Instead, an open method of coordination is what is needed here. I am, therefore, delighted about the fact that the amended compromise proposal is cautious about applying criminal law. The financial penalties are enough of an incentive to be careful in the selection of employees. I hope that the inspections of businesses will encourage Member States to refer to criminal law.

Philip Claeys (NI). - (NL) It is to be welcomed that a directive will be introduced that will penalise employers of illegal immigrants. It is stated, with good reason, that the possibility of finding a job in the European Union is an attractive factor for illegal immigration. We should, however, be consistent and also tackle the other factors that attract immigrants. The most important of these factors is the impunity with which aliens can come to Europe illegally. There are, in fact, Member States that reward illegal aliens, the mass regularisations in Spain, Italy and Belgium, among others, being a case in point.

There is also the hypocrisy of the so-called individual regularisations on humanitarian grounds. Last year alone, there were no fewer than 12 000 in as small a country as Belgium. Illegal immigrants should be deported, not regularised, for indeed, every regularised illegal immigrant attracts a multitude of new immigrants. Every Member State that regularises them does so on behalf of the other Member States. It is therefore not enough to tackle the employers. We must address illegal immigration in its entire context.

Carlos Coelho (PPE-DE). - (PT) Madam President, Mr Barrot, ladies and gentlemen, during this plenary sitting, we have adopted several measures aimed at creating a coherent and integrated immigration policy. This common policy must, firstly, involve legal channels for immigration as well as the integration of these immigrants into the host societies. To this end, two months ago we adopted the Directive on the Blue Card and the Directive on a single application procedure for a single permit to reside and work in the EU.

At the same time, we must fight illegal immigration effectively, as well as all forms of criminality that are associated with it. This initiative seeks to fight the pull-factors for illegal immigration into the European area and bring an end to the exploitation of illegal workers. It is important for those who attempt to enter the European area at any price – sometimes paying with their own lives – to understand that there is only one possible route: legal immigration, with all its inherent rights and opportunities. It is estimated that there are between 5 and 8 million illegally staying immigrants in the European Union; a significant number are doing low-skilled, fairly low-paid jobs and, in some cases, being severely exploited. I congratulate the rapporteur, Mr Fava, and, in particular, my colleague Mrs Bauer, on their work and on the compromise reached.

I therefore agree with combating illegal work across the European Union. The intention of this directive is to ensure that all Member States are able to introduce similar sanctions for employing illegal immigrants and enforce them effectively. It will be possible to impose three types of sanction: financial, administrative and criminal, depending on the gravity of the infringement. There will also be a requirement for employers to take preventative measures and to check the immigration status of these individuals in order to avoid employing workers who are staying in the Union illegally.

Wolfgang Kreissl-Dörfler, (PSE). - (DE) Madam President, firstly, I would like to congratulate my colleague, Claudio Fava, on this report and on the fact that agreement was reached in the trilogue meeting. Of course, it is always possible to ask for more and to achieve more. However, the fact that it has at last been recognised within the European Union that illegal immigrants who are caught must also be granted rights and must be protected against exploitation represents an important step forward.

Of course, this must form part of an overall policy on migration and immigration. No one disputes this. However, there is one thing that I do not understand. While the Greens – Jean Lambert is no longer here – or those on the left from the so-called communist side, such as Giusto Catania, maintain that this does not work, that it has once again come to nothing, that nothing can help, I would like to say that it does not help to promise the people living in these difficult situations a four-course meal and then to fail to give them their daily bread. This is cowardly and unhelpful. I have to ask myself what the Greens really want if they always vote against measures which would improve people's situations. We have already seen this in the case of many reports and actions.

In addition, there is nothing to prevent national states from establishing proper controls, imposing fines and making subsidies and national and EU funding unavailable to companies who employ illegal immigrants.

I would like to see the same tough approach which the Member States sometimes use in the case of illegal immigrants being applied to tax evaders and those who work on the black market. Of course, we must speak to our colleagues in the national parliaments to encourage them to demand that illegal immigrants be granted the rights which have been decided on here. There is, of course, one thing that we can be sure of. If someone is employed illegally because he can no longer survive in his own country, he does not have the option of going to the police and saying that he is being exploited. In the same way, a woman who has been raped cannot report the crime. Both of these people know that if they do go to the authorities, they will be deported.

This is why we will be voting in favour of this report. It represents the first step in the right direction.

Alexander Alvaro (ALDE). – (DE) Madam President, Mr Vice-President of the Commission, I believe that what Mr Kreissl-Dörfler has said is right. I would like to thank Mr Fava for his report and for the excellent work that he has done.

The report makes it clear that both parties involved in illegal employment must be held equally liable, which will create a legal balance. Illegal employment must be penalised and prohibited in all Member States.

Employers must be made responsible for upholding this ban, but it is also the job of the relevant authorities to monitor the observance of the ban and to impose penalties. The most important issue is to protect the people in these employment relationships from exploitation.

Establishing legal penalties certainly represents a step forward. However, the authorities must put in place more controls and prosecute those suspected of committing offences. The report is a compromise between the Council and the European Parliament and specifies minimum standards.

Nevertheless, the prospect of Member States strengthening or weakening the requirements is not inspiring. We have taken the first step forward. Now we should go the rest of the way together. I think I can say, at least for myself and on behalf of parts of my group, if not for the majority, that we can support this report in good conscience.

Kyriacos Triantaphyllides (GUE/NGL). – (EL) Madam President, the directive we are examining concerns one of the most basic aspects of development and economic sustainability in our countries. It concerns illegal employment, which often leads to wage compression and a reduction in state revenue, with all the concomitant difficulties in providing benefits, and a reduction in the operation of the welfare state. It deprives employees of access to social and other insurance, to pensions and even to bodies responsible for protecting the conditions that prevail at their place of work.

Unfortunately, illegal employment forms part of the current system, which has resulted in a global economic crisis that we need to address with means which will help to safeguard not only therapeutic, but also real corrective measures which will safeguard prosperity in the long term. As such, we consider that the fight against illegal employment cannot be examined in a piecemeal manner. The measures being proposed to safeguard a humane approach to immigrants do not satisfy us. Let us take care, therefore, not to turn them into duplicate issues.

Panayiotis Demetriou (PPE-DE). – (EL) Madam President, the rapporteur Claudio Fava and the shadow rapporteurs truly deserve our hearty congratulations. They have managed to achieve an exceptional compromise with the Council, with the help, of course, of Vice-President Mr Barrot, whom I also congratulate. At long last, the directive imposing sanctions on employers of illegal immigrants has been advanced to the stage of final approval. I believe that, formulated as it is now, the directive will effectively serve the objective of combating the employment of illegal immigrants. This is the first time that the European Union has turned its attention in the right direction towards people who exploit illegal immigrants, towards employers who break the law. At long last, the employment of illegal immigrants has been criminalised. The criminal and other sanctions provided for in the directive will, I am sure, be a frightening deterrent which will help to limit and prevent the unacceptable exploitation of illegal immigrants. Multiple, balanced and realistic sanctions are provided for in the directive. I trust that they will prove to be effective. Despite the fact that illegal immigrants are treated as victims and protected by the directive, they too are being given a dissuasive message that it will no longer be easy for them to find employment and, consequently, that there will be no attraction in obtaining work even on unfavourable terms. However, special care must be taken for all those illegal immigrants who are already in the European Union. In my country, Cyprus, where illegal immigration is a huge problem, illegal employment was criminalised some time ago. Of course, it has not wiped out illegal employment, but it has limited it. However, with the multiple sanctions provided for in the directive and the system of inspections of employers being introduced, the problem of employment of illegal immigrants and of illegal immigration in general will certainly be mitigated.

Catherine Boursier (PSE). – (FR) Madam President, ladies and gentlemen, I would like to thank Mr Fava for the remarkable job he has done over the last few months to produce this balanced text.

It was no easy task and the path was strewn with pitfalls. However, I think the results are very positive and I will mention three points in particular.

The sanction applies here to the offending employer, whilst the migrant is considered to be the victim. Apart from financial penalties, penal sanctions are recommended for repeat offenders, for trafficking in human

beings or exploitation of minors. I believe that penal sanctions are essential and I also believe that it is up to us to ensure that regular checks are carried out so that this directive is effective.

Another positive point to mention is the automatic payment of outstanding wages to the workers. Finally, associations and unions are advocating the defence of the interests of workers living in a country illegally so that they can report a dishonest employer without fear of subsequent prosecution.

Of course, as with many other texts, we could have gone further but can we take the risk of threatening the compromise position when this text will already allow major advances in protecting workers and their dignity?

We need to support a balanced view of the migration issue and recognise that immigration for work is more than necessary and will become increasingly so in the future given the demographic forecasts.

In this context, it is therefore essential to state that the model we want is one in which immigrant workers are viewed as fully-fledged workers enjoying the same rights as workers from Member States.

We must therefore mobilise to defend these rights and this is why I think we should give our support to this report, because it is a decisive step in the introduction of minimum standards and in the fight against illegal working and the exploitation of migrant workers.

Olle Schmidt (ALDE). – (SV) We know that more and more people are hiding within the EU's borders. We know that, in the near future, the EU will need rising numbers of immigrant workers. We also know that thousands of people every week are trying to find a better life in Europe. Many of them die on their way to our continent. We know that many people without documents are exploited and live in miserable conditions. This is not worthy of the European Union. The universal values that the EU wants to spread throughout the world include the right of every person to a dignified life. There is a shameful paradox here.

The fact that the EU is to have a common asylum and migration policy is reasonable, but it must not mean that those countries that want to take a harder line and hunt down people in various ways should be the ones making the decisions. This will reduce the chances of finding a decent life in Europe. At the same time, it is important that the devious employers who exploit people in a vulnerable position know that punishment and sanctions can be meted out anywhere in the EU.

I admit that the report is a difficult balancing act and I can sympathise with Mr Catania's reasoning with regard to his reservation. However, the compromise is a step in the right direction, even if I have certain opinions on, for example, the extent of the employer's reporting obligations.

I would like to say to Mrs Segelström that we do not have a conservative government in Sweden. We have a four-party government with strong liberal elements.

Maria da Assunção Esteves (PPE-DE). – (PT) The Fava report introduces progress and humanisation into the immigration laws. It provides us with the moral reassurance which we have owed ourselves since the Return Directive. The general ban on employing illegal immigrants not only avoids the endemic illegality of immigration, but above all avoids the potential for exploitation and taking advantage of human misery that generally goes hand in hand with this type of work.

The first essential point about the Fava report is that it challenges the school of thought on illegal immigration that settles for an easy but unacceptable condemnation of immigrants, instead setting out a systemic response that makes the state and the employer equally responsible. Until now, the main failure of immigration policies has been the lack of a fair response to the terrible situation of illegal immigrants, with the weight of the legal system falling on them and their status as culprits rather than as victims.

The second essential point about the report is that it brings into the European public arena an ethic of shared responsibility between the state and companies. The obligation of employers to carry out advance supervision by checking workers' residence status is valuable in that it grants a competency to the private sector; something that the European Union has not often tried. We applaud this competency because the defence of legality and public ethics falls not just to the state, but to everyone. The report is therefore blazing a trail for a new political method which other reports ought to follow.

The third point – and, coincidentally, the most fundamental one – is the crucial separation of the obligation to pay remuneration from the problem of the legality of residency. It constitutes a simple declaration of the

universal moral precept that states that humanity comes before the rules of the legal system and takes precedence over them.

Congratulations, therefore, to Mr Fava.

Javier Moreno Sánchez (PSE). – (ES) Madam President, firstly I would like to thank our rapporteur, Claudio Fava, for his hard work in reaching a common position with the Council; the result includes many improvements suggested by our Parliament.

With this directive, once again we are showing our commitment to developing a common migration policy based on a global approach. The aim of this directive is clear: to fight against mafia groups, to penalise unscrupulous employers and to protect exploited immigrants who have no form of social protection.

We want to see the disappearance of starvation wages, which are unfair on immigrants and, what is more, distort average wages, particularly in sectors such as construction, agriculture, domestic services and the hotel industry.

These measures require a great deal of courage and political will, for there are many vested interests and a lot of money circulating in the informal economy. Particularly in difficult times, it is more important than ever that we manage migration flows intelligently and generously, but responsibly.

It would be easy to succumb to the temptation of not trying to keep the informal economy in check. We cannot look the other way and leave some 8 million illegal immigrants defenceless against working conditions bordering on slavery.

Ladies and gentlemen, if we want this directive to be effective, there need to be rigorous inspections and economic sanctions, including criminal sanctions in the most serious cases, which will act as a deterrent to employers.

We will thus succeed in shrinking the informal economy market and putting an end to the incentive to migrate that arises from the possibility of working illegally. It must be made clear that working legally is the only way to work in Europe. For this reason, we want to move forward with a global approach and, Commissioner, Mr Barrot, we call on the Commission to introduce the new 'blue cards' for all other employment categories as soon as possible.

Marek Aleksander Czarnecki (ALDE). – (PL) The result of easy access to illegal work is that there are several million illegal immigrants in the European Union. Illegal employment, very often in conditions of exploitation, leads to reductions in pay levels in the sector concerned and also imperils competition between businesses. Furthermore, unregistered workers do not benefit from health insurance or pension rights. It is therefore essential to establish mechanisms which will enable exploited workers to file complaints against their employers personally or through the agency of a third party.

I will also draw your attention to the fact that the directive should also include in its scope workers who are legally resident in the EU, in particular, citizens of the Member States which acceded to the EU in 2004 and 2007, and who are still subject to transitional provisions which restrict their access to legal work.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Madam President, Mr Vice-President of the Commission, today's proposal forms part of an overall attempt to find a solution to immigration policy in the European Union which, of course, we must all accept smacks of dishonesty. Dishonesty because we are trying to correct certain aspects of this policy with the blue card, with the decision to remove illegal workers, with the decision today to punish employers of illegal immigrants, but these are only some aspects of the problem that we are trying to correct.

Of course, we cannot understand how an illegal worker takes on work and the person who takes him on in order to cover his residency and survival costs is ultimately punished. It is a logical contradiction which we need to cover with the terms imposed by decent work. The legislation of all 27 Member States prohibits illegal and undeclared work, especially with the dual absurdity we have here of illegal entry to the Member State and illegal exploitation. The problem is therefore a complicated one and the compromise achieved does, of course, have a lot of gaps. One such gap is with employees who are used mainly by people, shall we say, for charitable reasons and, of course, they provide work but, at the same time, they find a way to live. What will become of them? How will they live the rest of their life within the framework of their forced illegality, given that neighbouring countries have not accepted the return of immigrants?

Donata Gottardi (PSE). – (IT) Madam President, Commissioner, ladies and gentlemen, as we well know in this House, compromises must be analysed by separating the pros and the cons and reaching an overall judgment that takes on board the constraints and the legislative and political context.

With regard to the employment sphere, a prominent element in the directive that will be put to the vote tomorrow, our judgment is positive on many aspects. Some positive points include the insertion of a definition of remuneration that makes comparison possible with legal employment relations; the reduction of the procedural burdens of sanctions for domestic and care work; and the linking and strengthening of Community provisions protecting the victims of trafficking and exploitation, particularly minors. The undertaking not to regard the provision on subcontracting as a precedent is also important.

Some doubt remains on liability in the chain of employers and on the difficulties workers face in receiving payments due to them before they leave the country. The question is not entirely hazy but, since this directive is tightly bound to the Return Directive, its hands are tied with regard to the situation of illegal workers and employers who have not been able to find legal employment routes.

My confidence that we will decide to adopt this document at first reading is not diminished if I point out a couple of risks: the risk that Parliament's work will continue to suffer pressure from the national governments, and the risk that we will be reinforcing the 'evil stepmother' face of Europe.

Patrick Gaubert (PPE-DE). – (FR) Madam President, this draft directive is of key importance in the fight against illegal immigration and has been essential to the introduction of a common policy on immigration. We are all aware that undeclared work is the main attraction for the thousands of men and women who cross our borders every day in search of a decent job and a way to feed their families.

In reality, they often find employers who use and abuse their fragile situation and their ignorance of their rights to exploit them and use them as cheap labour. This is what we know as modern slavery.

We must not hide the fact that this phenomenon also involves individuals, be they European citizens or people from third countries, who are working and residing normally, but who fall outside the scope of this directive, as it forms part of the framework of the fight against illegal immigration.

It is not a case here of pointing the finger at men and women who are often of good faith yet are victims of dishonest networks or employers. The aim of this text must be precisely to protect these vulnerable people and ensure that their most basic, most fundamental rights are respected; this is precisely the declared objective and ambition of the compromise achieved.

We should not tar all employers with the same brush and, of course, we should not treat someone who employs a person in good faith, believing them to be working and residing legally, in the same way as those who seek to exploit the situation of these people.

We need to be firm, to send out a clear message. We need courageous provisions that are conscientiously applied. The adoption of this text will indeed send out two clear signals. The first is to employers, to tell them they will be unable to carry on abusing this vulnerable workforce and they will thus be truly dissuaded from recruiting an illegal immigrant. The second signal is to those thousands of would-be illegal immigrants who will be discouraged by the rigorous employment conditions in Europe.

My thanks to all the shadow rapporteurs and to the rapporteur and, like many, I hope this text will soon be put in place to fight against illegal immigration and, therefore, the promotion of immigration...

(The President cut off the speaker)

Genowefa Grabowska (PSE). – (PL) Madam President, I should like to begin by congratulating the rapporteur. I am aware that it was no easy task to reach a compromise solution taking account of the interests of the national labour market whilst simultaneously protecting immigrants against exploitation. Mr Fava is certainly to be commended.

I travelled to Italy, to Foggia, as soon as the so-called work camps were discovered. In the latter, both Union citizens and illegal immigrants were living and operating in appalling circumstances. I have an abiding memory of the conditions in which they were living and working. Indeed, they often died as a result of hunger and cruel inhumane treatment. I warmly welcome this directive because it will at last put labour relations on a civilised footing. It represents a victory over grasping employers, their pursuit of profit, a cheap and often even free labour force, and their exploitation of illegal immigrants.

For this directive to come into force, it must be implemented in all Member States. Paradoxically, under the internal law of the latter, illegal employment is considered a punishable action, and an offence. Nonetheless, the law is not working. We must therefore make every effort to implement this directive. All the necessary legal mechanisms need to be in place so that no more unfortunate cases of this kind can arise.

I should now like to address the British Members of this House, and ask them to tell their employers that illegal employment of immigrants is a crime. Do not complain that the Union...

(The President cut off the speaker)

Jörg Leichtfried (PSE). – (DE) Madam President, the most important result of this report is that not only illegally employed third-country nationals, but also their employers, will be penalised. We must be aware – and this really is a crime – that these people are being exploited even in a progressive confederation of states such as Europe. Someone is making a good profit out of them. They have no right to healthcare or pensions and they live in constant fear of being caught and sent back to their home country.

For this reason, I believe that another very important point is the opportunity in future of imposing penalties on employers who exploit illegal immigrants. Measures such as fines, responsibility for the cost of deportation, withdrawal of public funding or support or even temporary or permanent closure of the business are, in my opinion, urgently needed to bring about a change in the situation. Regular and effective inspections by the individual Member States are also, of course, essential in this respect, along with the possibility of requiring tax and social security contributions to be paid retrospectively.

A Europe in which some people are exploited by others is not a truly social Europe. It is my belief that this directive represents a step in the right direction. I would like to thank the rapporteur for his outstanding work. However, this must not, under any circumstances, be the last step that we take.

Daciana Octavia Sârbu (PSE). – (RO) I feel that this legislative initiative is welcome at a time when workers from third countries account for a non-negligible percentage of the European Union's labour force, making illegal immigration a concern. With this in mind, I would like to stress the need to establish a legislative framework which will allow us to define more clearly the sanctions to be imposed on employers of third-country immigrants staying illegally in the European Union, considering that illegal work is an alarming problem at European level and exploitation of the immigrant labour force is a reality.

We also need to be aware that a number of employers are boosting their profits by employing immigrants without papers, thereby avoiding payment of social insurance contribution or taxes to the state. We must also ensure that this kind of behaviour is appropriately punished.

This is why each individual state must adopt measures to combat illegal employment, offer greater protection to immigrants and organise regular inspections, especially in business sectors where illegal immigrants are assumed to be employed. We also want access to be given to the European labour market in a controlled manner and for immigrants' rights to be respected. For this reason, we are asking Member States to adopt all the measures necessary to ensure more effective cooperation and facilitate the exchange of information between the national authorities involved.

Yannick Vaugrenard (PSE). – (FR) Madam President, I would first like to congratulate Mr Fava for his excellent work that will allow the adoption of a directive setting out sanctions for the employers of illegal workers.

However, I would like to draw your attention to the complexity of the current situation. We need to draw up legislation which is equal to this complexity.

Throughout the European Union, those who place orders are resorting to a cascade of subcontracting, using subcontractors from the Member States without knowing whether or not the employees are working legally. An amendment was proposed that would check the legality of their employees' situation. Why has it not been included?

Also, it is stipulated that the main contractor is responsible for the payment of wages, but only if they know that the subcontractors are employing illegal immigrants. Well, you are not going to find anyone who places an order who will spontaneously admit their guilt.

Finally, the best directive in the world can only be effective if it is accompanied by real checking mechanisms. We could improve these checks if we had more employment inspectors in each European country with wider roles.

It is essential that we design a more rigorous legal arsenal as soon as possible so that those placing orders are declared wholly responsible in case of fault on the part of subcontractors.

We should not close our eyes to known practices in certain economic sectors that are complicit in the activities of organised illegal immigration networks.

Richard Falbr (PSE). – (CS) Madam President, in the context of this report, I would like to draw your attention to an urgent problem that has emerged as regards the present crisis. In some countries – including my own – we are witnessing the mass dismissal of agency workers, the majority of whom came to our country from eastern European and Asian countries. They have become illegal workers. After their dismissal, they have been left with no means of support, and so become pawns in the hands of so-called ‘entrepreneurs’ who subject them to even worse exploitation than the agencies did. At the same time, I would like to reiterate the very inadequate human resources that labour inspectorates have at their disposal in many of our Member States. Nothing will change unless we set up a thoroughly trained and equipped network of inspectors who understand labour legislation and who are familiar with European directives.

While the European institutions have now agreed on certain standards for business, there is usually an outcry among the Member States whenever even the slightest attempt is made to do something similar in the field of social legislation. Referring to tradition, subsidiarity and the like in a situation when workers in the European Union are subjected to unbridled exploitation is ridiculous and hypocritical. For this reason, I welcome any attempts to prosecute and sanction those who employ illegal immigrants and I thank Mr Fava.

Corina Crețu (PSE). – (RO) Illegal employment is concentrated in certain sectors where the work is assumed to be of an unskilled nature, such as construction, agriculture, cleaning and the hotel and catering industry. These sectors use illegal labour to an alarming degree. Especially in times of crisis, employers are tempted to try to get round the law and resort to illegal workers in order to maintain profits or simply survive on the market.

The document we have before us today marks a step towards reducing the incidence of illegal employment, which has so many adverse repercussions from a fiscal and social perspective. It is a good idea for us to punish the illegal employment of third-country nationals, but we must not forget that the same scourge is afflicting our fellow citizens from the European Union’s less developed Member States. Even Romanians are facing numerous abuses by employers within the European Union.

With regard to the report text, I would like to see tougher sanctions for punishing labour market intermediaries.

Sebastiano Sanzarello, draftsman of the opinion of the Committee on Agriculture and Rural Development. – (IT) Madam President, ladies and gentlemen, I feel that we are dealing with this subject at a particularly sensitive time.

The international economic crisis has led, or is leading, the countries that are in the worst crisis to use illegal labour, which almost always involves illegal immigrants, especially in certain sectors, among which construction, agriculture and others have been mentioned. This encourages illegal immigration, resulting in the tragedies that we have been experiencing. It is not surprising, then, that illegal immigration is increasing enormously, and this afternoon and tomorrow, we will be dealing in this House with the problems of Lampedusa and other border countries.

This measure therefore comes at just the right moment. I believe, therefore, that the sanctions laid down for employers will certainly act as a further deterrent, because there are already sanctions for illegal work, especially involving illegal immigrants. These sanctions will further deter employers from hiring workers.

We have heard that there are 8 million illegal residents doing illegal work; we must assume that as soon as these measures enter into force, we will have 8 million illegal immigrants on the streets, and we will have to deal with them. I think this is a problem that we must start to recognise, because otherwise those who survive illegally, but survive none the less, will be officially reported as illegal by their employers, who will no longer be able to house them, and we will have an enormous problem of 8 million people in Europe that we will have to expel and help. I believe this is a subject that must be addressed in advance – I am finishing, as I see

I am out of time. We must look carefully at the problem of the temporary hiring of workers, particularly in agriculture, and we must cut out red tape to facilitate their inclusion and acceptance.

Zuzana Roithová (PPE-DE). – (CS) Madam President, illegal employment not only affects five to ten million people but, in particular, those who employ them. Unlike the author of this report, I believe that the problem affects not just illegal migrants from third countries, but also millions of citizens of the European Union who do occasional work for wages which are not taxed and from which the employers do not deduct insurance contributions. The growth of illegal work seriously undermines economic competition. One effective cure that the Member States have at their disposal would be to reduce the tax burden on employment. However, I also support this proposal of the Commission to harmonise sanctions for employers, as I believe that consistent sanctions aimed mainly at employers who are repeat offenders will restrict the availability of illegal work and, hence, also the number of illegal migrants. It will also reduce the scope for social exclusion and, to some extent, also the exploitation of the citizens of third countries. However, I see problems in placing the onus of checking the residential entitlement of workers on employers.

Janusz Onyszkiewicz (ALDE). – (PL) Madam President, I should like to return to the issue of sanctions against employers whose subcontractors employ illegal workers. I am very concerned about this provision, because an employer has no way of checking if the subcontractor is employing such persons or not. Should the employer even harbour any suspicions that such is the case, what action should the employer then take? Should he or she report the matter to the police, or terminate the contract? If the contract is terminated, the employer risks being taken to court, and it would then be necessary to justify the reasons for terminating the contract. The employer would not be in a position to provide the relevant evidence. I would therefore like to reiterate my serious concern about this provision. The provision may well turn out to be useless. Alternatively, it may be that it will be used to sanction employers unfairly and unjustifiably.

Colm Burke (PPE-DE). – Madam President, I welcome the report as we need to highlight and tackle this problem of employers exploiting illegal immigrants. I have received representations from constituents, so I welcome action on this matter.

There are numerous damaging consequences, including the exploitation of immigrants through underpayment or, in some cases, non-payment. It creates negative pressures on the wages of legally resident workers and distortion of competition between companies that comply with employment legislation and those who flaunt it.

In conclusion, if we are to strive to stamp out this illegal practice in our Member States, we have to get across that this is not only a workers' rights issue but also a competition issue.

Genowefa Grabowska (PSE). – (PL) Madam President, I should like to conclude the comment made in my main intervention, and explain what I wished to convey to the United Kingdom MEPs who are complaining that this directive is interventionist and amounts to interference in the internal affairs of Member States. In fact, rather than interfering, it actually puts things in order.

I wanted to say to the United Kingdom MEPs who have voiced complaints that they should approach employers back home to ensure that immigrants' rights are respected and that individuals illegally present on the territory of the United Kingdom are not employed. Then we could all agree that this is a good directive.

Czesław Adam Siekierski (PPE-DE). – (PL) It has been suggested that migration might be one way of alleviating the negative consequences of the demographic crisis. It is very important to encourage citizens of third countries to enter the territory of the Union in order to take up employment. We are, however, only interested in legal residence and legal employment. Illegal foreign workers mean budgetary losses and distort healthy competition between enterprises. The employers benefit most from the efforts of illegal workers. They can easily procure a cheap labour force. Foreigners from third countries are most often employed in the heaviest and lowest paid jobs. As they are in a difficult situation, they are prepared to do everything the employers ask of them. The latter often exploit their despair. Not only are these people poorly paid, but they are also working without any social protection or health insurance and are under constant threat of expulsion from the country where they are staying. The Union should make it easier for immigrants to take up employment, and we should act accordingly. I have in mind, for example, work in Poland for citizens of Ukraine.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I think this very interesting debate, for which I thank all the speakers, has shown that there is very broad agreement in Parliament on the need to target employers who take on and, very often, exploit illegal immigrants.

I would point out to Parliament that the impact assessment the Commission carried out showed that the current sanctions have failed to guarantee compliance with the rules. The directive has improved this situation by obliging Member States to introduce equivalent penalties and ensure their effective application. At the start of this sitting, I also stressed that the Commission will monitor the inspections that Member States have to carry out.

I would also like to thank Mr Fava and Parliament once again for having enabled this compromise. It seems to me to be a good first step.

I would also point out that this directive is part of the framework of the European Union's common immigration policy. We must, of course, fight against illegal immigration and trafficking in human beings. This is the subject we are dealing with today, but we must also underline the benefits of legal immigration. Apart from the two proposals presented in October 2007, on the blue card for highly qualified migrant workers and on the single permit, relating to migrant rights, in spring 2009, the Commission will present three other draft directives on legal immigration aimed at establishing common rules for seasonal workers, who are generally less qualified, for individuals transferred within their companies and for paid trainees.

I would add that the Commission, in accordance with its commitment to the European Parliament and within the framework of the preparation and implementation of the Stockholm programme, will consider if there is a need for legislation for other categories of migrant workers.

There you have it. I felt it was necessary to put this proposed directive in the general context of the Pact on Immigration and Asylum. I wanted to bring it before Parliament to show that your wishes will be put into effect. Thank you as well for the quality of this debate.

Claudio Fava, rapporteur. – (IT) Madam President, ladies and gentlemen, I welcome the Commissioner's remarks and hopes. Parliament has, I think, said quite clearly – and not just today – that measures on legal immigration are needed and immigration needs to be dealt with in an overall context, which does not just seek to produce punitive measures against illegal immigration.

We are overdue in that respect, and of course we are not happy that the Treaties do not authorise this Parliament to enter into a codecision procedure with the Council on legal immigration. The legal basis that now constrains us to talking only about legislation to combat immigration is something that I too find frustrating, but it is the legal basis that we have to abide by.

Having said that, I believe that our report today has introduced articles that genuinely protect the rights of foreign workers, even if they are illegal immigrants. I am thinking of the temporary residence permit for minors who have been exploited. I am thinking about pay: it is, at last, expressly stated that remuneration cannot be lower than that which the law recognises for all other European citizens. I am thinking of the role of the trade unions which, for the first time, can defend and represent foreign workers, even illegal ones, in administrative and civil cases.

These, I believe, are all reasons why we can talk of recovered rights, a step forward and not back, and a directive that tackles a difficult and sensitive subject, but with a sense of balance to which this Parliament is particularly alert.

President. – The debate is closed.

The vote will take place on Wednesday, 4 February 2009.

Written statements (Rule 142)

Carl Lang (NI), in writing. – (FR) This report has various merits.

Its first is that it aims to be informative: it records the alarming facts of the growth of illegal immigration in Europe, immigration estimated, according to the Commission's own figures, at between 4.5 and 8 million people. It also identifies those sectors of the economy in which illegal working is most concentrated, namely, construction, agriculture, cleaning, hotels and catering.

Its second merit is that it intensifies the fight against undeclared work, particularly with the option of financial and penal sanctions for employers of illegal workers.

Unfortunately, the report has many limitations. It says nothing on what measures should be taken to stem these intermittent flows of illegal immigration. It does not even consider the reintroduction of checks at internal borders.

In a time of both social and economic crisis and a big rise in unemployment, the first requirement for the countries of the Union is to protect their jobs. To do so, it is essential to introduce national and European social protection policies. Jobs in France must be reserved for the French, while jobs in Europe are reserved for Europeans. Application of the principles of national and European preference and protection is an essential condition for economic and social recovery in the countries of the European Union.

Rareș-Lucian Niculescu (PPE-DE), in writing. – (RO) No one can cast any doubt on either the usefulness or timeliness of the measures aimed at punishing those employing illegal immigrants. The country which I represent is less prone to these particular concerns because it is still more of a transit country for illegal immigration.

At the same time, we need to be aware of the future risks which we are exposed to. As regards the actual report, I welcome the proposal to remove the mandatory control percentage which the Commission would like to impose. This percentage is excessive and would only have the effect of generating red tape and huge public expenditure, without actually making an impact.

Maria Petre (PPE-DE), in writing. – (RO) I would first of all like to congratulate the rapporteur on the fine job he has done. We all know that between 4.5 and 8 million illegal immigrants work in the European Union in sectors such as construction, agriculture and tourism.

I welcome the fact that the directive provides for criminal sanctions against employers guilty of repeat offences, of employing a large number of people whose status is unlawful, if the employee is a victim of human trafficking and the employer is aware of this fact, or if the employee is a minor.

Member States must also establish a mechanism which offers illegal immigrants the opportunity to lodge a complaint when they are, for example, victims of exploitation.

We must bear in mind the fact that people staying illegally have left their country of origin to provide a better future for their families. An ever-growing number of children are being left behind: some are unsupervised, while others are left in the care of grandparents and neighbours, and even in institutions.

Whenever these children accompany their parents, we need to offer them the chance to have access to the education system and social protection within the European Union, even if they are staying illegally.

Nicolae Vlad Popa (PPE-DE), in writing. – (RO) The report compiled by Claudio Fava is part of the package of measures aimed at combating illegal immigration by discouraging companies from employing these people. Unfortunately, the rapporteur placed too much emphasis on measures aimed at punishing employers and supported the extension of illegal immigrants' rights.

As it is extremely important to maintain a balance with regard to the sanctions which can be imposed on employers, I have tried, with the amendments I have proposed, to highlight those provisions in the report where sanctions against employers are too harsh and which could have left scope for an interpretation which would lead to abuses against them.

At the same time, special attention must be focused on the humanitarian situation of these immigrants. For this reason, it is of paramount importance to encourage Member States to impose criminal sanctions in serious cases, such as when the employer knows that the employee is a victim of human trafficking. In addition, the verification and notification obligations incumbent upon employers as specified by the report play a proper role in making the latter accountable with regard to this acute problem which we are facing in the EU with ever-increasing frequency.

Bogusław Rogalski (UEN), in writing. – (PL) The Member States should cooperate more closely to combat illegal immigration by strengthening action against illegal employment at the level of Member States of the European Union. One of the main factors encouraging illegal immigrants to travel to the EU is the possibility of taking a job without the need to regularise their legal status. Action against illegal immigration and illegal residence should serve as a deterrent.

Nonetheless, the directive on combating illegal immigration should apply without detriment to national legislation banning illegal employment of third country citizens who are legally resident on the territory of Member States, but who are working in violation of their status as authorised residents.

Reducing the financial penalties for employers of third country nationals should also be considered in cases where the employer is a natural person.

Common definitions, methods and standards in the area of combating illegal immigration are a *sine qua non* in the process of creating a common European policy on migration.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) Ladies and gentlemen, I should like to begin by thanking all those involved in drafting the directive.

The statistics on the number of illegal workers in the Union are alarming. Close cooperation is undoubtedly needed in order to combat illegal immigration. Dealing with illegal employment is a priority of the EU's strategy in the area of immigration.

The draft directive leaves something to be desired. It could be wider in scope and cover citizens legally resident on the territory of the EU, but employed in very unfavourable conditions. It would also be beneficial to broaden the definition of employer to include temporary work agencies and also employment agents. Despite its shortcomings, the project under debate merits commendation.

It is true that employers bear responsibility for illegal employment. The directive imposes additional administrative obligations on employers and provides for a range of different sanctions for failing to meet these obligations. This does not, however, mean that the directive is only about penalising employers.

I should like to make it very clear that our primary aim is to do away with situations where individuals are exploited at work. It must be made impossible for people to be employed in undignified and inhumane conditions, deprived of their rights and of basic social benefits. I believe that the directive in question is essential in order to obtain minimum harmonisation of provisions banning illegal employment. I trust, too, that these provisions will be effectively implemented by the Member States.

IN THE CHAIR: MR VIDAL-QUADRAS

Vice-President

6. Voting time

President. – We shall now proceed to the vote.

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

6.1. Extension of the EC-USA agreement for scientific and technological cooperation (A6-0006/2009, Angelika Niebler) (vote)

6.2. Renewal of the Agreement between the EC and Russia on cooperation in science and technology (A6-0005/2009, Angelika Niebler) (vote)

6.3. Wilderness in Europe (A6-0478/2008, Gyula Hegyi) (vote)

– Before the vote:

Gyula Hegyi, *rapporteur*. – Mr President, as we did not have a plenary debate on this item and there was no possibility to table amendments following the vote in the Committee on the Environment, Public Health and Food Safety, you either have to trust your rapporteur – myself – or reject the whole resolution. In my view, it is not a good system, but that is the current tool.

Many aspects of the Natura 2000 Directives should be reopened in the near future in any case and hopefully, the legislative act will cover the wilderness areas as well, giving full opportunity for the next Assembly to go further on this beautiful topic. I hope that my resolution will become a basis for further legislative actions providing the possibility for members to improve it in the future.

6.4. Request for waiver of the immunity of Miloslav Ransdorf (A6-0008/2009, Aloyzas Sakalas) (vote)

6.5. General and business aviation (A6-0501/2008, Luís Queiró) (vote)

6.6. Pre-commercial procurement: driving innovation to ensure sustainable high quality public services in Europe (A6-0018/2009, Malcolm Harbour) (vote)

6.7. Second Strategic Energy Review (A6-0013/2009, Anne Laperrouze) (vote)

6.8. Non-discrimination based on gender and inter-generational solidarity (A6-0492/2008, Anna Záborská) (vote)

- *Before the vote:*

Zbigniew Zaleski (PPE-DE). - (ES) Mr President, I would like to make a minor linguistic, and perhaps semantic, observation.

(PL) Paragraph A contains the wording '...and recognising the diversity of 21st century family patterns...' rendered in other languages as 'a także uznając różnorodność wzorców rodziny...' '...en reconnaissant la diversité de schémas familiaux...' '...Anerkennung der Vielfalt der Familienmodels...'. If this is to be understood as acceptance of diversity along with a model of a single sex family, if that was indeed what Mrs Záborská intended, then I shall vote against it. I would welcome clarification as to whether this is simply about noting that such models have been observed, or whether it is about recognising and accepting them. We need to understand what we are voting on.

Anna Záborská, rapporteur. - (SK) Thank you, Mr President and Mr Zaleski. Of course, in this context we recognise other models.

President. - It is clear then, Mr Zaleski: we note that they exist.

6.9. Combating the sexual exploitation of children and child pornography (A6-0012/2009, Roberta Angelilli) (vote)

7. Explanations of vote

Oral explanations of vote

- Report: Gyula Hegyi (A6-0478/2008)

Zuzana Roithová (PPE-DE). - (CS) Wilderness and its diversity represent a gift and treasure that humanity should look after not just in the European Union. The European Union's efforts will remain ineffective as long as we do not stop the destruction of tropical rainforests, plundering Asian, African and American waters, as long as we do not spread more effective education about our joint responsibility for protecting nature against humanity all over the planet, and it will make this report, which I also supported today, just another scrap of paper.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, if we wish to halt the accelerating process of loss of biodiversity, it is essential to protect Europe's wildernesses forests and water bodies. For our common actions to be effective, it is vital, firstly, to draw up unequivocal definitions of wildernesses and to establish the precise location of the latter on the map of the Community.

It is also vital to develop a strategy based on expert analyses of risks and of the processes involved in the degradation of wilderness areas. This relates, in particular, to the invasion of foreign species that compete with the indigenous ones, and also to the impact of ongoing climate change.

Another key issue is tourism in its broadest sense. I refer, in particular, to the implications of unsustainable or indeed aggressive tourism. If we are to raise awareness of these issues amongst the Community's citizens,

it is important to conduct information campaigns, to provide special funds in the framework of local authority institutions and to support grass roots initiatives.

Miroslav Mikolášik (PPE-DE). - Mr President, I would like to congratulate Gyula Hegyi on his dossier and thorough research.

At this time of global climate change and environmental troubles, it is clear that we need to address the issue of the European wilderness. I believe that it is important that we coordinate a strategy for the protection and restoration of our precious wild lands. We have a responsibility to nature to use land properly.

In my own country, Slovakia, an increase in the bark beetle population forced the national park services in the High Tatra region to use pesticides to combat the corrosive nature of the insect. However, these pesticides contain the chemical cypermethrin, which often destroys healthy vegetation and poses serious health risks for humans and animals in the region.

Just as we must find a better solution to this dramatic insect population explosion in Slovakia, it is necessary across Europe to find ways to effectively protect our natural and wild lands. I urge the European Parliament to act responsibly and quickly in order to protect the remaining wilderness.

- Report: Malcolm Harbour (A6-0018/2009)

Zuzana Roithová (PPE-DE). - (CS) Mr President, I am pleased to support the report on pre-commercial procurement as it greatly minimises the risk of investing in innovation. This aspect is particularly important at a time of recession. The success of pre-commercial procurement will enable public institutions to collaborate in developing new products in order to improve the quality of public services. We believe that this will increase the interest of SMEs in proposing innovative solutions for improving the quality of public transport, healthcare, reducing energy consumption in public buildings and protecting citizens from security threats without having to intrude upon their privacy. This new approach will help Europe's public sector to tackle fundamental public tasks without state aid while, at the same time, increasing the innovative potential of European firms. With this report, we have given the European Commission a powerful signal to hurry up and make some specific legislative changes.

- Report: Anne Laperrouze (A6-0013/2009)

Jan Březina (PPE-DE). - (CS) Mr President-in-Office, at this point, I would like to express my opinion on the unbundling of production and transmission systems for gas in connection with the adopted legislation. The proposed certification procedure for third countries seems a reasonable solution. This is the very first time that the EU is giving its attention to energy security in the context of the gas market. In response to the gas crisis which we have experienced, it is also necessary to speed up the construction of alternative pipelines to Europe which are not dependent on Russia. The main infrastructure projects, such as the Nabucco gas pipeline, which is to link the Caspian region with Europe, cannot exist without large-scale vertically integrated undertakings and their investments. However, these are hardly going to come pouring in if the risk of unbundling, and hence a weakened economic position, is hanging over them. The solution that Parliament could use is to establish exemption from unbundling for the new infrastructure until such time as there is a return on investments. I do not know whether we have exhausted all the possibilities open to us in this legislation.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, the common energy policy is currently one of the greatest challenges facing the European Union. Our response to it must be based on solidarity.

We are all aware that Russia remains one of our most important and also most difficult trading partners. The fact that Russia is our main source of gas supply cannot, however, be allowed to mean that it can receive special treatment. The rapporteur suggests relaxing the Union's policy towards the Russian Federation. I believe that we must pursue a fair but strict policy towards a trading partner that uses the raw materials of energy as a weapon with which to exert political pressure.

It is emphasised that diversification of energy sources is one of the fundamental issues arising in the area of energy security. One way of tackling this would be to free ourselves from dependency on Russian raw materials. The construction of the Nabucco pipeline and the exploitation of other sources of energy are steps in this direction.

Jim Allister (NI). - Mr President, once more we have preened ourselves in this Parliament on our green credentials, and speakers have competed to push higher and higher the unrealistic targets for energy from

only renewable sources and the targets for reductions of CO₂ emissions – all in the belief that by our puny but costly efforts, we will save the planet.

Yes, we should use and promote sustainable energy sources, but pursuit of what for most has become a dogma with no regard to cost or viability needs to be tempered by reality, including the reality that climate change is not new, but cyclical, as well as the reality that while we inflict these targets on ourselves, manufacturing increasingly switches to where no such restraints inhibit them. One day, we will have to account for the own goals in which the EU excels.

Johannes Lebech (ALDE). – (DA) Mr President, I voted in favour of Mrs Laperrouze's report, but I also voted in favour of a number of amendments, all of which put a question mark against nuclear power as an energy source of the future. They were rejected. By voting in favour of the report as a whole, I am supporting the many good elements it contains, but I also recognise the fact that the majority sees nuclear energy as part of Europe's CO₂-free energy mix.

However, I still feel that this is not the solution for the future. The solution for the future is a massive investment in, and development of, renewable energy.

Danutė Budreikaitė (ALDE). – (LT) I agree with the provisions of the Second Strategic European Energy Policy Review, but I would also like to mention some aspects of the gas crisis. The current gas crisis between Ukraine and Russia, unfortunately, not the first one, has affected 15 Central European and Balkan countries. I have not seen figures showing the extent of economic losses which the countries affected have experienced, but I would like to underline the moral and valuable losses. How are EU citizens supposed to feel when the conflict between Ukraine and Russia, which was obviously political, ruins the EU economy, energy security, political stability, and EU states are unable to take any measures? I refer to Slovakia and Bulgaria's intentions to renew operations at safe nuclear power stations which had been closed, something which many of us parliamentarians support. When we debate any EU legal act, including any in the field of energy, we stress that the consumer is most important, in other words, a layman. When are we going to pay attention to a layman – the European Union citizen?

