

TUESDAY, 10 MARCH 2009

IN THE CHAIR: MRS ROTHE

Vice-President

1. Opening of the session

President. – I declare open the 2009-2010 session of the European Parliament.

2. Opening of the sitting

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

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

4. Decision on urgent procedure

President. – The next item is the vote on the use of the urgent procedure for the proposal for a Council regulation establishing a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.

Philippe Morillon, Chairman of the Committee on Fisheries. – (FR) Madam President, ladies and gentlemen, the request for application of the urgent procedure put before us this morning, in implementation of Rule 134 of the Rules of Procedure, was submitted to us by the Council last week and relates, as you said, to the proposal for a Council regulation establishing a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean.

The aim of this proposal is to implement the new recovery plan, as recommended for these areas by the International Commission for the Conservation of Atlantic Tunas at its meeting last November.

As the Council pointed out in its request for application of the urgent procedure, this regulation needs to come into force before the start of the main fishing season on 15 April, which means that the obligatory consultation of this Parliament needs to be carried out in this plenary session so as to pave the way for a political agreement within the Council in the coming weeks.

In view of this, and of the fact that the European Union needs to meet its international commitments and to do its part in the crucial efforts to deal with the acute crisis in bluefin tuna stocks, the European Parliament's Committee on Fisheries has unanimously approved this request for application of the urgent procedure. I therefore encourage you to confirm this approval in this morning's vote.

(Parliament adopted the urgent procedure)

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José Ribeiro e Castro (PPE-DE). – (PT) Madam President, just a brief point of order about the agenda for this week. Wednesday 11 March is the European Day for the Victims of Terrorism. This day was proposed in the first place by Parliament in a vote that took place on 11 March 2004. We were then debating an assessment of the area of freedom, security and justice. It was the day of the tragic attacks in Madrid. It was originally proposed for 11 September but, given the tragedy that occurred on that day, Parliament voted for it to be on 11 March.

Several days later, on 25 March if my memory serves me correctly, the European Council adopted this date as European Day for the Victims of Terrorism. Yet now, we have a plenary sitting tomorrow – 11 March – and I see from the agenda that there is not even a memorial of any kind. I would like to know if something of this sort is planned for this week's part-session.

President. – Mr Ribeiro e Castro, it is my understanding that the President will make a statement tomorrow at the opening of the plenary about the day you refer to and the special circumstances. This will play a part in that regard.

5. Type-approval requirements for the general safety of motor vehicles (debate)

President. – The next item is the report (A6-0482/2008) by Mr Schwab, on behalf of the Committee on the Internal Market and Consumer Protection, on the proposal for a regulation of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles [COM(2008)0316 - C6-0210/2008 - 2008/0100(COD)].

Andreas Schwab, rapporteur. – (DE) Madam President, Commissioner, ladies and gentlemen, I would like to start – and not for the sake of formalities but out of genuine feeling on my part – by offering my heartfelt thanks to Commissioner Verheugen, the Commission, its staff, the Czech Presidency, which is unfortunately unable to be with us today, and those on the committee for their positive and constructive cooperation on this dossier.

If you look into how environmentally-friendly measures for cars can be achieved, you are sometimes surprised that so much time is spent looking into other measures. I think that we, as Parliament, as a European body, have together taken an important step forwards that has not, so far, really managed to demonstrate its importance to the general public or in the political debate.

The regulation that we are passing today is environmentally friendly since, as part of the CO₂ package, it represents an important contribution, on the part of European policy, to the reduction in CO₂ emissions from motor vehicles. At the same time, however – and I would call this clever environmental policy – it also helps consumers – drivers – to pay less while, at the same time, acting in an environmentally-friendly manner, as it leads to considerable savings, not only in terms of CO₂, but also in terms of the consumption of petrol and diesel. In addition, it also – and this, too, is an important point that was particularly important to Parliament and its Members – leads to improvements in the safety of European roads, and not only in relation to goods vehicles, but in relation to cars as well.

I have no intention of going through the individual points of the regulation headline by headline, but I do think that there are a few important political signals that we should go into at this point.

The first point is that, by introducing a mandatory tyre pressure monitoring system for motor vehicles, we will be bringing about a situation whereby better tyre pressure, through an improved driving performance of tyres that the tyre industry is capable of realising, will see drivers in Europe consume up to 5% less fuel without seeing the costs rocket. A tyre pressure monitoring system that is already on the market costs around EUR 100, sometimes significantly less, and the resultant cost savings for consumers will be significantly above that.

The second point that I think merits special attention is the fact that we have succeeded in obtaining the mandatory fitting of a stability system – known as the ESP system – into vehicles as early as 2011 and that we did this not against the will of the European motor industry but with its express participation and support, as this will lead to a considerable improvement in safety on European roads. Unfortunately, due to the fact that the relevant technical specifications were not yet sufficiently ready, we did not manage to also secure the mandatory fitting of the emergency braking systems and the lane departure warning systems – I apologise for these somewhat technical terms, which do not generally come up in the public debate on this issue – by the year 2018 in goods vehicles, in particular. This measure will lead to a significant improvement in the safety of European roads, especially of our motorways. All I can say is that this could reduce the numbers of deaths and injuries by around 35 000.

Finally – and there are still a few differences of opinion on this issue – we have also brought about a situation through this regulation whereby tyres will produce considerably less noise. This does involve some costs, it is true, and for that reason, we thought it was particularly important to include text in the regulation stating that the reduction in noise emissions by road traffic cannot be solely down to tyre manufacturers and, indirectly, consumers, but that it is also a responsibility of the Member States in terms of the road surfaces they provide, and I am extremely grateful that the Council did, in the end, adopt this stipulation.

I thank you for your cooperation and I look forward to an interesting debate.

Günter Verheugen, *Vice-President of the Commission*. – (DE) Madam President, honourable Members, I, too would like to begin by expressing thanks, in this case to the rapporteur, Mr Schwab, and to those Members of this House who participated in the preparatory work, for their truly constructive and engaged cooperation, which makes agreement right at the first reading possible.

What we are actually dealing with here is what appears to be a very technical regulation, yet it is a regulation with a large and far-reaching political significance. What we are aiming to adopt today represents a milestone when it comes to improving road safety. This regulation will make European cars safer. It is a milestone in terms of the environmental compatibility of European vehicles, as environmental compatibility, of course, is something that will not only be achieved through producing more fuel-efficient engines – cars also offer other entirely different options for saving fuel and reducing pollution. At the end of the day, it will also form an important part of our policy of better lawmaking, as it will lead to a truly drastic simplification of the entire regulatory environment.

Allow me to begin with the aspect of safety, which was the most important element in this project. Road safety in Europe is still an issue that demands our earnest attention and that causes us great concern. The rules that we are laying down here, and that will apply as standard to European cars from 2011, will lead to 35 000 fewer deaths and serious injuries a year on Europe's roads. The introduction of the electronic stability programme for passenger cars and for commercial vehicles, in particular, can save almost 3 000 lives a year and prevent serious injuries for 25 000 people. This is, ultimately, a piece of safety equipment which, especially when it comes to goods vehicles, which are often involved in serious accidents, has only rarely been used up to now. The costs to manufacturers will be far outweighed by the overall economic benefit.

This package of measures will play a considerable part in implementing the European Strategy to reduce CO₂ emissions from passenger cars and light commercial vehicles. It makes low rolling resistance tyres mandatory and requires the installation of tyre pressure monitoring systems and gear shift indicators. These measures will reduce average CO₂ emissions by 6 to 7 grams of CO₂ per kilometre. That is, therefore, a really very noteworthy contribution. What is more, I do not wish to miss the opportunity to point out that this proposal will lead to a significant reduction in noise pollution from roads since reducing tyre noise levels will bring about a significant improvement in this situation.

