WEDNESDAY, 21 APRIL 2010

IN THE CHAIR: MR BUZEK

President

1. Opening of the sitting

(The sitting was opened at 09.05)

2. Request for the waiver of parliamentary immunity: see Minutes

3. 2008 Discharge (debate)

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

- the report by Mr Liberadzki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section III – Commission and executive agencies (SEC(2009)1089 – C7-0172/2009 – 2009/2068(DEC)) (A7-0099/2010),

- the report by Mrs Ayala Sender, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Seventh, Eighth, Ninth and Tenth European Development Funds for the financial year 2008 (COM(2009)0397 – C7-0171/2009 – 2009/2077(DEC)) (A7-0063/2010),

- the report by Mr Staes, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section I – European Parliament (SEC(2009)1089 – C7-0173/2009 – 2009/2069(DEC)) (A7-0095/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section II – Council (SEC(2009)1089 – C7-0174/2009 – 2009/2070(DEC)) (A7-0096/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section IV – Court of Justice (SEC(2009)1089 – C7-0175/2009 – 2009/2071(DEC)) (A7-0079/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section V – Court of Auditors (SEC(2009)1089 – C7-0176/2009 – 2009/2072(DEC)) (A7-0097/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section VI – Economic and Social Committee (SEC(2009)1089 – C7-0177/2009 – 2009/2073(DEC)) (A7-0080/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section VII – Committee of the Regions (SEC(2009)1089 – C7-0178/2009 – 2009/2074(DEC)) (A7-0082/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section VIII – European Ombudsman (SEC(2009)1089 – C7-0179/2009 – 2009/2075(DEC)) (A7-0070/2010),

- the report by Mr Czarnecki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2008, Section IX – European Data Protection Supervisor (SEC(2009)1089 – C7-0180/2009 – 2009/2076(DEC)) (A7-0098/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on the 2008 discharge: performance, financial management and control of EU agencies (2010/2007(INI)) (A7-0074/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Translation Centre for the Bodies of the European Union for the financial year 2008 (SEC(2009)1089 – C7-0188/2009 – 2009/2117(DEC)) (A7-0071/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Centre for the Development of Vocational Training for the financial year 2008 (SEC(2009)1089 – C7-0181/2009 – 2009/2110(DEC)) (A7-0091/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Police College for the financial year 2008 (SEC(2009)1089 – C7-0198/2009 – 2009/2127(DEC)) (A7-0075/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Community Fisheries Control Agency for the financial year 2008 (SEC(2009)1089 – C7-0201/2009 – 2009/2130(DEC)) (A7-0105/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for Reconstruction for the financial year 2008 (SEC(2009)1089 – C7-0183/2009 – 2009/2112(DEC)) (A7-0072/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Aviation Safety Agency for the financial year 2008 (SEC(2009)1089 – C7-0193/2009 – 2009/2122(DEC)) (A7-0068/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Centre for Disease Prevention and Control for the financial year 2008 (SEC(2009)1089 – C7-0195/2009 – 2009/2124(DEC)) (A7-0104/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Chemicals Agency for the financial year 2008 (SEC(2009)1089 – C7-0202/2009 – 2009/2131(DEC)) (A7-0089/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Environment Agency for the financial year 2008 (SEC(2009)1089 – C7-0186/2009 – 2009/2115(DEC)) (A7-0092/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2008 (SEC(2009)1089 – C7-0194/2009 – 2009/2123(DEC)) (A7-0086/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2008 (SEC(2009)1089 – C7-0185/2009 – 2009/2114(DEC)) (A7-0067/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2008 (SEC(2009)1089 – C7-0189/2009 – 2009/2118(DEC)) (A7-0078/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2008 (SEC(2009)1089 – C7-0192/2009 – 2009/2121(DEC)) (A7-0081/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Network and Information Security Agency for the financial year 2008 (SEC(2009)1089 – C7-0196/2009 – 2009/2125(DEC)) (A7-0087/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Railway Agency for the financial year 2008 (SEC(2009)1089 – C7-0197/2009 – 2009/2126(DEC)) (A7-0084/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Training Foundation for the financial year 2008 (SEC(2009)1089 – C7-0191/2009 – 2009/2120(DEC)) (A7-0083/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2008 (SEC(2009)1089 – C7-0187/2009 – 2009/2116(DEC)) (A7-0069/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Euratom Supply Agency for the financial year 2008 (SEC(2009)1089 – C7-0203/2009 – 2009/2132(DEC)) (A7-0076/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Foundation for the Improvement of Living and Working Conditions for the financial year 2008 (SEC(2009)1089 – C7-0182/2009 – 2009/2111(DEC)) (A7-0088/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Eurojust for the financial year 2008 (SEC(2009)1089 – C7-0190/2009 – 2009/2119(DEC)) (A7-0093/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2008 (SEC(2009)1089 – C7-0184/2009 – 2009/2113(DEC)) (A7-0090/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) for the financial year 2008 (SEC(2009)1089 – C7-0199/2009 – 2009/2128(DEC)) (A7-0085/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European GNSS Supervisory Authority for the financial year 2008 (SEC(2009)1089 – C7-0200/2009 – 2009/2129(DEC)) (A7-0073/2010),

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Joint Undertaking for ITER and the Development of Fusion Energy for the financial year 2008 (SEC(2009)1089 – C7-0261/2009 – 2009/2187(DEC)) (A7-0094/2010) and

- the report by Mrs Mathieu, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the SESAR Joint Undertaking for the financial year 2008 (SEC(2009)1089 – C7-0262/2009 – 2009/2188(DEC)) (A7-0077/2010).

Jean-Pierre Audy (PPE). – *(FR)* Mr President, I note that the Court of Auditors is absent from this House. We need the position of the Court of Auditors to make matters clearer for us. Do we have an explanation for this absence? I also note that the Council's seats are empty, even though we are going to be dealing with discharge to the Council, about which we have a number of concerns. Do we also have an explanation for the Council's absence?

(The sitting was suspended at 09.10 and resumed at 09.20)

President. – Colleagues, it is not necessary for the Council to be here. They are not obliged to be here, but we did of course expect the Court of Auditors' highest representatives. They are not here and we are very surprised, as it is certainly not a problem of transport. It is not so far from Luxembourg and they can travel by car without any problem. Nevertheless we should start our discussion, not knowing yet why they have not arrived.

We will start the discussion without them. We know that the votes are postponed and will be held in two weeks' time in Brussels. We have already decided about that. So there is only one possibility for us: we have to start the discussion, not knowing whether they will be able to be here in the next half-hour or hour.

Jean-Pierre Audy (PPE). – *(FR)* Mr President, I should like to say to you that, without knowing the reason why, we understand that the Court of Auditors is absent, that it does an outstanding job of auditing the European institutions. I do, however, object to the Council's absence because we need debates with it, particularly where discharges relating to its activities are concerned. Therefore, I object to the Council's absence today.

President. – Ladies and gentlemen, we can, in any case, begin the discussion. What is important is that we can start our work.

Edit Herczog (S&D). – Mr President, I would like to mention that we should not only be blaming the Council. The Secretary-General of Parliament is missing. The discharge has something to say to the Secretary-General about Parliament, so we would be extremely happy if he were with us today as well.

President. – I am sure the Secretary-General will be here – there is no doubt about that.

Jens Geier, *deputising for the rapporteur.* – *(DE)* Good morning Mr President, ladies and gentlemen. I would like to repeat that, in my opinion, it is rather difficult to conduct a debate in the absence of those to whom we are supposed to grant discharge, with whom we want to discuss the reasons why we are granting discharge or are postponing discharge or whatever else we have to talk to them about.

I know many of the honourable Members of this House from the committee. We also know our respective positions. It is fine that we will exchange them once again this morning, but it is not really helpful. In this context, I would like to propose that in committee, we deliberate formally inviting the institutions we are discussing to the next discharge debate and postponing the debates accordingly if they are not present.

Discharge to the European institutions comes at a difficult, but important moment. A consequence of the financial crisis is that all governments are having to review their respective budgets and ensure that they are meeting their requirements. We are in the first year of a new legislative period of the European Parliament and are dealing with a newly assembled Commission. In terms of the discharge, we are, however, considering the 2008 budget, which was under the responsibility of the previous Commission. This opens a multitude of new perspectives.

Among these new perspectives, we should expect a new way of thinking and a new approach on the part of the Member States since, for the first time, the Treaty of Lisbon names them as being co-responsible for the implementation of the EU budget.

In terms of the 2008 budgetary review, it was the rapporteur's intention to ensure that the Commission concentrates entirely on possibilities for improvement in budgetary control and that the Member States are on board for that as well. As the Group of the Progressive Alliance of Socialists and Democrats in the Committee on Budgetary Control, it is our goal that in future, every discharge report – on the basis of the judgment of the European Court of Auditors – is better than the previous one. It all depends on the Council assuming its new key roll in the light of the importance of the Member States.

It would be equally helpful if the European Court of Auditors looked for ways of redressing the imbalance that is, on the one hand, the result of annual reporting and the multiannual duration of many EU programmes and the logic of their implementation by the Commission and the Member States.

As the budgetary authority, we continue to have great concerns regarding some specific areas of responsibility, and, in particular, those in which the EU intends to implement its political priorities. For example, cohesion in the European Union is essential and therefore, the funds that flow into structural policy are particularly important. Here, we need to continue combating sources of errors decisively through simpler rules and recovering funds wrongly paid. We need finer instruments to measure results and we call on the Court of Auditors to develop these instruments, in order to be able to identify precisely the sources of errors.

We know that the action plan for the structural funds that provides for recovery is finally being implemented and we must now wait for it to have an effect. Pre-accession aid has the goal of enabling fundamental processes of change in these states and problems in target setting and implementation must be remedied. What will not do, however, is the fact that the goal of the accession process is effectively being torpedoed through the back door.

Therefore, I call on the House to reject the attempt by the Group of the European People's Party (Christian Democrats) to use amendments to turn the position of the European Parliament on Turkey's accession process on its head, as recorded in the resolution on the progress report. We are looking forward to the appointment of a new Director-General of the European Antifraud Office (OLAF) to end the ongoing debate, and also the Commission's proposals on the reform of OLAF, in order to improve the crucial work of this office.

Finally, to external policy actions. We need a demonstration of the determination of the EU to contribute to the resolution of problems worldwide. These actions must be highly effective, even under the most difficult circumstances. In the coming months, we must discuss the current management of EU funds in this area with the Commission and how these funds will be managed in future by the European External Action Service.

We are, however, making some progress. Our group is particularly pleased with the steps the Commission is taking as regards the annual management reports of the Member States, for example, since we are thereby getting closer to the realisation of an old demand of the Group of the Progressive Alliance of Socialists and Democrats. The same is true for the financial corrections and recoveries, since this is also an opportunity to reduce an unacceptably high rate of errors.

These points give us, among other things, the opportunity, some considerations notwithstanding, to call for the discharge of the Commission. I thank you and look forward to your comments.

Inés Ayala Sender, *rapporteur.* – *(ES)* Mr President, we have here today an important task to perform for the discharge of the Seventh, Eighth and Ninth European Development Funds (EDFs) and the part of the Tenth EDF corresponding to 2008. This is, moreover, a critical time, when major institutional changes are taking place and also when various global disasters have shown that European aid is increasingly important. They have also shown that it needs to be coordinated, it needs to be effective and, above all, it needs to be transparent, so that all Europeans continue to maintain their support and their positive view of this aid.

In addition, this is a crucial time in institutional terms. The implementation of the Treaty of Lisbon and the creation of the office of High Representative of the Union for Foreign Affairs and Security Policy, as well as the European External Action Service, provide us with a dual opportunity. On the one hand, we have the chance to improve substantially the application and effectiveness of our external aid; on the other, however, there are also major question marks, because we are concerned at the high risk that the growing effectiveness that we have achieved with difficulty for European development aid, in conjunction with the Court of Auditors and the Commission, may be undermined by further reorganisation, ambiguity in decision making and the chain of responsibility, and, especially, by fragmented management. We need greater certainty from the Commission to avoid such setbacks, and therefore we need clear, specific information as soon as possible on what the new system will be like and how it will affect development aid.

First, with regard to the current financial year, I would like to express the need for the EDF to be fully incorporated into the budget – that, I repeat again, is our demand – in order to enhance its consistency, transparency and effectiveness and to strengthen its oversight system. We therefore insist that it is vital for the Commission, together with Parliament, to keep this demand firmly in mind for the next financial framework.

It is also important to strengthen joint planning so as to achieve greater concentration, coordination and vision in the work. Consequently, we need to focus the Tenth EDF on a limited number of sectors.

It is important to avoid the adverse effects of proliferation, although we must be very careful not to underestimate the capacity and effectiveness of non-governmental organisations on the ground, as they are effective. It is a complex exercise in squaring the circle, but we hope that we can take it forward, together with the Commission.

We are also pleased that in this financial year, the statement of assurance has been positive, except for the method of estimating the provision for the Commission's costs. Then there are no material errors in the underlying transactions, although we are still finding – and therefore need to improve – a high incidence of non-quantifiable errors in both budget-support commitments and payments.

We are also hugely concerned that the Court of Auditors has again been unable to obtain important documentation on payments amounting to 6.7% of annual expenditure relating to cooperation with international organisations. We need a definitive method and an *ad hoc* calendar to ensure that information and documentation on this joint financing is not undermined by this lack of transparency.

In addition, we consider financial implementation to have been satisfactory, since the Seventh EDF has been closed and its balance transferred to the Ninth EDF. We also welcome the speedy implementation of the Tenth EDF since 1 July 2008, and we hope that the Commission's efforts will culminate in the settlement of the remaining old and dormant payments.

Resources are another of the important items. We are also concerned, although there has been some discussion, that the resources of the Ninth and Tenth EDFs managed by the European Investment Bank (EIB) are not covered by the statement of assurance and should therefore be the subject of regular reports by the EIB.

Bart Staes, *rapporteur.* – *(NL)* Mr President, ladies and gentlemen, I have been asking myself what discharge really is. Discharge is a parliamentary procedure, a public procedure; it is a critical scrutiny, in public, of financial management. I was responsible for carrying out this exercise in respect of the European Parliament

for the 2008 financial year. This scrutiny facilitates MEPs' and also citizens' understanding of Parliament's particular set-up, governance structure and working methods. After all, ladies and gentlemen, citizens have the right to know what is happening to their taxes. A great deal of money is involved. We are talking about a parliamentary budget of EUR 1.4 billion for 2008; the budget for 2011 is likely to be EUR 1.7 billion. This is an extremely large amount of money.

The procedure is important, as is the work of the Committee on Budgetary Control. After all, a critical approach by this committee ensures progress, as has indeed been demonstrated in the past. For example, a critical stance by the Committee on Budgetary Control ensured the introduction of a Statute for Members of the European Parliament and of a Statute for Assistants, it ensured that we carried out a critical examination of the purchase of buildings here in Strasbourg, and it ensured the accomplishment of an EMAS procedure that has reduced the environmental impact of our work.

This is all good news, ladies and gentlemen. Thanks to our critical stance, we have managed to reduce electricity consumption by 25% over three years. We have managed to use 100% green electricity. We have succeeded in cutting CO_2 emissions by 17%. We have managed to reduce, compost or reuse 50% of our waste streams.

My report also introduces a new concept: that of 'reputational damage' to Parliament. This means that even the smallest impact of financial resources can cause enormous damage to the reputation of this House. We should be alert to this. The appointment of a risk manager within the administration on 24 February is to be warmly welcomed. I would invite that person to approach the competent committees and join us in discussing ways of reducing the risks of misappropriation in this House. A critical approach is essential, as I have said. That is why I am calling for transparency and openness, for the establishment of a system of checks and balances, and for responsibility and accountability.

Mr President, I propose granting you discharge, as I have not discovered any serious cases of fraud or misappropriation or any major scandals: let that be quite clear. Nevertheless, my report is critical. I wanted to show that we can do even better. The report aims to ensure that, as we approach the next elections in 2014, we are free from all scandals, big or small, and that we are not plagued by that kind of unsavoury report in the press.

In my report, I have endeavoured to hand the Secretary-General and Parliament's senior administration a number of means of protection against certain criticisms. I have discussed a number of concerns. One is the fact that the Secretary-General draws up his annual report on the basis of declarations by the Directors-General, when I should much prefer there to be a second opinion. I propose we take an even closer look at the whole difficult system of public procurement, as this constitutes a major risk factor. I propose ensuring that no public taxes are used for the voluntary pension fund, with its actuarial deficit of EUR 121 million.

Ladies and gentlemen, I should like to conclude with a few words about the production of my report. I strove for positive cooperation with my shadow rapporteurs, and some very constructive amendments have been tabled. However, I regret that, at some point, the Group of the European People's Party (Christian Democrats) tabled a mere 50 or so amendments seeking to delete important parts of my report. I can only think that there has been some interference between certain of Parliament's structures and the MEPs who wanted to do that. I find this regrettable in that, as a pro-European yet critical MEP, I sought primarily to present a very constructive, very positive approach in this discharge report.

Ryszard Czarnecki, *rapporteur. – (PL)* Mr President, Mr Šemeta, it has to be said that in all the institutions with which I have been involved – the Court of Justice, the Court of Auditors, which is absent today, the Economic and Social Committee, the Committee of the Regions, the European Ombudsman and the European Data Protection Supervisor – there has generally been a significant improvement, but this does not mean that everything is ideal.

Let us say frankly that the situation is least transparent with the finances of the Council. Moreover, cooperation with the Council on the matter of budget discharge leaves a great deal to be desired. The Committee on Budgetary Control has endorsed my proposal to postpone a decision on granting the Council's Secretary-General discharge in respect of the implementation of its budget for the financial year 2008. The situation is analogous to the one from last year. The Coordinators of the Committee on Budgetary Control met the representatives of the Spanish Presidency's Council assuming a positive view should be taken of the progress on cooperation which was made last year and which resulted from the protracted discharge procedure. This year, unfortunately, the answers given to the questions put by myself and the coordinators were completely unsatisfactory and gave rise to a great many doubts. For this reason, and with the support

of the coordinators of all the political groups, I have decided to postpone the decision on discharge. Matters relating to the financing of various aspects of common foreign policy and security, annual financial reports and the closing of extra-budgetary accounts still remain unclear. A definite improvement must be made on the matters of verification of invoices and publication of administrative decisions used as the legal basis for budgetary items. In addition, it is paradoxical that much of the data presented by the Council concerned the former budgetary period.

As for the Court of Justice, we can discern certain weaknesses in internal tender procurement procedures, as can the Court of Auditors. In relation to this, we support the suggestion of the Court of Auditors concerning the need to improve tender procedures in this institution. We are pleased about the reduction in the duration of proceedings but, on the other hand, we have observed a persistent backlog of cases. We are pleased to note the opening of the Internal Audit Unit. We welcome the practice of including in the activity report information on progress made in relation to the discharge of the year before. I stress very strongly that we regret the permanent reluctance of the ECJ to publish its members' declarations of financial interests.

As for the Court of Auditors, the external audit did not give grounds to state that the financial resources assigned to the Court are being used improperly. I repeat the suggestion to consider the possibility of rationalising the structure of the Court, for example, by capping the number of members and not treating the Court of Auditors as a specific kind of political group.

In the case of the Economic and Social Committee, the audit conducted by the Court of Auditors did not reveal any serious improprieties. It should be recommended that provisions concerning financial aspects of staff be interpreted and implemented by all EU institutions in the same way, so that the staff of none of the institutions are treated in a more privileged way. It is very good that the Administrative Cooperation Agreement between the Economic and Social Committee and the Committee of the Regions has been adopted. We encourage both institutions to communicate the progress made as regards harmonising their internal control standards.

We do not have any serious reservations concerning the Committee of the Regions or the European Ombudsman. We note that the European Ombudsman has greatly increased its number of posts. The question is whether it should increase the number of posts at this pace, although it does also have more work.

To sum up, there is only a problem with the Council. There are no problems with the other six institutions.

President. – We must keep to the allotted time.

I have some information. We have had contact with the head of cabinet of the President of the Court of Auditors, and we also checked our last debates at the European Parliament in 2008 and 2009. The Court of Auditors was not present during our discussions and neither was the Council. The Court of Auditors and the Council were not present during our discussions.

Mr Caldeira, the President of the Court of Auditors, also remarked that the position of the Court in its technical functions is to attend the Budgetary Control Committee meeting, but to stay in the background in political debates at plenary. President Caldeira will contact me during the day and explain the position of the Court of Auditors on our discussions.

We checked for the last two years and the Court of Auditors was not present. If we want to organise it for the next time, they could maybe be present next year. They were, of course, informed about our meeting, but were not present over the last two years. They will certainly be present in October and November when they will present their report.

Gerben-Jan Gerbrandy (ALDE). – *(NL)* Mr President, I can fully accept that the European Court of Auditors is not here today, but what you have just said about the Council's absence, including in recent years, merely demonstrates that this is a structural rather than an occasional problem. This is typical of the Council's behaviour when it comes to the responsible use of European funds and, in actual fact, your message only serves to cast the Council's absence in an even worse light. For this reason, and as a crystal clear signal from Parliament to the Council, I wish to propose that we postpone today's debate on the Council's discharge and refrain from discussing that subject today.

Ryszard Czarnecki, *rapporteur.* – *(PL)* Mr President, thank you very much for your careful presentation of the facts concerning previous years. However, I would like to underline very firmly that the Treaty of Lisbon has entered into force, and this increases the European Parliament's role. In relation to this, we are entitled to expect, for reasons which are not so much formal as practical and political, that representatives of the

Council, as the previous speaker has just said, should be present during this extremely important debate, a debate which is perhaps the most important one from the point of view of European taxpayers and European electors. The absence of the Council is a complete misunderstanding, and I am inclined to agree with the proposal of the previous speaker that in this situation, we should postpone the part of the debate which concerns the Council and wait until representatives of the Council get here. I stress yet again what I said earlier, that the Council did not show the will to work constructively with us as representatives of the Committee on Budgetary Control or as coordinators from the Committee, and today's absence would appear to be another element of that lack of cooperation.

Edit Herczog (S&D). – Mr President, when we go through the discharge procedure and vote on it, the European Parliament will take full responsibility for the year 2008. This is the moment when we take the responsibility from the Commission, the Council and other institutions onto our shoulders. It is not only a formality but a very important moment.

However, I think that we have agreed that we will continue the debate and we will go on. Do not forget we have an objective reason, namely, that it is not so easy to arrive here from Spain. I know this because I came from Azerbaijan, through Baku and Madrid and then by road. I am very aware that today is not the right day to pursue this. I think it is enough for us to ask those institutions and the others which are involved in the discharge to show an interest and be present at the vote in May. That is what I would suggest.

Jean-Pierre Audy (PPE). – *(FR)* Mr President, we are used to the Council's seats being empty. It is therefore not the first time; let us not be hypocritical. Once again, I find this regrettable. As regards the debate, I am in favour of it going ahead.

Moreover, subject to your administration's assessment, I do not think we have the power to amend the agenda, since it was set on your authority when you resumed the plenary session. Therefore, I am in favour of the debate going ahead, albeit voicing my regret once again that the Council is absent.

President. – Ladies and gentlemen, I will contact both the Court of Auditors and the Council today. I will present our expectations for the future in relation to the Council and the Court of Auditors very firmly, and say that they should be present at such meetings. I will also speak to Mr Zapatero in person about this, because he leads the rotating Presidency. I will, today, find a solution to this for the future.

It is a miracle! Colleagues, you were discussing how powerful we are after the Treaty of Lisbon. This is a fantastic power. The Council is present within a few minutes! Mr President-in-Office, thank you for coming. I will contact the President of the Court of Auditors. It is necessary for him to be present during our debate, and the other institutions also. I will contact them all today.

We shall now continue and I would also ask you to keep to the allotted time.

Véronique Mathieu, *rapporteur.* – *(FR)* Mr President, Mr Šemeta, Mr López Garrido, I am very pleased to see you and to address you – welcome. In the period 2000-2010, we have seen a 610% increase in EU contributions to the decentralised agencies. The contributions have increased from EUR 95 to 579 million, even though the staff numbers of those agencies increased by around 271%.

In 2000, the agencies employed 1 219 people, whereas, today, they employ 4 794. These figures do not take into account the European Agency for Reconstruction, which was closed in 2008, and on the last discharge of which we will vote today, or rather at a later date in Brussels.

This general increase is certainly impressive. Nonetheless, in the period 2000-2010, the European Union has had to face many challenges. Firstly, two enlargements, in 2004 and 2007, with 12 new Member States, and other challenges such as employment and vocational training, immigration, the environment, air safety and many others still.

In this context, the decentralised agencies that were set up to respond to a specific need make a direct contribution, through the skills they develop, to the European Union's progress in the face of these huge challenges. Similarly, the Member States must cooperate closely on these issues, and the agencies are a powerful vehicle for these exchanges. Lastly, establishing the agencies throughout EU territory makes Europe closer to its citizens and permits a certain degree of decentralisation of EU activities.

The scope of the tasks entrusted to the agencies and the increase in their number, size and budgets does, however, require the institutions to fulfil their own budgetary authority responsibilities. The budgetary control remit of Parliament, like that of the Internal Audit Service of the Commission and of the Court of

Auditors, must also be strengthened to ensure that these agencies are monitored properly. However, that does not exempt them from having to comply with the rules in force.

With regard to the 2008 discharge, I would point out here what are, unfortunately, recurring problems facing many agencies: the weaknesses in procurement procedures; the unrealistic recruitment planning and the lack of transparency in the procedures for selecting their personnel; the large volume of carryovers and cancellations of operational appropriations; and the weaknesses in the scheduling of activities, with a lack of specific objectives.

We note that, despite the agencies' efforts, some of them still have difficulty in applying EU financial and budgetary regulations, not least because of their size. The smallest agencies have more difficulty in following the onerous procedures imposed by EU legislation. On this point, I expect the swift conclusions of the interinstitutional working group to ensure that the same problems are not repeated year after year. Nevertheless, these difficulties do not jeopardise the granting of discharge for the financial year 2008.

The situation is different for the European Police College (CEPOL). Although one may note some improvements in the management of CEPOL when compared with the situation in 2007, the audits carried out reveal some blatant irregularities in the application of the administrative and financial rules. That is why we are proposing that discharge be postponed.

To conclude, I should like to highlight the efforts made by some agencies to improve their management. Some have taken it upon themselves to go further and have introduced rules that are worthy of praise, and I shall mention just a few of them. The European Food Safety Authority, which I would add was very effective in its agency coordination role, has introduced a risk assessment process. The European Environment Agency has implemented a management control system for monitoring the progress of its projects and the use of its resources in real time. Lastly, the European Foundation for the Improvement of Living and Working Conditions has created a system for monitoring the information it provides. To conclude, I do, of course, encourage the agencies to follow this example.

Algirdas Šemeta, *Member of the Commission*. – Mr President, allow me to thank the Committee on Budgetary Control and, in particular, the rapporteur, Mr Liberadzki, and his fellow rapporteurs on the reports they have produced and for the recommendations to grant the discharge to the Commission for the 2008 financial year. I would also like to thank Mrs Ayala Sender for her report on the implementation of the European Development Fund and Mrs Mathieu for her comprehensive analysis of recurrent issues for agencies.

The 2008 discharge procedure is now reaching its end. It was an intensive period but, most importantly, the start of a new constructive dialogue between our institutions. Achieving an unqualified statement of assurance from the Court of Auditors remains the Commission's collegial objective. I believe this has been clearly demonstrated in our recent efforts.

Progress is already under way, with simplifications introduced and better management and control systems under the 2007-13 programming period and the various action plans gradually showing their positive impact on the error rates. A substantial step change will be possible with a new generation of programmes for the next financial period currently under preparation; these should aim at better balancing targeted eligibility criteria, cost of control and quality of spending.

However, with my fellow Commissioners, I share the wish expressed in your discharge resolution: we want to see, soon, a measurable acceleration of the progress made over the last years in improving the financial management of the European budget, including the reinforcement of the main stakeholders' responsibility and accountability. Close and intense cooperation between the Commission and the European Parliament is instrumental in this respect. However, we all know that it will not be sufficient to accelerate concrete and sustainable progress on the spot. In order to succeed, we need a new partnership with all stakeholders, not least the active involvement of the Member States and the European Court of Auditors.

The Commission will not wait until the amendments to the Financial Regulation enter into force to invite the Member States' authorities to fully resume their responsibilities as reinforced under the Lisbon Treaty, anticipating measures which are essential to improving financial management.

I also consider that the Court of Auditors has a crucial role in expressing its independent assurance statement on the Commission's financial management. Any change in the splitting of the DAS by area would change the share of the budget associated with the different colour areas.

The Commission would very much welcome it if, in the near future, the Court of Auditors were to consider a distinction between areas where the risk of error is different and informs us about the actual added value of the management and control systems introduced in the 2007-13 legislation. I hope as well that, when the colegislator has agreed on a tolerable risk of error, the Court of Auditors will consider this new concept in the way it finds appropriate.

As requested, the Commission will prepare and send to the Parliament a new agenda for 2010 onwards. The Commission will do its utmost, together with the other actors involved, to accelerate the reduction of error rates so as to ensure that a further 20% of the budget can be given a green classification by the European Court of Auditors in 2014.

The involvement of all stakeholders in the common objective of improving financial management and protecting the Union's financial interests will be at the heart of this new agenda, which I will share with you already next month. Your considerations expressed in the 2008 discharge resolution will be duly taken into account. I am looking forward to constructive discussions.

Michael Gahler, *rapporteur for the opinion of the Committee on Foreign Affairs. – (DE)* Mr President, in the financial year 2008, payments to the tune of around EUR 5 billion were made in areas of policy that the Committee on Foreign Affairs is responsible for. In retrospect, the continued underfunding of category IV is clear. The Court of Auditors established some inaccuracies and considers the Commission's supervision and control system for external aid, development aid and pre-accession aid only partially effective. The Commission refers to the specific, purely annual approach of the Court of Auditors that can only ever evaluate part of the Commission's work and claims the reason lies in the multiannual character of most programmes and their related control systems. The important thing in my view is that the Court of Auditors is not talking about fraud or embezzlement.

It is much more about handling the EU's external aid carefully, promptly and as effectively as possible, as well as about detailed documentation and accountability, since it is annoying when projects are not completed on time or there is a lack of clarity about their outcome. It jeopardises the success of our foreign policy. The fact that the Court of Auditors has established that error rates are in decline is therefore praise for the work of the previous Commission in external aid, in development cooperation and in enlargement policy.

Obviously, amendments to the legal framework are also beginning to have an impact. The special report on pre-accession aid for Turkey provides the first references to improved control of the use of funds that has become possible since 2007 through the new Instrument for Pre-Accession Assistance. Future accounts reports and reviews must indicate how responsibly and successfully recipients handle EU aid. We must be able to adapt our foreign policy flexibly, so that we can defend our external policy interests effectively.

We therefore call on the Commission to proceed with the improvement of financial regulation, the new financial framework, budget reform and, above all, with the development of the European External Action Service. All in all, I can, however, recommend discharge for the financial year 2008 for the area of the Committee on Foreign Affairs.

IN THE CHAIR: MR WIELAND

Vice-President

Ingeborg Gräßle, *rapporteur for the opinion of the Committee on Employment and Social Affairs. – (DE)* Mr President, Mr President-in-Office of the Council, Commissioner, ladies and gentlemen, we have already had an interesting morning together. Actually, I wanted to make a completely different speech. I will not do this now because I believe that we cannot simply ignore what happened today.

We are dealing with the fact that neither this House nor the other institutions are taking discharge seriously in any form. The only institution that has to take it seriously is the Commission. It is the one we are talking to and is the one that is subject to discharge in the treaty. For all others, namely the other institutions, the matter of discharge has not been regulated in the treaty. That is a problem for us. Now we must imagine how, in two years, the European External Action Service may not sit here if it becomes an institution. Then we will experience what we already have now, namely, that all other institutions do not even feel it necessary to appear here and listen to what the Parliament as budget legislator has to say to them. The Council is now making this year a commendable exception, as the Swedish Presidency did last year.

If we take what is happening here as a fundamental parliamentary right as a basis for discharge, then I can only warn you not to put the proposal currently on the table into action, namely to transform the European

External Action Service into another institution, because that would herald the end of our influence, because it is so easy to escape this influence. The only other institution that is represented is Parliament. I would like to offer the President of Parliament my particular thanks for defending our rights this morning and for indicating that he will enter into talks with all of the others.

What is the use in us having a discharge right if we do not take it seriously and if we do not compel others to take it seriously? Therefore, we must consider the discharge procedure itself very thoroughly. We cannot go on as we have up to now.

I would like to seize the initiative and turn once again to the Council. Following the Treaty of Lisbon, the Council is now one institution and the President of the Council is one institution. We expect the immediate legalisation of this state of affairs in budgetary legislation. You yourselves must ensure the proper anchoring of your own responsibility in budgetary law, and this even applies to the President of the Council. You must legalise your responsibilities and I call on you to do this as a matter of urgency.

Jutta Haug, *rapporteur for the opinion of the Committee on the Environment, Public Health and Food Safety. – (DE)* Mr President, ladies and gentlemen, I would just like to address one point, a point that really is a scandal. I am talking about the European Centre for Disease Prevention and Control, the ECDC in Stockholm. Since May 2005, highly qualified people there have had to work in an absolutely hostile environment. Until now, the Swedish Government has been unable to conclude an *accord de siege* with the ECDC, although they desperately wanted this agency, like all Member States always badly want an agency.

To this day, none of the employees have a personal identity number, the so-called *Folkbokföring* number. However, this number is used by public administrations, institutions and private companies to identify their customers. Consequently, children born in Sweden cannot be registered, for example, providers of electricity, gas, telecommunications and television withhold their services, landlords refuse long-term tenancy agreements and there are problems accessing doctors and hospitals. For spouses, it means it is impossible to become self-employed in Sweden. There are also enormous difficulties in getting a job. The list could go on. One thing is clear: certain fundamental rights anchored in European law are simply being denied to the staff at the ECDC in Sweden. As a result, all of this has landed before our Committee on Petitions. In any case, the situation is untenable ….

(The President cut off the speaker)

Wim van de Camp, *rapporteur for the opinion of the Committee on the Internal Market and Consumer Protection. – (NL)* Mr President, there is not much left to say about the 2008 budget of the Committee on Internal Market and Consumer Protection; the discussion in committee and in the reports has already shed a good deal of light on matters. We saw a rather substantial under-execution with regard to Solvit in 2008, but this will correct itself in 2009 and 2010. Nevertheless, I would urge the Commissioner to simply ensure that the budget for Solvit is used sensibly. I understand that budgets have to be spent responsibly, but I see now that the provision of information in this field is still insufficient.

Following on from this, perhaps I could just make an observation on the Services Directive, which was introduced in December 2009. There is simply a great need for information on this directive in the European Union.

Mr President, another point concerns actual customs checks by Member States. This is not exactly a subject that needs to be discussed here, but we have seen that Member States are not carrying out enough checks on imported goods, and I would make a renewed appeal to the Commission to get together with the Member States to give this further consideration, so as to ensure that goods imports are properly checked without fail.

Finally, as several of my fellow Members and the Commissioner himself have already remarked, the budgetary rules are still very complicated on a number of points, which also means that the associated control mechanisms are very complicated. Therefore, I wish to add my voice to all the calls for these to be simplified, and, at all events, improved.

Inés Ayala Sender, *rapporteur for the opinion of the Committee on Transport and Tourism. – (ES)* Mr President, I ask you to treat the first part just as a point of order, because I would like to know before the end of this debate whether Parliament invited both the Court of Auditors and the Council to attend this debate, and I would like to know about or receive the documentation. I would also like to know whether last year –

although Mrs Gräßle has said that the Swedish Presidency was present here – the Council was at the discharge debate.

Would you now please start the clock for my speech on discharge with regard to transport?

We would first like to highlight our satisfaction at the high utilisation rates that the Committee on Transport and Tourism has seen in commitment and payment appropriations for Trans-European Networks, both of which have reached almost 100%.

We, of course, need the Member States to ensure that adequate funding is made available from national budgets, and I would like to point out again that Parliament has always supported a higher level of funding for these networks. We trust that the review of the network projects this year, in 2010, will be an opportunity to assess whether this expenditure has been sufficient and effective. In any case, monitoring certainly has been.

We also welcome the fact that the annual accounts of the Trans-European Transport Network Executive Agency are legal and regular, although we are concerned at the delays in recruitment. The Commission's Directorate-General for Mobility and Transport has informed us, however, that this will be brought up to date.

On the other hand, we are concerned at the low uptake of payment appropriations for transport safety, the even lower uptake for the Marco Polo programme, which enjoys Parliament's support, and also the exceptionally low uptake of appropriations for passenger rights.

Given the size of the project, we are also concerned at the inadequate utilisation of payment appropriations in the Galileo programme and regret the total lack of data on tourism. We hope that this lack of data will be remedied in the new institutional framework.

Jean-Pierre Audy (PPE). – *(FR)* Mr President, I am in two minds about whether to take the floor. I am sorry for these points of order. I should like first to welcome the Council and to thank the Minister for joining us. I believe, Mr President, that it is customary to invite the Council to take the floor after the Commission has spoken. However, the Council did not take the floor before the political debate, even though it spoke at the end of the debate. It might perhaps be a good idea to offer it the floor in particular so that it can respond to the position of our rapporteur, who is proposing that the granting of discharge to the Council be postponed.

President. – We will reach an agreement with the Council on whether it thinks there is a need to speak.

László Surján, *rapporteur for the opinion of the Committee on Regional Development*. – *(HU)* Discharge is a legal act, and I think that the Committee on Regional Development has no reason to argue against giving a discharge. At the same time, discharge is also a political evaluation. It clarifies whether we have reached the goals which we set for ourselves in 2008, and whether we have obtained sufficient value for the expenditures.

There are quite a few misconceptions in circulation concerning the process of evaluating cohesion policy, including in this House. I would like most emphatically to draw your attention to the fact that not every error constitutes fraud. We often overestimate the criticisms made – otherwise quite rightly – by the Court of Auditors or in any other audit. I would like to point out that we do not have transparent measurement figures. We need a unified methodology to measure efficiency, effectiveness, and even absorption capacity, which plays a key role in determining how we should proceed with the cohesion policy.

In 2008, only 32% of the expenditure came from this planning cycle, while the rest was taken from the spending of the pre-2006 cycle. It is difficult to judge, therefore, how successful we were in 2008 in meeting the targets of the new cycle. Certain Member States did not even reach 32%. Everyone bears part of the responsibility for the delays in using up the funds. The recommendations made by the Commission and Parliament in the interest of simplification, which we made since 2008 in response to the crisis, have all served the purpose of making improvements on our part. The ball is in the court of the Member States; that is where significant progress has to be made.

Edit Bauer, *rapporteur for the opinion of the Committee on Women's Rights and Gender Equality*. – *(HU)* I would like to call to mind that according to Article 8 of the Treaty on the Functioning of the European Union, promoting the equality of men and women is one of the fundamental values of the European Union, one which every EU action must respect and that should, therefore, also be capable of being monitored in the discharge procedure for the implementation of the EU budget. To this end, it is indispensable that the statistical data on the use of the budget be available in an appropriate breakdown.

We note with regret that in spite of all our efforts, the data that would make it possible to track budgetary spending by gender is still not available. This applies first of all to those areas which are especially called upon to put an end to discrimination, for instance, by means of the European Social Fund.

I would like to mention one topic in particular: the delay in setting up the European Institute for Gender Equality. This Institute was supposed to begin operations in 2008, but in fact, its official opening will only take place this June. Clearly, this raises various problems in the budget process as well. Given that the mid-term review of various multiannual programmes is to take place in 2010, I would like once again to ask the Commission to develop a monitoring and assessment system that would make it possible to implement the principle of equality in the various budget items, and to be able to track the effects of the use of the various budget items on the development of unjustified differences.

Gay Mitchell, *rapporteur for the opinion of the Committee on Development*. – Mr President, from a development perspective, the importance of budgetary discharge is in assuring taxpayers across Europe that the money is being spent efficiently and effectively in the developing world, in terms of aid effectiveness, as well as matching our 0.7% target for ODA contributions. We need to use our current aid budget effectively, that is not just more aid, but better aid.

We need to use EU money as a seed to grow local solutions. We need to look at opportunities to give people in the developing world ownership of their development, for example, and specifically to the promotion of land ownership for individuals, families and communities.

Countless women die giving birth every year. AIDS, malaria and TB still claim some four million lives a year. We have close on a billion illiterate people in the developing world. That is why we set the target between Parliament, Commission and Council of spending 20% of the basic spending on education and health. I am interested in seeing whether we have met those targets.

Whenever I visit the developing world, I am struck by the intelligent and willing young people I meet. These young people are every bit as capable as young people everywhere. They need opportunity and encouragement to be enterprising. Investing in education is the key to this. That is why Parliament, Commission and Council agreed to those targets. We must now ensure by the audit system that we are meeting those targets.

I want to say to the House here in the couple of seconds available to me that, in my view, one of the ways of relieving people from the terrible poverty they face is by investing in bringing about land ownership in the developing world. I can give an example of where that worked. It is in my own country in the 18th and 19th centuries. If you look at why Ireland is divided, it is because the successful people were given small pieces of land.

It is time to stop just thinking of people in terms of aid, but to start thinking in terms of people as having the enterprising ability to do things for themselves if they are given the support.

Ville Itälä, *on behalf of the PPE Group*. – *(FI)* Mr President, to begin with, I want to thank the Council, and I appreciate the fact that the Council is present, because the question is whether the Council really wants to take responsibility for spending taxpayers' money, and whether the Council wants to show some respect for Parliament and for cooperation. Therefore, it is important that the Council is present.

In my speech, I will concentrate on Parliament's discharge, and I want to thank Mr Staes for his very high level of cooperation. I agree with him on the very sound basic idea that Parliament can only work well if decision making is sufficiently open and transparent. In this way, we can make sure there are no scandals. We know that, however small the amounts of money we are talking about, if malpractice starts to appear, our reputation will be damaged for a long time. It is extremely important to prevent this from happening. We are not talking about Parliament's money, but taxpayers' money. The system must therefore be watertight, so that we can, in the end, take responsibility for this.