Avril Doyle (PPE-DE). – Mr President, to many colleagues, a target of a 95% reduction in CO₂ emissions by 2050 may seem extreme but, if we are to accept – as I do – the peer-reviewed science as represented by the latest IPCC report, that level of reduction will be required if we are to keep the 2 °C increase in global warming in our sights.

Secondly, while I voted against a range of nuclear-related amendments due to my ongoing concerns with nuclear fission, I have no problem with references to research on safety issues or on new generations of nuclear energy. Like many, I watch and wonder as to whether nuclear fusion will ever become a reality.

The third point I would like to put on the record is my ongoing concern with the Irish situation and the lack of transparent and real ownership unbundling of our electricity grid, which remains a major disincentive to investment by other producers, especially using alternative fuels, with the result that the Irish have one of the highest electricity costs in Europe.

Mairead McGuinness (PPE-DE). – Mr President, that issue of high electricity prices in Ireland has been tackled by a colleague of ours, formerly of this Chamber, Simon Coveney, and we hope that he is successful in it.

I voted in favour of this report because it talks about sensible issues like energy efficiency and energy security related to the climate change agenda. I have concerns about nuclear power, as do many people in Ireland, but I think we need to acknowledge that, when interconnectors are up and running, we are likely to be using power generated by the nuclear sector. So, yes, we need research into the safe disposal of nuclear waste and into new developments of this technology to enhance the safety and security of it.

In the absence of that, I remain concerned and voted in accordance with those concerns in relation to this report. I particularly regret that Amendment 37 was rejected, as I think it reflected, very fairly, many of the concerns of this House.

- Report: Luís Queiró (A6-0501/2008)

Nirj Deva (PPE-DE). - Mr President, I was delighted to be able to support Mr Luís Queiró's report on proportionality and subsidiarity of small airports. We have always tried to have one-size-fits-all policies in

the EU, but the EU must recognise that each Member State and all local circumstances require different solutions. Mr Queiró's report has addressed that in its fullest.

There are small airports, there are medium-sized airports and there are large international hubs. We do not want the European Union to be a massive airport structure. We have got the right balance in this report, and that is the way we should be looking at our infrastructure in the future. This is one of the reasons why, in my own constituency of the South-East of England, I am very reluctant indeed to support a third runway at Heathrow when we could have a better structure for Kent in a new airport on the Thames Estuary.

- Report: Anna Záborská (A6-0492/2008)

Zita Pleštinová (PPE-DE). – (SK) In practice, it can be seen that the procedure under Article 45(2) has serious shortcomings. Apart from the fact that no one other than the rapporteur in the debate can discuss the topic in plenary, it even deprives the rapporteur of the possibility of discussing individual amending proposals which are problematic in the report.

I did not vote for the amending proposal of the Green group because, on two points, the new version expresses reservations regarding the Czech Presidency's proposal. However, as this is not the official position of the Council, such recommendations are premature and often counterproductive.

If working life is to be compatible with family life, one's professional career must be placed on an equal footing with non-gainful activity which takes place in the context of inter-generational solidarity. I am convinced that the report brings new incentives to eliminate the multiple discrimination facing men and women who freely decide to care for their nearest and dearest.

I would like to emphasise the work done by rapporteur Anna Záborská, but I am sorry that because of the procedural processes, we have not voted on her draft report.

Zuzana Roithová (PPE-DE). – (CS) Mr President, I distance myself from the amendments just announced to the Záborská report on non-discrimination based on gender and inter-generational solidarity. A mature European society must learn to see full-time care for children and other dependents as a fully valued alternative to professional life. The proposal from the Greens, which attacks this approach by the Czech Presidency and calls it reactionary, is, in my view, erroneous and immature, although the MEPs have unfortunately voted for it. Far from being a reactionary relegation of women to a role of subordination to men, it is a way to rehabilitate the family within society, giving equal rights to men, too. Today it is men, too, who push prams and care for children in hospital. Those men and women who devote part of their lives to caring for a child or for infirm parents are performing socially important work which must not, in future, be considered an inferior occupation. I welcome the fact that the Czech Presidency has placed this approach among its priorities. Our aim must be to create conditions where a man or woman who decides to take this course will not suffer discrimination in the job market and will be able to use a range of options for balancing work and family life according to the principles of flexicurity. We must strengthen parenthood, and hence inter-generational flexicurity, instead of weakening it with obstacles imposed by the labour laws. The prejudices of the last century are deepening the demographic crisis. The Záborská report was a step in the right direction, and I object to the amended version which has been adopted.

Miroslav Míkolášik (PPE-DE). – (CS) Likewise, I would like to express full support for Mrs Záborská, who has presented her own-initiative report which indeed addresses and underlines the need for inter-generational solidarity between individual family members. This is not only a question of care for the younger generation, the new arrivals in the family. In many cases, we also need to solve the problems of caring for older members of the same family.

I think the Czech Presidency has rightly grasped the urgency of this current demographic situation – and there are also economic benefits to be considered – and I reject the position of the Greens, who have quite wrongly submitted an amending proposal which devalues this correct intention. I fully support Mrs Záborská's report.

At voting time on the final report, my voting machine did not work. I was in favour of the position put forward by Mrs Záborská.

Ivo Strejček (PPE-DE). – Mr President, thank you for your patience and indulgence. Let me take the opportunity to explain why I voted against the Greens and their amendment. I do not want to vote against the Czech Presidency.

My first point is that the Czech Presidency does not call for a particular change in the so-called Barcelona targets, but for the opening-up of the debate on a possible and viable revision of the targets. My second point is that it is evident that there are different social, cultural and economic conditions which can hardly enable the achievement of the Barcelona targets in general terms and equally all over the EU. Thirdly, the report does not take into account further factors, such as the freedom of each family, as well as the interests of children. Last, but not least, it is also difficult to achieve the Barcelona targets because childcare is, quite rightly, entirely in the hands of national governments.

Philip Claeys (NI). – (NL) I, too, intended to vote in favour of the Záborská report because it was, all in all, an even-handed report that does not lapse into the traditional, politically correct clichés when it comes to matters such as discrimination or what is meant by it.

The amendment tabled by the Group of the Greens/European Free Alliance which I voted against, has, in fact, completely nullified the report and does contain a number of very questionable elements, including the attack on the Czech Presidency and the gratuitous claim that raising children in the home would, in fact, have a role-confirming effect. This is a particularly weak argument, but any stick will apparently do to beat a dog and to hold debates, to provide real arguments for an issue such as pay for stay-at-home parents.

Ewa Tomaszewska (UEN). – (PL) Mr President, I voted in favour of the report by Mrs Záborská, notably because it recognised the work undertaken in the home by women. Work of a nursing, caring, educating and teaching nature should be properly valued. After all, if such work is undertaken outside the home, it is recognised and included when calculating the GDP. Gary Becker, a Nobel prize winner, refers to the importance of the economic contribution made by people undertaking domestic tasks to the economic progress of society as a whole. As to the definition of a family, in Polish, this term refers to a union capable of procreating, and does not therefore encompass same sex unions.

Astrid Lulling (PPE-DE). – (DE) Mr President, I have voted in favour of the Záborská report, which the Greens were opposed to and introduced an alternative discussion about. I am of the opinion that we in Europe must ensure, on the basis of our community of shared values, that women in particular who are starting a family have the right to choose whether to stop work completely or only to work part-time after the birth, in order to care for their child. I was very fortunate that my mother was able to do this and I must say that I have benefited from it.

If my mother had been unlucky enough to be divorced after twenty years of marriage, she would have been in a difficult situation, because she would not have received any social security support, particularly in old age. I have been fighting for forty years to ensure that women who choose to devote themselves to their family and their children are not discriminated against and do not put themselves in the wrong by making this choice. I cannot vote in favour of an ideology which wants to entrust children and adults to the state from the cradle to the grave.

I regret the fact that the report from the Committee on Women's Rights and Gender Equality was rejected. The majority of members who voted against it did a disservice to women, to the family and to society.

Nirj Deva (PPE-DE). – Mr President, I am very grateful to Anna Záborská for producing this report. Even though my group had some issues with it, I feel that she has touched upon something which is fundamentally important for the EU.

The EU's population is dropping sharply. The role of women in raising families is not recognised in many of the Member States as a contribution to their national GDP. Women and mothers are an integral part of working life in our society, and there are many millions of mothers looking after their children in my constituency in the South-East of England. Their contribution to the British GDP and to my own region's wealth is of fundamental importance for our country.

This report, for the first time in the European Union I believe, recognises that contribution. We need to encourage our Parliament to look at these issues in technical detail in the future so that we have equality and solidarity between the sexes.

- Report: Roberta Angelilli (A6-0012/2009)

Jim Allister (NI). - Mr President, today we debate and deplore the evil of the sexual exploitation of children. Virtually every speaker in the debate rightly condemned paedophile activities and pornographic abuse of children. Likewise, the misuse of the Internet drew the wrath of many.

It is disappointing, however, that, despite such unanimity, several Member States have not attained the same level of criminalisation of this abuse of children. Grooming, sexual abuse and child pornography should have no place anywhere in the EU, nor should we tolerate any of it. Silence is the best friend of paedophilia. We have seen it in churches, families and communities, where a blind eye has been turned, leading to some of the scandals of which we are aware in our various Member States.

Zuzana Roithová (PPE-DE). – (CS) Mr President, I was glad to support the report just now, but I should add to my previous comments the fact that seven countries have not yet committed themselves to the Council of Europe Convention or to the UN's Optional Protocol containing modern instruments for fighting child trafficking, prostitution and pornography. I am sorry to say that this also applies to my country, the Czech Republic, which, of course, wants to combat this more effectively, but for a long time has been resolving the issue of incorporating criminal liability of legal entities into its legislation. It is, of course, these legal entities that are organising child trafficking and making fat profits from it. I therefore call on the Czech Presidency to ensure that this domestic problem is resolved and that it serves as an example to the other EU Member States.

Written explanations of vote

- Report: Angelika Niebler (A6-0006/2009)

David Casa (PPE-DE), in writing. – Such agreements are vital in the process of strengthening the ties between the European Union and the United States of America. With competition from the new emerging markets ever increasing, it is of the utmost importance to be on top of the situation, and I think that this report expresses this feeling exactly.

Călin Cătălin Chiriță (PPE-DE), in writing. – (RO) I voted in favour of the Niebler report as scientific and technological cooperation between the EU and US is an absolute necessity. This transatlantic agreement must inspire both the US and European Community to reap the reciprocal benefits resulting from the scientific and technical progress achieved through research programmes. This agreement will facilitate the exchange of ideas and the transfer of expertise for the benefit of the scientific community, industry and ordinary citizens. I would like to emphasise that the US is a global leader in the field of science and technology.

We must take note that the agreement is based on the principles of mutual benefit, promotes participation in cooperation activities, such as coordinated calls for joint project proposals and access to each other's programmes and activities. Principles supporting effective protection of intellectual property and equitable sharing of intellectual property rights are actively promoted. The proposal also provides for missions by EU experts and officials and for workshops, seminars and meetings to be organised in the European Community and in the United States.

I hope that this agreement will also contribute to the success of the Lisbon Strategy which is aiming to create a knowledge-based Europe. After setting up the European Institute of Technology, this transatlantic scientific and technological cooperation will generate new opportunities.

Avril Doyle (PPE-DE), in writing. – Mrs Niebler has presented the report on the third extension of the EU-United States Agreement, which supports the Council decision concerning the extension of the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America. As a mutually beneficial agreement advancing scientific knowledge and technological progress, I am very pleased to support this measure.

Daniel Petru Funeriu (PPE-DE), in writing. – The extension of the Scientific and Technological Cooperation agreement between the EU and the USA is, beyond doubt, a positive aspect for European Research. The overwhelming vote shows just this.

However, experience shows time and again that the most fruitful scientific collaborations are obtained when two researchers from two institutions collaborate on a commonly designed and jointly funded project. Therefore, in order to bring more substance to the scientific cooperation with the US, I call upon the Commission to explicitly establish simple, project-oriented financing instruments of joint research grants between researchers in the US and the EU. The explicit inclusion in the agreement of fields such as biomedicine, nanotechnology and space research is welcomed. I would like to see included also other cutting edge fields, such as stem-cell research. The fact that there are justified ethical issues related to some research fields should be a drive to a common reflection on these aspects rather than a barrier to common scientific progress.

Due, in particular, to the European Research Council grants, the EU is increasingly attractive for American researchers. The EU now has instruments to seek higher and longer term incoming scientist mobility and must act so that the EU achieves a net brain-gain.

Marian-Jean Marinescu (PPE-DE), in writing. – (RO) Extending the agreement for scientific and technological cooperation with the United States is a confirmation of the need for cooperation and mutually beneficial exchanges between the EU and US in the cutting-edge sectors of research and innovation.

The inclusion of the space and security sectors in this agreement marks an important step towards consolidating transatlantic relations, which is a priority objective of the PPE-DE Group. This cooperation must also cover forms of civil and military collaboration in areas of common interest, including pioneering fields such as the new space technologies, nanotechnologies and defence research.

I firmly believe that this cooperation will help boost the results obtained from the activities which have been carried out aboard the international space station, as well as in the sensitive area of communication satellites. In addition, I feel that cooperation with third countries is important, especially with Russia, mainly in projects of the GPS-Glonass-Galileo type.

All stakeholders must benefit from the valuable results obtained by one of the parties, whether in the civil sector or in the military sector with an application for the civil sector, because safety and security are the prime concern of the world's citizens nowadays, and sharing this success is not only proof of mutual trust and partnership, but is also a guarantee that these results will not be used for anything other than the benefit of mankind.

Mairead McGuinness (PPE-DE), in writing. – I wish to record that I support this report on Extension of the EC-USA agreement for scientific and technological cooperation.

However, my voting machine did not work and I wish to record my vote in favour of this report for the record.

Tobias Pflüger (GUE/NGL), in writing. – (DE) I voted against Angelika Niebler's report on the extension of the agreement for scientific and technical cooperation between the European Community and the Government of the United States of America (A6-0006/2009).

The content of the extended agreement differs from the previous agreement in that sections on space research and security research have been added. As both the USA and the EU are explicitly planning to use space for military ends and as they define security primarily in military terms, it is reasonable to assume that the cooperation agreement will also serve military purposes.

Cooperation in the fields of science and research is extremely important. However, it must be used for civilian purposes. I am opposed to any military use.

Lydie Polfer (ALDE), in writing. – (FR) I voted for this report proposing renewal of the December 1997 agreement, renewed for the first time in 2003, which will allow the two parties to continue, improve and intensify their cooperation in scientific and technical areas of common interest.

This collaboration will bring mutual benefits from the scientific and technical progress achieved by our respective research programmes. There will also be a transfer of knowledge that will benefit our companies and our citizens.

This cooperation is part of the European policy on technical research and development that is such a major part of the European legislation. It will allow us to strengthen the scientific and technical bases of European industry and promote its increased international competitiveness.

Zuzana Roithová (PPE-DE), in writing. – (CS) Today I did not vote for the report on the continuation of scientific and technical cooperation between the EU and the USA. This is despite the fact that the level of investment by the EU and USA in this field is amongst the highest in the world, and many interlinked scientific institutes are leading scientific and technical progress around the world and are contributing towards solving a number of global problems. In the long term, however, I would criticise the unwillingness of the Commission and the Council to reach agreement with the USA on basic common ethical principles for science and research. It troubles me that the present agreement once again contains no such provisions. This is irresponsible towards humanity and shows a lack of consideration for those scientists who voluntarily maintain specific ethical principles while others do not. This applies especially to biotechnology.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted for the Niebler report concerning the extension of the EC/US agreement for scientific and technological cooperation. The agreement for scientific and technological cooperation came into force a little over 10 years ago and has already been renewed once, after the first five years. I fully agree that the agreement needs to be extended again so as to continue to foster scientific and technological cooperation with the United States in common priority areas that provide both parties with socio-economic benefits.

I am also satisfied that the terms of the agreement are virtually identical to those signed previously, except for a few technical amendments. Finally, I applaud the addition of space research and the security sector to the EC/US agreement.

Flaviu Călin Rus (PPE-DE), *in writing*. – (RO) I voted in favour of the report on the proposal for a Council decision on extending the Agreement for scientific and technological cooperation between the European Community and the Government of the United States of America as I feel that any scientific cooperation can lead to new discoveries which, in turn, can support the development and evolution of mankind. Given that the US is one of the biggest global driving forces in the field of scientific research, I feel that the extension of scientific cooperation with this country will be beneficial to every Member State in the European Union.

- Report: Angelika Niebler (A6-0005/2009)

Šarūnas Birutis (ALDE), *in writing*. – (LT) The renewal of the agreement for another five years would be useful for both parties, as cooperation between Russia and the European Community in the field of science and technology would be continued.

As the content of the renewed agreement will be identical to the content of the agreement which expires on 20 February 2009, there would be no sense in continuing talks on the renewal of this agreement in the usual manner.

Given the advantages to both parties of a speedy renewal of the agreement, a one-step procedure is proposed (one procedure and one act, linked to the signing and formation of the agreement). Both parties to the agreement are striving to ensure continual cooperation (in particular implementing such activities, in which third parties must participate, pursuant to the cooperation agreement). I agree entirely with this proposal.

Călin Cătălin Chiriță (PPE-DE), *in writing*. – (RO) I voted in favour of the Niebler report as scientific and technological cooperation between the EU and Russia is a necessity. The agreement between the EU and Russia must inspire both the European Community and Russia to reap the reciprocal benefits resulting from the scientific and technical progress achieved through research programmes.

This agreement will facilitate the exchange of ideas and the transfer of expertise for the benefit of the scientific community, industry and ordinary citizens. I note that this agreement is based on similar principles to the agreement signed between the EU and US in the same fields, namely science and technology.

We must take note that the agreement is based on the principles of mutual benefit, promotes participation in cooperation activities, such as 'coordinated calls for joint project proposals and access to each other's programmes and activities'.

Principles supporting effective protection of intellectual property and equitable sharing of intellectual property rights are actively promoted. The proposal also provides for missions by EU experts and officials and for workshops, seminars and meetings to be organised in the European Community and Russia. In this European Year of Creativity and Innovation, let us hope that this agreement will contribute to making the strategic partnership between the EU and Russia more effective.

Avril Doyle (PPE-DE), *in writing*. – Mrs Niebler has presented the report on renewal of the existing agreement between the EC and Russia on cooperation in science and technology. Peaceful collaboration and work between Russia and EU is mutually beneficial in advancing scientific knowledge and research and I am delighted to support this measure.

Marian-Jean Marinescu (PPE-DE), *in writing*. – (RO) Renewing the partnership agreement on scientific and technological cooperation with Russia is an important step in the process of normalising and consolidating relations between the EU and the Russian Federation, apart from easing recent tensions.

However, it is not sufficient to normalise relations for cooperation in these fields. The EU and Russia must first of all find a way of consolidating their partnership and of cooperating in the area of security policies,

primarily the energy security policy. The recent gas crisis highlighted the need for us to adopt a serious and united approach to dealing with the issue of the European Union's dependency on its resource suppliers.

Let us not forget either the crisis in Georgia which, for a time, put at risk the whole post-Cold War structure in Europe.

In view of all the challenges posed by globalisation and the global crisis, Russia is an important player which cannot be excluded from or ignored at the negotiating table. However, the Russian Federation must observe these agreements and standard international regulations.

I appeal to the European Commission and Czech Presidency to find specific ways of resolving these problems as soon as possible, for their own benefit and that of Europe's citizens and third country partners (Ukraine and Moldova).

Mairead McGuinness (PPE-DE), in writing. – I wish to record that I support this report on agreement between the EU and Russia on cooperation in science and technology.

However, my voting machine did not work and I wish to record my vote in favour of this report for the record.

Miroslav Mikolášik (PPE-DE), in writing. – (SK) I voted in favour of scientific and technical cooperation between the European Community and Russia because it is necessary to build firm, stable and genuinely neighbourly relations with the Russian Federation. I see cooperation in science and technology as an excellent means of building such a relationship. The European Community, like Russia, has achieved significant scientific advances which may be mutually beneficial to both sides. The Community can certainly benefit from such cooperation, realising and perfecting its own scientific and technical projects. However, I would underline that for genuine neighbourly relations, willingness and reliability are needed on the other side, too.

The last few days have borne witness to Russia's serious unreliability as a trading partner. The actions of the Russian Federation caused a gas crisis in many countries of the European Union and this posed a direct threat to the economies of Member States, showing up the drawbacks of energy dependence on Russia. I hope that in the interests of good cooperation in the scientific and technical field, such events will not be repeated in future.

Zuzana Roithová (PPE-DE), in writing. – (CS) Just as I voted against the agreement with the USA, I also voted against the report on the Agreement on scientific and technical cooperation between the EU and Russia. I did so for exactly the same reason. It troubles me that it does not have a chapter devoted to an agreement on common ethical limits for research. I regret the fact that the Commission and the Council underestimate this all-important aspect of research and do not even attempt to frame such an agreement. It is as if they are not aware that ethical limits have a place, more than anywhere else, in science, where preliminary caution is so necessary. At least in the case of science and research financed from public funds, an international agreement on ethical principles would be entirely appropriate within such a cooperation agreement.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I have voted for the report by Mrs Niebler on the renewal of the EU/Russia agreement on scientific cooperation. It is indeed essential to renew the agreement drawn up with the Soviet Government years ago. Cooperation between the European Union and Russia has produced excellent results, due to the fact that they have joined forces to achieve the sole objective of improving general wellbeing.

I therefore welcome Mrs Niebler's initiative and stress the importance of continuity and constancy in the diplomatic relations between the EU and Russia in order to ensure that the international geopolitical balance is maintained.

Peter Skinner (PSE), in writing. – There are several reasons why this agreement strengthens the EU internal market and cooperation in standards as well as maintaining consumer protection.

First among them is that science is a global discipline and advances we can share go towards increasing the sum total of human endeavour. Benefits which we can work towards are specifically and generally a positive.

Whether it is the car industry working to reduce emissions, or universities creating strategic links, the success of promoting this agreement is measurable.

Consumers, too, are beneficiaries indirectly, as the best minds can be brought to bear to create greater trust in the answers to our joint concerns.

Daniel Stroj (GUE/NGL), *in writing*. – (CS) Although it may seem that the adoption of the draft Council Decision on the conclusion of the agreement (renewing the Agreement on scientific and technical cooperation between the European Community and Russia) is really a formality of only secondary importance, I do not think this is so. With increasing urgency, it is becoming clear that Russia must be a strategic partner for the EU, rather than eternally condemned and seen as a bogeyman. We should therefore welcome any step in the direction of cooperation between the EU and Russia at various levels and in various forms. Cooperation with Russia can also be expected to play a very important, unambiguously positive role in the current severe economic crisis. Russia cannot be separated from Europe. It belongs to Europe, whether we like it or not, and cooperation with it may soon be vitally important for Europe.

- Report: Gyula Hegyi (A6-0478/2008)

John Attard-Montalto (PSE), *in writing*. – When we talk about wilderness, in reality we are referring to a natural environment from which significant human activity has been absent, in other words, virgin areas. Wilderness may refer to both land and sea.

There are two different approaches: one refers to the concept of conservation and the other to that of preservation. These are distinct. The former can be described as 'proper use of nature', the latter 'protection of nature from use'. I believe that conservation and preservation may be distinct, but their application depends on the particular area. To take an example, Europe is too small to have forbidden areas for its citizens. Forests cover about one third of the land area of which only 5 % can be described as wilderness.

Most areas in Europe which are wilderness are protected under Natura 2000. This is a European network which already covers the most valuable and bio-diverse areas of the EU. That is why I agree that no new legislation is required concerning wilderness areas as most are covered by Natura 2000. It is, however, important to map wilderness areas according to forest, fresh water and marine wilderness.

Alessandro Battilocchio (PSE), *in writing*. – (IT) I voted in favour of the report. There are several reasons why Europe should be interested in protected wilderness areas. Firstly, they function as refuges and genetic reserves for many species that cannot survive in conditions that are even only slightly altered. There are also many species that have not yet been discovered and described. Most of these live in the soil or in rotting wood and are highly sensitive to change. These unpolluted areas are ideal for studying natural changes and the evolution of nature. At the same time, these areas are extremely vulnerable to the impacts of climate change caused by humans outside their boundaries.

Then there are many purely ethical reasons for preserving wilderness areas in Europe. We have a moral obligation to ensure that future generations can take enjoyment and benefits from the protected wilderness areas in Europe. The development of sustainable tourism is being used as a means to attribute an economic value to wilderness areas and to promote their conservation.

It is therefore important to draw up appropriate recommendations to help the EU Member States find the best way to ensure that present and potential protected areas, as well as wilderness areas and their natural processes, are safeguarded within the Natura 2000 framework.

Nicodim Bulzesc (PPE-DE), *in writing*. – I voted in favour of this report since I agree that we really need to proceed with the mapping of the last wilderness areas in Europe. Of course, this cannot be done without defining wilderness. Therefore, I urge the European Commission to take action in this field. I also agree with the idea that we should promote sustainable tourism in these areas and teach site managers how to preserve and protect the wilderness.

Therefore, I join the request of the main NGOs in the field and ask the European Commission to give some guidelines for wilderness preservation in Europe.

Martin Callanan (PPE-DE), *in writing*. – This report indicates that not even the farthest reaches of Europe are beyond the EU's grasp. The whole point of wilderness is that it is supposed to be untouched by mankind – including the EU. However, given the various pressures on the environment, the Commission has proposed action to protect and nurture Europe's most remote and isolated regions.

I am therefore generally supportive of this report, provided that Member States retain a prominent role in the management, designation and protection of wilderness.

I am somewhat sceptical about the merits of an EU strategy on wilderness, given that the EU's management of agriculture and fisheries has proved to be so disastrous. It is vital that the EU acts as a facilitator and repository of best practice in this process, otherwise the whole point of the measures proposed would be undermined.

Notwithstanding those caveats, my region of north-east England is blessed with isolated areas of outstanding natural beauty largely untouched by humans. I therefore supported this report.

David Casa (PPE-DE), *in writing*. – Natura 2000 has done much to protect unspoilt or virgin environment. This report stresses the importance of such projects and I am in full agreement with the rapporteur that many resources must be used to ensure the protection of such areas. It is important to map these areas because it might be too late if we leave this too late.

Avril Doyle (PPE-DE), *in writing*. – Mr Hegyi's own-initiative report emphasises the importance of the protection of wilderness areas in Europe in the application of existing Directives, proposing a definition of 'wilderness' as still untouched areas as well as 'areas where human activities are minimal'.

While the report is welcome, certain areas remain unclear; for example, whether existing wilderness areas or potential future wilderness areas are being discussed. I would also like to know whether there are wilderness areas that are currently not listed as Natura 2000 sites which would potentially come under the consideration of this report.

Areas of special consideration under Natura 2000 fall under the competences of various DGs in the Commission. While I am appreciative of the work undertaken by these different departments and their different mandates, increasing the levels of cooperation and coherence could greatly enhance the protection afforded by Natura 2000 sites. I am pleased to support Mr Hegyi's report, but regret that due to the application of Rule 45(2), I was denied the opportunity to debate it.

Edite Estrela (PSE), *in writing*. – (PT) I voted for the Hegyi report, since I believe it is necessary to improve the protection and promotion of wilderness areas in Europe.

Due to the environmental pressures resulting from centuries of human activity, wilderness areas today cover only 46% of the Earth's surface.

I believe that it falls to the European Commission to draw up recommendations for the Member States, which must include the production of a map and a strategy for Europe's wilderness areas.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) We voted in favour of this report because we need to protect nature, but through human use. Forests currently cover 33% of the land area of the countries of the European Economic Area, corresponding to 185 million hectares. Only about 9 million hectares of forest (5% of the total forest area) is considered 'wilderness'. These areas, together with their native plant and animal communities and the ecosystems of which they are a part, are in an essentially natural state. These wilderness areas should enjoy effective and specific protection conditions, as genetic reserves and refuges for many species which are unable to survive even in slightly altered conditions, especially large mammals, like brown bears, wolves and lynxes.

We have a moral obligation to ensure that future generations can enjoy and benefit from Europe's wilderness areas. The development of sustainable tourism can be used as a means of giving economic value to wildernesses and creating support for conservation, encouraging ordinary people to discover the hidden value of nature without damaging it. Sustainable tourism strengthens acceptance of conservation policies, since the tourists come to understand the need for protection as a result of their personal experience, while helping to economically maintain wilderness areas which can provide job opportunities for local people.

Duarte Freitas (PPE-DE), *in writing*. – (PT) Today, Europe's wildernesses are reduced to a fraction of what they were in the past, so their protection is a priority.

They must, therefore, be central to European biodiversity policy and the Natura 2000 Network must take these areas into account, so as to make the best use of the ecosystem services they provide.

I therefore approve of the Hegyi report in the hope that European wilderness areas can be better preserved for enjoyment by future generations.

David Martin (PSE), *in writing*. – I support this report which highlights the need to protect the 46% of the world's land which is wilderness and has not been significantly modified by human activity.

Luís Queiró (PPE-DE), *in writing*. – (PT) Gone are the days when the history of humanity was a story of survival in the face of nature's adversity. In our part of the world, although we still need to protect ourselves from nature and its attacks, it has become necessary to protect nature from human presence and domination. We must do so for ourselves: for the interest we have in preserving the richness of biodiversity and for our need to preserve the planet on which we have been offered the chance to live. It is on the basis of these precepts that we must consider efforts to preserve wilderness in Europe and, very specifically, in the outermost regions, where such diversity is so important. The same precepts demand that interventions and regulations be balanced and considered. If we want to foster a new way to use our rural areas, we must not increase the human activities undertaken there to levels that cannot be borne. The protection of wilderness, especially where it coexists with human activity, must mean the promotion of balance, preservation and sustainability. We must not place intolerable burdens on rural life or make people abandon areas already impoverished in themselves.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I am voting for the Hegyi report on wilderness in Europe. I believe that the European Union should take a greater interest in wilderness areas, because they act as refuges and reserves for many species that cannot survive in altered conditions. Moreover, the ethical reasons for this decision must not be forgotten.

We European citizens have a moral obligation to ensure that future generations can benefit from the protected wilderness areas in Europe. I therefore applaud Mr Hegyi's initiative, aimed at promoting the development of sustainable tourism, a real indicator of the economic value of wilderness.

Flaviu Călin Rus (PPE-DE), *in writing*. – (RO) I voted for this report because, in my view, Europe must protect its wilderness areas and contribute to the upkeep of its national parks. According to the 'Wilderness in Europe' report, there are 10 national parks in several regions of Europe. The upkeep and protection of these national parks also mean protection for the species of animals and birds which inhabit these areas.

In view of the fact that some of these species are on the point of extinction, I feel that the European Union must become actively involved in developing programmes which will help to revitalise these species and repopulate certain areas where, unfortunately, some species of animals and plants have disappeared.

On the same lines, I believe the following measures are necessary: a closer analysis of land clearing activities in areas which are not designated as national parks and the development of specific projects aimed at reforestation in areas which have been cleared. I personally give my strong support to any such project and I would like to congratulate the rapporteur.

Andrzej Jan Szejna (PSE), *in writing*. – (PL) The term wilderness refers to a natural environment that has not been significantly altered by human activity. Even now, 46% of the surface of the Earth is classed as wilderness.

There is a difference between the notions of conservation and protection. The former involves proper use of nature. The latter implies protecting nature against exploitation. In my view, nature needs to be protected, but through human action. Europe is too small for it to be sensible to ban its citizens from entering certain territories. The territories in question are of particular and exceptional value. This can be exploited in an environmentally friendly manner by developing new products in the area of tourism.

At the same time, these territories are especially vulnerable to the impact of environmental change caused by human beings. It is our moral duty to ensure that the next generation is able to see and experience genuine wildernesses in Europe. The development of sustainable tourism may prove a way of benefiting from the economic importance of wilderness lands and acquiring resources for their protection.

An interesting initiative linking programmes aimed at wildernesses and sustainable tourism has arisen in Europe. I refer to the PAN Parks Foundation, whose aim it is to develop sustainable tourism in those lands.

There is no need to introduce new legislation regarding wildernesses, but the European Commission should develop appropriate recommendations to ensure that that Member States of the EU receive assistance concerning the best ways of protecting present or potential wildernesses that might be included in the Natura 2000 network.

- Report: Luís Queiró (A6-0501/2008)

Martin Callanan (PPE-DE), in writing. – In recent years, general and business aviation has been the fastest growing branch of the aviation sector. Airports in my constituency of North-East England, such as Newcastle and Durham Tees Valley, are popular with amateur pilots and, increasingly, business people. It is therefore a sub-sector that needs support and sensible regulation.

I am impressed with the Commission's commitment to proportionality in the regulation of general and business aviation. This approach marks a significant departure from many previous transport-related proposals and is to be welcomed, although we must remain vigilant to ensure that the sector can continue to grow in a sustainable way without the kind of onerous red tape that, far too often, has characterised the Commission's proposals.

Inevitably, this sector will decline somewhat in the short term as the economic crisis continues to set in. However, general and business aviation contributes significantly to economic growth, especially at a regional level as we in north-east England can attest.

I voted in favour of this report.

David Casa (PPE-DE), in writing. – I agree with the rapporteur on the need to emphasise the importance of data gathering, proportionate regulation, airport and airspace capacity, and environmental sustainability, whilst acknowledging the importance of one of the fastest-growing industries of our time. We call to strike a balance in these mentioned issues so as not to hinder the business and leave it sustainable.

Avril Doyle (PPE-DE), in writing. – MEP Queiró has responded to the Commission's communication 'An Agenda for Sustainable Future in General and Business Aviation' and has highlighted several areas where policy considerations for the non-commercial air transport sector in general and business aviation have additional impact. Of particular interest are the extension of Community competence in areas of security and safety, and the impact on the sector of Community initiatives such as the Single European Sky and the Air Traffic Management System.

Ensuring safety, while ensuring that environmental concerns are met by the sector in a responsible manner, both in reducing noise pollution and reducing the volume of emissions generated, is a primary concern. The rate of growth of the sector and its diversity both make it one where future regulation will be necessary. This communication points to a path for developing future policy.

Jörg Leichtfried (PSE), in writing. – (DE) I have voted against the report by Luís Queiró on the future of general and business aviation.

It is undoubtedly true that the number of general and business aircraft movements has increased significantly and therefore that the environmental impact has also grown.

However, in my opinion, investing in the expansion of airports is the wrong approach, because this will only lead to more demand for travel and an increase in air traffic. We need to find alternatives so that the level of air traffic does not escalate and pollution remains within reasonable limits.

Marian-Jean Marinescu (PPE-DE), in writing. – (RO) General and business aviation is a flourishing sector characterised by an increased degree of adaptability and flexibility, features which conflict with the rigid inflexibility typical of large airports in particular. For this reason, I support the recommendations of my colleague, Luís Queiró, on the consistent application of the principles of proportionality and subsidiarity in this sector, on a case-by-case basis, with the proviso that all the security and safety requirements are complied with.

I appeal to all Member States to take into consideration all the recommendations made by the Commission and rapporteur, especially those concerning how to make airport capacity more efficient and use it to optimum effect, not only with regard to large airports, but especially regional and local airports.

In fact, as rapporteur for the European Single Sky II package and the extension of the EASA's powers, I took into account the need for this segment of the aviation sector to enjoy all the conditions which are required to ensure sustainable development for the benefit of both the industry and, ultimately, passengers too.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted in favour of the report by Mr Queiró on an Agenda for a Sustainable Future in General and Business aviation. Certainly we are warned that a new European policy is required concerning general and business aviation.

This is because there has been a constant growth in the total turnover of companies in the civil aviation sector. Indeed, it is estimated that the number of passengers using business aviation could double in the next ten years or so. Furthermore, the advantages brought by this type of aviation to economic and social wellbeing as a whole must also be acknowledged.

I therefore welcome the report by my fellow Member and hope that the potential of a sector enjoying remarkable growth can be fully exploited in the future.

- Report: Malcolm Harbour (A6-0018/2009)

John Attard-Montalto (PSE), *in writing*. – The public sector has been hampered by traditional methods in the procurement of research and development services. This can be altered through what is known as pre-commercial procurement. Pre-commercial procurement is a special approach for the public sector to procure research and development.

The EU needs a broader innovation strategy. And what we are terming pre-commercial procurement has to be seen as part of the strategy. This is essential to re-enforce the innovation capabilities of the Union and to improve public services for European citizens. The US public sector spends USD 50 billion on research and development procurement. Europe spends USD 2.5 billion. It is obvious why pre-commercial procurement is crucial to help the public sector in Europe address major public challenges.

One of the problems existing in the EU is a lack of awareness of how to optimise research and development procurement. The problem is a result of what is known as exclusive development. Companies which have developed a product or service for a public body cannot use their findings for other customers. Pre-commercial procurement will address this anomaly. It will allow a specific approach which involves risk benefit sharing. This will also result in cost-effective development of innovative solutions.

Alessandro Battilocchio (PSE), *in writing*. – (IT) Thank you, Mr President. I shall vote in favour. I consider that pre-commercial procurement has the potential to be very advantageous for innovation and that it can offer updated public services of high quality in the European Union.

Not only that. Pre-commercial procurement contracts offer major opportunities to small and medium-sized enterprises, in relation both to the public contracts sector and to their global development and experience. Indeed, they are, by their nature, more accessible for small and medium-sized enterprises than traditional large commercial contracts.

Despite all this, I fear that what is proposed will not succeed in attracting small and medium-sized enterprises unless the way in which such contracts are to work is made clear, especially in a cross border context, and unless further clarification is provided on certain procedural aspects, including provisions on State aid and intellectual property, so as to create a transparent and stable environment for public bodies and enterprises.

Martin Callanan (PPE-DE), *in writing*. – This report makes sobering reading: for all the talk about the Lisbon agenda, and making Europe the world's most competitive economy by next year, I was shocked to read that the US public sector is spending USD 50 billion per year on research and development procurement.

This amount is twenty times higher than in Europe and an amount that represents approximately half of the overall research and development investment gap between the US and Europe.

I welcome this report by my colleague, Malcolm Harbour, who has set out ways in which Europe can begin to close that productivity gap. The key to this process is in the title: driving innovation.

In my view, the best way for the aspirations of this report to become reality is to ensure that the EU encourages innovation and technological development rather than throwing regulatory obstacles in the way.

Given the important role of public procurement in promoting and supporting new technologies, I supported this report. I hope its principles will be of use to local authorities in my region of North-East England.

David Casa (PPE-DE), *in writing*. – I agree with the rapporteur on the importance of innovation, especially in demanding sectors such as health, ageing and security. Pre-commercial procurement marginalises the room for error and should thus be used as an innovative means.

Avril Doyle (PPE-DE), in writing. – My colleague, Mr Harbour, has presented an own-initiative report regarding increasing innovation in Europe to ensure sustainable and high-quality public services. Access to such services in a fair and equitable manner is essential for the full functioning of the free market. This communication addresses the issue of the research and development (R&D) phase of a pre-commercial product.

Pre-commercial procurement is a specific approach for the public sector to engage R&D, with a view to driving innovation to ensure sustainable high quality public services in Europe. The scope of public services concerned covers healthcare, education, security, climate change and energy efficiency, all issues which benefit the entirety of society. The adoption of this strategy will allow for cost-effective, value-added development of new and innovative solutions, and so I supported this proposal.

Małgorzata Handzlik (PPE-DE), in writing. – (PL) Public procurement in the area of research and development in Europe represents an insignificant proportion of total public procurement. Europe does not appear in a favourable light either in comparison with the United States, whose public sector allocates USD 50 billion a year to public procurement in the area of research and development, an amount 20 times greater than the sum spent in Europe. This is most unfortunate if we really want to strengthen our innovative potential.

It is worth noting that many products and services currently available would not exist were it not for the commitment of public resources. The GPS satellite navigation system and semiconductor technology are but two examples.

Europe needs to make technical improvements in many areas, such as health, sustainable growth and security. For many of these areas, no commercial solutions are yet available, or if they are, further research and development action is required. Pre-commercial procurement is one way of eliminating this gap between public sector demand and supply, offering the public authorities the possibility of improving the services they provide.

Pre-commercial procurement also represents an important opportunity for SMEs. The innovative potential of the latter is enormous and, thanks to the commitment of public resources, they have the opportunity to develop and sell the solutions devised to other clients.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I warmly welcome the report by Mr Harbour on precommercial procurement: driving innovation to ensure sustainable, high quality public services in Europe. It is extremely important for the European Union to confront social challenges in an appropriate fashion, so as to guarantee considerable improvements in the provision of public services.

Precommercial procurement, from this perspective, can help to bridge the gap between supply and demand in the public services sector. I agree with the rapporteur when he emphasises the need to educate customers on how to approach innovation in public contracts, since the profession is highly skilled and needs well-trained staff.

Andrzej Jan Szejna (PSE), in writing. – (PL) Pre-commercial procurement occurs when the public sector places orders in the area of research and development, thus supporting innovation and ensuring the sustainability and high quality of public services.

Pre-commercial procurement is tremendously important in terms of strengthening the innovation potential of the entire European Union, improving public services provided directly to the citizens, and also eliminating the gap between supply and demand in the public sector.

One example of a solution developed on the basis of public procurement is the GPS navigation system.

In the United States, the funding allocated to orders in the area of research and development is 20 times greater than that allocated in the European Union.

For SMEs, public procurement represents a valuable opportunity to gain experience. Pre-commercial procurement contracts are advantageous for smaller enterprises, as the latter often do not comply with the requirements for ordinary commercial public procurement.

As a matter of urgency, Europe should develop comprehensive solutions to improve the use of pre-commercial procurement, not only by national authorities, but also by local and regional ones.

Marian Zlotea (PPE-DE), in writing. – (RO) First of all, I would like to congratulate Mr Harbour for the report he has compiled, for the way in which it reflects the work of the Committee on Internal Market and Consumer

Protection (IMCO). Adopting this own-initiative report compiled by Mr Harbour will help boost innovation in research and development within the European Union. We must capitalise on the benefit which we will gain from a pre-commercial procurement policy. Public procurement is an area which offers the prospect of huge opportunities for SMEs, with pre-commercial procurement being easier to access than large-scale procurement contracts.

We need to follow the example of the US and focus more on procuring research and development services. We must define a beneficial pre-commercial policy instrument in order to boost the EU's innovative base. At the moment, companies which have developed a product or service for a public body are not able to reuse their findings for other potential customers, which comes on top of the financial barriers to procuring rival solutions. Pre-commercial procurement allows cost-effective development of innovative solutions.

- Report: Anne Laperrouze (A6-0013/2009)

Jan Andersson, Göran Färm, Anna Hedh and Inger Segelström (PSE), in writing. – (SV) We have chosen to vote against Mrs Laperrouze's report, as we believe that the final report is unbalanced and infringes the right of the Member States to decide whether or not they wish to use, develop or invest in nuclear energy. We are in favour of common research into nuclear safety, for example, but we feel that, in several cases, the report is far too pro-nuclear energy. These decisions should be made at Member State level.

Moreover, we are, in general, in favour of investments in energy infrastructure, but we are dubious about supporting all of the projects and investments that the rapporteur would like to support. We would have liked to have seen clearer criteria in order to be able to support such a position, particularly in the light of the debate on Nord Stream.

John Attard-Montalto (PSE), in writing. – First and foremost, Europe must devote its efforts to help its members in their quest for the search of oil and gas. There is a probability that Malta has fossil-fuel reserves beneath its seabed. Full exploitation cannot be carried out because of issues on the median line between Malta and its Northern African neighbours. This should not only be a bilateral issue but it is also in Europe's interest to seek a solution on behalf of its Member State.

The issue of nuclear energy has once again taken a prominent position. There are pros and cons. The nuclear debate is never-ending. One cannot fail to take note of the possibility of evaluating this energy supply.

I am informed that Malta was considering the importation of energy generated from nuclear plants in France. This energy, on reaching Malta, would be in the form of electricity and the negative aspects associated with nuclear plants would not be an issue. The energy generated would be cheaper than that from a gas pipeline from Sicily. Malta would not have to undertake the capital expenditure needed to construct a power station.

Liam Aylward (UEN), in writing. – I welcome this week the financial allocation of EUR 100 million that is being given by the European Union in support of the construction of new electricity networks between the East Coast of Ireland and Wales.

This new project is part of the EUR 3.5 billion economic stimulus package which was announced by the European Commission last week in Brussels. It will help to construct more modern energy networks which will fully protect the security of energy supplies into Ireland into the future.

The European Union is also going to financially support new projects in the field of alternative energy, and this includes the wind energy sector.

As a member of the European Parliament's Environment Committee, I have witnessed the growing dispute about energy supply.

We all must reflect on what has been happening for a number of weeks now concerning energy supplies coming from Russia into the EU via the Ukraine.