Allow me, at this point, to stress once again that we can only achieve sustainable mobility in Europe if, as part of an integrated approach, we include the potential of all the factors that are involved here, which means the vehicle itself – which is what we are discussing today – but we also have to discuss the transport infrastructure and the driving behaviour of the people involved. I am very pleased that that is exactly how the European Parliament sees it.

As for simplifying the legislation, this regulation will bring about an impressive simplification of the regulatory environment. This single regulation will rescind 50 existing directives and, wherever possible, replace them by international rules. Lower administration costs, better transparency and greater international harmonisation will mean noteworthy savings for the industry, and that will help reinforce its competitiveness. At the same time, the Member States will benefit from reduced spending on administration.

When it comes to cars, it is scarcely possible not to mention the fact that the European motor industry currently finds itself in a very serious crisis, the most serious for decades. It is natural, therefore, to wonder whether this is the right time to be implementing technical regulations. Let me be quite clear in my response to that, when I say that what we are aiming to adopt here today is one of the results of the CARS 21 process, in which we worked intensively with manufacturers, the Member States and civil society on how the framework for the European motor industry will look in future and how we envisage the European car of the future. I would like to emphasise strongly that, even in this crisis – and specifically in this crisis, in fact – European manufacturers must not slacken off when it comes to developing and bringing onto the market cars that meet the requirements of the early 21st century, and those requirements are quite clear. Consumers want vehicles that use less fuel, are better for the environment and are safer.

The vision for the European car of the future that resulted from CARS 21, and the common line of all the participants when it came to the future of this industry, is exactly that – what we want is for Europe to send out to face the international competition not only qualitatively the best cars, but also those that consume the least, are the most environmentally friendly and the safest, and I am absolutely convinced that, with products like that, the European industry will retain its leading position in the international vehicles market. Thank you very much.

Jorgo Chatzimarkakis, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – (DE) Madam President, Commissioner, I would like, first of all, to congratulate Mr Schwab on the compromise that he has produced in collaboration with the Council. Not every issue was covered, but that is the way with compromises.

The introduction of mandatory safety systems for vehicles is something I particularly welcome. The mandatory introduction of new safety technology such as ESP will mean that, in future, it will not only be those who buy premium cars who will benefit from a higher standard of safety on the road, but also the drivers of goods vehicles. In doing this, we are making a crucial contribution to the safety of Europe. This must also unconditionally apply to tyre safety.

It is right to clearly class the wet grip, and thus the safety, of tyres as more important than rolling resistance, which helps reduce CO₂ emissions. Tyres' rolling resistance, depending on the driving conditions and speed, accounts for 20 to 30% of fuel consumption. It is therefore clear that, given the current environmental debate and in order to reduce petrol costs, a reduction must be achieved. However, it is necessary to realise that, without rolling resistance, which occurs through the deformation of tyres and their elastic properties, safe and comfortable driving would be impossible. We therefore have to see safety in another light here, too. The new developments by the tyre manufacturers show that it is possible to have both safety and lower rolling resistance. In this way, we will also enable the European motor industry to take, and retain, a world lead.

The compromise motions that we will be voting on tomorrow send a clear signal away from the CO₂ hysteria and towards greater road safety.

Malcolm Harbour, *on behalf of the PPE-DE Group*. – Madam President, on behalf of my group, I would like to thank my colleague, Andreas Schwab, for handling a very complex dossier very skilfully. We should also perhaps say in the absence of Council that the negotiations there have been tough but fair, and we have a very good outcome.

I would like to pick up on a number of points built on what the Commissioner said. I am privileged to have been part of the Cars 21 initiative from the very beginning, and we are now seeing the impact of that integrated approach. This is important terminology and a classic example of how a number of different provisions have been brought together in a rolling update of the regulatory framework affecting motor vehicles, but one which the industry is expecting.

We set down a road map in Cars 21 about the environmental and safety challenges that we expected the industry to meet, and the crucial thing there is to give them stability and knowledge so that they can plan and design their new products in a sensible and sequenced way, albeit with demanding deadlines and targets. We do not want to resile from those challenging targets, but to give them that stability. As Günter Verheugen pointed out, with the industry in such a dire position at the moment because of a lack of demand, that regulatory stability is crucially important.

I would like to highlight two points. Firstly, the agreement to bring in electronic stability control systems at the earliest possible date is a very major contribution to safety and I very much welcome that. Those of us who have had the opportunity to test those systems will understand their efficiency. Secondly, I want to highlight issues around the international framework, the repeal of the EU directives and their incorporation into national legislation. I welcome that, but I think it is now more important than ever, Commissioner, that that process becomes much more transparent about the line the Commission is taking on negotiating those directives which are being done in another body, a UN body, and not within this House.

Gary Tittley, *on behalf of the PSE Group*. – Madam President, let me begin by congratulating Mr Schwab on his report and thanking him for his extremely cooperative approach to this whole matter.

Last Thursday night, a colleague of ours, Linda McAvan, was involved in a very serious car accident. Her car was destroyed, but she walked away relatively unhurt. This was because the car she was driving had the most modern safety features and this enabled her not to be seriously injured. That is the context in which we are discussing this report. Road safety saves lives, as Commissioner Verheugen commented, and is so important to the well-being of many families in the European Union. We should not lose sight of that, even in these very difficult times.

That is why I was determined to oppose those people in this Parliament and in the Council who wanted to weaken this Commission proposal. I believe the original Commission proposal is a very good one, and we were determined to resist changes to it.

There was one main weakness, however, in that proposal, which is that there was no provision for the selling off of tyres that did not meet the new requirements after the implementation date. I believe that to be a major flaw. That is why I proposed to the committee – and the committee accepted – an amendment stating that tyres that did not meet the standards after the implementation date should be sold off after 12 months.

However, in the current circumstances of the car industry, given that cars are not being sold, it was quite clear in the discussions we had with the Council that, in fact, 12 months was probably unrealistic, and we had to consider the serious environmental consequences of getting rid of tyres that are perfectly good and sound. Therefore, we were prepared to accept, in the trialogue, 30 months after the implementation date as being the period before which tyres not meeting the requirements should be sold off. However, thanks to the intervention of Mr Schwab, if the Commission believes that there could be an earlier date, that is provided for in the comitology procedure. This was an important area of strengthening.

I would also draw attention to the important environmental measures – particularly tyre pressure monitoring systems – which will not only save on CO₂ but also make cars safer, because under-inflated tyres are a cause of many accidents. We have reduced rolling resistance and included gear shift indicators in this proposal, which was not in the original proposal. This will not only benefit the environment but also save motorists money – it is cash in people's pockets, which is very important at this time.

The point about safety has been well made. As I say, tyre pressure monitoring systems are very important, because under-inflated tyres – much to my shame, the United Kingdom is one of the worst culprits for having under-inflated tyres – are a cause of accidents. Lane departure warning systems and electronic stability control are also important. I congratulate Mr Schwab on bringing the implementation of these forward by a year, because they will be of major advantage in terms of safety.

As Mr Harbour and the Commissioner have pointed out, simplification is part of this proposal and that is very important.

Finally, I would draw attention to what we have done in terms of demanding greater emphasis, in road services, on reducing noise. This is because road traffic noise is a cause of stress, and stress is a cause of ill health and, indeed, of fatalities, and it is therefore important to address that issue.