There were many good principles in Mr Staes's report, but my own group took the view that the report should be shorter and more concise, and because of this, we removed some material from the report. In addition, we believe that there should have been concrete items in the report dealing with the activity of MEPs and Parliament as a whole in actual legislative work.

For example, we have added some items concerning real estate policy, in which there is still a lot of room for improvement. We need to obtain an accurate and clear explanation of why there are problems in this area. This is the reason for the long debate. We want to know why the visitors' centre is already a few years late according to the timetable. What could the problem be here? We want answers to these questions.

We should give congratulations here, regarding the fact that at last, Parliament has quickly got new regulations both for Members and for aides too. It is true that this has been a big improvement, but there is still a lot to change here.

Let me give an example. According to the new regulation, I first have to fly from here in Strasbourg to Finland, and only from there can I fly to Brussels. Even if I had a visiting group in Brussels or a report to prepare tomorrow, this would not make any difference: I cannot go from here straight to Brussels. If I did so, I would not be paid travelling expenses or any other compensation.

I do not understand why our lives need to be so inconvenient, when we know that the journey from here to my home town of Turku in Finland takes a day, and it takes another day to come back from there if I want to go to Brussels to do some work there. When I asked why this is the case, the administration answered that I could fly to Finland via Rome or Athens. I do not have an office in Rome or Athens, or any work to do there; these are in Brussels.

If we have two workplaces, then it is reasonable for us to be able to work in both places. There are still areas where we need to get back on to the right track. We will return to these in next year's report.

Edit Herczog, *on behalf of the S&D Group*. – *(HU)* Mr President, ladies and gentlemen, I would like to begin with a word of thanks. The outstanding and thorough work by Mr Staes and the Court of Auditors of the European Union have made it possible for us to prepare a careful accounting for the use of the 2008 budget as regards Parliament. I also owe thanks to my fellow Members whose proposed amendments contributed to refining the report.

There was general agreement among us on the assessment of the facts; the differences that emerged mainly concerned the ways in which the identified errors could be corrected. Now, when we are voting on the discharge, we, elected MEPs, assume full legal responsibility for the 2008 budget. We certify to the citizens of Europe that Parliament used the monies spent for the purposes for which they were designated and in accordance with the rules. These days, when the crisis places great burdens on each citizen, we must be particularly careful in spending taxpayers' money. The standards we impose on ourselves must be higher than those we impose on others, as this is the key to our credibility and integrity. At the same time, we must also be clear that the oversight we exercise is not in itself sufficient to guarantee that funds have been spent intelligently and in compliance with the rules. That is possible only if we also put in place a reliable, solid, internal control system. We socialists consider this to be the most important. Therefore, I would like to focus on this point.

We need to place great emphasis on the appropriate functioning of the internal control system of the institutions under supervision, because our conviction is that it is better to prevent problems than to have to find solutions for them later on. Institutional independence is an important guarantee of a properly functioning internal control system. This is the guarantee of objectivity and the way to ensure compliance with international accounting rules and best practices. The standards in themselves do not, however, guarantee an effective internal control system. There were improvements in 2009 in this regard. There is no internal control system – no matter how complex – that is free from error, since it is the work of human beings, and that is why we give a discharge every year

It is important to stress, in my view, that we supported all those proposed amendments that were concrete, attainable and realistic, but we rejected every generalisation that does not improve but rather obscures our standpoint. We rejected all proposals that would reduce the political groups' independence. We are convinced that the independence of the European Parliament's groups is inseparable from their financial responsibility. The Group of the Progressive Alliance of Socialists and Democrats performs its work in full awareness of this responsibility. If the other political groups wish to improve their own activities, let them do so. Offering these thoughts, I would ask that you accept this report and give a discharge on behalf of the European Parliament

Gerben-Jan Gerbrandy, *on behalf of the ALDE Group*. – *(NL)* Mr President, I am a great fan of the British rock band Genesis. They have a fantastic track called 'Dance on a Volcano', and this track came to mind this week, which has been rather dominated by volcanic ash. Not that the song made me want to go dancing in Iceland; instead, it came to mind in connection with this morning's debate on the substantiation of expenditure in 2008, another year for which the European Court of Auditors was unable to give its approval. It is there that I see the parallel with dancing on a volcano; a volcano filled not with lava or ash but with distrust. Europe is subject to intense pressure of all kinds, such as pressure on the euro and the pressure of the conflict between

EU and national perspectives. This is already enough to bring this metaphorical volcano to a head, so we can do without poor financial accountability and public distrust causing the volcano to erupt.

How can this be prevented? To my mind, there is only one way, and that is through transparency; optimum transparency in all the institutions. Transparency within the Council – and thus the Member States – precisely because this is the main source of the irregularities detected each year. Incidentally, I am pleased that the Council is still here. I would also call on the Member States to establish transparency in their expenditure of European funds at long last by giving a public account of this expenditure on an annual basis. I am at a loss to understand why they persist in obstructing this. I am convinced that, if the Member States were to handle their own money the same way, their citizens would consider this unacceptable.

Fair is fair, however, and greater transparency is also needed in our own Parliament. Mr Staes has rightly drawn up a very critical report and, after the many improvements seen in recent years, it is now time to throw open the windows once and for all and show the European public by means of this transparency that we are able to handle their money responsibly, as that is what this is all about.

My final point concerns mutual relations between the Council and Parliament. Some 40 years ago, a gentlemen's agreement was deemed necessary to enable the two parties to work in relative peace and quiet rather than fighting in the gutter. The agreement proved very useful back then, but it would be fair to say that it no longer works, as we are now fighting in the gutter. As I see it, however, a more important point is that the Council and Parliament are now strong, mature institutions and, as such, should be able to monitor each other in a mature way even without a gentlemen's agreement. I should like to ask the Council, now it is here, whether it can give its response to this, and whether it agrees that it is possible for the two institutions to monitor each other effectively without a gentlemen's agreement.

With mutual openness instead of a gentlemen's agreement, the Council and Parliament can dance together in harmony without fear of the ground giving way beneath their feet or of further public distrust leading to an eruption.

Bart Staes, *on behalf of the Verts/ALE Group*. – *(NL)* Mr President, Commissioner, Mr López Garrido, ladies and gentlemen, I am now speaking on behalf of my group and not as rapporteur for Parliament's discharge. I shall have another opportunity to do that later.

I should like to raise a few issues. The first concerns the Commission's discharge. This is a question to both the Commissioner and the Council, and relates to the fact that 80% of our funds are actually spent in the Member States, and that Parliament has been advocating national management declarations for many years. Rapporteur Mr Liberadzki sets forth the new options very clearly in a number of paragraphs. We have a new treaty, and the new wording of Article 317(2) of this treaty enables the Commission to produce proposals for introducing mandatory national management declarations as soon as possible. Commissioner Šemeta, I would ask you to address this in your reply. Are you prepared to take up this option? Four Member States are already doing this, which is to be welcomed, but they are doing it in four different ways, so let us coordinate these efforts somewhat.

The Council will say: fair enough, but there are practical objections. Some Member States are federal states with mutual entities, such as Belgium with Wallonia, Brussels and Flanders, so how is the Belgian federal minister supposed to come up with a national management declaration? Yet this is no problem, ladies and gentlemen. This national minister simply needs to come to an agreement with his regional ministers, await their regional policy statements and management declarations and then present them all to this House and to the public. Then he will be able to say, for example, Wallonia and Brussels are doing well and Flanders is not, or the other way round, and so on.

The second aspect concerns Mr Liberadzki's resolution, which discusses the Court of Auditors' special report on the European Commission's management of pre-accession assistance to Turkey. In my opinion, the wording used is not very good; in certain respects and in certain paragraphs, it has been somewhat misused to interfere in the accession negotiations. Together with Mr Geier, I have tabled a number of deleting amendments. I have also presented a proposal to improve the text, and I would ask my fellow Members to consider this.

Finally, addressing the Council, I should like to say that I hope you are paying attention, President-in-Office. Are you prepared to say in your reply a little later on whether or not you will comply with the request made by the rapporteur, the Committee on Budgetary Control and this House to reply before 1 June 2010 and produce the documents requested in paragraphs 25 and 26 of the resolution? Are you prepared to give an

answer already as to whether or not you will comply with this? This is of the utmost importance to us in determining whether or not relations between the Council and Parliament are as they should be.

Richard Ashworth, *on behalf of the ECR Group*. – Mr President, I speak on behalf of the British Conservative Party, who will again this year vote against discharge of the budget. This is a position that we have consistently taken, and we will continue to do so until we see greater urgency applied to the achievement of a positive statement of assurance by the Court of Auditors.

I do, however, wish to publicly acknowledge the progress that has been made in improving the financial management standards by this past Commission. The Court of Auditors particularly notes progress which has been made in the fields of agriculture, research, energy, transport and education. I commend the Commission for the improvements they have made. This is most encouraging.

However, a great deal needs to be done. The Court of Auditors has yet again adversely commented on the weaknesses of controls, on numerous irregularities and the slow rate of recovery of monies due to the European Union.

It is also clear that, while responsibility ultimately rests with the European Commission, it is the Member States and the Council – in particular the Council – who need to be far more conscientious in their application of European funding and who need to demonstrate far greater urgency in their efforts to achieve a positive statement of assurance.

We operate under the Lisbon Treaty and, as Members of the European Parliament, we owe it to European taxpayers that we can assure the public that the budget delivers value for money, and assure the public likewise that there is integrity in the accounting procedures of the European Union. Until the Court of Auditors feels able to give that positive statement of assurance, I and my party will continue to vote against discharge of the budget.

Søren Bo Søndergaard, *on behalf of the GUE/NGL Group*. – *(DA)* Mr President, this debate is about us, as EU parliamentarians, taking responsibility not only collectively, but also individually, for how the EU's funds were used in 2008. When the debate is over and the votes have been cast in May, it is us that our citizens will hold accountable.

Let me state one thing straightaway: our group is critical of the way in which the EU administered our taxpayers' money in 2008. Of course, there are a lot of good things that need no further comment. In some areas, there has even been some progress compared with 2007. However, there are still too many areas for which we must say that things are not acceptable. One example is the Commission's accounts. Where the structural funds are concerned, the Court of Auditors concludes that at least – I repeat, at least – 11% of disbursements from the funds were contrary to the rules. Part of this is due to errors and omissions; part to fraud and misappropriation. That does not change the fact that billions of euro in this area alone should not have been paid out.

Is this acceptable? We know all the excuses. The Commission says it is the fault of the Member States, because they are responsible for control. The Member States say the Commission is to blame, because the rules are far too complex. The blame is passed from pillar to post.

The question we must ask ourselves is as follows: would we approve the accounts of a sports club, a trade union or a political party where 11% of the expenditure in a central area had been paid out in contravention of the rules? I agree with those who say that fundamental structural changes are needed to change this situation. We must therefore use the discharge to push through such changes. Such pressure must also be exerted on the Council.

In April last year, Parliament refused to discharge the Council's accounts for 2007 by a large majority. We said that we could not accept responsibility for the accounts before the electorate until the Council agreed to meet formally with the relevant committees in Parliament and to answer our questions publicly. Nonetheless, to demonstrate our goodwill, we voted in November to grant discharge to the Council's accounts – on the clear condition that changes would be made this year.

Today, we have to state that these changes have not taken place. Let me give a specific example. Year after year, the Council transfers millions of euro from the translation account to the travel account. In other words, in addition to the funds already in the travel account. We must therefore ask the Council the obvious questions. Why are you doing this? What is all this travel money spent on? Which countries are benefiting from it? The Council is happy to answer informally, off the record. Up until today, however – though this may change –

the Council has refused to answer openly and publicly. That is simply not good enough. We are therefore of the opinion that any discharge must await an interinstitutional agreement that clearly sets out the Council's obligations in respect of transparency and cooperation with Parliament.

Our criticism of the Council and the Commission is clear. It is shared by many of our fellow Members in other political groups. Precisely because our criticism is so clear, however, we also have a duty to be critical of ourselves as regards our own – Parliament's – financial administration. I therefore find it regrettable that the report by the Committee on Budgetary Control ended up being less critical than it had been in the Chair's original version. We therefore also support the re-insertion of the critical passages. I hope that at the vote in May, there will be broad support for the fact that our willingness to take a critical view of ourselves is precisely what gives our criticism and demands of the Council and Commission added strength and authority.

Finally, I would simply like to thank all my fellow members of the Committee on Budgetary Control, who this year have once again worked towards greater transparency and responsibility in the way the EU looks after its citizens' money.

Marta Andreasen, *on behalf of the EFD Group*. – Mr President, the discharge is one of the most important acts that we are responsible for. We are effectively being called to approve the way in which the European taxpayer's money has been spent and we have to base our decision on the report by the European Court of Auditors.

The auditors' report for 2008 only clears 10% of the budget. The rest is affected by different levels of errors. Would any board of directors approve the management of a company in such a state of affairs? Of course not.

The situation has been the same for the last 15 years, and this Parliament has always granted discharge, on the basis of the improvement in the use of European Union funds. I am sorry to say that what the taxpayers want to know is if their money has gone to the right person for the right purpose and for the right amount. We should be making the decision on discharge in view of this.

Over the years, the only progress achieved by the Commission, Parliament and the Council is the shifting of responsibility to Member States. While it is true that programmes are implemented in Member States, the institution to which the European taxpayers entrust their money is the European Commission. This is the institution that releases the money and that should, therefore, be performing the necessary controls before doing so.

To make matters worse, the Commission and Parliament are now discussing a tolerable risk of error. Why tolerate any error – the new name for irregularity – when the financial complexity of the European Union is that of a medium-sized bank? Last year, the Council discharge was postponed from April to November because this Parliament said it was not satisfied with their financial management, even if the auditors did not criticise their financial management. When the situation had not changed by November, this Parliament took the decision to discharge the Council. Now again, all cannons are directed to the Council and postponement is being proposed.

Are we being serious about our responsibility or are we playing politics here? Is discharge an interinstitutional game, as has been said in the past? Can taxpayers tolerate this game anymore? This is about their money.

Colleagues, I call upon all of you to exercise your responsibility with due care and withhold discharge to the Commission, to Parliament, to the Council, to the European Development Fund and to the Court of Auditors, that does not publish the declaration of financial interests, until all of these institutions give proof of sound financial management.

Ryszard Czarnecki, *rapporteur*. – *(PL)* Mr President, there is a problem, because on the notice board, I see the name of Mr López Garrido, who is going to speak on behalf of the Council, but he is going to respond to what I said about the Council's budget and their failure to implement the budget and other documents – words which he did not hear, because he arrived very late.

President. – Mr Czarnecki, I ask you to take the floor on a point of order.

Ryszard Czarnecki, *rapporteur*. – *(PL)* I wanted to say, very briefly, that I would like to give the minister a chance to respond to my criticisms, and that I would like to have a minute to repeat them.

President. – You were right when you said that Mr López Garrido is on the list of speakers. We shall see. He has just the same freedom to speak as you do.

Martin Ehrenhauser (NI). – *(DE)* Mr President, I believe that all members of the Committee on Budgetary Control are agreed on one point, to be precise, the fact that we need solutions for the EU agency system. For that reason, I would like to propose eleven approaches to a solution. They could enable us to save EUR 500 million every year, without affecting the quality of administrative performance.

My eleven approaches to a solution are as follows: 1) There needs to be a sufficient primary legislative base. The Treaty of Lisbon has also failed to create this base. 2) An immediate freeze, until an independent analysis has established the added value of this decentralisation once and for all. 3) The closing of seven agencies and the merging of the administrative tasks of individual agencies. 4) In future, every agency must be the direct responsibility of a single EU Commissioner and, above all, the EU Commissioner for interinstitutional relations and administration should be responsible for horizontal issues. 5) A reduction in the members of the administrative board. The number of full members should not exceed 10% of the positions or a total number of 20. 6) There needs to be a catalogue of location criteria that must be taken into account when determining the location of agencies – as we have already heard in Mrs Haug's speech, this is urgently needed. 7) EU agencies should be freed from EU Staff Regulations. 8) All agency directors should be elected for a fixed period of time at the proposal of the Commission and only after consulting and after receiving the approval of the European Parliament. 9) A clear performance agreement between the Commission and the agencies with clearly defined quantitative criteria that are summarised by the EU Court of Auditors in an annual performance ranking. 10) All agencies should transfer financial data to a database. Then it would be quite straightforward for us as budget rapporteurs to do statistical analysis. Until now that has been impossible, as data comes in paper form. 11) The principle of subsidiarity. The requirement for justification has yet to be taken into account by the Commission.

So, the solutions are on the table. Mr Geier, Mrs Gräßle, it is time that you also allowed this solution here in the House.

Diego López Garrido, *President-in-Office of the Council.* – *(ES)* Mr President, I am delighted to be here at this debate, even though I was not formally invited. I was not formally invited by Parliament to attend this debate. Despite that, when I learnt that this House and some of its Members were asking for my presence here, it was my great pleasure to come straight away to attend this debate.

I believe that the Council budget for the 2008 financial year was correctly implemented, as can be deduced from the annual report of the Court of Auditors. There have been one or two speeches – Mr Søndergaard's, for example – that have mentioned transparency, lack of transparency or not enough transparency. I want to be perfectly clear on this: the Council believes that it is absolutely transparent in the way in which it implements its budget and therefore that it correctly applies the requirements that have been made, as demanded by the Financial Regulation.

In addition, as you know, the Council publishes a report on the previous year's financial management on its website. I would like to draw your attention to the fact that the Council is today the only institution to have published a preliminary report on its 2009 accounts for the general public to see.

Similarly, a few days ago, on 15 March to be precise, the Chair of Coreper and the Secretary-General of the Council met with a delegation from Parliament's Committee on Budgetary Control. At that meeting, they gave all the information requested on the topics and issues put forward by Parliament's Committee on Budgetary Control relating to implementation of the Council's budget for 2008.

Mr Gerbrandy asked about the need to move forward with mutual control by both institutions on budgetary issues without a 'gentlemen's agreement'. That is what Mr Gerbrandy said. If Parliament wished to review that agreement, the Council would be willing to consider it and discuss a new agreement based on reciprocity between the two institutions. There is therefore no problem in discussing that situation and perhaps reaching a new agreement that, if possible, improves on the one we have had until now.

That is what the Council would like to point out with regard to the debate held this morning. I am very grateful to you for the oral invitation to come here but, I repeat, I was not formally invited to this sitting.

President. – Thank you Minister. Thank you very much for so kindly complying with our request. That gives me cause to say that the Commission never receives a formal invitation to this sitting either. I have been a Member of this House for a while and I have noticed that in cases like yours, when the Council is

represented here – even when it is not really necessary – it contributes greatly to the success of a Presidency. In this respect, I should like to thank you again very much.

Jean-Pierre Audy (PPE). – *(FR)* Mr President, Mr Šemeta, Mr López Garrido, thank you once again for joining us. My first words will be to thank my fellow Member, Mr Liberadzki, since I am speaking on behalf of the Group of the European People's Party (Christian Democrats) concerning the granting of discharge to the European Commission.

I should also like to thank the rapporteurs for the other political groups, as well as the Court of Auditors and, in particular, its President, Mr Caldeira, who is doing a tremendous job of clarifying these extremely complicated procedures for us.

Our group is going to vote in favour of granting discharge to the European Commission, Mr Šemeta, and I would like to mention the part played by your predecessor, Mr Kallas – who did a great deal of work with us, particularly under the previous term of office – in achieving these positive developments.

Firstly, on the annual accounts, the Court of Auditors has issued a positive Statement of Assurance. Therefore, Mr Ashworth, perhaps the Conservatives will vote in favour of the annual accounts at least. May I take this opportunity to thank Mr Taverne and his predecessor, Mr Gray.

On the subject of the accounts, I cannot help but voice concern, once again, in the face of the EUR 50 billion of negative own capital, and I still do not understand why we do not enter into the accounts the claims we have on the Member States, which add up to approximately EUR 40 billion and represent the pensions payable to staff.

As for the legality and regularity of the underlying transactions, some people are saying that the Court of Auditors' statement is negative. The fact is, we do not have a clue. I have read and reread that statement. We do not know whether or not, under Article 287 of the treaty, we have a positive opinion on the underlying transactions. The Court has issued some opinions – five paragraphs – to us, but we do not know. Moreover, the resolution proposes that the Court fulfil this task stipulated by the treaty. It is in this context that we must come together to review all these discharge procedures on the cost of control.

As regards the methods, we are asking our governments for national statements of assurance that we will never have. I propose that national audit bodies be involved in the audit chain so that they may issue certificates to their governments, which would be included in the discharge procedure.

I also propose shortening the deadlines. Can you believe that this is April 2010 and we are talking about the 2008 accounts? The deadlines have to be shortened. I propose a study on the consolidated accounts. I do not agree with postponing discharge in respect of the Council because the Court of Auditors has not made any comments regarding the Council.

I shall conclude, Mr President, by proposing an interinstitutional conference with the Commission, the Council, all the national parliaments, which control the executives, and the national audit bodies, in order to develop our discharge procedure in very technical areas and to make matters much clearer than they are today.

Barbara Weiler (S&D). – *(DE)* Mr President, representatives of the Commission and, above all, the Council, ladies and gentlemen, we hear this every year in the debate on improvements in the implementation of the distribution of European funds: more accurate and more efficient control of expenditure in all bodies and institutions, more transparency for Parliament and also for citizens. The presence today of the Council is the first indication that something is changing in the Council as well. Marvellous, we are pleased – as you have heard – but that is certainly not enough for us. It is precisely the difference that you mentioned – you believe you have created complete transparency, while we believe you have not yet answered our questions from the debate at the end of November – that shows that we are not yet cooperating with each other as well as we should be. You spoke of the 1970 agreement that you want to amend and develop. That is all well and good, but this expectation of ours is hardly new. We have mentioned it a few times and now you have acted as if it were a new thing entirely.

The Group of the Progressive Alliance of Socialists and Democrats will support Mr Czarnecki's report. We share his criticism and that of the other groups. We will not grant discharge to the Council, either today or next month. I am therefore surprised by the request by Mrs Andreasen, since I obviously believe that the Member States are responsible for 80% of the funds. That does not exempt the Council from its responsibilities, since the Council is not a fourth or fifth institution in the EU, but works together with the Member States.

However, our criticism, I agree, has no real consequences. As Mr Audy has pointed out, we must develop our tools. Every year, we show the Council the yellow card of discharge refusal and nothing happens. We must therefore develop our tools: not only tangible criticism, but also consequences – what happens if the Council does not work with us. That will possibly also mean constitutional change.

President. – Thank you very much, Mrs Weiler. Ladies and gentlemen, I have just checked again in the rules of procedure: we are not supposed to sing songs in plenary, without first asking the Conference of Presidents. However, we are allowed to congratulate a colleague. Mr Chatzimarkakis, whose birthday it is today, has the floor for two and a half minutes. Many happy returns!

Jorgo Chatzimarkakis (ALDE). – *(DE)* Thank you, Mr President, that was very kind. Commissioner Šemeta, the adoption of the reports on the budgetary management of the European bodies and institutions is one of our most important obligations as representatives of the European people – it is our sovereign duty. The question of what Europe has done with taxpayers' hard earned money is crucial for the acceptance of the European integration project.

I would first like to thank all the rapporteurs for their efforts. However, I see light and shadow in the reports. I see light in budgetary management overall. Meanwhile, it is the case that everywhere the EU controls and manages funds itself, it runs things in accordance with the rules. Whether or not it is efficient is another matter altogether. As the European Parliament, we should pay closer attention to the efficiency of policies, political issues and implementation, in particular, with regard to the 2020 agenda.

There is shadow in the area of cohesion policy. Eleven per cent of things do not comply with the rules and this percentage is too high. Therefore, it is very important that the EU tries harder to recover funds paid out incorrectly. The Committee on Budgetary Control has therefore adopted an amendment tabled by the Group of the Alliance of Liberals and Democrats for Europe. We want 100% of the money back.

For 2010, I have the honour of being the rapporteur for the European Commission discharge. Due to the delayed entry into force of the Treaty of Lisbon, this will be no easy task. We must monitor very closely whether the new responsibilities of individual Commissioners lead to even less transparency and more concealment of responsibilities. We must and will examine this very closely.

Allow me to single out two areas: firstly, the so-called non-governmental organisations and secondly, the gentlemen's agreement. Between 2008 and 2009, the European Union paid NGOs over EUR 300 million in funds. These include honourable organisations like the *Deutsche Welthungerhilfe*. However, there are also some that want to destroy the reputation of the European Union, namely Counter Balance, which has attacked the European Investment Bank. This is not acceptable and we must deal with it. We need a register and a definition of such non-governmental organisations, as they receive a lot of tax money.

With regard to the gentlemen's agreement I would like to thank Mr López Garrido. I would like to thank you for coming. I would also like to point to the historical element: questioning and revising the gentlemen's agreement after 40 years is a huge step. Given the importance of Parliament due to the new Treaty of Lisbon, it is also a necessary step. We must ensure transparency, here and in the Council.

Ashley Fox (ECR). – Mr President, yet again, this Parliament is being presented with substandard accounts and being asked to discharge them. These are accounts which the Court of Auditors has refused to give a positive statement of assurance – accounts which still fall short of being legal and regular. The auditors have said – again – that these accounts are riddled with irregularities, yet we are expected to rubber-stamp them.

I am pleased that Mrs Mathieu has recommended a postponement of discharge for the European Police College accounts. We will support that recommendation, as OLAF needs more time to conclude its investigation. Allegations have been made of fraudulent activity at that College, including the use of taxpayers' money by staff to buy furniture for their personal use.

I can tell Parliament that the British Conservatives will not accept these irregularities. We shall refuse to grant discharge until such time as the Court of Auditors gives a positive statement of assurance.

Trust in politicians is at an all-time low, and we will reduce our standing further if we are seen to condone such waste. Every time we discharge substandard accounts, we encourage more waste and more fraud. Every time we vote to grant discharge, we send a signal to the Council, to the Commission and to our constituents that we do not treat this issue seriously.

My party will look particularly carefully at how Labour and Liberal Democrat MEPs decide to vote on this issue. They cannot argue at home that they want to bring change to politics – to clean up and reform politics – and yet, year on year, vote to accept these substandard accounts. Anyone who is serious about reforming this system and about protecting the taxpayer should vote against granting discharge.

Bastiaan Belder (EFD). – *(NL)* Mr President, given the high error rates, I do not approve of granting discharge to the European Commission. We are still not doing enough to simplify the rules, particularly those for the Structural Funds. Four independent advisory boards have presented a proposal, to which the Commission has yet to give a satisfactory response. Independent, external verification within the Commission's Impact Assessment Board is truly indispensable. If Dr Stoiber's high-level group lends substance to this, that group should also be given sufficient resources for the necessary secretarial support. In addition, a broader mandate is required. We need to reduce not only the administrative burdens but also the costs of substantive compliance, nor should the mandate remain confined to the existing legislation: new legislation, too, ought to be subjected to critical analysis. This, Mr President, would represent a contribution to a structural reduction in the burden of rules unduly hindering the functioning of authorities and enterprises.

Monika Hohlmeier (PPE). – *(DE)* Mr President, ladies and gentlemen, first of all, I should like to discuss the problems with development aid that are nearly always emphasised by the Court of Auditors and to thank Mrs Ayala Sender for her good cooperation that was remarkably pleasant.

Firstly, there is often the problem of budget support. That means that there is even suspicion that in countries where we are trying to help the population a little, budget support is partly being used by corrupt and totalitarian regimes to suppress undesirable population groups or even critics. I am extremely critical of this budget support. It should be reduced or stopped for countries in which we clearly have problems with the use of budget support.

Secondly, now as before, we have the problem that the payments often contain errors, that there is a lack of coordination and targeting of development aid projects between the different institutions and levels in one country and there is no recognisable setting of priorities. It is essential that this is made a matter of priority, so that we can improve the sustainability and effectiveness of projects in those countries where people really are in dire need.

Furthermore, now as before, I consider it essential that development aid and the European Development Fund in general are integrated into the overall budget.

On pre-accession aid for Turkey I would like to say that I was surprised that the completely normal criticism which, in other countries, would have long since led to the blocking and withholding of financing, has led so quickly to a hiccup in the cooperation between Turkey and the Commission. I consider it completely normal that we firstly lay down the strategy and the goals, then the timeframes, the project orientation, the yardsticks for measuring and then the method of performance monitoring.

However, if all of this is lacking and projects are implemented that are then declared successful, I have a problem with the way the programme is implemented. For this reason, I personally consider it necessary that at least part of the funding is withheld until it we have suitable assurances that the funds will be properly spent. We have now reached a compromise, but I consider it necessary to monitor the problem, since other countries like Bulgaria, Romania or Greece will be affected. I think it is necessary that everyone be treated in the same way and not differently.

Therefore, I ask that in the area of buildings policy, provision be made for a medium-term building strategy by means of clear construction and financial planning. Large projects should receive their own budget lines and a reporting system related to construction progress, and we should not pay any more costs for bridging lenders. As we are such large institutions, we need buildings and they must be planned carefully and transparently.

My last point is that I believe it is necessary to simplify the programmes as a matter of urgency, since that is how problems in the respective countries arise, and this must not simply remain a rhetorical demand, but must finally be implemented.

(Applause)

Jens Geier (S&D). – *(DE)* Mr President, Commissioner, Mr López Garrido, I am delighted that you are here and so demonstrate the Council's recognition of this important debate. Ladies and gentlemen, we all know this little trick: if you want to embarrass someone, ask them a question with a wording like, do you still

actually smack your children? Even if the person says no, they have implicitly admitted that in the past, they did smack their children.

The discharge report for Parliament by Mr Staes, who I would like to thank for his work, is a critical report, and to me, in some areas at least, it has followed this logic. Self-criticism is good, but it should then be accurate. I have had many discussions in my group on how we might reject this or that wording in the report on Parliament's discharge. Some of us have come under more than a little pressure in our home countries regarding this.

However, I do want to convey to you my answers to these questions as to why we have rejected some wording or other in the report on Parliament's discharge. There are proposals that are already a reality. We could re-table them, but why? There are proposals that are not helpful, such as the idea of making the Committee on Budgetary Control a sort of alternative internal audit authority or an intermediary between the Bureau and plenary. There are many good proposals in this report that were, however, all adopted.

Then there are proposals in this report that only represent a partial reality, as, for example, in Amendment 26 now on the table. This amendment demands the establishing of an internal control system in groups of this House. Nothing should be more obvious. In the Group of the Progressive Alliance of Socialists and Democrats, however, this has long been a reality, precisely for that reason. If my group were to agree to this, we would be acting as if we had some catching up to do. Therefore, we can, in this example, only agree if this reality is also illustrated in the report. I therefore propose adding the following phrase to this paragraph: as it is the fact in the S&D Group.

Olle Schmidt (ALDE). – *(SV)* Mr President, although many problems remain, control and auditing of the EU's funds has improved and is becoming increasingly thorough. We are seeing the results of this, which is pleasing – but more can be done. Our motto should be not to waste a single cent. Where the development funds are concerned, the EU is the world's largest giver of aid. It is good that we are making a difference in the world and demonstrating our solidarity with the poorest people in the world. I believe EU citizens are happy to go along with this, but the money must be used in the best possible way. It must not go to corrupt leaders who are lining their own pockets, nor must we waste money on projects and initiatives that are not forward-looking and of adequate quality.

We here in Parliament have a particular responsibility in this respect. I submitted a number of amendments to the Committee, which were dealt with relatively benevolently by the rapporteur. The fact is that the EU must be clearer and must demand that those countries that the EU supports uphold the most basic human rights, such as freedom of expression and freedom of the press. Unfortunately, that is not currently the case.

Allow me to give a very clear example: EU aid to Eritrea. In Eritrea, critics of the regime are thrown into prison without trial and without even being told of what they are accused. They have languished in appalling prison conditions for years. What have they done? They have criticised the country's leadership and president.

We should be clearer about this. The EU must be able to make its aid conditional upon the recipient countries respecting the most fundamental human rights and I believe that the report should have been more forceful and clearer in this respect. I believe this is what the taxpayers of Europe would expect of us.

Peter van Dalen (ECR). – *(NL)* Mr President, the Staes report contains a very important paragraph entitled 'Members as public persons'. This title is very apt. Each Member of this Parliament is a public person, and must be able to answer to the public at any moment for how he or she works and, in particular, must be able to justify how he or she has spent the budgets provided by the taxpayer. Indeed, all of us here handle taxpayers' money, and so citizens have a right to know how we are spending that money.

There has been a great deal of improvement in terms of accountability in Parliament in recent years, but MEPs are not yet required to be accountable for all their funds. I refer in particular to the maximum of EUR 4 200 per month at the disposal of each Member for general expenditure. I now have to pay a substantial sum each year to employ an external accountant to provide that accountability. This is odd; we should simply be providing it in the presence of Parliament's services as we do for our travel and subsistence expenses. Therefore, I would urge you to support Amendment 33 to paragraph 65 on this subject.

Sidonia Elżbieta Jędrzejewska (PPE). – *(PL)* The European Personnel Selection Office, or EPSO, is an interinstitutional unit responsible for selection of staff for the European Union institutions. I am very pleased that the discharge reports have taken up this topic. Efforts are necessary to investigate and eliminate the geographical disproportions among candidates and among successful candidates for positions in the civil

service of the European Union institutions. Particularly unacceptable is the continued under representation of citizens of the new Member States, including Poland, and not only in the European Union's civil service. This phenomenon is especially flagrant, in my opinion, among middle and higher level managerial staff. Doubts are also caused by the long recruitment process and the management of lists of successful candidates. Often, successful candidates who have been chosen in competitions – those who were successful in a competition – accept a job outside the European Union institutions because they simply cannot wait so long, and the entire recruitment process is wasted.

I am pleased that the EPSO has set up a corrective programme and accepted the Court of Auditors' comments, and that it has already accepted some of the European Parliament's comments. I will certainly follow the effects of the corrective programme carefully, always remembering that the EPSO's objective should be, above all, to reach the best possible candidates with the offers of EU institutions, to select the best possible candidates and to create the best possible list of successful candidates, with proportional representation of all the Member States.

Ivaylo Kalfin (S&D). – *(BG)* Commissioner, Mr López Garrido, ladies and gentlemen, I would like to express my view on the discharge of responsibility by European agencies. Allow me, first of all, to pass on the apologies of my colleague, Georgios Stavrakakis, who was unable to come to the debate on this matter, even though he worked on the report during the last few months as shadow rapporteur for the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament. He cannot come due to the well-publicised transport problems.

In the view of the S&D Group, issues relating to the transparent and legal use of the European Union's budget are a priority and the management of public finances as a whole depends, to a large extent, on the successful resolution of these issues. For this reason, I would also like to thank the rapporteur, Mrs Mathieu, as well as the members of the European Court of Auditors and the heads of the agencies with whom we worked very extensively. I wish to point out that the auditing of budget agencies is an extremely complicated and arduous procedure as there is significant variation among them in terms of their practices and competence.

Allow me to begin with the general statement that 2008 proves that the agencies are continuing to improve the implementation of their budgets from one year to the next. I would like to digress and say to any fellow Members not expecting any comments from the Court of Auditors in support of the budget that the time when the Court of Auditors stops making comments will be when confidence in this body will decrease. The fact is that the number of errors is on the decline and the level of transparency and discipline is on the rise with the implementation of budgets. This progress is also taken into consideration by the European Court of Auditors, while agency heads are making ever-greater efforts to improve accounting and control systems.

There are obviously still shortcomings. These were mentioned by Parliament and the Court of Auditors. The causes of these shortcomings are both objective and subjective. The good news is that they can all be remedied and action is being taken to do this.

The main problem arose with the European Police College CEPOL. The problems in this organisation have been going on for several years and are due to various reasons: the change to the accounting system, unclarified matters relating to the host state, omissions regarding the notification of contracts and the use of public funds for purposes other than those intended. Even though concessions have been made for a few years, producing a result somewhat more slowly than expected, I support this year the postponement of discharge in respect of the implementation of this agency's 2008 budget until a new audit has been carried out and the College's new management assumes clear responsibility for ensuring that the irregularities and legal inconsistencies are eliminated in the shortest time possible.

The second problem was linked to Frontex, especially to the agency's ability to use the resources allocated to it. The head of the agency gave satisfactory answers on this matter during the Committee hearings.

There are a number of actions we need to take in future in the area of budget control within the agencies. I will boil them down to three measures. Firstly, agency heads must continue their efforts to observe stricter compliance with budget discipline. Secondly, measures must be taken to simplify accounting rules, especially in the case of cofinanced and self-financed agencies. Lastly, we must examine a proposal tabled by the Court of Auditors for the introduction of criteria indicating how successfully these agencies perform their tasks.

Markus Pieper (PPE). – *(DE)* Mr President, ladies and gentlemen, a few comments about the use of European funds in the enlargement process. Here we had to evaluate a special report by the Court of Auditors on the

use of pre-accession aid for Turkey. As the Committee on Budgetary Control, we are very disappointed by the findings of the report by the Court of Auditors. In the previous period, funds were spent by the Commission without any strategy or effective audit and, above all, projects had no concrete relation to progress towards accession. Even with the new Instrument for Pre-Accession Assistance (IPA), which entered into force in 2007, the Court is not in a position to assess the effectiveness of the funds spent. Yet here we are talking about EUR 4.8 million up to 2013.

At first, a sense of helplessness predominated in the committee. Where and when can we have any political influence on the use of pre-accession aid if the next assessment of the Court only takes place after 2012? The Committee on Budgetary Control therefore calls on the Commission to revise the IPA programme as a matter of urgency. Until progress is assessed, we also call for the freezing of funds to the annual level of 2006. Here, we have the beginnings of a compromise.

In addition, we suggest that generally – generally and without explicit reference to Turkey – the IPA must be applied flexibly, including for special forms of membership or cooperation or neighbourhoods or similar options. In the process of accession negotiations, focussing purely on EU Membership may prove to be a very poor investment.

Now the criticism of the Greens and the left is that with these demands, we would interfere in foreign policy and Turkey would thus receive special treatment. No, if we do not react to obvious deficits here, then we are ensuring special treatment. If we make exceptions with Turkey, we can also cease work with budgetary control for Croatia, Romania, Bulgaria or Greece. That is, after all, one and the same topic.

I call on the Commission not to turn a blind eye, just because it is Turkey. Rather support Turkey's accession according to the accession criteria that the Community itself has set.

Christel Schaldemose (S&D). – *(DA)* Mr President, I would like to talk today about Parliament's discharge report. We have in front of us what I believe is the most thorough, most critical and most forward-looking European Parliament discharge report ever. That is a good thing. I would therefore like to thank Mr Staes for such a constructive piece of work.

It is unusual for an institution to grant discharge to itself, and indeed this calls for a high degree of responsibility, transparency and control. However, the report actually helps ensure that we, as Parliament, are able to shoulder this responsibility and demonstrate transparency and ensure better control. That is, of course, a good thing.

Having said that, there is still room for improvement. I will merely mention here some of the areas that I think some of the amendments address. I think we need to do more to allow our citizens to follow our work. We can ensure this by giving citizens easier access to our reports on the website – including those reports that are critical. I also think it is important for us to look at the functioning of our procurement procedures here in Parliament. This is a high risk area and good amendments have also been proposed in this respect. Moreover, I also think we need to look at whether the leadership structure can be improved and made even more transparent, both for us parliamentarians and for our citizens to help keep checks on Parliament. Furthermore, though it has often been said before, I do not, of course, think we should spend money on renovating our office facilities here in Strasbourg. Instead, we should ensure that we have only one seat.

I come from Denmark, a country with a long tradition of transparency, openness and control, particularly as regards the use of taxpayers' money. These are values that I prize, and I believe that they should also be more prevalent throughout the EU. I believe that the discharge report for the European Parliament shows that we in Parliament are taking this on board and are moving in the right direction. It also puts us in a better position to criticise the other institutions.

Esther de Lange (PPE). – *(NL)* Mr President, a great deal has already been said in this debate, and so I should like to confine myself to two points. The first is Parliament's discharge; after all, if you want to monitor others, you have to take a particularly critical approach to your own budget. Mr Staes has presented a report on this that I would have endorsed wholeheartedly six or seven years ago, but in those six or seven years, many things have taken a turn for the better. Examples include the reimbursement of only those travel expenses actually incurred and the Statute for Assistants. The funny thing is that Mr Staes mentioned these in his speech a little while ago, but the pity of it is that these achievements do not yet appear in the report. I hope this can be rectified in the vote in two weeks' time so that the report is ultimately a balanced one. I have every confidence in this happening.

The second is a general point, Mr President, as I think we shall be seeing a difficult budgetary discussion in coming years. Despite the extra tasks that have fallen to us since Lisbon, our budget is not expected to increase in the new period, which means that, in the context of European expenditure, it will become increasingly necessary to achieve several policy objectives at the same time with a single expense. This requires a Court of Auditors that can actually audit the multiple action of expenditure rather than merely looking at whether the rules are satisfied. Our Court of Auditors is currently unable to do this. Thus, if we wish to draw up an efficient budget for the new budgetary period that can also be audited, changes to the Court of Auditors will be required. Therefore, I propose that, in future, the Court of Auditors does indeed attend debates on budgets and on budgetary control, and I should like the European Commission to tell me how it means to approach this challenge.

Derek Vaughan (S&D). – Mr President, I wanted to speak on the European Parliament's discharge and first of all to thank the rapporteur for the excellent work he has done, and the hard work he has done, along with many others.

I think it goes without saying that everyone in this Chamber wants improvements to openness and transparency and wants value for money for taxpayers, but we have to make sure that any changes to our processes actually are improvements. I am not sure whether some of the recommendations in the current report are improvements. For example, a recommendation to remove the bathrooms within this building will prove very costly, as will the proposal to replace the whole fleet of European Parliament cars.

There are also some recommendations within the report that are already included in the 2011 budget proposals. Examples include a review of Europarl TV to make sure it is effective and is doing its job, and also the call for a long-term building strategy, which is already in place or is at least called for in the future. There are also some recommendations within the report that cover issues where improvements have already been made or are in the process of being made.

However, there are, of course, some positives in the report, and these should indeed be supported – for example, the reduction in paper wasted in printing. We all see piles of paper printed every day and surely there must be some scope for reduction there.