The reality is that we in the EU need to break down our absolute dependence on Russian energy supplies. We need to develop other energy sectors

Alessandro Battilocchio (PSE), in writing. – (IT) Thank you, Mr President. I am voting in favour. I consider that forms of renewable energy, such as wind and solar power, hydroelectric or geothermal energy, biomass or marine resources, are potentially the most important source of energy for the European Union. These can help to stabilise energy prices and contain the increase in energy dependency.

It is therefore very important to set out a European energy policy that will allow a substantial shift towards energy technologies that are efficient and have low carbon emissions, so as to cover our energy needs. If energy efficiency and energy saving continue to be a priority, in line with the continuing development of renewable energy sources, I agree that it should be possible to meet our energy requirements using low emission sources by 2050. I also agree on the importance of a systematic approach founded on synergies between the various sectors. In short, the long-term energy and climate challenges, at both European and global level, are an exceptional opportunity for encouraging new business models in all economic sectors, in order to stimulate innovation and to encourage environmentally friendly entrepreneurship.

Šarūnas Birutis (ALDE), in writing. – (LT) We do not have a single European energy policy. Each state defends its own interests. An additional EUR 5 billion have been allocated to EU electricity connections and broadband Internet. This is an historic event as, for the first time in the history of the EU, the European Commission debated the budget again and proposed such a project. This is especially important for Lithuania since, so far, it has neither an electricity link with Sweden nor one with Poland and is an energy island. Energy links are investments which do not reap many rewards financially. Therefore, such vitally important projects should be financed with EU funds. Today, Lithuania buys gas for around USD 500, while other EU states, which are much further from Russia than Lithuania, pay less for gas. We would gain a lot by showing solidarity and speaking with one voice to Gazprom about pricing.

David Casa (PPE-DE), in writing. – The three main objectives – security of supply and solidarity between Member States; combating climate change: recalling the ‘three times 20’ objective for 2020 and the aim of reducing greenhouse gas emissions by between 50% and 80% by 2050; and the economic growth of the EU: obtaining the best prices while avoiding price volatility – are of utmost importance when we discuss the European energy policy. We have to consider the policy that the decentralisation of energy sources will have, and new types of renewable energy should also be encouraged.

Giles Chichester (PPE-DE), in writing. – I and my British Conservative colleagues welcome the strategic approach on the supply of energy as contained in the Laperrouze report on the Second Strategic Energy Review.

We voted against the references to the Lisbon Treaty in line with our long-standing policy of opposing it. However, because there are references to the Lisbon Treaty which we could not specifically vote against, we have decided to abstain on the final vote.

Dragoş Florin David (PPE-DE), in writing. – (RO) I voted in favour of Mrs Laperrouze’s report on the strategic analysis of the EU’s energy situation because it stipulates that the EU’s future energy policy should include emergency action plans, the implementation of projects aimed at diversifying supply sources, as well as new climate change objectives.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted against this report because we disagree with many of the proposals that it propounds, as they are always based on free competition and liberalisation of markets in a strategic sector in which the existence of public policies and public ownership of the principle means of energy production was essential.

However, we voted in favour of several proposals. For example, we are also concerned about the security of fossil fuels such as oil and gas, and the rapporteur’s statement regarding the unlikelihood of world production exceeding 100 million barrels per day (currently 87 million). when requirements in 2030 are estimated at 120 million barrels per day, as well as the risk of a major crisis during the next decade.

We also agree that more research in the energy field should be undertaken, specifically into the transmutation of nuclear waste and nuclear fusion.

Nevertheless, we oppose the attempt to put economic groups in the European Union in a position of strength relative to the public companies of third countries, and the use made of this report to defend the Treaty of Lisbon and call for its ratification.

Glyn Ford (PSE), in writing. – I voted in favour of the Laperrouze report on the Second Strategic Energy Review despite (for me) its over-enthusiasm for nuclear energy. I am not in favour of early closure of safe nuclear plants, but my enthusiasm for new plants is extremely limited. In my own region, the South-West of England, we have the possibility of constructing a tidal barrage across the Severn that would, with far less potential damage to the environment, have an output of two nuclear power stations and provide in a ‘green’ way 5% of Britain’s energy needs.

I also voted in favour of the Green Amendment 22 pointing out the delay and escalating costs of the fusion power ITER project. I was not in favour of basing this joint project in Europe as the host pays a disproportionate part of the total budget. I was therefore in favour of Japan, which wanted it, hosting this white elephant. Far earlier than anticipated, I am being proved right.

Bruno Gollnisch (NI), *in writing*. – (FR) Everyone is aware that energy is a major challenge for the Member States. Energy saving, increased energy efficiency, research into commercially viable renewable energy and new technologies for transport and diversity of supply are all known routes to reduced dependence for the Member States. We do not question the need for some cooperation, organisation even, at an intergovernmental level, for solidarity between the States.

In reality, though, it seems from the report that the design of an energy strategy and security of supply are much less important than the introduction of a single energy policy or the introduction of a single network for gas and electricity, under the aegis of a single European regulator for each sector. Now, the choices, needs, options and capacities of the various states are extremely different.

This sensitive issue really is a strategic one and, as such, can only be left up to the sovereign decision of the states in accordance with their interests. The objective once again, though, is an increase in the powers of the Brussels bureaucracy. We know this is what we have to thank for providing us with problems ranging from an explosion in electricity prices to regular power cuts.

That is why we have voted against this report.

Marie Anne Isler Béguin (Verts/ALE), *in writing*. – (FR) The report again suggests the nuclear option, even though this energy is not competitive and uranium is obtained in dangerous conditions that give rise to ethnic discrimination and have an unacceptable impact on health.

Due to the issue of global warming, coal cannot be considered a 'transitional component'.

I believe that the 'diversification of EU energy resources' is linked to the exploitation of fossil resources in the Caspian Sea. The gas and oil fields of the Kashagan region are putting pressure on the populations and their environmental resources: the extraction of oil rich in sulphides threatens the health of the populations and biodiversity.

The diversification of energy supplies assumes that there are gas and oil pipelines to transport resources to the EU. The TBC and Nabucco projects are affecting the political stability of our neighbours. We have an obligation not to allow our energy needs to threaten their stability. The populations of the Southern Caucasus must receive an economic and social benefit from the extraction of energy from their territories.

In Africa, the production of solar energy destined to meet our needs has to be suitably rewarded.

Why not say in the report that renewable energies and energy saving are the answer in the future? As it stands currently, I am voting against this report.

Ona Juknevičienė (ALDE), *in writing*. – (LT) To guarantee EU energy security, a common EU energy market is needed, into which all Community Members would be integrated, above all the Baltic region. The dependency of countries in this region on Russia, as the single supplier of energy resources, stands in the way of energy security, not just for these countries themselves, but for the Community as a whole. Therefore, it is necessary to allow the connection of the Baltic countries to EU networks through priority and sufficiently funded EU projects. The diversification of energy sources and suppliers cannot remain a matter for the member countries themselves. It must be decided at EU level. Therefore, I particularly support the rapporteur when she urges the Commission 'to prepare a European strategic plan which would set out long-term investment intended to satisfy the needs of future electric energy production and concrete guidelines for investment in nuclear energy'. As the financial crisis has hit the construction sector particularly hard, equally so in Lithuania, the rapporteur's call for 'greater efforts to solve the problem of final disposal of all types of radioactive waste, and especially very radioactive waste', becomes particularly relevant with the closure of the Ignalina nuclear power station.

Partnership and Cooperation Agreements (in particular with Russia) must be a means of safeguarding the interests of all EU Members, and EU Member States must adhere to the principles of solidarity and unity in discussions with energy suppliers in third countries. Only a united Europe is strong and competitive in an age of rapid globalisation.

Marian-Jean Marinescu (PPE-DE), in writing. – (RO) The issue of the European Union's energy security is a regularly recurring topic, which is becoming increasingly relevant, clearly indicating that there are deep-seated, unresolved problems. The recent gas crisis has demonstrated the absolute need for Member States to join forces at Community level and show solidarity, both in crisis situations and in devising and implementing joint solutions which are mutually beneficial.

Being located at the EU's eastern border, Romania is aware of both the risks and benefits accorded by this geo-strategic position. For this reason, Romania supports and promotes, on the one hand, the construction of alternative energy transit routes, primarily the Nabucco gas pipeline, while, on the other, it supports the process of clarifying and strengthening partnership relations with Russia, which is a major player in the international arena, not only in this difficult sector involving the supply of energy resources.

With this in mind, the recommendations made by the rapporteur regarding the Southern Europe Corridor, especially Nabucco, and the interconnection of the gas and electricity networks running from north to south in South-East Europe, must be considered and implemented as quickly as possible.

Andreas Mölzer (NI), in writing. – (DE) The gas crisis which we have just survived has clearly demonstrated once again how important a secure, reliable and cheap energy supply is for the EU. It is disturbing that nuclear power is suddenly being promoted as 'climate friendly' as part of the energy debate and that reactors which have come to the end of their useful life and which have had millions in subsidies spent on decommissioning are suddenly being reactivated. This is probably a result of the fact that the EU ignored the gas dispute and left the Eastern Member States in the lurch. This is a lesson for the future. We must reduce our energy consumption, although critics doubt whether the compulsory introduction of energy-saving bulbs will achieve this, and we must push for the use of alternative forms of energy. However, while the focus of the budget is on nuclear power, this will never happen and new energy technologies will be marginalised.

Although considerations relating to the security of the EU's energy supply are important, they must not result in support for Turkey's entry into the EU for reasons of energy policy. Even if Turkey does not become a member, the planned oil pipelines will still be able to pass through Turkey and it will still be possible to implement the gas infrastructure projects.

Antonio Mussa (UEN), in writing. – (IT) I greatly valued Mrs Laperrouze's work and have therefore voted in favour of its adoption. I only hope that the ideas and indications she has supplied in her report will be adequately appraised by the Commission and interpreted in the most positive and wide-ranging way possible.

I therefore hope that no obstacles will be put in the way of the quickest possible definition of projects regarding infrastructures and that they will be appraised in accordance with priorities that relate solely to development times, financial structure, available supplies and the relationship between public support and private commitment.

In this connection, the presentation of the Commission's proposals for the European Recovery Plan, with a plan for financial support for certain projects, neglects the Mediterranean area by excluding the Algeria-Sardinia natural gas pipeline (including the section within Italy) from the highest priority European projects.

I still hope that within the ambit of diversification of sources and supply routes, we can make gradual progress, making use of new opportunities to start on infrastructure where it is lacking.

I hope that the mechanisms of solidarity will not permit market distortions or give rise to excessively onerous procedures. I hope that the Energy Charter will be able to play a fundamental role together with the enlargement of the Energy Community, in particular, in relation to transit countries, including in the field of renewable energy sources.

Luís Queiró (PPE-DE), in writing. – (PT) The context in which a strategy that is intended to be long-term is given consideration has a decisive influence on the result of the analysis and the content of proposals. The debate on the Strategic Energy Review is no exception. In this context there are, however, repeated indicators suggesting that it is more permanent than transitory. These indicators include energy dependency (whether on Russia or on the main oil-producing countries) and its consequences; increasing energy costs, whether because of higher prices brought about by greater global demand or because of the decreased purchasing power of states impoverished by a severe economic crisis; and the environmental consequences on various levels of constantly increasing global energy consumption, which the economic crisis is unlikely to reverse. Together, these factors point to a need for a strategic approach based on lesser dependency and, as a result,

greater diversity (either of suppliers or of energy consumed); greater efficiency; a sustained research effort into alternative energy; greater integration; and, at the same time, the development of production capacities at a local level – specifically, those using alternative energy sources. It is an enormous challenge, but it is a strategic issue which we cannot ignore.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted in favour of the report by Mrs Laperrouze, on the Second Strategic Energy Review. I agree that we need to establish a true base for future European energy policy, aimed at pursuing the objectives of security of supply, combating climate change and the economic growth of the European Union.

Like the rapporteur, I emphasise the importance of achieving the institution of a European fund, guaranteeing the noncommercial risks of certain projects for the production and transport of energy that affects Europe, so as to encourage investments in all networks.

Peter Skinner (PSE), *in writing*. – The EU has ambitious plans, matched against a risk that resources will be increasingly constrained as populations around the globe demand more energy. The answers, in maintaining current security of supply and developing efficient non-carbon based energy, are not mutually exclusive.

Safety of our environment and avoidance of energy poverty among those people, particularly in the South-East of England who live on fixed incomes, are equally important objectives.

That is why I support a mixture of technological solutions to energy supply in the EU. Whilst I respect the necessity for caution in the nuclear industry as regards safety, I believe it offers a degree of certainty: if we were deprived of this process now, it would be accordingly disastrous for many of my constituents on fixed incomes.

Bart Staes (Verts/ALE), *in writing*. – (NL) The report on the second strategic review of energy policy shows far too little in the way of cohesion. In my view, total commitment to bringing about an energy-efficient economy should receive top priority in European energy policy. Restricting the consumption of energy should be given absolute priority in a bid to achieve the objectives concerning climate change, sustainable development, innovation, job creation and competitiveness. In fact, an approach such as this is a very effective and inexpensive way of safeguarding a continuous energy supply. As already stated, it creates a huge number of jobs for both highly qualified workers and unskilled ones.

European energy policy must give due consideration to the changing way in which energy is consumed and produced, with a view to the future. Decentralised energy systems will need to be combined with extensive sources of renewable energy. Alongside energy efficiency, energy-saving measures are of key importance. We should therefore insist on insulation, as well as other measures, in the building industry. In this report, the significance of nuclear energy is overrated. It may cover about a third of total demand for electricity, but that only comes to 6% of the total demand for energy. In this context, I would like to remind you that there is still no sustainable solution for the problem of (highly) radioactive waste.

Catherine Stihler (PSE), *in writing*. – Energy independence in Europe needs to be higher on the political agenda. The need for clear definitions across the European Union on energy poverty is also important. There also requires to be more joined-up thinking in terms of how we can harness the Green Economy to help us through the current financial crisis by creating jobs, but also to give the EU the energy independence which we need. An investment in the EU Grid has to be addressed.

Konrad Szymański (UEN), *in writing*. – (PL) The report by Mrs Lapperrouze on the Second Strategic Energy Review contains a point advocating the construction of the South Stream pipeline. This is a sister project to the North Stream pipeline, aimed at making it totally impossible to implement the Nabucco project. The South Stream pipeline strengthens Russia's position in terms of the supply of sources of energy, and cannot therefore be considered a project to achieve diversification in this area.

- Report: Anna Záborská (A6-0492/2008)

Jan Andersson, Göran Färm, Anna Hedh and Inger Segelström (PSE), *in writing*. – (SV) We are highly critical of Mrs Záborská's report and intended to vote against it, as we thought that it was extremely hostile to women. Women were to take care of the home, children and the elderly instead of working. As luck would have it, we did not need to vote against the resolution, as the amending resolution from the Group of the Greens/European Free Alliance was approved.

Even though we ultimately chose to support the resolution, there were wordings that we were opposed to or were doubtful of, and therefore it was not clear how we should vote.

As Swedish Social Democrats, we think that the right to work should apply to everyone. Society must, then, also provide the tools and conditions to enable women to go out to work, something that is a pre-requisite for their emancipation. Well-developed childcare and care for the elderly is one of the most important pre-requisites necessary for women, too, to be able to go out to work. Of course, there must be solidarity between the generations, but this solidarity must not result in women being forced to stay at home to look after the elderly and children.

We nevertheless believe that the resolution adopted by the majority sends a clear message to the Czech Presidency to show that its objective of placing the care of children and the elderly in the home on an equal footing with work is both old-fashioned and extremely hostile to women.

Robert Atkins (PPE-DE), in writing. – I and my British Conservative colleagues are supportive of a number of the general principles outlined in this report, including support for carers, work-life balance, and parental leave.

However, due to certain references in this report, particularly with regard to the Working Time Directive, we have chosen to abstain.

John Attard-Montalto (PSE), in writing. – It is a fact that in the Lisbon strategy, the concept of 'work' relates to formal gainful employment. The concept of 'work' has to be given a wider interpretation. There are activities carried out by both men and women which do not qualify as formal gainful employment, but one cannot deny that these activities constitute work. For instance, voluntary, domestic and family work are all different aspects of the concept but do not fall within the traditional definition of gainful employment.

The definition of work to this day is too economic. Many people of either gender care for dependents and yet, notwithstanding this, the input of such work is ignored by employment statisticians. In my opinion, domestic work is household production and should form a significant part in statistics relating to the economic output of a country.

This, however, is not recognised when calculating the goods and services that make up the GDP of a country. The result is that women, who are responsible for the greater part of household production, are undervalued as regards their input. Given the hours of work in household production, one must accept that this should be taken into account when computing the total production of a country.

Adam Bielan (UEN), in writing. – (PL) I voted in favour of the report by Mrs Záborská. I believe that in particular, women running a household and bringing up children should not encounter discrimination on the labour market. Running a home and bringing up children is largely unseen work. It does not enjoy prestige, yet it is work undertaken for the benefit of the entire community. There are some six million women in Poland who are homemakers. Accordingly, the EU's policy should define the notion of work in such a way as to allow for a series of concessions benefiting women who put their professional career on hold, women who devote themselves to their family and also women who care for their family whilst they are also active in the workplace.

Šarūnas Birutis (ALDE), in writing. – (LT) In Europe, the employment rate for women caring for children is only 62.4%, while for men it is 91.4%. Moreover, 76.5% of part-time workers are women. Unsuitable services, low pay, late inclusion in the labour market, lengthy procedures regarding agreements on fixed-term work and insufficient incentives for young couples – these are some of the reasons why young people choose to get married and have children later. I urge EU states to make provisions for the cost of maternity leave to be covered not just by the employer, but by society too, and to offer parents more opportunities for flexible working, and child care institutions more opportunities for flexible working hours, so that both women and men can balance work and family life more successfully.

Proinsias De Rossa (PSE), in writing. – I support this report which focuses on the various aspects of direct and indirect discrimination towards women and men who are responsible for taking care of dependents. It argues that a better understanding of the relationship between employment (paid work) and family obligations (unpaid work) is essential to enhance economic independence of women and consequently gender equality.

The non-gainful employment of women and men who, for instance, educate children, care for the elderly at home, provide inter-generational solidarity and work for the common good, is still not considered economic work to this day.

The report calls on Member States to take measures aimed at the recognition of not just traditional forms of gainful employment but also of various other forms such as voluntary and domestic and family work, and to assess how they should be included in Member States' systems of national accounts, and to assess its impact on GDP.

Avril Doyle (PPE-DE), in writing. – MEP Záborská has presented a report which presents a definition of the term 'work' which includes non-monetary and informal labour, which extends recognition to non-market-based or non-remunerated work. Despite the prevalence of this work in all Member States, statistical evaluations of 'labour forces' rarely take this into account, leaving it under-analysed, ill appreciated and unrecognised. At the very least, all full-time mothers' work must be credited for contributory pension purposes.

I voted in support of this report despite some misgivings and concern with the overall thrust of the report.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted in favour of this alternative position presented by the Group of the Greens/European Free Alliance, even if there are certain parts with which we are not in complete agreement, because it improves on the rapporteur's proposal.

This is an area in which public policies that are intrinsically linked to achieving gender equality are essential. It is essential that public services exist and that everyone has access to quality services, irrespective of their financial position and gender, and without suffering any discrimination. This requires national public health services that are free or mainly free, and quality, free, public education for all.

It is also essential to create and maintain good quality, affordable public health facilities, with opening hours that meet the needs of parents and children, as well as good-quality, affordable care facilities for the elderly and dependants. All this is essential in guaranteeing the general public better living conditions and facilitating women's access to the labour market and paid work, so that they can become economically independent, which is a basic issue for the emancipation of women.

Bruno Gollnisch (NI), in writing. – (FR) The explanation of Mrs Záborská's reasons shows us that the objective of her report is the proper social and economic recognition of certain activities which cannot be classified as part of the 'formal labour market'. To put it clearly and succinctly, we are talking essentially about educating children and, in our ageing societies, caring for dependent people. That needed to be said because it is not obvious at first, neither in the report's title, which talks about discrimination, nor on first reading of a text which is written in an occasionally strange style.

In fine, the text talks rightly about recognition by society, about including all wealth creation, however invisible, in the national figures, about freedom of choice, and even about the granting of personal rights to social security and pensions to those who choose to dedicate themselves to the family rather than to a career.

However, it is sad that Mrs Záborská didn't follow her logic to its conclusion and forgot the only measure which would really be able to give both freedom of choice and promote a rise in birth rates by getting rid of the financial constraint, namely, the parental wage that the *Front National* has been advocating for years.

Jörg Leichtfried (PSE), in writing. – (DE) I have voted in favour of the Záborská report on bringing an end to discrimination.

We must do everything that we possibly can to achieve gender equality.

On the one hand, men must become more involved in housework and childcare and, on the other, it must be possible for women to follow a completely independent career. However, it is important that we never lose sight of the welfare of children and make appropriate, affordable childcare facilities available.

Nils Lundgren (IND/DEM), in writing. – (SV) Equality and equal treatment on the labour market, as well as in all other contexts, go without saying in a democracy. To that extent, the rapporteur is, of course, right.

However, as usual, it appears that the measures proposed to rectify our lapses with regard to human rights and democracy seek to increase the EU's political power at the expense of the Member States. It always ends with an attack on subsidiarity. In practice, this report proposes that the EU should shoulder the responsibility for the Member States' social policy and legislate on issues that are closely associated with labour market policy. There are also wordings that open the way for a common tax policy. All of these are examples of political issues that the Member States themselves should have control over.

In spite of several of the good intentions, I have therefore chosen to vote against both the own-initiative report and the alternative proposal for a resolution.

Thomas Mann (PPE-DE), in writing. – (DE) The Záborská report makes it clear that for women, the decision as to whether or not to go out to work still represents a choice between two unequal alternatives.

I am in favour of the work done by both men and women in the home, including housework, bringing up children and caring for elderly or disabled relatives, being better recognised and better paid. The household economy deserves a more important role than the one currently allocated to it. This commitment must be taken into account in particular in national social security and pension policies.

It is right that the demand for 'solidarity between the generations' has been raised. We support social responsibility towards older people and we will not permit entire groups to be discriminated against and excluded. The value of this integration work amounts to almost one third of the national income in Germany. This example should become the accepted approach throughout Europe.

We also need to recognise the contribution made by people over the age of 50 to the common good. Younger pensioners currently find themselves in a difficult situation because they have finished working far too early, usually as a result of being forced to do so. We need more jobs which are suitable for older people. Their experience, their detailed knowledge and their readiness to try new things put them in a good position on the labour market.

David Martin (PSE), in writing. – I support this report which is in favour of the rights of workers regarding parental and carers' leave, providing a call for non-discrimination against carers, and more recognition for the work they do.

Andreas Mölzer (NI), in writing. – (DE) Instead of setting quotas, which can easily give rise to feelings of envy and resentment, it would be more appropriate to provide support for young women in their educational choices and career planning, in order to discourage the focus on women's professions. If a woman chooses the security of working in a team or within the family instead of a lonely, stressful managerial role, we must accept this. Equal pay for equal work is something which is long overdue. If this is not implemented, then all attempts to provide paternity or parental leave will fail, on account of the financial realities.

Single parents are at particularly high risk of poverty and society needs to show more solidarity in this respect. Another problem is that work done by women, such as housework, bringing up children or caring for relatives, is often not regarded as proper work. We must bring about change in this area. If we want family life to continue, we must introduce family-friendly working hours, but the EU is opposing this. It is not enough to call for solidarity between the generations. We must put it into practice. Today's report appears to be a step in the right direction, which is why I have voted in favour of it.

Teresa Riera Madurell (PSE), in writing. – (ES) I have voted in favour of the motion for a resolution tabled by the Group of the Greens/European Free Alliance as an alternative to Mrs Záborská's report, since it better tackles the actual problems that still persist with regard to achieving true equality between men and women, recognition of changes in the family model, reconciliation of personal and working life and the positive measures for action that we Socialists have always upheld.

We cannot perpetuate stereotypes nor solve our economic difficulties by forcing women to stay at home and take care of elderly people and children, as stated in Mrs Záborská's text, which presents women as 'potential mothers' who procreate and bring children into the world, bringing them up chiefly together with fathers.

With my vote I also want to send a clear message to the Czech Presidency which, as it explained in its programme for these six months, also intends to promote the image of the woman-carer, encouraging many female professionals to give up their careers to take care of their families. I am given the impression that the Czech Presidency does not understand the term 'equality between men and women' in its fullest meaning. I hope that in six months' time, we will be able to provide it with an explanation.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, I vote in favour of the report by Mrs Záborská concerning inter-generational solidarity. I consider that the concept of 'work' as currently expressed by the European Union does not adequately cover all categories. Discrimination against women or men who freely choose to assist those who cannot look after themselves, or to bring up future generations, is now anachronistic and old fashioned.

I therefore agree with the rapporteur when she affirms the essential need to make the concept of work sustainable and to acknowledge the unpaid work carried out by women and men towards inter-generational solidarity.

Andrzej Jan Szejna (PSE), in writing. – (PL) A report on non-discrimination based on gender and inter-generational solidarity was adopted today during the European Parliament's plenary in Strasbourg.

Inter-generational solidarity is one of the structural and key solutions of the European social model. The Member States are committed to taking action in order to eliminate the barriers impeding women from accessing the labour market on the same terms as men. In cooperation with the Member States and social partners, the European Commission should undertake a review of the political strategies aimed at reconciling family and professional life.

Female employment indicators confirm that in many aspects of work, significant differences remain between women and men as regards reconciling private and professional life. Pursuant to the aims of the Lisbon Strategy, the Member States are committed to finding employment for 60% of women capable of working.

The Commission should present its views on the new directive concerning specific rights and protection regarding the reconciliation of family and professional life in families where certain members require care. I have in mind for example, families with children, older persons or disabled persons.

Anna Záborská (PPE-DE), in writing. – (SK) The own-initiative report speaks of improving the existing situation as regards valuing women's role in inter-generational solidarity – caring for children, older people and dependents in the family. The report which I presented was truly revolutionary, because it was the first time that a Parliamentary initiative called for recognition of women's 'invisible' contribution to the financial system and GDP.

The report was unanimously approved in the Committee on Women's Rights. Even the Green group did not vote against it. Today, these same MEPs have submitted an alternative resolution without proposing any consultation beforehand. The entire left-wing spectrum in the European Parliament voted for the alternative resolution. I draw two conclusions from this. Firstly, the left has shown that it does not respect the work of the Committee on Women's Rights and Gender Equality, although it ostensibly recognises its importance. Secondly, the left has raised doubts on the issue of equality and non-discrimination between men and women, creating a suspicion that for the left, this issue serves only as a media eye-catcher.

I voted against the resolution. It was definitely a step in the wrong direction. Although it contains paragraphs from my original report, it shows that the left does not respect the work of millions of women throughout the EU. The authors of the resolution have shown that they are still entrenched in old ideologies that have now lost their validity. Furthermore, the resolution, in an unprecedented way, calls the Czech Presidency into question simply for having proposed some discussion of the Barcelona targets.

- Report: Roberta Angelilli (A6-0012/2009)

Alessandro Battilocchio (PSE), in writing. – (IT) Thank you, Mr President. I voted in favour. I am very worried that child pornography on the Internet is a phenomenon that is spreading at a growing rate and, in particular, that it is involving ever younger children. The sexual exploitation of minors and child pornography are a grave violation of human rights.

I therefore regard it as important, in the framework of international cooperation, to intensify the steps being taken to filter out and close down the websites containing child pornography, so that Internet service providers are obliged to block such criminal websites.

However, despite the fact that the legal systems of Member States provide for penalties and a fairly high level of protection against the sexual exploitation and abuse of children and child pornography, we need to increase the level of protection for children, also in view of the constant development of new technologies, in particular, the Internet, and the use of new forms of online grooming of children by paedophiles.

In short, we need to develop awareness campaigns for parents and adolescents concerning the dangers of child pornography on the Internet, in particular, the risk of sexual exploitation in chat rooms and Internet forums.

Adam Bielan (UEN), in writing. – (PL) I voted in favour of the report discussed and would like to congratulate Mrs Angelilli for tackling such a difficult but also important subject. Child pornography is an ever-increasing

global problem. Every effort should therefore be made to combat it at international level. The police forces of the various Member States should exchange information and cooperate so as to prevent as many crimes of this sort as possible. I should also like to underline the need to develop effective methods of helping children who have been the victims of paedophilia.

Šarūnas Birutis (ALDE), *in writing*. – (LT) In my opinion, all EU countries should make sexual relations with minors up to 18 years, where there is use of force, rape or threats, a criminal offence. Obvious exploitation of children's trust, using a position of authority against them or influence on them, including within families, and abuse violating a child's situation, especially a psychological or physical disability, should also be made criminal offences.

EU countries should demand that Internet service providers block access to websites promoting sex with children, while bank and other credit card companies should block payments on child pornography websites.

Nicodim Bulzesc (PPE-DE), *in writing*. – (RO) I voted in favour of this report because I agree that Member States need to 'criminalise all types of sexual abuse of children', including online grooming.

Convicted sex offenders must be prevented from gaining access to children through employment or voluntary activities involving regular contact with children. Member States are obliged to ensure that applicants for certain jobs working with children undergo criminal records checks, which includes setting out clear rules or guidelines for employers on their obligations in this regard.

Martin Callanan (PPE-DE), *in writing*. – Often, the EU seeks to take common action where things are better left to Member States. In this case, however, I believe we can make a difference acting together.

The scourge of child pornography and child sex abuse is a serious blight on our society, wrecking the lives of those most vulnerable and worthy of protection.

Given the nature of the EU and the free movement of people, it is vital that we use the various means at our disposal to combat these sickening crimes wherever they occur. In particular, it is important that information about offenders is coordinated and updated regularly.

We must also improve cooperation with third countries so that EU citizens travelling outside the EU to commit sex crimes against children can be identified, stopped, prosecuted and extradited as required. The EU's global role offers an important opportunity to promote our values in countries and regions where children's rights are less well protected.

I therefore voted in favour of this report.

Charlotte Cederschiöld, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), *in writing*. – (SV) The delegation of Swedish Conservatives in the European Parliament have today voted on Mrs Angelilli's (Union for Europe of the Nations Group, Italy) report (A6-0012/2009) on combating the sexual exploitation of children and child pornography. The fight against the dissemination of child pornography must be prioritised. In this regard, European cooperation has a very important part to play in various roles. We Conservatives therefore voted in favour of the report.

However, at the same time, we would like to point out that we did not share the rapporteur's view with regard to two of the many proposals that were presented. Unlike the rapporteur, we do not believe that we should compromise the strict professional secrecy by which certain professions, such as lawyers, priests and psychologists, are bound.

We also believe that we can hardly hold the owner of an Internet site strictly responsible for all discussions that are held on a website, including in private conversations in closed rooms. In spite of the objective, it is disproportionate to require all owners of Internet sites to monitor all of the private conversations that are conducted there in order to be able to guarantee the lawfulness of the site in accordance with this proposal. Instead, we must focus on other, more effective methods of combating networks that disseminate child pornography that do not have such serious consequences for the integrity of ordinary Internet users.

Călin Cătălin Chiriță (PPE-DE), *in writing*. – (RO) I voted in favour of the Angelilli report because I believe that the protection of children's rights must be a priority for the EU and its Member States. Legislation combating the sexual exploitation of children and child pornography must be updated to take into account the development of new technologies, especially the Internet, as well as the use of some new forms of online grooming of children by paedophiles.

I feel that the institutions of the EU and Member States must focus, in particular, on increasing institutional capacity to combat these offences.

As these offences respect no borders, the EU must develop a transnational network to combat this crime. In this regard, I support the idea of EUROPOL setting up a specific unit tasked with combating child pornography and child prostitution, comprising experts trained in specific issues. This unit must cooperate effectively with the police authorities in Member States and in third countries, with the relevant expertise.

Avril Doyle (PPE-DE), in writing. – I fully support MEP Angelilli's own-initiative report and the recommendation to the Council on combating the sexual exploitation of children and child pornography. Previous common positions have not yet been implemented in all Member States, while the threat posed to children's safety by greater technological progress continues to mount. This report would update and strengthen existing measures for combating these abhorrent behaviours, and define them as criminal offences, punishable by law. The implementation of Ms Angelilli's report means that the protection of children from these abusive practices will increase in response to technological developments, targeting, in particular, the sinister practice of 'grooming'.

Other important proposals include cross-border checking of persons convicted of sexual abuse, to prevent them from obtaining employment where they would have direct contact with children in other Member States, and increased victim protection during investigations and trials.

The Internet is a vital part of our interconnected information society. Children are more computer literate than ever but, with this increased literacy and confidence, the dangers posed by unscrupulous persons are not clearly apparent to them or to their less literate parents. These common sense proposals aim to protect the most vulnerable members of our societies.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the Angelilli report on combating the sexual exploitation of children and child pornography because I consider it essential to update the means of fighting all forms of exploitation of children, so as to ensure a high level of child protection within the European Union.

That is why I support the recommendations of the present report, specifically the proposal to criminalise in all Member States all sexual crimes against children, increased vigilance and monitoring of new forms of grooming of minors, particularly on the Internet, and the creation of the Missing Child Alert System to improve cooperation at European level.

Bruno Gollnisch (NI), in writing. – (FR) The sexual abuse of children and child pornography are especially odious crimes which require, in an age of the Internet and sex tourism, stronger legislation, increased cooperation between the police and legal systems and improved victim support. Mrs Angelilli's report is worthy of our support.

I should, however, point out that, apart from the developments in technology that are giving the perverts many more opportunities to satisfy their cravings, we should also look at moral decadence and the lowering of values as further reasons for the large increase in this type of crime.

Just about 30 years ago, in the name of a so-called liberalisation of morals, unbridled pleasure seeking for all and the pseudo-personal growth of the individual from the earliest years, a certain political tendency promoted the sexual activity of minors, even in the columns of that mouthpiece of the trendy left, the French newspaper *Le Monde*. Whilst this undignified argument has, it is to be hoped, been rejected, its authors continue to preach and their political tendency continues to hand down lessons without ever having admitted its culpability.

Finally, I wish to know why the only right not afforded to children in most of our states is their right to be born.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) As mentioned in the present proposal for a European Parliament recommendation to the Council, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the CoE Convention) – already signed by 20 European Union countries, is the first international legal instrument to classify as crimes the various forms of sexual abuse of children, including abuse committed, *inter alia*, using force, coercion or threats, even within the family.

In this context, Parliament calls on all Member States which have not already done so to sign, ratify and apply all relevant international conventions, starting with the CoE Convention. Amongst other recommendations,

Parliament calls on Member States to improve their legislation and cooperation on this area, to ensure that sexual crimes against children under the age of 18 are always classified throughout the EU as exploitation of minors and to criminalise all types of sexual abuse of children.

Irrespective of the necessary analysis and sovereign decision of each country regarding each of Parliament's decisions, we are in agreement with the main thrust of the resolution aimed at protecting and safeguarding the rights of children.

Jens Holm, Erik Meijer, Esko Seppänen and Eva-Britt Svensson (GUE/NGL), *in writing*. – The sexual exploitation of children and child pornography are abominable crimes and international cooperation is necessary to put a stop to them. Therefore, we voted in favour of the Angelilli report today. However, there are aspects of the report that we do not support, such as creating uniform, extraterritorial criminal legislation applicable throughout the EU, as well as defining at EU level what should be considered a crime and aggravating circumstances.

Jörg Leichtfried (PSE), *in writing*. – (DE) I am voting in favour of the Angelilli report on combating the sexual exploitation of children and child pornography.

Nowadays, it is more important than ever for children's development and integrity to be protected in every possible way. Since, in most families, both parents work, the grandparents are not available to look after the children and the Internet is often the only form of entertainment, the extent of the risk is undeniable.

Kartika Tamara Liotard (GUE/NGL), *in writing*. – The sexual exploitation of children and child pornography are abominable crimes and international cooperation is necessary to put a stop to them. I therefore voted in favour of the Angelilli report today. However, there are aspects of the report that I do not support, such as creating a uniform extraterritorial criminal legislation applicable throughout the EU and defining at EU level what should be considered a crime and aggravating circumstances.

Nils Lundgren (IND/DEM), *in writing*. – (SV) Sexual crimes against children and child pornography are among the most abhorrent crimes that people are guilty of. These are crimes that should have tough criminal penalties or extensive reliable care if the perpetrator is mentally ill.

The report proposes many constructive measures to improve the handling of these horrendous social problems. Member States are urged to ratify and implement all international conventions in this area, they should receive help to improve their legislation in this area and child sex tourism should be criminalised in all Member States. This is wholly in accord with my view of the EU as a union of values. I support a lot of what the report contains and have voted in favour in many individual votes.

However, the report also seeks to harmonise criminal legislation within the EU and to establish a system of preventative measures to be financed from EU funds, despite the fact that this is a global problem that should be regulated by means of conventions and agreements at UN level. It is difficult to avoid the impression that, once again, we are faced with an example of the cynical use of a terrible social problem to boost the EU's position at the expense of the independence of the Member States. Criminal law is an absolutely crucial part of a sovereign state's competence. I have therefore voted against the report as a whole.

Adrian Manole (PPE-DE), *in writing*. – (RO) I voted in favour of Mrs Angelilli's report on the sexual exploitation of children because this issue concerns one of the most sordid inhumane acts, which must be punished by measures adopted by all Member States.

In Romania, there is still a great deal unknown about this issue. We have little data about how extensive it is. This is why I feel that adopting this report will help expand the campaigns providing information, focusing attention and warning about child sex abuse, increase the number and scope of actions aimed at detecting minors who are being sexually exploited, set up rehabilitation services and then carry out regular checks on their situation, as well as improve the system for registering and monitoring child sex abuse cases.

Furthermore, I believe that underage victims of trafficking must be provided with specialist services within transit centres, including assistance and rehabilitation across all Member States.

David Martin (PSE), *in writing*. – I support this report which calls on the remaining three countries which have not yet done so to implement the Council framework decision on combating sexual exploitation of children. I support the increase in the level of protection for children, in particular, on the Internet, and also on other developing new technologies.

Andreas Mölzer (NI), *in writing*. – (DE) While the European Parliament is discussing how children can be better protected, the Islamic world is moving in the opposite direction. The most senior Islamic cleric in Saudi Arabia has described girls aged 10 or 12 as 'marriageable' and has demanded the right for child marriages to take place. As a result of Islamic immigrants, this will also have an impact on Europe and we must prepare ourselves for this eventuality.

Our children must be given the best possible protection. As sex offenders who target children have a high reoffending rate, we must establish an EU-wide register of the names of potential sex offenders, paedophiles and people with relevant behavioural problems. We must combat violence against children and child abuse in all its forms more effectively and increase the penalties for sexual contact with children and the possession of child pornography. I have voted in favour of the Angelilli report because it will improve the protection for our children.

Seán Ó Neachtain (UEN), *in writing*. – (GA) Information technology is growing and expanding in the European Union as we are now in the 'digital age'. Certainly, there are major advantages associated with this technology and with the facilities that go with it from the point of view of jobs, education, social life and research. This does not mean, however, that we should ignore the dangers associated with this technology.

There is a particular freedom associated with the Internet – a freedom without physical or practical limits. This freedom can be a good thing, as is the case the majority of the time, but it can also be used for the sexual exploitation of children and for child pornography.

Nothing is more important than the health, wellbeing and future of our children. We must do everything possible to protect them from harm. To this end, I was happy to give my support to Madam Angelilli's report, and I commend her for all the work she has done on this subject.

Dimitrios Papadimoulis (GUE/NGL), *in writing*. – (EL) I voted in favour of the Angelilli report on combating the sexual exploitation of children and child pornography, because it demands compliance, which should go without saying, by all the Member States with current international law and a review of the Council's framework decision, in order to improve the protection of children at European Level.

The United Nations statistics are dramatic. The large majority of victims of human trafficking for the purpose of sexual exploitation are children and adolescents. International cooperation in an integrated fight against these crimes is needed and all Member States should ensure that their perpetrators are taken to court.

Maria Petre (PPE-DE), *in writing*. – (RO) I voted for the Angelilli report because we need RAPID, EFFECTIVE action to combat the causes and, above all, the effects of the sexual exploitation of children and child pornography.

Our children are finding themselves increasingly on their own as we are increasingly busy. This is how they fall prey to dangerous temptations. The EU's commitments, voiced by Commissioner Barrot, provide us with the guarantee that from March, we will have an excellent legal framework.

Lydie Polfer (ALDE), *in writing*. – (FR) I voted for this report aimed at adapting and reinforcing the Framework Decision of 2004, the objective being to protect children from sexual exploitation and violence. Given, in particular, the developments in technologies (especially the Internet), it turns out that protection thresholds in the framework decision need to be raised. The solicitation of children for sexual purposes should be seen as a crime. Cooperation between Member States should be strengthened in terms of the exchange of information about criminal records related to convictions for sexual abuse, so that those convicted of such offences can be prevented from taking jobs involving direct contact with children. Victim protection, too, must be improved.

Nicolae Vlad Popa (PPE-DE), *in writing*. – (RO) I voted in favour of the report initiated by Mrs Angelilli, which has tackled the issue of combating the sexual exploitation of children and child pornography, placing the emphasis on the preventive measures that need to be considered by the Member States when they are drafting their legislative framework for combating the sexual exploitation of children and child pornography.

The report also sounds an alarm bell concerning the poor application of the existing framework decision, along with the relevant international instruments, particularly the Council of Europe's Convention for the protection of children against sexual exploitation and sexual abuse, to which Romania has been a party since 2007, while also requesting the incorporation of new sexual offences. Member States must encourage the victims of sexual exploitation to contact the police and relevant courts competent in criminal and civil

matters. They must also make accountable and inform both the legal representatives of minors and the staff having direct contact with minors about the dangers relating to grooming children online.

All these dangers can be restricted through setting up national control bodies and cooperating with Internet service providers to block child pornography websites or materials.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I am voting in favour of the report by Mrs Angelilli on combating the sexual exploitation of children and child pornography. Condemning these practices is, in fact, not enough to eradicate this extremely serious violation of human rights.

It is worrying, however, that not all Member States have conformed to the prescriptions of Council Framework Decision 2004/68/JHA of 22 December 2003. This decision, among others, needs to be updated in order to increase the level of protection for children, also in view of the constant development of new technologies, in particular, the Internet, and the use of new forms of online grooming of children by paedophiles.

I entirely agree with the rapporteur, who has given us a detailed and constructive report that reflects excellent expert knowledge of the issues.

Daciana Octavia Sârbu (PSE), *in writing*. – (RO) Child pornography is a delicate subject which should always be a main focus for European and national authorities. European Union Member States should severely punish any kind of child sex abuse and any kind of online grooming.

I welcome the European Parliament's decision to request Member States to make a firm commitment to combating child sex abuse, especially bearing in mind how vulnerable children using chat rooms and online forums are to abuse.

With this in mind, effective cooperation is essential between national authorities and Internet service providers in order not only to restrict access to pornographic websites by children, but also to block the access of children to websites which advertise the opportunity to commit sexual offences. There are also recommendations for creating national schemes for providing psychological rehabilitation to both sex offenders and the victims of sexual abuse.

I would like to stress the fact that every Member State must individually keep a child sex offender register and prevent such offenders from being employed in sectors which involve working with children.

Bart Staes (Verts/ALE), *in writing*. – (NL) I emphatically voted in favour of the report combating the sexual exploitation of children and child pornography. It is beyond dispute that grooming (approaching children for sexual purposes) and paedophile chat rooms should be liable to punishment. In addition, indecency offences involving children should fall within extra-territorial criminal legislation. The European Union should also be able to use the general budget to fund the EU's intervention programmes to prevent recidivism for sex offenders. I also support the proposal in which the Commission, together with the major credit card companies, will look into the technical scope for blocking or closing Internet payment systems of websites on which child pornography is sold.

Finally, I urge the seven EU Member States that have not yet signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse to do so soon. This also applies to the eight Member States that have not yet ratified the Optional Protocol from 2000 concerning child trafficking, child prostitution and child pornography to the UN's Convention on the Rights of the Child.

Georgios Toussas (GUE/NGL), *in writing*. – (EL) The political forces which support imperialist barbarity, war, the plundering of wealth-producing resources and the exploitation of peoples are jointly responsible for the daily crime being committed against millions of children in the world. They are responsible for the millions of children who are hungry, who are malnourished, who are forced to work and who live below the poverty line in the countries of the 'civilised West', for the millions of children who are victims of sexual exploitation and for the flourishing child pornography industry, which turns over and generates profits of over EUR 3 billion from the Internet alone.

The criminal measures proposed in the report will not be able to protect children, because they cannot and will not address the main cause which is giving rise to corruption and depravity at unprecedented rates: profit and the deeply rotten exploitative capitalist system. Nor do measures such as abolishing the principle of *non bis in idem*, monitoring communications and arbitrary intervention by the prosecuting authorities in the Internet make an effective contribution to child protection. On the contrary, experience has shown that, where such measures are adopted, usually by way of exception in the name of combating crimes which meet

with a general outcry and repugnance, the aim is to get the grass roots to come to terms with them, so that later they can be used to restrict personal rights and democratic freedoms.