Olle Schmidt, *on behalf of the ALDE Group*. – (SV) Madam President, Commissioner, this is a constructive report with clear environmental and safety objectives. The committee was clear with regard to noise and health. As many as 210 million Europeans are currently exposed to traffic noise which, according to the World Health Organisation, presents a direct danger to health. Tackling tyre noise is not the only way to reduce traffic noise, but the best results are achieved by a combination of measures, of which dealing with noise emitted by tyres constitutes an important part.

Some people, perhaps even some in this House, say that there is conflict between noise emissions and the safety properties of tyres. There is no evidence for this in any of the detailed and independent studies carried out. I am therefore disappointed that the compromise does not reflect what we voted through in the committee. As regards lorries, 90% of tyres already meet the noise levels contained in the compromise. This is not what we would call a high level of ambition, unfortunately.

Seán Ó Neachtain, *on behalf of the UEN Group*. – (GA) Madam President, I would like to welcome this report and congratulate Mr Schwab on its development.

We must welcome anything which makes roads safer. Certainly, the vehicle itself is the most important aspect of this, as well as ensuring that vehicles are of a safer standard.

As the Commissioner said, this is the consolidation or combination of more than 50 other rules. I welcome this simplification because all over Europe, vehicles that are manufactured need to be of the highest standard and vehicle manufacturers need to be responsible for achieving this standard – not only in relation to car tyres, but also in relation to the other aspects mentioned here this morning, such as electronic control and other modern features which ensure that the cars and the vehicles we put on the road are of the best possible standard.

Heide Rühle, *on behalf of the Verts/ALE Group*. – (DE) Madam President, I, too, would like to thank the rapporteur and the shadow rapporteur, and in particular Mr Titley and the Commission, for this sound proposal.

My thanks to the Czech Presidency, on the other hand, are somewhat more ambivalent. I have to say that we were put under heavy pressure by the Council in this dialogue and that the Council showed little ambition. Quite the opposite, in fact, in that the Council warned us in advance against setting our demands too high so as not to jeopardise the manufacturers in these times of economic crisis. I see this completely differently, and I think that the majority in this Chamber does too – particularly in times of economic crisis, what we need is clear standards and for the European industry to be motivated and given incentives to set its standards high and develop models for the future, and not for the current situation. Energy efficiency and CO₂ emissions clearly play a very important role in this.

The issue of safety is clearly also important, while the issue of minimising noise, which was given short shrift in this debate, must also not be overlooked, as more and more people are falling ill as a result of noise, with the attendant high costs for society. For that reason, it is also important that this regulation should be in line with relevant standards.

Overall, we have achieved a good compromise. We did not sign the first reading agreement as we were critical of the procedure and also of the pressure from the Czech Presidency, but we can live with this compromise, and we, as a group, will be voting for it.

Jim Allister (NI). – Madam President, overnight we have had another terrorist murder in my constituency of Northern Ireland. Before turning to the subject in hand, let me take a moment to express condolences to the family of my policeman constituent who has been so brutally murdered by the IRA and to condemn this further act of gross terrorism.

With regard to the matter before the House, I would have to say that I am rarely lobbied in my constituency in favour of an EU regulation and I suppose I would have to say that on even fewer occasions am I persuaded. On this occasion, however, I was pleased to be persuaded, because this proposal contains provisions which both improve road safety and happily assist a company in Northern Ireland which is at the cutting edge of technology and production of tyre pressure monitoring systems. Thus a proposal which makes the fitting of such systems mandatory is not just good for road safety; it is also good for jobs in my constituency.

With devastating levels of road deaths across the EU, measures which make our cars – and thus our roads – safer have to be welcome. It is one area above all where regulation has a definite role to play. It should be sensible, rational and necessary regulation, not regulation for regulation's sake. On this occasion, however, I think that this report has got the balance right, and I congratulate the rapporteur on his report.

Zuzana Roithová (PPE-DE). – (CS) Madam President, ladies and gentlemen, I appreciate the high degree of professionalism shown by Mr Schwab in amending the draft regulation of the Commission to include measures which will increase the competitiveness of the European car industry while, at the same time, enabling Member States to monitor effectively market adherence to motor vehicle type approval requirements. For example, by checking tyre pressures, we can reduce fuel consumption and thus also emissions, and by introducing modern electronic drive control systems in 2011, a reduction in the number of accidents on European roads will be achieved one year earlier. Noise reduction is another benefit and one which relates both to tyres and road building. This regulation will reduce the administrative burden and will simplify legal regulations in accordance with the UN agreement on unifying vehicle requirements. This regulation is an excellent example of integrated legislation and I am delighted that the Czech Presidency was well prepared for it and that an agreement between Parliament, Mr Schwab and the Council will therefore be reached at first reading.

Wolfgang Bulfon (PSE). – (DE) Madam President, a difficult compromise has been reached and I am of the opinion that Mr Schwab has produced a masterpiece here, so from now on, I will be referring to him as Grand Master Schwab.

In order to increase the safety of car drivers on Europe's roads, the early introduction of the ESP anti-lock braking system is particularly welcome. In addition, the fact that the wet grip values for tyres will, in future, be improved again is something that is to be viewed as a positive development, as is the fact that tyre pressure monitoring systems, lane departure warning systems and advanced emergency braking systems are to be considered for other categories of vehicle.

I would, however, like to criticise the fact that the manufacturers have gone ahead with higher tyre noise levels for goods vehicles and I likewise do not welcome the failure to introduce safety measures other than the ESP earlier than is proposed.

I would, furthermore, like to point out that no precise specification of the performance requirements with regard to winter tyres' ability to initiate or maintain vehicle motion was included in the compromise with the Council. I personally find it incomprehensible that no specification of the required driving properties on black ice or mud, for example, was made.

Class C1, C2 and C3 tyres that do not meet the provisions of this regulation as set out in Annex 1 will now be permitted, under the compromise on transitional periods, to be sold for a further 30 months. Parliament had envisaged a 12-month transitional period for this, which would have been what was necessary here.

In closing, I would like to remind you all, once again, of the 180 km/h maximum design speed, as I believe this to be a very sensible measure.

Toine Manders (ALDE). – (NL) Madam President, I should like to thank Mr Schwab for his commitment, as he was simply left with his back to the wall at the trialogue. When I studied European law, codecision powers were evidently quite different from today.

The first-reading deal that we now have before us, which was negotiated by four MEPs – including myself as shadow rapporteur – differs markedly from the text adopted by Parliament. This differs from the Commission proposal – the economic crisis was misused to submit an atrocious proposal. Indeed, everyone complains that it lacks substance, and yet it is evidently being accepted.

In the opinion of the Group of the Alliance of Liberals and Democrats for Europe, democracy and the role of Parliament are being undermined. After all, if the text adopted by Parliament at first reading is not included in the trialogue negotiations, a second reading is needed, as that is the way it works. We also think that it sends out a bad signal when four Members agree to a text in trialogue and the whole House simply follows suit.

The ALDE Group will be voting against this proposal for reasons of principle. This is mainly for procedural reasons and not because we consider the contents poor, although there is much room for improvement there.

Avril Doyle (PPE-DE). – Madam President, I want to raise a related matter. The Commission will know that three 'F' gases are among the six major greenhouse gases. I was rapporteur on the Mobile Air Conditioning (MAC) Directive relating to their use in mobile air conditioning.