Also welcome is the call for a rationalisation of external studies, and cooperation with other institutions on those studies, so that we can avoid duplication and make some efficiency savings. I understand some amendments will be put forward again for the 2011 European Parliament budget.

The report also asks for an annual report from the risk manager, and again I think that is a good thing. All this demonstrates that there is a need for a balance in the discussions we have on the discharge for the European Parliament. I have no doubt that the Budgetary Control Committee will ensure that it exercises its responsibilities in future and will want to report in the future on how the recommendations in this report are being implemented and dealt with.

Paul Rübig (PPE). – *(DE)* Mr President, ladies and gentlemen, first of all, I would like to say I was happy that I only had to travel to Strasbourg this week and not to Brussels, because Strasbourg is much closer for me and therefore it was a great advantage to be able to travel unhindered despite the interruption in flight connections.

My second request regards budgetary control. We still have the same old pack of paper that shows what is going through plenary this week. I would be pleased if we could receive a computer here in our workstations, particularly since we can view everything electronically, so that when voting, we then have the amendments in our own languages in front of us and the vote can be carried out in a targeted manner. We have hundreds of votes, always at midday, and it would be good if we did not have to haul the paper around with us, but had the texts provided in electronic form. After all, the European Parliament should be at the leading edge of technology.

Thirdly, when we travel somewhere, we then have all the accounting to do, which has recently become very bureaucratic. It is a large additional burden for us as MEPs, but also for the administration of the House. The additional audit imposes additional conditions. We should establish a working party here that reverts to what is essential – correct and precise accounting – in order to reduce the bureaucratic burden by 25%, and not raise it by 50%, as has happened in recent months.

As far as structure is concerned, I would ask the Commission to check whether, since many countries are currently in crisis in terms of the financial situation, we should focus more on investments in the Cohesion

Fund and the Regional Fund and not so much on the consumption of European funding. Even an increase of funds to 1.27% of Gross National Income (GNI) would be sensible in order to achieve more in investment activities.

Silvia-Adriana Ţicău (S&D). – *(RO)* I would like to begin by mentioning the implementation of the European Union general budget for the financial year 2008, Section III – Commission and executive agencies. We welcome the voluntary initiatives launched by Denmark, the Netherlands, Sweden and the United Kingdom in producing national management statements.

We firmly believe that progress will be achieved when national management declarations will be received for all the European Union's funds which are subject to shared management. In this regard, we urge the Commission to produce recommendations on drafting these management statements.

With regard to the research framework programme, we are concerned that the current programme does not meet the needs of a modern research environment. We feel that modernisation and additional simplification must be carried out for the future framework programme.

I would also like to mention the implementation of the budget of the European Network and Information Security Agency for the financial year 2008. It is indicated in this agency's accounts that revenue was recorded, which was accrued from interest amounting to more than EUR 143 000 for the financial year 2008, which highlights that the agency has a high volume of liquidity over long periods. In this regard, we urge the Commission to examine not only the possibilities for fully implementing cash management based on needs, but also, in particular, the extension of ENISA's mandate both beyond 2012 and as regards competences.

Richard Seeber (PPE). – *(DE)* Mr President, if we want a European Union that is accepted by its citizens, then it is crucial that citizens also know what is being done with the money they pay in taxes. Therefore, Mrs Schaldemose's demand for more transparency is perfectly justified and I believe this is where the European project stands or falls.

However, it is not just about transparency, it is also about readability. We are, as it were, paid to deal with such matters full-time. I think that when they occasionally look at such a document, citizens should also be able to do something concrete with it. Thus, we must call on the Commission to work on the readability of its documents, in particular, those concerning the budgetary framework. Then citizens would know very quickly how large or small the EU budget is and how much is always demanded of the EU.

The fact that Member States expect the EU to do something but, on the other hand, are not so ready to provide any money, is a political problem that we all have, and this is a field that the Commission should tackle in the coming years.

Franz Obermayr (NI). – *(DE)* Mr President, a few words on the particularly critical discussion concerning the Instrument for Pre-Accession Assistance for Turkey. This has increased steadily since 2002, although Turkey is taking more steps backward than forward. The latest special report by the Court of Auditors reveals major problems. Funds were not spent effectively and were not sufficiently evaluated.

I therefore call on the Commission to go out and explain to EU citizens before discharge what exactly has happened to the EUR 800 million a year for Turkey.

Now to the different agencies in general. The uncontrolled growth, the establishment, reestablishment and expansion of EU agencies, which has almost tripled since 2000, clearly contradicts the demands of the Lisbon Strategy for less bureaucracy. This also includes the new European Asylum Support Office.

Although we are talking about 2008, a word on the European Monitoring Centre for Drugs and Drug Addiction. I would really like to know whether it was asleep when, at the beginning of the year, hard drugs were legalised in the Czech Republic and now, thanks to open borders, we have fabulous drug tourism. So we are tough as nails with smokers, but are caught napping when it comes to hard drugs.

Daniel Caspary (PPE). – *(DE)* Mr President, ladies and gentlemen, I, too, would like to address the issue of pre-accession aid. The Court of Auditors says clearly in its report that it is not in a position to prove the proper utilisation of funds on the basis of current programmes. The European Commission has therefore established programmes that we cannot monitor and whose effectiveness we cannot check.

In its opinion, the Committee on Budgetary Control delivered a clear position, and now there is unbelievable lobbying by the Turkish side. With regard to budget discharge, the question here is not whether or not Turkey

will join the EU. It is not about whether or not we want to please representatives of other friendly countries, it is about us checking whether the programmes are really effective, it is about money reaching those it is intended for and not being drained off somewhere. It is also about us handling European citizens' tax money properly. Therefore, I would be very grateful if the majority of the House could make the right decision when it is finally up for the vote.

Andrew Henry William Brons (NI). – Mr President, I represent a party that is opposed to the whole EU project and to our country's membership of the EU. This might lead people to suspect that we would object to the discharge of accounts regardless of the evidence. I would like to reject that suspicion.

Whilst our default position would be to object to the approval of almost all future expenditure, I had hoped that we would support the discharge of accounts for past expenditure if the evidence justified it, even if we disapproved of the purposes of that expenditure. However, we shall oppose the discharge of the accounts as a whole because of the quantity of irregularities.

We would not confuse judgment of the regularity or irregularity of expenditure with approval or disapproval of the purpose. I hope that all others, whether they approve of the purposes of the expenditure or not, will take the same approach.

Christa Klaß (PPE). – *(DE)* Mr President, ladies and gentlemen, we are discussing discharge of the 2008 budget, but discharge is always an opportunity to look ahead and I feel that in this context in particular, we must focus on the many agencies that we have introduced. We certainly must provide these agencies with financial resources but we must also ensure that they can do substantive work.

I am thinking of the European Chemicals Agency (ECHA), which is responsible for the chemical industry and which is to assume additional duties in the coming period and is to be responsible for biocides. We must ensure that efficient, forward-looking work is done that also corresponds to our policies, and therefore I ask that we all ensure that these agencies are able to work well and efficiently for us in the future too.

Algirdas Šemeta, *Member of the Commission.* – Mr President, I would like to stress once more the Commission's commitment to pursuing the progress we have made over the last years in order to further improve the quality of spending. I will, of course, look carefully at the discharge decisions that the European Parliament will adopt in two weeks' time, and the Commission will ensure appropriate follow-up.

I would also like to thank you for a very good discussion today. I think that many good ideas were expressed during the discussion, and I would like to look at a few of them.

Firstly, regarding national management declarations, an issue raised by Bart Staes and other Members, I would just remind you that, together with Commissioner Lewandowski, we sent a letter to the Committee on Budgetary Control saying that we will make a proposal regarding national management declarations in the forthcoming revision of the Financial Regulation. I think that, together with proposals on simplification and with the introduction of the concept of tolerable risk of error, this will allow significant improvements in the situation with the management of structural funds. Mr Søndergaard was very concerned about this.

The issue of the role of internal audits and internal controls was raised by Mrs Herczog. I fully share her view on this and would just say that next week, we will discuss the audit strategy for 2010-12 and will pay much more attention to the improvement of internal control systems in the Commission.

I also share the views expressed by Mr Audy and some other honourable Members about the discharge procedure. I think that we have to launch a discussion on how to improve the discharge procedure in order to ensure that most of the discharge results are implemented as fast as possible. It is now 2010 and we are discussing the discharge for 2008, as it was impossible to implement anything during 2009. I think that a thorough discussion involving stakeholders and the Court of Auditors is needed. I fully share your views and the views of other Members who talked about this issue.

I also think that it is very important to address the issue of the efficiency of the spending of EU funds. In our general audit strategy, we pay great attention to the improvement of auditing in terms of also auditing the efficiency of EU spending. I think that this will give us results in the future.

On Turkey, the Commission will follow up the recommendations to improve the objectives and the monitoring of progress. For all areas of spending, we have to improve the quality of spending, from objective setting to impact evaluation.

The results achieved so far demonstrate that the European Union is pursuing its efforts to improve the way that taxpayers' money is spent and adds value to our citizens. This progress is also the result of your action as the discharge authority, always being attentive to the way the EU budget is used, critical when it is not satisfactory, but also supportive when progress is made. This is an important message to convey to citizens of the EU.

Therefore, let me conclude by expressing my special thanks to the European Parliament for its support for the Commission's efforts towards better financial management of the European Union's budget.

Jens Geier, *deputising for the rapporteur.* – *(DE)* Mr President, so that the Minutes are correct, I represent rapporteur Bogusław Liberadzki, who, like many others in this House, has been a victim of the transport problems this week. I am very happy to do so and would like to use the opportunity to go over a few of the remarks made during the debate.

For a start, Commissioner Šemeta, to my great satisfaction, you have stressed that the Commission will take steps to further strengthen the accountability of the leading actors in the management of EU funds. We all know what that means. Indeed, we all know that it means that we must remind the Member States of the European Union that manage a large portion of European funds of their responsibility to do so in accordance with good practice, because we also all know that the majority of the errors that are made in the utilisation of European funds are made by the Member States and at this level.

That is why it is also rather unsatisfactory to hear colleagues from the European Conservatives and Reformists Group and the Europe of Freedom and Democracy Group, all of whom, including Mr Czarnecki, have other commitments, strongly criticising the Commission in the debate and saying that the Commission will be refused discharge. I would have expected my fellow Members to support pushing for national management statements in this House and also in the Member States, because that is where mistakes are being made and there is insufficient cooperation. Then it is rather unsatisfactory to hear colleagues from the ECR Group say that everything that happens here is substandard – knowing quite well that responsibility lies somewhere else entirely.

Once again, I would like to mention pre-accession aid, because I feel that a few things have to be put right there. I would like to remind you that the Committee on Budgetary Control supported the rapporteur with a slight majority. I would also like to remind you that during the reporting, the representative of the European Court of Auditors sought to remind the rapporteur that his report was about the behaviour of the Commission as regards what was deemed to be worthy of criticism, not about the behaviour of Turkey. Our fellow Members in the Group of the European People's Party (Christian Democrats) have voted amendments into the discharge of the Commission that we would like to remove straightaway, because here it is obviously less about the utilisation of taxpayers' money and more about the question of where accession negotiations with Turkey are going. Deciding that at this point is the wrong way to go.

Inés Ayala Sender, *rapporteur.* – *(ES)* Mr President, in my concluding speech, I would like to thank Commissioner Šemeta and the Commission services responsible for development aid and humanitarian aid for their diligent and effective cooperation in this process.

I also wish to give the Spanish Presidency due recognition for the efforts it is making in this discharge procedure, especially its offer to launch a debate on renewing the interinstitutional agreement with the Council, since the current one has clearly been obsolete for some time. However, I must also express my rejection of the improvised procedure of this Chamber, which clearly had not thought of formally inviting either the Court of Auditors or the Council until 09.00 today.

Criticising their absence when we had not even taken the trouble to invite them appears to me to be bordering on the ridiculous and bad faith. I believe that if we want to be respected and able to meet our new responsibilities, our interinstitutional procedures must be more rigorous and serious, and less opportunistic.

To conclude the debate on discharge for the European Development Funds, I only wish to express my gratitude for the excellent cooperation I have enjoyed with my colleagues, particularly Mrs Hohlmeier, and to welcome the major improvements achieved in the effective and transparent implementation of European development aid.

Of all the positive actions that come out of the European Union's work, the citizens are particularly appreciative of European development aid and even call for it to be more visible and more extensive. However, they also become concerned if it is not made clear why we help certain governments with budgetary aid, or if we do

not explain the reasons or provide sufficient guarantees of strict control in cases where circumstances change due to *coups d'état*, corruption scandals, violations of human rights or setbacks on the road towards democracy or gender equality.

The significant progress we have seen and noted is good reason for us to discharge the Seventh, Eighth, Ninth and Tenth European Development Funds, but we shall have to continue making improvements. This Parliament will remain particularly watchful to ensure that the new post-Lisbon interinstitutional system and the European External Action Service framework do not jeopardise the improvements that have been achieved, so that citizens can continue to feel proud of European development aid.

Bart Staes, *rapporteur.* – *(NL)* Mr President, ladies and gentlemen, I should, of course, like to thank all my fellow Members who have spoken about my report, particularly Mr Itälä, Mr Gerbrandy, Mrs Herczog, Mr Geier, Mr van Dalen, Mrs Schaldemose, Mrs de Lange and Mr Vaughan. I believe that everything has been said, although I must express my surprise about the production of this report. It is the third time I have been rapporteur for the European Parliament discharge, and I sense a change in perception.

The first and second times, it was relatively easy to make criticisms in this House. The third time it has been harder. It is clear that, suddenly, this House has become more touchy, and quite possibly lacking in self-criticism. In the press, I have had some people accusing me, some of my fellow Members challenging me on this, saying: this is all well and good, but what you are writing puts wind in the sails of the Eurosceptics. I disagree: I am an MEP who is both pro-European and critical, and if I come across things I believe could be improved or changed, or things such as the voluntary pension fund that have been associated with impropriety in the past, it is my duty to say so. We pro-European MEPs must point these things out, as this is the way to take the wind out of the sails of the Eurosceptics, who subsist on half-truths – sometimes out-and-out lies – of this kind. It is up to us to tell it as it is, and I shall always do so; I shall never gloss over abuses. That is my basic position.

Ryszard Czarnecki, *rapporteur.* – *(PL)* Mr President, I would like to thank Mr Geier, who has noticed that I sometimes say what I think. I must say I am going to learn wonderful things from the Council's representative – a Spanish minister who always disappears when he knows the Council is going to be criticised. He was not here at the beginning when I spoke, and he is not here now, when I want to speak again.

It is no accident that, of the seven institutions which I have had occasion to assess, six of them are more or less in order, and one is the cause of continual problems. I will remind everyone that a year ago, it was the same. The Council was granted discharge only in November. I do think this will happen earlier this year, but I would not want to allow a situation in which we receive a document, not for the year 2008, but for 2007. This shows either that there is chaos in the General Secretariat of the Council or that they are treating Parliament like an unintelligent schoolboy. A situation in which all European institutions are equal but the Council thinks it is more equal, just like in George Orwell's *Animal Farm*, is a situation which is highly alarming.

I do think, however – and let us be fair – that in what the Council representative said, there was one very important proposal. This concerns the departure, as I understand it, from the famous gentlemen's agreement of 1970, and so is a recognition that the Parliament of 40 years ago, which was then still nominated by national parliaments and not chosen in elections, should now be treated more seriously. Departure from that gentlemen's agreement is a very good move, for which I am very grateful to the Council. I think I proposed such an oral amendment at the vote in May.

Véronique Mathieu, *rapporteur.* – *(FR)* Mr President, I wish to thank, firstly, the shadow rapporteurs, who really cooperated very effectively with me in order to draft this report, and, secondly, all the members of the Committee's secretariat, because this was a very demanding task.

I also wish to thank those Members who have spoken during these debates, and I fully share their concerns. It was evident from their speeches that they want to increase the transparency and the monitoring of EU funds, which is completely understandable.

I should like, in my conclusion, to also point out that the agencies in question have a political role too – this must be pointed out, it is also very important – and that, in order to carry out this important political role effectively, they have a work programme. This work programme really must be consistent with that of the European Union and must – this is my hope – be monitored by our three institutions.

Indeed, while certain agencies cooperate naturally and spontaneously with them, others are far less receptive and, in such cases, our institutions' texts have no binding force. We need to think very seriously about this, Mr President.

President. – I should add briefly that the services have informed me that they have quickly gone through the minutes of recent years. During the last legislative period, the Council adopted a position and appeared in the debate once, and that was only in a second reading, because the discharge had originally been postponed in 2009 and the Council was only present in the second round. In this respect, the perception that we are on the road to improvement is certainly not wrong.

The debate is closed.

The vote will take place during the May part-session.

Written statements (Rule 149)

Ivo Belet (PPE), *in writing*. – *(NL)* Mr President, ladies and gentlemen, this House has to be a paragon in terms of financial transparency and internal budgetary control. We cannot be hard enough on ourselves in this regard. In such a large parliament, with so many Members and members of staff, things cannot work perfectly all the time. Wherever there are people working together, things will go wrong. Even the strictest internal controls cannot prevent that. Yet we must also recognise that great efforts have been made in recent years to put things right.

I should like to give two examples. Firstly, the new Statute for Assistants, which is in place at long last following years of discussion. The abuses that existed have now been virtually eliminated. The second example is the reimbursement of expenses. Action has been taken and clear and precise rules introduced in this field, too. Has this solved all the problems? Absolutely not. It is to be welcomed that internal controls have been further tightened, but giving the vague impression that things are being covered up is unacceptable in my eyes, as it is not true. I should like to conclude by saying with regard to future budget increases that we must have the courage to explain to the public that the Treaty of Lisbon means a great deal of extra work, and that a higher budget for communication and contact with visitors is indeed justified.

Indrek Tarand (Verts/ALE), *in writing*. – Generally, we are pleased to see the current state of affairs regarding the budget of the European Union. However, there is still room for improvement. Significant improvement, I would say. Ceterum censeo, France has decided to sell a Mistral class warship to Russia; we believe that She will sincerely regret that action.

(The sitting was suspended at 12.00 and resumed at 15.00)

IN THE CHAIR: MR PITTELLA
Vice-President

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

5. SWIFT (debate)

President. – The next item is the Council and Commission statements on SWIFT.

Diego López Garrido, *President-in-Office of the Council*. – *(ES)* Mr President, Mrs Malmström, ladies and gentlemen, last month, on 24 March, the Commission adopted a recommendation to the Council to authorise the opening of negotiations between the European Union and the United States for an agreement whereby finance messaging data are made available to the US Treasury Department in order to fight and prevent terrorism and its financing.

The recommendation was immediately submitted to the rapporteur and certain Members of the European Parliament and forwarded to the Council of the Union.

The Council of the Union remains convinced of the need for an agreement like this one and therefore fully supports the Commission's recommendation to negotiate an agreement on the Terrorist Finance Tracking Programme. The Commissioner's draft mandate has been closely studied within Coreper and, in principle, this Commission recommendation will be put to the vote at the next Council meeting and we will vote in

favour of it, taking into account Parliament's position, of course, and the opinions that will be voiced on the subject here in this Chamber today.

The Council agrees with Parliament that the future agreement, known as the SWIFT agreement, must include adequate guarantees and safeguards. It agrees, therefore, with the feeling shown by Parliament that it is essential in all cases to comply with the European Union Charter of Fundamental Rights, specifically Article 8 thereof, the Treaty of Lisbon and the European Convention on Human Rights. In addition, there are fundamental principles that must be respected when personal data are transferred, such as the right of the person whose data are being processed to be informed, or the right to amend or delete such data if they are incorrect.

All rights relating to data protection must be guaranteed without discrimination; in other words, citizens of the European Union must be treated in the same way as citizens of the United States.

We believe there can be an agreement on the duration of the agreement to be signed with the United States, which I hope will be approximately five years.

As for exchanging data with third countries, our understanding is that, when the US authorities have grounds to think that there are data that may help authorities in other countries to prosecute terrorist crimes, such data should be used. That, moreover, is precisely what European legislation permits. According to European legislation, under similar circumstances where a Member State has obtained information from other Member States, that information may be transferred to third states for the purpose of fighting terrorism.

Then there is the subject of data transfers in bulk and not in all cases tied to a specific assumption, which is something that has to be kept for technical reasons and also for reasons of effectiveness, since it is often important to have a certain volume of data from which to draw conclusions when prosecuting terrorism. Such data transfers must, of course, be as specific and as restricted as possible and there must always be a very clear objective: the prosecution of certain terrorist crimes, which is the objective that justifies the existence of this kind of agreement.

As a result, we have a detailed draft mandate from the Commission. I believe it is a good draft, one that safeguards people's fundamental rights, takes account of the effectiveness of these agreements, is based on reciprocity, is based on proportionality in the collection of data. It is certainly based on the oversight of the results of the effectiveness of these agreements – as also alluded to in the Commission's recommendation – not least by Parliament, which is absolutely associated with the whole of these negotiations.

Parliament rightly considers that it, too, must be involved in this agreement, and we therefore agree that it should be provided with adequate information and that the Commission, as the negotiator of this agreement, should pass on that information at each stage in the negotiations.

The Council also understands that Parliament should have easier access to the classified parts of international agreements so that it can carry out its assessment in cases where it has a right of approval. Moreover, I must mention that in its statement of 9 February 2010, the Council promised to negotiate an interinstitutional agreement with Parliament on this topic. On behalf of the Council, I am pleased to confirm that promise today.

Cecilia Malmström, *Member of the Commission*. – Mr President, the collection of TFTP data is important in the fight against terrorism. We know that TFTP data has been helpful to prevent terrorist attacks in Europe, like the 2006 liquid bombs at Heathrow Airport. The TFTP is therefore important, not only for the US, but also for Europe.

I recently met US Home Secretary Napolitano and we addressed this issue. They are fully aware of the need to reform the intermediate agreement that we had but they are also concerned about a number of leads for known terrorists, which are no longer available. So we need to address the security gap but also to do this in a way that ensures full respect of fundamental rights and a sufficient level of data protection.

That is why, after our last discussion on this, the Commission promptly started to work on a new mandate for a new EU-US TFTP Agreement. I think the mandate is ambitious but realistic. It balances the maintenance of our collective security, while addressing fundamental rights and data protection, based on Parliament's resolutions of September last year and of February this year.

I would like to thank the rapporteur, Mrs Hennis-Plasschaert, for the very constructive cooperation we have had. The Commission has tried to liaise with her and the co-rapporteurs and shadow rapporteurs in this matter. I am also grateful to the Presidency for the work they have done to try to get this through the Council.

We have tried to take on board the concerns expressed in the European Parliament resolutions. Data will be processed only for the purpose of terrorism. A request must be based on judicial authorisation. Third parties will not get bulk data. There will be reciprocity. There will be the push basis for transfer, SEPA data will be excluded and we will also address the issue of judicial redress on a non-discriminatory basis. I will ensure that the Commission will keep Parliament fully and immediately informed throughout the process of negotiations. We aim to sign this agreement before the end of June, so that Parliament can vote on it in July.

On the question of 'bulk' data transfer, I know this is of great concern to the European Parliament but I also know that you do understand that, without bulk transfers, there will be no TFTP. However, legally binding safeguards will ensure that absolutely no data are accessed unless there is an objectively verified reason to believe that an identified person is a terrorist, a suspected terrorist, or is financing terrorism and that those data transfers are anonymous. Transfer of bulk data is, of course, sensitive, and we will strive for further reductions in the volume of data during the negotiations. But we also need to be realistic here. We are unlikely to see a huge reduction in what are already targeted requests.

Reciprocity is part of the mandate. The envisaged agreement would place a legal obligation on the US Treasury to share leads with their EU counterparts and allow EU authorities to have TFTP searches undertaken against known terrorist suspects in the EU. Should the EU develop something similar – an EU TFTP – the Americans should help us in this as well. The Commission is willing to participate in these discussions with Member States.

The mandate calls for a five-year retention period for non-extracted data. I believe there is some justification in this, bearing in mind that five years is also the period for financial transaction data that banks are subject to under EU anti-money-laundering legislation, but I am ready to hear Parliament's views on this and take this matter to the Council by the end of the week.

In conclusion, I believe that the draft mandate is a true substantial improvement. It takes into account the concerns of Parliament raised in your resolutions. It takes into account the rapporteur's call for a double-track approach that might lead to an EU TFTP, even if this is, of course, something that we have to discuss internally in the EU. It is not part of the negotiations. It does take account of the EU-US relationship in this area as equal partners, which is, of course, the long-term goal in this regard.

Simon Busuttil, *on behalf of the PPE Group*. – Mr President, the first thing that should be said is that this Parliament wants an agreement. Of course this Parliament does not want an agreement at any cost, and the devil is in the detail. This is what we shall be discussing today in this Chamber.

After the vote in February, two clear lessons were learnt. The first lesson is that the European Parliament has new powers, it has clear powers; it has a say and it wants to exercise those powers. It will do so constructively and responsibly, but it will exercise its powers. The second lesson that has been learnt is that the first agreement was not good enough and it needs to be improved.

I very much welcome the Commission's readiness to come out with a mandate, as it did as soon as possible after the vote in February, and I am also very keen to have this mandate approved as soon as possible by the Council of Ministers. As I said, the European Parliament wants an agreement and we have put the details of what we would like in the resolution that has found the broad support of this House, certainly of the leading groups in this House.

Madam Commissioner, bulk data is an issue for us and you will know very well that what we want on bulk data will require a rethink, not just on the part of our counterparts in the US but also on our own part. What exactly do we, here in Europe, want for ourselves? Do we want our own European TFTP, and how will we go about achieving that? Clearly, bulk data is an issue and it is an issue that cannot be skirted round. It needs to be faced.

Next week, we shall be facing these details when we discuss them with our counterparts in Congress in the US, when a mission from this Parliament goes to the US.

Next week, a mission from the European Parliament will go to the US and we shall discuss this with our counterparts in Congress, but also with the US authorities. We are keen to do that in a constructive manner.

We want to go there to show the US authorities that we mean business. We want an agreement, but we have concerns and we want those concerns to be addressed.

Birgit Sippel, *on behalf of the S&D Group*. – *(DE)* Mr President, I would like to contradict those who have spoken so far on one point: I am not interested in arriving at an agreement as soon as possible, but in achieving one that is as good as possible. Quality must come before timeframe. I would like to make one other preliminary remark. The European Parliament has already rejected an agreement once and one aspect among the many reasons relating to content was the lack of European Parliament participation.

In view of current events this week, we have decided not to adopt any decisions here in Parliament. Then there is the decision to call on the Council to likewise postpone its decisions until we can adopt our decisions. I am now rather surprised that there are Members of the House, who clearly do not take their own decisions seriously but think: well yes, despite this, the Council can simply decide. I do not think we can treat our own decisions like that. I still maintain that the Council should also withhold its decision until after 6 May when we have decided. I am sure there are no disadvantages to this and that the United States would be understanding.

As for the draft mandate itself, I take a favourable view of the fact that the Commission is committed to meeting our demands. Nevertheless, I would like to say clearly that there still need to be substantial amendments to this negotiating mandate. These are necessary if a majority of the European Parliament is to vote in favour of a new agreement. In my opinion, the current mandate is not ambitious enough to achieve this. The problem of bulk data transfer remains unresolved. If the US authorities tell us that every month we are talking about the specific details of five to ten people, then the transfer of millions of pieces of data relating to European citizens is surely disproportionate to this purpose.

Incidentally, I would like to say again to the Commission and the Council that although it is constantly maintained that this agreement will be highly significant as an additional means of combating terrorism, the proof of this is not as clear as we are always being told. The long period of retention of data in the United States also continues to be a problem. The mandate does not offer a solution here either. We need a judicial authority on European soil that not only checks the legality of US applications, but also the extraction of data, wherever this takes place. The transmission of information to third countries must be regulated with clear directives. We need an ambitious mandate with our demands. Only then can we achieve a really good result that meets our demands, taking into account data protection as well as the fight against terror.

Finally, I have another specific question for the Council and the Commission. How do you intend to ensure that only data that was specifically requested is extracted and passed on? How can that work? In the United States? Or are there other proposals?

Jeanine Hennis-Plasschaert, *on behalf of the ALDE Group*. – Mr President, I, too, very much welcome today's debate where Parliament will set out its expectations with regard to the negotiations directives. The fact that Parliament will not vote on its resolution this week is clearly very unfortunate but it should not, and I repeat, it should not inhibit Council from going ahead with the adoption as scheduled. Parliament's views are being put forward as we speak, and it is no secret that Council and the Commission are already fully aware of the resolution and its content. In this respect, I can only say that I do appreciate the new spirit of cooperation demonstrated by both the Council and the Commission to engage with this House.

Now, following the negotiations directive, the envisaged EU-US agreement is to ensure rights on an equal basis, regardless of the nationality of any person whose data are processed in accordance with the agreement. Now, my question is, what does that mean? What are these specific rights in that case in relation to, for example, access, rectification, deletion, compensation and redress? Please enlighten me here. Furthermore, I would like to underline, like my colleagues did, that the principles of proportionalities and necessity are key to the envisaged agreement. The fact, and I repeat it once more, the fact that financial measuring data profiles are unable, for whatever reason, to search the content of the messages leading to the transfer of data in bulk cannot be subsequently rectified by mechanisms of oversight and control, as basic principles of data protection law have already been comprised.

To be honest, I do have some doubts whether this issue is going to be solved on the basis of the current negotiations directives. Furthermore, it is important to know that the agreement on mutual legal assistance is not an adequate basis for requests to obtain data for the purposes of the TFTP. After all, the agreement on mutual legal assistance does not apply to bank transfers between third countries and it would demand prior identification of a specific bank whereas the TFCP is based on searches for fund transfers. It is therefore crucial, and I would like to stress that, it is therefore crucial that negotiations focus on finding a solution to

make one compatible with the other. We can, of course, insist on a redesign of the TFTP but honestly, in the end, this is not in our hands really and I can therefore only urge the Council and the Commission, like Mr Busuttil did, to address the fundamental policy decisions straight away.

I do expect a clear and binding commitment on the part of both the Council and the Commission to undertake all that is necessary to effectively introduce a durable, legally sound, European solution to the extraction of data on European soil. Let me stress once more that the transfer and storage of data in bulk to a foreign power, even if it concerns our best friends, is and remains by definition, disproportionate. It marks a huge departure from EU legislation and practice. The rule of law is crucially important and in this context, Parliament must be extremely mindful in assessing envisaged agreements such as the one we are discussing today.

I do support, like others, a strong outwards-looking EU that is capable of acting shoulder to shoulder, as an equal partner, with the US. In that framework, I can only underline once more that it is the EU that needs to lay down the principles on how Europe will cooperate with the US for counterterrorism purposes, including law enforcement and the use of data collected for commercial ends. Getting it right should be the objective, and the European legal demands for the fair, proportionate and lawful processing of personal information are of paramount importance and must always be upheld. Now it is for the Council and the Commission to put this into concrete action as soon as possible and to negotiate an agreement that meets all of the EU and US expectations.

Jan Philipp Albrecht, *on behalf of the Verts/ALE Group*. – *(DE)* Mr President, I would like to thank the Presidency and you, Commissioner Malmström, for what you have said. The Presidency has rightly said that the TFTP agreement on the exchange of SWIFT bank data is about principles. It is about fundamental constitutional principles, it is about the protection of privacy – Article 8 of the Charter of Fundamental Rights and Article 8 of the European Convention on Human Rights. However, it is also about effective legal protection and fair procedures – Articles 6 and 13 of the European Convention on Human Rights. It is about genuine proportionality from a constitutional legal point of view, and I stress from a constitutional legal point of view, because it is not about simply getting a feel for proportionality; we need actual evidence of the need for, and suitability of, a measure and finally also evidence of the proportionality itself.

Here, I again have to make clear what other experts and even the investigative authorities have said repeatedly. In my opinion, it cannot be proven that the mass transfer of personal data without specific initial suspicions is at all appropriate and that we do not have significantly less intensive means of intervention that would suffice to pursue these goals. Without a prior decision in an individual case on the basis of existing suspicions, any access to the bank data of European citizens is disproportionate. It must therefore be ensured that there is no bulk transfer of data.

Otherwise, this agreement would represent a breach of existing European and international treaties, and that is exactly what most European supreme courts have made very clear in rulings up to this point – in particular, the German Federal Constitutional Court in March – when it was a matter of data retention. Therefore, Parliament cannot and should not make any compromises on its previous positions, but must ensure compatibility with EU law during and after negotiations, if need be then by all means with the presentation of the mandate and the results of the negotiations before the European Court of Justice.

I therefore call on the Commission and the Council to clearly present Parliament's conditions to the United States and to provide the necessary clear evidence of proportionality. Otherwise, Parliament will remain unable to agree to a TFTP agreement.

Charles Tannock, *on behalf of the ECR Group*. – Mr President, the ECR Group supported the Council's original agreement on SWIFT with the United States and its terrorist-financed tracking programme for the transfer of financial messaging data, subject, of course, to certain safeguards. We repudiated at the time the anti-Americanism, both latent and overt, that characterises some in this House.

America bears a vastly disproportionate burden worldwide for securing the liberty of us all. We want to see the EU doing more, not less, to support America's principled leadership in the fight against terrorism. We therefore saw the SWIFT agreement as a vital tool to help excise the cancer of terrorist financing and to protect citizens on both sides of the Atlantic. However, whilst I was saddened to see the deal voted down, I was not altogether surprised.

Undoubtedly, Parliament was flexing its muscles and keen to make a show of its new powers under the Lisbon Treaty, but the temporary demise of the SWIFT accord until the better current proposal was forthcoming from the Commission could perhaps ultimately be for the good, to serve as a wake-up call to

President Obama's Administration which, like its predecessors, appears to have a very sketchy grasp of the EU and its institutions, notably Parliament.

There seems to be little appreciation amongst American diplomats of the increased powers and influence of MEPs. The letter sent by Secretary Clinton to President Buzek, raising concerns regarding SWIFT, was woefully late in the day. Moreover, it was considered by many Members of this House as at best naive, and at worst arrogant, because it ignored the reality of how our Parliament operates through the political groups.

The United States maintains an almost invisible lobbying presence in the Parliament. Compare that to small countries like Israel, Taiwan and Colombia, not to mention giants like India and China, which invest substantial diplomatic resources in building relationships in this House. As a result, they punch above their weight diplomatically at EU level, whereas America falls woefully short of its potential. It is extraordinary that the USA's bilateral embassy to Belgium is still double the size of its mission to the European Union.

I am, however, heartened that the new American Ambassador to the EU, William Kennard, seems to appreciate MEPs' importance, and this is now being conveyed back to Washington. I hope that his time in Brussels coincides with a quantum leap in terms of America's relationship with us MEPs, and the announced visit by Vice-President Biden is an excellent start, because no one wants to see the transatlantic partnership strengthened more than I do.

The next hurdle, of course, will be getting a new agreement on SWIFT through this House, but also one on passenger name records (PNR), which, in my view, will prove no less controversial.

Marie-Christine Vergiat, *on behalf of the GUE/NGL Group*. – *(FR)* Mr President, ladies and gentlemen, once again, we are discussing the Commission's and the Council's mandate in relation to the SWIFT project. The draft mandate being submitted to us today certainly takes up some of the demands made by the European Parliament in its resolution of September 2009, but many points remain incomplete.

This is the case when it comes to the length of time in which the data are stored and the possibilities for our fellow EU citizens to lodge an appeal. The US Privacy Act still discriminates against non-US citizens: even Commission officials admit that. Furthermore, we are repeatedly told that SWIFT cannot process data on an individual basis because it does not have the capabilities, particularly the technical capabilities, to do so.

Therefore, there is still a huge problem as regards the proportionality of the transfers carried out. As you yourself have just told us, Commissioner, there are still concerns in relation to these bulk data transfers. I am sorry but, as far as I am concerned, I have no faith in the way in which the US authorities operate in this area. Reasonable suspicion cannot be enough. The damage caused by the United States in the fight against terrorism is well known.

As Mrs Sippel said, quality must take precedence over quantity. Yes, a European authority should be able to have actual control over the data that will be transferred. We are still awaiting guarantees in this area to safeguard the rights of our fellow citizens and of all those resident in Europe.

We welcome the progress that has already been made, but it is still not enough. Yes, our fellow citizens have a right to security, but they have a right to it in all areas. At a time when many of our fellow citizens are becoming more aware of the protection of privacy and of personal data – something that is coming across clearly in many of the speeches in this House – we have a duty to continue to alert you and to tell you, in all conscience, that, for us, the principles of necessity and of proportionality are still not being respected.

Mario Borghezio, *on behalf of the EFD Group*. – *(IT)* Mr President, ladies and gentlemen, may I take this opportunity to highlight the legitimacy of your point that the European Parliament must not forget, either, the role and the importance of the Italian language, of the use of the Italian language, which has contributed so much to European culture.

Returning to the subject at hand, it must be said that, ultimately, after that standstill pursued strongly by the European Parliament, which, on this occasion, seemed perhaps not to have fully appreciated the urgent, dramatic need not to undermine in any way, for any reason, a fundamental requirement of the West and of Europe, that of defending itself from terrorism.

Of course, it is absolutely true that there has to be a balance, a proportionality, that citizens' rights and privacy rights must not be sacrificed beyond measure and that the possibility for citizens to lodge an appeal, either an administrative appeal or a legal appeal, against any decisions taken on the basis of the SWIFT system

must, of course, be guaranteed – just as this new wording by the Commission, which has accepted many of the most important points made by the European Parliament, guarantees.

Therefore, in my view, the guidelines in the negotiating mandate adopted by the Commission on SWIFT should be regarded as essentially sound, in terms of ensuring, I repeat, effective and necessary cooperation with the US authorities as regards the tracking of financial transactions to combat and prevent the terrorist threat – this, of course, being in the bilateral interest, since Europe, too, must remember that it needs to defend itself from terrorism; we have seen too much obvious, and also extremely serious, evidence of terrorism – and of ensuring the democratic control of the data flow entrusted to the European Parliament, which is thus the most reliable form of protection there can be for European citizens' personal data and the protection of their right to assert themselves in all appropriate forums. The mandate also takes on board many suggestions offered by us MEPs, and this speaks volumes for the importance of the European Parliament and for the new role granted to it by the treaty.

Furthermore, we must remember that the agreement provides for reciprocity from the United States should the European Union succeed in launching a European terrorist finance tracking programme.

Europe must swing into action – in any case, it must not always trail behind – it must swing into action and must itself provide vital input and information. On the PNR system, which will be discussed later, the same logic applies: a passenger recognition measure, once again for the purposes of combating terrorism, is absolutely crucial.

Ernst Strasser (PPE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, we in the Group of the European People's Party (Christian Democrats) want an agreement. We want a good partnership with our American friends, above all, in the area of security. We want a good agreement and we want this agreement very soon. We should emphasise that this is a time that reflects the spirit of Lisbon as seldom before. After Parliament's resolution in mid September, after the Council's decisions at the end of November, after the discussions in January/February and after Parliament's clear position in February, we now have a situation that is a good example of cooperation between the Commission, the Council and Parliament. I would really like to thank you, Commissioner, and also the Council, for this new beginning, that was started primarily by you and Commissioner Reding. It is an example of what European citizens want in terms of scope for action, of how European citizens want to see us reach solutions together – not just European citizens, but, above all, those who are watching and listening in this House today. At this point I would particularly like to welcome our friends from the Rhine and Hunsrück and our friends from Austria who are here today.

We in our group are not looking for problems, but fighting for solutions. I should emphasise that a whole range of excellent proposals for solutions were found that we set out in September's resolution, be it on the issue of bulk data, third countries, duration, terminability, or other matters. These are the matters we need to negotiate on now.

I am rather surprised by our colleagues from the Group of the Greens/European Free Alliance and the Confederal Group of the European United Left – Nordic Green Left who, at the time, refrained from voting on the resolution and refused to contribute, but are now calling for this resolution. I therefore invite you to come on board. Help us negotiate and together, we will bring about a good result. As has been considered here, we should, in future, also work to ensure that we accelerate the development of the TFTP and you have also said that in your statements. Yes, we will need these instruments and we should keep the schedule exactly as it was conceived by you, so that we can discuss the results of your negotiations here in Parliament before the end of summer and will also hopefully reach decisions.

I believe that the way you have held discussions, including on your action plan that I would like to support wholeheartedly, can continue in this vein on matters concerning the data agreement, Passenger Name Records (PNR), the Schengen Information System (SIS) and other issues.

Kinga Göncz (S&D). – *(HU)* I would like to recall that, contrary to earlier negative expectations that preceded Parliament's negative vote, there have, in fact, been several positive developments as well, and it seems that there will be a better than expected agreement between the European Union and the United States; if all goes well, it will be concluded by the summer. Since that time, it has first of all become clear to us that the US is far more open to these reservations and to finding constructive solutions to the European reservations than we had previously thought.

I think that we have all found that cooperation is better and the dialogue between the Council and Parliament is closer, and I think it is also important that Commissioner Cecilia Malmström regularly informs the

Committee on Civil Liberties, Justice and Home Affairs, the rapporteurs and the shadow rapporteurs of the developments. I think this is the key to ensuring that good agreements do indeed continue to be reached in the future. I think it is important to state this, before going any further.

I, too, would like to say what several people have emphasised, namely that Parliament is committed, and the Group of the Progressive Alliance of Socialists and Democrats is also very seriously committed to securing an agreement as soon as possible, and to making sure that this is a good agreement, in other words, one that takes into account the interests of European citizens, including their data protection interests. We know and we feel the responsibility, since this is a very important element in combating terrorism, even if it is not the only or even the most important element, but this particular data exchange is very important. It seems to us that the mandate in its present state provides solutions to many problems but leaves many others without a solution. As yet, there is no solution to problems such as those mentioned earlier by our colleagues and which will be the subject of further discussion today. I think that these two weeks, which are available to us because of the postponement of the vote due to the problems with flying, present us with an opportunity; an opportunity to find solutions to the outstanding problems and to find answers to those questions and reservations raised by Parliament to which we have not yet found reassuring answers. It would be good if Council did not reach a decision before Parliament has had a chance to vote, since that could cause further difficulties in the near future.