Lars Wohlin (PPE-DE), in writing. – (SV) I have voted against the report on the EU harmonisation of criminal legislation in connection with sexual crimes against children. I am in favour of strong cooperation within the EU to combat the sexual exploitation of children and child pornography, but I believe that criminal law should be a national matter.

Anna Záborská (PPE-DE), in writing. – (SK) Protecting children and young people from sexual abuse is an important issue and, indeed, a problem of our times.

I have always been in favour of prior rights for parents in the upbringing of their children, but in this case the state, too, must protect children and adolescents. This protection does not apply only to the Internet. It also applies to media advertising, which should be decent and in keeping with moral values, and should not attack young people's right to innocence.

Parents play a special role in protecting their children against sexual abuse. The Universal Declaration of Human Rights clearly says, in Article 26.3, that 'parents have a prior right to choose the kind of education that shall be given to their children'. The education given by parents includes education on responsible use of the media. However, parents cannot consistently perform their educational role if they do not have adequate time to devote to their family and their children. The state should allow parents this free time. The Internet can never replace time spent in dialogue between parents and children. A computer game cannot replace talking to one's grandmother. The joystick is no equivalent to an hour spent with one's grandfather in the garage.

The natural family is the space for protection of children, and parents are their first protectors. This is why I have started a project in Slovakia addressed primarily to parents: 'Do you know where your child is now?'

Marian Zlotea (PPE-DE), in writing. – (RO) In a civilised society, we must put the safety of our children above everything. Sexual exploitation is a violation of a child's right to care and protection. Sexual exploitation leaves children with psychological scars and sometimes even physical ones, thereby diminishing their hopes of leading a life of dignity.

I would like to support the idea put forward by the rapporteur, Mrs Angelilli, that the framework decision currently in force since 2004 should be updated. We welcome the decision whereby this updating process must be carried out in order to increase the level of child protection, especially with regard to the new threats posed by the Internet and other new communication systems. Member States must ensure that the legislation will be amended so that websites with criminal content are blocked.

We must encourage cooperation between Member States to put an end to this type of crime and actively combat child pornography and other forms of commercial sexual exploitation of children. We need a comprehensive global strategy, along with diplomatic and administrative cooperation in order to ensure that this legislation is enforced for the benefit of children. We must offer protection to victims of abuse. We must also put an end to sex tourism.

8. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 1 p.m. and resumed at 3 p.m.)

IN THE CHAIR: MR PÖTTERING

President

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

10. Action taken on Parliament's positions and resolutions: see Minutes

11. Resettlement of Guantánamo prisoners - Alleged use of European countries by the CIA for the transport and illegal detention of prisoners (debate)

President. – The next point consists of the Council and Commission statements on the return and resettlement of Guantánamo inmates and the alleged use of European countries by the CIA for the transport and illegal detention of prisoners.

Alexandr Vondra, President-in-Office of the Council. – Mr President, I am certainly aware that the issue of Guantánamo has been a subject of great concern to this Parliament. I am also aware that this Parliament, through the various resolutions adopted since 2002, has consistently expressed its opinion on that particular problem. I therefore believe that you have welcomed, as has the Council, President Obama's decision to close Guantánamo within a year. The Presidency expressed this sentiment through a statement which was issued shortly after President Obama signed the Executive Orders. Ministers unequivocally welcomed this decision at the last General and External Affairs Council meeting, as you probably know.

President Obama has also announced his decision to suspend military commission trials, to reaffirm the Geneva Convention, to end the secret detentions programme and to put a stop to enhanced interrogations. These welcome developments will enable us to strengthen even more transatlantic cooperation in the area of countering terrorism.

The decision to close Guantánamo is, of course, primarily the responsibility of the United States. Nevertheless, given our shared interest in countering terrorism, and in upholding human rights and the rule of law, ministers at last week's Council discussed ways in which the Member States might be able to offer practical assistance to the US and, in particular, whether they might accept former detainees.

In his executive order to close Guantánamo, President Obama ordered a review of the status of all detainees. This is now under way. Resettlement of detainees would concern those cleared for release in the light of this review. The question of whether Member States might accept former detainees is a national decision. However, it was agreed last week that a common political response would be desirable and that the possibility of coordinated European action could be explored further.

This subject raises a number of political, legal and security issues which need further study and consultation and which – and this is also very important – will require the involvement of the Justice and Home Affairs Ministers in the Member States. This process has just begun, and the Council will return to this issue once some of these issues have been further clarified. This is a subject of ongoing work and COPS is discussing it today, for example.

I fully understand the continuing interest in this Parliament, as reflected in the draft resolution which has been tabled at this session, and which I have read. I would like to assure you that the Presidency will pay great attention to this issue and will keep you fully informed of the outcome of further discussions in the Council, as well as any other developments.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I warmly welcome Mr Vondra and am glad to be able to echo what he has just said, since it is obvious that the Commission has to work closely with the Presidency on this difficult issue.

I would also particularly like to add my support to Mrs Ferrero-Waldner who, at the last moment, has been prevented from joining us this evening. I will therefore speak on her behalf and on my own.

The Commission has given a very favourable reception to the initiatives taken by President Obama since his inauguration. All of the components are now in place for a relaunch of US/European relations and the Commission will make major efforts to revitalise this partnership.

The most striking example of the change of direction by the United States is their intention to look at the issues of human rights in relation to the treatment of suspected terrorists. We welcome, of course, President Obama's haste to close the Guantánamo detention camp, to reach out to the Islamic world and confirm the United States' commitment to the Middle East peace process.

We also note with satisfaction other equally important features of the orders signed on 22 January, namely the closure of the secret CIA prisons, the total ban on the use of torture and cruel, inhumane or degrading treatment, and the suspension of trials by military tribunals.

The European Union maintains an active political dialogue with the United States in which, of course, we give priority to the promotion of human rights throughout the world. We are also active partners with the US in the fight against the terrorist threat, but always in accordance with our human rights obligations.

The detention without trial of prisoners at Guantánamo over several years has played into the hands of the terrorist groups who are trying to radicalise and recruit new members. The European Union has already shown its opposition to Guantánamo. Your Parliament, the European Parliament, has incessantly called for its closure, because the fight against terrorism has to be carried out in accordance with international law. In the fight against terrorism, it is important to respect human rights not only as a matter of principle, but also to counter radicalisation around the world. We believe that the rights conferred under international law to all detainees should be respected. Except in the case of armed conflict, individuals should not be detained arbitrarily and should have the right to a fair, legal trial. We have raised these issues in the framework of the political dialogue with the United States. The European Parliament has played an important role in raising awareness of this issue.

I would add, still echoing Mr Vondra, that the case of each of the Guantánamo detainees should be reviewed by the American authorities. A working group, chaired by the Attorney General and consisting of the Secretaries of State for Defence and Homeland Security and high level officials, has just started work.

President Obama has announced that new diplomatic efforts will be made to find a solution to the problem of Guantánamo.

At the last Council of Foreign Affairs Ministers of 26 January, as Mrs Ferrero-Waldner would have reported, there was a brief discussion about Guantánamo. Several Member States have expressed their desire to establish a common framework for a concerted European Union approach, even though in the first instance, Mr Vondra, it is up to the Member States to decide, on a case-by-case basis, on the response to any requests from the United States.

We have proposed, in close collaboration with the Council Secretariat, to investigate these issues more closely. We are examining the issues around how third countries might receive former detainees. Even if freed detainees ought, in principle, to return to their countries of origin, some of those likely to be released after review could not return to their home country for fear of persecution, torture or ill-treatment.

In conjunction with the United States, we wish closely to examine what the European Union could do to help to relocate these people in a safe place. However, these particular cases will raise delicate, complicated questions that have to be considered in advance. The principle never changes: we should do whatever is needed to guarantee absolute respect for human rights. In all cases, we want to take a positive and constructive attitude towards the new US administration. At the same time, we must take all measures to ensure that the European Union's approach complies with our obligations on human rights and our own legislation.

This approach will be neither easy nor quick. We will face complicated questions requiring coordination of the Member States' action to arrive at a coherent European Union response. We will do all we can to contribute to the debate on what practical measures should be taken at a Community level.

At present, the US has not made a formal request. As Mrs Ferrero-Waldner repeatedly says, positive cooperation is required. We have to work together with the Member States to put this in place.

At the next Justice and Home Affairs Council of 26 February, we will call on the Member States to take a concerted approach and we might also use the precedent of the solution used when the Palestinians were brought to Europe in the wake of the events at the Church of the Nativity in 2002.

The Commission wishes, of course, to assist those Member States who decide to receive former Guantánamo detainees on their territory. Obviously, though, it is up to those Member States to define the status of former detainees who are also citizens of third countries and who could potentially be transferred to their territory.

Each case will be considered individually, taking into account the situation of each individual, humanitarian considerations and security implications. The decision to receive and allocate a status falls, in the end, within the competence of each Member State. This approach must, however, be part of a joint framework as far as possible.

Mr President, that is what I have to say on my own and Mrs Ferrero-Waldner's behalf. I wonder if I should now make the statement about the transport and illegal detention of prisoners across the European area. I

shall continue then and make a statement which, although fairly short, will answer a lot of Parliament's questions.

It concerns the CIA using European countries for the transport and illegal detention of prisoners. The line taken by the Commission from the beginning revolves around three ideas: first, the war against terrorism has to be carried out in full respect of fundamental rights; secondly, the truth, whatever it may be, must be established; thirdly and, for me, most importantly, such acts must be prevented in future.

The Commission has repeatedly expressed its view that the practices referred to as extraordinary rendition and secret detention are a violation of the fundamental rights guaranteed by the European Convention on Human Rights and the Charter of Fundamental Rights.

The Commission has also stated that it is essential for the Member States involved to conduct comprehensive, independent, impartial investigations to establish the truth, whatever it may be. This is a positive obligation resulting from the European Convention on Human Rights. It has to be said that investigations have begun in several Member States.

As for the allegations of secret detentions in Poland, the Commission has written to the Polish authorities several times. As I have been entrusted with responsibility for 'justice, freedom and security' issues, I myself wrote to the Polish authorities on 28 May 2008 to stress the importance of conducting proper investigations.

Following this letter, in August 2008, the assistant attorney general informed me that a criminal investigation had finally begun and that he will inform me of its results. I believe that this is a major development.

I have also approached Romania about this issue of secret detentions. In June 2008, the Prime Minister of Romania sent me the report from the Romanian Senate's investigations committee. After further contacts, the Romanian authorities decided to carry out further investigations to examine the information included in the second report from Mr Marty, who himself has been chosen as rapporteur by the European Council.

Only such an approach, that puts the accent on the need to conduct proper investigations at a national level, will allow us to move forward. The Union and the Commission have neither the powers nor the resources to replace the Member States in this task of uncovering the truth. Only the investigative instruments and resources of the Member States will be sufficient for the task.

Obviously, the Commission, and here I am going to make a commitment to you, hopes that these investigations will be completed and will make it possible, where appropriate, to determine who was responsible and, where appropriate, ensure compensation for the victims.

In addition to the requests to the Member States to carry out investigations, one of the practical contributions made by the Commission, following the European Parliament resolution of 2 February 2007, was to clarify the definition of 'state aircraft' and, when I was Commissioner for Transport, I presented a communication on civil and business aviation that clarified matters.

Parliament has also requested an assessment of national anti-terrorist legislation. To get an overview of the current situation, the Commission has sent a questionnaire to the Member States on the effectiveness of the measures to combat terrorism and on their relationship with fundamental rights. The Commission has received replies from the 27 Member States and a document presenting these replies will be published in the next six months. There is now a need to throw real light on all these replies.

There you have it, Mr President; I have taken up quite some time, ladies and gentlemen, but it is true that, whilst this is an area in which the Union has limited powers, the Commission has endeavoured to encourage the truth to come to light and promote respect for fundamental rights. I can only say one thing, but in saying it I am making a personal commitment. I will, of course, continue to ensure that the whole truth is established, above all, so that we can be sure that such regrettable actions will not be repeated.

Alexandr Vondra, *President-in-Office of the Council*. – Mr President, I was expecting two disconnected issues: Guantánamo, on the one hand, and the secret detentions and renditions on the other. As we are all aware, during his first days in office, President Obama in fact made three decisions. The first one I have already told you about, i.e. Guantánamo, but there were two other important ones as well.

Firstly, he ended the CIA secret detention programme. He ordered that in future, all detainees held by the US must be registered with the ICRC. With this decision, he addressed an issue which has been of concern to both the Council and the European Parliament. This is why the Council has also warmly welcomed this decision. I am sure that it is equally warmly welcomed by this Parliament.

President Obama also ended the use of 'enhanced' interrogation techniques by the CIA. The US investigators can no longer rely on the legal opinions concerning torture and other interrogation techniques written since 9/11. This decision is important. The European Union is committed to the absolute prohibition of torture and of cruel, inhumane and degrading treatment.

As regards the third decision, President Obama has also ordered a review of transfer or rendition policies to ensure they are in line with US obligations under international law. In future, policies must not – I quote – 'result in the transfer of individuals to other nations to face torture or otherwise for the purpose, or with the effect, of undermining or circumventing the commitments or obligations of the US to ensure the humane treatment of individuals in its custody and control'.

We believe that these decisions, taken together with the decision to close Guantánamo, which I have already mentioned, will further strengthen cooperation with the US in countering terrorism. I think it can also restore a better climate in transatlantic relations and can respond to feelings which were articulated very strongly in this Parliament, as well as among a substantial part of public opinion in Europe.

I think here we can all agree on one point from the outset: that the context of today's discussion changed immeasurably. I am also aware that the alleged use of European countries by the CIA for the transport and illegal detention of prisoners has been a source of deep concern among many Members of this Parliament. You have been following these issues very closely, not least through the activities of the Temporary Committee.

The position of this Parliament was clearly expressed in your resolution of February 2007. I want to underline to you that the Council has always reiterated its commitment to combating terrorism effectively, using all legal means available, because terrorism itself is a threat to a system of values based on the rule of law.

The Council has also stated repeatedly that the existence of secret detention facilities, where detained persons are kept in a legal vacuum, is not in conformity with international humanitarian and human rights law. That remains our view today and we are committed to it, but the change of context with the current developments in the US means that I would also like to focus primarily on the future. Let us look forwards rather than backwards. The Council very much welcomes the recent decision by the US President on this issue.

The transatlantic community has been a community of shared values and must remain one if we are to be able to defend our interests in the global world. There is no doubt that human rights and support for the rule of law in the fight against terrorism belong to this shared heritage.

Hartmut Nassauer, *on behalf of the PPE-DE Group.* – (DE) Mr President, ladies and gentlemen, should prisoners from Guantánamo be accepted in the European Union? This is the question which we must ask ourselves today. The answer will depend on the considerations which we choose to be guided by.

Some people allege that the prisoners have been tortured. This is a reason for accepting them, under the dictates of humanity. It is without doubt true that torture is the most inhumane and degrading practice. If these people have been tortured, then they have a right to our sympathy, regardless of the individual accusations made against them. However, is that the only aspect which we have to consider?

For example, many of the people who are or were imprisoned in Guantánamo went to training camps for terrorists in Afghanistan after 11 September. They were not tourists who wanted to experience the beauty of the country, but potential terrorists. We have a duty to protect European citizens against potential terrorists.

Unfortunately, torture takes place all over the world and we constantly condemn it. We have not yet gone as far as saying that anyone who has been tortured has a right to be accepted in Europe. We have not yet done this, for good reason. Instead we have weighed this consideration against the need for security in the European Union. We must also do that in this case. We must ensure that potential terrorists do not descend on Europe and, therefore, in evaluating this problem, I would like to see the need for security being given the highest priority above all other considerations.

Martin Schulz, *on behalf of the PSE Group.* – (DE) Mr President, ladies and gentlemen, my colleague Claudio Fava will speak on behalf of our group on questions relating to the CIA flights and that part of the discussion. I will focus on the issues relating to the closure of the Guantánamo camp and I will begin by responding to Hartmut Nassauer.

It is true that the security requirements of the people in the European Union represent a standard against which we must measure our actions. However, I would like to begin with the question: What causes more damage to our security? Is it the fear of accepting Guantánamo inmates here because they are considered to

pose a security risk after their release? Or, more likely, is it the fact that the existence of this camp, which runs contrary to international law and infringes human rights, is the basic reason behind a wave of overwhelming anger felt by millions of people throughout the world? This is because the so-called Western world, which admittedly was provoked in an unprecedented way by the events of 11 September, was, to a certain extent, unable to influence what happened and therefore had to accept the fact that a president of the United States of America disregarded fundamental human rights because he considered this to be an appropriate response to this provocation.

I believe that this has made a more significant contribution to increasing insecurity in the world than if we were to state now, when another president wants to return his country to its former greatness, by making the United States of America a symbol for the preservation of fundamental rights throughout the world, if we Europeans were to say now, we want nothing to do with this, you must work out for yourself what to do about it.

We would give out the message that a confederation of states such as the European Union, which believes itself to be, and indeed is, a community ruled by law, wants to evade its responsibilities by using this argument at the moment when an illegal situation is being brought to an end. We cannot expect our citizens to accept that this is a security risk. This is the wrong message. It is disastrous, because our behaviour is worse than those people who, like Barack Obama, go there and say that despite all the risks that they themselves are taking, despite the opposition among the military, despite the opposition in the USA, because the people there are also saying 'leave them in Guantánamo, do not bring them here, here they represent a bigger risk', who say that despite all this opposition, there is a symbolic power which results from the fact that a new president is returning to a respect for human and fundamental rights, including the rights of those who themselves have not shown any regard for human and fundamental rights. A failure to help him in this situation would be wrong and would run contrary at least to my group's understanding of the task of the European Union, which is to ensure that the community ruled by law that we have created internally is exported as an aspect of international politics.

We can only do that when we contribute in a credible way within our own boundaries to ensuring that the fundamental rights of every individual have priority. Guantánamo is a place of shame. It is a place of torture. For this reason, it is also a symbol of the fact that the Western confederation of states cannot claim to practise what it preaches, which is that, most importantly of all, human dignity is inviolable. This is the first article in our Charter of Fundamental Rights. The Charter does not state that this inviolability can be reduced. Our sense of superiority over the terrorist philosophy has something to do with the fact that we say that we will even grant those people their fundamental rights who want to withhold those rights from others by means of their actions.

For this reason, I believe we can make a greater contribution to the security of the world by closing Guantánamo, by supporting Barack Obama and by playing an active role if the US Administration asks us to do so and if we can work with the government to put in place a process for accepting these people, than if we were to preach a false concept of security which, Mr Nassauer, could only be implemented if the police and the secret service were to do their job. It is not the case that when people come out of Guantánamo, they can move around here freely and unobserved. The security aspect is important, but fundamental rights must, in this instance, be given a higher priority.

(Applause)

IN THE CHAIR: MR SIWIEC

Vice-President

Graham Watson, *on behalf of the ALDE Group*. – Mr President, when Senator Obama became President Obama, we all heaved a sigh of relief. The axis of evil, regime change, the war on terror: European citizens yearn to see those euphemisms consigned to history, along with the people who invented them.

But breaking with the past and reverting to the rule of law take guts and grit, so I congratulate the new President. He was right to condemn waterboarding as torture, right to call a halt to the flawed military trials at Guantánamo Bay, and right to signal his determination to close the camp completely within a year. I welcome the assurance of the Council Presidency today that the US has now disowned all the squalid practices that have tarnished its Government over recent years, including torture in third countries and extraordinary rendition, in order to put an end to the axis of illegality.

However, Europe cannot stand back, shrug its shoulders and say that these things are for America alone to sort out. We lack the open debate and the collective change of will which American democracy allows. Yet, too often, Member States from our Union were complicit in what the Bush Administration did. If the 43rd President taught us anything, it is this: that in the administration of international justice, the 'go it alone' mentality ends in a cul-de-sac of failure.

So the challenge of Guantánamo, the problem posed by 245 suspects floating outwith the justice system, is not an issue for America alone. It is a conundrum we must solve together. The United States must prosecute suspects, where sound evidence exists and in accordance with the rule of law. America must free those suspects against whom there is insufficient evidence and defend them if they are likely to face torture at home.

But what about those who are released, who pose no threat, but who have no wish to remain in a country that wrongly imprisoned them? If asked, should not Europe offer those few citizens the rights and freedoms that no other country will? We cannot forever balance the Council's assertion that it is for individual Member States to decide with the Council's stated desire for a coordinated European position. Europe has to speak with one voice and play its part in ending this affront to justice. Many of us have criticised America in the past for its failure to work with others. We were right to do so, but our help may now be sought and we would be wrong to say 'no'.

Konrad Szymański, *on behalf of the UEN Group*. – (PL) Mr President, standard conservative interpretation of international law requires Guantánamo to be closed immediately and unconditionally. After September 11, though, nothing is standard any longer. That is why even President Obama, who is so eager for change, is facing a serious problem in terms of what to do with the people who are currently held in Guantánamo. These are no ordinary inmates. Every ninth person of those released from Guantánamo has immediately resumed terrorist activities. I would therefore urge caution when offering advice to the United States and to Member States of the European Union.

Three things are absolutely certain regarding this matter. We are certainly bound to remove our citizens and residents from the camp. We are also required to effectively isolate individuals who represent a serious threat. In addition, we should review the Geneva Convention with a view to finding a suitable response to the problem of stateless terrorist armies. Unfortunately, none of these issues have been dealt with appropriately in the draft resolution.

Kathalijne Maria Buitenweg, *on behalf of the Verts/ALE Group*. – (NL) Mr President, my group welcomes the remarks made by Minister Vondra about Guantánamo Bay. It appears that, in principle, the European Union is seeking a common response, and the Czech Presidency will help us in this. Where exactly inmates will be moved to is still a question of national agreement, but it is reported that Europe will, in principle, react positively to the request from the US. This will please Parliament, because we asked back in 2006 for the EU Member States to insist proactively on the resettlement of former inmates, including in the European Union.

My question to the Council is: are you prepared to do this in a proactive manner? Would you ask the US now who the inmates are? Will you ask about their backgrounds and what will happen to them, so that we can make the necessary arrangements? I am, however, pleased with this positive attitude, which will hopefully end the human rights violations to which these people have been exposed.

Mr President, whilst this is wonderful for Guantánamo Bay, which is a symbol, we should not forget that there are also other prisons we should voice an opinion about. Bagram, near Kabul, springs to mind, for example, where some 600 to 700 people are being held. I am asking the Council and Commission to ensure that those prisons will also be closed.

Although I was pleased with the remarks about Guantánamo Bay, I am a little dismayed at the CIA. I appreciate that above all, the Council wants to look ahead, not back. I can understand that very well, because when you look back, you see a huge mess. It would be too simplistic to say that since the US now has a new President, we can apply the same standards again for us all, and forget to look in our own hearts and overlook the aid that we have given to a government of which you now say that it has acted incorrectly.

Gabriele Zimmer, *on behalf of the GUE/NGL Group*. – (DE) Mr President, my group, the Confederal Group of the European United Left/Nordic Green Left, has demanded the closure of the US prison camp in Guantánamo right from the start. Contrary to all the relevant fundamental legal principles and international agreements, people have been held captive and tortured over a period of years and denied a fair trial. Their

fundamental human rights have been disregarded. The very power which tries to uphold human rights, democracy and freedom throughout the world has violated fundamental rights in this case and created its own unlegislated area for its war on terror. This is unacceptable!

It was important that the European Parliament constantly repeated its call for the closure of Guantánamo over a long period. However, now that a new government has said that it is changing its policy, we Europeans are now starting to cast doubt on what we ourselves have been calling for. We are hesitating and starting a shameful period of horse-trading. I regard this as a cynical approach.

What has happened to our call for the universality and indivisibility of human rights? We cannot really be saying that we want to preach one thing and do another. It cannot be true that, in some way, we want to justify and accept this shameful camp. We cannot only regard upholding human rights as an important principle when we demand it of others and do not do anything to promote it ourselves.

I call on the Member States to state their position clearly, but I also say on behalf of my group that the closure of the prison camp at Guantánamo only represents the first step. The US military base at Guantánamo must also be removed.

Nils Lundgren, on behalf of the IND/DEM Group. – (SV) We probably all feel a strong sense of relief over what has happened in the United States. It is similar to the situation we had at the beginning of the 1950s when the American people and the American system demonstrated its ability to get rid of McCarthyism. It is now demonstrating the same ability by electing a new President, who, on his first day, declared that Guantánamo should be closed. Thank goodness for that.

What was wrong here, of course, was the detention of those suspected of terrorism or other crimes. They should be tried and acquitted or convicted, released or punished. Those who are not convicted should be treated as innocent. If we then still suspect them, it is the job of the security services to follow up on that at a later date. I find it difficult to understand why those whom it has not been possible to convict cannot stay in the United States, but European countries should themselves, of course, be prepared to receive those who have not ... Thank you for the opportunity to speak.

Koenraad Dillen (NI). – (NL) Anyone who manipulates the principles of rule of law uses the methods of those which the rule of law claims to fight. The closure of Guantánamo Bay prison, where the rights of defence, as we know them in our western world, were not guaranteed, is a good thing. There is no need to expand on this as this has been stressed by many before me. The fact that Mr Bush, through his tough policy, has managed to protect the American people against a second September 11 does not change matters much.

A democracy should respect the rule of law at all times and throughout the world, but democracy should also consider resolute ways in which it can protect itself against the religious extremists who wish to destroy our open society. This is an emphasis that I cannot find in the draft documents before us.

Finally, we should not be fixated on Guantánamo. Cuba itself, which is where the enclave of the American Guantánamo is, is one big prison where thousands of innocent political prisoners remain bereft of any prospect of a fair or swift trial. The same goes for our major trading partner China, which we spare time and again when it comes to human rights.

Nils Lundgren (IND/DEM). – Mr President, I just wanted to ask why Mr Schulz was allowed to exceed his speaking time enormously – but not the rest of us? Why?

President. – The President of the European Parliament, Mr Pöttering, was in the chair when Mr Schulz spoke, and so this is a question for Mr Pöttering. I do not see that it has any connection with my being in the chair. You should raise the matter again when Mr Pöttering is in the chair.

Urszula Gacek (PPE-DE). – Mr President, what are we to do with the former inmates of Guantánamo Bay? How do we strike the right balance between ensuring the security of EU citizens and finding a place to settle former inmates?

Firstly, let me make it clear that I for one am not discussing inmates deemed to be dangerous but unsuitable for trial by the United States, and please remember that such a sizeable group still exists. But even those cleared of charges and deemed to be no risk at all still, in my opinion, pose a risk.

We have legitimate fears because, according to the Pentagon, 61 former inmates cleared of all charges and subsequently released are now reported to be engaged in terrorist activities. One is the deputy head of al-Qa'ida in Yemen, and one has blown himself up.

Yesterday, President Obama stated on public television that he cannot be sure whether inmates cleared and released will not pose a security threat. Can we be asked to take that risk in the EU? Well I think we can be asked, but we must have the right to decide whether that risk is acceptable to us or not.

Member States have shown different degrees of willingness to take former inmates. I stress that the decision to accept inmates must be the sovereign one of the Member State. It cannot be forced upon a Member State by the EU, but neither can it be made in isolation. Given the freedom of movement we enjoy in Europe, especially the border-free Europe of the Schengen zone, Member States' decisions to allow Guantánamo Bay inmates to settle in their country has security implications not only for that Member State, but also for its neighbours. Therefore I require, and we require, that such decisions are consulted with other EU members.

Claudio Fava (PSE). - (IT) Mr President, ladies and gentlemen, the closing of Guantánamo allows us to rectify a violation that has shamed international law and, above all, has done no service to the war on terrorism.

Today, however, it is not enough to welcome President Obama's decision. Now is the time to take responsibility, and responsibility also involves Europe and the Member States. Guantánamo is, in part, the consequence of Europe's silence and the collaboration of many of our governments in the system of rendition. In recent years, what has happened is that our governments were, on the one hand, saying that Guantánamo must be closed and, on the other, sending their police officers there to interrogate the detainees. We are talking about responsibilities which were denied when this Parliament investigated the matter, but which have been acknowledged and verified in the past two years.

February 2008: London apologises for the CIA flights; some aeroplanes have used British bases, said Foreign Secretary Miliband, contradicting what Tony Blair had said three years earlier, maintaining that nothing illegal had taken place on British soil. December 2008: the Spanish Government under Mr Aznar knew that many CIA flights had overflown Spanish air space and used Spanish airports. This emerged from a secret document published by *El País* that turned out to be true. The then Minister of Foreign Affairs, Josep Piqué, who acknowledged the use of Spanish airports, said that he did not know what happened afterwards in Guantánamo. Perhaps he thought that it was an amusement park. In October 2008, we learnt that in Portugal, the Minister for Foreign Affairs, Mr Amado, admitted that the former centreright government of Mr Barroso knowingly made Portuguese airports and air space available for illegal CIA flights. Mr Amado said: 'I did not talk about it so as not to disrupt the serenity of the European institutions'. We ask: and what about the citizens' right to know? Or are we to imagine that not even Mr Barroso knew what sort of civil and juridical obscenity Guantánamo was then and still is now?

This is the point, Mr President, and I am about to conclude: in recent years we have shown much good will and much hypocrisy, not least in what the Council has left unsaid during these years. Two years ago, Parliament addressed 46 recommendations to the Council. We would have expected that at least some of these recommendations would have been given due examination and due attention, that there would eventually have been replies to at least some of the recommendations. For this reason, we believe that providing some help in closing Guantánamo and assuming our collective responsibility, as Europe and the 27 Member States that it comprises, would be a contribution, however small, to atone for our collective silence.

Sarah Ludford (ALDE). – Mr President, the main responsibility for closure of Guantánamo Bay and the resettlement of detainees undoubtedly lies with the US Government. However, Europe needs to recognise the political reality that the US cannot manage this alone. We have expressed a lot of goodwill towards President Obama and commitment to transatlantic relations. That must imply an offer of practical assistance.

There are also other reasons for EU Member States to cooperate in closing the prison. First of all, the humanitarian argument, which I hardly need to labour, to rescue these men from the hellhole in which some of them have suffered for seven years. Secondly, Europe's credibility: we have called on the US to close Guantánamo, now we have to help to make that true. Thirdly, our own self-interest in ending a potent symbol that acts as a pretext for terrorist recruitment and radicalisation and, lastly, the moral responsibility that Claudio Fava was talking about.

However, I think we will deal with rendition and the collusion by European governments in a second motion for a resolution in two weeks' time. So, I strongly welcome the joint resolution that we have agreed between

the groups and across the political spectrum, and I really hope we will have a strong vote tomorrow. Assuming the ALDE Group accepts my advice, we will neither table nor support any amendments to this resolution.

I just want to deal with a couple of things. Firstly, the allegations about 61 released detainees having become involved in terrorism: we have heard from lawyers who know about these things that this is largely baseless. We know of two who have become involved in terrorism. Others include those, like the eight people in Albania, who gave interviews to the media; the so-called 'Tipton Three', British citizens who made a film criticising Guantánamo. That is not 'returning to terrorism'.

Lastly, concerning the security issues: we need to discuss those, but credible solutions are being put forward, and we can involve the lawyers in that.

Mirosław Mariusz Piotrowski (UEN). – (PL) Mr President, after Barack Obama's election as president of the United States of America, and his signature of the document on the forthcoming closure of the Guantánamo detention centre, an unhealthy excitement was felt in this House. Members of the now dissolved Temporary Committee on CIA Affairs took the floor. I would remind the House that the aforementioned Committee did not contrive to establish anything, although it was at pains to express its outrage and to condemn types of so-called extraordinary rendition.

We already know now that the new President appreciates the serious nature of the problem. He has modified his stance since the election campaign and shortly after being sworn, in he issued a regulation extending the period in which the methods used to date in dealing with terrorists may be employed.

We realise that for many Member States of the European Union, including Poland, it is impossible to accept arrested terrorists. Nonetheless, Member States of the Union and our Parliament, instead of criticising and weakening the front in the war on terror, should cooperate with the United States and take upon themselves part of the responsibility for combating this phenomenon. I must remind the House once more that terrorism is a global threat that also affects Union citizens.

Cem Özdemir (Verts/ALE). – (DE) Mr President, ladies and gentlemen, the prison camp at Guantánamo has become a symbol of contempt for human rights and the rule of law. The new US president Barack Obama has given out an equally powerful and essential message by ordering the end of the military tribunals in Guantánamo and promising to close the camp within a year.

However, it is not only the United States of America which has lost credibility as a result of its contempt for human rights in the war against terror. Our European governments cannot disclaim responsibility, as the Temporary Committee of the European Parliament on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners established in its report in February 2007. This exposes the double standards of many countries in the European Union, who rightly demand that candidate states uphold human rights, but themselves trample on human rights within the European Union.

The European Union also has the responsibility of playing an active role in the process of finding a joint solution for all the prisoners who are no longer under suspicion and who cannot return to their home countries. This applies specifically to Germany which can, and should, help to make the acceptance of refugees a possibility. We must not repeat the mistake we made in the case of the German Turk from Bremen, Murat Kurnaz, who wrongly spent four years in Guantánamo Bay.

The new beginning in Washington is an opportunity for us to send a clear signal that human rights must not be eroded in the war against terror.

Willy Meyer Pleite (GUE/NGL). – (ES) Mr President, it is my hope and wish that President Obama's statement on the closing of the Guantánamo detention centre will herald a change in US foreign policy.

I hope it will mean the rejection of a policy that repaid terror with terror and crime with crime, one that, ultimately, rode roughshod over international law.

My hope and wish is for this to be the case. The problem for the European Union is that many European states have been committed to Mr Bush's former policy of repaying crime with crime and torture with torture. And they have been accomplices in that policy. This is why the committee of inquiry into CIA flights could not finish its work: there were European governments that were hiding their shameful acts, the shameful acts of Mr Bush's foreign policy. And this is why we must insist they be held accountable. The American people have done so through the polls.

I also hope that President Obama shows courage and brings to justice those officials who have tortured and those officials who have detained people illegally, because, ladies and gentlemen, for the Guantánamo prisoners, there is only one solution as far as the law is concerned. If there is proof against any of them, they should be tried. If there is no proof, then they must be released. And US Administration officials must take responsibility for those people who have been detained illegally.

That is what happens in my country and that is what happens in any democracy that is fundamentally based on democratic rights. Thank you very much.

Bruno Gollnisch (NI). – (FR) Mr President, I think it is not our role to act as an outlet for the arbitrary policy which the United States of America has unfortunately been deliberately pursuing in this area. The policy flies in the face of our common Western principles and is being conducted in a cynically chosen area which is a relic of colonial times. There is no rule of law there: neither Cuban law, which, as Mr Dillen rightly said, affords no protection to the individual, nor US law, nor our common heritage of international law.

In legal terms, I think the issue is clear. If there are criminal charges under common law against some of the prisoners, they should be judged by due process of law. If they are suspected, for example, of having organised the attacks of 11 September, they should have been told seven years ago of the charges they face, had access to lawyers and appeared before the American courts. There is no shortage of these in the United States of America.

If others are considered to be prisoners of war following the Allied intervention in Afghanistan, they should be held in the conditions set out in the law relating to war until hostilities officially end.

If there are detainees who fall into neither of these two categories, then they should be freed and sent home.

I am told that some are potentially dangerous, but if I personally were detained for seven years in complete isolation, whilst I might not have been potentially dangerous to begin with, I would certainly have become potentially dangerous by the end. I believe this is the case for most people here.

If some do not wish to go home, they can ask their gaolers for political asylum. That is all I have to say and, in passing, I wish to thank Mr Barrot for his investigative work. Time will show it to have been the best analysis of these illegal transfers of prisoners.

Carlos Coelho (PPE-DE). – (PT) Mr President, Mr President-in-Office of the Council, Mr Barrot, ladies and gentlemen, this House called for the closure of the prison at Guantánamo Bay several times. We were joined by the other two institutions: the Commission and the Council. Now that the decision has been made, let there be no mistake about our position. We heartily congratulate President Obama on this decision, one that he justified with the need to reinvest the United States with the moral authority which it previously enjoyed in the world.

Let us be clear: the Bush Administration's decision to open the prison at Guantánamo Bay, as well as the 'extraordinary renditions' programme, was a blow to that moral authority. The ends do not justify the means. It is not acceptable for international law to be violated, for torture to be carried out, for secret prisons to be opened or for prisoners to be made to disappear. In states governed by the rule of law, prisoners are brought to justice and have the right to defend themselves. The Bush Administration was wrong to commit these abuses, just as its accomplices, whether through conniving applause or ashamed silence, were also wrong.

If the United States requests the help of the European Union, it must not be refused – just, in fact, as Mr Barrot said – provided that we do not forego our citizens' safety, but without using that as a pretext for non-collaboration. We also need the collaboration of the United States in order to shed light on the abuses that were committed in Europe, to investigate who was responsible and to ensure that the same crimes will not be repeated in the future. We must also ask the Member States and European institutions what they have done to implement the recommendations that this Parliament adopted in February 2007 and, where applicable, what explanation they give for not having done so.

Since Mr Fava referred to President Barroso here, I believe that a word of thanks is owed to him because, unlike the Council, which resisted, lied to and hid information from this House, the European Commission behaved loyally and collaborated fully with our investigations.

Jan Marinus Wiersma (PSE). – (NL) President Obama has kept his word. One of his first policy actions was the closure of the prison in Guantánamo, which we are naturally delighted about. Or rather, it was the

announcement of the closure of Guantánamo, because the new US Government is faced with the difficult task of finding a solution for the inmates who are still there.

First of all, their status should be identified, and it should be established whether they can all be released without risk. They have been locked up illegally by the Bush administration, which clearly violated international law. It is, therefore, first and foremost an American problem that needs to be solved by Washington. Whether the US will ask for help from the European countries and the European Union is currently not yet clear, and it would be somewhat speculative to run ahead of events too much.

I also beg to differ with those fellow Members who believe that we should already make pledges on the basis of the assumption that the European Union is morally obliged to do so, because some countries could possibly have been involved in the transport of inmates to Guantánamo. This is based purely on assumptions. We have never been able to prove that there was any truth in this, and neither do we know which countries would have been involved in such transport, so to base our argument for receiving inmates on this is somewhat weak, in my view, and I am pleased that this has not been done in the resolution.

We should, obviously, not rule out the possibility of the US still making this request, and I share my group chairman's opinion on this. If this request is made, we will certainly need to react positively on account of considerations of international law, but also on account of the need for the European Union to react in a humanitarian manner in a situation like this.

Ignasi Guardans Cambó (ALDE). – (ES) Mr President, Guantánamo is a problem that was not created by the European Union. It is a problem that, to be sure, would not exist if the European Union – as well as condemning it so many times – had truly rejected it, rather than passively and, at times, actively, collaborating in the very existence of that black hole of international law. Yet it is clear that we did not create it ourselves. However, we most certainly do have a duty to cooperate in order to put an end to this situation. This is a clear duty that we should carry out.

There is no doubt that each case must be dealt with individually. The prisoners of Guantánamo cannot be dealt with as if they were an undifferentiated herd. They are people with rights, but also with their own personal stories. Some of them are criminals who must be tried as such; some are innocent and some, no doubt, are potentially dangerous.

In line with its values and principles, as well as its generosity, the European Union can become involved, by drawing up a common response that will help to solve this problem while respecting our own rules.

Hélène Flautre (Verts/ALE). – (FR) Mr President, according to information from the CIA and NGOs, 728 prisoners passed through Portuguese territorial space between 2002 and 2006 on their way to Guantánamo. What are the figures for Spain, Italy or any other Member State?

Having failed to take the lead against the exemption from international law in the fight against terrorism, the Union is now attempting to go along with Mr Obama's commitments.

This explains why we have this still timid call from members encouraging Member States to receive those innocent detainees who cannot return to their own countries for fear of torture. This is done not out of solidarity, nor charity, nor even generosity, but purely to comply with our international commitments.

Beyond the message sent by Mr Obama, will Europe be able to raise itself up, will Europe not only be able to investigate, target and assume its responsibilities, but also bring an end to its illegal complicity in extraordinary rendition? Will Europe be able to reform the control of its own secret services? Will the Union be able to rehabilitate the victims via legal processes and compensation?

I welcome Mr Barrot's declaration of intent to this end. I have to say, however, that whilst we are finding out more and more about what the ex-prime minister of Portugal covered up between 2002 and 2004, the results of his initiatives as the head of the European Commission to get the Union out of this grey area of non-legality remain completely unknown to us.

(The President cut off the speaker)

Jas Gawronski (PPE-DE). – (IT) Mr President, ladies and gentlemen, I am pleased that the appropriateness of European countries accepting prisoners from Guantánamo has now been acknowledged, an idea that strangely was missing from my group's original resolution. I entirely agree with Messrs Schulz and Watson.

The first point of the resolution mentions the important changes in United States' policy concerning humanitarian laws. I see some changes, certainly in tone, but also considerable continuity with the politics of the 'detested' Bush, given that President Obama has not abandoned the programme of extraordinary renditions and CIA prisons in foreign countries. I say this for the attention of the Czech Presidency, which seems to have a different idea. I would not wish Obama enthusiasts to suffer any early disappointment.

Anti-US propaganda, already active in the CIA committee two years ago, has returned in the oral question on CIA flights in Europe. I shall give you just one example: in one recital, the existence of a secret CIA organisation in Poland is exposed. Now the fact that there is a CIA organisation in a country like Poland should not come as a shock – it would be strange if there were not – but I believe that the signatories to the question are annoyed that this organisation should be secret. They would always want secret services to act without secrecy, openly, and the CIA aeroplanes to have 'CIA' displayed on their aircraft as if they were *British Airways* or *Air France*. Here again, I fear that they are going to be disappointed: not even Obama would go that far.

Stavros Lambrinidis (PSE). – (EL) Mr President, the inhumane prison at Guantánamo should never have been opened. At least it would appear that it is now being closed, but any congratulations to President Obama must, of course, be tempered if reports in the American press about the maintenance of the unacceptable practice of secret abductions, interrogation and imprisonment in third countries are true. As far as this is concerned, unfortunately, Europe also obviously bears responsibility as regards the fight against terrorism. One very serious cause for concern is the fact that the only national parliament which has invited the European Parliament to present the conclusions and recommendations of its committee on the CIA is the American Congress. Not one European government, not one national parliament, has invited us. Let them do so even now, so that this sort of illegal practice is never repeated.

Marco Cappato (ALDE). – (IT) Mr President, ladies and gentlemen, the United States created the Guantánamo problem and a US President is getting ready to resolve it. We need to know whether the European Union will have the powers and the competency to play a role.

The European Union must collaborate. Our Member States must receive the prisoners, such as the Uighurs, without giving in to pressure from China. If we do not do this, we risk being irrelevant in the process of closing Guantánamo.

This could be the start of new work on revealing the truth, the responsibilities of our national governments – the Portuguese Government, for example, under President Barroso – and our responsibilities relating to the fact that the proposal of exile for Saddam Hussein was dropped. This proposal was the only alternative to the war and our governments, including the United States, dropped it.

Raül Romeva i Rueda (Verts/ALE). – (ES) Mr President, the existence of Guantánamo has, indeed, been made possible by, among other factors, the collusion and complicity of many European countries, Spain included. It is not acceptable to say now that this problem is not our business. It is even less acceptable to say that the closing of Guantánamo and the ensuing consequences are exclusively the US Government's problem.

For years, US secret service aircraft have been flying around Europe with impunity, transporting detainees, while we have turned a blind eye. We should, therefore, shoulder our responsibilities and not only demand the immediate closure of Guantánamo but also accept some of the prisoners who, unable to return to their own countries or, indeed, stay in the United States, demand that other countries, European countries included, be able to take them.

Portugal has already promised to do so, and I believe this is partly due to a certain feeling of responsibility and guilt. Spain's own guilt is just as great, at least, and I therefore take this opportunity to call on the Spanish Government to take in some of those people, to make that commitment, as Portugal has done and as many organisations have asked us to do. I stress that it is not only our moral duty but also our political responsibility.

Marian-Jean Marinescu (PPE-DE). – (RO) Combating terrorism is the number one priority of modern society. However, mistakes have been committed and controversial decisions have been made in the name of this desired objective. The closure of the Guantánamo detention facility, which has been a blemish on the image of the civilised world during the last decade, is a just decision of paramount importance. The next normal step would be for this measure to be followed by the United States resolving the situation of the people currently being held in detention. The European Union and the United States have championed, and

still do champion, respect for human rights and respect for human dignity, and they should therefore work together to correct the mistakes that have been made.

I believe that before raising the issue of accepting the inmates in Europe, it is absolutely necessary to make available all the information relating to possible terrorist activities which the latter were involved in or to possible membership of a terrorist group. A detailed check must be carried out on this information, along with an objective evaluation of the possible repercussions which allowing inmates to return to their country of residence could have. An official request from the United States is an absolute necessity and I believe that the decision to accept inmates in Europe must be up to Member States, while those which make this decision must also bear in mind that they are assuming these responsibilities on behalf of the European Union.