It would appear that loopholes are being exploited between that legislation and type approval legislation, which was the tool chosen to implement the directive. I have been alerted over the last few weeks to plans by car manufacturers to avoid any refrigerant change at all, in 2011 and beyond, by applying type approval of certain components. This would mean that the deadline for prohibition of the use of R134a would now be 2017 rather than 2011. Hence, the avoidance of tonnes of CO₂ equivalent emissions will no longer happen.

National type approval authorities are ultimately responsible for the implementation of the MAC Directive. For example the VCA, which is the type approval authority in the UK, has recently stated that it will approve, after January 2011, new types of vehicles fitted with existing – already approved to Regulation (EC) No 706/2007 standards – MACs containing 'F' gases with a GWP greater than 150. As a consequence, we have evidence of car manufacturers delaying – if not stopping altogether – development and investment in innovative sustainable technology. Can the Commissioner please comment?

Günter Verheugen, Vice-President of the Commission. – (DE) Madam President, ladies and gentlemen, at this point, I can but offer my sincere thanks for the broad support for this proposal from all sides of the House. What we have, of course, is a compromise, and there is always scope to want a little bit more in such cases. I can also say that I, personally, and the Commission would have been prepared to go a step further. What we have now is what we were able to achieve, however, and it represents a major step forward.

In particular, I would like to emphasise once again what Mrs Rühle said. Politically speaking, the crucial thing, especially in this situation, is to improve European vehicles in areas that will be crucial in future. One thing is quite clear, and that is that the crisis in demand is not just the result of the general economic conditions and the economic uncertainty but also has something to do with the fact that the vehicles that European manufacturers are offering have perhaps failed to meet the requirements of the European market in recent years where fuel consumption, environmental friendliness and safety are concerned. That is why it is so important that this is now quickly rectified.

Please allow me to say something about the issue that Mrs Doyle mentioned. I am aware that there is an erroneous interpretation of the requirements pertaining to type-approval in a number of Member States – as you have just quite correctly pointed out – but it is an erroneous interpretation, one which is not in line with the legal framework that is in place. The Commission will ensure that the necessary clarifications are issued and that the negative consequences that you have highlighted, Mrs Doyle, will not occur.

Andreas Schwab, *rapporteur*. – (DE) Madam President, ladies and gentlemen, I am, of course, pleased by the congratulations, but I must say that, in the trialogue, you are only ever as strong or as quick as those you are working with. I am therefore happy to share the credit for Mr Bulfon's compliment with all of you.

I must say, however, and I think this is extremely important, that I did not feel pressurised by anyone, nor did I feel under political pressure. The only difficulty that there was in this legislative proposal – and I do not want to hide this, it was also discussed a little – was, of course, that of framing this ambitious legislation so that we would not be losing jobs in the European Union, but safeguarding them. This balance was not always easy to achieve on individual points, but I believe that, in the end, we did find a very sound middle ground solution that satisfies all the interests.

All the same, I have to say that, for all the processes that we have settled in trialogue over recent weeks or months, there was repeated criticism that things were moving too quickly. That is something that we could certainly discuss at the beginning of a parliamentary term and then stick to for that entire term, but there should be no criticism that processes are democratically unsound at the end of a term – the time when particular issues are being resolved – after three years of participation in such a process here in Parliament. I accept the criticism, but I think that this issue is something that would need to be resolved immediately after the elections for the entire parliamentary term.

It is also important for this proposal to be put back in the context of Mr Sacconi's proposal, which has been successfully passed. His proposal was about reducing the CO₂ emissions from motor vehicles to 130 grams, with 10 grams to be envisaged for additional measures. One part of these additional measures has now been regulated. I cannot wait to see how we will take up the rest of these grams that have yet to be decided and what proposals the Commission will put forward for Parliament to decide upon.

I might add that, when it came to the issue of the transitional period, we had to find a middle path, from an economic point of view. We have not laid down the 30-month period conclusively, but instead, the Commission is to carry out another impact assessment for each individual type of tyre, on the basis of which we can then decide until when the deadline can run for each type. It is my belief that it makes the most sense economically to remove tyres lawfully produced in the European Union as quickly as possible from circulation, but only when the market really offers the proper potential to do that. I would like to close, therefore, by offering my sincere thanks, once again, to all those who were involved.

President. – The debate is closed.

The vote will take place today at 12 noon.

Written statements (Rule 142)

Ioan Lucian Hămbășan (PPE-DE), *in writing*. – (RO) First of all, I would like to congratulate Mr Schwab for the balanced report he has compiled. This report meets the needs of the industry by creating simplified, transparent legislation through replacing no fewer than 50 basic directives, thereby reducing the administrative burden. We are therefore helping a competitive car industry.

It is important for all of us to make Europe's roads safer and reduce the number of fatalities and serious injuries by introducing standard equipment. The ESP system must become accessible to everyone and no longer be an optional extra. Obviously, we must not forget either the impact on the environment which the new tyre pressure monitoring system will have, with its reduction in carbon dioxide emissions. This will also be accompanied by a reduction in noise and sound pollution in general. New technologies will enable us to have safer, greener cars.

6. Integrated pollution prevention and control: industrial emissions, titanium dioxide industry, use of organic solvents, incineration of waste, large combustion plants (debate)

President. – The next item is the report (A6-0046/2009) by Mr Krahmer, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast) [COM(2007)0844 - C6-0002/2008 - 2007/0286(COD)].

Holger Krahmer, rapporteur. – (DE) Madam President, Commissioners, ladies and gentlemen, we will shortly be voting on the directive on the prevention of industrial emissions. The Committee on the Environment, Public Health and Food Safety adopted a series of compromises by a large majority. I hope that we can hold that course, as these rules will harmonise the environmental requirements for industrial installations across the EU. Doing so improves the protection of the environment whilst, at the same time, ensuring fair competition.

At the heart of the compromises is the European safety network. This concept introduces Community-wide limit values for pollutant emissions by industry. These define clear requirements for the licensing of industrial installations. In order to obtain a permit, they must be better than the specification from the safety network. This approach allows sufficient room to manoeuvre to set individual requirements. What it certainly means, however, is the end of the opportunity to abuse that room to manoeuvre and operate installations with poor emissions ratings via derogations. With the safety network, we will achieve clarity together with the necessary flexibility. There will be absolutely no need for stretchable derogations that are open to interpretation.

When I made this proposal, I was accused of being a 'green activist'. That – and I will put this somewhat carefully – is an exaggeration. This is about improving the implementation of EU rules that have been in force for years. Best available technique – which is what the European safety network is aimed at – should have been standard in all industrial plants in the EU since last autumn, yet that is still far from the reality. Best available technique is currently seeing judicious use in three Member States.

Oxides of nitrogen and sulphur are some of the primary issues in industrial environmental pollution. There is potential here for a reduction of 60% to 80% if the best available techniques are consistently applied. Those are the European Environment Agency's figures. This technique is not science fiction. It is not something from the laboratory, it is not at the laboratory stage, it is available, it is affordable and it works. Despite that, many Member States are saving themselves the effort, because there is good money to be had even in pollution-spewing installations. Some Member States have been simply overlooking the need to invest in modernising their plants for years. That distorts competition and damages the environment and I am therefore arguing for a new approach for the improved implementation of best available techniques.

The compromise packages will also reduce expenditure on bureaucracy, which only costs money and does nothing to help the environment. We are therefore linking the number of reports that plant operators have to send to the authorities to the risk posed by their plants and to whether the operators meet the requirements imposed on them. The same applies to inspections by the authorities. Where there may be danger, a closer look should be taken. Where nothing happens, there is no need for constant monitoring.