Sarah Ludford (ALDE). – Mr President, clearly, the Commission has listened. The draft mandate is indeed a clear improvement on previous agreements, though my colleagues have highlighted aspects where our concerns remain. I will not repeat those concerns apart from thanking my colleague, Mrs Hennis-Plasschaert, for all her hard work for the Parliament.

I want to say something on process and something on context. Recent progress is, I think, a tribute to what can be achieved when partners treat each other with respect and listen to each other, treat objections seriously and try hard to bring views together. As well as the Commission, I actually believe that the US authorities have made that effort of engagement and understanding. I would like to thank Ambassador Bill Kennard in that regard. He has grasped very well how the European Parliament works, perhaps rather better than some of our Member States.

Now what we need is for the Council to make the same effort and adopt a progressive mandate. It was the Council's failure last time to come to us with a serious offer of improvement meeting MEPs' concerns that made it necessary for us to strike down the interim agreement.

For the last decade – and this is the point on context – authorities in the US and the EU have progressed in a reactive, even knee-jerk, manner to real or perceived security threats. Sometimes, governments have even been guilty of gesture or dog-whistle politics designed to get media headlines or to label opponents soft on crime or terrorism. We cannot go on like this, and I look forward to a new start where we base decisions, especially about data storage and transfer, on our basic bedrock principles of proportionality, necessity and legal processing. We need an audit of all the schemes and projects that have accumulated in an unplanned manner. I am heartened that – as I understand it – Commissioner Malmström plans to do that so we can get a clear view of gaps, duplication and over-intrusive measures and arrive at a rational and effective security framework that does not junk our civil liberties.

Judith Sargentini (Verts/ALE). – *(NL)* Mr President, resolution or no resolution, I believe that the Council heard us loud and clear last time and knows full well what it has to do. This Parliament is concerned about fundamental rights and the protection of citizens' privacy and also about data protection. These are fundamental rights, and a simple cost-benefit analysis is inappropriate where these are concerned. The grounds given for requesting data in bulk – that it is technically impossible to do things any more precisely – strikes me as a strange argument. I do not believe for a minute that this is technically impossible; as I see it, it is more a matter of money and of cost. As I said, where fundamental rights are concerned, it is not simply a matter of how much something costs.

In addition, it is important that Europe now shows itself to be an equal negotiating partner, as opposed to one that simply cosies up or waits for the United States to lay down the rules. Parliament has given the Council and the Commission the power and elbow room to approach this role seriously from now on, and in this regard, I would ask the Commission and the Council to take account of the European Convention for the Protection of Human Rights and Fundamental Freedoms that is now in force. This, too, will have to be included in your mandate and the result of your negotiations. I hope you come back with the right results,

I hope you use the power and authority we gave you last time, and I await what you have to show for yourselves on your return.

Marek Henryk Migalski (ECR). – *(PL)* Mr President, the United States is the only world superpower today. It is an absolute and multidimensional superpower – cultural, military and economic. We are fortunate that this superpower is friendly to us and is based on the same values and foundations upon which the European Union is built.

Therefore, we should appreciate this and support the United States in the noble cause of the fight against terrorism, because Western Europe in particular was protected by the US from communism for many decades. It was only thanks to the US that free Europe was free for 40 years. Today, the United States is giving very strong support to the whole free world so that the world can be free from terrorism. A comparison between the United States and the European Union of the efforts, financial outlays and technology devoted to the fight against terrorism is embarrassing for European states and the European Union.

Therefore, if we can do something to help the United States in the fight against terrorism – and this is how I see this agreement – we should not hesitate. We should, of course, respect the principles of which we have been talking, but that, as I see it, is a question of cooperation between the Council, the Commission and Parliament. What is required of us today is an expression of the political will to enter into such an agreement. I think such political will should be present here. The United States should enter into a treaty agreement with the European Union which will be both friendly and based on partnership.

Eva-Britt Svensson (GUE/NGL). – *(SV)* Mr President, I would like to thank the Commission and the Council for the progress that has nonetheless been made since February, when Parliament did what was only right – in other words, rejected the SWIFT agreement. Parliament now has greater opportunity to make demands as regards the content of the agreement. An intelligent Commission and an intelligent Council would be wise to pay heed to the demands and objections made by Parliament in February. They concern our freedoms and civil rights, and that is the basis of the rule of law.

That is why we cannot allow the mass transmission of data without restrictions. Such an agreement mixes together innocent citizens with those who may be guilty. We can only allow data to be passed on where there are strong reasons to suspect the person concerned of being involved in crime. It is claimed that there are technical problems inherent in this. If that is the case, then we must ask ourselves whether our legislation should be decided by the technology or by our fundamental freedoms and civil rights. To me the answer is obvious: our legislation must be based on our rights.

Jaroslav Paška (EFD). – *(SK)* In February, we refused to ratify an agreement on processing and transmitting data contained in financial reports for the purposes of a US Treasury programme to monitor terrorism. The reasons for the refusal were clearly listed and they include in particular:

– breaching the fundamental principles of data protection law for a large number of citizens and subjects of the European Union (up to 90 million data items per month),

– the absence of protection for EU citizens against the abuse of their data provided under this agreement to the United States and to third countries, and

– the absence of genuine reciprocity, since the other party to the agreement has not undertaken to provide information of similar quality and scope to the EU.

Many of these shortcomings can be eliminated in the new agreement, but the actual principle of a comprehensive transfer of all data from the EU to the US, where the US processes, evaluates and stores all records on EU financial operations without any restriction, under the pretext of looking for links to terrorism, is not tenable.

This tenet must be amended. The financial operations of European banks should be processed only under European rules and on European soil. We will hand over to our friends from the United States only those items that really relate to terrorism.

Carlos Coelho (PPE). – *(PT)* Mr President, Mr López Garrido, Commissioner, ladies and gentlemen, in this House, I supported the agreement concluded between the European Union and the United States on mutual judicial assistance. I did so because I consider transatlantic cooperation to be very important in general, and particularly so in the area of freedom, security and justice.

In the plenary session on 11 February, I voted against the provisional agreement on the transfer of financial data concluded between the European Union and the United States. I did so for the sake of Parliament's prerogatives, but also because the agreement was unacceptable. In that debate, I called for respect for the principles of necessity and proportionality, as well as for the integrity and security of European financial data.

I am pleased to note at this juncture the Commission's and the Council's new attitude towards cooperating with Parliament. I believe that together, we shall succeed in establishing the basic principles that should guide and facilitate future cooperation between the European Union and the United States in the fight against terrorism. I hope that the concerns expressed by Parliament in its resolution of September 2009 will be duly taken into account in this new agreement.

I reiterate that there needs to be absolute respect for the principles of necessity, proportionality and reciprocity. I emphasise that there must be basic safeguards to guarantee that such data are retained for as little time as is strictly essential, after which they should be destroyed.

I reiterate the demand that legal appeals must be possible and that suitable guarantees must be established regarding any transfer of personal details to third countries. Above all, it must be proved that such data are useful in preventing acts of terrorism or incriminating terrorists.

Outside this framework, it will not be possible to obtain our consent. The European Parliament will be consistent with the positions it has always held.

Emine Bozkurt (S&D). – *(NL)* Mr President, Commissioner, Mr López Garrido, the draft mandate proposed by the European Commission is a step in the right direction. The fight against terrorism is our priority. It is therefore important to put a new agreement in place as soon as possible on the exchange of financial data with the United States, but not at all costs. In February, a large majority of us said 'no' to a bad interim agreement with the United States; 'no' to the exclusion of the European Parliament, the body representing 500 million citizens. Citizens do not want their bank details to be simply transferred to the United States without sound guarantees of their rights. We want an agreement with sound guarantees to protect the rights of our European citizens. If these are not offered under the present negotiating mandate, there will be little difference from the state of affairs in February. We need very good reasons if we are to say 'yes' this time. The Council and the Commission must inform the European Parliament comprehensively and directly. It is to be welcomed that account has been taken of Parliament's objections concerning guarantees of fundamental rights and freedoms in relation to the protection of personal data. These will have to be the criterion for determining whether or not data are transferred, along with the criterion that the data must relate to the fight against terrorism.

These are fine promises, but I am curious as to how the Council and the Commission will safeguard these guarantees in practice. The principles of proportionality and effectiveness are paramount. Also, will the United States really do the same for us?

What I would welcome is a complete, detailed statement of the rights our citizens would enjoy under the prospective agreement. The Council and the Commission are proposing to entrust a European body with examining requests from the United States. Council and Commission, what form do you see this kind of public EU body taking? Will it be a judicial authority, and will citizens have the possibility of court proceedings, which they are guaranteed in Europe? I should like to hear your responses.

Alexander Alvaro (ALDE). – *(DE)* Mr President, thank you, Commissioner Malmström. The negotiating mandate before us shows, above all, that the Commission and Parliament are again taking the same line and that cooperation has at least got off to a good start. The fact that the European Parliament rejected the agreement in February – and I address this to all those who have described it as muscle flexing – has nothing to do with muscle flexing; it is about assuming responsibility. Assuming responsibility for the rights of those that we represent, namely the citizens of Europe. The negotiations on the new agreement on the transfer of bank data now under way will, above all, answer the crucial question as to where Parliament and the European Union stand on respect. Respect among partners, respect for citizens and respect for European legislation.

We were able to slip a lot of things that are important to us into this negotiating mandate. The resolution that we will adopt in May very much reflects those things that specifically concern the protection of our citizens, both their data and their judicial remedies, including extraterritorial protection, particularly when their rights could be violated extraterritorially.

We have talked a lot about the transfer of aggregated data, so-called bulk data transfers. What we must clarify is the fact that in the mandate concluded, we must set out how and when this problem will be resolved. Otherwise, it will be very difficult to represent the whole thing in light of what we have formulated so far. The European Parliament's resolution highlights this in two paragraphs, the negotiating mandate in one. I am confident that the Commission will resolve this in a sensible manner.

Ryszard Czarnecki (ECR). – *(PL)* Our debate is taking place literally two days before a meeting of ministers of the 27 Member States of the European Union on the same subject. Therefore, and let us say it directly, our position is potentially a form of political pressure. We are discussing this problem at a time when the fate of the negotiating mandate in talks with the United States is in the balance. We have barely two months and one week to begin negotiations with Washington. The European Commission is not very flexible in this area. It has not proposed – with the greatest respect for Mrs Malmström – a single similar but alternative position. However, playing on the basis of 'all or nothing' is not only irrelevant and not in accord with the spirit of the European Union, but it is also a road to nowhere, a blind alley. I am in favour of close cooperation with the USA and exchange of data, but the devil is in the detail. While I am not an enthusiast of the Charter of Fundamental Rights, I would, however, like to ask if it is true that this mandate does not respect the provisions of the Charter. What shall we do when the passenger data which we transfer to the USA, and I am in favour of this, are used for unauthorised purposes?

John Bufton (EFD). – Mr President, it is shocking to me that this Commission is still insisting on passing sensitive financial information on millions of innocent European citizens, including those from the UK, despite Parliament and the Civil Liberties Committee rejecting the proposals. The issue here is not how we can better manage SWIFT, but that there should be no SWIFT agreement at all.

I would totally oppose this sort of infringement by my own government and resolutely stand against the EU handing in constituents' personal information to America. Handing over such information is at the thin end of the wedge, leading us into a frightening Big Brother of Europe. Under current rules, the US can retain data for 90 years, which is longer than an average lifetime, and, although the US authorities say untouched data is deleted after five years, the US Government has already been accused of giving data to big American companies, not to tackle terrorism, but rather to further economic interests.

The European Parliament threw out these sickening proposals but the Commission does not like backing down, and an interim agreement was signed without parliamentary approval by the European Council last year, the day before the Lisbon Treaty would have prohibited it under the codecision procedure.

On 11 February, the European Parliament again rejected the interim agreement and a week prior to that, Parliament's Civil Liberties Committee rejected the deal. Your dogged pursuit of this disgusting agreement just goes to show your contempt for democracy and liberties of the people, including those from my country, Wales, and the rest of the United Kingdom.

Monika Hohlmeier (PPE). – *(DE)* Mr President, ladies and gentlemen, unlike the previous speaker, I would expressly like to thank both Commissioner Malmström and Commissioner Reding for their intensive efforts to take up the issues that have been raised by Parliament, as well as the problems that we see and have seen in the area of data security and confidentiality, in order to negotiate with the United States.

I am also grateful that key issues – as mentioned by my fellow Members – have already been analysed or considered in the mandate and that, in particular, this also includes issues in the area of inspection as well as the area of reciprocity. On the matter of the erasure of data, I also consider it very important to be able to renegotiate the five-year period, since it is really not acceptable to hold data for such a long time.

I also feel it is important to ultimately discuss the matter of penalties in cases of deliberate extraction to the wrong ends in sensitive circumstances, since that prevents certain things being extracted that we do not want to see extracted. The focus should only be on terrorism.

To me, what is also important is the idea that we have to tackle our own TFTP and that in the longer term, we cannot transfer bulk data, that is to say, large amounts of data to the United States. That has nothing to do with mistrust, but the fact that in the long term, we ultimately want to take our own responsibility within Europe on an equal footing, and then exchange specific extracted data for the sole purpose of combating terrorism and finally maintain real reciprocity.

In this context, I would again like to ask the Commission to indicate how the topic of our own TFTP is viewed within the Commission and in the joint discussion with the Council.

Tanja Fajon (S&D). – *(SL)* Terrorism remains one of the main threats to security in the European Union and we need to start negotiations with the US on the transfer of banking data as soon as possible, but not at any cost. A new agreement must provide greater protection of the personal data of European citizens. We need a better agreement, one which takes into account human rights and which addresses the issue of transferring batches of data on millions of European citizens. The future agreement must also be a reciprocal one, which means that US authorities should provide similar data on financial transactions if the European Union establishes its financial transactions tracking programme in the future. I am pleased to hear that the Commission agrees with this.

The new agreement must also ensure stricter guarantees for the transfer of data to third countries. Are we going to allow the US to transfer information to any country or are we going to set out some clear criteria for that? It is imperative that we have the most appropriate safeguards. It would also be appropriate for the country providing data to consent to their transfer to third countries, so that we can set up a system requiring countries that provide data to give their consent. I therefore wonder if we could put in place some instruments that would also allow us to refuse the transfer of information to third countries where they fail to provide sufficiently specific reasons for obtaining such data.

As the European Union does not have its own financial transactions tracking system, our security depends on the US. However, what can we ask for in return? We must also ensure that the future agreement with the US can be terminated immediately if any of the commitments is not met. We need to persuade our citizens that transferring banking data is a sensible thing to do, since we are more and more concerned about the extent to which we permit intrusion into our privacy in the fight against terrorism.

Cecilia Wikström (ALDE). – *(SV)* Mr President, ever since the end of the Second World War, it has been important to us Liberals to emphasise the transatlantic links between the US and Europe and to highlight our cooperation in various areas. However, as in all partnerships, complications and difficulties can arise, and we have to overcome these. One of the trickier complications has been the issue of people's legitimate right to personal privacy.

I believe that as time goes on, it will become very clear that Parliament did the right thing in rejecting the temporary SWIFT agreement. The EU must be characterised by democracy and transparency; we, the elected representatives in this House, are an important part of this. The procedures surrounding SWIFT left a great deal to be desired in this respect. Parliament has stated quite clearly what we demand in order to approve a new permanent agreement. The criteria are listed in the resolution that we are dealing with and debating today, and once these requirements are met, I look forward to a new vote.

There remains a conflict of interests between security on the one hand and the right to privacy on the other. Let us now put the past behind us and work confidently towards our central aim, of which a new permanent SWIFT agreement is an important part: namely the security, protection and privacy of the citizens of Europe.

Sylvie Guillaume (S&D). – *(FR)* We will all agree – there can be no ambiguity on this issue – that the fight against terrorism is a shared fight in which the European Union must play a full part.

Yet it is just as crucial for us MEPs to ensure that the rights of European citizens and, in particular, the right to protection of personal data, are respected. I feel it is necessary to stress this point, and this message is addressed not only to the representatives of the Council and the Commission present in this House, but also to the US authorities, with which a new agreement must be negotiated.

More specifically, I wish to highlight one point that features among the essential demands made by the European Parliament, namely, the issue of data being retained by the US authorities. The current plans are disproportionate in my view. That is why several questions need to be asked. Why retain for such a long time – five years – data which, according to the parties involved, are not used? Is it not possible to reduce their retention period to a more reasonable length of time? As regards the data selected, this time, no retention period is mentioned in the mandate. The previous agreement stipulated a maximum period of 90 years. Would it not be a good idea to decide on an appropriate retention period that is proportionate to the use made of these data, for example, in relation to the length of a specific investigation, or of a specific trial? Is there an intended use for these data other than that of combating terrorism, and what is it? Lastly, could we consider retaining these data in Europe rather than in the United States?

I should like the Council and the Commission to answer these questions. This point is, in fact, crucial, and the European Parliament will not beat about the bush on this issue. Therefore, it is vitally important for the Council to take specific account of this when it adopts the Commission's negotiating mandate.

Nathalie Griesbeck (ALDE). – *(FR)* Mr President, Commissioner, ladies and gentlemen, the European Parliament took a very important step two months ago when it rejected this interim agreement.

Without going back over this matter, since I am the 27th speaker this afternoon, I should just like to stress that some people very poetically described this phase of European democracy as the first day in the life of the European Parliament under the Treaty of Lisbon. Indeed, not only was it an historic victory in terms of respect for the privacy and the freedoms of the citizens of Europe and beyond, but it was also a turning point for the powers of the European Parliament and, at the same time, a great moment of courage and daring on the part of our rapporteur, Mrs Hennis-Plasschaert, to whom I should like to pay tribute in particular for her determination only a few weeks away from an important date for her.

There is no point in mentioning the underlying elements that make us interdependent where counterterrorism, security, and the balance to be struck in the area of individual freedoms are concerned. Thus, as part of this new negotiating mandate, we are going to have to reach a fair and balanced agreement that respects rights and that is surrounded by guarantees illustrating what ultimately represents, in my eyes and in the eyes of many of our fellow citizens, the substance and strength of the European Union, namely the protection of European citizens. Since our political will must comply with the law and with expression through legal channels, I shall not go back over the elements of reciprocity and proportionality. Nevertheless, I do hope that stricter legal rules are enforced on bulk data transfers in a very vigilant and demanding way, as an issue separate from the storage and the right to rectification, modification and deletion of data, and from the right to appeal before the courts. It is up to us to cooperate in order, together, to strike this balance between the demands of security and those of freedoms.

Ioan Enciu (S&D). – *(RO)* The European Union acknowledges the particular importance of exchanging information globally in the fight against terrorism. MEPs in the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament support any action which may result in preventing and halting terrorism. MEPs have been elected democratically to represent the interests of European citizens and cannot compromise in any way on the fact that they need to protect their rights enshrined in treaties and conventions. There are some subjects which we cannot ignore, such as personal data protection, legal protection, data transfer volume, proportionality, reciprocity or the European Parliament's permanent involvement in the monitoring process.

I believe that the appointment of a European authority for processing, authorising and transferring SWIFT data would be a solution which would provide the European Union with the guarantee that this data will be used solely for the purpose of fighting terrorism and that it pertains only to suspects who have already been identified. European citizens will also have somewhere to submit complaints about any abuses. We ask the Commission to submit, at least annually, reports on the implementation of the agreement in question. I believe that this will guarantee that the process is being conducted according to the approved agreement and that we will be able to eliminate any shortcomings in good time.

With the aim of reaching a better mutual understanding of the points where there is a difference of opinion, I suggest that briefing sessions should be arranged immediately for the European Parliament's political groups or even for national delegations, along with US representatives accredited to the European Union or Member States.

Charles Goerens (ALDE). – *(FR)* Mr President, the trial of strength that our Parliament has embarked on with the Commission and the Council on the draft SWIFT agreement may be a good thing, provided that the collection and transfer of data relating to banking transactions are used exclusively for counterterrorism purposes. Just about everyone has mentioned this obvious fact by now, but experience shows that, when it comes to the use of personal data, nothing is less certain. A suspected terrorist who is known to the United States' intelligence services is not necessarily known to their European counterparts, as the Commission's answer to one of my questions shows.

My standpoint on any new agreement on this matter will depend on the relevance of gathering personal data, on the provision of those data to security control bodies and on respect for the principle of reciprocity as regards information held by the authorities. I feel it is wise, therefore, to think about the best way of enforcing these conditions. It is up to Parliament to make this one of its prerogatives.

Proinsias De Rossa (S&D). – Mr President, I welcome this debate in advance of the Council's formal consideration of the Commission's proposed mandate. I also welcome the acceptance by the Commission of many of the concerns expressed by this Parliament when we rejected the interim agreement as inadequate.

Regretfully, due to circumstances beyond our control here today, we cannot adopt a Parliament position on the draft mandate. We will vote on 6 May, and I strongly urge the Council not to sign off on an agreement before that date. This Parliament's consent is a treaty requirement, as indeed is compliance with the Charter of Fundamental Rights in any agreement that the Council signs off on. It is extremely important to bear in mind that a short delay will be far less damaging to EU-US relations than a second rejection of a draft agreement.

I, like many others, have continuing concerns about block data transfer and indeed the control of that data once it leaves our control. I am not satisfied so far that what is being proposed is, in fact, going to address those concerns. I do want closer cooperation between the European Union and the United States of America, but that cooperation must be based on mutual respect for citizens' rights.

Cristian Dan Preda (PPE). – *(RO)* As you are well aware and has also been stated today, the fight against terrorism is a common cause in Europe. Anti-Americanism is not a common cause in Europe. This is why, especially based on what one of my fellow Members was saying before me, I do not believe that a statement which has blatantly expressed anti-American sentiment could be considered as a source of inspiration for establishing our Parliament The reason for this is that, in general, I think that feelings against the United States must not block agreement on fighting terrorism.

In fact, I would like to talk about trust in the relationship with the United States. We in the European Union and United States have common enemies who will not hesitate to exploit any crack and any evidence of a lack of trust in this relationship. The data provided by SWIFT cannot be used for any purpose other than fighting against terrorism. The exception to this, of course, is situations where other extremely serious activities are associated with terrorism, such as drug trafficking and espionage. Let us trust our US partners.

Richard Seeber (PPE). – *(DE)* Mr President, ladies and gentlemen, I believe there are a few things that are beyond dispute, like the transatlantic partnership – since it really is the foundation of our foreign policy – the common fight against terrorism and also the cooperation of the EU institutions. However, the fact also remains that with the Treaty of Lisbon, we have acquired new foundations and, as the European Parliament, we have new rights and these rights must, above all, be exercised to protect our citizens. One right is the protection of the fundamental rights of our citizens, as well as the protection of life and the protection of privacy. Therefore we are in favour of the transfer of specific data. However, the transfer of aggregate data is certainly going overboard. The new agreement should give assurances of a balance between these fundamental rights, but also of reciprocity, proportionality and a minimum level of data security.

I would also like to ask the representative of the Council, the Presidency, where they were this morning when we debated the 2008 budget discharge – one of the most important chapters. Unfortunately, the Council Presidency was conspicuous by its absence.

Andrew Henry William Brons (NI). – Mr President, one of the crucially important questions is whether bulk data – that is everyone's information – should be handed over or whether data should be confined to identified individuals.

There is, of course, an intermediate position. Population groups associated with terrorism at a particular time could be targeted. For example, if Orkney fishermen suddenly became radicalised and started to kill humankind and not just fish, then they should be targeted. If ageing, overweight, grey retired college teachers should put on fatigues and commit terrorist outrages against their students, rather than just boring them to death with their deadly monotones, then they – or rather I should say we – should also be targeted.

Targeting is viewed with distaste and condemned as discriminatory. I would call it common sense. Nevertheless, there must be early destruction of data belonging to innocent members of those targeted groups.

Zuzana Roithová (PPE). – *(CS)* Mr President, detecting the financial flows of terrorist networks is a highly effective instrument in the fight against terrorism. In February, the left rejected a provisional agreement without even proposing another suitable framework for security units, thereby complicating the work of the police and the judiciary. We must now join forces in order to adopt a new, definitive agreement. I applaud the fact that the Council and Commission are today communicating openly, and I would therefore like to ask the Commissioner whether it is necessary to transmit 90 million items of data every month, because I have my doubts about that, and I would also like to ask how our citizens will appeal to the American authorities over suspected abuses of data and who will monitor the data transmitted to the American Government. In my opinion, it should perhaps be an independent judicial body based on international

treaties on mutual legal assistance, and not Europol, the decisions of which cannot be reviewed and which will not even have suitable powers unless we amend its statute. The priority is the fight against terrorism, but we cannot circumvent the Charter of Fundamental Rights, which is supposed to guarantee the protection of personal data. Open access to judicial review in contentious cases would, in my view, be a sure guarantee.

Angelika Werthmann (NI). – *(DE)* Mr President, ladies and gentlemen, today's debate shows that civil rights and the fight against terrorism are not always easy to reconcile. The SWIFT agreement that is being discussed again today underlines the problem of protecting our civil rights while, at the same time, investing in the security of our world community.

The Commission's draft mandate continues to provide for the transfer of large data units between the USA and the EU. The retention periods are still too long and, last but not least, I have two questions. Is there a time limit to this bilateral agreement? If so, what is the timeframe and within what timeframe will the data finally be erased?

Anneli Jäätteenmäki (ALDE). – *(FI)* Mr President, the fight against terrorism is important, and the EU must be part of this. We cannot do this by trampling on human rights, however. Respect for human rights is one of the most important European values, and it should be a unifying factor in transatlantic cooperation too.

It is important that transatlantic cooperation should work, but it must work reciprocally and with a feeling of mutual respect. Changes to data must take place individually, and I want to stress again that we cannot trample on human rights in the name of the fight with terrorism. If this happens, then we will have helped the terrorists.

Mariya Nedelcheva (PPE). – *(FR)* Mr President, Mr López Garrido, Mrs Malmström, I wish to congratulate the authors of the motion for a resolution on the conclusion of the agreement between the United States and the European Union on the transfer of financial data to combat terrorism. This resolution reiterates, in a balanced way, not only the requirements in terms of security but also the guarantees that the data of European citizens will be protected and that their fundamental rights will be respected.

As such, I believe that appointing a European public judicial authority to be in charge of receiving the requests issued by the United States Treasury Department is the key to the balanced approach we are looking for. Indeed, it will help overcome the many obstacles to the principles of necessity and proportionality that have emerged, in particular, in the case of bulk data transfers.

It would also pave the way for the introduction of genuine reciprocity; in other words, it would be possible for the European authorities and the Member States' competent authorities to obtain financial data stored on US territory. It is our credibility that is at stake here. The SWIFT agreement is a kind of democratic test that we are all duty-bound to pass for the good of our fellow citizens.

Diego López Garrido, *President-in-Office of the Council.* – *(ES)* Mr President, I would like to start by saying to Mr Seeber that I was in fact present this morning at the debate to which he was referring. Even though I had not been officially invited, you, ladies and gentlemen, asked me to come and I came: I was present and spoke in that debate. Perhaps it was he who was not here, just as he is not in this session now and has left the Chamber.

Well, I wanted to say that the debate we have had was, in my view, highly constructive. I believe it shows that there is a real spirit of cooperation on both sides, among all the parties involved: Parliament, the Commission and the Council. The rapporteur, Mrs Hennis-Plasschaert, acknowledged the spirit of cooperation she could see in the Council – for which I am very grateful – and also in the Commission. I am grateful that she has said so publicly.

Indeed, there is no doubt whatever that both the mandate that the Commission has put forward through Mrs Malmström and the mandate that the Council will approve will very much take account of and find inspiration in the concerns and positions expressed in your speeches and in the motion or draft motion for a resolution proposed by the rapporteur.

I have noticed that there is a series of problems that concern you in particular, and I want to assure you that those problems and concerns that you have mentioned will form part of the negotiating directives that the Council is going to approve. The negotiations will be directed by the Commission and will result in something that the Council and Parliament will have to sign. The first item in those negotiating directives will be the problem that has been brought up repeatedly here this afternoon: bulk data transfer.

Mr Albrecht, Mr Busuttil, Mrs Sippel, Mrs Sargentini, Mrs Svensson, Mr Paška, Mr De Rossa and several others have raised this issue. I would like to tell you that we cannot, of course, accept indiscriminate bulk transfer, whatever may be requested for any purpose. It is not about that. It is about data that is requested solely for preventing, investigating and prosecuting terrorist crimes and terrorist financing and, moreover, with individualised objectives regarding a particular person where there are grounds for thinking that that person has a nexus or relations with terrorism or its financing. We are therefore not looking at mass transfer of such data; the objective and the subject place very clear bounds on that transfer of data.

In addition, there will be a European authority through which that data will be requested, and afterwards there will also be a check, essentially carried out by the Commission, on the use of said data and on the operation of the agreement that is to be signed. I therefore believe that there is a mechanism in place that is perfectly able to answer the concerns that have been raised here on this issue.

The retention period for data has also been mentioned. The retention period for data is set at around five years, because it is obviously necessary to retain the data for a minimum period of time for reasons of effectiveness. It must be made clear, though, that the period must be as short as possible and no longer than is necessary to achieve the objective. The objective – the need to retain the data – must always be absolutely well defined; otherwise it would not make sense. Data must always be retained with an objective and in relation to a specific person.

You have also shown your concern regarding people's rights to have access to, to be informed about and to correct their data. Mr Coelho, for example, who is not here at the moment, expressed this in some detail. I can tell you that the negotiating directives agree with the draft mandate drawn up by Mrs Malmström in that those rights will be assured. The rights of information, access and correction will and must be assured in the agreement to be signed.

The principles of necessity and of proportionality will be assured in the negotiating directives and in the agreement that is eventually signed. The possibility of appeal will be assured – administrative appeal and judicial appeal – without discrimination on the basis of nationality or for any other reason. Therefore, in relation to the concerns raised by Members, including Mrs Bozkurt and Mrs Vergiat, all that will be assured. In addition, there will be absolute reciprocity. This is one of the topics that was most emphasised in the previous debate, which we all remember. There will be absolute reciprocity with regard to the United States. That is another of the characteristics of the negotiating directives that the Council will approve and which agree with what you have said here and with the motion for a resolution proposed by Mrs Hennis-Plasschaert.

I would like to point out here that the Council is firmly committed to approving a mandate that protects the fundamental rights of European citizens, and which applies and is absolutely faithful to and in accordance with the European Union Charter of Fundamental Rights – which forms part of the Treaty of Lisbon – and the European Convention on Human Rights, which the EU proposes to sign in the coming months as one of the goals marking the beginning of this new political stage of the Union.

IN THE CHAIR: MRS DURANT

Vice-President

Cecilia Malmström, *Member of the Commission*. – Madam President, I think this has indeed been a very constructive debate. We have listened carefully and are taking due notice of everything that has been said. The Council answered quite a lot of the questions that were raised, and I will just add a few things because it is important that we get as much clarity as possible.

There will be an EU review team. They will have the right to review random samples to ensure that the data has been taken in a way that is respected according to the agreement. There must be a reasonable belief that the target of the search is a terrorist or someone financing terrorism. We also must remember that each and every search of TFTP data is verified by a SWIFT scrutineer and by an independent judicial authority before it is given out. The EU review team will also have access to this information.

The agreement will ensure that EU citizens have access to non-discriminatory administrative and judicial rights. Exactly how this will be specified is, of course, part of the negotiations, so I cannot be more specific on this. But it is – as the Council also said – a very important part of the negotiation. We will have to find a solution to this, and as regards rectification and access.

Data will not be transferred to third countries – only relevant leads analysis but not mass data – and it will only be for terrorism purposes. The whole deal is only for terrorism purposes. The agreement will also ensure

that EU nationals, via their data protection authorities, have the right to know that the rights of the data subject have been duly respected. The use requests for data are already targeted when it comes to bulk data. There has to be a suspected terrorist that can only be searched. So only a fraction of SWIFT data will be transferred and only a very small proportion of that will be accessed. The rest will remain anonymous.

We will seek to reduce and explore the possibility of reducing and fine-tuning the definition in order to have the volume still further reduced, but there are already legally binding rules that would prevent any access to that data unless there is reasonable suspicion. The EU review team will verify a representative sample – as I said – and if there are any breaches of the agreement, it can be immediately interrupted by the European Union.

So I think that we can act swiftly and that we can have a good agreement. There is the security gap issue that we have to take into consideration but, of course, there are also many questions that have to be answered concerning data protection and the other issues that you have raised. The Americans have shown a very open attitude so far. They are ready to work with us as quickly as possible but also to be creative and to find answers to our questions. I know that a team from the European Parliament will travel next week and you will be able to put questions and hopefully have more answers then.

The other track in parallel to this is, of course, whether we should have another solution at European level, whether we should have an EU TFTP or create some new authority. That is a very important discussion. It needs to be explored in depth within Europe. Of course, that will not be part of the negotiation. We must make sure that, should this happen, the Americans will help and there will be reciprocity, but we must figure that out. The Commission is willing to participate, to be innovative and to put forward proposals, but that is for the Member States to decide. I know that the European Parliament is very active, and I am looking forward to having these discussions with you. So this is a parallel discussion.

Also in parallel, there is the work done by my colleague, Vice-President Viviane Reding, who is already starting to draft a mandate for a long-term data protection agreement for all the agreements that we have with the United States. Of course, this is also something that has to be put into the picture.

Finally, the volcano in Iceland is, of course, something that has created a lot of travel problems for many people all around the world and it makes it impossible for you to vote. I very much deplore that, but you can be sure that – the Presidency is here, I am here, our services are here – we have taken due account of the debate. We have seen the draft resolution and that is signed by four political groups. We will communicate that to the Ministers.

If we postpone the decision in the Council, we will lose two important weeks of negotiations. I said earlier that the Americans are willing. They are constructive and they want to embark on this, but it will not be easy. It will be a difficult negotiation and we need the time. We want to get this done as soon as possible but also as well as possible. If we want the European Parliament to be able to vote on it before the summer recess, we must take a decision so that we can start the negotiations as soon as possible. So please be understanding about this. I do want to reassure you that both the Presidency and the Commission have listened extremely carefully to your views and, as the Presidency said, we will take account of the debate here and communicate it to the Ministers on Friday.

President. – The debate is closed.

The vote will take place during the first part-session in May.

Written statements (Rule 149)

Marian-Jean Marinescu (PPE), *in writing.* – *(RO)* I welcome the new SWIFT mandate for the EU-US agreement as part of the terrorist financing tracking programme, especially as the Council and Commission have learnt the lesson from the past and included Parliament's stringent demand in negotiations, which is that higher standards should be applied to data protection. However, this transfer of financial messaging data from the EU to the US must be firmly negotiated with the US authorities. No bulk data must be transferred and technical resources must be insisted on which can facilitate the transfer of individual data, pertaining to suspects only. I hope that this agreement will not cause the EU any surprises in the future and that it will be clarified before signing the agreement that the EU is entitled to obtain information from the US database and that there is no possibility of data being transferred to third countries. Furthermore, this transfer must guarantee the protection and entitlement of citizens, especially with regard to accessing and amending their data, as

stipulated in national and European legislation. Last but not least, it must be clarified that European citizens have the right to submit a complaint where their personal data is used illegally.

6. Passenger Name Record (PNR) (debate)

President. – The next item is the Council and Commission statements on the Passenger Name Record (PNR).

Diego López Garrido, *President-in-Office of the Council.* – *(ES)* Madam President, in accordance with the Treaty of Lisbon, the Council Presidency submitted to Parliament two agreements on the use of passenger name record data, known as 'PNR agreements', one dating from 2007 with the United States and the other from 2008 with Australia. We have asked Parliament to give its approval to both agreements so that they can enter into force permanently, as at the moment, they are being applied merely provisionally.

According to the Treaty of Lisbon, it is for Parliament to decide whether or not to approve these agreements, which determine the conditions under which PNR data on passengers on aircraft flying from the European Union can be shared with third countries.

The Council understands Parliament's concerns – in line with what we have just been debating – specifically on the collection and sharing of that personal data which has to do with the fact that a person is included on a flight passenger list to fly outside the EU. The Council has therefore asked the Commission to put forward a general guideline document in this respect.

I must say that the motion for a resolution that we have seen appears to be highly appropriate and, moreover, we welcome the constructive attitude not to vote on the agreements for the time being and the fact that the motion for a resolution calls for a suitable mechanism for reviewing the agreements.

In the case of the United States, it is true that there already exists a report reviewing the way the agreement works, and the Council will state its position once the Commission has proposed and submitted its recommendations for a new agreement with the United States. In the case of the agreement with Australia, there has not yet been a review of how well it is working. It will be for the Commission to decide whether it will wait for such a review of the agreement before it sets out a new negotiating mandate.

When the Commission proposes new mandates for negotiations with the United States and Australia, the Council will examine them carefully. In that respect, it will, of course, take account of Parliament's wishes, as always.

With regard to the Council's request to the Commission for a broader, more generic regulation on the use of PNR data, we should remember that back in 2007, the Commission proposed a framework decision. During the Swedish Presidency, however, the decision was made not to pursue the debates on that framework decision, since the Swedish Presidency justifiably thought that, as the Treaty of Lisbon was about to enter into force, the topic was going to be a matter for codecision with Parliament and therefore the debate had to involve Parliament.

Consequently, the Presidency cannot, at the moment, adopt a position on the content of a future general scheme for the data of passengers who are on a list to travel outside the European Union until the Commission proposes a directive on the use of such data and there is a debate with this Parliament under the codecision procedure, which is the procedure we have had since the Treaty of Lisbon entered into force on 1 December last year.

In any case, in this respect, our ideas are, to a great extent, in line and in agreement with the criteria and positions that can be deduced from Parliament's motion for a resolution, which is just a motion for the time being. I would like to highlight three items in it. First, the data may only be used for the purpose for which it was obtained, which is similar to what we said before with regard to the SWIFT agreement; secondly, the collection of such data must be in line with our data protection legislation; and, moreover, there must be a series of guarantees and safeguards covering the transfer of such data to third countries.

These, I believe, are three important principles. They are in the motion for a resolution and, in that respect, we agree with the motion.

Cecilia Malmström, *Member of the Commission.* – Madam President, the importance of collecting PNR data is acknowledged by a growing number of countries in the world, including EU Member States. They use such data to combat terrorism and other serious crimes.

To ensure that basic principles of data protection are respected and that PNR data is only used for specific law enforcement purposes, the EU has signed agreements with a number of countries on the transfer and the use of PNR data. Two of these agreements, with the US and Australia, are before you for consent to conclude them.

With your resolution, you propose to postpone the vote on the consent and you call upon the Commission to propose a series of requirements for all PNR agreements with third countries. You also call upon the Commission to renegotiate these two agreements on the basis of new negotiating directives which should meet those requirements. I think that is a wise strategy.

In your resolution, you also refer to the PNR agreement with Canada. That agreement was linked to a set of Canadian commitments and a Commission adequacy decision. These documents expired on 22 September last year and a new agreement should therefore be renegotiated with Canada.

For practical reasons, it was not possible to do this before September 2009. However, this does not diminish the level of protection of PNR data transferred to Canada. The PNR agreement itself does not have an expiry date; it has never been terminated and thus continues to be in force. The Canada Border Services Agency has confirmed in a letter to the Commission, to the Council Presidency and the Member States that its commitments will remain in full effect until a new agreement is in force.

I would like to thank the rapporteur Ms Sophia in 't Veld and the other political groups for their constructive approach on these files, under which the agreements with the US and Australia remain provisionally applicable until their renegotiation. I will, in the meantime, propose a set of three recommendations for negotiation directives to the Council as a part of a PNR package.

The package will consist firstly of a communication on a global external PNR strategy, including a set of general requirements that any PNR agreement with a third country should observe; secondly, two negotiating directives for the renegotiation of the US and Australia PNR agreements, and negotiating directives for a new agreement with Canada; and, thirdly, a new Commission EU PNR proposal based on an impact assessment.

This package will take due care of your recommendations as presented in this resolution, but also in the resolutions of November 2008. Moreover, it will take due account of the advice of the European Data Protection Supervisor, the Article 29 Working Party on Data Protection and the national data protection authorities. I believe it is important to present an EU PNR system at the same time as the measures to ensure coherence and consistency between the EU's internal and external PNR policies.

In conclusion, I welcome this resolution and I will act according to these recommendations. I am looking forward to working further with you on these issues.

Axel Voss, *on behalf of the PPE Group*. – *(DE)* Madam President, Commissioner, Mr López Garrido, with the analysis of Passenger Name Record (PNR) data, as with SWIFT, an attempt is being made to reconcile the fight against global terrorism and serious crime with the fundamental rights of all to the protection of privacy and information self-determination. We must also be aware, however, that in this age of mobility, there cannot be adequate security in Europe and worldwide without effective and rapid data exchange.

In the digital age, we also have to ensure special protection as regards information self-determination and privacy. I therefore also consider it essential to make a more exact distinction between data needed to fight crime and sensitive private data. For me, there is no doubt that we must firmly integrate controls, the right of appeal, access rights, claims for damages, as well as the length of the retention period, in the agreement. Using the push method, it should be checked whether there can or need to be exceptions in urgent cases.

As regards the use of PNR data, we should also include serious crime. To me, that includes offences like child pornography, people trafficking, murder, rape and also drug trafficking. In my opinion, this would also contribute to protecting the personal rights of those affected.

I think it is good that we are taking a decision on the agreement on PNR data, in order to develop a basic model for all future agreements of this sort and to recommend a negotiating framework to the Commission, so that it takes into account our own ideas on data protection. Perhaps in future, there will also be room to consider combating terrorism and crime together with our transatlantic partners in a joint institution. That would certainly also be a step towards confronting globalised crime on a global scale.

Birgit Sippel, *on behalf of the S&D Group*. – *(DE)* Madam President, there are a few basic things I would like to say about this agreement. There are, by all means, similarities with SWIFT, but also differences. If the

European Parliament had to vote today on the Passenger Name Record (PNR) agreement, we would have no other option but to vote no. That is quite clear. There are still significant objections to this agreement. I will go into the details once more shortly. That is why I was not happy when we spoke about postponing the vote. However, unlike SWIFT, there were definitely good reasons for this postponement. Nevertheless, I will say quite clearly that, for us, it does not mean that the vote can be postponed indefinitely, so that we now have a provisional agreement for years on end. It is very important to us that we quickly reach a new negotiating mandate and, if possible, before the summer break, so that we can quickly gain clarity in detailed questions on how we should handle this data and what data should be included.