As regards Commissioner Barrot's reference to Romania, accusations have been made in the past without any basis. However, Romania has responded to all the enquiries from the European institutions, received the CIA committee and supplied all the relevant information. The Romanian parliament has carried out an investigation and supplied the results to the interested parties. I believe that this is totally adequate. I also believe that Romania has given adequate replies to the completely baseless accusations which have been levelled.

Wolfgang Kreissl-Dörfler, (PSE). – (DE) Mr President, there is no question that the responsibility for Guantánamo lies with the USA. However, it is an act of solidarity to help and support Barack Obama to return to the rule of international law when he asks us to do so. I am thinking, for example, about the Uighurs who cannot return to China. However, we also need to consider the people who have spent five or seven years in Guantánamo. We cannot decide whether or not they want to live in the USA. That is their choice. For example, the city of Munich and the Uighurs who live there would be ready to accept these Uighur people and to support and care for them so that they can come to terms with their traumatic experiences.

However, one thing must be made clear. It is not acceptable for the Bavarian Interior Minister, Joachim Hermann, to say: 'Everyone who is held in Guantánamo must have committed a crime'. The right to the presumption of innocence must apply in this case. As the head of a police authority, this minister should pack his bags and go. We are training the police in other countries to introduce precisely this right to the presumption of innocence into their work and not to give premature orders to shoot. We should think carefully about that.

Anneli Jäätteenmäki (ALDE). – (FI) Mr President, Guantánamo and its secret prisons should never have been established in the first place. It is the United States that has the main responsibility for closing the prison and the treatment of the prisoners afterwards, but humanitarian reasons and considerations of human rights speak for their reception in the Member States. Each Member State will decide on the basis of its own laws whether to receive them or not.

At the same time I would like to remind this House of the millions of refugees around the world and of the refugee camps where people have lived for years. We look away; we turn our back. Proactive thinking on human rights is regrettably selective in the EU.

Elmar Brok (PPE-DE). – (DE) Mr President, Mr Vice-President of the Commission, President-in-Office of the Council, in May 2006 I visited Guantánamo with Mr Mann and Mr Elles. We made it very clear that the establishment of Guantánamo represents a breach of international law and a violation of human rights.

The then newly elected German Chancellor, Mrs Merkel, also said this in the presence of President Bush on her first visit to Washington and she also demanded the release of Mr Kurnaz. I believe that President Obama's decision is a good one and that it will help to restore the credibility of the United States of America and of the Western world as a whole. For this reason, we must make it clear that the question of credibility is of great political importance.

At the same time, we must establish that the prisoners there should not be regarded as peaceful human rights campaigners and that they must be judged on that basis. During the course of this debate, I have sometimes had a quite different impression. We must ensure that the United States of America takes primary responsibility in this case and that it explains why it cannot accept many of these prisoners. The home countries of these people must also explain why they do not want to accept them or the prisoners must prove that they cannot return to their home countries because they would be exposed to serious persecution.

When all this has taken place, we can begin to consider whether the European Union should accept some of the prisoners. However, this is only possible once we have investigated in every single case the extent of

the risk posed by each person. This investigation must take place not only at a national level, because the open borders within the European Community mean that we must apply European standards to the evaluation of the security risk which these people may represent.

Someone today spoke about refugees. These are not refugees. They are prisoners and we have to prove that they are not dangerous, unless we want to take irresponsible risks. I think we should ensure that those people who have a link with our Member States should be accepted, such as Mr Kurnaz in Germany or the nine people, I believe, in Great Britain. In total, I think 60 people have already been taken in by the European Union and we should not forget this.

Ana Maria Gomes (PSE). – Mr President, Portugal urged an EU agreement on resettling persons from Guantánamo, and this is strategic for transatlantic solidarity as well as being a humanitarian gesture towards people cleared of suspicion who endured detention, torture and deprivation of justice. However, it is also a duty for 14 EU States which colluded with the Bush Administration in subcontracting torture to Guantánamo and secret prisons, as this Parliament pointed out. European responsibility for violations of the rule of law and human rights cannot be erased.

President Barroso has denied knowledge of the cooperation provided by his government in the transfer of prisoners to Guantánamo and secret prisons, yet no one believes that his military, police, intelligence and administration would be so incompetent as to allow Portuguese air, sea and land to be systematically abused by the USA.

In order to clarify this, will Mr Barroso make public the notes of the meetings between his diplomatic advisers and Ms Condoleezza Rice while he was Prime Minister? Will Mr Barroso make public the legal opinion he then asked from his legal adviser, Mr Carlos Blanco de Morais, in order to impose special navigation rules for ships approaching US military vessels carrying prisoners through Portuguese waters?

Panayiotis Demetriou (PPE-DE). - (EL) Mr President, the position of the European Parliament on Guantánamo was set out in a special resolution in 2006. Guantánamo should never have been created and it needed to be closed. The position of the European Parliament on terrorism is equally clear. We want to combat terrorism with all legal means; we do not want to combat terrorism by infringing human rights and international law. It is a fact that the United States has shouldered most of the burden in the fight against terrorism. However, they have also made huge mistakes. It was a huge mistake to create Guantánamo. It was a huge mistake to treat detainees as they did. It was a huge mistake to transport them as they did. This has been said in this Parliament. What is important today is that President Obama has made the right decision to close this prison of shame and this decision both speaks well of America and is true to the history of America and of the international community in general.

How is the European Union involved? The European Union is involved in that it wants to support and help with the implementation of this correct decision by President Obama. However, the European Union should do this on one condition: that it does not put the safety of its citizens at risk. This is a basic requirement and whatever is decided by any Member State should therefore be decided from this point of view.

Javier Moreno Sánchez (PSE). – (ES) Mr Romeva, do not be concerned: the Spanish Government will cooperate as it always has done. May I remind you that, on this matter, the Spanish Minister for Foreign Affairs, Miguel Ángel Moratinos, was the first to appear before the investigating committee and was the one who answered all the questions, including your own.

In this Parliament we have, for some time, denounced the torture and inhumane, humiliating treatment being used at the Guantánamo military base in the name of the fight against international terrorism. We therefore welcome President Obama's decision to suspend trials for four months and his intention to close the prison permanently within one year.

However, even though the responsibility lies with the US Government, the European Union cannot look the other way but should offer its assistance in order to guarantee closure of the detention centre.

We should also assess the possibility of taking in prisoners who are from countries where it is not certain that human rights are respected, if the United States should ask us to do so.

We will then have to present a common European response, of which the Spanish government will be part, whilst respecting the international legal framework and assessing, case by case, the legal situation of every citizen, every detainee – his origin, his detention and his situation.

Bogusław Sonik (PPE-DE). – (PL) Mr President, the terrorists have declared a cruel, bloody and uncompromising war on our civilisation. They wish to destroy our world, which is founded on respect for human rights and devotion to freedom. The attack on September 11 demonstrated that terrorists are prepared to use any means whatsoever. The United States undertook to defend the free world on behalf of us all. Close cooperation between Europe and the United States offers the only hope for success and destruction of the terrorist networks. Europe needs to feel responsible for the war on global terrorism.

It is right that human rights defenders drew attention to violation of these rights, and to the use of humiliating methods during interrogations at Guantánamo. Often, these methods amounted to torture. It is right, too, that attention was drawn to detention without trial, and without the right to defence counsel. No means deemed inadmissible under signed international conventions may be used.

The newly elected President of the United States has already issued a regulation banning the use of torture during hearings involving terrorist suspects. It is right and proper to interpret this as a victory for all those who raised the alarm on this matter. Pursuant to this same regulation, however, it will still be possible to kidnap terrorists and hold them for short periods in transit countries. In a nutshell, respect for prisoners' dignity is increased but, at the same time, the possibility of effectively paralysing terrorist activity must remain, otherwise we would be in danger of becoming helpless.

I should also like to draw the attention of the House that on the same island where the Guantánamo detention centre is located, political prisoners are being held in prison conditions that violate every conceivable standard. These people have been condemned to long years in prison because they dared to oppose the Communist propaganda of the tyrannous Fidel Castro.

The Chechen nation was murdered before our very eyes. So far as I am aware, the European Parliament did not set up a special committee to deal with that. The United States has recognised that the use of torture is inadmissible, as is the existence of secret prisons. That should put an end to the debate on secret prisons and transit flights.

IN THE CHAIR: MR MAURO

Vice-President

Ria Oomen-Ruijten (PPE-DE). – (NL) Mr President, the fight against terrorism must be a joint effort to which all democracies should make a contribution. This means not just Europe, but also the United States, as well as others.

Guantánamo does not fit into a constitutional state, because in a constitutional state a suspect, even a terrorist, is entitled to protection and a fair trial on the basis of the values we share with each other.

I value President Obama's decision to close down Guantánamo Bay, but it cannot, and indeed should not, be the case that the problem is, in the first instance, placed at Europe's door. After all, the people in Guantánamo Bay are prisoners, and not people that can be trifled with. We can be helpful, but if we are helpful, if there is no other way, this is only possible on the basis of a European decision, European standards which we will need to establish jointly. We should clearly recognise that it remains an American problem in which we could prove helpful, if only for the fact that human rights are paramount to us.

Ioannis Varvitsiotis (PPE-DE). – (EL) Mr President, the decision by the new President of the United States to close the prison at Guantánamo was one of his first important and positive moves and I warmly welcome it. However, President Obama has not revoked the right of the CIA to arrest terrorist suspects on foreign soil and to take them to provisional detention centres. This is particularly worrying and this concern must be set out in a joint resolution. However, the joint resolution by the two major parties in the European Parliament says nothing about this and, as a result, I am forced to vote against this joint resolution.

Genowefa Grabowska (PSE). – (PL) Mr President, I am convinced that our deeply humanitarian resolution will help to reduce enmity between Europe and the Islamic world. I call for it to be adopted, bearing also in mind the situation of my fellow citizen who has become a victim of the war on terror, the war of *'an eye for an eye, a tooth for a tooth'*. I refer to a Polish citizen aged 42 who was kidnapped. He was seized in the border areas between Afghanistan and Pakistan. He is a geologist who was working there. He has been held in the area ever since. His family have stated that they know Piotr is not an important figure in the world of top level politics, but they trust everything that can be done will be done to secure his release.

I hereby appeal for this improvement of relations with the Islamic world to be exploited also for the protection and defence of our citizens. Let us all demonstrate solidarity and act on behalf of European Union citizens who are ill-treated, detained, kidnapped, or held in camps.

Marie Anne Isler Béguin (Verts/ALE). – (FR) Mr President, we have all fought for the closure of Guantánamo and we all welcome President Obama's decision to close this prison of shame.

Now, we should not have to be asked about accepting Guantánamo detainees. As Europeans, faithful to the values of defending human rights, we have to face up to our responsibilities, our duty to accept these ex-detainees.

There have been reports, and I am addressing the Council here, there have been reports in the press that some Member States are not keen on receiving them. I would therefore call on the Council and, in particular, on any reticent Member States, to accept the arrival of these detainees on their territories.

I would also say to you, ladies and gentlemen, that the worst we could do would be to let the boost given by the closure of Guantánamo evaporate because Europe was not prepared to stand up and be counted.

Colm Burke (PPE-DE). – Mr President, given that many EU Member States were complicit in the process of extraordinary rendition, I believe that EU countries, including Ireland, have a collective responsibility to accept a certain number of low-risk Guantánamo detainees from the US for resettlement within the EU.

Irish Minister for Justice, Dermot Ahern, has made such an acceptance conditional on getting EU approval, but it is not necessary for Ireland to wait for an EU directive to settle Guantánamo detainees. We can decide ourselves to sign a bilateral agreement with the US, as Portugal has done.

The Irish Government Ministers for Justice and Foreign Affairs have not been singing from the same hymn sheet on this matter, with Minister Ahern being seemingly unprepared to go as far as Minister Martin regarding detainee settlement. Cohesive leadership is now needed from the Irish Government in this regard. In a spirit of transatlantic cooperation and to participate in the fight against international terrorism, Ireland should play its part to assist the new US Administration in closing Guantánamo.

Ioan Mircea Pașcu (PSE). – Mr President, the EU has been asking for the closure of Guantánamo for a long time. Today that decision has been taken by the new US Administration, and EU countries are expected to show solidarity by taking over those prisoners. However, some think that such solidarity should be demonstrated primarily by the countries mentioned before in the press as hosting secret CIA detention centres.

I would like to stress once more the fact that such allegations have not been supported by evidence, either when they were made or since then. That is also valid for Mr Mate, who failed to produce the evidence supporting his accusations in this very House. Moreover, internal investigations have not supported the accusations either. Exploiting people's potential lack of memory that such evidence was not produced then does not make it evidence today. At the most, it is simply cynical manipulation for obscure purposes.

Zuzana Roithová (PPE-DE). – (CS) Mr President, the whole world welcomes Barack Obama's plan to close Guantánamo, because it is a symbol of the merciless treatment of people – ruthless terrorists though they may be, or suspected of the gravest crimes. Some of them have not even been charged and duly tried. Obama made a popular gesture and is now deciding what to do with them. He should, above all, persuade Congress to change the law so that the prisoners can be transferred to US soil and some can be given a new identity. It is an extremely hot potato: after release, 60 Guantánamo prisoners returned to terrorist activity, and therefore each case should be examined individually. The Czech Presidency's negotiations on a solution for Guantánamo are an opportunity to emphasise that dialogue between the United States, Europe and Cuba on changes on the totalitarian 'island of freedom' begins with human rights, and not only the human rights of prisoners at the American base. Above all, this dialogue should entail the release of political prisoners in Cuba, and freedom of speech and movement for innocent Cuban citizens.

Armando França (PSE). – (PT) We find it obvious that we should applaud President Obama's decision: the decision to close the prison at Guantánamo Bay, to ban torture and illegal interrogations, and to suspend the military trials.

I can, however, assure my fellow Member, who is no longer present, that Portugal and the Socialist Government of Portugal do not feel guilty. The Socialist Government of Portugal did not collaborate with the Bush Administration: quite the contrary. The Portuguese Administration – the Portuguese Government – through

the initiative of Minister Amado, has right now opened up the possibility and obligation for the European Union and other democratic countries to accept and receive Guantánamo Bay prisoners who have not been charged. This is what is truly important and this is what must be highlighted as an example for other EU Member States to follow. It is also important for the resolution to be adopted tomorrow by all the parties that make up this House, so that unity might lend the decision more force.

Charles Tannock (PPE-DE). – Mr President, the prison at Guantánamo Bay was a necessary creation of the United States at the time. Its closure is now a matter for the United States. I oppose EU Member States entangling themselves in the inevitable legal complications and the burden imposed on our security services of taking non-EU national prisoners previously designated as enemy combatants.

I do not regret the detention of the most dangerous terrorists intent on destroying our way of life when they were proven to be so. However, one of Guantánamo's major drawbacks was that it forestalled any regular criminal proceedings against those held there. Ultimately, regular criminal trials are the only way to resolve the status of Guantánamo prisoners who are non-EU nationals.

Since the inmates of Guantánamo were captured by the United States, it is America's responsibility to prosecute them in its own courts, or return them to their countries of origin if innocent. If President Obama is serious about closing Guantánamo, which I welcome, and about protecting America and its allies, this should be his policy.

Alexandru Nazare (PPE-DE). – (RO) First and foremost, irrespective of the substance and outcome of the discussions on the CIA prisons, I would like to welcome the concern shown by Members of the European Parliament and by Europe's citizens with regard to the scrupulous respect of human rights, regardless of the context.

Torture is unacceptable and there are no exceptional circumstances to alter this truth. However, I feel the need to make some remarks as long as Romania continues to be referred to in this context. I would like to remind you that so far, accusations have been levelled at us without being backed up by proof. The Martin report is the best example of this approach. It contains accusations against Romania which are both controversial and unfounded.

I would like to point out this precedent for the way in which accusations have been levelled against Romania, because this can perhaps tarnish the image of other European states too. I would like to reiterate that it is unacceptable for the names of Member States like Romania to be freely and constantly bandied about in the context of this debate.

Reinhard Rack (PPE-DE). – (DE) Mr President, I would like to agree with all those speakers who want to ensure that Europe does its humanitarian duty by supporting, in particular, those people who have been denounced, despite the fact that no evidence has been found against them. These are classic asylum cases.

However, I would like to ask the Member States not to attempt to go it alone and I would like to put particular emphasis on this. Europe must learn to speak with one voice and to take united action. This would allow us to meet the concerns of the new US administration and to live up to our own self-image as a European Union with joint values which oblige us to take joint action.

Ville Itälä (PPE-DE). – (FI) Mr President, we share a common desire to close the prison camp at Guantánamo, and now we have a splendid opportunity to do so, as the new President of the United States of America has shown he has the same wish.

The main responsibility obviously lies with the United States, but I hope that the EU can put up a united front and that the Member States will demonstrate solidarity and be flexible to the extent that they will take these prisoners into their own prisons, where that is possible and where that accords with their own conditions for so doing.

We joined the fight against terrorism to defend human rights. Now we need to be involved in helping the United States to defend human rights.

Zbigniew Zaleski (PPE-DE). – (PL) Ladies and gentlemen, there are two sides to this matter. On the one hand, there is the legal position. I believe that citizens of a country should be readmitted into their country of origin. Perhaps some kind of humanitarian programme could be provided for cases where some impediment exists, such as political persecution. I should also like to state quite clearly, that even if Portugal or another country consents to take in 20 such prisoners, that does not mean that those people will wish to remain in

Portugal or in any other given country. The Union is now a unit, and this problem must therefore be considered. Finally, the appropriate procedures should be used so that such people are no longer stigmatised as suspects or as dangerous. Unless they are freed from such stigma, nobody will wish to accept them. This is a serious problem that merits consideration. I will conclude by saying that the problem mainly concerns the United States of America.

Alexandr Vondra, *President-in-Office of the Council*. – Mr President, first of all I would like to thank you for this debate. I believe it was very useful. If you had listened to the debate in the last Council meeting during lunch, you would have seen a similar will to cope with the problem, but also an appreciation of the complexity of the problem we are discussing. It has a moral and political dimension, but also a security and legal dimension.

We all agree that President Obama's decision to close Guantánamo was an important and good one, which we all appreciate and which is applauded by practically all of you here. But now that we are discussing the consequences and what we can do to express solidarity – and our interest here is to act in transatlantic harmony – we, of course, see that the problem is a complex one. Martin Schulz has said that we cannot fight terrorism and, at the same time, get into a conflict over fundamental rights. He is perfectly right, but Hartmut Nassauer has said that there are two dimensions: one is the moral one and the other concerns security. He is also right, and that is exactly why the Ministers for Justice and home affairs have to discuss this as well. From the political perspective, it is not just a flexing of moral muscles, nor should we approach this problem just out of guilt. It is certainly more complex than that.

Graham Watson spoke of the need to approach this with one voice. Again, he is certainly right but, at the same time – because this also concerns the legal problem and the competence issue – we cannot force Member States to invite the detainees from Guantánamo on demand. If you had to solve this problem by deciding to invite those detainees to your homes – imagine taking on the responsibility of the Ministers for the Interior – you would certainly think twice about how this problem is to be handled. I certainly do not think it should be approached by the Council and the Member States as an issue of horse-trading – not at all. It is not about washing ourselves but not getting wet. At the core of the problem is simply the fact that the decision to close Guantánamo is, of course, the primary responsibility of the United States, the country which built the facility. But we have – and have to have – the goodwill to express solidarity and to be cooperative in solving the problem.

There is also the tactical debate. Should we offer this on a gold plate now, or should we wait until a request has been made? But if we do receive a request, we need to be prepared to react. Therefore, the Council started to discuss this seriously on the second day after President Obama's decision. I do not think we can underestimate the security issue – as you have pointed out – as it is a simple fact that some of the inmates who were released re-engaged in terrorist activity, and it is a simple matter of fact that one man, Mr Said al-Shihri, is now the deputy head of al-Qa'ida in Yemen. So the US has to start the serious work of clearing up who those people are, and we have to break with them.

Legally, I think we have to be aware that the decision on the admission of foreign nationals to EU Member States is the national competence of the Member States. This is one level. However, on a second level, there is the agreement that we should now work towards a European framework in which to embed the national decision. Both the Schengen and the Dublin Agreements call for a European approach because the security of all Schengen members will be affected in some way by the decision of the individual Member States. So there is an internal imperative for a coordinated approach.

Furthermore, the EU is looking into the possibility of assisting the US with the resettlement and rehabilitation of former detainees in third countries.

Some of you have raised the question of speed: can we act faster than we are doing now? I think we should be aware that the discussion has only just begun. It has only been one week. The questions that have to be addressed are really complex and will need some time, although President Obama himself has requested a review of the prisoners' files and has set a one-year deadline for the closure of Guantánamo. One should not expect the Council to be ready to fix all these complex problems in a matter of a few days.

Furthermore, it has to be kept in mind that the primary responsibility for Guantánamo rests with the US. Although the Member States express their readiness to work on a coordinated approach, the issue has a bilateral dimension as well as the multilateral one. A clear position of the respective Member States on the resettlement of detainees is not yet known. The meeting of the Justice and Home Affairs Ministers, which is

to take place later this month, will be very useful here. In the meantime, the anti-terrorist coordinator, Gilles de Kerchove, is also working on various option papers here.

So that is my summary on Guantánamo, which occupied most of the time. On the other issue of illegal detention, Mr Fava's favourite issue, I will just repeat what has been said several times by my predecessors: the allegation concerned the involvement of national intelligence agencies; the supervision of those agencies is the responsibility of individual Member States, and the Council has no power here to act beyond what was done.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, the Commission broadly shares the views expressed by Mr Vondra.

Even so, I would like to say that, after this long debate, we are at a major turning point. It is a key turning point in the fight against terrorism. We have to try, henceforth, to take on this fight with a restored moral authority for the entire Western community, fight whilst respecting fundamental values and fundamental rights.

Europe must then lead the entire international community towards a desire to fight terrorism in the spirit of those self-same fundamental values which gave rise to the fight in the first place. It is a key turning point and Parliament's declaration is, in this regard, extremely useful, as it assumes that all of the Member States have the will to participate in this major change.

It is true, however, that initial responsibility lies with the United States. They have to verify the status of each detainee before they make an official request for transfer to an EU Member State. This really is the essential condition. The United States must send us a clear and reasoned request for each individual case. That is absolutely essential.

In the end, it is, of course, up to each Member State to decide if they are willing to receive an ex-detainee from Guantánamo, but the debate has shown that cooperation at a European level is evidently very, very desirable.

Coordination will be beneficial in determining the legal status of ex-detainees and will also be necessary to protect Member States in the case of diplomatic or other requests from the countries of origin of these detainees. This coordination will be needed to reassure the Member States, in particular, and I am thinking about what Mr Nassauer said, those with worries about public order and security.

A coordinated European approach could finally give us greater leverage in negotiations with the United States over access to documents and transfer processes. We could then possibly add financial assistance to facilitate reception in some Member States.

I would say in Mr Vondra's presence that we will naturally work closely with the Czech Presidency. With Mr de Kerchove, we are also in the process of writing the study document which will serve as a basis for the discussion to take place at the Justice and Home Affairs Council of 26 February.

I will also say here that we will no doubt use our visit to Washington with Mr Langer, the Chairman of the Council of Ministers of the Interior, to raise all of the issues relating to and consequent upon the closure of Guantánamo with our US colleagues.

We now have to deal very seriously with this issue and make legal preparations to respond on a case-by-case basis to the US request. We have to take this very, very seriously, taking into account, of course this desire for positive cooperation in this new fight against terrorism, which will include compliance with the fundamental values which unite us and which have to unite the world community.

Thank you everyone.

President. – Pursuant to Rule 103(3) of the Rules of Procedure, I have received three motions for resolutions⁽¹⁾ on Guantánamo. The motion for a resolution on the alleged use of European countries by the CIA for transport and illegal detention of prisoners will be notified later.

The debate is closed.

⁽¹⁾ See Minutes.

The vote on Guantánamo will take place on Wednesday, 4 February 2009, while the vote on the alleged use of European countries by the CIA for transport and illegal detention of prisoners will take place during the next session.

Călin Cătălin Chiriță (PPE-DE), in writing. – (RO) The decision made by US President, Barack Obama, to close the Guantánamo detention centre is of symbolic significance to the whole democratic world. This gesture highlights that the war against terrorism which is being waged to defend the democratic values of the West must not ignore precisely these values.

Terrorism must be combated vigorously, but human rights must still be respected. Even those suspected of committing serious offences have the right to be judged according to the correct procedure, by an unbiased court, on a clear legal basis, and to receive a punishment commensurate with their crimes.

The speculation mentioning Romania in connection with the CIA's secret prisons is totally unfounded. No one has been able to prove their existence in Romania. Romania is a faithful ally of the US within NATO and is involved in the battle against terrorism, primarily in Afghanistan. Both the Romanian authorities and public opinion strongly uphold respect for human rights. Having suffered the abuses of Soviet occupation and Communist dictatorship, Romania's citizens disapprove of any violations of human rights.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) The recent decisions of the Government of the United States have simply confirmed – as if it were necessary – that which has long been denounced: the existence of a US-sponsored kidnapping, torture and illegal detention network.

These decisions must not serve as a whitewash for the responsibility of the United States and of the governments of European Union countries for systematic violations of international law and of the most basic human rights.

As before, we must demand a complete end to such ignoble practices and an investigation into the truth, including EU governments' culpability regarding the use of their airspace and territory to imprison and transfer illegally detained prisoners to, for example, the US military base at Guantánamo Bay. This is all the more necessary in light of reports that the clandestine US operations called 'extraordinary renditions' – in other words, the illegal detention and transportation of citizens – have not been called into question by the new US Administration.

Accordingly, we are opposed to any agreement between states or between the United States and the EU regarding the 'transfer of prisoners' detained in Guantánamo. This does not mean that decisions and requests freely expressed by individuals, specifically for asylum in Portugal, cannot be considered within a framework of respect for national sovereignty, the Portuguese Constitution and international law, including the right to asylum.

Esko Seppänen (GUE/NGL), in writing. – (FI) The European Union proved an incomprehensively lackadaisical community when it did not take any firm diplomatic action in the context of international organisations to condemn, on the basis of human rights, the illegal activity the United States of America was engaged in.

The action taken by the new President shows that that activity is regarded as illegal and intolerable on ethical and moral grounds. This is all about the EU's commitment to America's illicit behaviour while it tailed behind the old US President, and in the eyes of free EU citizens, that means that the EU lost face and respect. May the EU be ashamed of its failure to act.

12. Worrying situation in the retention centres for immigrants, especially in the islands of Mayotte and Lampedusa (debate)

President. – The next item is the Council and Commission statements on the worrying situation in the retention centres for immigrants, especially in the islands of Mayotte and Lampedusa.

Alexandr Vondra, President-in-Office of the Council. – Mr President, I am grateful for the opportunity to address you on the issue of the situation in the immigration and detention centres situated in the European Union, of which you have highlighted two in particular, i.e. Mayotte and Lampedusa. I am very aware of the close interest you have shown in these centres, of the various visits which some of you have made, and of the concerns you have expressed about the conditions in some of them.

I should like to begin by underlining two fundamental principles which lie at the heart of today's debate. The first is the need, in the case of third-country nationals requiring international protection, for full compliance with the commitments which we have given, as enshrined in various international instruments. The second is that we respect fully the human rights and the dignity of migrants and members of their families.

We are all very aware of the pressure resulting from migrants entering the European Union, as well as those seeking asylum here. This pressure is particularly great along the Union's southern and eastern borders.

We have responded by developing, over the last 10 years, an effective EU asylum and migration policy. However, the significant increase in the level of arrivals underlines the need for this policy to be strengthened and further developed.

We need to do this internally in order to establish our own common standards and rules in the area of asylum and migration, but we also need to act externally, in partnership with countries of origin and transit, in order to manage migration flows more efficiently.

All parties stand to gain by such an approach. The development and shaping of an EU asylum and migration policy depends on your input too. I am grateful to Parliament for its positive contribution and I am sure that we can work constructively on further developing this important policy area.

You have specifically raised the situation on the islands of Mayotte and Lampedusa. We should take care to distinguish between the two types of migratory flows in these two cases. The migratory flows affecting Lampedusa and Mayotte can be characterised as mixed ones: some of the third-country nationals concerned have claimed international protection, others certainly fall into the category of economic immigrants.

Regarding the first category – those who claim international protection – I would draw your attention to the existence of minimum standards for the protection of asylum seekers, set out in Directive 2003/9/EC, which was adopted in 2003. This Directive has already been transposed into the national law of the Member States and it is for the Commission to ensure that the provisions set out in this Directive are properly and fully applied.

In December 2008, the Commission presented to the European Parliament and to the Council a proposal to amend and update this directive. Since the codecision procedure applies here, the European Parliament will be fully involved in the negotiations on this new proposal. The Council will shortly begin consideration of this new proposal and looks forward to working closely with you.

Honourable Members will be aware that, in the specific case of the French overseas territory of Mayotte, Community law does not apply.

With regard to the second category – other third-country nationals who have unlawfully entered the territory of a Member State – the competent authorities of the Member States are entitled to detain those falling into this category prior to the adoption of a return decision, and/or with a view to facilitating its enforcement. Detention may prove to be the only option in cases where it is necessary to seek identification of third-country nationals without travel documents.

Until now, the legislation and practice regarding detention in the Member States has varied considerably. The recently adopted European Parliament and Council Directive on common standards and procedures for returning illegally staying third-country nationals has introduced specific principles and rules on detention, and so goes some way to establishing a common legal framework in this area.

This directive clearly states that detention for the purposes of removal may be used only where less coercive measures cannot be applied in a particular case and only on specific, very limited grounds. Furthermore, the directive provides that detention shall be for as short a period as possible, shall require a decision in writing with reasons in fact and law, and shall be subject to judicial review at regular intervals. It should also be stressed that the directive provides for clear upper limits of detention and the grounds on which – in limited specific cases – a detention period may be prolonged, but not longer than a maximum term.

On the conditions of detention, the directive makes clear that detention shall take place as a rule in specialised detention facilities – or, in any case, away from ordinary prisoners – and that the rights of the detainees – especially those of vulnerable status including minors and families – shall be observed.

As far as the return of illegal immigrants is concerned, the recently adopted European Parliament and Council Directive on common standards and procedures for returning illegally staying third-country nationals is

already in force. Its provisions now have to be transposed by Member States into their national law within a deadline of two years.

This overall legal framework underlines our strong commitment to ensuring that third-country nationals who are held in detention for the purpose of removal are treated in a humane and dignified manner, and that their fundamental rights are fully respected. It also, through the most recent legislation, sets commonly agreed standards on return policy.

This framework is not only in line with the principles I set out at the beginning of my statement, but actually gives them legal force. Our asylum and migration policy is thus rooted in the rule of law. It ensures respect for human rights and for the dignity of the individual.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, as Mr Vondra has just pointed out, we now indeed have a legal framework which is beginning to assert itself. It has made its presence felt first by the Return Directive, which is the first horizontal document to harmonise return standards in the Member States. It brings into Community law the applicable provisions of the European Convention on Human Rights and its implementation will allow the application of Community control mechanisms for checking compliance with the *acquis*.

I am well aware, however, that some of you find this directive insufficient. For me, though, it constitutes a Community control resource that can be used for checking compliance with the *acquis*. Of course, by monitoring its implementation, and let me remind you that the time limit for transposition is 24 December 2010, the Commission will ensure the strict observance of the fundamental principles as regards respect for the rights of migrants and it will assess, in particular, the impact of the provisions on detention.

I have myself said that I will monitor the transposition closely to ensure that no Member States use it as a pretext to extend the detention periods to which they currently adhere. Others, who had unlimited detention, will be expected to comply with the time limits set out in the directive.

The second text on which we will base our actions is that adopted by the Commissioners on 3 December 2008 on accommodation conditions for asylum seekers. I hope, Mr Deprez, that the Committee on Civil Liberties, Justice and Home Affairs might examine this text in the near future so that we can make progress with this new policy on asylum.

I would point out that this text includes clear rules on detention, in full compliance with the fundamental rights, and limits detention to exceptional cases. We are, of course, talking here about asylum seekers. Secondly, it takes greater account of the needs of vulnerable asylum seekers and will make it easier for them to gain access to the jobs market. We therefore now have a legal framework and it must, of course, be put to use.

I now turn to the questions that Parliament wanted to raise in this debate. The Commission is aware of the difficult situation facing the Italian authorities with the mass arrivals of illegal immigrants and asylum seekers on that country's southern shores, in particular, on Lampedusa. Up to now, Italy has been able to give access to its territory, saving the lives of many migrants, whilst introducing a procedure which can be used to examine requests for asylum in appropriate conditions. The Commission also notes that Italy has recognised a need for international protection in half of all individual cases, thus showing that in these flows, there are asylum seekers alongside the illegal immigrants.

For several years, the Commission has been finding the financial resources to support some Member States, including Italy. This is the case with the Presidium project and the European Refugee Fund emergency measures. In addition, a few weeks ago, the Commission approved emergency aid of EUR 7 million.

If Italy thinks it necessary, the Commission is ready to examine a new request for emergency aid from the 2009 budget to improve the reception structures on Lampedusa, in Sicily and on the mainland, thus increasing the Italian authorities' ability to examine the individual situations of migrants in appropriate conditions. I will soon be going to Lampedusa, as well as to Malta, to examine the situation on the ground.

I am also well aware that one of the keys to the solution is the establishment of a solid framework for cooperation with Libya, the main country of transit on the migration routes from East Africa. I am relying on the efforts of Mrs Ferrero-Waldner to achieve a quick result in the current negotiations. That is indeed one of the keys and unless this negotiation is completed, it will be very difficult to confront all of the problems we face.

I now turn to Mayotte. Whilst the Return Directive includes specific rules on detention conditions, with the emphasis especially on minors and families, these Community rules do not presently apply on the territory of Mayotte. The European Union recognises the territory of Mayotte as French, but it has the status of an overseas country or territory, not an outermost region. Therefore, private law does not apply, although it is true that France has to take into account the remarks and requests of the Council of Europe and I believe that the French authorities are currently looking at other reception conditions in Mayotte. That said, it is true that European law is not properly applicable, as Union law is not directly applicable in a territory that is not an outermost region.

Those are the remarks I wished to make to you. Once again, let me say to Parliament that the conditions for receiving illegal immigrants, particularly asylum seekers, are receiving my full attention and they really are a priority for me. That is why I will be making these visits to see how things are working on the ground.

I would like, in any case, to thank Parliament for having opened this debate.

Margie Sudre, *on behalf of the PPE-DE Group*. – (FR) Mr President, Commissioner, Mr Vondra, ladies and gentlemen, our Parliament takes pride in its unceasing defence of the respect for human dignity in all circumstances, including, of course, the conditions in which illegal immigrants are held.

I will concentrate on the case of the administrative detention centre in Mayotte, with whose problems I am very familiar. The differences in the standards of living and economic and social development between the islands of this Indian Ocean archipelago incite many Comorans to cross the 70 kilometres that separate them from Mayotte, which is a French department as you said Mr Barrot and, as an OCT, is not a European territory.

People residing illegally on the island of Mayotte account for 30% of the population. Yes, you heard correctly, I said 30% of the population. This is a percentage which is unknown in our European countries, thank God. It obviously has a major impact on Mahorais society, and represents a source of serious difficulties for public infrastructures and services, crime and illegal working.

The French authorities are well aware of these difficulties. Work to renovate the current detention centre has just been completed to improve the living conditions of detainees significantly. Besides these temporary measures, the French Government has also decided to build a new detention centre with a more suitable capacity and in accordance with national standards. This should be open in June 2011.

Europe has just adopted common rules so that it can take its share of legal world immigration but we should not hide the fact that certain regions are faced with extreme situations. Stigmatising the Mayotte detention centre will not bring a quicker or more effective solution, as the pressure of migration is subjecting the island to such a tension.

As Mayotte is on the verge of taking historic decisions for its future, in order to become a French overseas department and then join the territory of the Community by gaining the status of an outermost region of the Union, I believe that the Mahorais have greater need of our assistance than our criticisms.

Claudio Fava, *on behalf of the PSE Group*. – (IT) Mr President, ladies and gentlemen, 'To thwart illegal immigration, one has to be unkind. Immigrants come because it is easy to get here and no one sends them away, but precisely for this reason we have decided on a change of tune': these are the words of the Italian Minister for the Interior, Mr Maroni. It seems a parody of a policy and yet it is the policy of the Italian Government. It seems clear to me that inherent in this policy is a profound contempt for what we are discussing here and for the rules that the European Union gives us.

Today, we have spoken about the closure of Guantánamo. I think that we need to speak urgently about the closure of Lampedusa: about the Centre for Temporary Stay and Assistance in Lampedusa, as it has been pictured in recent months, namely as an openair prison. The Presidency has rightly recalled the legal framework, referred to also by Mr Barrot – the use of coercion only in exceptional cases, detention only on absolutely clear grounds and for as short a period as possible – a legal framework that is substantively and formally violated every day in Lampedusa.

Most of those who are in Lampedusa are asylum seekers. The Council recalled the minimum standards envisaged by a Directive on asylum seekers adopted in 2003; these rules are being substantively and formally violated. We often have 180 days of detention, including for those who are fleeing from political persecution or war. All this, of course, constitutes acts of legal barbarism which, however, are measured by the numbers

offered to us by newspapers. 1 200 people died in 2008 when trying to cross the Mediterranean. Of those who managed to survive, many went through the torments of Lampedusa.

Therefore, Mr Vice-President, I invite you to visit Lampedusa, as you yourself have promised, to go there soon, and (if I may make a suggestion) to announce at the last moment that you are going to Lampedusa. Otherwise they will smarten up the Centre like a ballroom for you and make you imagine that this is the detention centre that we are talking about this evening.

Jeanine Hennis-Plasschaert, *on behalf of the ALDE Group*. – (NL) The reports about the tragedies unfolding at our external borders are as plain as day. The urgency is great, and has been for a while. This is also what the Council has noted time and again – but only on paper. With all due respect, President-in-Office of the Council, and we are, of course, grateful for your contribution, but we have been here before. It is all empty words and no action. It could almost be considered ironic that we are also voting on the Roure report this week. This report contains our findings further to our visits to all the hot spots, including Lampedusa. The European Union is falling short, and not just by a little.

What we would like to know, President-in-Office of the Council, is whether you have taken the trouble to read our interim reports at all? Tampere, the Hague programme, the French Pact on immigration and asylum and soon the Stockholm programme: all these fine words are in stark contrast with reality. It is, after all, this reality that demonstrates to us that the European Union is still a long way off when it comes to facing up to its responsibility. The lack of solidarity is shocking. Nobody, not one single person in this Parliament, is suggesting that this is a simple task. Of course it is difficult to face up to large waves of immigrants and asylum seekers adequately, but this is nothing new.

The review of existing instruments has now got underway, but I already have doubts as to whether this will yield the desired results. Experience has taught us that the Council tends to cry off at crucial moments. The fact is that while, in theory, the Member States are aiming for far-reaching harmonisation, in practice they take decisions that have exactly the opposite effect. The largest common denominator suddenly appears to be minimal then, or this is what my experience has been over the past five years. And this is quite apart from enforcement.

As I already stated earlier today in a different debate, it should be clear that neither the European Commission nor the European Parliament have magic wands at their disposal because, at the end of the day, it is the Council and the Member States that will have to take action in this area.

Cristiana Muscardini, *on behalf of the UEN Group*. – (IT) Mr President, ladies and gentlemen, I regret that for electoral reasons, Mr Fava has been compelled to say a series of things that are not true. After the electoral campaign, I shall bring them to his attention. However, he takes such an interest in the problem of Lampedusa that he has already left the House – a House that ought to express its gratitude for the generous welcome accorded in recent years by the citizens of Lampedusa.

Instead, we must emphasise the European Union's delay in solving the many problems linked to illegal immigration and in allocating support and aid to at-risk countries with external borders. Some countries have not shown the welcome given by Italy to thousands of desperate people who risked being drowned in the sea, thanks to people traffickers and the inertia of many non-European governments who have not respected and signed the agreements for the control of illegal immigration. We call for specific financial assistance to go directly to the people who live in frontier zones and who are more exposed geographically to the arrival of illegal immigrants. Assistance could also be given by creating free zones which would lead to the investment of resources and fiscal relief, not to be taken into account in the agreements on the Stability Pact.

Monica Frassoni, *on behalf of the Verts/ALE Group*. – (IT) Mr President, ladies and gentlemen, Commissioner, it is clear from your speeches that international and Community law is being violated daily in Lampedusa. However, all your statements remain formal and reflect wishful thinking that will not be followed by action. I fear that this especially applies to your statement, Mr Vondra.

I am wondering whether the European Union has any means for bringing this situation to an end: there is unlawful detention, the aberrant retention conditions are obvious, and there is a risk that the right to asylum will be virtually eliminated. The European Union is the only organisation, and Mr Barrot knows this very well, that can get Italy and other countries out of this situation.

This is why, Commissioner, I am very worried by the announcement of new money for Italy without conditions. How will it be spent? Is the Commissioner aware that the much criticised monitoring – in other words, cataloguing – of the Roma last year had financial support from Europe? It is something that is included in your press releases. Therefore, what sort of trust can we have in action of this kind?

Giusto Catania, *on behalf of the GUE/NGL Group.* – (IT) Mr President, ladies and gentlemen, yesterday Mr Maroni announced that one had to be unkind to illegal immigrants, but for days and months, Mr Maroni has been practising unkindness towards migrants whose position is irregular.

I say this because the Lampedusa emergency, the so-called Lampedusa emergency which has now lasted for 10 years – therefore it seems to me to be a bit of a pleonasm to go on calling it an emergency – was desired and created by the Italian Government. In fact, by choosing Mr Maroni, the government made a decision not to allow any more migrants to leave Lampedusa. The Centre for Temporary Stay has had at least 1 800 people shut up in there without the government arranging for any of them to be transferred. They are held in such inhumane and degrading conditions that the centre exploded into a true democratic emergency.

Now I believe that this is the true Lampedusa emergency, that is to say, the need to establish a sort of juridical free zone, a place where migrants would enter and be deported without each case being examined individually. The Office of the UN High Commissioner for Refugees states that at least 75% of those who arrive by sea in Italy and gain the right to asylum request it. Thus, if Mr Maroni's practices were put into effect, the migrants would probably not have the right to asylum since they would immediately be deported directly from Lampedusa in accordance with the wishes of the Italian Government.

Hence, there is a genuine emergency and the cause of it is Italian government policy. The citizens of Lampedusa have become aware of this, Mrs Muscardini. Indeed, they have carried out a general strike against the government, against its immigration policy, in order that the centre for immediate expulsion from that place – the centre for identification and expulsion – should not be opened. They have also asked the Italian Government to modify its position on the Centre for Temporary Stay.

It is good of Commissioner Barrot to go to Lampedusa in the next few days and I appreciate this. I have prepared a dossier and sent it to Mr Barrot. In the next few days, my group, too, will organise a delegation that will visit Lampedusa.

Johannes Blokland, *on behalf of the IND/DEM Group.* – (NL) It is now a good two or three years ago, in 2005 and 2006, that a delegation from the Committee on Civil Liberties, Justice and Home Affairs visited various refugee centres. After Lampedusa, visits were also made to places including the Canary Islands, the Netherlands and Poland. The reports on those visits resulted in heated debates, and this Parliament urged the Council and Commission to take action.

This morning, we discussed the proposal to tackle illegal employment in the absence of the Council. The period within which the Member States have to transpose these directives into legislation is two years. The issue of immigration is urgent, though, and a two-year period is too long. We have been debating Lampedusa for three years now, and each time, we discuss measures to drive back illegal immigration. After each measure, though, it turns out that, after a brief reduction, there is an increase in immigrants. It is shocking that the reception situation at Lampedusa should need to be discussed in this manner again. Parliament reports regarding the reception situation appear to be completely ineffective. I would therefore call on the Council Presidency to make this a priority.

I understand that, in 2007, more than 12 000 immigrants arrived at Lampedusa, and this figure rose to more than 30 000 in 2008. The detention centre was not built to cope with this capacity. We have known this for three years. The old NATO base is being rebuilt to house more immigrants, but this is not an adequate solution. I should like to hear from the Council what you will do to back the Italian initiatives for better reception facilities. Is this, perhaps, something Frontex could do, and are other Member States prepared to support Italy financially and equipment-wise?

Last night, on the 8 o'clock news, the whole of the Netherlands witnessed what the situation at Lampedusa is like, but the door has now been closed again to journalists and NGOs alike. I would call on Italy to be open and transparent about the treatment of immigrants on Lampedusa.