For many in this Chamber, soil protection is a sore point. A constructive debate on this topic is, unfortunately, clearly no longer possible, although it was possible to reach compromises. They reduce the soil status report to the essentials – the status report need not be comprehensive and need not always be carried out. Instead, we are concentrating on the actual risk posed by a given plant. Analyses are required where relevant quantities of hazardous substances are actually handled.

Furthermore, the clean-up of sites to their original condition is unrealistic, for which reason the compromise now talks of clean-up to a satisfactory condition. That does not change my own personal view that soil protection is not an area that should be regulated at EU level. It would be better left to the Member States.

IPPC affects almost all sectors of industry. That being the case, there has been very intensive lobbying over recent days. In some areas, improvements on the original compromises were actually necessary, one example being in relation to agriculture. The calculation of threshold values for poultry farms is too bureaucratic. Instead of differentiating by species between turkeys, ducks and broiler chickens, we should keep the threshold of 40 000 places for poultry.

The production of natural manure, liquid manure and slurry, furthermore, is not something that belongs within the scope of this directive. The subject is relevant, regulation serves a purpose, but please, not in this legal act. A farmer's field is no industrial plant. Farmers have many more items on their wish lists, and the decision about these two points is appropriate. I therefore went to some lengths to get the agreement of the shadow rapporteurs on this point.

The same applies to power generation from waste gases in steel production. This process is very efficient and produces energy from an otherwise useless by-product. The marginal reduction in the emission of pollutants that was desired could only be achieved with a large degree of financial expenditure. This was about keeping things in proportion.

I find the behaviour of the Group of the European People's Party (Christian Democrats) and European Democrats, in pulling out of the compromise and going through the entire report again, scattering amendments everywhere, distressing and regrettable. Such an approach is not constructive. Reaching political decisions requires at least a minimum level of mutual reliance and working together. I can understand that members of the PPE-DE Group might not be completely satisfied with the various compromises. All I can say, in that regard, is that I would have been very happy to have discussed their proposals, but at no time during the compromise negotiations with the shadow rapporteurs were such proposals put forward. Their uncoordinated last-minute actions mean that there is now a danger that exactly the opposite will be achieved – sound and correct proposals are being jeopardised.

I would like, at this point, to offer my sincere thanks to the other shadow rapporteurs, in particular, Mr Turmes, Mr Hegyi and Mr Blokland, who were reliable partners in negotiation despite differences in substance.

We have an opportunity here, today, to send a signal for both better environmental protection and fair competition. I hope that we will use that opportunity for a plan that is supported by major economic and environmental groups. Please support the compromises! Thank you.

Stavros Dimas, *Member of the Commission.* – (EL) Madam President, I am delighted that we are debating today the proposal to reform the directive on industrial emissions and I would like to specifically thank the rapporteur, Mr Krahmer, and the Committee on the Environment, Public Health and Food Safety for their excellent work on this dossier. I would also like to thank the Committee on Legal Affairs for its positive contribution.

Over recent weeks, the Commission has collated reliable evidence proving that the current directive on integrated pollution prevention and control is not being applied adequately and that industrial emissions have remained at excessively high levels. This situation has caused a serious impact on the environment and on the health of European citizens. Furthermore, it is distorting competition between European industries.

This unacceptable situation must stop. The main component of the integrated approach on the basis of which the directive operates is best available techniques. These techniques bring significant environmental and economic advantages.

First of all, they reduce emissions and limit the use of resources, thereby contributing to long-term improvements to the security of energy supply in the European Union. They also provide incentives for ecological innovation, which is needed in order for European industry to respond to future global demand for environmental technologies.

In order for us to adequately exploit the advantages of the best available techniques, their application framework must be strengthened and improved. That is the objective of the Commission proposal. It clarifies and upgrades the role of BAT reference documents (BREF) in the application of legislation. This makes the licensing terms of businesses throughout the European Union more similar and, by extension, achieves greater convergence in conditions of competition.

BREFs are drafted through a transparent procedure with the broad participation of the Member States, industry and other relevant agencies. The effort required in order to draft and approve them is considerable. We must support the approval procedure and the institution of the BREF in general. This will allow BREFs to play a bigger role in defining the terms on which operating licences are granted to industrial companies, which will result in our industrial plants' meeting the highest possible environmental requirements laid down in the legislation of the European Union.

The Commission proposal provides the necessary flexibility for derogations from BREFs, provided, of course, that they are warranted by local conditions at the time. However, a detailed statement of reasons and

justification is required for every derogation, so that possible abuse can be prevented. At the same time, for certain sectors of industry which have a particularly serious environmental impact, minimum mandatory requirements must be set at European Union level. Moreover, relevant minimum standards have already been adopted for sectors such as large combustion plants or waste incineration plants.

As you are aware, this issue has been a particular cause for concern to the rapporteur to the European Parliament. Even though minimum mandatory requirements may be considered useful as regards certain industrial sectors, it is not certain that it is necessary or useful to define minimum standards for all sectors. Minimum standards should be adopted only if and inasmuch as they are necessary and warranted from an environmental point of view.

One typical example is large combustion plants, which bear a large share of the responsibility for atmospheric pollution. The best available techniques are anything but correctly applied in this specific sector. That is why the Commission has proposed new minimum requirements for large combustion plants on the basis of the conclusions from the relevant BREF. Provision is made to apply them in 2016.

These are measures which will help considerably in achieving the relevant targets of the thematic strategy on environmental pollution in an economically viable manner. Furthermore, the net benefit from the requirements in question, both at European Union level and at national level, offsets the relevant cost.

Finally, apart from improving the application of the directive, the basic objective of the reform is to simplify the legislation and reduce administrative costs to both industry and the competent authorities, in accordance as ever with the principles of the European Union's better lawmaking programme.

That is why the proposal merges seven current legislative acts into one directive. This will improve the clarity and cohesion of legislation, both for the Member States and for companies. The benefits of this simplification are numerous.

Reducing pollution caused by industrial plants is a basic priority for both environmental and economic reasons. The proposal tabled will simplify the current legislation and, at the same time, will strengthen the application framework for the best available techniques. This will make a further contribution towards improving environmental protection and the viability of European industry. I therefore await your views on this important proposal and the constructive dialogue that will follow with interest.

Marcello Vernola, *on behalf of the PPE-DE Group*. – (IT) Madam President, ladies and gentlemen, I think that, as has been said, this directive represents the most significant tool for controlling pollution that Parliament has debated since the Climate and Energy Package.

It has not perhaps come at the best of times, given the financial crisis, which is putting the industrial system under pressure and has therefore caused disproportionate lobbying of parliamentary groups by these companies, which are worried about the financial implications of this directive, as in the case of the Climate and Energy Package. We are encouraged by the fact that we are still at first reading and therefore perhaps, at second reading, we will be able to regain some ground through corrections and improvements.

I have to say to Mr Krahmer, the rapporteur, that the road has not been easy. Mr Krahmer criticised the position of the European People's Party (Christian Democrats) and European Democrats, which questioned some compromises. I would like to point out, however, that no fewer than 60 amendments were tabled, at least a third of which were from Members of the PPE-DE Group. There is thus a general desire in Parliament to re-examine certain key points of this directive and unfortunately, there has been no meeting between the rapporteur and the shadow rapporteur in recent days to discuss the 60 amendments. We must not forget that the directive has come about due to the fact that the previous directive has, until now, not proved easy to implement in the Member States. The system of controls and testing has become too diverse. As Mr Krahmer said, it needs to be amended. Greater effort is also required from the European Commission, however.