Data protection plays an important role and here, I would like to use the opportunity to address once again the question as to what data should be transmitted. PNR covers 19 individual pieces of data. I know from conversations I have had that it is of course possible – if you want to – to create personality profiles from these pieces of data. Now, of course, those with whom we have such an agreement are saying they have no interest in this, they will not do it and that relevant data is erased. However, if certain data that could be used to create a personality profile is not used at all, then we must consider whether it should indeed be collected, or – if we reach an agreement – whether all of the data needs to be transmitted. That is a crucial question. We also have to check what level of protection is afforded to data that is transmitted. We know that the regulations in both agreements with the USA and Australia are very different. With a view to further requests by other countries that want to have similar agreements, we should ensure that every time we reach an agreement, special standards apply.

We also have to consider in detail the question of how this data is to be used. Originally, it was always said that it was about combating terrorism. Now however, it is also about serious crime. This can be discussed. However, we must go into great detail here. We know that even within the European Union itself, legal systems and legal culture vary greatly. This may mean that the definition of what constitutes a serious crime is completely different in terms of the type of crime. That means we need to look again in detail at what we are discussing when we say that serious crime should also naturally be included.

I hope that in future, with the implementation of the agreement, we ensure that there is a regular exchange of information between the institutions. The President-in-Office of the Council has indicated that there has been a first review as far as the agreement with the USA is concerned. Officially, we still do not have these results yet. That was in February. In future, I would not only like to see reports being drawn up regularly, I would also like to see these reports actually being made available to the European Parliament immediately.

It is very important to create a uniform agreement. The issue of data must be reviewed again. However, I believe that, on the basis of the previous discussion, we will probably reach a good agreement, and I therefore view further negotiations as something entirely positive.

Sophia in 't Veld, *on behalf of the ALDE Group*. – Madam President, as rapporteur I would first of all like to thank the shadows for their excellent, pleasant and fruitful cooperation resulting in a joint resolution. Of course, this is not the final stage, as our talks on the topic and the text will continue. Today we consider the request for consent by the Council on the two agreements with the US and Australia.

This House has always been highly critical of the use and transfer of PNR data. As a matter of fact, in 2004, Parliament sought the annulment of the agreement with the US before the European Court of Justice. It would therefore be inconsistent with our earlier positions to give consent without further ado.

However, Parliament being responsible and cooperative as always, we agree that by rejecting the two agreements, we will create legal uncertainty and practical difficulties for citizens and carriers. So we propose instead to suspend the vote and request the Commission to develop a coherent approach to the use of PNR that is based on a single set of principles. I am very pleased to note that the Commission and the Council have embraced this strategy and that they are committed to working fast and flexibly. We urge the Commission in particular to submit the PNR package, as it is now dubbed, before the summer break.

Such a coherent single approach seems the pragmatic option when more and more countries are requiring the transfer of passenger data. Then there is the lapsed PNR agreement with Canada – or whatever the legal status is, as this is not entirely clear – as well as the shelved proposal for an EU PNR. This draft resolution sets out a number of basic principles and minimum requirements for the PNR package, and they are, as it were, our conditions for consent. A key element or key word here is proportionality, because it must be demonstrated convincingly that the same end cannot be achieved with less intrusive means. This is really the key to everything.

We specifically need to look at API data and ESTA in this context. We need, for example, to distinguish very clearly between the massive collection and use of data on all passengers for the purpose of automated searches such as profiling and data mining on the one hand, and targeted searches for known suspects on the other hand, identifying people who are, for example, on a no-fly or watch list. That is something completely different and we need to distinguish very carefully.

Secondly, there must be a clear and strict purpose limitation in line with earlier resolutions, and we insist that data be used only for law-enforcement and security purposes and on the basis of very precise definitions of what that is: organised international crime and international terrorism. We need to make very clear what it is that we are talking about. Any use of PNR must be in line with EU data protection standards. It is our prime responsibility to represent the interests of our own European citizens. They have a right to know that we uphold European law in international relations and in our internal policies.

Finally, we recognise the need to provide law-enforcement and security authorities with the necessary means to do their job in an era of unprecedented mobility, but Europe also has a duty to protect our rights and freedoms. I believe with the forthcoming PNR package we have a unique opportunity to get it right.

Jan Philipp Albrecht, *on behalf of the Verts/ALE Group. – (DE)* Madam President, I do not want to repeat what my fellow Members quite rightly said before me, but rather make a few general remarks.

I do not know whether you have ever seen the film Minority Report. If not, then I would recommend that you watch it. In this film, law enforcement agencies of the future use a so-called pre-crime system to try to arrest criminals before they have committed any crime. So-called pre-cops try to predict the future by constantly monitoring people's feelings and manners of behaviour. Great! A seemingly infallible system that finally provides security. Then the chief investigator himself is targeted and the house of cards collapses.

I do not want to irritate you just now by reviewing this great and still relevant film in even more detail, but the uncontrolled access to all passenger information of all people worldwide for the purpose of profiling and nothing else has been going on in the USA at least since 11 September 2001. This uncontrolled access contradicts not only all data protection regulations of the European Union, but fundamental constitutional principles, like the presumption of innocence, the right to a fair trial and the prohibition of the arbitrary abuse of power.

In our opinion, the agreements negotiated by the EU with the USA and Australia on access to Passenger Name Record data are a serious violation of European fundamental rights and provisions of the rule of law, and as the European Parliament we have mentioned this on several occasions, as Mrs in 't Veld has already made clear. As the European Parliament, we cannot support these, but call on the Commission and the Council to lay a new mandate on the table that puts the protection of citizens worldwide before such a pre-crime system.

Ryszard Czarnecki, *on behalf of the ECR Group. – (PL)* Madam President, I am not an illustrious film critic, as the previous speaker is. I would not like our debate to be a debate about cinema.

Coming back specifically to the subject of our discussion, PNR data transfer should, in fact, be something obvious. It used to be that this data was gathered for commercial purposes, but today, it can be of good service in the fight against crime. However, this legitimate matter has become, in some sense, an element – let us say it sincerely – of a certain interinstitutional war which has been going on between the European Parliament and the Council for years. It is not good that a motion which, in my opinion, and the opinion of my group, is so very relevant and legitimate, was introduced by the Council independently, without any consultation with Parliament. For in this way, what is, in fact, a judicious motion, is now automatically being opposed by those who, even though they are in favour of data transfer, want to safeguard the European Parliament as a strong institution which is governed by its own laws and has a strong political will to make joint decisions.

I have the impression that in the debate on PNR, those who support PNR data transfer are, paradoxically, in the opposing camp, because they do not like the way the Council treats Parliament. Let us say it plainly – we know from international experience that this is not the first time this has happened. Furthermore, even some of those who support PNR data transfer think we should, today, make a political demonstration and show the Council its place in the pecking order – in a word, to punish the Council for its arrogance.

Finally, as a Polish saying goes, in this way we are, like it or not, throwing the baby out with the bathwater. We are, quite rightly, giving the Council a smack, but on the other hand we are, in a sense, limiting our own instruments in the fight against terrorism, the mafia and organised crime.

Eva-Britt Svensson, *on behalf of the GUE/NGL Group*. – *(SV)* Madam President, in contrast to previous speakers, I would like to compliment Mr Albrecht on his comparison with the world of film. I believe it is important from time to time to allow culture to highlight society's criticisms and it is something we could learn from here in Parliament. I would also like to thank the rapporteur, Mrs in 't Veld, for her commitment to the protection of privacy and the rule of law in this matter as in many others.

The other day, the Spanish Presidency said that air travel is affecting the right to free movement, which is a fundamental right. That is something we should bear in mind today as we discuss PNR, because the intention behind the use of PNR data is to decide who has the right to fly and who does not have that right. Naturally, this affects our rights – not only the right to free movement, but also those under signed international conventions on our political and civil rights.

The aim of the EU and of internal mobility is to make borders disappear and for the EU to result in greater freedom of movement. It does this for certain people, but for asylum seekers, refugees and so on – the bulk of whom are, in fact, women and children – the decision concerns whether or not they have the right to be allowed to fly. This can be a matter of life and death for these people. It is therefore important that we here in Parliament and in the Commission really look closely at how PNR data will be used. It concerns freedom of movement, but it also concerns international conventions and our civil rights.

Simon Busuttil (PPE). – *(MT)* I would like to make three brief comments. First of all, we have just been talking about the SWIFT agreement and we said that it taught us certain lessons. I believe that one such lesson was learnt by Parliament, namely that greater power brings about greater responsibility. I believe that the strategy adopted by Parliament on the PNR agreement demonstrates that even Parliament understood that it has more power and therefore needs to shoulder greater responsibility. This is something that we would do well to emphasise.

Secondly, is this agreement important or not? In my opinion, it is very important indeed. Our fight against terrorism is important for our citizens' security and we carry great responsibility in this regard. Should an incident occur, our citizens will turn to us and ask, 'What did you do in order to safeguard our security?'

My third point: Does this agreement raise issues on data protection and citizens' privacy? I believe that yes, it does, and it raises certain concerns that we need to address in detail so as to be able to reach an agreement that can guarantee and safeguard citizens' interests, especially concerning their privacy. Therefore, I believe that the resolution before us is good and well balanced. It clearly demonstrates what Parliament wants to achieve with respect to this agreement, in its bid to prove that we are exercising our powers with responsibility. Therefore, I would like to congratulate the rapporteur of this resolution for her work on this dossier.

Saïd El Khadraoui (S&D). – *(NL)* Madam President, Mr López Garrido, Commissioner, ladies and gentlemen, the debate on Passenger Name Record (PNR) data is very similar to the one we have just held on SWIFT. Basically, we are talking about the quest for a healthy, acceptable balance between security and the protection of privacy. Both are important, of course, and a careful balance needs to be struck between them. The problems in European aviation over recent days have demonstrated once more the essential role played by passenger and freight transport in the organisation of today's society. Just about everyone will travel by air sooner or later.

Therefore, it is unacceptable for us to have dozens of items of data continually transferred and updated, often completely unwittingly, without there being cast-iron guarantees to prevent abuse; particularly as, for example, the US authorities already use a wide variety of information sources for a very long time to assess whether or not a person is suspicious, ranging from his or her visa application to check-in procedures at the airport. A few weeks ago, I was able to see for myself in the PNR centre in Washington how a whole team is working round the clock to reduce an initial rough list of approximately 5 000 people each day to a small list of a handful of people to be denied access to US territory. Evidently, only an administrative appeal is possible against such a ban on entering US territory.

It is clear that this flow of data must remain confined within certain limits and that the minimum conditions set out in the resolution must be laid down, such as restricting the use of this data to the detection of terrorism and international crime. I agree with my fellow Members who have said that this must indeed be well defined,

that all of this must, of course, be in keeping with the European data protection standards, and that this also applies when transferring data to further third countries where applicable.

In my opinion, we also need to provide rather more clarity regarding the 'sensitive' PNR data, as I believe quite a few things are open to interpretation in this regard. Therefore, I support the proposed postponement, so as to enable a new negotiating mandate to be presented, sooner rather than later, that takes account of our questions. I take note of the constructive position of the Council and the Commission and, like my fellow Members, expect to see more clarity by the summer months.

Judith Sargentini (Verts/ALE). – *(NL)* The tension has indeed eased a little, ladies and gentlemen. Mrs in 't Veld has drawn up a splendid resolution, one that is embraced by the Commission and the Council. That is excellent in itself, and I agree with her: I think it very prudent to state at this juncture that we are drawing up a single clear guideline for all future Passenger Name Record (PNR) agreements that takes account of proportionality, which means transferring only the data truly and strictly necessary for the intended purpose, namely combating terrorism, and to make clear that this is the one and only objective. This guideline must also make provision for reciprocity and provide that data cannot be stored for years to come, that time limits are indeed set, and that we stand by our fundamental rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms has now been declared binding, and so that, too, will have to be reflected in such PNR agreements. Therefore, it strikes me as the right time to submit this to the European Union Agency for Fundamental Rights in Vienna, and I should like to ask this of the Commission.

There is one other thing we should take into account, which is that it has now become customary for citizens to communicate with a foreign state – in this case, often the United States – via an enterprise, namely an airline, that has nothing to do with it, should not actually need certain of my details, and should not be trying to play this mediating role. Something needs to be done about this.

Cornelia Ernst (GUE/NGL). – *(DE)* Madam President, freedom over the clouds, as the singer-songwriter Reinhard Mey once sang, will come to an abrupt end with the agreement with the USA on the retrieval of Passenger Name Record (PNR) data. In August, a member of our group staff experienced first hand the effects the restriction of this freedom is already having. Since the US authorities had put his name on their terror watch lists, the aircraft in which he was flying was not allowed to cross US air space. As we all know in this House, this had considerable disadvantages and it was later revealed that there had been a misunderstanding.

Today, US authorities are already receiving a wide variety of data – credit card numbers, booking data, seating preferences, special food preferences, IP addresses and passenger information – without clear data protection regulations. I would like to say quite clearly that we reject that, as well as the bulk transfer of data relating to flying, referred to as PNR, as it now is to be developed. We cannot support it as it is currently formulated, because it is not for a specific purpose, and it is not proportionate or useful. Finally, I would like to say that we must not allow the emergence of proactive risk analyses of patterns of travel and behaviour. We need disclosure regulations like the USA's privacy act. These must be opened to European citizens. The way to legal action must likewise stand open to them.

Manfred Weber (PPE). – *(DE)* Madam President, Commissioner, Mr López Garrido, I too would firstly like to make a short comparison with the SWIFT debate. I was quite delighted to hear the representative of the Council talk of dedicated objectives in negotiations for this new SWIFT agreement. I am therefore quite surprised by the sort of effect and power the Treaty of Lisbon and the statement by Parliament have had on the Council, which now wants to champion the interests of Europe. I hope that we experience the same momentum now when we are talking about Passenger Name Record data, and that here there is also a commitment to fighting on behalf of European interests.

Secondly, I would like to say that I believe we all agree that from the point of view of legal certainty for both airlines and citizens, when it is a question of data protection rights, such agreements make sense. The standards that we want have been set out clearly in the joint resolution.

Thirdly, I would like to mention a point that is not directly connected with the agreements, but definitely relates to the subject, in other words, the debate in the Council as to whether we also need or should develop a European PNR system. The last major terror threat in Europe was the Detroit case when an attacker boarded a plane and wanted to fly to Detroit. That happened last year before Christmas.

In this case, we learned that in the United Kingdom, we knew that this person was a threat. However, those who decided whether he could fly or not did not have the necessary information to hand. What I want to say here is that I believe that in the European Union, the problem is not whether there is enough data available.

I believe that we already know who poses a threat. The problem is getting the data to where we need it in order to prevent threats.

In Toledo, the Spanish Presidency proposed – and I am grateful for this – that we strengthen the networking of counter terrorism authorities in Europe. Unfortunately, this proposal was not taken up by the European interior ministers. Instead, there was the proposal to build new data sets and gather new data. It often seems to me that for the interior ministers, collecting new data is the easy option. I would firstly ask you to attend to the networking of the authorities involved; then we would achieve a lot in the fight against terror.

Tanja Fajon (S&D). – *(SL)* I firmly believe that all Members of the European Parliament are aware of the importance of timely and accurate information in ensuring the safety of their many journeys. Today, as we face air traffic chaos, the scale of the daily movement of passengers is much more obvious to us all. Unfortunately, the financial losses of many airlines bear a rather obvious testament to that because of the missed flights and the crowds that have been and are still waiting for a seat on the first available flight. I hope now that we will soon be able to fly safely again.

Any passenger who travels by aeroplane discloses their data explicitly only to the authorities responsible for combating terrorism and organised crime. I have no quarrel with that. If I voluntarily post details of when and where I am travelling on Twitter, then I do not mind such information being used in ensuring day-to-day air traffic security. What I do object to, however, is the fact that PNR agreements do not set predetermined conditions and criteria for all countries equally, that they do not specify the data we need to disclose and that we do not know the exact purposes for which such data will be used by the authorities.

My question to you is as follows: can we expect to be given a mandate to negotiate a new agreement on the transfer of data records before or during the summer? Furthermore, will all agreements between the European Union and individual countries that wish to enter into them be model agreements and agreements with equal, high and clear standards for the use and protection of data? What action will you take to prevent PNR data being used in the profiling and definition of risk factors? The point I wish to make is that any possibility of allowing personality profiling based on ethnic origin, nationality, religion, sexual orientation, sex, age or health is unacceptable.

To this, I would like to add that no data collection system is sufficient in itself. We cannot prevent attempted terrorist attacks without sound data exchange and cooperation of the intelligence services. A very good reminder of that was the failed attack on the aeroplane flying to Detroit around Christmas last year. What we need, above all, is to use efficiently the instruments we already have in the fight against terrorism and, in particular, better cooperation.

To conclude, I definitely do not want to say 'no' to an agreement that would offer security to us all, citizens of the EU. Still less do I want to see our fundamental privacy rights being violated. However, it is right that any intrusion into our privacy should be balanced with security and efficiency of measures and with the protection of human rights.

Eva Lichtenberger (Verts/ALE). – *(DE)* Madam President, today we have before us the second dossier of an agreement with the USA that is beset with huge problems in matters of data protection. That actually brings me to the confirmation of the proposal by our European Data Protection Supervisor, Mr Hustinx, who said that it would make sense to once and for all negotiate and conclude a comprehensive transatlantic framework agreement on data protection. That would be a rewarding task for both sides and would help us in many ways.

In general it is clear that we have completely different concepts of security here and on the other side of the Atlantic. As the European Parliament, we must also ensure that our Commission does not merely accept what the USA proposes, but brings our standards into these negotiations with a sense of proportion and on an equal footing. Therefore, a definition of the term 'serious crime' is vital. Clear correction of data must be possible. For us, data protection must be activated, otherwise this agreement is a non-starter.

Carlos Coelho (PPE). – *(PT)* Mr López Garrido, Mrs Malmström, we have shown our concern about the transfer of PNR data to the United States. Such data may be kept for years after the safety checks have been carried out, and there is no legal protection for anyone who is not a US citizen.

The agreements we have concluded with both Australia and Canada have always been more acceptable and more in line with the principle of proportionality, as they allow for limited access in scope, in time and in the number of details, as well as oversight by a judicial authority. I agree that general principles and rules

should be laid down as a basis for making any agreements with third countries. We may, in fact, see an avalanche of similar requests from other countries whose traditions regarding data protection and respect for human rights give greater cause for concern. In addition, if we want true reciprocity, we will have to consider creating a single system for the European Union that involves Europol throughout the process.

Mr López Garrido, Mrs Malmström, in my opinion, any agreement will only be acceptable if guarantees of a suitable level of data protection are given, respecting the principles of necessity and proportionality and the EU rules in force. It is also vital to ensure that only the 'push' method is used; in other words, the data must be supplied by us and not automatically drawn out by bodies in third countries that are given access to our databases.

I therefore support the joint proposal by the rapporteur Mrs in 't Veld and the political groups to postpone the vote on Parliament's consent, so as to give more time for the negotiations to meet the concerns that we have expressed here.

Silvia-Adriana Ţicău (S&D). – *(RO)* The protection of personal data is one of the fundamental rights of European citizens. The Treaty of Lisbon strengthens previous provisions thanks to the legal and mandatory nature of the Charter of Fundamental Rights of the European Union. Any personal data must be processed in accordance with Directives 46/1995, 58/2002 and 24/2006. In fact, the European Parliament requests that any international agreement concerning personal data be signed subject to the signatories having in force similar provisions to those contained in the directives mentioned above.

In the information society and particularly during the development of the broadband communication infrastructure, the Data Storage Centre and the Data Processing Centre can be situated in different locations or even different countries. This is why we are asking that any international agreement concerning personal data stipulates the requirement for personal data to be stored and processed only in locations which have similar legal provisions to those contained in European legislation. One last point, Madam President: how can European citizens give their consent and, in particular, under what conditions?

Diego López Garrido, *President-in-Office of the Council.* – *(ES)* Madam President, I would like to make three comments by way of a conclusion on our part in this important debate.

The first concerns the point raised by Mr Weber as to whether Europe can or should have its own passenger name record data system, and what scope it might have. We are in favour of there actually being a general regulation on the transfer of passenger – essentially air passenger – data. We have therefore asked the Commission to carry out a study and, if appropriate, to prepare a draft directive laying down a general regulation in that respect including – as Mrs in 't Veld's motion for a resolution states – a privacy impact assessment. That is to say, to what extent do effectiveness and proportionality, two principles that we have to take into account, impact on privacy and, therefore, how far should a European regulation go in this respect and what measures ought to be adopted in any case to protect fundamental rights?

That is what Mrs Fayot mentioned: what measures ought to be adopted?

I think the debate we had on SWIFT may clarify matters. I believe the principles we discussed then and agreed upon should be present here. We are talking about the right to privacy, the right to a private life, the right to one's person and one's own image, which must always be preserved. Fundamental rights are indivisible, and in this case we are dealing with something that could jeopardise fundamental rights, so I believe we have to act with the same care that we talked about in the previous debate.

Lastly, my third comment is connected with the previous one. As a general thought, it does not seem to me that security and freedom are two opposed principles or, in other words, that it is a kind of zero-sum game and that as we provide greater security, we will have less freedom, or as we give greater protection to fundamental rights and freedoms and are fundamentalist in protecting our fundamental rights, we will have less security.

I think that is a false dilemma. On the contrary, I believe that security and freedom are two principles that enhance each other. Both principles are therefore expressed and recognised in constitutions and in European legislation, and they are both present in the Treaty of Lisbon. We must always bear in mind that there is a Charter of Fundamental Rights in the Treaty of Lisbon, a charter requiring respect for fundamental rights, which is absolutely sacred and must not be violated. I believe, therefore, that, when we think beyond the short term – because sometimes our thinking is very constrained by the short term – and think about the long term, the measures designed to protect our security, if prudent and well thought out, always prove to

be effective. Protecting rights and freedoms is always something that improves citizens' well-being and, in the end, their security as well.

Cecilia Malmström, *Member of the Commission*. – Madam President, yes, I have seen the film *Minority Report*. It is a good and interesting film, quite scary, and this is not what we are trying do with this.

I think this has been a very interesting and constructive debate and I agree that there are similarities with the SWIFT or TFTP discussions. It is about fighting serious organised crime and terrorism, but it is also about how we protect the privacy of the individual. It raises questions of data protection, of proportionality, clarification of the purposes, definitions, legal certainties, etc.

The negotiations on the TFTP with our American friends will also give us important experiences that we can bring into the PNR discussions. It will help us further clarify the thinking of the European Union and get closer on this, which I think will be helpful. I think the TFTP work we have been doing so far between the three institutions has given us experiences on how we can work together – the Council, Parliament and the Commission – on these extremely difficult and sensitive issues. Hopefully, we will have good results.

I have listened carefully to the debate. I have read your resolution. I think it is a very balanced and wise resolution. As I said, we will start working immediately based on that and I am looking forward to good cooperation and discussions with you in working on this. As you know, I had already promised Parliament during the course of my hearing that I would carry out an overview of all the anti-terrorist measures we have at our disposal in the European Union – to identify them, have a list of them and discuss them with Parliament – and also of the overall architecture of all our data information and sharing systems, so that we have this in our mind when we start our work. I think this is important and I think it will increase the transparency and depth of our discussions.

President. – Thank you, Commissioner, for this collaboration; I hope it will be fruitful. The debate is closed.

The vote will take place during the first part-session in May.

7. Ban on use of cyanide mining technologies (debate)

President. – The next item is the debate on the oral question to the Commission by Mr Áder and Mr Tőkés, on behalf of the Group of the European People's Party (Christian Democrats), on the ban on the use of cyanide mining technologies (O-0035/2010 – B7-0206/2010).

János Áder, *author*. – *(HU)* Fellow Members, very important decisions have been taken in the European Union over the past few years aimed at protecting our environment. I would mention just the decision regarding biodiversity or the Water Framework Directive. The EU's Water Framework Directive makes Member States responsible for protecting water quality and preventing pollution. Is this a worthy goal? Yes, it is. Is it our responsibility to do everything we can in order to reach this goal? Clearly it is. Are there any mining technologies that endanger our waters and our environment? Unfortunately, there are. Moreover, there is one extremely dangerous and, at the same time, obsolete technology in particular. Along with quite a few fellow Members, I would like this technology to be banned throughout the European Union. The cyanide disaster on the Tisza River ten years ago, as well as accidents that have occurred since then, also serve as reminders of this problem.

Ladies and gentlemen, the present moment is one that is both fortunate and pressing. Fortunate, because according to the information received from the Commission, today only three countries still use this cyanide-based mining technology, and it is fortunate also because there are three other countries that have banned cyanide mining technology, thus setting an example for the other EU Member States. At the same time, it is also pressing since, on account of the rising price of gold, there are plans to open new mines throughout Europe using this dangerous and obsolete technology. This represents a serious threat to our environment.

Ladies and gentlemen, if we are serious about the need to protect our waters, we cannot create cyanide-poisoned lakes alongside our rivers and lakes. Yet this is the result of this obsolete technology. If we are serious about safeguarding biodiversity, we cannot allow the use of technologies that can kill all forms of life in our rivers, from micro-organisms to crabs and fish. The time is ripe, distinguished fellow Members, to take action. Let us not wait for a new catastrophe to warn us of this.

Finally, please allow me to thank all those fellow Members who are present and those who will participate in the debate, but who are unable to be here due to the eruption of the volcano, who have done a lot to help prepare this proposal for a decision, and thanks to whom we were able to present this House with a joint proposal for a text that is the fruit of compromise and that is supported not only by the Group of the European People's Party (Christian Democrats) but also the Group of the Greens/European Free Alliance, the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, the Group of the Alliance of Liberals and Democrats for Europe and the European Conservatives and Reformists. I believe that, given the seriousness of the matter, this is absolutely justified. I would ask my fellow Members to continue their support through the final stage of the decision-making process.

Cecilia Malmström, *Member of the Commission*. – Madam President, honourable Members, my colleague, Commissioner Piebalgs excuses himself. Unfortunately, he cannot be here with you today, so he has entrusted me with the task of taking this debate with you. Thank you for this opportunity to explain the Commission's position on the use of cyanide for gold extraction in the European Union.

First, as the honourable Member knows, we have had a careful and very comprehensive study of the dramatic accident and the causes of it at Baia Mare in Romania in 2000 when a dam retaining toxic substances broke. The conclusions of that study were taken on board when the European Union adopted in 2006 a specific directive on the management of extracted waste.

The deadline for Member States to transpose this was only two years ago and it is still regarded as an up-to-date, proportionate and appropriate approach to the risk of using cyanide.

The directive includes several requirements to improve the safety of extractive waste management facilities and limit their impact on the environment.

Explicit and precise requirements are set on the construction and the management of waste facilities which have to be operated using the 'best available technique' concept.

A full accident prevention policy is required for the facilities in which toxic substances are treated or stored. Emergency plans to be used in case of accidents must be established, not only by the operator but also by the competent authorities. Clear information requirements are included in the directive if trans-boundary impacts are expected.

This legislation also incorporates requirements for the closure of extraction facilities, and for after closure. It includes the obligation to set up an underwritten financial guarantee for each installation before the beginning of the operation. The directive includes strict maximum limit values of cyanide concentration before this substance is stored in ponds for remaining residues to be broken down by oxidation, sunlight or bacteria.

In practice, in order to meet the strict limit values, it is necessary to install specific equipment destroying most of the cyanide before its storage in the pond.

To our best knowledge, unfortunately, no adequate alternatives to cyanide use for gold extraction exist on the market. In most European deposits, gold is bound with other metals meaning that a separation method is required. A total cyanide ban would imply stopping European extraction and consequently increase gold imports, often from countries with lower environmental and social standards.

Nevertheless, the Commission is following technology development in the sector and, if alternative techniques emerge in the coming years, the debate might very well be reopened.

In the meantime, a good implementation of this directive is essential to guarantee the safety of these facilities and minimise the risk associated with their management. Let me also point out that Member States are responsible for deciding on whether to open gold mines on their territories.

The Commission's role is to ensure full implementation of the directive and good implementation and enforcement is a priority.

Under the directive, the Member States are bound to provide the Commission with information on implementation no later than 2012 and we, in turn, are obliged to analyse and report on this basis.

That will obviously be the right time for us to assess the effectiveness of this approach and if, at that point, the current approach were found to be ineffective, we should not rule out the possibility of an outright ban.

In conclusion, I would like to insist on the importance of ensuring high waste-recycling rates and improved resource efficiency in the extraction sector. Even without considering the use of cyanide, mining for gold is far from kind to the environment.

To extract 1 g of gold, it is necessary to move and treat, on average, 5 000 kg of ore. The same amount can be obtained through the recycling of approximately 5 kg of old mobile phones. This example illustrates the importance of increasing the separate collection and recycling of waste – in this case, electronic and electrical waste which can contain gold and other similar precious metals. This is why resource efficiency is a priority for this Commission.

Richard Seeber, *on behalf of the PPE Group. – (DE)* Madam President, I am pleased that Commissioner Malmström is here, but in this case, I would rather have seen her colleague Mr Potočnik, the responsible Commissioner, because this problem is for him to solve.

I would like to say first of all that Europe produces 0.73% of the world's gold and that gold is currently being mined in Bulgaria, Finland, Hungary, Italy, Romania and Sweden. Not all use these dangerous cyanide technologies. I would also like to point out that the task force that was set up to investigate the accident in Baia Mare has established that the plant design was unsuitable for the storage and disposal of mine waste, that the authorisation of this design was not checked by the supervisory authorities and that there was insufficient monitoring of the damming and plant operation, so there were many mistakes on the part of the plant operator. As the Commissioner has correctly established, we have learned from this accident. However, I believe the Commission should draw further conclusions in view of this very dangerous technology.

Since, to my knowledge, the alternative technologies that are on the market do not yet offer the results that we actually want, we should also consider what we can do in the area of research and development, to secure the future of gold production, but also to guarantee plant safety. On many occasions, Europe has committed itself to adhering to high environmental protection standards. I would remind you of the Water Framework Directive that clearly aims to prevent these hazards, but also commitments in the area of biodiversity. Therefore, I ask you, Mrs Malmström, to pass on to Commissioner Potočnik our clear demand that progress be made in the area of gold production on the part of the Commission, the European legislator.

Csaba Sándor Tabajdi, *on behalf of the S&D Group. – (HU)* The Group of the Progressive Alliance of Socialists and Democrats in the European Parliament unreservedly supports the ban on the use of cyanide mining technologies, because I would like to call the Commissioner's attention to the fact that it is not enough for the Commission to act after the event. Unfortunately, in European environmental protection – and, in particular, in the Committee on Petitions – there are numerous examples where environmental pollution begins and continues without us being able to prevent it; therefore the European Union must henceforth make prevention its aim. My colleagues, Mr Áder and Mr Seeber, also referred to the cyanide disaster at the mine in Baia Mare. When we are urging a ban on the use of cyanide in mining, in gold mining, we are doing so based on the experience of a specific, very sad environmental catastrophe.

With regard to the current investment at Roşia Montană, the plans involve an exponentially larger gold mine. There are numerous problems surrounding the investment. There is no guarantee that the surface extraction accompanying the investment will not transform the landscape. A great deal of poison will be released into the environment. The expected lifetime of the mine is only 20 years, and it will create scarcely any jobs. There is no guarantee that the investor will restore the environment after the mining is finished. For all these reasons, the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, together with the Group of the Greens/European Free Alliance and the Confederal Group of the European United Left – Nordic Green Left, are not only launching the initiative but are also asking the Commission to draw up legislation by 2010 or 2011 definitively banning the use of cyanide in mining within the European Union, because environmental pollution does not stop at national borders. Even if a few countries ban the use of cyanide in gold mining, this is useless if we do not solve the problem at EU level.

Michail Tremopoulos, *on behalf of the Verts/ALE Group. – (EL)* Madam President, this is a very important topic that we are debating, because cyanide is an exceptionally dangerous substance. We do not accept what the Commission representative has said about there being no safe techniques. We consider that the three current investment plans to mine gold using cyanide in Greece should be dealt with by banning this technique. In Evros, in Rodopi and in Halkidiki, there has been strong reaction from the local communities and the Supreme Administrative Court in Greece, the Council of State, has handed down decisions.

The threat of the involvement of the International Monetary Fund, as a result of the crisis in my country, is causing fears of possible pressure to relax legislation to protect the environment and controls. There are

practices and experiences from other countries with tragic results. In Greece, the dangers come from the exploitation of gold in Bulgaria, which is the Evros catchment basin.

Also, there is the question of the Turkish shores and the related threats to the Aegean. There are also similar plans in other countries. However, Hungary, as we already know, decided just last December to ban all cyanide-based mining work.

There should also be support from European legislation, with a full ban and the simultaneous creation of a safety network for economically vulnerable countries such as Greece. We are calling for the weak legislation of the European Union to become more decisive and for different levels in permitted pollutants for each Member State to be abolished.

Nikolaos Chountis, *on behalf of the GUE/NGL Group.* – *(EL)* Madam President, on behalf of the Confederal Group of the European United Left – Nordic Green Left, I wish to say that we consider the matter to be extremely serious; it needs immediate action and this is no time for obstruction.

The Commission and the position which it is maintaining are relaxed and the directive is full of holes and does not prevent the dangers to which other members referred. The importance and the repercussions of the use of cyanide in metal mining are well documented and we have seen what happened in Romania. One member referred earlier to mining programmes being prepared at present in Greece. When I asked the Commission about the creation of cyanide-based gold mines in Bulgaria, the Commission's reply increased my fears and the need for this legislation to be stricter and to be applied more decisively. We are certain that citizens will obviously react, but we too must act. We therefore join our voice with everyone calling for a complete ban on the use of cyanide in metal mining and every country should commit to such a ban, as Hungary did recently.

Jaroslav Paška, *on behalf of the EFD Group.* – *(SK)* The representatives of EU bodies often like to place great emphasis publicly on protecting the health of our citizens and protecting nature and the environment. It is therefore striking that European regulations are almost suspiciously inconsistent when it comes to the use of a highly toxic chemical substance, cyanide, in the mining of precious metals.

It is well-known among professionals that cyanide is one of the most toxic of all chemical substances. It gets into the organism by inhalation through undamaged skin or after use. At sufficient concentrations, death follows in a few seconds or minutes.

The arguments of mining companies that they can ensure conditions for gold mining that will prevent the risk of damage to health or the environment have always proved worthless. Sometimes, there is human error and sometimes nature springs a surprise. This can be seen from dozens of serious accidents all over the world, which have resulted in the extensive destruction of nature, harm to health and also loss of life.

Let us recall just a few from recent years: Summitville in Colorado, Carson Hill in California, Brewer in South Carolina, Harmony in South Africa, Omai in Guyana, Gold Quarry in Nevada, Zortman-Landusky in Montana, Kumtor in Kyrgyzstan, Homestake in South Dakota, Placer in the Philippines, Baia Mare in Romania and Tolukuma in Papua New Guinea. In all of these places, both the inhabitants and nature paid dearly for the greed of the modern-day gold diggers, facilitated by the indifference of the authorities.

Commissioner, the time has come to show the people of the EU what really matters to you: the environment and people's health and lives, or the profits of mining companies.

Claudiu Ciprian Tănăsescu (NI). – *(RO)* We must agree that the ban on the use of cyanide in mining will become a priority issue for the environment not only in Romania, but throughout the whole of Europe as well. More than 25 major accidents and discharges have occurred worldwide between 1998 and 2006, making it increasingly obvious that cyanide has been posing a constant hazard to the environment for decades. These mining accidents raise a number of questions about practices and the application of regulations governing the management of cyanide, even if the companies involved are well-meaning.

In addition, the difficulty in managing the transport, storage and use of cyanide, combined with shortcomings in operating and maintaining tailing ponds, not to mention bad weather, can result in explosive situations, with a devastating impact on the environment. There are alternatives to the use of cyanide in mining, but they are not promoted by the mining industry, even though regulations are applied at European Union level to actively promote new emerging technologies which are safe.

In November 2005, MEPs and Member States adopted the Mining Waste Directive. This directive is an ineffective legislative instrument, resulting from great pressure exerted by the mining industry and concerns expressed by the countries in Central and Eastern Europe with regard to waiving any request and responsibility for cleaning up old, abandoned mining sites. Some of the loopholes in the directive become obvious if we consider that it does not, for instance, refer to cyanide emissions in air.

Let us take the example of the Roşia Montană mining development in Alba County. If operations get under way, it is estimated that 134.2 kg of cyanide will be emitted into the air every day, which will happen every day of normal operation. This means an annual volume of 48 983 kg of emissions or 783 728 kg over the mine's 16-year operating life. In addition, there is not even any European legislation on air quality for such emissions. In this context, it is our moral duty to future generations, and in keeping with the global trends on banning the use of cyanide in mining, to support this legislative proposal.

Zuzana Roithová (PPE). – *(CS)* Ladies and gentlemen, at a time when we are marking the tenth anniversary of a large-scale environmental catastrophe involving the escape of cyanide into European rivers from a Romanian gold mine, we are voting on a resolution in which we demand an EU-wide ban on the extraction of gold through the use of cyanide. This is an extremely dangerous technique, not only in case of accidents, which threaten wide areas, but also because it imposes an environmental burden in the course of extraction which can no longer be tolerated. For every tonne of rock contaminated with a highly toxic material, which is broken down only with great difficulty in the environment, only a few grams of gold are extracted. At the same time, very many tonnes of this toxic rock are created. Moreover, the objections of most foreign mine owners to our activities are unfounded, since there are other, safer, if rather more expensive, methods of extraction.

I would like to ask for your support in the vote on our joint resolution, through which we call on the European Commission to ban the cyanide-based technology within the EU from 2012, and also for both the Commission and the Member States not to support mining projects using cyanide within the EU or in third countries. The ban is already applied today in the Czech Republic, Germany and Hungary, and other countries should also ban this mining technique. I consider it essential for mining companies to have mandatory insurance cover against damages caused through accidents, including the cost of restoring areas affected by accidents to their original state. I would like to end by emphasising that the insignificant profits obtained through the cheaper extraction of gold using cyanide cannot relieve us of the responsibility for a functioning ecosystem and for conserving the ecosystem for future generations.

Kriton Arsenis (S&D). – *(EL)* Madam President, Commissioner, after Chernobyl, we all understand the nuclear risk. In 2000, however, the second biggest environmental disaster in the history of Europe – perhaps even in the history of the world – was caused by the accident at Baia Mare in Romania, to which numerous members have referred. One hundred thousand cubic metres of water with very high concentrations of cyanide and other heavy metals leaked from a gold mine into the Tisza River and from there into the Danube, affecting Hungary and Serbia, as well as Romania, killing tens of thousands of fish and poisoning the drinking water.

The contamination of the food chain in the areas directly affected was long term. Hungary reported 1 367 tonnes of dead fish. Over 100 persons, mainly children, were poisoned from eating contaminated fish and were treated immediately.

Nonetheless, not only does gold mining involving the use of cyanide solvents continue, not only is it not banned at European level; on the contrary, the investments in question are subsidised by the Member States and the European Union. Mining is continuing or is being planned in Sweden, Finland, Slovakia, Romania, Bulgaria and Greece, while it is banned by law in Hungary and the Czech Republic and by case-law in Germany.

The time when we sacrificed the local environment and our citizens' health for jobs is long gone. Even the economic viability of this particular activity would collapse if the principle of prevention and the 'polluter pays' principle were applied.

Every economic activity is welcome, provided that it is in keeping with environmental protection and protection of our citizens' health. However, when we use cyanide, we expose both the environment and our citizens' health to irreparable danger.

Commissioner Malmström, are you in a position to assure us that we shall have adequate and strong legislation and that Baia Mare will not be repeated this time in Sweden, Finland, Bulgaria or Greece? I call on the

Commission to prove that it honours the undertakings which it made just two months ago before the European Parliament.

I add my voice to those of the local communities which are the first to suffer the consequences and join in the fight by environmental movements, while calling for an immediate ban on the use of cyanide in gold mining inside the European Union.

Theodoros Skylakakis (PPE). – *(EL)* Madam President, Commission, the gold is sitting there; it cannot escape. What we are being called upon to debate is when, how and with what environmental impact we decide to mine it.

If an investment is implemented with the use of cyanide, the repercussions are irreversible, because the gold is gone and the slurry, which contains dangerous toxic cyanides, as the directive itself admits, remains in large quantities in the mining area. This issue does not only concern the Member States in question, because there are also Member States downstream whose installations are sited on rivers.

The existing directive has one disadvantage: the financial guarantee provided for does not cover all the repercussions in the event of an accident, especially after the installations in question have shut down. Consequently, the basic 'polluter pays' principle is being infringed, especially given that the companies using this technique are basically outside Europe and, once mining has finished, they get out their handkerchief and wave goodbye to us.

Therefore, we need to seriously re-examine alternative mining methods and reinstate the basic 'polluter pays' principle, with full and reliable insurance cover in the event of an accident, from now and for as long as these dangerous substances remain trapped in the earth. Until these preconditions apply, I believe that there should be a complete ban on this technology, which will probably motivate companies to carry out serious research into alternative, less polluting techniques because, if you have a cheap method and do not pay for the pollution it causes, you have no reason to research alternatives.

Jan Březina (PPE). – *(CS)* Ladies and gentlemen, I decided to speak on the topic in hand because I followed in detail events surrounding the prospecting and opening of the Mokrsko and Kašperské Hory deposits in the Czech Republic, where finely dispersed gold was to have been extracted through cyanidation. At that time, in the mid-1990s, we considered the environmental impact of the chemical substances used and the fact that cyanidation involves processing huge volumes of ore, in addition to which there were the harmful effects not only of the cyanide but also of the substances used for so-called de-cyanidation, which are chlorine and calcium oxide. There is also the further compelling fact that harmful accompanying elements can be mobilised through the use of these processes. These elements especially include arsenic, which is highly hazardous and is often contained in arsenic pyrite, a very frequent accompanying mineral. In many cases, I am personally a supporter of mining as a necessary precondition for technological progress, but where the cyanidation of gold ore deposits is concerned, I oppose this technology and I am delighted that, in 2000, an amendment of the Mining Act in the Czech Republic excluded it from the permissible methods of treating gold. In view of the major risks connected with cyanidation, it would be a good thing to exclude this technology, not only in the EU but also worldwide. This is because the risks of cyanidation are disproportionately high in third world countries in particular, where there are lower levels of environmental protection. Commissioner, are you sure that new alternative technologies and new kinds of separation and flotation separation have been properly considered?