Koenraad Dillen (NI). – (NL) Everyone has been aware of the problems surrounding Lampedusa for years. Capsized ships with unfortunate asylum seekers before the European coasts were, in recent years, a regular

occurrence. Tens of thousands of people try to reach Europe, enticed by unscrupulous human traffickers who are prepared to bring economic fortune hunters to Europe for huge sums of money.

I do not intend to mince my words, though, when I say that Lampedusa's plight is, first and foremost, the result of the failure of European immigration policy and should not be attributed to the Italian local authorities or the people of Lampedusa. Europe should dare to send clear messages, for desperate times call for desperate measures. We should come down hard on human traffickers, and their punishments cannot be severe enough. This should go hand in hand with a strict asylum policy, one that demonstrates to the rest of the world that Europe is serious about protecting its borders.

Europe should follow the example of the Swiss, who decided two years ago to tighten up legal conditions for immigration and asylum. It is the only way of sending human traffickers and economic fortune hunters a clear message that Europe is prepared to protect its borders to avoid social catastrophes. Only then will a debate such as the one we are holding today prove unnecessary in future.

Stefano Zappalà (PPE-DE). – (IT) Mr President, ladies and gentlemen, nothing in this House surprises me any more. However, someone who declared in July last year, concerning the same topic, that he was ashamed to be an Italian citizen would have no choice but to make the assertions that Mr Fava has now made. I am sorry that he is not here in the House. It would be interesting to know how many votes he gains in his city and how many constituents he represents.

Nevertheless, Mr President, some ignorant and stupid things have been said by some people on this occasion. I hope and believe that Commissioner Barrot will indeed pay an early visit to Malta, Lampedusa and so on and realise how wrong it is that the European Community lacks a policy on this matter, because the truth, Mr Barrot, Mr Vondra, is precisely this: there is no Community policy. What is the consequence of this? That some stupid ignorant people can be allowed to attack what are, in fact, the tragic realities experienced by citizens, individuals and, above all, national governments.

I believe that it is important to give you a few figures. In 2007, around 11 000 migrants arrived in Lampedusa. In 2008, three times as many arrived, about 31 000. It is not true that the number of asylum seekers corresponded to the total number; they made up about one tenth of the total. Two thousand migrants arrived in just the three days from 26 to 28 December, that is to say on St Stephen's Day and just after Christmas. 76 requests were examined in 3 days. Of these 76 requests for asylum, 36 had a positive outcome, 3 were suspended and the rest ... I have nearly finished, Mr President. After the assertions that have been made, be patient. Then Mrs Frassoni will reply when you wish, when it seems right to you and in any circumstances; there is no problem.

Now what counts are the true facts: Lampedusa and Malta and others are carrying a terrible burden. The citizens are not annoyed with the Italian Government. They are annoyed because they themselves can no longer endure this situation. Therefore, this Parliament, rather than accusing the lawful authorities who are doing as much as they can, should instead try to get the European Union to carry out its obligations.

Martine Roure (PSE). – (FR) Mr President, since 2005, we have been greatly moved by the catastrophic situation of the migrants held on the island of Lampedusa, whose numbers are well in excess of its real accommodation capacity.

The situation is difficult for this small island which, in 2008 alone, had to cope with the arrival of almost 31 700 immigrants. These massive flows have been brought under control in recent years as these migrants have been sent to other centres on the Italian mainland.

These transfers were interrupted following a decision taken by the Minister for the Interior and we are seeing a serious deterioration in the situation. However, the Presidium project, which is jointly managed by the Ministry of the Interior, the High Commissioner for Refugees and the Italian Red Cross and part-funded by the Union, has become an example of good management of migrant reception. The decision to end the transfers to Italy is creating a real problem of access to asylum procedures.

As for Mayotte, since 2007, we have known that the nominal capacity of the Pamandzi centre has been exceeded. It became known that 204 people, generally minors, were being housed there, while the maximum capacity is for 60 people.

The current conditions are catastrophic: the men are sleeping on the floor; there is no distribution of any bedding or toiletries and men, women and children have to use the same lavatories. The detention conditions are degrading and an affront to human dignity.

The pressure of migration is indeed felt more strongly in these territories, but the dignity of each person must be ensured and each case should be investigated in accordance with the law. It has already been stated that we have an unavoidable need for a real European policy on asylum and immigration and for solidarity at the Union level.

We have been making this request to the European Parliament for several years and we are therefore making a fresh appeal to the Council.

Roberta Angelilli (UEN). – (IT) Mr President, ladies and gentlemen, Commissioner, you are a thoroughly sensible person and I therefore invite you, and in so doing, associate myself with other Members, to go to Lampedusa and, I beg you, to go without prior warning, so that you find out in person how difficult it is to manage an emergency situation of this kind.

This is the situation of an island of only a few square kilometres where thousands and thousands of people have been continuously disembarking for many years – and during this period, left- and right-wing governments have come and gone. Some of these people die during the journey because of the inhumane conditions to which they are subjected by unscrupulous people traffickers. What therefore should be done: ignore the rules? In order to proceed to possible repatriation or to check whether they have political refugee status or need to be granted political asylum, these people have to be identified and this obviously takes time. Enough then of demagoguery! Italy is paying a price in terms of very heavy responsibility which is disproportionate to the support, both financial and legislative, that is given by the European Union.

Nils Lundgren (IND/DEM). – (SV) Unfortunately, no country can have unrestricted immigration in this world. The differences between the different countries are too large, and that is why we have the problems that we are talking about now. Those who come normally present themselves as asylum seekers. When that happens, we must preserve the rule of law. We must treat these people as free citizens and with respect. We must protect their human rights pending examination of the question of whether they are asylum seekers or not. What we are talking about now seems very strange to me.

Why should those who arrive on the island of Lampedusa be forced to remain there forever? As the previous speaker said, if people pour into a small town in southern Sweden, for example, we do not expect them to remain there. They will, naturally, be relocated around the country pending legal examination of their case. The same must be done in Italy.

Maddalena Calia (PPE-DE). – (IT) Mr President, ladies and gentlemen, the struggle against illegal immigration, given its extent and consequences, is a problem that must be resolved at Community level, since only the European Union has the necessary political clout to identify effective solutions and control the phenomenon. No individual State, operating on its own, can achieve the required results.

While waiting for Europe to implement its strategies, the Italian Government is pressing ahead with work on both the European Pact on Immigration and Asylum, adopted by the European Council in October 2008, and the Return Directive of December 2008. This is important work at both domestic and international level.

At domestic level, there has been much criticism, unfair in my opinion, of Interior Minister Maroni's proposal for a Centre for Identification and Expulsion on the island to implement, for specific cases, a policy of direct repatriation. This option does not compromise the fundamental rights of illegal immigrants, refugees and asylum seekers, as has been claimed by several parties. To prove this, I will cite just a few figures on Lampedusa that have already been given: 76 requests were examined in January 2009; of these, 36 were granted, three were deferred and 37 were refused. All asylum seekers, by contrast, were transferred from the island to the centres in Trapani, Bari and Crotone. That is to say, those who qualify are accepted.

At international level, the Italian Parliament is today ratifying the agreement with Libya, Article 19 of which expressly states that a more effective control system on Libya's land frontiers should be established to prevent illegal immigration. Furthermore, Ministers Maroni and Frattini met the Tunisian authorities last week to try to conclude an agreement on readmission with that country, an essential condition for sustainable repatriation. The concept that must be accepted here in Parliament, as Vice-President Barrot has also said, is that we must be absolutely firm towards illegal immigration but, at the same time, be welcoming and supportive towards those who become integrated and contribute to the social and economic development of our countries.

Wolfgang Kreissl-Dörfler, (PSE). – (DE) Mr President, Mr Barrot, I welcome the fact that you want to visit Lampedusa, but I recommend that you go there soon and without giving advance notice, otherwise you will find that you are presented with a mere sham. When we visited, the camp had been cleared and the detainees replaced by puppets. You should also go quickly before Mr Berlusconi and Mr Maroni turn Lampedusa into Europe's new Alcatraz and continue to keep the citizens there in captivity.

Of course, we in the European Union must show solidarity. We must establish quotas for refugees which are distributed across the different Member States and which also include the refugees who come across the 'green border'. These represent quite a significant number.

What is happening here – and we have visited many camps – is appalling and completely inhumane. Mr Berlusconi says that they can all go and have a beer whenever they want to. This shows the level of intelligence which this man has, in other words, none at all. I want to make this very clear.

It is people like Mr Maroni who say that we must be tough and apply the full force of the law and then go and kneel on the Vatican steps on Sunday and claim that they are good Catholics. This two-faced approach is no longer acceptable. We must support the other Member States, such as Malta, Greece and Italy, but not these hypocrites. We should not help them.

Mario Borghezio (UEN). – (IT) Mr President, ladies and gentlemen, Europe has to decide: does it want regulated immigration or the invasion and criminal exploitation of illegal immigrants? The Italian Government has made the right choice: to detain the illegal immigrants in Lampedusa and, at the same time, renegotiate repatriation agreements with the countries from which they come.

However, this requires adequate means and Europe must not merely discuss, merely criticise, merely look at the problem through binoculars. Europe must certainly come to Lampedusa and help our country and those others who maintain the Maroni line on this problem. Today, 120 illegal immigrants are going back to Tunisia from Lampedusa, something not done by previous governments because the immigrants had to be taken back – thus drawing the teeth of the exploitative Mafia criminals who cause these journeys to be made and then exploit them for criminal trafficking.

An anti-Mafia professional like Mr Fava should be able to understand it, it is not difficult, he too should understand it. The Maroni line is approved by Malta, Greece and Cyprus, and by those who live near the southern frontier of our country. All asylum seekers and all minors have already been transferred to appropriate centres. What has been said is false. If Mrs Roure wants to go to Lampedusa tomorrow morning, she will not find a single minor, and if she reads the Italian newspapers, she will discover that it was Mr Maroni who exposed trafficking in organs: children used to disappear from Lampedusa when we had a Left government in our country. Maroni exposed this. Well, the message is clear: people must enter Europe only legally, not by means of Mafia boats and criminal traffickers.

Paul Rübzig (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, we must give priority to the careful treatment of refugees. In Europe, we are all familiar with the concept of compulsory school attendance. We should start by allowing the people who are stranded here to have a proper education. Language teaching and vocational training are both urgently needed, together with the opportunity to learn about European culture so that the time spent in these detention camps is not wasted, but instead we help people to help themselves. This should be our main objective.

Perhaps we can include a preparatory measure in the budget to allow us to offer these people educational opportunities. They have come to Europe in desperation and we should be able to give them a basic framework to enable them to be successful in their home countries and to play an active role in promoting democracy and freedom.

Simon Busuttil (PPE-DE), – (MT). I was pleased to hear Commissioner Barrot say that he even plans on visiting Malta, and I assure the Commissioner that he will have no problem finding the immigrants in centres in Malta, for the simple reason that Malta cannot simply take these immigrants and move or transfer them to some other place, and this is partly why the situation in my country is so difficult. Mr President, last Sunday, a boat carrying 260 immigrants landed on our shores. To make it more comprehensible to the Commissioner, this is equivalent to 39 000 immigrants arriving in France or in Italy in one day. To place it in a clearer context for Minister Vondra, this is the equivalent of 7 000 immigrants arriving in the Czech Republic in one day. The 2 000 arriving in Lampedusa over Christmas is nothing compared to this! What is needed therefore, in a case as sensitive as this, is not criticism towards the country's authorities but solidarity in order to put a stop to this flow and lighten the burden. Thank you.

Roberto Fiore (NI). - (IT) Mr President, ladies and gentlemen, I should like to remind you what the Lampedusans want. At this moment, the Lampedusans are protesting and almost all of them marched the other day in the island's streets, because they want neither the Centre for Temporary Stay nor the Centre for Identification and Expulsion, which is the latest idea. The latter was to be created on an island which, let us remember, is eleven kilometres long and three kilometres wide: a ludicrous amount of space when faced with the thousands of immigrants who will arrive there in the next few months.

The other day, just when there was the sudden and unexpected escape of 1 000 immigrants from the Centre for Temporary Stay, I was on the island and observed the consternation and fear of the people who live there and no longer want to witness things of this kind. This is an island that has lived off fishing and tourism and sees its own economy being destroyed by a blind immigration policy.

Reinhard Rack (PPE-DE). - (DE) Mr President, I have listened very carefully to this debate and have remained here from beginning to end, unlike many group spokesmen.

I have noticed one thing and that is that more than half of the debate was devoted to internal Italian politics. This is a legitimate concern, but I suggest that the debate should primarily take place in Rome and not here in the European Parliament. We are discussing a European issue here and we should include one additional point in the discussion. Hardly any of the speeches have referred to the fact that this issue concerns not only refugees, asylum seekers and economic immigrants to Europe, but it is also, to a large degree, about finally putting an end to organised crime.

None of the people who come to Lampedusa or Malta have organised a boat for themselves. They come because they have been enticed by organised crime organisations and have paid a great deal of money.

Alexandr Vondra, President-in-Office of the Council. - Mr President, I should like to thank you for a very constructive and helpful debate. There are things the Council can do; there are other things which the Council is not obliged to do or which do not fall within its remit.

Let me start with the negatives – the limitations. As has already been stated, it does not fall within the Council's remit to monitor the implementation of Community law by the Member States; that falls to the Commission, and my colleague Commissioner Barrot talked about that, and we are certainly working closely with the Commission on many issues.

It also does not fall within the Council's remit to implement national provisions of the Member States. A lot has been said during this particular debate about the countries most involved: Italy and France. On the other hand, we certainly have the will and the instruments to act, and the Council is willing to act in the future. I think we all agree – I was listening to you carefully, because you were talking about the further need to improve EU action in the area of migration and asylum policy – that a lot was done last year and I think we are all grateful to the French Presidency for taking the initiative in promoting the European Pact on Immigration and Asylum, which specifically mentions some instruments of solidarity. Now is the time to gradually implement that step by step. Certainly Parliament, together with the Council and the Commission, will have the possibility to work together on that. I can just promise you that our Presidency, as well as the upcoming Presidency – because this issue will not be resolved within the next few weeks – will be working hard on that.

There are strategic issues. There are also issues that required more immediate reactions, such as reducing the risk of humanitarian crisis and the negative impact. I come from the Czech Republic, which is not under the media spotlight, but we have had our own experiences too: after the division of Czechoslovakia in 1992, there was a huge inflow – hundreds of thousands – of the Roma peoples from Slovakia into Czech territory. Perhaps it was not like the situation in Malta, where I understand the situation is particularly difficult, but I think everybody in the EU has some experience of that and, without a doubt, there is a need for us to work together.

Jacques Barrot, Vice-President of the Commission. - (FR) Mr President, as Mr Vondra, the deputy Prime Minister has said, the Commission must ensure that the rules are applied. However, Mr Vondra, the Member States must also cooperate and I think that with the Pact on Immigration and Asylum and the dynamism of your Presidency, together we will be able to do a good job.

I have noted Members' impatience during this debate, but it has to be said that it is still early days in the implementation of the pact and, as I just said, the legal framework is beginning to take shape and can be used

as a support. Now, obviously, we must use this to arrive at a Community policy on asylum and a Community policy on immigration.

Europe needs to show greater solidarity. I have just listened to Mr Busuttil and it is true that, faced with the influx of immigrants and asylum seekers, Member States like Malta find themselves in extremely difficult situations. Europe has to decide what solidarity is required. That is absolutely essential

I would also say that we are trying to give as much help as we can via the European Refugee Fund. I would, however, say to Mrs Frassoni that there is probably an error, as the European Return Fund cannot be used, in any case, for registration of the Roma. That is not possible. That is not the aim of this fund. In any case, when I go to Lampedusa and Malta, I will see how the financial aid that we are giving to the Member States is being used.

I would therefore say to you that we are now going to pay a great deal of attention. We finally have a solid legal framework that will allow us to act much more than previously on reception conditions. I also hope that a more united Europe will allow an improvement of the situation of these immigrants, especially these asylum seekers who are worthy of our full attention.

I would like to reply to Mrs Sudre, since she gave a very good explanation of the extremely worrying situation in Mayotte. What she said is correct: the French authorities have informed us that a new centre with 140 places will open in 2010. Above all, these same authorities are currently negotiating with the Comoran authorities to conclude an agreement on movement and migration, as a lasting reduction must be made to the migration pressures on that island.

In general terms, I must say that we need the policy of partnership with the countries of origin. Mr Vondra, that is the condition we have to meet if we are to reduce somewhat the very high migration pressure on some of the Member States, for some of whom it is causing problems. However, I think that if the European Union can be very united, we could find an answer to the need for a more concerted management of migration flows. This will obviously benefit these men and women, whom we should never forget, and who are in very painful situations.

President. – The debate is closed.

IN THE CHAIR: MRS WALLIS

Vice-President

13. Question Time (Commission)

President. – The next item is Question Time (B6-0006/09).

The following questions are addressed to the Commission.

Part one

Question No 33 by **Armando França** (H-1067/08)

Subject: Award procedures for public works, public supply, and public service contracts in the field of defence and security

European arms markets are fragmented and have consequently suffered adverse economic effects since the 1990s. Within the last 20 years, defence spending in Europe has been halved, and sales, employment, and research- and technology-related investment have declined. However, even the large Member States are finding it difficult to shoulder the financial burdens imposed by the cost of developing new weapons systems. The reorganisation of armed forces since the end of the cold war has led to a numerical reduction in stocks of conventional defence equipment, but has also created new requirements in terms of quality.

Does the Commission not believe that countries which are essentially buyers, such as Portugal, are being placed at a disadvantage because the latest proposal fails to lay down a compensation system whereby Member States would be able to secure industrial returns, of a civil or military nature, on purchases of defence equipment? Is it willing to allow a compensation system?

Charlie McCreevy, Member of the Commission. – One month ago, Parliament adopted a resolution on the proposal for a directive on the procurement of defence and security equipment. This means that the proposal has successfully completed first reading and will shortly be adopted by the Council.

The new directive is a major step forward towards the establishment of a common European defence market. It will introduce fair and transparent procurement rules applicable throughout the Union. This will enhance the openness of defence markets between Member States to the benefit of all. European industries will get a much larger home market and become more competitive; our armed forces will get better value for money, which will help to improve Europe's defence capabilities; and last but not least, taxpayers will benefit from more efficiency in public spending.

One of the controversial issues during the debate on the directive were 'offsets' – that is, economic compensation for defence purchases from foreign suppliers. Some Member States proposed to include in the directive a compensation system which will allow them to secure such industrial returns on defence investments.

Offsets aim at fostering the industry of the Member State which purchases defence equipment abroad. As such, they can lead to distortion of the internal market and imply discrimination against companies from other Member States on the basis of the nationality of the supplier. The EC Treaty prohibits discrimination on the grounds of nationality, and a directive, as secondary law, has to abide by the Treaty.

The Legal Service of the Council confirmed in its opinion of 28 October 2008 that, and I quote, 'restrictive procurement measures designed to promote domestic industry do not comply with the general principles of the EC Treaty'. Consequently, offsets on defence procurement can only be permitted if they are necessary for the protection of essential security interests or justified on the basis of an overriding requirement of general interest. Economic interests, by contrast, are not sufficient. The vast majority of Member States and Parliament agreed with this assessment.

So there was not only a legal obligation, but also a political consensus not to accept in the directive compensations directed at fostering national industries. Accordingly, neither the Commission in its proposal, nor the legislators, namely the Council and the European Parliament, included specific rules on offsets in the text of the Defence Directive.

The Defence Directive does, however, offer alternatives to offsets. Member States which are principally purchasers of defence equipment usually seek to justify their wish to have offsets either with security of supply needs or with the necessity to open up defence markets for their SMEs. The Defence Procurement Directive will satisfy these concerns. On the one hand, it allows the contracting authorities to ask tenderers for specific commitments to satisfy their security of supply requirements. On the other hand, it contains provisions on subcontracting which make it possible to require tenderers to open up their supply chains to EU-wide competition and facilitate access for SMEs, as this will contribute to reconciling the legitimate security and economic interests of Member States that are purchasers and avoid the need to have recourse to compensations or offsets.

Armando França (PSE). – (PT) I am grateful to the Commissioner for the very full answer that I have just received. However, I would like to underline my concern, which is also related both to the crisis situation in which we are living today, as we all know, and to the fact that we are in election year, which may, to a great extent, contribute to some cooling of interest and loss of enthusiasm in this area.

Nevertheless, Commissioner, I am obliged to tell you that we must not lose sight of the key issue from our point of view, and the key issue from our point of view is preventing purchaser countries, such as Portugal and others, from potentially being at a disadvantage.

Charlie McCreevy, Member of the Commission. – I certainly can recognise political consequences, and I recognised the phrase that we are in an election year. However, as the honourable Member will know, in this particular directive, which has gone through the system, these matters were considered and the consensus was for Member States and the European Parliament not to go down that particular route.

It was heavily debated in the various working groups, but the consensus, for the reasons I have outlined in my formal reply, was not to go down the route that the honourable Member suggested. For the reasons I outlined earlier, I would be very positive about what we have achieved in these compromises, and they are in the best interests of all the economies in Europe.

Mairead McGuinness (PPE-DE). – I take the opportunity to follow up on the first part of this question and to raise the issue about public contracts generally and the issue of restricted tenders, which a lot of people would suggest represent, or result in, poor value for money. Perhaps the Commission might at some time – perhaps not now – address this issue, particularly in the more straitened economic circumstances that many of our Member States face, and look again at the issue of contracts and tenders and, specifically, restricted tenders.

Charlie McCreevy, Member of the Commission. – As Mrs McGuinness would be aware, at the European Council meeting in December last, the European Heads of State agreed that a shorter period could be applied for getting tenders in 2009 and 2010. This is actually in conformity with the flexibility offered in the existing directives because, in the difficult economic circumstances in which all the economies of Europe find themselves, the Heads of State thought this was a proper way to go, and it is permissible under the existing directives.

I am aware of the issues that the Member raised regarding restricted tenders, but we review our public procurement directives periodically and I will make sure that Mrs McGuinness's comments are fed into the system.

President. – Question No 34 by **David Martin** (H-0013/09)

Subject: EU-Israel trade relations

In light of the ongoing military action in Gaza, the excessive and disproportionate use of force by Israel and in light of the thousands of civilian casualties and the killing of innocent Palestinian citizens, in what way does the Commission plan to reconsider its trading relations with Israel?

Siim Kallas, Vice-President of the Commission. – The Commission has strongly condemned the violence in Gaza. This crisis proves once more that the Israeli-Palestinian conflict does not have a military solution. Only negotiations with the full commitment of the parties can bring about a lasting solution.

The Commission welcomes the recent cessation of hostilities in Gaza. It is vital that all parties make the current ceasefire permanent through the full implementation of UN Security Council resolution 1860. A number of issues need to be addressed without delay, in particular, the reopening of all crossings into and out of Gaza, a sustained halt to rocket attacks against Israel and an effective means to prevent arms-smuggling to Gaza.

Now that the hostilities appear to have stopped, it will be important to resume talks aimed at comprehensive peace as soon as possible. The EU has called on its partners for help in driving the peace process forward. The immediate priority for the Commission is to alleviate the humanitarian suffering of the population in Gaza. Trading relations between the EU and Israel will continue. Isolation, sanctions or any other forms of boycott would be harmful to talks and negotiations aimed at achieving a sustainable solution to the conflict. Furthermore, while targeting Israeli interests, they would also prove to be detrimental to the Occupied Palestinian Territory, which is economically dependent on Israel as a main destination for its exports and employment of its labour force.

David Martin (PSE). – I would like to thank the Commissioner for his response and to welcome the fact that he repeated the Commission's condemnation of Israel's action. But, Commissioner, all our trade agreements have a human rights clause in them. I, like many of my voters, fail to understand how, when a country admits it is using disproportionate military action against a civilian population – it deliberately targets schools, it deliberately targets the buildings of peaceful and neutral international organisations – we still do not believe it has breached its human rights clauses. When will a breach of human rights occur if not in these circumstances?

Siim Kallas, Vice-President of the Commission. – I must say that our whole policy towards this particular period of conflict in Israel/Palestine is that the Commission is now focusing on humanitarian relief and helping the people in Gaza, and all other questions will be considered later. There will be no change in our trade policy, and further developments depend on the circumstances.

I know, of course, that you can be provided with detailed information about the investigations which have been launched about the possible violation of human rights and crimes committed during this conflict. The Commission is closely following these investigations and will, after these investigations are finished, make its mind up and will follow up on the developments and take the next decisions.

President. – A lot of people have asked for further supplementary questions on this question. I can take only two within our Rules and I am, therefore, bearing in mind who asked when, and political balance. I will, therefore, take supplementary questions from Mr Allister and Mr Rack.

Jim Allister (NI). – Commissioner, could I welcome the assurance that trade relations will continue, and could I encourage you not to be intimidated by the deluge of anti-Israel propaganda and ask the Commission to remember that, with Israel being one of very few democracies in that region, it is important not to ostracise it or alienate it, which would not promote peace at all. Nor would such action sit comfortably with the tolerance that the EU has shown to many very despotic regimes right across the world.

Reinhard Rack (PPE-DE). – (DE) I welcome the fact that the European Union is making a humanitarian commitment to help those who are suffering in the Gaza Strip. I also welcome the fact that we have condemned what is probably a disproportionate reaction on the part of Israel and have rightly indicated that this is not the way to secure peace because, on the contrary, it puts peace at risk. However, we should also take the time to explain on behalf of the European Union that people within the Gaza Strip have committed illegal violent acts which have a direct and fatal impact on the residents of Israel. I would be pleased if the European Union could provide a balanced response in this respect.

Siim Kallas, Vice-President of the Commission. – I can assure you that the Commission always tries to be balanced. Given that my colleagues, Commissioners Michel and Ferrero-Waldner, have also condemned the attacks on Israel, they have condemned both sides for the use of violent tools and violence. We try to be balanced and to consider all aspects of this very complex conflict.

President. – Question No 35 by **Bogusław Sonik** (H-0029/09)

Subject: Internet safety programme

Decision No 1351/2008/EC⁽²⁾ of the European Parliament and of the Council of 16 December 2008 established a multiannual Community programme on protecting children using the Internet and other communications technologies. In accordance with this decision, the Commission is required to draw up annual work programmes as part of the 'Safer Internet' programme, which is designed to promote safer use of the Internet and new communications technologies. Given the threats posed by unlimited access to all these technologies and data, special attention needs to be paid to children and young people. The programme, which is to run from 1 January 2009 until 31 December 2013, has a budget of EUR 55 million.

Will the Commission give precise details of the plan of action and the costs of implementing the 'Safer Internet' programme in the coming years? Who is eligible to apply to take part in the programme? How, and on what activities, will funds from the 'Safer Internet' programme be spent?

Siim Kallas, Vice-President of the Commission. – The Safer Internet Programme, a predecessor of the programme which is now being launched, was considered a real success. The Commission is convinced that the next one will also be a success.

The Safer Internet Programme is a unique pan-European initiative through which the EU helps combat illegal content and harmful conduct online and increase awareness of child safety online among the European public. It facilitates national actions and initiatives in a coordinated fashion.

As pointed out by the honourable Member, the new Safer Internet Programme, which will run for five years from 2009 to 2013, has a total budget of EUR 55 million and will be implemented through annual work programmes. The 2009 work programme is currently subject to Commission inter-service consultation. The Commission will then seek the Programme Management Committee's favourable opinion. Thereafter, this document will be uploaded to the comitology register in order to allow the European Parliament to exercise its 30-day right of scrutiny, which should take place between the end of March and the beginning of April. The work programme defines the content criteria and indicative budget of the call for proposals which will be launched in 2009.

The call for proposals will be open to all legal entities established in the Member States. It is also open to legal entities established in EFTA states that are contracting parties to the EEA Agreement – Norway, Iceland and Liechtenstein. It is, furthermore, open to legal entities established in other countries provided that a bilateral agreement is signed.

⁽²⁾ OJ L 348, 24.12.2008, p. 118.

The 2009 work programme is the first of five, and so will be a building block for the activities to be carried out over the whole lifetime of the programme. According to the current draft, its priorities are to empower and protect children by introducing new actions and continuing actions started under the previous Safer Internet Plus Programme, ensuring coverage of awareness activities, help lines and hotlines throughout the Member States, strengthening coordination at European level, and also ensuring value for money by obtaining maximum impact with the financial resources available, namely EUR 11 million per year.

Bogusław Sonik (PPE-DE). – (PL) Madam President, Commissioner, I warmly welcome this important initiative. I would simply like to pose one question. The programme refers to the notion of creating special contact points in each country, to deal with coordination of the programme. Does the Commissioner have any information on this and what exactly is contemplated?

Siim Kallas, Vice-President of the Commission. – Unfortunately, I do not have any detailed information about the contact points, but I know in general that this is decided in the Member States and depends very much on the structure of the government and governance structures.

I know where this contact point will be in my own country, but at this moment, I do not have such an overview of where the contact points are in other countries.

It is, of course, possible to provide you with the necessary details if you are interested.

Jörg Leichtfried (PSE). – (DE) The dangers represented by the Internet are constantly changing and we have seen the Internet move from version 1.0 to version 2.0, so to speak. In essence, this means that everything has become much more interactive. There have been cases where young people have been driven to commit suicide by web platforms and web communities of this kind.

The question now is: Do you believe that overall, these developments are a good or a bad thing? Will the situation become more or less dangerous? If it is becoming more dangerous, what plans does the Commission have with particular regard to this change in the Internet?

Paul Rübzig (PPE-DE). – (DE) It is a question of spending the EUR 55 million properly. Can you imagine giving the small and medium-sized businesses small amounts simply to make better programmes, establishing programme ratings for young people, so that they can decide whether they are interested in the programme or not and, in the same way as with films, publishing an age limit which indicates whether the content is desirable and that there is a specific age limit involved? Can you imagine allocating programme funding in the same way as with the Eurostars programme?

Siim Kallas, Vice-President of the Commission. – The dangers of the Internet and the development of the Internet constitute a huge issue. We all know how new the Internet is in our world and how it has developed exponentially over the last few years. As such, both the positive and dangerous sides are very new to society and governmental structures.

Of course, governmental structures, including European institutions, must adequately assess all the possible threats, and I am sure that they are doing so. The Safer Internet Programme is one response to threats already identified. Another threat already identified is cyber attacks and different attempts to attack and block via the Internet. Criminals are also using the Internet, and law-enforcement agencies are actively working on how to deal with these possible threats.

So I think that one of the main priorities for governments – and also European institutions – is to respond adequately; and in this sense, 'adequately' means that we should not restrict the enormous advantages which the Internet offers to all users.

However, while all the different aspects of development threats and possibilities – and adequate reactions thereto – are definitely more a question for the specialists in this area, they are also in the interest of all Internet users. I can assure you that the Commission and its relevant services are monitoring the situation intensely.

Concerning participation in this programme, the Commission's attitude is that applications can come from a large variety of possible applicants, including small and medium-sized enterprises, and that those enterprises are mostly the providers of these kinds of services. Therefore, I think it would also be good for those enterprises.

If I understood correctly about the possibility for the younger generations to participate in this programme, I cannot give you a concrete answer at this moment, but the Commission is very open to involving as many

participants as possible to work with this programme. However, I cannot give a concrete answer today on the issue of young people's participation.

Part two

President. – Question No 36 by **Ingeborg Gräßle** (H-1043/08)

Subject: Special adviser Richard Boomer and the Heysel site

Since 1 April 2006 the Belgian real estate entrepreneur, Richard Boomer, has been working as a special adviser to Commissioner Kallas on issues relating to buildings. His contract has now been extended.

What led the Commissioner to extend this contract? Which decisions by the Commissioner has Mr Boomer influenced? Which internal meetings in the Commission has Mr Boomer attended since the extension?

It now seems that another Belgian real estate promoter is seeking to bring pressure to bear to have some Commission offices located on the Heysel site in Brussels. Will the Commission give its opinion on this site? What is the timetable for decision making? When will the results of the architects' competition for the Rue de la Loi be announced?

Siim Kallas, *Vice-President of the Commission.* – This question is very well known to me and has already been dealt with many times. I must say that, first of all, Mr Richard Boomer is not a property developer, as is stated in the question. All information about him is available on the website. He has been my special adviser since 1 April 2006 and his mandate was renewed in 2008 for the period from 1 April 2008 to 31 March 2009.

His mandate as special adviser is as follows: advise the Vice-President responsible for administration, audit and fraud prevention as regards property policy; improve relations with the competent authorities in Brussels and Luxembourg; optimise effectiveness of the investments to be made by the Commission.

I must say that he has really provided us with valuable expertise, knowing what is going on in the real estate field in Brussels or Belgium mostly, though not so much in Luxembourg. His advice has been valuable and I must say that also the lines of command in the matter of property policy at the Commission are very clear. The definition of property policy falls within the competence of the Personnel and Administration DG under the authority of the Vice-President in charge of administration. This policy is implemented by the Office for Infrastructure and Logistics Brussels (for Brussels) and the Office for Infrastructure and Logistics Luxembourg (for Luxembourg). In his capacity as special adviser, Mr Boomer, like all special advisers at the Commission, advises on the policy and perspectives on a long-term basis in the matters laid down in his mandate. He has no role in the process of decision making or in the underlying management procedures such as, for example, the acquisition of buildings or the suspension of a long-term lease.

On the third question, relating to an unnamed Belgian real estate entrepreneur, the Commission has no knowledge of the pressures suggested by the honourable Member.

On the last question – the big one – I am very happy to inform the honourable Member that the European Commission announced publicly, in a communication on its property policy on 5 September, its will to maintain a strong symbolic presence at the centre of the European area, while developing in parallel up to three additional sites outside this area. This policy makes it possible to ensure the best added value for use of public money and puts downward pressure on the high level of prices within the European area. In accordance with this policy, the Commission published in June 2008 a call for information addressed to the market in order to have better knowledge of the existing possibilities for the development of a site external to the European area from 2014. This call was made with full transparency, via publication in the Official Journal. The Commission received nine offers and is currently undertaking a technical examination of them.

The Commission would reassure honourable Members that the choice of the site to be made in 2009 will be based on careful examination of the merits of each offer, pursuant to clear procedures and in the best interests of the European Commission and the taxpayers' money. Until this decision is taken, the Commission will not express a view on any of the offers which have been examined.

On the question of when the results of the architects' competition for Rue de la Loi will be announced, the Commission can only state that this question does not fall within the competence of the European Commission but has to be submitted to the Brussels Capital Region, which launched this town planning competition. According to information available to the European Commission, the final result is expected in spring 2009.

I am sorry about the long answer but the details were also substantial.

Ingeborg Gräßle (PPE-DE). – (DE) Commissioner, it is always a great pleasure to listen to what you have to say and to discuss issues with you. I have produced a diagram which shows the career of your special advisor. I would like to ask you how you ensure that no conflicts of interest come about. One of the people who plays a role in your new offers appears on this diagram. This is someone who has had a business relationship with your special advisor for a long time. So how do you ensure that no conflicts of interest occur?

Siim Kallas, Vice-President of the Commission. – As I said, he must know a lot of people. I am absolutely sure that there is no conflict of interest. He has not expressed any kind of suggestion concerning our future policy decisions.

I am absolutely sure you will hear when this decision is taken. Nine sites have been suggested, but I do not know where these sites are. I have read in newspapers about some suggestions made. You can check it afterwards and then you will have a full picture why one or another decision was taken. So far, nothing is clear, so I am very interested to see all these proposals.

My adviser has scrutinised this matter from all angles, and I am absolutely sure that he has no conflict of interest and especially, of course, that he has no role in this kind of decision making.

Markus Pieper (PPE-DE). – (DE) I would like to query something again. We understand that a search is going on for property outside the European area. However, I think that European tax money is being used and that the European Parliament should be involved in a transparent process.

My question is as follows. As you yourself have said, Commissioner, nine parties have already shown interest in this call for information and are currently being evaluated. However, specific changes of use have been introduced at one site, the Heysel site. How does the information which you have just given us fit together with what is obviously already in preparation on this site? We would like some more specific information, in particular, about when we will be informed about the overall status and about the procedure.

Siim Kallas, Vice-President of the Commission. – You will be clearly informed about the full procedure and it can be scrutinised. It will be a very clear and transparent decision. The reason behind the idea of having so-called ‘other sites’ outside the European quarter is precisely because we want more efficient use of money.

If we concentrate all our services in the European Quarter, it gives real estate developers enormous opportunities to ask very high prices, which we have already seen in many cases. So, to have other sites as well is a necessity, especially to moderate the costs. That is the main idea.

We already have some buildings and some sites outside the European quarter. We have buildings in Beaulieu, we have buildings on the Rue de Genève and some others also. We are interested in looking. We have asked for 70 000 m² to be proposed and we will then examine all the possibilities.

You mentioned Heysel. I read about it in the newspapers. I do not know anything about Heysel. Yes, since I read this, several Belgian politicians have approached me and talked both for and against the site, but it has never been considered as some kind of preferred option. Nothing has been decided. It is a process.

It is of big interest for Belgian and Brussels politicians, this location of the sites, and the Brussels Region is also interested in having our location outside the European Quarter, so we will make this decision. We have an assessment committee which is examining the proposal at the moment and then it will come before the OIB board and then later to the Commission. It will be a transparent process. I suggest, though, that we keep out of Belgian internal debates and interests.

President. – Question No 37 by **Liam Aylward (H-1052/08)**

Subject: Euro note and coin counterfeiting

Could the Commission provide information on the current situation with regard to the counterfeiting of euro bank notes and coins as well as an analysis of what the EU is doing to combat counterfeit fraud?

Siim Kallas, Vice-President of the Commission. – The European Community has developed a number of actions to protect the euro against counterfeiting, but in response to your question about the situation with regard to the fight against counterfeiting, it is as follows:

In 2008, according to figures published by the European Central Bank, a total of 666 000 counterfeit euro banknotes were removed from circulation – so, a little over 600 000 compared to 20 billion genuine euro

banknotes: this number is not too alarming. Historically, the 50-euro note has been the most counterfeited banknote, but in the second half of 2008 – for the first time – the most counterfeited banknote was the 20-euro banknote.

For euro coins, a total of 100 095 counterfeits were removed from circulation in 2008, which represents a decrease of 7% compared to 2007, and the two-euro coin has always been by far the most counterfeited euro coin.

So it is closely monitored. The roles are divided. The European Central Bank is responsible for the coordination of the fight against counterfeiting of euro banknotes. The Commission, especially its OLAF service, deals with the counterfeiting of coins.

The real law enforcement happens at Member State level, but the coordination is carried out by the European Central Bank. We have a Technical and Scientific Centre, which carries out the analysis and classification of new stamped counterfeit coins.

It is important to mention that Europol is playing a substantial role in fighting counterfeiting. So this is the situation with regard to the counterfeiting of euro banknotes and coins.

Liam Aylward (UEN). – Commissioner, while you might indicate in your reply that this is a very small problem in the overall context of things, nonetheless, I am receiving quite a number of complaints from small businesses that it is becoming increasingly difficult for them and that they are encountering more problems.

In order to address the issue of counterfeiting, I believe it is vitally important to have the maximum cooperation between the police, the European Central Bank, which you have already referred to, and the European Commission.

Could you outline to me the current situation regarding this level of cooperation, and if you are particularly satisfied that the level of cooperation is good enough and strong enough?

Siim Kallas, Vice-President of the Commission. – I am directly responsible for OLAF, and OLAF is dealing, as I mentioned, with counterfeit coins. I have no indication that there is bad cooperation between Member States and between European institutions, including Europol where I have been and where I have seen the technology of detecting counterfeit banknotes and coins.

Therefore, I think that the situation is more or less satisfactory, compared to several other areas where cooperation is not so good. But in the area of counterfeiting, the Commission has no indication that there is a problem in cooperation between Europol and national law-enforcement agencies. On the contrary, Europol has specialists from national law-enforcement agencies there, and they are working closely together to fight counterfeiting.

Manolis Mavrommatis (PPE-DE). – (EL) Madam President, Commissioner, with the euro celebrating its ten-year anniversary in this period of global economic crisis, I should like to ask the Commission if it intends to ask the Central European Bank to approve the issue of one- and two-euro bills, because these are the two main coins which we have seen counterfeited, the most recent case being the Turkish pound which, as you know, is similar in appearance to the two-euro coin and therefore keeps being forged.

Gay Mitchell (PPE-DE). – I would like to thank the Commissioner for his replies and to ask him whether, if there were three counterfeiters – ‘A’ operating in Germany, ‘B’ operating in Ireland and ‘C’ operating in Slovakia – each of them would get the same sentence if they were caught counterfeiting.

Let me put it another way – is there an incentive, if you are a counterfeiter, to ply your trade in one state rather than another because the sentences there are less severe? In the United States, to counterfeit the currency is a serious crime. Do we take the same attitude in the European Union?

Siim Kallas, Vice-President of the Commission. – First, the Turkish lira is very well known to me. This is not a question for the European Central Bank, but I have myself, during a visit to Turkey, addressed this issue with members of the Turkish Government, and they promised to gradually phase out this coin and change it so it will not be so similar to European coins. So this has been promised at least. That was already a couple of years ago and this has not been raised any more, so probably this process is ongoing.

Regarding cooperation, in early 2009, there was a big operation against counterfeiters together with the Italian authorities, so cooperation is working.

About court sentences, this is, of course, a matter for national judiciaries and it is more of a question for my colleague Mr Barrot, but I have never heard of the European Union launching any initiative to harmonise these sentences. However, I know from the country I know best, and from other countries, that counterfeiting is a severe crime everywhere.

Of course, as I said, there is quite a lot of cooperation among the law-enforcement agencies in fighting the people who are involved in these activities but, as far as I know, there is no initiative to harmonise such legislation all over Europe.

President. – Question No 38 by **Gay Mitchell** (H-1071/08)

Subject: Efficient spending of the EU budget

With the coming into force of the EU budget for 2009, how is the Commission continuing to ensure that the money of the EU taxpayer is used to its maximum efficiency and waste kept to an absolute minimum?

Siim Kallas, Vice-President of the Commission. – I could, of course, speak for at least one hour on these issues. Our doings in this area are reflected in the ongoing discharge process and in many communications from the Commission, in many discharge resolutions and in many speeches in the Budgetary Control Committee. So, firstly, I can assure you that we are dealing very seriously with these issues and the situation is improving.

The system is as follows. The budgetary authority, which means Parliament, authorises the Commission to use money and which money can be used to implement Community policies. There is a special spending programme, which has its own legal basis. Parliament also designs this legal basis, so the rules are decided by the budgetary authority relating to the budget.

Next comes implementation, where there are different layers. One of these is, of course, the Commission, which is the main actor responsible for implementing the budget. Our activities in improving financial governance are reflected in our annual activity reports, and the Court of Auditors has evaluated that they are getting better and better and more adequately reflect the situation.

This is one internal part. Another is the control and auditing systems, which have also been strengthened in recent years, for instance in internal policies in the research family, where we have increased the control and auditing staff. What is also important in this particular part is that there is shared management. Much also depends on the contribution of, and efforts made by, Member States to cut back their errors and to avoid the misuse of money. There is also improvement in this area. A completely new instrument has been introduced – the so-called annual summary of all reports of paying agencies. These were carefully analysed for the first time last year and this is now being done again.

So the situation is improving. The Court of Auditors' report, which also has been greatly changed from the beginning of our period, now quantifies the changes. This quantification of changes also shows that there has been an improvement. So European money is quite rigidly managed – even too rigidly in some areas. We can show what has been done. But we can also clearly say that this is far from perfect. This is a huge machine which must work smoothly. According to the Court of Auditors' estimations, in most areas, 98% of all transactions are carried out without errors. In the Structural Funds, this is almost 90%, so the vast majority of transactions will not include errors, and any errors will be corrected. The number of correction decisions relating to the Structural Funds has increased tremendously during this period. I can, of course, provide you with a lot of numbers if needed. These are some indications, but of course it is clear that this does not cover the whole of the answer to the simple question: 'How do you manage the European budget?'

Gay Mitchell (PPE-DE). – Is the Commissioner aware that the Court of Auditors said there were unacceptable spending errors in all but two of the seven policy areas covered under the EUR 140 billion budget? And, yes, there have been improvements: the auditors estimated that at least 12% of the Cohesion Fund should not have been paid last year and it was down to 11% this year – that is an improvement. But 11% represented EUR 462 million. Does the Commissioner think that this is acceptable?

In other policy areas – agriculture, the environment, external aid, development and enlargement, research, energy and transport, education and citizenship – the error rate (I use the word 'error') was between 2% and 5% and the auditors observed that there was a 'disproportionately' (that is their word) large error rate for rural development, which now represents 20% of farm spending and is increasing.

This is a mess, Commissioner! Can we expect that this is going to be improved?

Siim Kallas, Vice-President of the Commission. – Of course it must be improved, but you must also understand that we are talking about errors. For instance, the 12% figure for last year is based on samples taken by the Court of Auditors, using absolutely correct methodology. These samples amount to EUR 63 million. All these samples have been corrected, recovered and the necessary documents provided. Therefore, the 12% issue from 2006 is resolved.