The reference documents on best available techniques (BREFs) take too long to prepare and therefore cannot guarantee that the directive is applied in a transparent manner. It is true that there is a very strong collaboration process in place with the involvement of industrialists, but if BREFs were to be adopted more quickly and on a regular basis, then we would also see an improvement in the protection of public health. I would also like to add that industrialists have certainly made few investments in the past: a greater commitment is needed, and I believe that, since too many people in Europe fall ill and die due to atmospheric pollution caused by industrial emissions, we must introduce appropriate clean-up measures and a strict system of monitoring and testing.

IN THE CHAIR: MR COCILOVO*Vice-President*

Guido Sacconi, *on behalf of the PSE Group*. – (IT) Mr President, ladies and gentlemen, first of all,⁷ I would like to clarify that I am speaking in place of our shadow rapporteur, who is unfortunately unable to be with us today, but I am able to give the united position of our group. We fully support the compromise, which is the product of more than a year's work. Our thanks for this go to Mr Krahmer, who has played a very important role, listening carefully and even revising his initial positions. This compromise will lead to a greater degree of protection and lend support to European industry, partly by introducing flexibility.

As has already been said, the focal point of this consensus, this agreement, consolidates and extends the application of the BAT or best available techniques, reinforcing the rules and making them more transparent. The minimum requirements proposed for large combustion plants must be met in order to apply the BATs and air quality criteria to this sector. This is why, for our part, we are saying that the amendments tabled in plenary must not be carried. They weaken the compromise, particularly those aimed at narrowing the scope of the IPPC, the application of the BAT and the requirements for large combustion plants.

I must emphasise that our group, albeit after an animated internal discussion, has decided not to table any amendments. Therefore, we invite others to do the same and not to support the amendments that have been tabled in order to send out a strong, clear message at first reading.

Chris Davies, *on behalf of the ALDE Group*. – Mr President, the idea behind the Directive on Integrated Pollution Prevention and Control (IPPC) was to enable us to achieve maximum environmental benefit for minimum cost, giving much flexibility to industry and to Member States. However, as the Commissioner has pointed out, that principle is being abused: many Member States have interpreted best available techniques in manners not intended by the Commission.

Therefore, I very much support the rapporteur's idea of setting a minimum standard. The fact that our rapporteur is German perhaps has some involvement in this; Germany has a very good record in this instance. I do not see why a Member State that has invested in making sure that its industry is setting high environmental standards should be undermined competitively and environmentally by those Member States that are not prepared to make similar investments.

I want to turn also to the opportunity this recast directive gives us to amend the Directive on large combustion plants. I am very keen on seeing emission performance standards introduced for large coal and gas plants because of the huge quantities of CO₂ they emit. However, there is much debate taking place as a result of the concern we now have about global warming, concern which perhaps was not felt quite so acutely when we put this directive into law. To some extent, there is a balance between old, traditional pollutants and the new concern of global warming gases.

In my own country, it is quite likely that we are going to face severe electricity shortages from the end of 2015 with the closure of many old coal-fired power plants that have not been modernised in line with large combustion plant requirements.

Personally, I am prepared to see a trade-off. I am prepared at second reading to negotiate a derogation – an extension of the large combustion plant requirements – to keep old plants running so long as we do not end up building new coal-fired power plants, locking us into high emissions of CO₂ for decades to come. However, it has to be a genuine trade-off: there has to be a genuine commitment from Member States to make the changes necessary to reduce their CO₂ emissions in order to allow the continued pollution from existing plants for a few years longer.

Claude Turmes, *on behalf of the Verts/ALE Group*. – Mr President, firstly my thanks to Mr Krahmer, who has been a very constructive and well-organised rapporteur for this directive.

What are we doing here? We are promoting best available technologies in Europe for the sake of health, for the sake of the environment, but also for the sake of the competitiveness of European industry. We should be aware that, in much of industrial production in Europe, labour costs are smaller today than the material costs and the costs of electricity, water and other resources. We will therefore gain enormously from this directive, which takes us away from looking only at end-of-pipe technologies to push through the best available documents and best technology already used by an industry. That is exactly where we have to go. This also strengthens our suppliers of green technology in Europe. There is a huge world market for green processing, and we should put Europe on the map.

As Greens, we are happy with this European safety net, which will reduce dumping possibilities for certain governments, and we have improved monitoring and access of documents for citizens.

It was a very good process but, unfortunately, I do not understand Mr Vernola. You have negotiated all these compromises with us in a good way. Life is about trust – as is politics – so I do not understand why, at the very end, you who have such a good knowledge of this dossier are now giving in to politicians like Mrs Jackson and other politicians who do not care for health or for competitiveness. I think this is a shame. It is a shame that the biggest political group in this House is no longer a reliable negotiating partner. We cannot negotiate for weeks and then have the compromises undermined at the very last moment. This is not a serious way of doing politics on such an important file.

Roberto Musacchio, *on behalf of the GUE/NGL Group.* – (IT) Mr President, ladies and gentlemen, although this is a consolidation of several directives and there are therefore limited possibilities for amending the legislative text, this new IPPC Directive is a necessary and useful tool for promoting not only a dramatic reduction in emissions by taking advantage of best available techniques, but also for precipitating a new trend in industrial investments.

With the attention to detail and input of all the shadow rapporteurs and, first and foremost, the staff and the rapporteur, Mr Krahmer, whom I would like to thank for his honesty and patience, we have maintained complete transparency in adopting the BAT, exchanging information and publishing the operative conclusions of these documents on the Internet. We have ensured that the participative consultation procedure established with the Seville Forum will continue. It is important that we do not wander from this course; I would appeal to all the rapporteurs to maintain the consistency we have demonstrated in months of open discussion.

I myself worked on the soil protection directive. We are unfortunately still awaiting the Council's opinion on this directive that is crucial for maintaining a natural balance in the release of carbon into the atmosphere, as Commissioner Dimas rightly said recently. Certain amendments, including in the draft IPPC Directive, aim to undermine the mandatory reclamation requirements for disused industrial land: they do not intend to link the provisions to the other requirements to be introduced by the soil directive. All this is, in my opinion, unacceptable, and not for environmental reasons, but in order to safeguard public health and prevent any misuse of public resources in the development of business and the life of EU citizens. In the past, including in Italy, there have been too many such cases of infringement of the permits laid down by the previous IPPC Directive, leading to discrepancies, both from an environmental perspective and in terms of market and industry rules. My country has already paid a high price for uncontrolled industrial development involving Seveso, Eternit and others, with consequences for the landscape and local people.

To conclude, I welcome the limitation and inclusion of provisions on incinerators. Regulation in this area must not be watered down, so that we can prepare to move beyond this practice towards a zero waste society. The amendments discussed by all the groups to permit stricter controls on furan and dioxin emissions are also justified. I think that in this light we should consolidate this debate with a House vote. This is an important directive and I hope it will be adopted.

Johannes Blokland, *on behalf of the IND/DEM Group.* – (NL) Mr President, our industry is important to our economy, but also frequently causes air, water and soil pollution. The European Union has been tackling this kind of environmental pollution for decades, and recently all the attention in the environmental field has been focused on CO₂ and climate change. Sometimes, it seems that this is the only environmental problem. Al Gore has left a clear mark.