IN THE CHAIR: MR ROUČEK

Vice-President

Alajos Mészáros (PPE). – *(SK)* First, I would like to thank the initiators, namely Mr Áder and Mr Tőkés, for raising this very serious issue. I would like to support as strongly as possible the draft resolution on a general ban on cyanide technologies in mining throughout the European Union.

Anyone who experienced and saw the results of the environmental catastrophe caused by the failure of the technology in Baia Mare, and the subsequent release of toxic cyanide effluents into water courses, with far-reaching effects on fauna in the Tisza River in Hungary, as well as the Danube in Bulgaria, would do everything possible to ensure that something similar could never happen again in the European Union.

My own country, Slovakia, was seriously affected by the catastrophe, since it took place along our borders. Moreover, there is a similar threat in Slovakia from the reopening of several old mines for precious metals,

where the use of cyanide technology is under consideration due to the low concentrations of the precious metals.

It would be completely mistaken and incorrect to characterise this process as a bilateral affair between two Member States of the EU. I hope that the Commission will take a rather more determined position than the one shown here by the Commissioner.

Through the adoption of the resolution, we must stand up for a general and broad defence of European values in our environmental policy.

Marian-Jean Marinescu (PPE). – *(RO)* I would like to begin by thanking the Commissioner for the balanced position which she presented in opening this debate. Technologies which use cyanide are hazardous. However, there are also other technologies which are just as hazardous, for instance, the production of nuclear technology. There are regulations, standards and norms in place to prevent accidents. We do not need to apply a ban; we simply have to observe the rules. The resolution mentions 30 accidents over the last 25 years. It does not specify how many of them occurred in Europe because there have been very few, mainly in countries which were not members of the European Union at the time of the accident. In fact, the Commission tightened up the regulations as a result of the unfortunate accident which occurred in 2000.

Cyanide technology is used to obtain a variety of products, including even pharmaceutical products and vitamins. The resolution only discusses mining and, specifically, gold production. Why? The reason is that the problem is not actually with cyanide but with gold. Not only is there a request to ban this technology, but also to halt ongoing projects by the date of the supposed ban. The only future project I am aware of in Europe involving the mining of gold is in Romania.

Fellow Members, I would like to ask you to read the resolution text closely; in particular, statements such as 'heavy rain in the future will increase the risk of leaks' or 'the mining industry offers few job opportunities and only then with limited prospects of 16 years' or 'human negligence may occur because some Member States are incapable of enforcing the legislation'. I do not think that such statements have any place in a European Parliament text.

This is why, fellow Members, please weigh up both the reasons for and consequences of voting against a resolution which diminishes our credibility before the Commission and reduces the chance of the motions for resolutions approved in the European Parliament being taken into consideration not only in the current case, but also in general.

Mariya Nedelcheva (PPE). – *(BG)* Mr President, ladies and gentlemen, the use of cyanide compounds in the mining industry is obviously an issue which no one can be indifferent to. We are aware of the legal measures which the European Union has adopted. They convey a clear message: we must continue to guarantee a high level of protection for people's health and the environment through the use of appropriate resources, structures, control mechanisms and management systems. Continuing to mobilise public opinion in Europe is also part of our mission. However, when this is done by playing on people's fears and using the environmental card to protect interests of another kind, the stance adopted completely loses its merit.

According to SRE Consulting's report, the majority of cyanide compounds currently used on an industrial scale are used for the purposes of the chemical industry and the surface treatment of metals. This means that, even though we ban their use in the mining of gold, they will continue to be used for other purposes and our ban will not result in a significant decrease in their use as a whole. I totally support the absolute need to evaluate the impact on the environment and for both operators and control authorities in our countries to exercise preliminary and subsequent control.

At present, my country, Bulgaria, does not have an explicit ban on the use of cyanide compounds in the mining of gold. In this case, the use of other technologies, especially during the current crisis, has not proved to be more effective. This does not mean that we are making compromises, but that we are listening to the voice of reason and not going to extremes. This is why the bridge connecting one group of people opposed to any ban to the group of people holding a different view passes through you. This is a bridge which, I urge you, we must not burn.

Sari Essayah (PPE). – Mr President, I agree that tailings dams such as the one that caused the accident in Baia Mare in 2000 should not be created. Finland is a big gold producer by European standards. The new mine in Kittilä is the biggest in Europe with a yearly production of 5 000 kg of gold. Now we have to remember one scientific fact; gold does not dissolve in liquids other than cyanide. Therefore, the extraction process in

Kittilä also involves cyanide, but in closed processes. Cyanide used in processing the enriched slurry is reused and the residuals of cyanide are destroyed after the process. Even the residuals of cyanide in the water recovered from tailings dams are purified. Bacteria-based extraction would be more nature-friendly, but it is not yet used for gold.

The first mine in the world to use microbial extraction from heaps of nickel ore is in Talvivaara, also in Finland. Microbial purification of residual cyanide is being developed with good results and I strongly recommend moving in that direction. Therefore, I do not support a move to ban the use of cyanide totally but I would certainly encourage strict environmental controls with the best available technology and closed processes.

Cristian Dan Preda (PPE). – *(RO)* I believe that the initiative on banning the use of cyanide-based technology in gold mining is unjustified. There are a number of European legislative acts in force in this area, as already mentioned earlier, which have increasingly tightened the regulations on the conditions for using cyanide, starting right from the time of the unfortunate accident mentioned earlier, which occurred in Baia Mare and regrettably resulted in contamination.

Therefore, our efforts should focus on enforcing this legislative framework strictly at national level in each Member State in this situation. Cyanide-based technology has been used for extracting gold for over 100 years under conditions ensuring the environment's safety and as part of an efficient process for extracting gold. In fact, 90% of the gold extracted worldwide over the last 20 years has been extracted using this technology and not an alternative.

The technical regulations governing the use and neutralisation of cyanide have helped minimise the risks to the environment and workers' health. I believe I must also stress that the proper application of the precautionary principle does not involve an emotional response which would take the form of a ban on a technology which has proven its benefit and whose risks are completely known and controllable. When applying the precautionary principle, consideration must also be given to the risks to the environment arising from the use of other agents similar to cyanide as an alternative. In any case, experts say that using such alternative agents poses greater risks than using cyanide.

Csaba Sógor (PPE). – *(HU)* Allowing or banning mining ventures that use cyanide raises sensitive issues in certain Member States. First of all, we must establish that solving this problem cannot be held hostage to political intentions and interests. Assessing the danger of pollution is a matter for experts, and if there is such a danger, then it is up to political leaders to protect citizens' interests. On this point, the question goes beyond environmental protection concerns, since pollution can endanger people's health, in contravention of the right of EU citizens to a high level of health protection (Article 35 of the Charter of Fundamental Rights). In this area, there can be no question of small or large risk. If the health of citizens is put at risk, then political debate is pointless and the authorities must take action against the potential polluter. Although the use of cyanide is banned in certain Member States and allowed in others, Member States must consult each other and aim at forming partnerships. The Commission, for its part, should take a stand on the matter and initiate regulations that exclude the possibility of damage to the health of EU citizens.

Hannu Takkula (ALDE). – *(FI)* Mr President, as I come from the gold country of Northern Lapland, I want to make my contribution in this debate. Just as Mrs Essayah said in her excellent speech, gold is dissolved by using cyanide, and this is happening in closed processes in Finland.

In the Kittilä goldmine, which is fairly close to where I live, over 5 000 kilos of gold are produced in a year. There have been no problems, because environmental issues have been dealt with in such a way that legislation is up to date, the processes are closed and the residuals are destroyed. Technology is also significant there. In this matter, there are certainly a considerable number of differences between European countries, and I believe that we need to have cooperation and exchange best practices.

Another important matter is the use of microbes, which is a new innovation. We must invest in this in the future as well, so that we can move to an even more environmentally friendly and effective procedure for dissolving gold. We must make a concerted effort across Europe so that mining activity can continue while taking account of the environment in a sustainable way.

Bernd Posselt (PPE). – *(DE)* Mr President, the speeches by Mrs Roithová, Mr Březina and Mr Mészáros really convinced me, since they described how there was similarly indiscriminate exploitation in the country in which they lived previously, namely Communist Czechoslovakia, how there has been a change in attitude

and how today, they are the ones who are advocating environmental protection and common European standards.

I believe we need this change in attitude throughout Europe. We must be aware of the fact that we are in the process of developing new technologies. Why not stretch out the mining of a reserve that is running out anyway and first of all develop these new technologies? I would like to make one point quite clear: if we are not careful, something irretrievable will be destroyed and future generations will damn us for it.

I therefore really must ask for a long-term approach here. It is crucial that we have uniform European standards, since rivers cross borders and cyanide is, of course, also an environmental hazard that crosses borders.

Elena Băsescu (PPE). – *(RO)* I agree that every measure must be taken at European Union level to reduce the purported risks from using toxic, hazardous substances such as cyanide. However, banning these substances must not be viewed as the only solution. Toxic, hazardous substances are used in many industrial processes other than mining. Apart from the accident in Baia Mare in 2000, there have been a further two major accidents in the mining sector: one which occurred in Spain in 1998, and the other in Sweden in 2003, both of greater magnitude. However, their causes were similar: tailing ponds which collapsed.

More than 90% of gold and silver production carried out globally uses cyanide-based technology for extracting the metals. Imposing an unconditional ban on this technology and replacing it with technologies based on substances which pose smaller risks to the environment, but which are exorbitant and produce lower yields, means that the relevant country has to actually stop extracting these metals, with the economic and social repercussions this entails.

Michael Theurer (ALDE). – *(DE)* Mr President, ladies and gentlemen, as Mr Takkula has just said, cyanide technology is a common method in mining. However, as we have heard, it is highly dangerous. The disaster that Mrs Băsescu just mentioned contaminated the Danube at the time and shocked us all, and you know that I campaign strongly for the Danube region. For that reason, as a trade politician, I wonder what can we do about it? In the European Union, we only have limited gold mining capacities. The goal is to make a difference worldwide with technical innovations. Here, there is high technology, I know. In Germany environmental technologies were developed that will help to avoid cyanide in the future. We must make these European high technologies commercially viable and we must make them affordable. I see great potential for trade in this. We should not confine ourselves to the European Union, but ensure that here, we also achieve a breakthrough in international trade, in the interests of the environment and our economy.

Miroslav Mikolášik (PPE). – *(SK)* Cyanide extraction techniques are associated with a high risk of environmental damage and therefore also pose a threat to human life and health. Cyanide leaching of precious metals such as gold is banned in a number of Member States, but the risks of a natural disaster involving contamination of surface waters goes beyond national boundaries.

The notorious accident in Baia Mare (which is in Romania, and here I must correct my colleague, Mr Posselt: it did not originate from Czechoslovakia, but rather from Romania, and then it contaminated both Hungary and Slovakia, and thus the former Czechoslovakia) caused incalculable damage, even up to 1 000 km or more away from where it occurred. My own country was among those affected.

Despite this, the law in many European countries still allows the use of such techniques. In the interests of protecting human health and the environment, and in view of the fact that cyanide extraction techniques can affect a number of states when accidents occur, I firmly believe that it is necessary and, indeed, essential to establish unified legislation at the European level.

Iosif Matula (PPE). – *(RO)* A chemical substance which has got out of control and escaped into the environment causes serious problems, but we have more than 10 million chemical substances. We also have an even higher number of sites where work is carried out using chemical substances. We could discuss here in the European Parliament millions of potentially dangerous scenarios. Cyanides are certainly toxic, but I am a chemist and I can tell you that we have a global problem: fewer than 18% of cyanides are used in mining. The remaining cyanides are used to produce medicines, consumer goods in the cosmetics industry, as well as in many other areas.

However, substances are used on our planet which are thousands of times more toxic than cyanides. Generally speaking, if chemical substances enter water, they destroy life. We have many dead rivers around the world which have not been touched by cyanides. There is no sign of life in the Dead Sea because it contains a large

amount of sodium chloride, in other words, table salt. When using any chemical substance, all the technologies and regulations for protecting the environment which apply in 2010 must be observed. As a European state, this is definitely the path which Romania has chosen to go down. Every country in the world must do the same.

Traian Ungureanu (PPE). – Mr President, with all due respect, can I say that this debate is largely misdirected. The subject before us is a very curious matter. It reignites an accident that took place 10 years ago. Why? Why has there been this long silence? And why now? Why a debate now? If we follow this pattern, we could and should ban anything and everything that can be linked to a past accident. I find the whole matter unjustified. I think it uses the environment as a screen and it is based on the mass fears so fashionable nowadays. In my opinion, and I think in truth, it is just a poor political plot.

Bernd Posselt (PPE). – *(DE)* Mr President, I would briefly like to clarify as my fellow Member perhaps misunderstood as a result of the translation. I know Baia Mare very well and know that it is not in the former Czechoslovakia, but in the north of Transylvania. I know it really well. That was a translation error. I merely alluded to the speeches by Mr Březina, Mrs Roithová and Mr Mészáros that referred to experiences in Kašperské Hory or Bergreichenstein, etc. I am familiar with the geography of Central Europe.

Cecilia Malmström, *Member of the Commission*. – Mr President, thank you for this debate. I will, of course, make sure that Mr Potočnik gets a full account of it.

We share your concerns about cyanide. It is, of course, a very dangerous toxin and we are aware of that. But let me assure you that the Commission has drawn conclusions from the terrible accident that happened 10 years ago in Baia Mare. The directive that we have very recently put in place includes a lot of limitations, requirements, restrictions and demands, in order to provide maximum protection as regards the effects on the environment and human health. The directive will also reduce the likelihood of such an accident happening again and, should there be an accident, will reduce the possible impact to a great extent. It is therefore extremely important that the directive is duly implemented.

Given the very stringent requirements of the Mining Waste Directive and the absence of adequate alternatives today, a general ban on cyanide use for gold extraction does not, for the moment, seem appropriate. However we are following the issue, we are studying the latest technology development and there will be an evaluation in 2012. We must increase the recycling rates of the products containing precious metals in the EU, in order to reduce reliance on gold mining altogether.

Thank you for this debate. Mr Potočnik will, of course, be at your disposal to answer further questions on this. The Commission is taking this very seriously. If you study the directive, you will see that many of your concerns are already there. Let us help to push the Member States to really implement it in full because that would considerably reduce the risks.

President. – The debate is closed.

The vote will take place during the May I part-session.

I wish you a safe journey to your homes. Let us hope that it will not be interrupted by a volcano or anything or anybody else!

Written statements (Rule 149)

Daciana Octavia Sârbu (S&D), *in writing*. – *(RO)* On 30 January 2000, the dam surrounding the tailing pond containing waste from the company Aurul in Baia Mare, Romania, cracked, allowing approximately 100 000 cubic metres of contaminated water, containing 100 tonnes of cyanide and heavy metals, to spill out. This spill resulted in the drinking water supply being cut off to 2.5 million people in three countries. The River Somes had cyanide concentrations 700 times above permitted levels. Aquatic life was completely destroyed over a distance of several hundred kilometres. We must not forget the details of this disaster, which has become synonymous internationally with pollution. It highlights to us that, in spite of legislation and controls, such accidents can occur at any time. Hazardous substances have no place in mining if we want to prevent disasters. The intention at Roşia Montană is to construct the largest surface gold mine in Europe, based on the use of cyanides. What will the consequences be then? The destruction of the environment, the disappearance of the village, the displacement of the inhabitants, churches and cemeteries and a death warrant for the priceless remains dating back to Roman and pre-Roman times. History teaches us lessons. It is incumbent upon all of us to learn them. It is absolutely imperative that we impose a total ban on the use of cyanide in mining within the EU in order to avert tragedies affecting people and the environment.

László Tőkés (PPE), *in writing*. – *(HU)* During the past two years, I have voiced on several occasions, both in the plenary sessions of the European Parliament and in its various forums, the dangers of cyanide-based mining. In addition, I wrote a letter to Mr Stavros Dimas, Commissioner for the Environment, on the matter of the mining ventures in Romania (Roşia Montană) and Bulgaria (Chelopech and Krumovgrad). The use of cyanide mining technologies is sometimes referred to as a dangerous 'chemical atomic bomb' because of its effect on the living environment. Since 1990, there have been some thirty cases worldwide of serious pollution caused by cyanide mining. The disaster on the Tisza River ten years ago is considered the most serious European environmental disaster since Chernobyl. Only in the past few days in Romania, the Arieş River, which flows into the Tisza, was polluted by a gold mine that had been shut down 40 years ago. Last year, when visiting a nearby mining company (Roşia Poieni), President Traian Băsescu himself stated that 'we cannot sit on such an ecological bomb, for this is simply murder'. In view of the new plans for mining development in Romania (Roşia Montană, Baia Mare, Certeju de Sus, etc.), I emphasise that a ban on cyanide-based mining is not simply a Romanian nor, in any way, an 'ethnic' problem, but a universal – European – matter, on which both the EU Member States and the European Parliament groups can reach a sensible agreement. Europe cannot be indifferent to the cyanide disasters of the past or the threat of new ones in the future. It is in the interest of us all to protect people and our environment, not only from radioactivity or air pollution, but also from cyanide poisoning. I ask that this honourable House vote for our initiative.

8. Documents received: see Minutes

9. Implementing measures (Rule 88): see Minutes

10. Decisions concerning certain documents: see Minutes

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

12. Dates of forthcoming sittings: see Minutes

13. Adjournment of the session

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

(The sitting was closed at 18.30)

ANNEX (Written answers)

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

Question no 1 by Marian Harkin (H-0111/10)

Subject: European Statute of Association

In the light of the Council's upcoming European Civic Conference, can the Council elaborate on its proposal to create a European Statute of Association? Can the Council indicate when such a statute would be put in place?

Answer

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

(EN) The honourable Member is aware that the proposal on the 'Statute for a European association' submitted in December 1991 by the Commission was withdrawn in 2006 together with a number of proposals that were considered to be no longer relevant and coherent with the 'Better Regulation' criteria.

Since then, no new proposal concerning this matter has been submitted to the Council, and the Council has no knowledge as to the Commission's intention to adopt such a proposal.

As the honourable Member mentioned in this question, the Spanish Presidency will organise the 'European Civic Days 2010' on 7-9 May 2010. The objective of this conference is to bring the European Union closer to its citizens by exchanging ideas on how to encourage civil dialogue from local to European level, and on the possible ways to actively involve citizens in the European project to fight poverty and social exclusion, to promote the new intercultural society and education on civic values.

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Question no 2 by Bernd Posselt (H-0112/10)

Subject: EU-Ukraine cooperation

What measures promoting EU-Ukraine cooperation is the Council planning, both under the Eastern Partnership and outside it?

Answer

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

(EN) Ukraine is a neighbour of considerable strategic importance to the EU. The EU is committed to strengthening its relationship with Ukraine and conveyed this message to President Yanukovych during his visit to Brussels on 1 March.

The key to closer relations between the EU and Ukraine is reform. Ukraine faces a number of political and economic challenges which require urgent reform steps in order to ensure long-term stability and prosperity. To address political stability, the new Ukrainian leadership must be ready to work with a wide political constituency, including the opposition. Ultimately a sustainable response will depend upon a constitutional reform.

As regards the economic situation in Ukraine, the new administration should implement a number of reforms. First and foremost Ukraine must get back on track with the IMF stand-by-agreement. It should also implement reforms in the gas sector, adopt a budget for 2010 and continue the work of recapitalising the banking sector. It must make serious efforts to combat corruption.

The European Union will continue to support Ukraine in addressing its needs in practical and tangible ways. In particular it will maintain the process of strengthening EU-Ukraine relations – a process which has been particularly dynamic over the past years. Negotiations on the new EU-Ukraine Association agreement which the EU and Ukraine have been conducting since 2007 are of particular importance for EU-Ukraine relations. The new agreement should be ambitious and forward-looking and should aim to promote Ukraine's political association and economic integration with the EU. It should include as an integral part a deep and comprehensive free trade area with the EU. The EU will also continue to provide financial and technical support to Ukraine, enhanced through the additional resources and mechanisms of the Eastern Partnership.

In 2009, the EU-Ukraine Association Agenda was agreed. It is an important instrument which will prepare for and facilitate the entry into force of the Association Agreement and promote further political association with and economic integration of Ukraine into the EU. It creates comprehensive and practical framework through which these objectives can be realized and identifies the priorities on a sector by sector basis.

As regards possible incentives to Ukraine, the EU has identified macro financial assistance, continuing support to the reform and modernisation of the gas sector and targeted financial and technical cooperation.

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Question no 3 by Silvia-Adriana Ţicău (H-0114/10)

Subject: Stage reached in the adoption of the Council decision on the EU-Mexico Agreement on air services

The Spanish Presidency of the European Union has adopted as one of its priorities the strengthening of the dialogue between the European Union and Latin America and the Caribbean. The Spanish Council Presidency has undertaken to lay emphasis on the strategic nature of the relationship between the EU and Mexico and to move forward the negotiations on agreements between the EU and Central America, the Andean Countries and Mercosur. One facet of the dialogue between the EU and Mexico is the adoption of a Council decision on the signing of an agreement between the European Community and the United Mexican States on certain aspects of air services. In view of the importance of that agreement for cooperation between the EU and Mexico, could the Council indicate what stage has been reached in the adoption of that decision?

Answer

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

(EN) On 5 May 2009, the Council adopted its Decision on the signature of the Agreement on certain aspects of air services between the European Community and the United Mexican States.

Following linguistic revision, an adaptation of the text to the entry into force of the Lisbon Treaty has become necessary - the Council has now finished this adaptation which has been submitted to the Mexican side. After their approval of the final text, the Council will be able to adopt a new Decision on the signature of the Agreement, which is planned to take place in March/April 2010. Afterwards, the Agreement can be signed. However, no date for the signature is yet decided.

After signature, the Council will prepare a draft Council Decision on the conclusion of such an Agreement. This Decision, as well as the text of the Agreement, will be transmitted to the European Parliament for its consent.

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Question no 4 by Jim Higgins (H-0116/10)

Subject: Europe's diplomatic presence outside the EU

What steps will the Council take to strengthen Europe's diplomatic presence outside the European Union under the powers conferred in the newly enacted Lisbon Treaty?

Answer

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

(EN) The Lisbon Treaty has created the Union Delegations and has placed them under the High Representative. They represent the Union and will increasingly assume the tasks previously carried out by the rotating presidency of the EU.

As far as infrastructure and personnel are concerned, the EU already has one of the world's largest diplomatic networks (around 120 EU delegations plus delegations at international Organisations such as the UN, OECD, WHO, etc.). This presence will now gradually be strengthened by personnel and expertise coming from the EU Member States' diplomatic services, the Council Secretariat and the Commission. These staff will be members of the European External Action Service.

Delegations' infrastructures will have to be adapted, particularly to take into account increasing security needs.

The reinforcement of EU delegations will also help ensure a strengthening of the EU's political influence and they will be able to transmit the EU's message in a more forceful and credible way.

The treaty requires the delegations to act in close cooperation with Member States' diplomatic and consular missions. At the same time, the ties between the delegation and Member States embassies will become stronger.

All this will improve the EU's capacity to serve its citizens and to defend more efficiently their interests in an increasingly globalised world.

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Question no 5 by Agustín Díaz de Mera Garcia Consuegra (H-0121/10)

Subject: Cuba

Would the Council Presidency state what policy it is proposing with regard to Cuba in the wake of the death of the political prisoner Orlando Zapata Tamayo and the scandalous and repeated violations of human rights in Cuba?

Answer

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

(EN) I fully share the regret for the death of Mr. Orlando Zapata and the concern of the honourable Member about the question of civil and political rights in Cuba.

The President of the Council made the position very clear through the statement issued after the unfortunate death of Mr. Orlando Zapata, calling for the unconditional release of political prisoners and the respect of fundamental freedoms and expressed deep concern about the situation of the political prisoners, notably those currently pursuing hunger strikes.

This position was also made clear during the European Parliament Plenary session on 10 March.

The best context in which the EU should address the situation is within the political dialogue rather than on the basis of ad-hoc initiatives. A multiplication of initiatives (démarches, declarations) could have, at this delicate moment, a counterproductive effect. It is not to be excluded that the next days and weeks will be marked by various developments that would put further pressure on the EU to react. The channels available through the political dialogue should be preserved and used to pass to the Cuban authorities the firm positions of the EU. At this stage, discreet diplomacy is the best way forward.

Within this context, it will be extremely important to made every effort to maintain the organisation of the Ministerial meeting scheduled to take place on 6 April. We should concentrate our efforts on preparing this important meeting in order to try to attain concrete results.

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Question no 6 by Nikolaos Chountis (H-0123/10)

Subject: IMF involvement in excessive deficit procedure

At the extraordinary EU Council meeting of 11 February 2010 concerning the economic situation of Greece, it was decided that the Commission, in collaboration with the European Central Bank (ECB), would closely monitor the implementation of the recommendations and propose any further measures judged to be necessary in the light of the experience acquired by the International Monetary Fund (IMF). The reference to the IMF in the above Council decision creates a dangerous institutional precedent, since it gives the IMF, together with the Commission and the ECB, joint authority to monitor the implementation of the measures to be taken by Greece.

Firstly, neither Article 126 of the Treaty on the Functioning of the European Union (which contains the most detailed provisions), nor Protocol (No 12) on the excessive deficit procedure, nor any other EU legal instrument provides for the involvement of the IMF or any other international body in these monitoring procedures. Secondly, a case could only be made for such involvement, and a dubious one at that, if the Member State in question had requested IMF assistance. In view of this: Is it aware that its reference to the IMF is an infringement of the treaties in so far as an institutional and political precedent is being set without following the requisite procedures? Has Greece actually requested IMF assistance?

Answer

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

(EN) The Statement approved by Heads of State or Government at the informal meeting of the European Council on 11 February 2010 is of a political nature and does not constitute the implementation of the excessive deficit procedure as set out in the treaties.

In order to respond to the first question at stake a distinction must be made between the excessive deficit procedure, on the one hand, and the possible mechanisms of financial assistance to Member States suffering budgetary problems, on the other hand.

The excessive deficit procedure enshrined in Article 126(2) to (13) TFEU is a procedure aimed at encouraging and, if necessary, compelling the Member State concerned to reduce a budgetary deficit which may be identified. An excessive deficit procedure was opened against Greece in April 2009 by the Council adopting a decision under Article 104(6) TEC -current Article 126(6) TFEU-, upon a recommendation from the Commission. At its meeting of 16 February 2010 the Council adopted a Decision pursuant to Article 126(9), giving notice to Greece to take measures for the deficit reduction judged necessary in order to remedy the situation of an excessive deficit.

As the excessive deficit procedure is an issue conceptually unrelated to the question of providing financial assistance to Member States suffering budgetary problems, the recourse to the IMF as a possible source of financing to Greece would not breach the treaties' provisions on the excessive deficit procedure, nor the decisions and recommendations adopted by the Council on the basis of those provisions.

A different question is the issue related to the possible mechanisms of financial assistance to Member States, and more precisely the conditionality on the financial assistance which could be granted to Greece. It is recalled that in the statement of the Heads of State or Government of the euro area of 25 March, the modalities of financial assistance to Greece were agreed as a combination of substantial IMF assistance and a majority of European financing. The statement made clear that the disbursement of the European financing would be made 'subject to strong conditionality'.

It is recalled that Article 136 TFEU, which empowers the Council to adopt measures specific to those Member States whose currency is the euro to, inter alia, 'strengthen the coordination and surveillance of their budgetary discipline', could be used as an instrument for such conditions to be imposed on Greece.

In what concerns the second question, it is underlined that at present the Council is not aware of Greece having requested for IMF assistance.

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Question no 7 by Frank Vanhecke (H-0126/10)

Subject: EU-Cuba relations

It is well-known that the Spanish Presidency of the EU is seeking normalisation of relations between the EU and Cuba. The Council's conclusions of 15 to 16 June 2009 indicate that the Council will decide in June 2010 on possibly modifying the current common position on Cuba. In this connection, account would be taken of progress on human rights.

Does the Council agree with the position of the Spanish Presidency? If so, what progress has Cuba made on human rights? Does Cuba apply the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, as called for by the Council in 2009? Has Cuba given a concrete (binding) pledge to abolish the 'dangerousness law', which makes it possible to imprison someone on the basis of pure suspicion?

Answer

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

(EN) The Council, in its conclusions of June 2009, decided in June 2010 to do the annual review of the Common Position, including an assessment of the future of the political dialogue, taking into account progress on issues in the Council conclusions, in particular in the field of human rights. This has been a yearly exercise since the adoption of the common position and will take place again this year.

The Spanish Presidency considers that a reflection process on EU-Cuba relations on the future of EU-Cuba policy could be useful. I would like to recall that our discussion here at the March part-session underlined the importance of the Common Position. That discussion also showed that there is a large consensus on the importance of human rights as values which the EU seeks to promote worldwide.

The Council follows closely the situation of human rights in Cuba. Substantive and regular discussions on human rights take place at the ministerial-level political dialogue meetings which have been held with Cuba twice a year since 2008. The Council also publicly expresses its concerns regarding the human rights situation in Cuba through public declarations, its conclusions and in démarches to the Cuban authorities, such as the one delivered on 23 March 2010.

With regard to the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights, I would like to recall that Cuba has signed but not ratified these two covenants, although the Council has called upon Cuba to do so.

As far as the legislation referred to by the honourable Member is concerned, the Cuban authorities have not made any commitment in the framework of EU-Cuba political dialogue to abolish this.

I can ensure the honourable Members that the Council will continue to follow developments in Cuba closely, and will use every appropriate opportunity to express its concerns whenever human rights are violated.

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Question no 8 by Laima Liucija Andrikienė (H-0131/10)

Subject: Need for a common set of rules regarding arms sales to third countries

France has recently embarked on negotiations with Russia on the possible sale of four Mistral warships. Such talks have sparked claims from a number of EU Member States, including Latvia, Lithuania, Estonia and Poland, that the sale of Mistral warships would have negative consequences for their own security, as well as for that of some of the EU's neighbours. Those countries point out that the Mistral class is clearly offensive in nature.

Since the Treaty of Lisbon outlines common defence aspirations and includes a clause on solidarity in the area of security and defence, does the Spanish Presidency see a need for a common set of rules, in the EU, concerning arms sales by EU Member States to third countries?

Is the Presidency ready to initiate such discussions?

Answer

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

(EN) The EU has long acknowledged the need for common EU rules regarding the sale of arms to third countries.

In 1991 and 1992, the European Council agreed on eight criteria that Member States should take into account when assessing requests for arms export licences.

In 1998, the Council adopted a common set of rules regarding the sale arms to third countries in the form of the European Union Code of Conduct on Arms Exports. The Code contained expanded versions of the eight criteria agreed in 1991 and 1992, established a notification and consultation mechanism for denials and included a transparency procedure through the publication of the EU annual reports on arms exports. The Code contributed significantly to the harmonisation of national arms export control policies. Operative provision 9 of the Code stated that:

'Member States will, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of arms exports from Member States, in the light of the principles and criteria of the Code of Conduct.'

On December 8 2008, the Council adopted Common Position 2008/944/CFSP, a significantly updated and upgraded instrument which replaces the Code of Conduct. Article 9 of the Common Position reflects operative provision 9 of the Code, and states:

'Member States shall, as appropriate, assess jointly through the CFSP framework the situation of potential or actual recipients of military technology and equipment from Member States, in the light of the principles and criteria of this Common Position.'

Such assessments take place regularly, inter alia in the context of the Council bodies, and at all appropriate levels, at the request of a Member State.

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Question no 9 by Mairead McGuinness (H-0135/10)

Subject: Progress towards the UN Millennium Development Goals

What progress is the Council making with its plans for an ambitious EU position with regard to the Millennium Development Goals?

Answer

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

(EN) 2010 is a key staging part in progress towards achieving the Millennium Development Goals by 2015. The EU attaches particular importance to ensuring the success of the High Level Plenary Meeting on the MDGs in September of this year.

Over the past nine years, significant efforts have been made towards achieving the MDGs, although progress has been uneven, both across sectors and regions. The Sub-Saharan African region in particular is lagging behind. The economic and financial crisis calls into question the ability to meet the MDGs by 2015, and risks undermining progress made so far.

With only five years remaining before 2015, the Council sees the September High Level Plenary Meeting as a unique opportunity to take stock and assess what has been achieved so far, and to set out what more needs to be done by 2015. We have to use this opportunity to galvanize a coordinated international effort in order to accelerate further progress towards the MDGs.

In terms of the process, the EU will continue to play a leading role as the world's largest donor, and will make all necessary efforts to ensure a focused and action-oriented outcome of the High Level Plenary Meeting. As part of its preparations for this meeting, the Council is expected to adopt an updated EU position which it will submit to the June European Council, taking into account the Commission's 'Spring Package' on development cooperation and the Report established by the UN Secretary-General for the High Level Plenary Meeting which was presented last month.

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Question no 10 by Zigmantas Balčytis (H-0138/10)

Subject: Income tax applicable to sailors at sea for long periods

Under Lithuanian income tax legislation, the income of Lithuanian sailors working on third-country vessels is subject to 15% tax. Sailors on vessels flying a European Economic Community flag are not subject to this tax.

It is the practice in other EU countries that sailors at sea for not less than 183 days are subject to a zero rate of tax or are not required to pay tax. This practice is not applied in Lithuania.

Does the Council not think that taxes on sailors' income should be regulated at Community level to ensure that the principles of the single internal market are respected?

Does the Council agree that the application of a standardised rate of income tax to all EU sailors and the standardisation of tax systems might help protect EU citizens' jobs?

Answer

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

(EN) The question submitted by the honourable Member concerns direct taxation. In that respect, some important points need to be mentioned.

First, the Council recalls that, as personal income taxes are not harmonised across the EU, Member States are free to adopt their own laws so as to meet their domestic policy objectives and requirements, provided that they exercise that competence consistently with the fundamental Treaty principles of free movement of workers, services and capital and the freedom of establishment. It is for the Commission to monitor the compatibility of national legislation with EU law.

The Council would like also to recall that the Council can adopt legislation only on the basis of a proposal from the Commission. There is, at this moment, no Commission proposal concerning the matters referred to by the honourable parliamentarian. In its Communication of 2001 'Tax policy in the EU - Priorities for the years ahead', the Commission has indicated that personal income taxes may be left to the Member States even when the EU achieves a higher level of integration than at present and that their co-ordination at EU level only becomes necessary to prevent cross-border discrimination or obstacles to the exercise of the freedoms provided for in the treaties.

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Question no 11 by Niki Tzavela (H-0141/10)

Subject: Energy Policy

In the energy sector, EU representatives have expressed a will to improve relations with Russia and have spoken of moving towards a business relationship.

There are two rival pipelines in the south-east of the Mediterranean: Nabucco and South Stream. South Stream will carry Russian gas. The Nabucco pipeline is ready for action, but there is no gas to supply it. With deadlock on the Turkey-Armenia issue blocking the way for gas to come from Azerbaijan, and the EU not willing to do business with Iran, where is the EU going to get the gas to supply Nabucco?

In a business context, is the Council contemplating the possibility of holding talks with Russia on Nabucco and South Stream? Is the Council thinking of ways in which the two projects could be collaborating rather than competing projects? If so, how will the Council achieve this?

Answer

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

(EN) The Council underlines that diversification of fuels, sources and routes is a long-standing EU policy. This policy has been communicated in a transparent manner to both transit and supplier countries.

Both projects named by the honourable Parliamentarian, i.e. Nabucco and South Stream, continue to receive the Council's support, since both contribute to the diversification that the EU seeks. That said, the Council recalls that these projects are to the largest extent driven by private companies: it is therefore ultimately up to the companies involved to select and work with partners of their choice.

The appropriate instrument to discuss the Nabucco and South Stream projects with Russia is the EU-Russia Energy Dialogue, in particular the Subgroup on infrastructure, from the Group on Energy Market Developments. Specific projects were not addressed in recent meetings of such Subgroup. Indeed, it should be pointed out that the current political context and problems described by the honourable Parliamentarian as regards the difficulty to find gas supplies should be considered in the long term perspective (30 years or more) of such large infrastructure projects.

In this context, the Council has agreed to exploring the feasibility of a mechanism which would facilitate access to new gas sources through the Caspian Development cooperation. The envisaged Caspian Development Cooperation (CDC) aims at demonstrating to potential suppliers, such as Turkmenistan, that the EU represents a credible volume of demand that justifies that significant volume of gas are committed to this market over the medium and long term.

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Question no 12 by Georgios Papastamkos (H-0143/10)

Subject: EU-Morocco Agreement on trade in agricultural products

On 17 December 2009, the Commission and the competent Moroccan authorities signed an agreed minute concluding negotiations with a view to 'improving bilateral trade conditions for products from the agri-food and fisheries sector'.

The Mediterranean Member States of the European Union and south-east Mediterranean countries are known to produce many similar products at the same times of the year. Furthermore, European producers are required to comply, inter alia, with stringent product safety and quality standards.

How does the Council view the agreement in question, in particular the impact on European agriculture of a greater opening up of the EU market under the terms negotiated by the Commission?

Answer

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

(EN) As mentioned by the honourable Member, negotiations were concluded on 17 December 2009 by the Moroccan and the EU negotiators in the form of an agreed minute on a future agreement aimed at improving bilateral trade conditions for products from the agri-food and fisheries sector in the context of the Euro-Mediterranean roadmap for agriculture (Rabat roadmap) adopted on 28 November 2005.

At the EU-Morocco Summit which took place in Granada on 7 March 2010, the two Parties 'welcomed the significant progress achieved in recent months in trade negotiations, which has made it possible to conclude negotiations on trade in agricultural products, processed agricultural products and fishery products, as well as on the agreement on settling trade disputes, an important step towards a deep and comprehensive Free Trade Agreement.' It was agreed that 'Parties undertake to carry the procedures forward with a view to signing

the Agreement on trade in agricultural products, processed agricultural products and fishery products and bringing it into force as soon as possible.'

The conclusion of the agreement is subject to the approval of the respective authorities. As far as the European Union is concerned, according to the procedure provided for in Article 218(6) of the Treaty on the Functioning of the European Union, the Council has to adopt the decision to conclude the agreement on the basis of a proposal by the EU negotiator (the Commission) and after obtaining the consent of the European Parliament. The Commission has yet to submit its proposal to Council. The Council is therefore not in a position to take a view on this agreement at this stage.

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Question no 13 by Gay Mitchell (H-0144/10)

Subject: Pressure on oppressive regimes

Around the world oppressive regimes stand in contravention to the ideas of tolerance, democracy and freedom that are the cornerstones of the European Union. Not a day goes by when we don't hear of some regime around the world repressing its own citizens, be it on the basis of religious belief, freedom of conscience or political dissent.

In light of the European Union's new coordinated arrangements for foreign affairs, how will the Council step up its efforts and bring real pressure to bear on nations and governments that act in ways abhorrent to us yet still enjoy cooperation with the EU in areas such as trade or development assistance?

Answer

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

(EN) The EU's action on the international scene is guided by the principles and aimed at the range of objectives laid out in Art. 21 of the Treaty on EU[(1)], including the promotion of human rights, the rule of law and democracy. In line with the European Security Strategy, the EU has strengthened its efforts 'to build human security, by reducing poverty and inequality, promoting good governance and human rights, assisting development, and addressing the root causes of conflict and insecurity'.

The EU has a wide range of tools for its external action in line with these objectives. Among these, human rights dialogues, political clauses in trade and development agreements and restrictive measures are used by the EU to promote respect for freedom, human rights and the rule of law throughout the world. The human rights dialogues constitute an essential part of the EU's overall strategy towards third countries. So far the EU has established nearly 40 forms of discussion focused on human rights in order to raise individual cases of concern and catalyse real, tangible improvements in respect for human rights across the globe. Human rights issues are also raised in the framework of regular political dialogue.

As regards trade relations and development cooperation, it is customary to include 'political clauses' in comprehensive agreements between the EU and third countries. The clauses regarding respect for human rights, democratic principles and the rule of law are considered 'essential elements' and their violation entails consequences, including the partial or total suspension of the relevant agreement.

In order to bring about a change in policy, the EU can also decide to impose restrictive measures against third countries which do not respect democracy, human rights and the rule of law. Where possible and in line with the European Union's overall strategy towards the third country concerned, the legal instruments imposing restrictive measures may also refer to incentives to encourage the required change in policy or activity. In addition to the full and effective implementation of restrictive measures agreed in that respect by the UN Security Council under Chapter VII of the UN Charter, the EU can also impose autonomous sanctions in full conformity with EU obligations under international law.

(1) Consolidated version of the Treaty on European Union. Available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF.

The main EU autonomous sanctions regimes in this field concern Burma/Myanmar, Guinea (Conakry), Zimbabwe.

The Treaty of Lisbon has provided a renewed framework for the EU's action on the international scene, with a broad range of instruments at its disposal. With the full implementation of the provisions set out in the Treaty of Lisbon, the EU will be in a better position to use these instruments in a more comprehensive and mutually reinforcing way. The European External Action Service will be key in delivering this.

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Question no 14 by Evelyn Regner (H-0147/10)

Subject: Number of Members of the European Parliament following the entry into force of the Lisbon Treaty

Pursuant to Rule 11 of the Rules of Procedure of the European Parliament, which were amended on 25 November 2009, the future 18 Members may take part as observers in the work of the European Parliament until the additional protocol is ratified and do not have the right to vote.

How does the Council intend to implement the Lisbon Treaty with regard to the additional 18 seats in the European Parliament?

What initiative will the Council take in order to speed up the ratification of the additional protocol by the EU Member States?

What does the Council intend to do in order that France complies with the conclusions of the European Council of 18 and 19 June 2009 and designates additional Members of the European Parliament?