Errors are not a waste of money: errors are errors which are corrected. All the figures are available, from the Committee on Budgetary Control, for what is done to recover wrongly paid money.

For instance, this year the Regional Development Fund made decisions for the recovery of almost EUR 2.3 billion from the Member States – provided there are no other corrections, but this is a process where, last year, we were much tougher than previously; still, you must understand that we are talking about errors.

Meanwhile, the Court of Auditors has submitted this discharge, this report. Based on this report, they have submitted all of two cases to OLAF for further investigation – one case is closed and the other is under investigation. These are the possible fraud cases. I must say that this situation is not so bad, though we must of course ensure that the money is properly used everywhere.

Justas Vincas Paleckis (PSE). – Commissioner, as a result of the financial crisis, as a sign of solidarity, salaries for ministers, MPs and also for MEPs and other officials have been cut by 10%, 15% or 20% in some EU countries.

Would you support this idea? I know it is complicated to implement, but at least to theoretically implement such an idea in the European Commission?

Silvia-Adriana Țicău (PSE). – (RO) Given that energy efficiency is one of the priority areas for the EU's economic recovery and for combating climate change, I feel that it is necessary to set up a European fund for energy efficiency and renewable energy to raise the public and private funds for implementing specific projects across the European Union. This would provide a model of efficiency for using European public money. I would like to ask the Commission what its point of view is on this.

Siim Kallas, Vice-President of the Commission. – I do not know what Parliament's position is on the issue of salaries. It is a question of opening the Staff Regulations, which is a very complicated issue. This Commission decided at the beginning not to open the Staff Regulations, but to make this machinery function smoothly. Nobody has so far, bearing in mind the complexity of opening the Staff Regulations, suggested opening them again.

Of course, if we go with such a proposal, we must negotiate with our social partners, the trade unions. We can negotiate about this or ask them these questions definitely, but there is very little chance of opening the Staff Regulations before the Parliament and Commission terms end.

Concerning the funds, I did not understand the question. Were you suggesting that all the funds should be merged? Could you repeat the question?

Silvia-Adriana Țicău (PSE). – I propose the creation of a European fund dedicated to energy efficiency but for projects implemented within the European Union. I think it would be very useful for the sustainable economic development of the European Union.

Siim Kallas, Vice-President of the Commission. – That is a huge question. I can only pass this question to my colleagues.

We, together with Parliament, are asking the Member States whether this kind of money – this EUR 5 billion – can be made available solely for energy efficiency. So far, it has been a very heated debate in the Council.

There are some opportunities to support energy efficiency through the Cohesion Funds. But to establish some kind of new fund will probably create a lot of very long debates. I do not know how good an idea this is, because energy still does not fall within the mandate of the Community – it is strictly a national matter.

Seeing what is happening with this EUR 5 billion, I am not so enthusiastic about cooperation between the Member States in establishing different financing instruments. The idea, of course, I can only support.

President. – Question No 39 by **Manuel Medina Ortega** (H-1036/08)

Subject: Agreements with Andean Community countries

In view of the institutional problems the Andean Community is currently facing, does the Commission believe that a joint agreement with the Andean Community is still possible, or does it think that individual agreements with one or more CAN members would be more feasible?

Siim Kallas, *Vice-President of the Commission.* – Thank you for this opportunity to deal with the very interesting issue of our foreign policy on the Andean Community.

Region-to-region negotiations with the Andean Community entered an impasse last summer due to the Andean Community's inability to agree on common negotiation positions in certain trade-related areas. These differences reflect, to a certain extent, the differing approaches of the various countries in the region on economic and trade policies.

Despite the efforts undertaken by some Andean Community countries to overcome this impasse, the Commission could only note that a consensus on moving forward with negotiations no longer existed. Under these circumstances, and without abandoning the medium-term objective of building an association between the Andean Community and the European Union, the Commission proposed to the Council a new two-track negotiating format which was approved by the Council on 19 January.

First, and with the objective of preserving and strengthening relations between the European Union and the Andean Community, the Commission proposes to enrich and update the 2003 political dialogue and cooperation agreement.

Second, the Commission proposes to negotiate the multiparty trade agreement outside the Andean Community framework with those countries that are ready and able to commit to ambitious, comprehensive and WTO-compatible trade negotiations. All of them are invited, of course.

Taking into account the discrepancies among the Andean Community countries on the trade part of association agreements, the Commission believes that the proposed approach is the best suited to permit us to move forward in a pragmatic and constructive way, while continuing to support the Andean Community and Andean integration.

Manuel Medina Ortega (PSE). – (ES) Mr President, I agree with your comment that this is the most appropriate way to proceed. I have spent these last few days in the Republic of Bolivia and I have followed events on a daily basis.

The specific question I wish to ask you is as follows: when I was there, the objection was raised that these agreements might go against the Cartagena Agreement – the agreement on which the Andean Community is based – and that that Agreement might need to be amended.

At present, can the Commission tell me whether the agreements can be made without an amendment to the Andean Community's fundamental text?

Siim Kallas, *Vice-President of the Commission.* – I think that this particular question is quite difficult. From what I have read in this briefing, I think that, based on this Andean Community agreement, it is possible to go ahead with this, but I would be very happy to provide more detailed information through our services.

Reinhard Rack (PPE-DE). – (DE) The European Parliament has moved its relationship with Latin America onto a new level, because we now have mutual relationships between the European Parliament and almost all the Latin American parliaments, including the Andean Parliament, via EuroLat. Is this enforced, pragmatic return to bilateralism really the right approach or should we attempt to have an intensive dialogue with Latin America as a whole and only take specific requirements into consideration in the context of special arrangements?

Siim Kallas, *Vice-President of the Commission.* – Yes, I can definitely say that this is the Commission's approach. We have always been in favour of agreements between multilateral organisations, and we always see the dangers of bilateral dealing, which can easily end in confusion.

I am very pleased that I was required to go to Barbados to sign a Free Trade Agreement between the European Union and 14 countries in the Caribbean region. This was a really big achievement. It has encouraged and

boosted the trade between these countries tremendously, and has been greeted as a very positive step. So we will try, of course, to have this multilateral approach.

President. – Question No 40 by **Avril Doyle** (H-1045/08)

Subject: The removal of the PMOI from the EU's Terrorist List

On 4 December 2008, the Court of First Instance (CFI) annulled the Council's 15 July 2008 Decision to maintain the People's Mujahedin (PMOI) on the EU terrorist list.

The verdict emphasised that the PMOI's right of defence and effective judicial protection had been violated by the Council which had also failed to prove that the PMOI was engaged in terrorism. The verdict added that the file submitted by the French Government was not based on 'serious and credible evidence' and that it was in respect of individuals suspected of being members of the PMOI and not the PMOI itself.

This verdict is the last of six rulings by the High Court and the Court of Appeal in Britain, as well as the CFI, in favour of the PMOI, all of which emphasise that the PMOI is not involved in terrorism and does not plan to engage in terrorism.

What is the position of the Commission which should safeguard the rule of law in this respect?

What role has the Commission in ensuring due process and natural justice for any organisation which finds itself in this position?

Siim Kallas, Vice-President of the Commission. – As you all know, the European Union condemns terrorism in all its forms and firmly believes that the fight against terrorism must respect human rights in order to be effective and credible.

Sanctions against terrorists are taken in the context of the common foreign and security policy, and the Commission is associated with decisions taken unanimously by the Member States in the Council. So the Commission has taken good note of the fact that, in its judgment of 4 December 2008, the Court of First Instance annulled the Council Decision of 15 July 2008 that listed the People's Mujahedin Organisation of Iran (PMOI) as a terrorist organisation.

The Court argued that the PMOI's right of defence and the right to effective judicial protection had not been respected. In particular, the reasons for the listing had not been communicated in advance of the decision. The organisation was therefore not in a position to make its views known before a decision was taken. In application of that judgment, the Council adopted, on 26 January 2009, a new list of persons and entities subject to the restrictive measures applied to terrorist organisations, and the People's Mujahedin Organisation of Iran was not included in that list.

In that respect, it is also important to note that, in an attachment of 23 October 2008, the European Court of Justice confirmed that the current procedure for listing terrorist organisations, as applied by the Council in the case of sanctions that are not based on the United Nations sanctions, respects the human rights of the persons and organisations concerned. This includes a procedure in which both sides are heard, the reasons for listing are given in advance and the person or entity in question can make its views known.

Avril Doyle (PPE-DE). – I should like to thank the Commissioner. Indeed, when I tabled this question on 17 December 2008, I was not to know the good news that would come from the Foreign Ministers' meeting on 26 December.

Let me make it clear that I condemn terrorism in all its forms. But, at the same time, I must ask you whether it is acceptable that any Council of Ministers can consistently refuse to uphold the rule of law and can ignore the judgments of the Court of First Instance.

Finally, has the Commission had any reaction – official or otherwise – from the present Iranian regime since the European Foreign Ministers' decision on 26 January 2009?

Siim Kallas, Vice-President of the Commission. – As I said, it was a Council decision, and now the Court of Justice has shown what the deficiencies in this decision were. I assume the Council and other European institutions will follow the Court's decisions.

The Court of Justice said that the decision did not meet the substantive and procedural requirements, and the Council followed that decision. This was discussed in GAERC, and the Council decided not to keep this organisation on the new terrorist list adopted on 26 January 2009.

But I have not been informed that we have had any reaction from the Iranian Government. On the contrary, colleagues say that there has been no reaction from the Iranian Government.

I think that these procedures will also help to deal with all the nuances of listing organisations or people as terrorist organisations and create the possibility of giving counter-arguments. That seems to me to be a good step.

Andreas Mölzer (NI). - (DE) The terror list has obviously been produced on the basis of information which is not always reliable. Following the removal of the People's Mujahedin of Iran (PMOI) from the terror list, are there any plans for a general review and update of the EU terror list?

Siim Kallas, Member of the Commission. - This list is, of course, constantly being revised. If a Member State suggests another approach, to remove an entity from the list or to add something, this is definitely a reason for revisiting this list. So this is a process which is dynamic: it is not fixed forever. There must be reasons for any new approach, but it can be revised if there are new reasons.

President. - Question No 41 by **Seán Ó Neachtain** (H-1049/08)

Subject: Future EU-Iceland relations

Iceland is a member of EFTA, most of EU-Iceland economic relations fall under the EEA, Iceland is an associate member of the Schengen agreement and has many other trade, economic and social ties to the EU. The impacts of the financial crisis triggered some talk of Iceland, while remaining outside the EU, joining the Eurozone. What impact would such a move have on EU-Iceland relations – notably in the fields of environmental and maritime/fisheries cooperation – and does the European Commission have in place provisions to deal with such a development? Is it possible that such a move, if it occurs, could be followed by similar agreements with other non-EU States?

Siim Kallas, Vice-President of the Commission. - This has definitely become a matter for very intensive discussions which we could not have imagined a year ago. We could not have imagined discussing the potential radical changes in EU-Iceland relations. The question is what impact an Icelandic adoption of the euro – without Iceland joining the EU – would have on EU-Iceland relations.

Let me first stress that currently, as we speak, there is an intense debate ongoing in Iceland on its relations with the EU, including the issue of European Union membership. The Commission is closely following this debate.

The question of Iceland applying for EU membership is entirely for the Icelandic people to decide and, should there be an application from Iceland, the Commission and the Member States will act according to the established procedures as laid down in the Treaty. I can assure you that we will handle the application as expediently as possible.

As regards the specific question of Iceland adopting the euro without joining the EU, of course Iceland can unilaterally take such a decision but it should be clearly stated that it is the Commission's firm view, as well as a view of the European Central Bank, that unilateral 'euro-isation' is not a desirable political option for Iceland. Such a move would not have a positive impact on EU-Iceland relations.

Iceland is a potential applicant for EU membership, thus Iceland should pursue long-term monetary integration with the euro area only in the context of an EU membership perspective. This means that Iceland should adopt the euro only after accession to the EU, after fulfilling the conditions set out by the Treaty.

Seán Ó Neachtain (UEN). - (GA) Commissioner, in relation to your comments about a request from Iceland for membership of the European Union, if such a request were to be made – in view of the current urgency of the economic situation – would the European Union have any fast-track system or fast-track procedure to implement such a request? How would the Union be able to deal with such a request quickly, if this could be done?

Siim Kallas, Vice-President of the Commission. - I do not think there can be any kind of special treatment for Iceland. In the past, we held negotiations with countries which are now Member States of the European Union, and now we are holding negotiations with countries which would like to join the European Union:

the approach must be equal – it must be absolutely the same for everybody. The negotiations will be the same as with all other candidate countries. I do not see any possibility of having some kind of fast track for these negotiations.

Whether Iceland is, perhaps, quite well prepared for membership is another issue. I do not know to what extent it has already adopted legislation similar to that of the European Union, because this is a major issue.

At any rate, I am sure that Member States will be of the opinion that the position must be scrupulously fair and equal for all possible applicants. This is my opinion. There has never been any talk in the Commission of any special treatment or fast track.

Andreas Mölzer (NI). – (DE) If Iceland joins the EU or the euro area, how does the Commission intend to prevent the battered Icelandic economy and financial system from jeopardising the stability of the Euro or even rocking its foundations?

Avril Doyle (PPE-DE). – As vice-chair of the Committee on Fisheries, could I ask the Commissioner to expand his thoughts on how membership of the EU might impact on the Iceland-EU Fisheries Cooperation Agreement?

Siim Kallas, Vice-President of the Commission. – These are both quite specific questions. Again, I must underline the basic position that these negotiations must be the same as has been the case with other Member States.

But, of course, Iceland has a population just under 300 000, so it is small and would not be a big burden on the European economy. I think that the basic idea is that it would make a contribution, so it is an economy that can overcome the current difficulties.

I think that the Member States will watch it very carefully and will ask it first to put its house in order. That is the first requirement, and then there can be the question of the contribution Iceland can make to the Union's economy.

Concerning the fisheries agreement, again, this is a very specific question. However, I seem to remember that this issue was mentioned several times in previous enlargement negotiations.

I think that the fisheries question will be the most complicated in negotiating with Iceland, because it has quite big privileges which will definitely be contested by certain Member States. I think this will be the key element in future negotiations.

I do not know to what extent the existing agreement is applicable or suitable for future relations between Iceland and other EU Member States. Being on that committee, however, you will know that this was a very hot topic in negotiations between Norway and some Member States. However, I think that, at least today, nobody can say exactly what promises or preoccupations there will be in this particular area.

President. – Thank you, Commissioner, and thank you for helping us this evening with so many questions. Question No 50 by **Marian Harkin (H-1073/08)**

Subject: Demography report

In November 2008 the European Commission published its Demography Report which outlined the challenges Europe will be facing in the coming decades as a result of an ageing population. The report recognised that such challenges will require a variety of policy responses, including the strengthening of solidarity between the generations in terms of long-term care, greater recognition of professional carers and, most importantly, greater support for family carers.

In December 2008, the Commission published its Restructuring in Europe Report which also outlined such demographic challenges and pointed out that Europe's potential growth rate could decline at a time when significant additional resources will be required to meet the needs of an increasing number of elderly people for whom adequate pensions and health and long-term care provision will have to be secured.

Given that family carers are, and will continue to be, an inherent and indispensable part of our social and healthcare provision, can the Commission comment on what steps it has specifically taken towards developing policy responses to such challenges, particularly with regard to greater support for family carers?

Vladimír Špidla, Member of the Commission. – (CS) Madam President, ladies and gentlemen, in the renewed social agenda adopted in July 2008, the Commission undertook to attend to the needs of an ageing population.

The issue of an ageing European society calls for a range of strategic measures, starting with an assessment of the necessary reforms to the health and pensions system in order to provide for the needs of an ageing population, and taking account of the sustainability of public funds for supporting research into ways in which information technology can contribute towards improving the health and living conditions of older people.

The Commission is now completing the draft Joint Report on Social Protection and Social Inclusion 2009, which will send a clear signal on the need to ensure long-term adequacy and sustainability of incomes, make the provision of healthcare more effective, and reduce inequalities in the field of health. It will also attend to the challenges which some Member States must tackle in the field of pensions, healthcare and long-term care. These are described in the attached surveys of individual countries.

Decision making lies within the authority of the Member States, when it comes to policy on support for those providing care informally for family members. However, the Commission may act as a catalyst for change, to support efforts of Member States. Within the scope of the open method of coordination in the field of social protection and social inclusion, the Commission is endeavouring to encourage Member States to create policies which support family members.

In the joint report for 2008, the Commission and the Member States emphasise the importance of policies on informal carers, including a set of measures such as opportunities for training and counselling, respite care, leave for care purposes, and suitable social protection for informal carers. In addition, the Commission supports the creation of these policies at national level through its contribution in the form of studies and conferences on this issue.

Marian Harkin (ALDE). – Thank you for your answer, Commissioner. You talk about the needs of an ageing population. Certainly care-giving is one of those. You mentioned pension scheme reforms, and I am pleased to hear that, because people who give up work, very often to care for children or older persons, do not pay adequate social security contributions, and it is often carers who do not have adequate pensions.

You mentioned that family carers come within the remit of the Member States, and I agree with that. You also mentioned in reply to me that the European Social Fund could be used for training. I would like you perhaps to elaborate more on that.

Finally, carers work: they are unpaid workers. I am interested in your views on how you regard carers from that perspective under the heading of employment and social affairs, which is your own DG.

Vladimír Špidla, Member of the Commission. – (CS) In each case, in all Commission documents, we are working in the awareness that with an ageing population, increasing numbers of people will be engaged in caring for a dependent. Likewise, an absolutely clear policy of gender equality is being maintained, because one of the risks of unplanned development is that it is women who take responsibility, to a far greater extent, for ailing family members who, in many cases, are very old people. As for the funding for these people, that is a matter for the Member States. The Member States can develop the most varied schemes for supporting those caring for dependents and most Member States have some such scheme.

Since you have mentioned the European Social Fund, I would say that understandably, the European Social Fund cannot take on the financing of care for dependents, but it can develop and help to develop a whole range of important programmes for carers. Training, which I have mentioned, focuses especially on the fact that if we wish to care for someone who is perhaps close to us, and with whom we have an emotional bond, then despite all our efforts and goodwill, caring for another person is actually, in a sense, a specialised field. It is therefore a very good thing for these people to gain some basic knowledge and basic experience, because the results are beneficial for them, too: not only is the standard of care greatly improved, but their task becomes considerably easier. This is one of the reasons why we are aiming in this direction.

I would also like to emphasise something which has not been mentioned, but which we are also attending to, and that is the abuse or mistreatment of older people. In most cases, it again becomes clear that mistreatment is not due to some general character defect in the people responsible, but is due, very often, to a situational fault. The task is simply too difficult and they cannot cope. We wish to take action on this issue too, through the European Social Fund.

President. – As the author is not present, Question 51 lapses.

We move to the next question, which was put by Mr Crowley, but Mr Ryan is going to substitute for him.

Question No 52 by **Brian Crowley** (H-1056/08)

Subject: Poverty in the European Union

Solidarity is a hallmark of the European Union, of which the common values include investing in people, fostering equal opportunities, and combating poverty. To this end, can the Commission outline future ways to ensure that European-level plans to combat poverty can be integrated into national policies?

Vladimír Špidla, *Member of the Commission*. – (CS) Madam President, ladies and gentlemen, with the introduction of the Lisbon strategy, the European Union set itself an ambitious goal: to significantly reduce poverty by 2010. Since then, the Union has set up instruments for achieving that goal. The open method of coordination in the field of social protection and social inclusion has helped to strengthen the fight against poverty and social exclusion, and has supported the efforts of the Member States.

This cooperation between Member States has had very good results. I shall mention three examples: there are now 22 Member States that have set themselves a target figure for combating child poverty; citizens and companies are now very closely involved in the national strategies to combat poverty; and social inclusion strategies have been incorporated into many policy areas: employment, education and vocational training, health and housing. All the relevant policies have therefore been brought to bear in the fight against social exclusion.

The renewed social agenda which the Commission adopted on 2 July 2008 sets seven priority areas of activity, including the fight against poverty and social exclusion. The renewed social agenda also proposes strengthening the open method of coordination. The European plan to stimulate growth and employment, which was submitted to the heads of states and governments at the European Summit in December 2008, aims to address the impact of the financial and economic crisis and also to strengthen the reforms already under way within the scope of the Lisbon strategy for growth and employment.

The Commission has also undertaken to regularly monitor the social impact of the financial and economic crisis in the Member States and the measures taken at national level. This tool for monitoring the social impact of the crisis should be published quarterly, and understandably it would focus mainly on the most vulnerable groups.

The Commission will also continue to cooperate with the Member States to ensure effective implementation of its recommendations adopted in October 2008 on the active inclusion of people who are furthest removed from the job market. In particular, the aim of this recommendation is to increase the effectiveness of the minimum wage schemes, which are still insufficiently developed in many Member States. In other words, it is essential to enable every citizen to achieve a decent standard of living, especially during the current crisis.

I would also like to remind you that 2010 will be the European Year of the Fight against Poverty and Social Exclusion. It will focus on the following: support for observance of the rights and opportunities for socially excluded people to actively reintegrate themselves into society; emphasis on the responsibility of each member of society in the fight against poverty; broadening the tried and tested methods in the field of social inclusion; strengthening the commitment of the main political actors.

I think the measures I have mentioned testify to the fact that Europe is constantly trying, in a concrete way, to address the needs of the most vulnerable groups, especially in the current economic situation. I hope the Member States will respond positively to the Commission's call to resolve the social consequences of the crisis. For this purpose, they can make use of the Community instruments available to them, especially the European Social Fund and the European Fund for Adjustment to Globalisation.

Eoin Ryan, *author*. – I would like to thank the Commissioner for his very comprehensive answer. In talking about one of the vulnerable groups, considering the economic situation that we now face and the increase in unemployment levels, obviously one vulnerable group is young people.

Very often, in economically difficult times, young people unfortunately get into drug abuse. Is it possible that the European Social Fund could be used in a targeted way to try and help young people, considering the problems that this causes not only to themselves as individuals, but to their families and to their communities, and given the very severe effect it can have on communities, adding to poverty and difficulties?

I was wondering whether it would be possible to target this vulnerable group under that Fund

Vladimír Špidla, *Member of the Commission*. – (CS) The Commission strategy, even in this difficult economic situation, is to deal with any discrimination, any breaches of the principle of equal opportunities. Of course, you are well aware that European legislation allows positive action, which means action aimed at groups which are in a very difficult situation. Generally, the Commission, in its proposals before Parliament, is facilitating or – if the proposals are approved – wants to facilitate the use of the European Social Fund and the Globalisation Fund. Essentially, I can say that in terms of regulations, in terms of structure, there are no obstacles to directing a significant proportion of these resources towards young people. This depends on the decisions of individual project sponsors, local communities, and decisions at national level. It is still an open question but, in principle, there are no obstacles to the effective use of resources for the benefit of young people or other groups which are in a particularly difficult situation.

President. – That concludes Question Time.

Questions which have not been answered for lack of time will be answered in writing (see Annex).

(The sitting was suspended at 7.30 p.m. and resumed at 9.00 p.m.)

IN THE CHAIR: MR DOS SANTOS

Vice-President

14. Protection of minorities in Europe (debate)

President. – The next item is the debate on the oral question to the Commission on the protection of traditional national, ethnic and immigrant minorities in Europe, by Csaba Sándor Tabajdi, Hannes Swoboda, Jan Marinus Wiersma, Véronique De Keyser, Katrin Saks and Claude Moraes, on behalf of the Socialist Group in the European Parliament (O-0002/2009 - B6-0005/2009).

Csaba Sándor Tabajdi, *author*. – (HU) Mr President, ladies and gentlemen, there are more than 300 different national and ethnic minorities and linguistic communities living on the European continent. Of the citizens of the 27 EU Member States, some 15% are members of a traditional national minority or immigrant community. While the objective of the European Union is the preservation of cultural diversity, minority languages and groups face the threat of extinction or assimilation. The steadily growing immigrant communities are dealing with a crisis of integration; think only of the riots in the French suburbs, in the outskirts of Paris, the London terrorist attacks or the ethnic tensions in the Netherlands.

Is the European Union credible when it condemns violations of human and minority rights in third countries? Are the EU decision makers adequately addressing the problems of national and ethnic minorities in the potential candidate countries of the Western Balkans, when some Member States are incapable of doing so at home, and in fact their practices are diametrically opposed to this policy? Those who are unable and unwilling to face these questions, who stick their heads in the sand, are playing with the future of Europe.

Today's debate was preceded by voices of concern, with certain people claiming that this issue is too sensitive. Yes, this question is an extremely sensitive one. What would become of the European Union if we were to debate only those questions that do not offend any interests? We cannot sweep these problems under the carpet! The citizens of Europe expect us to provide genuine answers. The European Union must guarantee the rights, at the local, regional, national and EU levels, of indigenous and traditional minorities, the Roma, and the several million people who live in minority status and have no independent State, such as the Catalans, Basques, Scots, Bretons, Alsatians, Corsicans, Welsh, the Hungarian minorities in Romania, Slovakia and Serbia and other national communities.

Subsidiarity and self-governance, power sharing and joint decision making are the fundamental values of the European Union. It is very important that forms of joint decision making, self-governance and autonomy be set up on the basis of agreements between majorities and minorities, while fully respecting the sovereignty and territorial integrity of Member States. As regards persons who belong to immigrant minorities within a State, we must help them integrate as fully as possible, and the immigrant minorities in turn must show the highest possible respect for the language and customs of the State in question. If the European Parliament truly wishes to become a centre of power, then it must face these sensitive questions.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, ladies and gentlemen, Mr Tabajdi, respect for minorities is an essential principle among the conditions to be met before a new country can accede to the Union. The Copenhagen criteria are aimed specifically at candidates for accession to the Union.

Respect for the rights of individuals belonging to minorities, including respect for the principle of non-discrimination, is one of the Union's founding principles. However, the Union does not have general powers in the area of the protection of minority rights. It is up to the national authorities to ensure such protection, in accordance with their constitutional arrangements and their international commitments.

In addition, issues of the institutional organisation or autonomy of minorities fall within the powers of the Member States. Similarly, it is up to each Member State to decide to sign or ratify the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, which are the two major instruments introduced by the Council of Europe.

The Union has therefore no powers to adopt, as the question suggests, general legislation setting standards for the protection of minorities and inspection mechanisms. The Union may, however, adopt measures on some issues within its powers which have a positive effect on the situation of individuals belonging to minorities.

For example, the Commission is pursuing a policy to fight discrimination on the grounds of race, ethnic origin or religion. This will ensure the implementation of Community legislation in this area and the implementation of the directive that supplements this legislation.

The adoption of the Framework Decision against Racism and Xenophobia on 28 November is a further example. With this Framework Decision, the Union is contributing to improving the situation of individuals from minorities when they suffer certain types of behaviour. The Union has also acted concerning the situation of the Roma minority.

The integration of immigrants is an important and growing issue for the Member States of the European Union. In 2005, the Commission submitted a Common Programme for Integration that forms the framework directive for a common approach to integration in the European Union. In addition, the Union has allocated a budget of EUR 825 million for 2007-2013 to implement the European Fund for the Integration of Third-Country Nationals.

Three new initiatives from the Commission will appear in 2009: The third edition of the Handbook on Integration, the European Integration Forum, that will further involve civil society in the pursuit of our work, and an integration website that will act as a single portal for information about integration and promote the exchange of best practice among stakeholders in the area of integration.

The role of the European Union in the area of multilingualism is not to replace the action of Member States but rather to support and supplement such action. The European Commission's policy on multilingualism includes regional languages as well as the languages spoken by minorities.

Respect for linguistic and cultural diversity is one of the cornerstones of the European Union. This respect for linguistic and cultural diversity is now part of the European Charter of Fundamental Rights, which states, in Article 22: 'The Union shall respect cultural, religious and linguistic diversity'.

The latest Commission communication, adopted in September 2008, also states that each of the many languages, whether national, regional or spoken by minorities or immigrants, adds something extra to our common culture. The main tools available to the Union in this area are funding programmes, particularly the Lifelong Learning Programme 2007-2013.

Finally, the European Union Agency for Fundamental Rights is a very precious tool that we use to collect data useful in the development and implementation of all instruments and these Community policies. Following a request from the European Parliament to the Agency for Fundamental Rights, which I remind you is located in Vienna, the Agency's 2009 work programme includes the preparation of a comparative report on the situation concerning ethnic and racial discrimination in the European Union. This will allow us to update the report on racism which dealt with the year 2007.

That is what I can tell you. In other words, we do not have a legal basis for organising the protection of minorities. This issue really falls within the powers of the Member States, although the Union must evidently avoid any discrimination towards a citizen who belongs to a minority.

Rihards Pīks, *on behalf of the PPE-DE Group*. – (LV) Thank you, Mr President. Mr Tabajdi has undertaken an enormous task – to try to formulate and classify communities of peoples that have formed in historically different ways who, in greater or lesser numbers, live in states which have at their heart a different ethnic or linguistic origin. As we know, over the centuries in Europe the borders and names of countries have often

changed, both as a result of war and when states have joined together or split apart, when empires have formed or collapsed, and very often people, without changing the places where they live, have become subjects of a different king or residents of a different country. Likewise, migration has taken place both at the individual level and with the movement of entire ethnic communities. We have inherited the results of all this. Undoubtedly, today every resident in the European Union deserves a life worthy of a human being and equal opportunities. Just what can we really call a minority though, in today's sense, and can the states agree and draw up uniform criteria? That is important, for today new migration is taking shape: both internal migration within the European Union and migration from non-EU countries. It seems to me that first of all specialists, researchers, historians, ethnographers and linguists ought to work on this, and then perhaps the politicians can have the last word. If the politicians start things off, then we will instantly see considerable political subjectivity and selfishness, especially as the elections are approaching. Thank you.

Katalin Lévai, *on behalf of the PSE Group.* – (HU) Mr President, Commissioner, ladies and gentlemen, more than 45 million people belonging to 57 different minorities live in the European Union and in the other European countries. Today, when the ghost of racism is haunting Europe, when the chauvinism of the majority in nation states is visibly growing to frightening dimensions throughout Central and Eastern Europe, we can no longer sweep minority policies under the carpet. As we have heard – from the Commissioner as well – the EU does not yet have a set of regulations on the protection of the identity of minorities that applies to all Member States. The question of minorities falls within the competence of the Member States, and therefore these communities must, for the most part, be satisfied with whatever they can negotiate with their own governments. The total number of citizens in the Central and Eastern European Member States who belong to various national, minority communities is significantly greater than in Western Europe, and their problems are also more complex. In order not only for national minorities but also for everyone belonging to what are effectively minority EU nations to feel truly at home in Europe, European legislation must create a legal framework with comprehensive legal norms for the protection of minorities.

We need to create the kind of political structures that do not strive for exclusivity but share areas of competence. As this pattern becomes a reality throughout the European Union, so national minorities will gain in status and obtain new opportunities for the protection of their language and culture. In this regard, the ratification of the Lisbon Treaty is of key importance, for two of its articles, thanks to the work of the Hungarian Government, include the rights of persons belonging to minorities. Acceptance of the Treaty would be a great step forward in the history of the European Union. The current economic crisis is not advantageous to minorities, for it poisons conflicts and gives ground to far-right demagoguery. Europe cannot afford, particularly at this moment in time, to fail to listen to the voices of minorities. It cannot abandon minorities at this time of crisis.

Henrik Lax, *on behalf of the ALDE Group.* – (SV) A debate at European level on the situation of various minority groups is very welcome. A common view of the rights and obligations that should apply to national, ethnic or linguistic minorities, immigrants and stateless persons would benefit these groups and the whole of the Union in many ways. Nearly a tenth of EU citizens currently belong to a national, linguistic or ethnic minority. Some, like myself, as a Swedish-speaking Finn, are treated well. Others are discriminated against or disavowed. It is important for the historical national minorities to be able to see themselves as full members of the Union. The EU needs the support of its minorities and must not neglect to give them the opportunity to participate actively in decision making and the work of ensuring a safe and harmonious common future.

It is clear that the same rules cannot apply to national minorities as apply, for example, to immigrant minorities. Immigrants require special support to help them integrate into their new homelands. Stateless people are a separate issue and should be encouraged, using all means available, to apply for citizenship in their host country.

The EU also needs a common view on minority issues in order to be able to defend itself and its Member States against outside pressures and provocations, where minority rights are used as weapons to sow division and create confusion. Russia's involvement and propaganda in Estonia and Latvia, for example, is a cautionary example. We must not put weapons in the hands of those who want to harm us.

Europe needs a representative minority forum that would act as an advisory body on issues dealt with by the European Parliament and the Council of Europe. It would also be important for this parliamentary committee to be given explicit responsibility for issues relating to minorities. This Parliament should approve a statement on the rights of minorities.

Finally, I would like to ask a specific question: is the Commission prepared to take responsibility for initiating a European debate on minorities and is it prepared to actively promote the fair treatment of the Union's minorities and not simply linguistic diversity, which is often used as a way of ignoring the minority groups. *(Applause)*

Jan Tadeusz Masiel, *on behalf of the UEN Group*. – (PL) Mr President, Commissioner, some minority groups have been present in the Member States for centuries, whilst others are relatively recent arrivals.

The Roma are one of the traditional minority groups that have been present in Union countries essentially as long as records exist. I am sorry to say that in my country, Poland, although the Roma are not discriminated against, the extent of their integration leaves much to be desired. They share this view. I believe that the Roma need more support from the state. In particular, they need assistance with vocational training and with education in general.

Member States should play the leading role regarding the integration of this and other minority groups. Common Union legislation would be very helpful to us in our endeavours, however. I have in mind, in particular, defining the rights and responsibilities of new arrivals from Islamic states who find it hard to integrate into Europe.

Mikel Irujo Amezaga, *on behalf of the Verts/ALE Group*. – (ES) Mr President, I would like to express my profound gratitude for Mr Tabajdi's work in preparing and tabling this oral question that we are debating here today, and also for his tremendous work in drawing up the resolution which, regrettably, we are not debating but which we will no doubt be able to discuss in forthcoming plenary sittings.

This resolution is necessary because it is clear that we have to find a minimum level of protection for minority groups in the European Union, something that does not exist at the moment.

I do not share Commissioner Barrot's perception, in often hiding behind the European Union's lack of jurisdiction on this matter. It is a patent contradiction to mention the Copenhagen criteria, to mention another type of legislation and, at the same time, – when, perhaps, it is not of interest or when, perhaps, one is not brave enough – to hide behind the lack of jurisdiction in order not to, shall we say, make progress in the protection of minority groups, because we are, ultimately, facing an eternal dilemma. We are not facing a problem but, rather, a challenge that the European Union has to meet, and this issue should be seen as such.

Kathy Sinnott, *on behalf of the IND/DEM Group*. – Mr President, in every Member State of the EU there are groupings of people who are seen as different because of characteristics like ethnicity, language, how they dress, the music they play and how they worship. When the people in that country are committed to respect for the innate dignity of every human person, these differences are seen as enriching, and people are valued. In fact, when the dignity of the human person is valued, we do not view minorities in a negative way at all. However, in many countries, this respect is weak or non-existent. This leads to discrimination in which minorities are abused and relegated to the poorest of circumstances.

We insist in the Copenhagen Agreement that a country wishing to join the EU must have at least a minimally acceptable level of respect for everyone within its borders. This principle falls down when we ignore these criteria and allow membership to countries where people are being marginalised and mistreated.

In Ireland, for instance, many children and adults with disabilities were institutionalised in the worst of circumstances at the time of our accession and for years after our membership.

Today, in spite of the introduction of the Copenhagen criteria, there exist similar terrible circumstances for vulnerable minorities in countries which have recently joined the EU or which plan to. The Copenhagen criteria were clearly ignored in those cases, and the treatment of minorities was not considered an obstacle to membership. This negates the purpose of the agreement. If a country, in order to join the EU, must fulfil the Copenhagen criteria in respect of the treatment of its people, it should be possible to suspend membership when it does not.

Sergej Kozlík (NI). – (SK) We are dealing with the problem of ethnic minorities, but this means primarily the Hungarian ethnic minority, Mr Tabajdi. Hungary is indeed where ethnic minorities have been almost completely eliminated over the past decades. The words of the former ombudsman for minorities in Hungary, Jenő Kaltenbacha, confirm this. The number of Slovaks living in Hungary has fallen from more than 300 000 to 18 000 during the time in question. For the decimated Slovak minority, Hungarian is used exclusively

as the language of instruction in the ethnic minority schools in Hungary. In those schools, Slovak is taught for four hours a week.

There is no vendetta under way in Slovakia, and for the Hungarian minority living in Slovakia, things are incomparably better. In the Hungarian minority schools, the language of instruction is exclusively Hungarian. Slovak is taught as a supplementary language for a few hours each week. Religious services are conducted only in Hungarian in all Slovak communities in Hungary, and they are conducted exclusively by Hungarian priests. On the other hand, only Hungarian priests officiate in Hungarian communities in Slovakia.

The European Parliament, however, is paradoxically not devoting any attention to the problems of the Slovak, German, Serbian and other beleaguered minorities in Hungary. There is repeated discussion of the peripheral problems of the Hungarian minority, which the Slovak government is, in any case, currently considering. Only today, as part of this process, it approved an amendment to the education act, guaranteeing that geographical names will be printed in Hungarian or Ukrainian in textbooks for minority schools. It is the Hungarian politicians and MPs who, under the guise of settling ethnic problems, are constantly foisting their ideas about autonomous solutions, including territorial autonomy. Most recently, the Hungarian President did so during a visit by his Romanian counterpart to Budapest, and met with a stern rejection. Such attitudes need to be unmasked and vigorously condemned within the European Parliament as well.

Kinga Gál (PPE-DE). - (HU) Whereas the interests of any other social minorities protected by anti-discrimination regulations are vigorously defended, European legal protection, not to mention political will, is reticent where traditional national minorities are concerned. Yet the existence of these minorities within the European Union is not a political question but a matter of fact – there are millions living within the EU who are not immigrants. They live within European Member States while never having moved from their ancestral lands. It was just that in the course of events in the twentieth century, the boundaries of their countries have shifted around them, leaving them behind ever since facing insoluble dilemmas. How are they to preserve their identity and community, how can they provide their children with a secure image of a twenty-first century future? We must at last admit that the problems of these communities cannot be resolved purely by means of universal human rights or anti-discrimination regulations. These communities rightfully demand all those things that, in the case of similar-sized populations, the European Union deems to be the right of those who are part of a majority. This is why EU regulation is necessary and why the assistance of the EU is necessary. Such communities are right in thinking, for instance, that autonomy, which has brought prosperity and development to the minorities of the South Tyrol in Italy, would also bring them a desirable solution.

Certainly, forms of autonomy – including perhaps territorial autonomy – could give a positive and manageable future to such communities. There should be no mystification surrounding such communities, but they should be discussed openly, since if such an option can be a positive solution in one Member State without harming the State's territorial integrity, it could similarly prove to be a solution in other Member States as well. The rightful demands of these minorities, which are based on fundamental principles and current practice in the European Union, cannot constitute taboo subjects in the EU in the twenty-first century!

Bárbara Dührkop Dührkop (PSE). – (ES) Mr President, it is curious that in every parliamentary term, we have pointed out the non-existent or fragile legal and material protection of one or another minority group within Member States.

With the recent enlargement towards the east, the situation has, unavoidably, become far more complex.

The Europe of 27 has more than 100 groups, if we add its ethnic and linguistic minorities to those resulting from more recent immigration. Particular mention should be – and already has been – made of the Roma, an ethnic group that has lived among us for centuries. It has its own characteristics and suffers the greatest disadvantages of all minority groups of any kind.

Doubling our efforts to achieve gradual integration, if not assimilation, of these groups and making this unity in diversity a reality is a major challenge for Europe, Commissioner. It is not for nothing that the Treaty of Lisbon makes explicit reference, for the first time in European Union history, to the rights of people belonging to those minorities and to their own values.

Each social group is different. Member States' linguistic-historical minorities and their recognised and indisputable right to express themselves in their mother tongues have little or nothing to do with the new migration flows, which have their own identifying characteristics.

We are taking the European Charter for Regional or Minority Languages as our starting point and asking the European Social Fund to grant attention and resources to minority groups.

We have just seen 2008 draw to a close as the European Year of Intercultural Dialogue, and I believe that this dialogue has only just got under way. I feel we should take advantage of such momentum and continue spreading this dialogue in order to create control mechanisms at European level with the aim of protecting minority groups.

I shall end on this note: we have an obligation in our Member States to protect and preserve the traditions and values of the multicultural Europe that is emerging, and the duty of this Parliament is to establish integration standards within a common European framework that facilitates peaceful coexistence.

István Szent-Iványi (ALDE). – (HU) Mr President, One out of every ten European citizens belongs to a national minority. Many of them feel that they are stepchildren within their own homeland. They look to the European Union to guarantee their rights and help improve their situation. In terms of human rights, the European Union's greatest debt is in relation to the protection of minorities. Although the legal grounds for effective protection of minorities exist, the political will to assert these is often insufficient. Ratification of the Lisbon Treaty could improve the situation, but in itself, it is no magic solution. It is important for existing institutions to work effectively and, in particular, for the minority profile of the Fundamental Rights Agency to be strengthened. The various minorities would consider it a positive sign if the new Commission had a commissioner whose responsibility was exclusively to deal with minority affairs. This would give a clear signal that the minorities are also full citizens of a unifying Europe. Europe cannot have stepchildren, since in one sense or another, all of us are minorities.

László Tőkés (Verts/ALE). – (HU) Mr President, I welcome with gratitude and appreciation the inclusion on the agenda of the protection of traditional national and ethnic minorities as well as of immigrants to Europe. I find it painful that in the absence of the necessary support from the political groups, our joint debate today is coming to an end without a decision, and that it is still not possible to adopt the EU framework agreement on minority protection. In the countries of the former Communist camp, the principle of non-intervention was supreme. I consider it unacceptable that the European Union is similarly leaving the solution of the problem of minorities within the area of competence of individual Member States. I consider President Traian Băsescu's declarations in Budapest rejecting the rightful demands of Transylvanian Hungarians for collective rights and autonomy to be reminiscent of the dictatorial standpoint during the National Communist era. The European Union is the joint home of national, ethnic and religious minorities as well, and precisely for this reason, the EU can no longer put off providing them with institutional, legally regulated protection.

Patrick Louis (IND/DEM). – (FR) Mr President, our cultures include the rule of law and individual rights and so it is right and proper to defend the rights of an individual member of a minority but it would be dangerous to legislate on the rights of non-national minorities as communities in their own right.

For non-national minorities, and I am only talking about them, the community approach has to be rejected because it will inevitably destroy the coherence of many European nations. Where there is rule of law, regulation of the way in which people live together must remain a national power. In this matter, if the majority were the enemy of the minority, then this would seriously call democracy into question.

Faced with poverty or danger, some people flee their country of origin to seek refuge. The right to asylum is a way for people to vote with their feet. Fortunately, it has become a fundamental right but, as with any right, there is a concomitant duty. In this instance, the duty is to accept the rules, languages and customs of the receiving countries.

The right of asylum is a precious right as it is a right inherent to the human being. Even if you belong to a minority, this does not legitimise the creation of a community right. Your ultimate allegiance must always be to the country in which you settle. It is an illusion to believe that the juxtaposition of transitory communities, with different memories, can create a country. Over time, this will only create either a field of indifference or a field for a battle.

You should either love your receiving country or get out. That is the duty which is born of the freedom to come and go.

Marian-Jean Marinescu (PPE-DE). – (RO) I would like to express my support for the protection of minorities and respect for their culture, languages, traditions and customs. I believe that all Member States should include references to the protection of minorities in their national legislation in various areas.

In this respect, I feel that Romania's legislation in this area is particularly well drafted and can provide a model for other Member States. The proof of this statement is even borne out by a fellow Member of this Parliament, whom I have a great deal of respect for, who was born, grew up and studied within Transylvania's Hungarian community, and now successfully represents Hungary in this house. However, the protection of minorities must not result in excesses such as collective rights, the promotion of autonomy and self-determination, including territorial.

I do not think that it is helpful either to divide minorities into different categories as this may give the idea that these categories must be treated in different ways. All citizens must be treated equally and enjoy the same rights and obligations towards the communities among which they live. Decentralisation and local autonomy under national laws very much reflect all the aspirations that citizens have, whatever their nationality or ethnic background. It is not normal to raise for discussion concepts which are not yet enshrined in current international law and which are not accepted at Member State level. We do not need either to adopt the provisions of the Council of Europe.

A specific mention must be made about the Roma minority. I firmly believe that common EU programmes, especially in the area of education, would accelerate considerably the integration of the Roma.

Finally, I would like to remind you that any nation, no matter how big it might be, is a minority compared to Europe's 500 million citizens.