There is a danger here, however, of all environmental problems being reduced to climate change; yet we face many more environmental policy challenges than this. Creation is also threatened by the emission of atmospheric pollutants, 40-80% of which originate from large industrial installations. It is with good reason, then, that we are seeking to achieve sound environmental protection by means of this Directive on Integrated Pollution Prevention and Control (IPPC Directive).

We in the Committee on the Environment, Public Health and Food Safety have considered the proposals in detail and have reached an acceptable compromise on many points. Only on the subject of emission standards for large combustion plants do I believe the report still falls short. This is precisely where the greatest environmental gains are to be made.

I have tabled a couple of supplementary amendments, therefore. For example, the emission standards for power stations must be comparable to those for waste incineration plants in terms of stringency, particularly if we consider that power stations are co-incinerators of waste. In addition, I propose closing a loophole in

the legislation: gasification, which is comparable to regular combustion, must meet the same emission standards. Recent case law has shown this not to be the case. The legislation is in need of repair, therefore.

Christa Kläß (PPE-DE). – (DE) Mr President, Commissioner Dimas, ladies and gentlemen, it is a clear goal of this directive to simplify the current legal provisions in the area of industrial emissions and to incorporate them into a single directive, thereby cutting bureaucracy. However, as far as I can tell, there is little to be seen of this in the Commission's specific proposal.

For me, cutting bureaucracy does not mean the creation of new reporting obligations and complicated procedures but rather, above all, the avoidance of duplicated regulation and unnecessary burdens. For agriculture, in particular, the Commission proposal will bring about a flood of new bureaucracy. Expanding the applicability would mean that animal husbandry and breeding businesses that are, in no way, comparable to the industrial plants that this directive is actually aimed at will also be included.

What is more, the Commission proposes rules that are already contained in a nitrate directive or the water framework directive or the groundwater directive. I ask for your support for our amendments in order to prevent such duplicated regulation. The calculation of the upper limits for animal husbandry must also be reasonable and comprehensible in relation to poultry. Please vote with me against the division into chickens for fattening, laying hens and turkeys for fattening. In Germany, we call this kind of nitpicking 'counting peas'. There must also be no attempt to use this directive to re-introduce the subject of soil protection by the back door. Soil protection is important. There must be efficient national laws to deal with it.

I would like to say to the rapporteur that I, personally, along with other members of my group, very much welcome the concept of a European safety network. It represents a good compromise. By setting emissions limits that the Member States must adhere to as an absolute upper limit when granting permits to large industrial plants, we will be putting a stop to the inflationary use of derogations that has thus far taken place in certain Member States. In that way, we will be guaranteeing a uniform high level of safety. Member States will then no longer be able to gain a competitive advantage at the expense of the environment.

Åsa Westlund (PSE). – (SV) Mr President, this is a very important piece of legislation. Among other things, it has led to the improvement of a very big problem we had in Sweden with acidified lakes. However, it is also important not to permit additional derogations or longer time limits in this directive so that we are able to continue this positive development of less fallout of hazardous emissions over Europe. For this reason, we want to remove these options for further extension of the derogations.

We would also like to see a clear limit for carbon dioxide emissions. Emissions trading is not an adequate tool for dealing with the climate crisis that we are facing. This is something we will see now that we are entering a recession, when a considerable number of emissions allowances will automatically become available. They will be sold at a very low price, which means that we will lose several years of the changeover necessary in order for us to be able to deal with this in the long term and it also means that, after this recession, we will be less well equipped and have a poorer ability to cope with this development if we do not establish such supplementary measures as emissions requirements for large combustion plants. I therefore think that it is a huge shame that these amendments have been judged impermissible for the vote.

Fiona Hall (ALDE). – Mr President, I support this measure and its aim of promoting best available techniques for environmental protection, but I do have concerns about Parliament's methodology on it. This is essentially a directive for regulating heavy industry, but buried in the text and in the annex are a number of paragraphs that directly affect farmers.

There was no opportunity for the Agriculture Committee to give its opinion and, unfortunately, some of the proposals that affect farmers are quite inappropriate. In particular, the requirements on manure and slurry duplicate the Nitrates Directive and the Water Framework Directive. The lower thresholds on poultry drag small family farms into a complex regulatory framework designed to control global industrial giants. This directive is not the place to regulate small farms.

Urszula Krupa (IND/DEM). – (PL) Mr President, in the draft legislative resolution on industrial missions, a strong tendency to limit the important environmental aspects of the current directive is emerging while, at the same time, attempting to push through more extended references to the greenhouse effect.

The numerous motions for amendments have drastically enhanced the standards for thermal energy plants emissions which are not directly toxic in nature, while, at the same time, other more liberal draft amendments only slightly improve the regulations on combustion or co-incineration of waste.

Carbon dioxide emissions are not toxic, whereas dioxin, furan, hydrogen chloride, hydrogen fluoride, heavy metals and other highly dangerous compounds are a real and direct threat to human health and the environment.

Close monitoring, both of the types of waste incinerated and the harmful substances arising as a result of the process, is an important condition for the safe thermal utilisation of waste. The introduction of lenient threshold values requiring preventive measures to be taken when emissions are exceeded may harm the environment and human health.

The approach proposed shows up unequal treatment for particular classes of installation, with a particularly restrictive approach to thermal energy plants using conventional fuels.

Caroline Jackson (PPE-DE). – Mr President, at the heart of this directive is the problem of control and of costing. How can we ensure that laws adopted by the EU as a whole are applied, and how can we legislate without knowing the cost of what we want? The rapporteur wants to bring in a universal system of uniform emission limits, which would have to be worked out in a huge bureaucratic exercise that would take at least eight years. No one knows how much it would cost – it is called the European safety net.

I tabled Amendment 134 on staying outside the high-emission industries with standards based on best available techniques, leaving the implementation of such measures to the discretion of the Member States. That is realistic and affordable and observes the principle of subsidiarity.

If the European safety net is adopted, I hope the Council and the Commission put pressure on Parliament to have an impact assessment done on the idea. The question is whether we have the will to make a uniform European Union-wide system – a European safety net – work. The answer is that all the evidence so far shows that Member States lack that will. They will not support a European environment inspectorate: they want to stick with national enforcement agencies. The right answer to our quandary is not to invent a huge new bureaucracy that will never spring into life, but to use our money to bring up the standards of morale of national enforcement agencies to do their job in helping to put EU law into practice.

I commend to you Amendment 129, which exempts standby generators in healthcare facilities from pollution controls that would treat them as though they were operating 100% of their time. That amendment will save money at a critical time for health budgets. I commend to you the amendments on large combustion plants: unless we get these into the directive, my country will face power blackouts. People have enough to blame the EU for without that!

My final point concerns compromises and Mr Turmes's attack on me: the first reading is not a time for compromises, but rather a time when we fire off all our amendments and ideas and discuss them. We cannot have compromises that prevent discussion.

Finally, I commend to the future Parliament the current Rule 55, which would allow us to have a renewed first reading of this very important directive. It seems wrong to have the first reading in the old Parliament and the second reading, without a first reading, in the new one.

Dorette Corbey (PSE). – (NL) Mr President, the new Directive on Integrated Pollution Prevention and Control (IPPC Directive) will ensure that businesses have to equip all large installations with the best available technology. This is already compulsory in some countries, and the time has come to align our course and create a level playing field. So far, so good.

However, ladies and gentlemen, I would especially ask your support for the amendments seeking to lay down requirements for coal-fired power stations in future. An emission ceiling must be introduced for these power stations, and this can be done by using carbon dioxide capture and storage (CCS) or by co-firing 40-50% sustainable biomass. An emission ceiling for CO₂ is the only way we can continue to use coal whilst also achieving our climate objectives.