Answer

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

(EN) As you all know, under Article 14 of the Treaty on European Union (TEU), as introduced by the Lisbon Treaty, the number of Members of the European Parliament must not exceed 750, plus the President. As the elections to the European Parliament of June 2009 took place on the basis of the former Treaty (i.e. 736 elected MEPs), on 4-7 June 2009, the European Council agreed to add 18 additional seats to the 736 seats filled in the June elections, in the event that the Treaty of Lisbon entered into force[(2)]. The implementation of this agreement of the European Council requires the adoption and the ratification by the 27 Member States of a Protocol amending Article 2 of the Protocol (36) on transitional measures annexed to the Lisbon Treaty, following the procedure laid down in Article 48(3) of the TEU. On 4 December 2009 the Spanish Government submitted a proposal for the amendment of the treaties to that effect.

The European Council decided on 10-11 December 2009[(3)] to consult the European Parliament and the Commission with a view to examining this proposal. Pursuant to the second subparagraph of Article 48(3) TEU, the European Council specified that it did not intend to convene a Convention (composed of representatives of national parliaments, of the Heads of State or Government of Member States, of the European Parliament and of the Commission) before the conference of representatives of governments of the Member States, since in the view of the European Council, this was not justified by the scope of the proposed amendments. The representatives of the European Council therefore requested the consent of the European Parliament to that effect, as required by Article 48(3) TEU.

The estimated timetable for the opening of the conference of representatives of the governments of the Member States depends on the receipt of European Parliament's position on these two issues, which, according to our information, will only arrive after the mini-plenary session of May, i.e. the 4 and 5 May.

(2) 11225/2/09 REV 2.

(3) EUCO 6/09.

Our intention is to have a short conference of representatives of the governments of the Member States followed by the ratification, by each Member State, according to its constitutional requirements, of this revision of the Treaty.

Concerning the manner in which France will designate the two additional French members of the European Parliament, let me remind you that according to our initiative for revising Protocol 36 to the Lisbon Treaty envisaged, on the basis of the European Council conclusions of June 2009, three possibilities are envisaged for the designation of the future MEPs by the Member States concerned:

either ad hoc elections by direct universal suffrage in the Member State concerned, in accordance with the provisions applicable for elections to the European Parliament;

or by reference to the results of the European elections from 4 to 7 June 2009;

or by designation by the national parliament of the Member State concerned from among its members, according to the procedure determined by each of those Member States

For the three options, the designation has to be done in accordance with the legislation of the Member State concerned and provided that the persons in question have been elected by direct universal suffrage.

This is, of course, only applicable for a transitional period, i.e. for the current term of the European Parliament. All members of the European Parliament from 2014 onwards will have to be designated according to the Electoral Act.

I also welcome the balanced approach taken on 7th of April by the Committee on Constitutional Affairs. This committee considered that the spirit of the 1976 Electoral Act had to be respected for the designation of the supplementary members of the European Parliament but that indirect elections could be accepted in case of insurmountable technical or political difficulties.

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Question no 15 by Rodi Kratsa-Tsagaropoulou (H-0149/10)

Subject: Financial monitoring and economic coordination procedures for the eurozone Member States

Elena Salgado, the Spanish Minister of Economy and Finance, and Diego López Garrido, State Secretary for European Affairs, have both undertaken to seek ways of remedying structural economic weaknesses and guaranteeing genuine coordination. Given that the mechanisms for monitoring the financial policies of the Member States have already been established under Articles 121 and 126 of the Lisbon Treaty, can the Council Presidency provide the following information:

How would it define more effective monitoring and coordination procedures? Have specific proposals been made regarding ways of achieving a more sustainable and better balanced economic model, given the major economic disparities currently dividing the eurozone? If so how are these proposals being received by the Member States?

Answer

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

(EN) The economic and budgetary surveillance procedures set out in Articles 121 and 126 of the Treaty on the functioning of the European Union (TFEU) remain the cornerstone of our economic and budgetary policy coordination respectively.

The European Council, in its March 2010 conclusions, stated that the overall economic policy coordination will be strengthened by making better use of the instruments provided by Article 121 TFEU.

Concerning the eurozone and in light of the need for close economic cooperation inside, the Lisbon Treaty has introduced the possibility of adopting measures to strengthen economic coordination between eurozone Member States, under Article 136 TFEU. Such measures would always be taken 'in accordance with the relevant procedure from among those referred to in Articles 121 and 126', thus following the existing

procedures under the coordination and surveillance mechanisms and the excessive deficit procedure while allowing for enhanced coordination within the eurozone.

The European Council also called on the Commission to present by June 2010 proposals making use of the new instrument for economic coordination offered by Article 136 TFEU so that coordination at the level of the eurozone is strengthened. Until now no proposal or recommendation has been submitted by the Commission to the Council.

Furthermore, the Heads of State or Government of the Member States of the euro area, in the meeting of the March 2010 European Council, committed themselves to promote a strong coordination of economic policies in Europe and considered that it is for the European Council to improve the economic governance of the European Union. They proposed to increase its role in economic coordination and the definition of the European Union growth strategy.

It is finally recalled that the same European Council also invited its President to establish in cooperation with the Commission a task force with representations of Member States, the rotating Presidency and the ECB to present to the Council before the end of this year the measures needed to reach the objective of an improved crisis resolution framework and better budgetary discipline, exploring all options to reinforce the legal framework.

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Question no 16 by László Tőkés (H-0151/10)

Subject: The protection of the right to education in minority languages in Ukraine

What means and instruments does the Council use to guarantee a focus on respect for the right to education in minority languages in its ongoing political dialogue with Ukraine?

How does it monitor and ensure that Ukraine fully implements the Association Agenda regarding its commitments on respect for minority rights?

Answer

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

(EN) The issue of respect for human rights and the rights of persons belonging to national minorities is a priority for EU-Ukraine relations. The February plenary debate has shown that the Parliament puts particular emphasis on the development of the rule of law, democracy and the reform process in Ukraine. The importance of the national minority issue is enshrined in the Partnership and Cooperation Agreement between the EU and Ukraine, which was signed in June 1994 and entered into force in March 1998. Article 2 of this agreement defines respect for democratic principles and human rights as a general principle which constitutes an essential element of the agreement. Furthermore, the agreement provides for the issue of respect for human rights and the rights of persons belonging to minorities to be addressed in the framework of the EU-Ukraine political dialogue, which may also include discussions on related OSCE and Council of Europe matters. Issues relating to persons belonging to minorities are also addressed in Cooperation Council and JLS sub-committee meetings with Ukraine. At the 12th EU-Ukraine Cooperation Committee, which took place in Brussels on 26 November 2009, the Council highlighted the need to take effective measures to ensure that policies aimed at promoting the Ukrainian language in education do not obstruct or limit the use of minority languages.

The EU-Ukraine Association agenda, which prepares and facilitates the early implementation of the new EU-Ukraine association agreement through agreement on concrete steps towards attainment of its objectives, established a political dialogue aiming in particular at strengthening respect for democratic principles, the rule of law and good governance, human rights and fundamental freedoms, including the rights of persons belonging to minorities as enshrined in the core UN and Council of Europe Conventions and related protocols. Such dialogue and cooperation includes the exchange of best practices on measures to protect minorities from discrimination and exclusion in accordance with European and international standards, with the objective of developing a modern legal framework, developing close cooperation between the authorities and representatives of minority groups as well as cooperation on measures to combat the growth in intolerance and the incidence of hate crimes.

The EU has consistently encouraged Ukraine to co-operate with the OSCE High Commissioner on National Minorities, including on issues related to minority languages.

It should also be noted that the respect of the rights of persons belonging to minorities figures prominently in the Association Agreement currently under negotiation between the EU and Ukraine, as the one of the key common values on which a close and lasting EU-Ukraine relationship is based.

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Question no 17 by Liam Aylward (H-0154/10)

Subject: Priorities for European Youth Strategy

The Renewed Social Agenda and the Council Resolution on Youth Policy of November 2009 have identified and targeted youth and children as a main priority for the period up to 2018. Tackling the challenges of youth unemployment and the drop in levels of young people participating in education or training have been identified as priorities.

Given that, in its resolution, the Council agreed to create more and equal opportunities for all young people in education and in the labour market in the period up to 2018, can it give practical examples of how this will be achieved? Can we expect new programmes and initiatives in this regard and what is the immediate timeline?

Answer

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

(EN) On 27 November 2009, the Council agreed on a renewed framework for European cooperation in the youth field for the next nine years. In this framework, the Council agreed that in the period from 2010 - 2018, the overall objectives of such an European cooperation in the youth field should be to create more and equal opportunities for all young people in education and in the labour market; and to promote the active citizenship, social inclusion and solidarity of all young people, while respecting Member States' responsibility for youth policy and the voluntary nature of the European cooperation in the youth field.

The Council also agreed that during this period European cooperation in the youth field should be implemented by means of a renewed open method of coordination, and should draw on the overall objectives, dual approach and eight fields of action established in the framework, including 'education and training' as well as 'employment and entrepreneurship'. It also sets youth employment as an overall priority for the current trio presidency.

The Annex I of the Council Resolution establishing such a framework proposed a number of general initiatives for Member States and for the Commission for all fields, followed by a series of specific youth-related aims and possible initiatives for each field of action which can also be taken by Member States and/or the Commission within their respective competences and with due regard for the principle of subsidiarity.

Moreover, in March 2010, the European Council[(4)] agreed on a number of headline targets, which constitute shared objectives guiding the action of the Member States and of the Union within the Strategy for Jobs and Growth for the years from 2010 to 2020. Two headline targets deal directly with the young people:

aiming to bring to 75% the employment rate for women and men aged 20-64, including through the greater participation of youth (as well as of the other groups with low participation);

improving education levels, in particular by aiming to reduce school drop-out rates and by increasing the share of the population having completed tertiary or equivalent education.

While these youth-related targets are not of a regulatory nature and do not imply burden-sharing, they represent a common aim to be pursued through a mix of national and EU level actions.

(4) Doc. EUCO 7/10.

Lastly, the aim of the Spanish Presidency is that the Council adopts in May a Resolution on the active inclusion of young people aiming at combating unemployment and poverty with a view to establish common principles in this area and to incorporate the youth dimension into other policies.

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Question no 18 by Nicole Kiil-Nielsen (H-0156/10)

Subject: Safeguarding human rights in Afghanistan

On 28 January 2010 in London, the Member States of the European Union backed Afghan President Hamid Karzai's national reconciliation plan and promised to help finance it.

Did the Member States express disapproval of the fact that the plan had not been discussed in advance, either in Parliament or with representatives of civil society in Afghanistan?

Did the EU obtain guarantees that women's fundamental rights would be respected before approving and helping to finance this plan?

Did the EU insist at the London meeting that any agreement with the insurgents should include a clear commitment to upholding human rights?

If national reconciliation is to be effected by the Afghans themselves, how will the presence of EU representatives at the 'consultative peace jirga' to be held from 2 to 4 May make it possible to ensure that democratic rights are respected?

Answer

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

(EN) Human rights, especially women's and children's rights, are at the centre of the EU political dialogue with the Afghan government - as stated in the EU Action Plan on Afghanistan and Pakistan, adopted by the Council on 27 October 2009.

During the London Conference, the Government of Afghanistan reiterated its commitment to protect and promote the human rights of all Afghan citizens and to make Afghanistan a place where men and women enjoy security, equal rights, and equal opportunities in all spheres of life. The international community welcomed the Government of Afghanistan's commitment to implement the National Action Plan for Women of Afghanistan and to implement the Elimination of Violence against Women Law. Furthermore, Conference participants welcomed the Government of Afghanistan's commitment to strengthen the participation of women in all Afghan governance institutions including elected and appointed bodies and the civil service.

The EU continues to encourage the Afghan government to take concrete actions towards full respect of human rights. Reconciliation and reintegration has to be an Afghan-led process. Participants in the London Conference welcomed the plans of the Government of Afghanistan to offer a place in society to those willing to renounce violence, participate in the free and open society and respect the principles that are enshrined in the Afghan constitution, cut ties with al-Qaeda and other terrorist groups, and pursue their political goals peacefully.

Economic growth, respect for Rule of Law and human rights alongside creation of employment opportunities, and good governance for all Afghans are also critical to counter the appeal of the insurgency, as well as being vital to greater stability in Afghanistan.

The EU's engagement in Afghanistan is long term. The EU is committed to assisting the Afghan government in the political challenge of reintegration and reconciliation. Through the Afghan government, the EU aims to strengthen Afghan capacity and improve governance at all levels. Improving the election system, fighting corruption, supporting the rule of law and human rights are central to good governance. During the London Conference, Conference participants welcomed the Government of Afghanistan's commitment to reinvigorate Afghan-led reintegration efforts by developing and implementing an effective, inclusive, transparent and sustainable national Peace and Reintegration Programme. The Peace Jirga, to be held in May, is part of that process.

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Question no 19 by Ryszard Czarnecki (H-0158/10)

Subject: Refusal to grant the Council discharge for the 2008 financial year

The Committee on Budgetary Control of the European Parliament has not granted the Council discharge for implementation of the 2008 budget. This recalls the situation last year, when the Council was granted discharge for implementation of the 2007 budget only in November 2009. What steps will the Council take to introduce more transparent financial mechanisms and clearer rules on accountability? When might this happen?

Answer

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

(EN) In the view of the Council, there seems to be no objective reason to put into question the implementation by the Council of the budget for 2008: neither the Annual Report of the Court of Auditors nor the analysis by the Committee on Budgetary Control of the accounts of 2008 have revealed any irregularities.

The position of the Committee on Budgetary Control on this issue seems to based on doubts about the level of transparency practised by the Council.

On this point, I can be very clear: the Council considers that it is fully transparent on the way it has implemented its budget in the past.

In this sense, the Council considers that it complies with all reporting requirements foreseen in the Financial Regulation. In addition, the Council publishes on its website a report on its financial management for the previous year. I would like to draw your attention on the fact that today the Council is the only institution which has published a report on the preliminary accounts for 2009 for the general public.

Moreover, the President of Coreper and the Secretary-General of the Council have met a delegation of the Committee on Budgetary Control on 15 March 2010. For this meeting, ample information was provided regarding the questions raised by the Committee on Budgetary Control related to implementation of the Council's 2008 budget.

The so called 'gentlemen's agreement' has governed relations between our institutions on each other's administrative budget.

If the European Parliament wishes to review this arrangement, the Council would be ready to consider entering into discussions on a new arrangement, provided both branches of the budgetary authority are treated on a strictly equal footing.

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Question no 20 by Hans-Peter Martin (H-0160/10)

Subject: Competitiveness of EU Member States

The permanent President of the European Council, Herman Van Rompuy, has stated that Member State competitiveness should be improved with regular controls and additional indicators.

What is the Spanish Council Presidency's view on Mr Van Rompuy's proposals?

What control mechanisms will the Spanish Council Presidency roll out to check Member State competitiveness more efficiently and to detect incorrect behaviour more rapidly?

What indicators will the Spanish Council Presidency introduce to measure Member State competitiveness more efficiently and to produce more transparent guidelines on the action to be taken?

Answer

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

(EN) Competitiveness is one of the key parameters of the Europe 2020 Strategy that was discussed at the Spring European Council, on 25 and 26 March 2010.

The Spring European Council agreed, in particular, on five headline targets, that may be seen as indicators for competitiveness and shared objectives guiding the action of the Member States:

75% employment rate for women and men aged 20-64;

3% of GDP for research and development, combining public and private investment;

20% less gas emissions, according to the '20/20/20' target, whereby, compared to 1990 levels, also the share of renewables and energy efficiency should be increased by 20%;

improving education levels: numerical rates will be fixed by the Summer European Council, in June 2010;

reduction of poverty, according to indicators to be set out by the European Council, at its June 2010 meeting.

In the light of the headline targets, Member States will set their national targets, in a dialogue with the Commission. The results of this dialogue will be examined by the Council by June 2010.

National Reform Programmes drawn up by the Member States will set out in detail the actions they will undertake to implement the new strategy.

The Spring European Council also concluded that efficient monitoring mechanisms are key for the successful implementation of the strategy. These include:

once a year, an overall assessment by the European Council of progress achieved;

regular debates at European Council level dedicated to the main priorities of the strategy;

overall strengthening of economic policy coordination.

Finally, it should be pointed out that the European Council, to better define control mechanisms and checking Member States competitiveness, has asked its President to establish, in cooperation with the European Commission, a Task Force with representatives of the Member States, the rotating Presidency of the Council, and the European Central Bank, to present to the Council, before the end of this year, the measures needed to reach the objective of an improved crisis resolution framework and better budgetary discipline, exploring all options to reinforce the legal framework.

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Question no 21 by Pat the Cope Gallagher (H-0169/10)

Subject: Taiwan's membership of international organisations

Following the adoption of Parliament's resolution of 10 March 2010 on the 2008 report on the Common Foreign and Security Policy (A7-0023/2010), what concrete measures have been undertaken by the European Council to persuade China to drop its opposition to Taiwan joining international organisations such as the International Civil Aviation Organisation (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC)?

Answer

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

(EN) Cross-Straits relations have improved dramatically after the election of Ma Ying-jeou in 2008. This is a welcome development for stability in the region.

Fundamentally, the Council takes the firm view that the Taiwan question must be resolved peacefully through constructive dialogue between all concerned parties. It is in this spirit that the Council has always supported - and will continue to support - any pragmatic solution, mutually agreed by the two sides of the Straits, towards Taiwan's participation in relevant international organisations.

Taiwan is currently seeking observer status in the International Civil Aviation Organisation (ICAO) and the United Nations Framework Convention on Climate Change (UNFCCC). The Council will welcome any discussion by the two sides of concrete steps aiming at its meaningful participation in these two fora, to the extent that this participation may be important to EU and global interests.

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Question no 22 by Brian Crowley (H-0171/10)

Subject: The Middle East Peace Process

Can the Council provide an updated assessment of the status of the Middle East Peace Process?

What actions have been undertaken by the Council to promote the implementation of the Goldstone Report?

Can the Council provide an update on efforts to release the captured Israeli soldier Mr Gilad Shalit?

Answer

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

(EN) The Middle East Peace Process continues to face a lack of progress. Intense international efforts to resume negotiations on all final status issues and relaunch the Middle East Peace Process continue. The Quartet met in Moscow on March 19 and declared that negotiations should lead to a settlement negotiated between the parties within 24 months.

The European Union has taken careful note of the investigations being carried out by Israel and the Palestinians into alleged violations of human rights and International Humanitarian Law. At the same time, the Council encourages Israel, as it does similarly the Palestinians, to assume a constructive approach to a further credible and fully independent investigation into the allegations. Such investigations accomplished by all parties to the conflict are essential for ensuring accountability for human rights and International Humanitarian Law violations, ruling out impunity and, ultimately, contributing to reconciliation and durable peace. As the honourable Member might remember, the Council took part in the EP debate on the Goldstone report, held on 24 February 2010 and took note of the resolution subsequently adopted by the EP.

Efforts to release the abducted Israeli soldier Gilad Shalit continue with the support of the European Union. The Council has consistently and repeatedly called for the full respect of international humanitarian law in Gaza.

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Question no 23 by Georgios Toussas (H-0174/10)

Subject: Provocation from Turkey and NATO plans for the Aegean Sea

Turkey has intensified harassment manoeuvres using fighter planes and warships in the Aegean Sea. This provocation stems from ongoing efforts by Turkey and an imperialistic desire on NATO's part to split the Aegean in two by creating a 'grey zone' to the east of the 25th meridian, thereby undermining Greece's sovereign rights over the airspace and waters of the Aegean and its own towns and islands. Turkish fighter planes and ground-based radar systems are harassing harbour-police planes and helicopters and civil aviation within Greek airspace. Turkish navy ships are sailing in proximity to the Greek coast, as was the case on 24 March 2010 when the Turkish corvette Bafra entered Greek territorial waters, creating a situation of extreme danger which compromised the security of the entire region.

Is the Council ready to condemn this intimidation, threatening as it does Greece's sovereign rights, and NATO's plans to split the Aegean in two, which represent a very serious threat to peace and security in the entire south-west Mediterranean region?

Answer

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

(EN) The Council is aware of this issue, since a considerable number of formal complaints have been made by Greece about continued violations of its airspace by Turkey.

The Council would like to recall that Turkey as a candidate country must share the values and objectives of the European Union as set out in the treaties. In this light, unequivocal commitment to good neighbourly relations and the peaceful settlement of disputes is essential. This issue is covered by the Negotiating Framework, and constitutes a short-term priority in the revised Accession Partnership.

The Council, in its conclusions of 8 December 2009, underlined that Turkey needs to commit itself unequivocally to good neighbourly relations and to the peaceful settlement of disputes in accordance with the United Nations Charter, having recourse, if necessary, to the International Court of Justice. In this context, the Union urged the avoidance of any kind of threat, source of friction or actions which could damage good neighbourly relations and the peaceful settlement of disputes.

Against this background, the Council can assure the honourable Member that the issue will continue to be closely followed and raised on all levels as appropriate, as good neighbourly relations are one of the requirements against which Turkey's progress in the negotiations will be measured. This message is systematically stressed to Turkey at all levels - most recently at the EU - Turkey Political dialogue meeting, held in Ankara on 10 February 2010, as well as at the Association Committee meeting of 26 March 2010.

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Question no 24 by Peter van Dalen (H-0176/10)

Subject: Mass atrocities in Nigeria

Is the Council aware of the most recent mass atrocities having taken place in Plateau State, Nigeria, on 19 January 2010 and 7 March 2010?

Is it aware that these mass atrocities are no isolated incidents, but rather part of a continuous cycle of violence between different ethnic and religious groups in central Nigeria?

Is it aware of reports that local authorities have sometimes been involved in the violence, and often act only as passive bystanders?

Will it urge the Nigerian Government and public authorities to do more to stop the cycle of violence between ethnic and religious groups in central Nigeria by: stepping up security for communities at risk, including those in rural areas; bringing the perpetrators of mass atrocities to justice; and addressing the root causes of sectarian violence, including social, economic and political discrimination against certain segments of the population?

Answer

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

(EN) The Council attaches great importance to the rights of freedom of religion, belief and expression in its dialogues with third countries. Freedom of thought, conscience, religion and belief is one of the fundamental human rights and as such is enshrined in a number of international instruments.

The High Representative of the Union for Foreign Affairs and Security Policy Ms Ashton has publicly condemned the violence and tragic loss of lives in Nigeria.

The EU has urged all parties to exercise restraint and seek peaceful means to resolve differences between religious and ethnic groups in Nigeria and has also called on the Federal Government of Nigeria to ensure that the perpetrators of acts of violence are brought to justice and to support interethnic and interfaith dialogue.

Under Article 8 of the Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination.

The EU believes that Nigeria's continued commitment and adherence to its democratic norms and values are key to addressing the many challenges it faces, including electoral reform, economic development, inter-faith discord and transparency.

Along with its main international partners, the EU is committed to continue working with Nigeria on the internal issues it faces while working together as partners on the global stage.

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QUESTIONS TO THE COMMISSION

Question no 26 by Zigmantas Balčytis (H-0137/10)

Subject: Protection of children's rights in the European Union

A provision of the Treaty of Lisbon on children's rights enables the Community to adopt measures to ensure that children's rights are incorporated into all major policy areas. It is alarming that child sexual abuse remains a serious problem in the EU. In certain Member States there are children's homes where there is no guarantee of adequate living and care standards and where cases of sexual abuse occur. Investigation of these is very slow.

Do you not think that there needs to be monitoring at Community level of how the protection of children's rights is implemented, as well as stricter supervision as regards how the Member States ensure that children's rights are protected and whether the institutions responsible for doing so are carrying out their work properly with a view to protecting the most vulnerable section of society – children?

Answer

(EN) The Commission shares the honourable Member's determination to ensure a high level of protection and promotion of children's rights in the EU.

Sexual exploitation and violence against children are unacceptable. To address this problem the Commission has recently adopted a proposal for a Directive to fight sexual abuse and sexual exploitation of children and child pornography[(5)].

The 2006 Communication 'Towards an EU Strategy on the Rights of the Child'[(6)] laid the basis for an EU policy on children's rights aiming at the promotion and safeguarding of the rights of the child in European Union's internal and external policies. The Commission is committed to provide support to Member States in their efforts to protect and promote children's rights in their policies. In this respect, the Commission will continue to support mutual cooperation, exchange of good practices and funding to the Member States in their actions having an impact on children's rights. The Commission does not have the power to carry out monitoring of children's rights abuses in matters where there is no link to EU law.

The Commission Communication on the new multi-annual programme 2010-2014 in the field of Justice, Freedom and Security[(7)] as well as the European Council conclusions on the same issue of 11 December 2009[(8)] (the 'Stockholm Programme') have reiterated the importance of developing an ambitious Strategy on Children's Rights, identifying as priority areas: fighting violence against children and children in particularly vulnerable situations, notably in the context of immigration (unaccompanied minors, victims of trafficking, etc.).

The Commission will be adopting at the end of 2010 a new Communication to present how it intends to ensure that all internal and external EU policies respect children's rights in accordance with the principles

(5) COM(2010) 94 final.

(6) COM(2006) 367 final.

(7) COM(2009) 262 final.

(8) Council Document EUCO 6/09.

of EU law, and that they are fully compliant with the principles and provisions of the UN Convention on the Rights of the Child (UNCRC).

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Question no 27 by Radvilė Morkūnaitė-Mikulėnienė (H-0168/10)

Subject: Application of EU competition rules on the EU single gas market

Although we proclaim the creation of a single gas market in the EU, the same third-country company (Gazprom), occupying what is essentially a monopoly position on the gas market, manages gas supply, transmission and distribution networks in certain Member States, either directly or through intermediaries. This has an adverse effect on those Member States' contracts with gas suppliers and often leads to unfavourable gas prices for end users.

How is the Commission planning to safeguard transparency and competition on the EU energy market in view of the EU's third energy package and particularly the provisions of Article 11 of Directive 2009/73/EC[(9)] of 13 July 2009 concerning common rules for the internal market in natural gas? When it comes to gas price negotiations, does the Commission intend to assist those countries that are largely dependent on one external source in order to prevent price distortion? Is the Commission planning to investigate whether or not Gazprom's monopoly position in individual Member States distorts competition rules and whether or not this allows Gazprom to abuse its dominant market position?

Answer

(EN) According to the Third Internal Energy Market Package, a Transmission System Operator ('TSO') can only be approved and designated as a TSO following the certification procedure laid down in the Electricity and Gas Directives. These rules must be applied to all TSOs for their initial certification, and subsequently at any time when a reassessment of a TSO's compliance with the unbundling rules is required.

Where certification is requested by a potential TSO which is controlled by a person from a third country, e.g. the Russian Federation, the procedure of Article 10 is replaced by the procedure of Article 11 Electricity and Gas Directives concerning certification in relation to third countries.

Under Article 11 of the Electricity and Gas Directives, the regulatory authority must refuse the certification of the TSO which is controlled by a person from a third country if it has not been demonstrated:

that the entity concerned complies with the requirements of the unbundling rules. This applies equally to the different unbundling models: ownership unbundling, Independent System Operator ('ISO') and Independent Transmission Operator ('ITO'); and

that granting certification will not put at risk the security of energy supply of the Member State and the European Union. This assessment is to be carried out by the regulatory authority or another competent authority designated by the Member State.

The competent authority must in particular take into consideration for its assessment the international agreements between the European Union and/or the Member State in question and the third country concerned which address the issue of security of energy supply, as well as other specific facts and circumstances of the case and of the third country concerned.

The burden of proof as to whether the above conditions are complied with is put on the potential TSO which is controlled by a person from a third country. The Commission must provide a prior opinion on the certification. The national regulatory authority, when adopting its final decision on the certification, must take utmost account of this Commission opinion.

The certification procedure shall apply to TSOs controlled by persons from third countries as from 3 March 2013. National regulatory authorities must ensure compliance of TSOs with the provisions on unbundling and certification of the Third package. To do this, national regulatory authorities have the power to take binding decisions, including the imposition of fines on the company concerned.

(9) OJ L 211, 14.8.2009, p. 94.

Regarding transparency, the Third Internal Energy Market Package will improve market transparency on network operation and supply. This will guarantee equal access to information, make pricing more transparent, increase trust in the market and help avoid market manipulation. The new 10-year investment plan for EU energy grids will make investment planning more transparent and coordinated between the Member States. It promotes security of supply and enhance the EU market at the same time.

The Commission's role is to define the appropriate legal framework for a functioning internal gas market and not to be involved in commercial negotiations between individual energy companies. It is up to each individual company buying gas to negotiate contractual conditions with gas suppliers, according to its needs.

In countries that are well integrated into the EU's energy market, with access to spot markets and different gas suppliers, consumers can profit from the lower prices on the spot markets that prevail today. Isolated countries however, either because they have no physical links or all network capacity is booked in long-term contracts do not benefit since they do not have a choice. Therefore interconnections are of key importance for these countries, allowing integration into the EU's energy market and benefiting from the choice market provides to consumers.

In a case of interconnected and integrated and efficient market, prices tend to converge. The Commission has adopted the Third Internal Energy Market Package to tackle this issue with the objective of promoting competition and market integration. The Commission is aiming to establish equal conditions for all market players where prices are set by the workings or market mechanism. The Commission, however is not negotiating prices of imported energy resources.

The Commission has followed the development of competition in the energy markets across Europe very closely in recent years, as evidenced by the Sector Inquiry and the large number of cases it has carried out. Whilst the Commission does not comment on specific cases, it should be noted that the simple existence of a dominant position is not by itself an infringement under competition law. In any event, the Commission will remain vigilant in ensuring that no companies engage in anti-competitive behaviour and will continue carrying out antitrust cases that defend competition in the European energy markets.

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Question no 29 by Georgios Toussas (H-0167/10)

Subject: Surrender of the air transport sector to monopolistic groups

The planned merger between Olympic Air and Aegean Airlines – a result of the privatisation and liberalisation policy promoted by the European Union and the PASOK and ND governments in Greece – fosters the creation of monopolies in the air transport market, with damaging effects for the general public and for workers in the sector. The dismissals, wage cuts and heavier workloads for the remaining staff, ticket price hikes and service reductions – particularly on unprofitable lines – which followed the privatisation of Olympic Airlines (OA) will increase, leading to the further deterioration of air transport. The 4 500 workers already dismissed by Olympic Airlines have not received the payments to which they are legally entitled since 15 December 2009 and the procedures for giving qualifying workers a full pension and transferring remaining workers to other public services are at a standstill.

Were Olympic Airlines privatised in order to benefit monopolistic groups? What is the Commission's view regarding: a) the planned merger between Olympic Air and Aegean Airlines and b) the deceit and problems to which the workers dismissed by Olympic Airlines are being subjected?

Answer

(EN) Regarding the question of whether Olympic Airlines were privatised in order to benefit monopolistic groups, the Commission's answer is no. The sale of certain assets of Olympic Airlines and Olympic Airways Services was a solution found by the Greek authorities to the long-running problems of these two companies (both of which had over many years received significant amounts of illegal and incompatible state aid).

No notification of the proposed operation has yet been made to the Commission.

Under Council Regulation 139/2004 ('the Merger Regulation')[10], the Commission would be competent to assess the compatibility of the proposed merger with the Internal Market if this has a 'Union dimension', pursuant to the financial turnover requirements laid down in Article 1 of the Merger Regulation.

Once such a Union dimension has been established and the operation has been notified, the Commission conducts a thorough investigation and assessment of the operation which would seek to maintain effective competition within the internal market as well as to prevent harmful effects on competition and consumers, notably on passengers on the domestic and international routes which the companies serve.

In its analysis of such cases, the Commission takes into account, among other things, the market position and power of the undertakings concerned in the markets where they are active.

On 17 September 2008, and on the basis of a notification made by the Greek authorities, the Commission adopted a decision regarding the sale of certain assets of Olympic Airlines and Olympic Airways Services. The decision stated that if certain assets were sold at market price and the rest of the companies liquidated this would not involve state aid.

The social measures enacted by the Greek authorities in respect of former staff members of Olympic Airways Services and Olympic Airlines do not form part of the Commission decision; the Commission has not been consulted on these social measures and is not aware of their nature or scope.

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Question no 31 by Zbigniew Ziobro (H-0175/10)

Subject: Access to digital material in the EU

EU citizens still do not have equal access to material in digital form. For example, Polish Internet users are unable to purchase musical works through the iTunes Internet store. The problem of unequal access also affects other sellers and products.

What measures is the Commission going to take in order to change this situation? When will the effect of these measures be felt?

Answer

(EN) The honourable Member's question raises the issue of existing gaps in the Digital Single Market, citing the example that many EU citizens do not have access to legal offers from online music stores cross-border.

One of the reasons invoked by e-commerce traders, such as iTunes, for maintaining national online shops and preventing access of consumer from other countries is the licensing of copyright and rights related to copyright on a national basis. Although, EEA-wide licensing is becoming more frequent for certain rights holders such as music publishers, authors continue to choose to license their rights in public performances on a national territorial basis.

The Commission is currently working on the Digital Agenda for Europe which will address, among others, the existing gaps of the EU Digital Single Market. The aim is to allow free movement of content and services across the EU in order to stimulate demand and to complete the digital single market. In this context the Commission intends to work on measures aimed at simplifying copyright clearance, management and cross-border licensing.

The Commission and, in particular, the Member of the Commission responsible for Internal Market and Services, will host a public hearing on the governance of collective rights management in the EU, will take place on 23 April 2010 in Brussels.

In addition, differences in treatment applied by service providers according to the nationality or the place of residence of the consumers are dealt with specifically by Article 20, paragraph 2 of Directive 123/2006/EC[11] on Services in the Internal Market (the 'Services Directive'). According to this provision, 'Member States shall ensure that the general conditions of access to a service, which are made available to

(10) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation), OJ L 24, 29.1.2004.

(11) OJ L 376, 27.12.2006.

the public at large by the provider, do not contain discriminatory provisions relating to the nationality or place of residence of the recipients'. This provision also specifies that not all differences in treatment are forbidden since differences in the conditions of access will be allowed 'when those differences are directly justified by objective criteria'.

The Services Directive was adopted at the end of 2006 and Member States were required to have it implemented by 28 December 2009 at the latest. Under the Directive refusals to sell will be allowed only if traders demonstrate that the differences in treatment they apply are 'directly justified by objective criteria'.

The Commission believes that the enforcement of Article 20(2) of the Services Directive, together with the removal of the remaining obstacles still impeding the development of a pan-European digital download market, will lead to a progressive opening up of Internet music stores to customers from all over Europe.

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Question no 40 by Hans-Peter Martin (H-0161/10)

Subject: Germany

Since the Greek financial policy crisis was revealed and Germany, an EU Member State, was not prepared to provide Greece with unconditional help, some Member States – and also some Commission representatives – have implicitly accused the German Government of acting in an 'un-European' fashion.

In the Commission's view, is a Member State 'un-European' if it, in contrast to other Member States, still has the financial power to provide help but, particularly in times of economic crisis, has a duty towards its tax payers to precisely check and, where applicable, reject all additional expenditure?

What message would an unconditional rescue of Greece send to Italy, Ireland, Spain and Portugal, which are also seriously affected by the economic crisis?

Answer

(EN) An unconditional rescue of Greece has never been considered by the Commission or the Member States. The successive statements of the Heads of State or Government and of the Eurogroup are clear in saying that any support, if needed, would be accompanied by strict policy conditions, granted on non-concessional interest rates and jointly provided with the International Monetary Fund (IMF).

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Question no 41 by Vilija Blinkevičiūtė (H-0113/10)

Subject: Poverty among women in Europe

Women in general and single mothers in particular have been most affected by poverty during the economic downturn throughout almost the whole of Europe. Single mothers are confronted with difficulties every day in meeting even the basic needs of their children. More than half of all single mothers live below the poverty line despite their daily efforts to reconcile working hours with childcare, which is far from easy.

Thirty-five years have passed since the 1975 Equal Pay Directive, and yet women in Europe are still subject to discrimination on the labour market and there is still a gap of approximately 17% between women's and men's earnings for the same work.

Although EUR 100 million in budget resources was spent last year on implementing employment, social-cohesion and gender-equality programmes, and although the Commission has discussed these important questions for many years, specific EU objectives on how to reduce poverty among women have not been set and remain legally unregulated. That being the case, what further steps does the Commission intend to take to reduce poverty among women in Europe? It should also be borne in mind that without specific measures to help reduce poverty among women it will not be possible to reduce child poverty either.

Answer

(EN) The Commission shares the honourable Member's concern for the need to reduce poverty in the European Union so that all its inhabitants, and in particular the most vulnerable, including women, are able to live with dignity. The proposal to include a headline target on poverty reduction in the Europe 2020 strategy is

a reflection of that concern and of the lessons learnt over the last decade. Efforts to meet that target are to be supported by a dedicated flagship initiative, the 'European Platform against Poverty'. Under that initiative, the European strategy for social inclusion and social protection should be strengthened and efforts should be stepped up to address the situation of the most vulnerable.

Recently, the Commission adopted a Women's Charter[12], which sets out five priority areas for the next five years, and strengthens its commitment to gender equality. Two of the priority areas, namely equal economic independence and equal pay for equal work and work of equal value, are directly relevant to efforts to tackling poverty affecting women.

The Commission plays an important role by promoting action to increase social inclusion and encourage good living standards within the active inclusion framework. Active inclusion strategies are based on three points, namely the individual's need for access to adequate resources, better links with the labour market, and quality social services. As a next step, the Commission is working on a report on how the active inclusion principles can best contribute to crisis exit strategies. Reducing child poverty is another priority on which the Commission is working closely with the Member States with a view to ensuring that the necessary measures are taken and all children are offered equal opportunities in life.

In addition to the Progress Programme referred to by the honourable Member, the European Social Fund (ESF) targets people in society, including women, who are more vulnerable to unemployment and social exclusion. Over the 2007-2013 period, the ESF will fund projects and programmes in six specific fields, five of which are likely to have a direct or indirect impact on poverty and child poverty, namely reforms in the field of employment and social inclusion (1%); improving social inclusion of less-favoured persons (14%); increasing the adaptability of workers and enterprises (18%); improving access to employment and sustainability (30%); and improving human capital (34%).

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Question no 42 by Silvia-Adriana Ţicău (H-0115/10)

Subject: Measures to make tourist destinations in the EU more attractive and develop tourism in Europe

According to Eurostat statistics, the tourism sector experienced a decline in 2009, compared to 2008, with the number of overnight stays in hotels (or their equivalent) falling by 5%. That fall was even more marked in the case of non-resident tourists (9.1%). In 2009, 56% of overnight stays were by resident nationals, and only 44% of the total overnight stays by non-residents. The Treaty of Lisbon enables the Union to supplement Member State actions in the tourism sector by promoting competitiveness and creating a favourable environment for the development of EU enterprises in that sector. What steps does the Commission intend to take to make tourist destinations in the EU more attractive and to develop the tourism sector?

Answer

(FR) The European Commission is well aware of the latest statistics published by Eurostat concerning the number of nights spent in hotels in the EU27 and acknowledges the decline recorded in 2009 compared to the previous year. The most significant decline was observed in the number of nights spent by non-residents, with a fall of 9.1% compared to a fall of 1.6% for nights spent in hotels by residents in their own countries. The Commission notes, however, that more and more tourists, particularly as a consequence of the impacts of the recent financial and economic crisis, are more inclined to choose destinations in their home countries or in close neighbouring countries for their holidays. This new trend explains, to some extent, the fall in the number of non-resident visitors. The results of the three Eurobarometer surveys carried out by the Commission in 2009 and at the beginning of 2010 also confirm this.

The Commission is certainly mindful of the situation in the tourism industry and will not delay in exercising the new competence the Treaty of Lisbon confers on the EU in the area of tourism. To this effect, the Commission services have begun preparatory work for a Communication identifying a consolidated framework for a European tourism policy.

Within this new framework, the Commission acknowledges, in particular, the strengthening of the image and perception of Europe as a tourist destination, as well as the competitive and sustainable development

(12) COM(2010) 78 final.

of European tourism as key priorities. The measures carried out within this framework will certainly be designed, amongst other things, to increase the appeal of tourist destinations in the EU, not only to increase the number of non-resident tourists in Europe, but also to benefit more fully from the potential for EU citizens to holiday in their own countries and in the other Member States. It is on this point that the Commission would like to emphasise that some broad guidelines and proposals for action were submitted to the Commission at the European tourism conference – a true 'high-level' conference on the industry and the challenges it faces – which the Commission services organised in collaboration with the Spanish Presidency in Madrid.

In order to accomplish these objectives, however, all those involved in the tourism sector in Europe should offer their support: public authorities at their respective levels, the European Commission itself, businesses, tourists and all other bodies capable of stimulating, supporting and influencing tourism.

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Question no 43 by Paul Rübig (H-0117/10)

Subject: Data protection on the Internet

In order to improve data protection on the Internet, I would like to propose the following changes to the Data Protection Directive:

Data published on the Internet, should only be used for the purpose agreed at the original time of publication.

Web 2.0 users should always be able to retain control over data once it has been published on the Internet. They should have the right to stipulate an expiry date for self-generated content and to delete personal data.

Every service provider should also allow users to employ a nickname or a pseudonym.

Will the Commission consider these proposals to amend the Data Protection Directive?

Answer

(EN) The Commission would like to thank the honourable Member for suggesting several changes to Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ('Data Protection Directive')[13].

The Data Protection Directive is currently undergoing a thorough review. The review of the Data Protection regulatory framework was initiated by a high level conference on the Future of Data Protection in May 2009 which was followed by a broad online public consultation that concluded in December 2009. Issues presented by the honourable Member are attracting the attention of numerous stakeholders and will certainly be considered by the Commission.

The Commission has received a high volume of replies to the consultation, signifying the importance of its initiative. It is currently analysing the feedback received in this consultation exercise, and evaluating possible problems with the regulatory framework which have been identified, as well as possible solutions.

The requirement that data published on the Internet should only be used for the purpose agreed at the time of publication, is already an existing principle as set out in the Data Protection Directive, namely, that data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected. It is necessary to ensure respect for this principle in all contexts, in particular on the Internet.

To the extent that web users can be considered data subjects within the meaning of the Data Protection Directive, they have the right to retain control over the data they make accessible online. In the complex Web 2.0 environment, it is extremely challenging to keep the data under control and have a clear understanding where this data has been further transferred to and used. Therefore, a service provider acting as data controller should, in a transparent manner, inform the data subject before uploading data online about the consequences of this step.