Monika Beňová (PSE). – (SK) The protection of minorities is indisputably one of the most important principles, and in my country, the Slovak Republic, a really exceptionally high standard of protection is guaranteed for minorities. If we are going to talk about ethnic minorities, one can say that this standard is also guaranteed in the form of cultural and educational autonomy, because we have a university for our largest ethnic minority

However, I fundamentally oppose opening a discussion on territorial autonomy, because I consider it to be a very important political and legal issue, and also because I consider it to be, in humanistic terms, quite heartrending. It could cause enormous human unhappiness. The opening of discussions on territorial autonomy would also fundamentally threaten the unity and successful progress of the European Union.

To conclude, Commissioner, since you have spoken of respect – yes, it is entirely appropriate that the majority society should harbour the greatest respect for its minorities, but I think the minorities in a healthily functioning society should have equal respect for that society.

Tatjana Ždanoka (Verts/ALE). – Mr President, I would like to thank Mr Tabajdi for his excellent work. It is regrettable that we are not able to conclude our debates with a resolution.

I am firmly convinced that minority rights must become a part of the *acquis communautaire*. Unfortunately, the Commission is very reluctant to suggest any measures in this field. We should remember that minority rights are an integral part of human rights and therefore our standards must be as high as possible. Let us not forget that respect for, and protection of, minorities is one of the Copenhagen criteria. The Commission does not even apply the criteria properly during the accession process.

We are ready to make concessions hoping that the situation will improve afterwards, but since the accessions, there are still no tools to address the issue, as Commissioner Barrot pointed out last month. We have elaborated a common European Union standard in the field of minority rights, and this is an absolute must.

Edit Bauer (PPE-DE). – (HU) Thank you very much, Mr President. There are few political territories within the European Union where a double standard is in effect. The Copenhagen criteria on minority rights apply to accession countries – as we have already heard today – but these same rights do not exist within Community law. If Europe's wealth lies in its diverse cultures, and no one wants to see the culture and language of small nations disappear, then ethnic minorities have an even greater need of protection, including legal protection. In the new Member States, the apparent protection afforded by socialist internationalism has disappeared, and national sentiments have intensified. In addition, various forms of oppressive nationalism often appear in the new Member States, especially since even the Copenhagen criteria are no longer binding. We often witness the strengthening of assimilationist efforts – allegedly in the minority's own interest. Unfortunately, this is a political tool often used by populist parties to turn the majority against the minority.

The establishment of internal legal standards to protect the legal status of minorities is unavoidable. These standards must follow European best practices, building on the various forms of self-governance that do not need to be unmasked as some sort of political crime, or rejected. Rather, the principle of subsidiarity should be extended to allow minorities to make decisions with regard to their own affairs. Perhaps the method of open coordination may be helpful in this regard, until a legal basis is created. I would put the following question to the Commissioner: would it not be possible to use this option, this method, for providing a solution to the legal status of minorities? Finally, I would like to thank Mr Tabajdi for his excellent work in this area.

Corina Crețu (PSE). – (RO) We have, at European level, a coherent set of regulations, criteria and recommendations which guarantee protection for citizens belonging to national minorities and instances of their infringement are fairly rare within the European Union. Romania has allowed its minorities to enjoy national rights which extend beyond relevant European standards. Indeed, the presence in this Chamber of Romanian MEPs who are ethnic Hungarians is living proof of this.

It is vital for interethnic harmony in Europe that human rights are respected, but any separatist exploits triggered by the deterioration in ethnic rights must be halted. The European project is about integration and not about creating enclaves based on ethnic criteria.

I also feel that we should focus more attention on the situation of national minorities in the EU's neighbouring countries, all the more so when it involves citizens of the same nationality of some of the Member States. One example of this is the Romanians in Ukraine, Serbia and the Republic of Moldova, who are deprived of basic rights and are subject to an intensive process of denationalisation.

Josu Ortuondo Larrea (ALDE). – (ES) Mr President, in the EU there are several cases of languages spoken by historical European groups which cannot be used in debates in this Parliament since they are not recognised as state languages. This is a loss to representative democracy.

One of these cases is the Basque language, Euskera, which is not a minority language but an official one, at least in the southern area of the Basque Country, which, in administrative terms, is classed as part of the Spanish state. However, the same is not true – and please do not take this personally, Commissioner – in the northern part of the Basque Country, which is attached to the French state, whose President stated to the United Nations Assembly that to deny respect for national identities and languages is to sow the seeds of humiliation and that, without that respect, there will not be peace in the world. For all that, neither Euskera nor Corsican, Breton or Occitan are given the slightest official consideration, nor are they given support to ensure their use is respected and encouraged.

That is why I ask the Agency for Fundamental Rights to keep watch and to work to ensure that within Member States, there is no violation of any European people's right to use its mother tongue and no discrimination against its citizens, and that all native languages are considered official within their respective territories.

(The speaker continued in Basque)

Eskerrik asko jaun-andreok zuen laguntzagatik Europako hizkuntza guztien alde.

Daniel Petru Funeriu (PPE-DE). - Mr President, I welcome this debate, the more so as European history shows that in times of crisis, ethnic tensions can inflame otherwise stable situations. I would like to believe that the intent of the initiators of this debate is to emphasise the generous core values and realities of the European project, because the realities of the European Union are indeed the best standards in the world for the treatment of minorities. Therefore, we should say out loud that this Assembly does not, and will not, accept any divisive actions or the lowering of the standards I have just mentioned.

As Commissioner Barrot has underlined, in each individual country of the Union, there is a clear and, more often than not, official legal framework that ensures the protection of our cultural diversity. Yet, for the sustainability of our multi-ethnic society, is there any alternative to higher education? Real-life examples show that solving issues related to education fuels strong Community development. Education is, by its own nature, unifying rather than divisive. In fact, it teaches us that we are all someone else's minority. The Babeș-Bolyai University in Romania, in the Transylvanian city of Cluj, is an example of a multicultural university that has been cited time and again by the Organisation for Security and Cooperation in Europe as a positive example of multicultural and inter-ethnic excellence.

Where the need arises, higher-degree education in the language of minorities is part of the national educational system. Let me give you the example of Sapientia University in Romania.

These positive examples, however, do not mean that we can take our eye off the ball, and we must be aware that maybe the most challenging issue lies ahead of us: solving the difficult situation of the Roma community throughout Europe. It is my belief that the most effective way of solving this tremendously difficult European problem in the long term is through education. I would very much like to see a very substantial debate on how Europe intends to take advantage of our unique educational system so that we remain united in our diversity.

Silvia-Adriana Țicău (PSE). – (RO) The Council of Europe is the institution which deals with respect for human rights. The rights and protection of minorities come under the remit of Member States, in accordance with the principle of subsidiarity. Traditional and ethnic minorities, migrant minorities and immigrants must comply with the national legislation of the Member State where they reside.

I believe that the integration of new migrant minorities should not be part of the common policy on immigration which the EU is currently drafting. This policy can be defined only when the current barriers to the free movement of workers from the Member States which joined the European Union after 2004 disappear within the EU.

The protection of migrant minorities is part of the principles promoted by social Europe. Providing fair working conditions for all European citizens, no matter what their Member State of origin is, guarantees them a decent living. As a European socialist, I support the development of a European framework for legal immigration, but I actively advocate, first and foremost, observance of the European Union's basic principles for all European citizens.

Csaba Sógor (PPE-DE). – (HU) Unfortunately, today this draft decision is being put to the Parliament only in the form of a question. Representatives of traditional national minorities and communities have been trying to persuade the majority through peaceful parliamentary means that what was good for the 14 Member States of the European Union will be good for the entire territory of the EU. The traditional national minorities found themselves in a new country through no fault of their own, without ever having moved from their centuries-old homelands. No one asked them whether they wanted to change nationalities or adopt a new official language. These traditional national minorities are the most loyal citizens of their respective countries. Despite wars, economic crises, internal political battles and assimilation, they did not abandon their ancestral, longstanding and yet new homeland. Their loyalty has been unbroken. It is precisely for this reason that it is incomprehensible that the several dozen million strong populations of large countries should fear a few hundred thousand or, at most, half a million members of a minority.

The various forms of self-governance found in the European Union, such as territorial and cultural autonomy, result from a policy of consensus on the part of the majority and minority, and have not weakened the economic, political or social power of the state in question, or that of the European Union. My country, Romania, has been in existence in its current form since 1920. In 1930, the population on this territory included 28% non-Romanians; today, this has fallen to 10%. There are several other Member States besides Romania that have similar concerns. There are laws and rights, but their implementation cannot be guaranteed, although linguistic, ethnic and regional diversity is a European value. Therefore, it is important for draft guidelines to be drawn up, based on existing, successful EU examples, that are acceptable to all and do not infringe on the states' territorial integrity.

Gábor Harangozó (PSE). – (HU) Thank you very much, Mr President. Commissioner, ladies and gentlemen, first of all, I would like to express my pleasure at welcoming Csaba Tabajdi's initiative intended to improve the situation of minorities living in the European Union. Although eminent examples prove that national minorities are regarded as a value and an opportunity in the European Union, such as in South Tyrol or the Åland Islands, unfortunately, in Eastern Europe, we come across the opposite attitude as well, sometimes even in presentations by statesmen. It is precisely for this reason that we urgently need to oppose declarations that would definitively and perpetually rule out the demands of national minorities for autonomy, by referring to the requirements set by the European Union. We therefore need to speak with determination and declare that national minorities are entitled to autonomy as an exercise of minority rights at Community level, and that we must guarantee these fundamental rights, as well, through the legal system of the European Union. I therefore fully support the elaboration of a comprehensive regulation for the protection of minority rights at European level. Thank you very much.

Michl Ebner (PPE-DE). – (IT) Mr President, ladies and gentlemen, today is a very happy occasion and the credit for it, with my thanks, goes in particular to Mr Tabajdi, Chairman of the Intergroup and champion of minorities.

Today I am using the Italian language, which is the language of the State and not my mother tongue. I do this for a specific reason: a large number of ethnic minorities from various countries and ethnic groups live in Italy. Today, I want to use this demonstration – as well as the demonstration that an ethnic minority is not an ethnic minority merely for itself but has to experience solidarity – to give to these minorities a voice here in this House. I also want to tell the Italian minorities who live abroad that they would otherwise not have this possibility.

Mr Barrot spoke today about non-discrimination. I believe that nondiscrimination is not enough, because we must achieve equal rights and equal rights will come only when we have minority situations and give them considerable help in reaching a level equal to that of the majority. For this reason, we need positive discrimination in certain situations. This, I believe, is a new idea, an idea that needs to be pursued.

The European Union has competencies. By making use of Articles 21 and 22 of the Charter of Fundamental Rights of the European Union and Article 2 of the Treaty of Lisbon – let us hope that these enter into force as soon as possible – together with the Copenhagen criteria, and a small amount of flexibility and legislative imagination, we would be able to achieve a great many things. I want to mention, in particular, Article 2 of the Treaty of Lisbon on the protection of the rights of individuals – and here, particular thanks go to the former Minister for Foreign Affairs, Mr Frattini, who made a decisive contribution to its inclusion.

We hope for protection of rights for groups: that is our goal. Since there are 168 minority groups in the European Union and about 330 on the continent of Europe, 100 million of our fellow citizens on this continent are experiencing this situation. We in South Tyrol have reached a level that can obviously be improved on, but which is very, very good nonetheless. When I hear from representatives in this House or Members from majority populations that their minorities are well treated, I am somewhat mistrustful. I would be happier if the representatives of these minorities said that they were well treated.

We in the European Union need to understand that minorities represent added value, a bridge between cultures, between peoples and countries. We must work towards unity in cultural diversity.

Katrin Saks (PSE). – (ET) Ladies and gentlemen, the linguistic and cultural diversity that we value as an asset of the European Union often becomes a problem at the level of the Member States, especially in areas where borders have shifted due to the vicissitudes of history, or a minority has become the majority and the majority has become a minority, as in Estonia, my homeland. In such cases, it is indeed an immense challenge for a single country.

At European Union level, however, it is very important that double standards not be applied. The Copenhagen criteria, which the previous speakers have already mentioned in several speeches, and which the new acceding states were required to meet, have already been discussed, but we were also very well aware that those same criteria, those same requirements – for instance educational requirements – are not met in many of the old Member States. It is crucial that all countries be treated in the same manner, and that minimal standards apply to all.

Rareș-Lucian Niculescu (PPE-DE). – (RO) First of all, I do not believe that the European Union needs a common policy for minorities. We owe equal rights to all European citizens, irrespective of their ethnic background. On the other hand, if those who asked the question being debated really want a European policy on this matter, we can assure them that Romanian legislation, for instance, may be considered as a model of good practice.

Romania perhaps has the most generous and up-to-date legislation on national minorities in Europe. They enjoy extensive political and social rights, identical to those enjoyed by all citizens. Minorities of significant size, such as the Hungarians, enjoy the right to education in their mother tongue at every level. Representatives of the minorities are entitled to seats in parliament, even if they have not obtained the necessary votes. In fact, the Hungarian minority party, which has been referred to this evening and during yesterday evening's debates, has formed part of the Romanian Government for 12 of the 19 years since Romania has been operating as a democratic state.

Flaviu Călin Rus (PPE-DE). – (RO) Minorities of any kind must be supported, not only in terms of preserving a unique identity, their values, traditions and language, but also for developing their culture. In my view, Romania, which is a unitary, sovereign state, is a model country in terms of respecting the individual rights of the members of any minority.

I welcome the progress which my fellow Members have made, as well as their constant concern for the protection of ethnic, traditional or national minorities. This is an obvious and welcome approach. However, in terms of relations between the majority and minority, I would like to advise you of two aspects: 1) I feel that not only members of a minority should be involved in measures of this kind, but majorities must also deal with issues relating to minorities, to the same extent, precisely in order to support and protect what we call 'unity in diversity', which is taking place in Romania. 2) I appreciate that minorities should equally be concerned about the status of the majorities as these two entities form, but only together, this unitary whole which contributes to the natural development of any society.

Nicodim Bulzesc (PPE-DE). – (RO) As part of this debate, I would like to make a comment stating that national minorities make a great deal of fuss because they do not have arguments to support all the rights which they claim. I would like to launch a slogan for this: 'making a fuss does no good and good makes no fuss'.

The European Union's laws cannot only protect minorities and put national communities at a disadvantage because we are allowing positive discrimination. I would like to give you an example where the reality contradicts the assertions being made. Some people have claimed that the rights of the Hungarian minorities are not respected in the area of education in Romania and, as my background is in education, I would like to give as an example Romania's universities, which adhere to European standards for treating minorities.

Alexandru Nazare (PPE-DE). – (RO) As part of this debate, I would like to highlight the deterioration in respect for the religious rights of the Romanians living in Timoc Valley in Serbia. We are talking here about a community of more than 100 000 Romanians.

I would like to take the opportunity to express my concern regarding the decision of the town council in the Serbian town of Negotin to demolish the foundations of a Romanian-language Orthodox church, even though the priest, Boian Alexandru, had obtained the necessary approvals. This would be the second church for Romanians living in Serbia. For his audacity in constructing the first one, Father Alexandru was given a two-month suspended sentence. I would like to emphasise that Serbia has undertaken, in accordance with Article 5 of the Stabilisation and Association Agreement, to respect human rights and protect ethnic and religious minorities.

I would like to end with an extract from a letter from Father Alexandru, where he expresses the hope that the Serbian authorities will not demolish this church where services will be held in Romanian. I quote: '... to help us, too, to obtain these rights in our country, where we live, Serbia, so that we can at least have our own church and school and be able to speak Romanian.'

Adrian Severin (PSE). - Mr President, the European Union has no jurisdiction as far as the status of national minorities in the Member States is concerned. There is no problem, however, because all European Union Member States are also members of the Council of Europe, an organisation which is well-equipped and well-experienced to address that issue. To duplicate the activity of the Council of Europe would be detrimental to the scope of our work on minorities and would only create confusion and frustration.

Secondly, I am concerned to see that our approach on minorities places too much emphasis on solutions that were perhaps valid decades and centuries ago. I believe that in this field, as well, it would be better to develop our imagination more than our memory.

Finally, instead of revisiting fields already explored, the European Union would be better advised to develop a concept of transnational protection of cultural rights in a continent where each ethno-cultural community is a minority as well.

Dragoş Florin David (PPE-DE). – (RO) In the current worldwide climate of globalisation and freedom of movement, I think that the ideas being expressed here this evening about territorial authority do not make any sense. I think that there are more than one million Romanians living in Spain and Italy, but I do not see why they would ask for territorial autonomy in these countries.

I believe that setting up a committee or subcommittee at European Parliament level for monitoring the rights of minorities would be an excellent idea and would implement European policy at this level or, ultimately, certain procedures for respecting the rights of minorities. I do not think that Romania has ever refused a visit from any president from a European state and yet, once again, this is a rumour which has been going round here. I believe that Romania offers a model of good practice for very many countries in the European Union.

Iuliu Winkler (PPE-DE). - (HU) Thank you very much, Mr President, the national minorities living on the territory of the European Union enrich the EU. The European Parliament must take the lead in defending ethnic minorities, by initiating a serious debate on the legal status of minorities. Parliament must take responsibility for elaborating and adopting a framework regulation that is binding on all Member States. Such a framework regulation will truly serve the interests of minority communities only if – bearing in mind the principle of subsidiarity – its provisions include the fact that the adoption of various forms of autonomy built on consensus between the majority and minorities is the way to endow minority communities with an appropriate status. Thank you.

Miloš Koterec (PSE). – (SK) Yes, minorities must be respected and their rights must be legislatively guaranteed by the EU Member States. Cultural and linguistic diversity must be preserved, as it is the basis for a healthily functioning Union. However, we will not allow political groups based on a minority position to push for autonomist interests which often challenge the principle of territorial integrity of states, and which, furthermore, often stem from a sense of injustice due to decisions made in the past.

Territorial autonomy on a national basis and, furthermore, not founded on homogeneity, but often politically abusing the minority status of the majority people in a certain micro-region or in a community, is a threat to peaceful life and coexistence in the European Union.

Christopher Beazley (PPE-DE). – (FR) Mr President, I have two questions for the Commissioner.

During this debate, many Members and colleagues have spoken of double standards, of unequal obligations on the old and new Member States. What measures are you taking in respect of the old Members, in other words the 15 Member States who do not comply with the Copenhagen Agreement?

My second question is about religious minorities, the Jews and Muslims living on our continent, in our Union: what measures are being taken by the Commission to protect their faith, their law and their way of life?

Csaba Sándor Tabajdi, author. – (FR) Mr President, Commissioner, the first question that must be answered is whether or not the issue of national minorities falls exclusively within national powers.

I think not, because if the issue of human rights is not an internal issue for the Member States of the European Union, then neither is the issue of the rights of national minorities. This, of course, requires clarification. Yugoslavia was bombed because the rights of Kosovars were infringed, so why do we not make ourselves clear on this issue?

Secondly, why, prior to accession, was the situation in the new Member States better than it is at present?

Thirdly, Mr Beazley raised the question of double standards. It is true that, despite the problems, the situation of the Hungarian community in Romania is better. There are problems in Romania, but the situation is better than in Alsace or Brittany. Why are there double standards?

Fourthly, let us talk about territorial autonomy. In the Åland Islands of Finland and in South Tyrol in Italy, regional autonomy has really stabilised the country. In Spain, the system of autonomous regions is a very good example, despite a few Basque extremists who deserve our condemnation.

Finally, Mr President, it has to be said that non-discrimination and equal treatment are insufficient to compensate for the disadvantages of minorities. At the end of the day, satisfied minorities are factors for stability in the countries of Europe. As Henrik Lax always says, 'if a policy is carried out properly, it will always pay dividends'. That is the reality and I would like to thank you for the debate.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I have listened very carefully to everybody's contributions, and I am touched by the passion that underlies some of these positions.

Mr Tabajdi has just listed a whole raft of problems. I am well aware that these problems do exist, but I must once again – regretfully, but there is nothing else I can do – remind you that the protection of groups, of national minorities as groups, does not fall within the EU's sphere of competence, nor even within that of the Agency for Fundamental Rights.

Nevertheless, at my urging, the Agency will look into ethnic and racial discrimination when it updates its 2007 report on racism, but I would reiterate that the treaties grant no jurisdiction in this field: not to the European Union, not to the Commission and not to the Agency.

The open method of coordination has been mentioned, but this method too requires us to have competence. It is quite clear that, were the Council to alter its position, that might open up other paths but, for the time being, we ourselves are paying special attention to the fight against the discrimination that can particularly affect people from minorities.

We need to make things quite clear here: we do have the tools, at Community level, to combat discrimination. Article 13 of the Treaty establishing the European Community has formed the legal basis for two directives: the Directive of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and the Directive of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

From that point of view, therefore, there is indeed a will to combat all forms of discrimination against citizens from minority groups. On top of that, the Agency for Fundamental Rights is going, at my request, to undertake a very in-depth study into all of these forms of discrimination.

That is as much as I am able to say. I cannot go any further, because we do not have the legal tools. The Member States will not allow us to.

Having said that, the position of Roma in the European Union, for example, is indeed deplorable, and their integration is a top priority for both the Union and the Commission, as was reiterated at the first European Roma Summit on 16 September, in which I took part along with Mr Barroso and Mr Špidla. In the wake of this summit, Mr Špidla is going to establish a European platform on the Roma. This flexible structure will allow us to rise to the challenges at EU level. Nevertheless, we do also need to be careful, as, in the Commission's opinion, an ethnic approach would be counterproductive.

I would like to conclude by saying that I have been touched by what has been said here. It is quite clear that the real strength of the European Union lies in resolving this problem of conflict between minorities and majorities in a given state, but it is also true that the European Union is currently a federation of national states, which means that it is difficult for us to go any further.

That said, there is nothing to stop countries informally exchanging good practices or best practices. You have referred to the very good practices in certain of the newer Member States of the Union, and I do not doubt that such good practices can be taken as an inspiration for other similar examples.

That, Mr President, is what I have to say, and I regret that I cannot give you a better response, but I am, after all, obliged to toe the line of what the European Union actually is as it stands. Even so, I would stress once again that, in the event of discrimination against individuals belonging to a minority group, you can be sure that I will stand absolutely firm, because I have every intention of ensuring respect for this non-discrimination which, I hope, the Charter of Fundamental Rights will institutionalise very strongly following the ratification of the Treaty of Lisbon.

President. – The debate is closed.

Written statements (Rule 142)

Genowefa Grabowska (PSE), in writing. – (PL) No country in contemporary Europe denies the rights of minorities. Under the EU's motto '*United in Diversity*', we are building a multicultural Europe, a Europe in which national minorities coexist with large monolithic states and enjoy their full political rights and citizens' rights. It appears that Europe is of one mind on this. Nowadays, anyone who queries the rights of minorities will certainly not succeed in the world of politics. The rights of minorities are enshrined in the legal order of individual EU Member States, and also confirmed by many international agreements.

I was therefore amazed by the ruling handed down by the Supreme Administrative Court in Lithuania on 30 January of this year. According to the ruling, placing signs bearing street names in Polish alongside others bearing street names in Lithuanian contravened the law. The authorities in the Vilnius region were ordered to remove the signs in the Polish language within a month. The issue is particularly curious because ethnic Poles account for as much as 70% of the population in the Vilnius region, and street signs in Polish are to be found almost everywhere. This has happened despite the fact that Lithuania has committed itself to the European Charter for Local Self-Government and has ratified the 1995 European Framework Convention for the Protection of National Minorities. Article 11 of the latter provides for the use of minority languages, including on street signs. It is hard to understand why Lithuania, which has now been a Member State of the EU for five years, is disregarding Union standards and failing to guarantee the rights of minorities on its territory.

Iosif Matula (PPE-DE), in writing. – (RO) Mr President, ladies and gentlemen, I come from an area on the border between Hungary and Romania, in the county of Arad, where problems concerning minorities were overcome a long time ago.

In this area, colleagues and childhood friends who attended primary school and then went on to study at university through Hungarian are still now using Hungarian in the institutions where they work.

I have been chairman of Arad County Council and the Romania West Regional Authority. In this region, where we have the counties of Arad, Timiș and Bihor in Romania, and Csongrád and Békés in Hungary, Romanians and Hungarians have together completed dozens of joint projects and are currently working on others, all using a single European language to resolve common European problems.

I invite anyone who would like to find out first hand about the Romanian model for resolving minority problems to take a look at the real situation first hand before they express their views at various European forums.

Andrzej Tomasz Zapłowski (UEN), in writing. – (PL) The rights of national minorities in EU Member States constitute an important issue in terms of human rights. In practice, however, the issue is often exploited in actions aimed at spreading revisionism across Europe and calling borders into question.

The right to use one's native language and the right to preserve one's traditional culture and customs are undoubtedly two of the rights that must be protected.

In recent times, there have been frequent cases in Europe when certain minorities have expressed the wish to have specific territories returned to the country with which they have a national allegiance. This provokes a reaction by the majority. There have also been cases when minorities numbering several million persons have been ignored and have been refused the status of a minority. This has happened, for example, to Poles in Germany. Germany is thereby violating the fundamental rights of minorities.

The case of people who have arrived in our countries from outside Europe is quite different. Clearly, these individuals have the right to their own culture and language. They may not, however, create their own special areas to which they transfer the law of their countries of origin. If they wish to live amongst us, they must be prepared to integrate into our countries and become responsible citizens of the country where they settle.

15. Voting rights for non-citizens of Latvia in local elections (debate)

President. – The next item is the debate on the oral question to the Commission on voting rights for 'non-citizens' of Latvia in local elections, by David Hammerstein, on behalf of the Group of the Greens/European Free Alliance, Alexandra Dobolyi, on behalf of the Socialist Group in the European Parliament, Willy Meyer Pleite, on behalf of the Confederal Group of the European United Left/Nordic Green Left, and Marian Harkin, on behalf of the Group of the Alliance of Liberals and Democrats for Europe (O-0007/2009 - B6-0007/2009).

David Hammerstein, author. – (ES) Mr President, there is a Member State of the European Union that uses the concept of 'non-citizens' to designate hundreds of thousands of people living in that country. The vast majority were born in that country, work in that country but nevertheless are given the epithet 'non-citizens'. This is an aberration in the European Union.

This is an aberration because the European Union is based on the concept of non-discrimination, on the principle of equality, which today is being negated in that country: it is failing to recognise those people's rights and is subjecting a group to historical discrimination purely on account of its ethnic origin. This is not acceptable.

We have examined specific cases in the Committee on Petitions. The first case was that of a man who came and said 'the first time I was able to vote was when I was studying in Germany. I was able to vote in German local elections, but in my own country I have not been able to vote because they do not recognise me. I do not have another passport. I do not have another country. I only have this country and I cannot vote.' That is an aberration.

We have dealt with another case in the Committee on Petitions concerning a man who has passed the language examinations in Latvia, who knows all the laws and who, nonetheless, is not granted citizenship because the state considers that – and I repeat what the Ambassador said to us – 'this man is not loyal to the state'. How

is that possible? How is it possible that this situation affects 20-25% of the population of a member country of the European Union?

We ask that people's fundamental rights be respected and that everyone be made aware of the situation, given that some countries have joined the European Union without fulfilling the Copenhagen criteria. We also ask that pressure be exerted on the Commission since, up to now, the European Commission has only shown weakness and a total lack of interest or concern.

Alexandra Dobolyi, author. – Mr President, it is sad to observe that today, almost five years after enlargement, there is little evidence of Latvia having demonstrated respect for its largest minority. The recommendations of the European Parliament and numerous other institutional organisations have been completely ignored.

A large part of Latvia's population has been alienated from the state and its institutions. No wonder the naturalisation rate is slow. Turning people into aliens and issuing them with an alien passport does not inspire in them feelings of being associated with the state. They do not participate. They do not take decisions. They do not vote, not even in those cities where they represent up to 40% of the population and where political decisions directly affect their lives.

Is this situation good or bad for the European Union? This is a question for the Commission and Council. Democracy cannot flourish without civil society, and there is no civil society without participation. Participation begins at local community level.

These people were born in the country or have spent most of their lives there, and we are talking about more than 15% of Latvia's population, or some 372 000 people. The EU must take action on their behalf. Why does the Commission not act on this? Citizens of other EU Member States residing in Latvia may vote and stand in municipal and European Parliament elections, but hundreds of thousands of people who were born in the country or have spent most of their lives there do not enjoy this right.

I would like to ask the Commission and the Council what they have done in order to address this issue with the Latvian authorities, and to take further action without any delay.

Willy Meyer Pleite, author. – (ES) Mr President, my Group, the Confederal Group of the European United Left/Nordic Green Left, did not hesitate to submit this oral question to the Commission when, during several sessions in the Committee on Petitions, we became aware of the situation in which many citizens of Latvia find themselves.

Members of the Commission, Commissioner, it is unacceptable that we are seeing cases of segregated citizens in the European Union in the 21st century. This does not conform to the European Union, its principles or its values. In a state that has been part of the European Union since 2004, with a population of barely 2.5 million inhabitants, there is currently a law in force preventing half a million people, quite simply, from exercising their rights as citizens.

These people are called non-citizens. They have a black-coloured passport and for that reason, they are called 'blacks' or 'aubergines'. They are even referred to as such by the administration itself, by the State, the government, and they are citizens who do not enjoy their legitimate right to be able to vote or be elected.

We believe, therefore, that the European Commission should exert considerable pressure on the government in order to prevent its failure to observe many recommendations that have been made by various institutions, such as the United Nations Commission on Human Rights, the United Nations Committee on the Elimination of Racial Discrimination, the Parliamentary Assembly of the Council of Europe, the Council of Europe Congress of Local and Regional Authorities, the Council of Europe Commissioner for Human Rights and the very recommendation made by this Parliament in the debate on Latvia's accession, the Resolution of 11 March, in which it was clearly stated that a real solution had to be found to the segregation problem and the issue of those citizens who are required to prove whether they were born before 1940. This is, quite simply, unacceptable.

I do not believe it should be tolerated. We cannot coexist in the European Union while this situation continues and, therefore, we believe it is very important that the Commission, the European Union authorities and all of us put forward proposals in the same vein to put an end to this situation.

To that effect, our group expects the Commission to make concrete proposals on the questions that we raise in this debate. With regard to language, we are also concerned by the fact that, pursuant to new regulations

– and there were student demonstrations last year – 60% of the curriculum must be taught in Latvian, thereby creating clear discrimination against the Russian language.

I seem to recall that during the Franco dictatorship in my home country of Spain, it was forbidden to speak in Basque, Catalan or Galician. Those languages were simply banned. Today, the reality is that they are co-official. I believe that this is a situation that should also be put in force so that, ultimately, no citizens of the European Union are prevented from expressing themselves in their mother tongue, in their own language, which should share equal official status with any other language that can be used in that state.

I therefore call on the Commission to act dynamically once and for all so as to prevent the segregation that is taking place in that member country of the European Union.

Christopher Beazley (PPE-DE). – Mr President, on a point of order, Members of this House will have different points of view about the question being debated, but you, as our President, have the right, and indeed the duty, to advise colleagues as to how they may express those views which they have the right to express.

I believe that last statement contained elements which were very close to being defamatory of a government of the European Union. I take exception to that. I think, if we look at our Rules of Procedure, the proper conduct of debates in this House does not permit members to use the sort of language to which we have just been subjected.

President. – As I did not interpret the Member's speech in the manner in which you have just claimed, I did not resort to the powers which are conferred on me under the Rules of Procedure.

Willy Meyer Pleite (GUE/NGL). – (ES) Mr President, given that I have been mentioned, I stand by each and every one of the words I have spoken.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, the example of Spain was just raised, but it is, in fact, the Spanish State that has actually dealt with the problem.

The Commission is aware of the specific circumstances in which the Russian-speaking minority in Latvia find themselves. A great deal of effort was made as part of the pre-accession strategy to promote the naturalisation and integration of these people, in line with the recommendations of the Organisation for Security and Cooperation in Europe and of the Council of Europe.

The Commission has repeatedly emphasised that all the parties involved, including the minority themselves, need to contribute to this complex process and to come up with solutions.

With regard to the specific issue of the participation of non-Latvian citizens in local elections, all that the Treaty establishing the European Community guarantees, in terms of electoral rights, is the participation of EU citizens in European and municipal elections in their Member State of residence, even if they are not nationals of that state.

The participation in elections of people who are not nationals of an EU country, and are therefore not EU citizens, is not an issue covered by Community law.

The Commission therefore cannot talk to Latvia regarding the issue of these people's participation in local elections. It is up to the Member States to decide such issues.

I do understand the situation depicted by the co-authors of the oral question, but unfortunately, I cannot give them any other answer, so we need to leave it to Latvia itself to take care of this problem, which the Union is not in a legal position to resolve.

Rihards Pīks, on behalf of the PPE-DE Group. – (LV) Thank you, Mr President, I must remind you that in my small country, Latvia, there are 2.3 million inhabitants, of whom approximately 1.6 million are of Latvian ethnic origin. Nonetheless, in Latvia, primary education is dispensed by the state and local government in eight minority languages, some of which, such as Romany and Estonian, are very small. When speaking about Russian-speaking non-citizens, one cannot use the concept of a 'traditional minority'. In the sense of Western European countries, they could be said to be newcomers or immigrants who, at the time of the Soviet occupation, arrived in Latvia and enjoyed many privileges. Firstly, they had the privilege of not learning the language of the land and people they had come to, but of speaking only Russian. My country has enacted one of the most generous naturalisation laws in Europe, precisely in order to meet those people halfway. Over the ten-year period that this law has been in force, approximately 50% of non-citizens have acquired

citizenship rights. When a survey was conducted recently, however, in late 2008, among people who had not become naturalised, 74% did not wish to obtain Latvian citizenship. Secondly, only one third of non-citizens has made use of the right to register as Latvian citizens children born after Latvia regained its independence – just one third. Why that is, I do not know. Mrs Ždanoka, who was elected from Latvia and represents Latvian citizens of Russian origin, makes no secret of the fact that after obtaining voting rights for non-citizens, the next step would be to call for Russian to be given the status of a second state or official language. What does that mean? Firstly, it means the retention of privileged status for people who came to Latvia from Russia, and secondly, it would be the signing of a [death] sentence for the Latvian language and culture since, behind the Russian speakers, there are 140 million more in Russia, with increasing nationalistic ambitions. For the Latvian language, it is not possible, as small as we are, as few in number as we are. Finally, we joined the European Union not in order to retain the divided society created by the Soviet occupation, but in order to overcome it and to retain our own identity. Thank you.

Proinsias De Rossa, on behalf of the PSE Group. – Mr President, Commissioner Barrot's response was very disappointing. I would have expected a more positive response from him, despite the legal constraints that he operates under. I thought he might have said that he would do what he could to encourage change in Latvia in the spirit of the European Union's principle of diversity.

I am from Ireland; I speak English. English is my mother tongue, but I am not English: I am Irish. The reality is that the European Union is made up of many states. Virtually all our states have minorities and majorities who have histories relating to being part of an empire or to being an empire or a colony. We have had to deal with that.

If I moved to Latvia and lived and worked there for a while, I would be able to vote in local elections. However, there are hundreds of thousands of people in Latvia who were born in Latvia but who cannot vote in local elections. That is an injustice, but – I would tell Mr Pīks – it is also self-destructive because, in order to overcome the difficulties and the fears, we must make all of our people welcome in our states. We must encourage them to participate politically. Enabling people to vote in local elections would enable them to feel part of their community and part of the management of their own local communities and would help, as I say, to overcome barriers.

One of the largest migrant communities in Ireland is British. They can all vote in local elections in Ireland. They cannot all vote in national elections because they do not all hold Irish citizenship, but they all vote in Irish local elections and make a very important contribution to Irish political life. So I would appeal to those in this House who are from Latvia – and indeed from any other of our Member States that have minority, or even majority, problems – to bear in mind that, in order to overcome these difficulties and to overcome fear, we have to make people welcome and incorporate them into our political process, not keep them out of it.

Georgs Andrejevs, on behalf of the ALDE Group. – Mr President, first of all it must be remembered that after 1945, as the British, French, Belgians and Dutch streamed out of their colonies, the Russians started to stream into them. Also in 1949, when the Geneva Convention prohibited settling civilians in occupied territories, the Russification of Latvia was intensified, and a flow of two million immigrants was organised by the Soviet authorities.

It can therefore be said that, when the Republic of Latvia regained its independence in 1991, the Soviet-era newcomers were in Latvia illegally. So the Russians today are being granted citizenship via naturalisation as a humanitarian act by the Latvian Government, and not as a right.

According to the Charter of the United Nations, normally citizenship laws belong to a country's internal affairs and no other countries can meddle with them, not even the UN itself. Therefore, the position of the Latvian authorities with regard to the possibility of granting voting rights to non-citizens is firm and unchanged: the right to vote is an integral part of citizenship.

Such a position is also in line with international law and practice. At the same time, Latvia, with considerable financial help from other countries – with the exception of Russia – has made significant efforts to facilitate the naturalisation process and integration of non-citizens in Latvia, bringing the percentage of non-citizens down to 16% at the end of 2008.

Our aim is to ensure that all inhabitants of Latvia can apply for citizenship and enjoy their rights fully and effectively. Latvia aims to have citizens with full rights, instead of having non-citizens with many rights.

I understand that this position of Latvia contradicts the policy published in the Russian *Diplomatic Herald* by Mr Karaganov in 1992, as well as his supporters here in the European Parliament, but we will never give up protecting our country against these disinformation campaigns.

Ģirts Valdis Kristovskis, *on behalf of the UEN Group*. – (LV) Commissioner, ladies and gentlemen, Latvia's liberal law has allowed anyone to testify to their loyalty to the Latvian state and Western democratic values. As a result, since 1993, the number of non-citizens has fallen by 59%. The majority of Latvia's businesses belong to Russian entrepreneurs. These are arguments that permit us to reject the complaints against the Latvian state. Additionally, it is worth pointing out the fact that there are people living in Latvia who, as members of the Interfront group, fought against Latvia's independence, called for the preservation of the evil empire that was the USSR, still deny the fact of Latvia's occupation, still excuse Soviet totalitarian crimes in the Baltic states, and voted against Latvia's membership of the European Union and NATO. It is possible that these convictions on their part are a significant obstacle to any wish to acquire Latvian citizenship. Let us not therefore prevent them from living in their world of past values!

Tatjana Ždanoka, *on behalf of the Verts/ALE Group*. – Mr President, we are discussing the Latvian case precisely because it is unique. The Latvian non-citizens are not nationals of any state and they have no right to participate in any elections. All adult bearers of the status of non-citizens of Latvia were permanent residents of the country in the early 1990s. The last time they had the opportunity to enjoy voting rights was 19 years ago, i.e. in March 1990, when the Supreme Council of Latvia was elected. One and a half years later, the very same Supreme Council deprived one third of its own voters of their voting rights. This is a unique case in parliamentary history.

The Commissioner spoke only of the integration of non-citizens into society and their naturalisation. However, such an approach puts things into reverse order: non-citizens are already a part of society – 32% were born locally – and for many, the procedure of applying for citizenship of their own country is humiliating and they do not go through naturalisation on principle.

For the Latvian political elite, depriving this essential part of the minority population of their basic rights is an instrument for preserving power. They are using the old method of divide and rule and, therefore, action on behalf of Latvia's non-citizens must be taken by the European Union.

I am convinced that fundamental values of the EU, such as non-discrimination on the grounds of ethnic origin and participatory democracy, must take precedence over national competences.

Christopher Beazley (PPE-DE). – Mr President, we have heard in this debate how Latvia's democracy, independence and all the decent norms of society were crushed by the two criminal dictators of the last century. Latvia was invaded by Stalin, then by Hitler, and then by Stalin again. The Latvian population was then subjected to imprisonment, deportations and executions. Stalin then imported not only Russian speakers, but Ukrainian speakers and Belarussian speakers.

All of us, including Mrs Ždanoka, would condemn Stalin and his works today, but what do we do about it, Commissioner? Would you now publicly affirm, not only that you have no juridical right to make an intervention, but that all Member States of the Union should respect their full legal requirements as far as electoral law is concerned? I think that is important, not just for Latvia, but for all our countries.

Surely the answer is that if you feel strongly about this, like those many Russian-speaking Latvians who have taken citizenship, you should take the citizenship of the country of which you are proud, where you were born and where you live. Do not reject it. Do not ask for privileges if you do not want to play your part. You can take citizenship.

There was a Palestinian exile who took Latvian citizenship. If he could learn the language, I am sure that those Russian-speaking Latvians can do the same. Of course we are reminded that the great majority have taken citizenship. If you are part of a country, I think you have rights and duties.

Csaba Sándor Tabajdi (PSE). – (HU) I wish to congratulate Alexandra Dobolyi and her fellow authors. This is one of the most serious human rights issues in the European Union today. I understand all the historical injuries of our Latvian friends, since they were subjected to terrible assimilation during the Stalinist Soviet era. I am well acquainted with the practice, but nothing can justify historical revenge. I would advise my Latvian friends to follow the example of Finland, which was oppressed by Sweden for centuries, and yet Finland never took revenge on Swedish-speaking Finnish citizens. It is impossible either to deport or to assimilate several hundred thousand people, and so they must be given their EU rights. I am very much

saddened by Commissioner Barrot's words, because instead of the EU giving a clear sign that the situation is untenable and contrary to fundamental EU values, Mr Barrot throws up his hands and says that the European Union can do nothing. Well, that is quite sad. A historical compromise must be found between the Latvian majority and the Russian minority. This is the only solution, there is no other. Thank you for your attention.

Inese Vaidere (UEN). – (LV) Ladies and gentlemen, last autumn I put a written question to Commissioner Ferrero-Waldner, expressing fears that the privilege given by Russia to non-citizens from Latvia and Estonia of entering Russia without visas had had a negative effect on their desire to become citizens. Mrs Ferrero-Waldner agreed with me, but today certain members – authors of questions – are displaying a total lack of understanding of Latvia's situation. If we add yet further to the rights of non-citizens, and include the right to vote in local elections, the number of non-citizens, which has halved since 1995, will, in all probability, not fall any more. Latvia's citizenship law is one of the most generous in Europe. Any non-citizen can acquire full rights, including the right to vote, by becoming a citizen. Latvia's non-citizens have come about as the direct result of the 50-year-long Soviet occupation. Certain political forces, which support the Kremlin's so-called compatriot protection policy, are still manoeuvring, through these people, for an increase in their own political capital. Thank you.

Roberts Zīle (UEN). – (LV) Mr President, Commissioner, the extent to which this debate interests the authors of the question can be seen from the fact that not one of them is in the Chamber any more, and so they will not have heard what Inese Vaidere has just said – that Russia's real visa policy was a weapon it used not to foster the naturalisation process in Latvia, but to achieve quite the opposite. Unfortunately, public opinion surveys confirm that the majority of these people will never become Latvian patriots, but the majority of them are already patriots of another country. If they were to obtain power in local government, the next step would be, of course, demands for autonomy and for official status for their language. We can already see what the next steps could be, as shown by the development of the long-term situation in such places as Abkhazia and Southern Ossetia – Russian passports would be handed out in these self-governing areas. Thank you.

Laima Liucija Andrikiienė (PPE-DE). – (LT) Under normal circumstances, it would be possible to propose that permanent residents participate in local council elections, but we know all too well that the majority of Latvia's non-citizens could hardly be described as having arrived in the country under normal circumstances. Their arrival is a direct consequence of the occupation of Latvia implemented by the Soviet Union. It is also the result of the Russification process carried out over five decades, violating the norms of international law. We all have the right to choose – to be citizens or to be loyal to our state, do we not? However, every choice also has its consequences and for that reason we can only blame ourselves, not the state which granted that freedom of choice.

Henrik Lax (ALDE). – (SV) What are the consequences for the Latvian people of fifty years of Soviet occupation? Why does a large proportion of the Russian-speaking population not want to apply for citizenship? What is Russia's part in all this? Latvia needs our support, not our condemnation, in order to be able to encourage its non-citizens to apply for citizenship. To Mr Tabajdi, I would like to ask this question: why would Finland want revenge on Sweden and what does that have to do with this issue?

Paul Rübzig (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, it is normal for people in Europe to undergo compulsory schooling. This involves becoming familiar with the customs and the culture of the country in which you live, so that you are able to live there. Compulsory schooling involves learning the language of the country and possibly other languages. It also forms the basis for vocational training and shows how the culture of the country has developed and where it is heading. In addition, students learn about history. Compulsory schooling, as we understand it, helps people to live together in harmony. If you live in a country, it is clear that you must also be able to understand the language of the country. This is the purpose served by a good compulsory schooling system. Against this background, I would like to say that many of the problems in Europe could be solved by the efficient provision of compulsory schooling for all the residents of a country.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I have listened carefully to both sides.

It is very difficult, in this context, for the Commission to take over from the Latvian State to deal with this problem. All I can do in this situation is encourage them to undertake an internal dialogue, which I think would be desirable. Unfortunately, that is all I can say.

President. – The debate is closed.

16. Agenda of the next sitting: see Minutes**17. Closure of the sitting**

(The sitting was closed at 10:55 p.m.)