[13] OJ L 281, 23.11.1995.

The Commission, as well as its advisory body, the Article 29 Data Protection Working Party, has advocated in numerous opinions[14] the use of pseudonyms rather than revealing one's identity when going online, as well as privacy-friendly default options for users of Web 2.0 applications.

The Commission will take the suggestions of the honourable Member into account when it will prepare its reaction to the outcome of the public consultation.

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Question no 44 by Justas Vincas Paleckis (H-0118/10)

Subject: Electronic voting

During the 2009 European Parliament elections, Estonia was the only country in the European Union whose citizens were able to vote via the Internet.

According to expert data, electronic voting could make elections more effective and ensure greater citizen participation. Electronic voting would also attract younger voters, who are usually passive and indifferent. Electronic voting, with reliable systems and clear instructions for voters, would strengthen democracy and create more comfortable conditions for voting both for disabled people and for citizens who travel constantly.

Has the Commission drawn up recommendations to the Member States on the introduction of electronic voting? Has it examined the possibilities for preparing the necessary measures and funding for Member States to introduce the option of electronic voting in the Member States by the 2014 European Parliament elections?

Answer

(EN) The Commission understands how important it is to enhance the involvement of all citizens in the democratic life of the Union and to increase participation in European elections. However, arrangements for the process of voting, such as the possibility for electronic voting, are freely chosen by each Member State.

In fact, common principles of European elections to be respected by the Member States are laid down in the 1976 Act on the elections of the Members of the European Parliament, last amended by Council Decision 2002/772. These principles include, amongst others, the obligation to use the proportional representation and the possibility to fix a threshold for the allocation of seats, of maximum 5 percent of the votes. Nonetheless, the Member States are free to lay down the arrangements for the aspects of the elections that are not covered by the Act. Such an arrangement is the electronic voting.

It lies within the powers of the European Parliament itself to propose amendments to the 1976 Act. The Commission would have no power to propose to use the electronic voting.

As regards facilitating participation of citizens in the elections, including citizens of the Union who move to other Member States, the current EU legislation grants the right for voting in European and municipal elections in the Member State of residence, under the same conditions as the nationals of that state.

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Question no 45 by Anna Hedh (H-0119/10)

Subject: Strategy on the Rights of the Child

With regard to the EU's commitment to its Strategy on the Rights of the Child, are you willing to move away from an issue-based approach to providing strategic direction and supporting implementation of a children's rights perspective across EU policy, legislation and programming?

If so, how do you intend to assume positive leadership in promoting the strategy across policies with your colleagues, to inspire them to take a children's rights perspective and identify specific action in their respective areas – currently being done for invisible children and violence in schools in your DG?

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(14) e.g. http://ec.europa.eu/justice_home/fsj/privacy/docs/wpdocs/2009/wp163_en.pdf.

Answer

(EN) The 2006 Communication 'Towards an EU Strategy on the Rights of the Child' aims at the promotion and safeguarding of the rights of the child in the European Union's internal and external policies.

The role to provide strategic direction for EU policies having an impact on children's rights is already endorsed by the 2006 Communication. The Commission is planning to adopt at the end of 2010 a new Communication to present how it intends to ensure that all internal and external EU policies respect children's rights in accordance with the principles of EU law, and that they are fully compliant with the principles and provisions of the UNCRC and other international instruments.

Further implementation and development of the Strategy should combine a more general approach of strategic orientation of EU policies that have an impact on children with concrete deliveries on clear priorities.

The Commission Communication on the new multi-annual programme 2010-2014 in the field of Justice, Freedom and Security (the 'Stockholm Programme') as well as the European Council conclusions of 11 December 2009 have reiterated the importance to develop an ambitious Strategy on Children's Rights identifying as priority areas: fighting violence against children and children in particularly vulnerable situations, notably in the context of immigration (unaccompanied minors, victims of trafficking, etc.).

One issue of particular concern in the future development and implementation of a strong EU strategy on the Rights of the Child is the lack of data. This is why meetings with experts have been organised at technical level on the issues of 'invisible' children and violence.

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Question no 46 by Karin Kadenbach (H-0120/10)

Subject: EU 2020 and biodiversity

The emphasis of the Commission's consultation document on the future 'EU 2020' strategy for growth and jobs is on the creation of new industries, the acceleration of the modernisation of Europe's existing industrial sectors, and the need to strengthen Europe's industrial base. But it is nowhere specifically spelt out that different urban and rural regions have different needs and that important factors of production in the rural economy such as soil, fresh water, biodiversity and other ecological services may require different policy approaches and instruments. It is significant that references to biodiversity are completely absent in the Commission's consultation paper; this despite the fact that nature and natural resources are key underpinnings of economic development.

Can the Commission please advise on how the future 'EU 2020' strategy will foster sustainability for rural economy and agriculture and ensure coherent EU investments for preservation and restoration of biodiversity and ecosystem services?

Answer

(FR) The 'Europe 2020' strategy steers the work of the European Commission towards a target of smart, sustainable and inclusive growth. As far as biodiversity, in particular, is concerned, it should be noted that, within the 'Europe 2020' strategy, the flagship initiative – 'a resource efficient Europe' – aims, amongst other things, to decouple economic growth from the use of natural resources. This initiative will considerably reduce the pressures on biodiversity in Europe. The objectives of safeguarding biodiversity and preserving ecosystems that have just been adopted by the European Council, and which will be at the heart of the new European Union Biodiversity Strategy, are based on this principle.

In light of this, in addition to its role in promoting the viability and competitiveness of the agricultural sector, the CAP has a vital role to play in managing agricultural land for the promotion of biodiversity and other natural resources such as water, air and soil, through the combination of mutually complementary mechanisms such as direct payments, cross compliance and rural development measures. The CAP is the main instrument for promoting the sustainable development of our agriculture and our rural economies, in all their diversity. It does so by supporting the provision, through the agricultural sector, of environmental services such as the safeguarding and restoration of biodiversity.

In particular, rural development policy provides a general framework that can be easily adapted to specific regional requirements and challenges. Having the set of regional priorities incorporated into the programmes

allows for an integrated approach, which is required to make the most of the potential synergies between the measures. The concept of 'producing more with less' by making better use of all our resources, including easing the pressure on the consumption of energy and other natural resources (water, soil), and sustainable growth, will thus be crucial for the future. It should be stressed that the concept of sustainable growth also comprises the qualitative aspect of the provision of public goods. For example, good land management absolutely must be encouraged in order to maintain and improve biodiversity and landscapes.

Finally, the safeguarding of biodiversity remains a cornerstone for the European Union strategy in support of sustainable development. In its July 2009 progress report on this strategy, the Commission emphasised the need to intensify efforts to safeguard biodiversity. This involves maintaining and promoting sustainable agriculture throughout the EU, by enabling the provision of essential public goods; the safeguarding of an attractive landscape, valuable habitats and biodiversity; the further development of renewable energy sources; the management of natural resources, for example, water and soil; and a positive contribution to climate change.

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Question no 47 by Pavel Poc (H-0122/10)

Subject: Breach of provisions in the Schengen Borders Code - border controls and equivalent thereof on the German side of the internal Czech-German border

On 21 December 2007, the Czech Republic became a member of the Schengen area, the ideological basis of which is free movement across internal borders without controls and hold-ups. The German border police are, however, continuing to carry out mobile random or systematic checks without any justification. It is clear from the experiences of travellers that Germany is in breach of the provisions of the Schengen Border Code, and particularly Article 21 thereof, as the purpose of these controls is to protect its borders and they are much more thorough than those carried out on third-country nationals at the Schengen area's external borders. Crossing the border is considered a sufficient reason for carrying out the controls and citizens do not know if these are authorised. In October 2009, the Commission was supposed to present to the European Parliament a report evaluating the implementation of the provisions in Chapter III of the Code concerning the internal borders.

When does the Commission intend to present this report, how does it view its results and do these results support the possible adaptation of Article 21 of the Code to clarify the conditions under which police controls are permitted at borders?

Answer

(EN) Pursuant to Article 38 of Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)[15], the Commission should have submitted to the European Parliament and the Council, by 13 October 2009, a report on the application of Title III (Internal borders).

In July 2009, in order to be able to prepare the report, the Commission sent a questionnaire to the Member States. The Commission received the last replies only at the beginning of 2010 after several reminders. Consequently, the report could be drafted only after and is currently under preparation.

The report will cover all provisions related to internal borders, i.e. the abolition of border control at internal borders, checks within the territory, removal of obstacles to traffic at road crossing points and the temporary reintroduction of border control at internal borders, including the experiences and difficulties arising from the application of these provisions since the entry into force of the Regulation.

The Commission will present the conclusions of the report and, where appropriate, proposals aimed at resolving difficulties arising from the application of the above mentioned provisions in due time.

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[15] OJ L 105 of 13.4.2006, p. 1.

Question no 48 by Jim Higgins (H-0127/10)

Subject: Financial regulation to protect pension holders

Given the recent revelation that a complete lack of economic and financial regulation existed in Ireland and the wider EU, how does the Commission intend to protect hard-working citizens who find their pensions and life savings dramatically depleted due to the lack of financial regulation?

How will the Commission ensure that such a lack of economic and financial regulation never reoccurs?

Answer

(EN) Although there is not, as the honourable Member suggests, a 'complete lack of economic and financial regulation' in the EU, the Commission is well aware that lessons need to be drawn from the economic and financial crisis. The Commission is working hard to improve the regulatory framework for financial services. This includes equipping the EU with a more effective supervisory system, strengthening the solidity, risk management and internal controls of financial institutions, as well as closing possible regulatory gaps.

With regard to pensions, the main piece of EU legislation to protect pension holders is Directive 2003/41/EC[16] on the activities and supervision of institutions for occupational retirement provision ('IORP Directive'). This Directive requires IORPs to have sufficient and appropriate assets to cover technical provisions, but it does not provide detailed guidance for the calculation of these provisions. Member States may adopt further measures that protect pension holders such as own fund requirements, sponsor covenants, pension protection schemes or other forms of security mechanisms. The Committee of European Insurance and Occupational Pensions Supervisors published a report in March 2008 reviewing the provisions concerning technical provisions and security mechanisms in the different Member States.[17]

The crisis has exacerbated the demographic challenge and revealed vulnerabilities in the designs of some funded pension schemes. In order to address this, the Commission intends to publish a Green Paper on pensions later this year. The aim is to launch a consultation on a wide range of issues concerning the adequacy, sustainability, efficiency and safety of pensions. As part of this, the Green Paper intends to launch a thorough discussion about the regulation of private pension funds, with a possible revision of the IORP Directive.

It should be added that pension holders who hold their money in banks are – as other depositors – protected under Directive 94/19/EC[18] on Deposit Guarantee Schemes (DGS). This was amended last year by Directive 2009/14/EC[19], which stipulates, inter alia, that Member States shall ensure by 31 December 2010 that deposits at banks would be protected up to EUR 100 000 in the event of a bank failure (currently, the minimum coverage level required by the Directive is EUR 50 000). The Commission intends to come forward later this year with proposed amendments to the DGS Directive, aimed at further protecting depositors' savings and strengthening depositors' confidence.

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Question no 49 by Nessa Childers (H-0129/10)

Subject: Commission support for mental health care

While welcome initiatives have been launched recently to tackle concerns such as cancer and diabetes, there continues to be a lack of adequate support for people with mental health problems at both national and European level. Last week, three unrelated men living within 30 kilometres of each other took their own lives in my constituency. While these men were no doubt ill, they were also let down by a health service which required them to travel up to 100 kilometres to Dublin to seek help. Ironically, while suicide bereavement services exist in nearby towns, there are no services in any of these towns dealing with depression and mental illness, which would help to prevent such suicides in the first place. A strong initiative to tackle the epidemic of suicide and depression is overdue, and the problem is important enough to become a central concern of the new Commission.

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(16) OJ L 235, 23.9.2003.

(17) http://www.ceiops.eu/media/docman/public_files/publications/submissionstotheec/ReportonFundSecMech.pdf.

(18) OJ L 135, 31.5.1994.

(19) OJ L 68, 13.3.2009.

How does the new Commission intend to address these issues?

Is the Commission willing to make action to address the epidemic of suicide a key element of its new health agenda?

Answer

(EN) Mental health is an important public health challenge and a leading cause of illness in the EU.

The Commission is aware of the fact that suicide is often associated with mental health problems.

Since June 2008, EU-institutions, Member States and professionals from several fields have been working together and sharing good practice on mental health issues under the European Pact for Mental Health and Well-being.

In this context, in December 2009, the Commission co-sponsored, together with the Ministry of Health of Hungary, a conference on the 'Prevention of Depression and Suicide'. The conference highlighted that Member States should have policies in place against depression and suicide and discussed an evidence based framework for action against suicide.

Of course, the responsibility for focussing national health policies and health services on mental health requirements is the responsibility of Member States themselves.

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Question no 50 by Laima Liucija Andrikienė (H-0132/10)

Subject: Need for a common set of rules regarding arms sales to third countries

France has recently embarked on negotiations with Russia on the possible sale of four Mistral warships. Such talks have sparked claims from a number of EU Member States, including Latvia, Lithuania, Estonia and Poland, that the sale of Mistral warships would have negative consequences for their own security, as well as for that of some of the EU's neighbours. Those countries point out that the Mistral class is clearly offensive in nature.

Since the Treaty of Lisbon outlines common defence aspirations and includes a clause on solidarity in the area of security and defence, does the Commission see a need for a common set of rules, in the EU, concerning arms sales by EU Member States to third countries?

Is the Commission ready to initiate such discussions?

Answer

(EN) The export of military equipment from EU Member States to third countries is governed by Council Common Position 2008/944/CFSP, adopted on 8 December 2008. The interpretation and implementation of the Common Position is primarily a matter for Member States.

The Common Position contains a number of criteria which Member States are required to take into account in assessing requests for arms export licences. These include the preservation of regional peace, security and stability, and the national security of Member states as well as that of friendly and allied countries.

The Common Position requires Member States to 'assess jointly through the CFSP framework the situation of potential or actual recipients of military technology and equipment from Member States, in the light of the principles and criteria of this Common Position.' Such assessments take place regularly, inter alia, in the context of the Council Working Party on conventional arms exports, and at all appropriate levels, at the request of a Member State.

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Question no 51 by Mairead McGuinness (H-0134/10)

Subject: Unemployment among people with disabilities

Can the Commission outline its view as to the extent to which and how unemployment among people with disabilities and action to combat the rising numbers should form part of the EU's strategy on growth and jobs?

Does the Commission believe that within the European Employment Strategy guidelines specific indicators should be set for people with disabilities?

Answer

(EN) The Commission is aware of the difficulties facing people with disabilities in the European Union as regards access and retention in employment. Under the Lisbon Strategy for Growth and Jobs, the situation of disabled people on the labour market has been covered by the three overarching objectives outlined in Guideline 17 of the Guidelines for the employment policies of the Member States[(20)]. In the Commission's proposal for a Europe 2020 strategy, the priority of inclusive growth clearly addresses people with disabilities too. The Commission is also fully committed to a disability mainstreaming approach, and it will thus ensure that people with disabilities are able to benefit under all proposed flagship initiatives covering smart, sustainable and inclusive growth.

Specific indicators on the employment situation of people with disabilities could certainly be useful for the future European employment strategy. However, the lack of a consistent definition of disability across the EU is a major obstacle to identifying comparable indicators. Furthermore, the Commission underlines that the five headline targets proposed are representative of what Europe 2020 tries to achieve: high economic and employment growth (employment rate target), which is smart (R&D/innovation target and tertiary education target along with the early school leavers target), inclusive (reducing poverty target) and green (20/20/20 targets). The headline targets are not supposed to reflect all the aspects of Europe 2020 and should by definition be of a limited number.

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Question no 52 by Niki Tzavela (H-0140/10)

Subject: Energy Policy

In the energy sector, EU representatives have expressed a will to improve relations with Russia and have spoken of moving towards a business relationship.

There are two rival pipelines in the south-east of the Mediterranean: Nabucco and South Stream. South Stream will carry Russian gas. The Nabucco pipeline is ready for action, but there is no gas to supply it. With deadlock on the Turkey-Armenia issue blocking the way for gas to come from Azerbaijan, and the EU not willing to do business with Iran, where is the EU going to get the gas to supply Nabucco?

In a business context, is the Commission contemplating the possibility of holding talks with Russia on Nabucco and South Stream? Is the Commission thinking of ways in which the two projects could be collaborating rather than competing projects? If so, how will the Commission achieve this?

Answer

(EN) The Commission's objective is to ensure a high level of energy security. In this sense, the Commission is committed to opening the Southern Corridor and to act as a facilitator for the projects' promoters of any project which helps meeting that objective, notably in its contacts with third countries. The commercial aspects of the projects, however, are of the sole responsibility of the projects' promoters.

According to the information available to the Commission, there is enough gas in the Southern Corridor region to develop any of the Southern Corridor projects. As indicated to the Commission, the initial commitment needed for those projects is of approximately 8 bcma.

(20) http://register.consilium.europa.eu/pdf/en/08/st10/st10614-re02.en08.pdf.

To the Commission's knowledge, none of the Southern Corridor projects is strictly predicated on Iranian gas supply.

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Question no 53 by Ilda Figueiredo (H-0146/10)

Subject: European Year for Combating Poverty

At a number of visits to and meetings with organisations which play a role in the community, my attention has been drawn to the lack of visibility of the European Year for Combating Poverty and, above all, the lack of resources available to step up measures and activities in the field, given that, in Portugal, some 23% of children and young people up to the age of 17 are living in poverty.

The situation is extremely serious at present, with unemployment and precarious and low-paid work, which mainly affect young people and women, on the increase.

Will the Commission state what measures are already being taken as part of the European Year for Combating Poverty, what activities are due to take place and what funding is involved?

Answer

(EN) Children and young people tend to face a higher risk of poverty than the rest of the population. Two types of households are at greater risk than others, namely single-parent households with dependent children and 'large family' households, as is the case in Portugal.

Portugal has designated the Instituto da Segurança Social IP, a public body linked to the Ministry of Labour and Social Solidarity, as the national authority responsible for the organisation of Portugal's participation in the European Year for Combating Poverty and Social Exclusion and for national coordination.

Portugal is implementing the European Year's objectives through a partnership between the regional and local authorities, non-governmental organisations (NGOs), and the media. At national level, the following four priorities have been chosen:

contribute to reducing poverty (and preventing risks of exclusion) through practical actions with real impact on people's lives;

contribute to understanding poverty and its multidimensional nature and increasing its visibility;

empower and mobilise society as a whole in efforts to eradicate poverty and exclusion;

assume that poverty is a problem of all countries ('transcending borders').

Portugal will address the issue of youth during April 2010 and will focus on child poverty in June 2010. Several awareness-raising activities are underway, including regional events for the general public. Portugal has received positive feedback from the media and its large-scale online information campaign (comprising newsletters, a website and social networks) underway is one of the most successful among those of the participating countries.

The EU-cofinanced budget for the implementation of the European Year in Portugal amounts to EUR 600,000. In addition, the national communication and dissemination campaign, which includes seminars and other events, is entirely financed from national funds.

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Question no 54 by Jörg Leichtfried (H-0148/10)

Subject: Number of Members of the European Parliament following the entry into force of the Lisbon Treaty

Pursuant to Rule 11 of the Rules of Procedure of the European Parliament, which were amended on 25 November 2009, the future 18 Members may take part as observers in the work of the European Parliament until the additional protocol is ratified and do not have the right to vote.

How does the Commission intend to implement the Lisbon Treaty with regard to the additional 18 seats in the European Parliament?

What initiative will the Commission take in order to speed up the ratification of the additional protocol by the EU Member States?

What does the Commission intend to do in order that France complies with the conclusions of the European Council of 18 and 19 June 2009 and designates additional Members of the European Parliament?

Answer

(EN) The Commission has been asked by the European Council according to Article 48 (3) TEU to give its opinion on a proposal from the Spanish Government for the amendment Protocol (No 36) on Transitional Provisions. The Commission is currently preparing its opinion in order to contribute to the additional deputies taking up their mandate as soon as possible after the necessary treaty amendment and the ratification of the required act of primary law.

The ratification of the required act of primary law is a competence of the Member States. It is not in the competence of the Commission to influence this process.

The Presidency Conclusions of the European Council of 18 and 19 June 2009 stipulate in Annex 4 that in order to fill the additional seats, the Member States concerned will designate persons, in accordance with their national law and on the condition that they have been elected through direct universal suffrage, notably either in an ad hoc election, or with reference to the results of the European elections of June 2009, or by having their national parliament appoint, from its midst, the requisite number of members.

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Question no 55 by Cristian Dan Preda (H-0152/10)

Subject: The protection of the right to education in a minority language in Ukraine

Through what means and instruments does the European Commission guarantee that attention is focused on respect for the right to education in minority languages in its ongoing political dialogue with Ukraine? How does the Commission monitor whether, and ensure that, Ukraine fully implements the Association Agenda with regard to its commitments concerning the respect for minority rights? In the answer she gave on behalf of the Commission on 3 February to a parliamentary question by Ms Kinga Gál (P-6240/09), Ms Ferrero-Waldner declared that the Commission had noted the contents of Ukrainian Ministerial Decree No 461 (2008) and Resolution No 1033 (2009), as well as new provisions regarding school-leaving examinations, and would continue to monitor the situation. What have been the results of this monitoring process, and by what means does the Commission consider that access of minorities to education in their own language can be improved?

Answer

(EN) The relationship between the EU and Ukraine is based on common values including respect for human rights, the rule of law and democratic principles. These issues are discussed with Ukraine as part of the regular political dialogue between the EU and Ukraine and within the cooperation framework established by the Partnership and Cooperation Agreement. In particular human rights concerns are regularly raised at Summit Level, during the EU-Ukraine Cooperation Council and at the JLS Sub-Committee as well as in bilateral meetings and standard dialogue meetings.

In addition, human rights issues are extensively covered in the recently agreed Association Agenda (as was the case for the former EU-Ukraine European Neighbourhood Policy (ENP) Action Plan). The Commission reports regularly on the implementation of such commitments in its annual ENP Action Plan Progress Reports. The report for 2009 will be published shortly.

Further support for the promotion of human rights, rule of law and democracy is provided by the EU through the ENP Instrument (equivalent to 20-30 per cent of the National Indicative Programme 2011-2013), and other funding instruments that support local human rights organisations such as the European Instrument for Democracy and Human Rights as well as through the mechanisms and resources of the Eastern Partnership (for example the Platform on Democracy, Good Governance and Stability).

As regards the question of the treatment of minorities, notably in the area of education, the Commission continues to follow this issue closely. In the course of political dialogue meetings it has consistently raised with Ukraine the importance of respect for the rights of minorities and ensuring that provisions related to education do not discriminate either directly or indirectly against non-Ukrainian speakers. It has also discussed this issue with other relevant international organisations (Council of Europe, Organisation for Security and Cooperation in Europe (OSCE)). The Commission will continue to discuss this issue with its Ukrainian partners, in particular in the light of the recent changes of government in Ukraine.

The overall objective of the EU's multilingualism policy is to value all languages, including regional and minority languages. Respect for linguistic and cultural diversity is one of the cornerstones of this policy.

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Question no 56 by Iliana Malinova Iotova (H-0153/10)

Subject: Creation of a body to manage Black Sea fish stocks, separate from the General Fisheries Commission for the Mediterranean (GFCM)

The Black Sea is a sub-region within the remit of the General Fisheries Commission for the Mediterranean (GFCM). To date, however, only three Black Sea states (Bulgaria, Romania and Turkey) are members of the GFCM and only two of them are EU Member States. The three remaining Black Sea states (Ukraine, Russia and Georgia) are not part of the GFCM. This often hinders the collection of data on fish stocks and the environmental situation. Moreover, the GFCM has not yet adequately addressed the problems of the Black Sea: that much is clear from its annual session documents which make absolutely no mention of, for example, scientific research or projects for this marine area relatively new to the EU.

Does the Commission intend to initiate the establishment of a body for the Black Sea, separate from the GFCM, to monitor the state of the fish stocks and the ecosystem there?

While the Black Sea basin remains within the GFCM framework, does the Commission intend to put more practical emphasis on it with regard to fisheries management?

Answer

(EN) The General Fisheries Commission for the Mediterranean (GFCM) will deliver better results if the contracting Parties engage effectively and ensure the proactive participation of their scientists in the relevant working groups, as this represents an important first step in the overall decision-making process.

The GFCM has steadily expressed its commitment to reinforce its action in the Black Sea, in particular since its 32nd session in 2008, and in that context specific initiatives have been taken with the aim of formulating and implementing a cooperative regional research project. Nonetheless, the fact that for the time being only three out of six Black Sea states are members of the GFCM is a serious constraint to a more effective GFCM role in the region.

The Commission, given the EU's exclusive competence in fisheries matters and while enhancing GFCM actions in the Black Sea, stands ready to explore all possible initiatives to further promote cooperation in the region with a view to ensuring sustainable fisheries through an ecosystem approach to fisheries management, as a self-standing arrangement, or through the Convention on the Protection of the Black Sea against Pollution (Bucharest Convention).

The Commission supports a reinforced dialogue with all coastal states, to find common ground and agree on concrete cooperation projects, and in parallel to promote and enhance GFCM actions in the Black Sea.

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Question no 57 by Nicole Kiil-Nielsen (H-0157/10)

Subject: Safeguarding human rights in Afghanistan

On 28 January 2010 in London, the European Union backed Afghan President Hamid Karzai's national reconciliation plan and promised to help finance it.

Did the EU obtain guarantees that women's fundamental rights would be respected before approving and helping to finance this plan?

If national reconciliation is to be effected by the Afghans themselves, how does the Commission intend to ensure democratic rights are respected at the 'consultative peace jirga' to be held on 2, 3 and 4 May in Kabul?

At the Kabul conference planned for June 2010, will the EU make the provision of financial aid conditional on the Afghan Government fulfilling its commitments to introduce structural reforms in order to ensure good governance and free parliamentary elections and combat corruption?

Answer

(EN) The EU is strongly committed to upholding human – and in this context gender – rights in the context of its programmes and political dialogue with Afghanistan. The Commission therefore welcomes this question – which rightly highlights the enormous challenges Afghan women continue to face – and this despite some progress made in the field of legislation, notably in 2009. The Commission is pleased to inform that a COHOM[21] meeting in Brussels in December 2009 was dedicated only to the situation of women in Afghanistan, on the occasion of presentation of a report by Human Rights Watch and in the presence of various NGO representatives sharing their insights from the field.

A particular challenge will be the consolidation and further development of these rights in the context of those processes of reintegration and reconciliation – as set out on the occasion of the London Conference (28 January 2010). This process will be Afghan-led and details have not been finalised, only once these are known it be possible to examine possible EU support to the reintegration fund.

An important step in this context will be the upcoming Peace Jirga, from 2 to 4 May 2010 in Kabul. It will only be a first step and – to be noted – has no constitutional powers but will rather present an advisory voice on the process. Preparations are under way, notably with respect to the still evolving issue of participation, i.e. composition of Delegations. At this point in time it is already clear that women representatives will have a distinct role and place in this venue. Having said this, too little is known yet by the international community to assess the possible impact of the Peace Jirga in terms of 'gender and reconciliation'.

The Commission is also aware of concerns Afghan women themselves continue to raise these days publicly, involving notably parliamentarians and civil society representatives. The EU (together with EU Heads of Missions) will monitor any developments in this respect carefully, notably through its human rights experts on the ground.

The EU will continue to raise specific issues with the Afghan Government when this is warranted – in 2009 there were numerous interventions by the EU, in public and bilaterally on human rights issues, notably on media freedom and freedom of expression and the Shi's personal status law – and has done so already. In brief, there is no doubt that for the EU adherence to the Afghan Constitution and Afghanistan's international human rights commitments are a red line in the context of the planned reintegration process.

There is no conditionality of EU assistance with respect to human rights, instead EU assistance aims at strengthening Afghanistan's institutions – notably in the rule of law sector – as this is indispensable to empower Afghanistan to uphold the human rights standards to which it has committed itself. Furthermore, the EU raises these issues where appropriate through its political dialogue with the Afghan Government – and has done so, notably with respect to follow-up to the EU Election Observation Mission for last year's presidential elections.

It is important that the Kabul Conference should underpin the Afghan Government's commitments, not just on corruption – a central topic at London – but also on standards of political behaviour generally, including core governance issues such as the vetting of candidates for high office, transparent and effective electoral laws, disarming illegally armed groups and respect for human rights. Whether abandoning support to what is one of the poorest countries in the world could be risked because of a perceived failure to meet one or several of these objectives, would need to be carefully considered. The most important objective – from the political, economic and social point of view – must be to find a way to put an end to the violence. Without this, none of the targets will be met.

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[21] EU Council Working Party on Human Rights.

Question no 59 by Gilles Pargneaux (H-0163/10)

Subject: Ban on the production and marketing of dimethyl fumarate

In France, sofas and armchairs manufactured by the Chinese company Linkwise and containing dimethyl fumarate have been sold by the furniture chain Conforama. 128 people are known to have suffered ill effects from these 'allergenic' chairs and sofas. Following a number of serious health problems affecting consumers in several European countries (France, Finland, Poland, the United Kingdom and Sweden), the EU banned the marketing of products containing dimethyl fumarate from 1 May 2009 and ordered contaminated products that were still available on the market to be recalled for a period of at least one year.

Can the Commission say whether this temporary ban was followed by a definitive ban throughout the EU as a whole? Can it also say whether manufacturers in non-Member States can still use this unauthorised biocide and then export products containing dimethyl fumarate to the EU?

Answer

(EN) As reported in the Commission's reply of 12 March 2010 to the written question P-0538/10[(22)], the transitional ban of dimethylfumarate (DMF) in consumer products has not yet been followed up by a permanent ban. The proposal for such ban is still under preparation by the French competent authorities within the framework of the REACH Regulation[(23)]. It is expected that the proposal for the ban will be submitted to the European Chemicals Agency (ECHA) during April 2010. It is estimated that the evaluation of the proposal will take approximately 18 months from the submission to ECHA. At the end of the evaluation process, the Commission intends to prepare a proposal on DMF under REACH, on the basis of an opinion from ECHA. The measures that the Commission might propose will take into consideration the French proposal and the opinions of the ECHA committees.

On 11 March 2010, the Commission prolonged the temporary ban until 15 March 2011. The Commission intends to prolong the temporary ban on DMF in consumer products, as laid down in its Decision of 17 March [(24)], every year until a permanent solution is in force. Consequently, any consumer product containing DMF will remain banned on the EU market, including imports. The ban will continue to be enforced by the Member State authorities according to the arrangements laid down in the Commission's Decision of 17 March 2009.

Finally, it is important to recall that the use of DMF, which is a biocide, is forbidden in the EU for the treatment of consumer products according to the provisions of the Biocides Directive[(25)]. The problem with DMF substance is therefore limited to consumer products imported from third countries which were treated with DMF in those countries. As a result of the review of the Biocides Directive, in June 2009 the Commission adopted a proposal for a Regulation which, among other measures, allows import of products treated with a biocidal product(s) authorised in the EU[(26)]. The proposal is currently under examination by Parliament and the Council.

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(22) http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN.

(23) Regulation (EC) No 1907/2006 of Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, OJ L 396, 30.12.2006.

(24) /251/EC: Commission Decision of 17 March 2009 requiring Member States to ensure that products containing the biocide dimethylfumarate are not placed or made available on the market (notified under document number C(2009) 1723) Text with EEA relevance, OJ L 74, 20.3.2009.

(25) Directive 98/8/EC of Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market, OJ L 123, 24.4.1998.

(26) COM(2009) 267 final.

Question no 60 by Charalampos Angourakis (H-0165/10)

Subject: Strike-breaking measures against Egyptian fishermen

Striking Egyptian fishermen in the region of Michaniona have been subjected to attacks on their lives and physical integrity by thugs hired by their employers, while their right to strike is being flagrantly violated. In particular, during the strike, the Greek Manpower Employment Organisation (OAED) accepted false declarations submitted by the employers of 'voluntary departures' by strikers, without the approval of the fishermen concerned, thereby allowing large numbers of unemployed fishermen to be hired despite the fact that Law 1264/82 prohibits recruitment during a strike. Moreover, a ruling on the complaint filed by the Egyptian fishermen's trade union has been postponed until 14 April, thus giving the shipowners free rein to continue hiring strike-breakers.

Does the Commission condemn these attacks on immigrant workers by their employers, and the transformation of the OAED into a strike-breaking mechanism?

Answer

(EN) The Commission is not aware of the incident referred to by the honourable Member.

It considers acts of violence against workers as wholly reprehensible and entirely unacceptable.

Everyone has the right to respect for his or her physical and mental integrity. Everyone has the right to freedom of association, including in trade union matters. Furthermore, workers have, in accordance with Union law and national laws and practices, the right to take collective action, in cases of conflict, in order to defend their interests, including strike action. All these rights are enshrined in the Charter of Fundamental Rights of the European Union (Articles 3, 12 and 28).

However, according to Article 51, the provisions of the Charter are addressed to the institutions, bodies, offices and agencies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing EU law.

There is no European legislation specifically providing for the right to strike or governing the conditions of its exercise. Article 153 TFEU, pursuant to paragraph 5 thereof, does not apply to that right.

It is therefore for the competent Greek authorities, including the courts, to assess the legality of the strike at issue as well as the recruitment of staff during the strike, and to enforce the relevant national legislation, with due regard for the applicable international obligations of the Member State.

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Question no 61 by Pat the Cope Gallagher (H-0170/10)

Subject: Irish Government application for flood relief

In January 2010, the Irish Government submitted an application to the Commission for relief to assist those affected by flooding in Ireland in late 2009. Can the Commission provide an update on the status of that application?

Answer

(EN) The Irish application was received at the Commission on 27 January 2010 and was subsequently assessed by the Commission services. As the damage of € 500 million claimed by the Irish authorities remains below the normal threshold of 0.6% of GNI - which for Ireland currently represents € 935 million - the Fund could only be mobilised exceptionally if a number of specific criteria laid down in the Solidarity Fund Regulation are met.

The Commission services have written to the Irish authorities in March 2010 requesting additional information necessary to complete the assessment. Among other elements the Irish authorities need to specify the amount of damage caused which in the January application was qualified as 'to be confirmed' and 'indicative at this stage and subject to review'.

The Commission will decide on the application as soon as the requested information has been received and - if the criteria are found to be met - propose an amount of aid to Parliament and the Council.

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Question no 62 by Ivo Belet (H-0173/10)

Subject: Completion of the ring road round Antwerp

To be sure of complying with all provisions of the Tunnel Directive (Directive 2004/54/EC[27]), the Flemish Government has decided to refer to the Commission the preliminary draft plans for a new tunnel (to complete the ring road round Antwerp, as provided for in the decision on the Trans-European Networks).

Does the Commission have the powers to give formal confirmation that the preliminary draft plans are in conformity with the Tunnel Directive?

How much time does the Commission think will be needed in this case to assess the preliminary draft plans and deliver an opinion?

Do Commission departments themselves carry out on-site inspections to examine the safety report by the relevant inspection service in the light of the 2004 EU directive?

How does the Commission assess the plans to dig a TERN tunnel under a Seveso site, in this instance a Total petrochemical site? Is this feasible? Are there examples of such tunnels or tunnel projects elsewhere in the EU?

From the safety and environmental point of view, is the Commission more in favour of the construction of a bridge or of a tunnel to deal with traffic congestion on the European TERN routes?

Answer

(EN) The Commission is aware that a new tunnel, to complete the ring road round Antwerp, is currently under consideration. However, the Commission has not been officially informed of the said plan, nor has it received detailed information.

This tunnel, if built, must obviously meet the requirements of the EU legislation, and in particular the provisions of Directive 2004/54/EC[28] on minimum safety requirements for tunnels in the Trans-European Road Network.

Articles 9 & 10 and Annex II of this Directive detail the procedure for approval of the design, safety documentation and commissioning of a new tunnel. In all cases, an 'Administrative Authority' is designated by the Member State at national, regional or local level. This Authority has responsibility for ensuring that all aspects of the safety of a tunnel are assured and it takes the necessary steps to ensure compliance with this Directive.

Moreover, pursuant to Article 13 of the Directive, a risk analysis, where necessary, has to be carried out by a body which is functionally independent from the Tunnel Manager. A risk analysis is an analysis of risks for a given tunnel, taking into account all design factors and traffic conditions that affect safety, notably traffic characteristics and type, tunnel length and tunnel geometry, as well as the forecast number of heavy goods vehicles per day. The content and the results of the risk analysis must be included in the safety documentation submitted to the Administrative Authority. The whole procedure for risk analysis is to be launched by the Administrative Authority mentioned above. The Commission does not intervene into this process.

Subject to the provisions above, the Commission ensures the correct implementation of Directive 2004/54/EC by Member States; however, it does not have the responsibility or the power to assess the conformity of new tunnels with the provisions of the Directive. Consequently, it does not have to 'deliver an opinion', nor does it carry out on-site inspections.

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(27) OJ L 167, 30.4.2004, p. 39.

(28) Directive 2004/54/EC of Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network, OJ L 167, 30.4.2004.

The land-use planning Article 12 of the Seveso II Directive 96/82/EC[29] provides that Member States shall ensure that the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in their land-use policies and/or other relevant policies, and in particular take account of the need, in the long term, to maintain appropriate distances between establishments covered by the Directive and major transport routes as far as possible. The Article requires the control of, among other things, new developments such as transport links in the vicinity of existing establishments where the developments are such as to increase the risk or the consequences of a major accident. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this field set up appropriate consultation procedures to ensure that technical advice on the risks arising from the establishment is available when decisions are taken. Responsibility for ensuring compliance with these rules lies with the competent authorities of the Member State. The Commission does not dispose of information about such developments in the EU.

As to the choice between a tunnel or a bridge, the Commission does not favour a priori any specific option. An environmental impact assessment and a safety impact assessment need to be carried out in conformity with applicable EU legislation under the responsibility of the competent authority in order to determine the preferred option in each specific case.

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Question no 63 by Peter van Dalen (H-0177/10)

Subject: Mass atrocities in Nigeria

Is the Commission aware of the most recent mass atrocities having taken place in Plateau State, Nigeria, on 19 January 2010 and 7 March 2010?

Is it aware that these mass atrocities are no isolated incidents, but rather part of a continuous cycle of violence between different ethnic and religious groups in central Nigeria?

Is it aware of reports that local authorities have sometimes been involved in the violence, and often act only as passive bystanders?

Will it urge the Nigerian Government and public authorities to do more to stop the cycle of violence between ethnic and religious groups in central Nigeria by: stepping up security for communities at risk, including those in rural areas; bringing the perpetrators of mass atrocities to justice; and addressing the root causes of sectarian violence, including social, economic and political discrimination against certain segments of the population?

Answer

(EN) The Commission took action to ensure immediate response to the recent outbreaks of violence in and around Jos during January and March 2010. As soon as news emerged about the conflicts, the Commission services in charge of development aid and humanitarian aid were in contact with the International Red Cross of Nigeria and other local agencies. These agencies were able to confirm that the humanitarian needs of most victims were being met, and that hospitals were able to cope with the inflow of casualties.

The return of Nigeria to democracy in 1999 has seen improvements in human rights but also an increase in tensions and violent conflicts particularly in the central states. In the last ten years violent conflicts have caused the death of over 14 000 people in Nigeria and left over three million internally displaced people. Violence is triggered by a multitude of factors including competing ethno-linguistic groups and competition for access to resources. Religious differences often fuel and amplify existing differences leading to larger clashes. Measures being undertaken by the EU in Nigeria combine immediate diplomatic efforts with longer-term development cooperation.

The EU was amongst the first of Nigeria's international partners to make public its views on the violence that broke out in Jos. In January 2010 the High Representative for Foreign Affairs and Security Policy and Vice President of the Commission, Baroness Ashton, issued a statement jointly with US Secretary of State, Hillary Clinton, British Foreign Secretary David Miliband, and French Foreign Minister Bernard Kouchner, expressing

[29] Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances, OJ L 10, 14.1.1997.

deep regret at the violence and tragic loss of lives in Jos. The statement urged all parties to exercise restraint and seek peaceful means to resolve differences. It also called on the Federal Government to bring the perpetrators of violence to justice and to support interethnic and interfaith dialogue.

Further declarations were issued by the EU on Nigeria in February and March 2010 calling for stability, and underlining the importance of the rule of law, responsible governance and the promotion of accountability. In March 2010 the EU Delegation in Abuja conducted a diplomatic démarche with the Nigerian Ministry of Foreign Affairs, in order to convey condemnation of the most recent outbreaks of violence in the villages around Jos.

Regarding the conflicts in Jos in January and March 2010, the military played a key role in stepping in to bring the situation under control and preventing the spread of violence. Nevertheless there have been reports of extrajudicial killings by the military and also by police. As yet there is no independent, verifiable confirmation on the numbers of deaths and displaced from the conflicts in January and March 2010, nor on allegations on the role of the Army.

As the honourable Member is aware, inter communal conflict in Jos has been a regular occurrence: major clashes took place in 2001, 2004 and 2008. The outbreak in 2008 led to a particularly high number of fatalities, following which the State Government of Plateau launched an enquiry. In November 2009 the Federal Government launched a federal-level enquiry. The findings of the State level enquiry have not been released, and the Federal Government enquiry has still not concluded. The EU has asked the Federal Government of Nigeria to ensure an investigation of the causes of the most recent violence as well as to bring the perpetrators of violence to justice.

Under the European Development Fund (EDF), the EU supports development cooperation in the African, Caribbean and Pacific (ACP) countries, including Nigeria. The two most important sectors for support in Nigeria under the cooperation programme are peace and security, and governance and human rights

The EU actively promotes peace and security through its political dialogue with Nigeria under Article 8 of the revised Cotonou Agreement in which supporting policies for peace play a prominent role. The EU attaches particular importance to the rights of freedom of religion, belief and expression in its dialogues with third countries. Freedom of thought, conscience, religion and belief is one of the fundamental human rights and as such is enshrined in a number of international instruments. Under Article 8 of the Cotonou Agreement, the EU engages in regular political dialogue with Nigeria on human rights and democratic principles, including ethnic, religious and racial discrimination.

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