Some MEPs argue that the electricity sector falls under the new trading scheme, and that therefore no new requirements are necessary. This reasoning is flawed, however, as the ETS not only allows exceptions for coal-fired power stations but also permits the energy-intensive industry to be compensated for increased electricity costs. This removes the cost incentive to reduce CO₂.

Anyone believing that the emissions trading scheme (ETS) is the answer to everything does not need to lay down requirements for cars or ban light bulbs, and has no need of a Sustainable Energy Directive. We have to be consistent. If we lay down requirements for cars and lighting, we must certainly also lay down

requirements for coal-fired power stations, as these are the real polluters. It is also true that, if we want an easy way to reduce CO₂, we should be looking not at the steel or cement industries but rather at the energy sector.

Avril Doyle (PPE-DE). – Mr President, if there are any weaknesses in the Nitrates and Water Framework Directives, I think issues in relation to pig, poultry and dairy activities must be addressed there. I do think the compliance costs would outweigh the benefits of their inclusion in this particular piece of legislation. But there are other legislative vehicles for tackling these particular sectors and they must be looked at on that basis.

On the issue of large combustion plants, the EU ETS operation today does not safeguard against design lock-in of unnecessary pollution in many new high-cost and high-emitting installations, particularly in new coal-fired plants which, when built, would expect to operate for over 40 years, thus making it difficult and more expensive to meet overall climate goals.

CO₂ emission performance standards would help ensure the electricity sector is decarbonised to a timetable consistent both with limiting increases in global average temperatures to less than 2 °C and with bringing new, cleaner technologies on-stream. Industry needs, above all, legislative certainty to make investment decisions on these large, expensive, capital projects. A 350 g limit would ensure that only the most efficient state of the art gas-fired plants, for example, are built. CO₂ standards that apply from, say, 2020 would mean that new coal-fired plant stations could only be built after entry into force of this proposal, providing they use CO₂ capture equipment from 2020 onwards, by when we expect CCS to be commercially available. Existing installations would have a longer period to comply with the standard, either by adding CO₂ capture technology or, indeed, by closing down. Installations could also comply with the standard in other ways, for example, by co-firing biomass or by using the heat from cogen techniques.

As rapporteur on the recent EU ETS review, I am concerned with the overall level of ambition across all our policies. The latest science shows us that we need to have stricter emission limits over a shorter timetable if we are to achieve the 2 °C target which, by our vote on the climate and energy package in December, we as a Parliament accept as necessary for the environmental, social and economic future of society. The ETS alone will not be enough to cut electricity sector emissions on the scale required.

To conclude, there is comfort in an ESN, but I am still worried that this may be an incentive to the lowest possible common denominator and minimal emission reductions – in other words, a race to the bottom. Please convince me otherwise.

Glenis Willmott (PSE). – Mr President, although I support the aims of the proposals to simplify and clarify the requirements of the legislation and ensure better and more even implementation, I have three primary concerns. Firstly, the Commission has not only sought to simplify and ensure better implementation, it has also greatly increased the scope in certain areas. I think there is a balance to strike between environmental protection, on the one hand, and on bureaucracy and cost to industry and smaller installations, such as farmers and healthcare installations, on the other.

Secondly, the minimum requirements for large combustion plants present significant problems for parts of the UK power sector. I am told these concerns are shared by Poland, France, Italy, Spain and some eastern and southern Member States. The requirements would mean that, without a time-limited derogation, the possibility for short-term continuation of national emissions reduction plans or energy security would be at risk.

Finally, I am greatly concerned by and opposed to the European safety net. I do not think this is a good idea. I find that the minimum emissions limit values would become the default values rather than focusing on full application of the more ambitious best available techniques, and could well reduce the level of environmental protection whilst, at the same time, vastly increasing the costs of implementation. I would ask all Members to consider these points carefully before voting.

Mairead McGuinness (PPE-DE). – Mr President, as a member of the Committee on Agriculture, I will restrict my remarks to the impact of this proposal on the farming sector across the European Union. I endorse the comments of other colleagues who have concerns about ‘spreading the net’ and dragging farmers into the coverage, as industrial polluters.

Agriculture must be monitored for its emissions, but I do not accept that we should do it in this way. I would suggest that the Nitrates Directive in its current form does much of what we are talking about. Perhaps we

need to look at that directive, which is causing problems in many Member States, at how it is being implemented and at whether it is being implemented effectively.

In addition to that, there are concerns about dragging in poultry, in particular, because that European sector is under huge threat from imports from third countries, where no such restrictions apply. I would support amendments to the effect that this should not happen in the current proposals. Likewise, the inclusion of dairy farming is of concern, and I would support colleagues in my own group, and others, who have tabled amendments to take these sectors out of the current proposal.

I repeat my suggestion that, when it comes to agriculture, there is a myriad of directives covering emissions and pollution control in this sector, and so maybe it is time we looked at recasting all of those so that farmers who are required to implement them can fully understand and appreciate what they are meant to do. It is one thing to draft legislation, as we do in this House, but we sometimes have no connection with how it is being implemented, and by whom it is being implemented, and whether that implementation is effective.

Jutta Haug (PSE). – (DE) Mr President, Commissioner, ladies and gentlemen, the revision of the directive on industrial emissions is long overdue. A piece of legislation in which all the significant measures to reduce pollution depend on the best available technique should be adjusted at least every five years, rather than after 13. After such a period, the techniques have moved on far ahead of us.

At the same time, we must note that, despite the march of technology, the targets associated with our directive from back in the day have by no means been met. That is why I have such a high opinion of the compromise achieved in the Committee on the Environment, Public Health and Food Safety. Its implementation will get us where we need to go. I find the hysteria when we deal with soil protection or the wishes of the farmers' unions incomprehensible.

The Socialist Group in the European Parliament wants to achieve environmental targets without impeding economic activities. Doing so is very much looking to the future and not looking backwards, as the proposals from the Group of the European People's Party (Christian Democrats) and European Democrats do.

Eija-Riitta Korhola (PPE-DE). – (FI) Mr President, a lot of effort went into the preparation of the IPPC (Integrated Pollution Prevention and Control) Directive last year, and although the directive in its final form is of huge importance for the EU's industry and its citizens, it has nevertheless been trampled underfoot by the climate and energy package. This is a pity because the directive will have a considerable economic impact, in combination with the climate package, on measures already decided. For that reason, they should be in the right proportion to the climatic and environmental benefits achieved by means of the directive.

The measures for improvement proposed under the aims of the directive must, above all, be cost-effective, otherwise it would not be worth taking up the challenge of combining seven different directives into just one. We need to be able to cut the current costs of bureaucracy and action, although I am disappointed to say that the report by the Committee on the Environment, Public Health and Food Safety fails to do that. The licensing authorities must be able to consider freely the emissions regulations for installations, taking into consideration an installation's age and technical standard, its environmental impact and condition, and the costs of measures for improvement. This would be a way of guaranteeing sufficient flexibility for existing energy production plants, especially peaker and emergency power plants, to function up to the end of their working life.

Similarly, it would be very awkward to adopt a European Safety Net scheme in the form proposed by the rapporteur, for several reasons. We do not know where or how an ESN would be set which, in itself, is an unreasonable state of affairs. Secondly, local permit authorities are clearly in a better position to take account of prevailing conditions, such as an installation's age, location and, for example, its water intake, which is a guarantee of flexibility, in contrast with the totally inflexible ESN. Permit conditions are already generally very stringent. Even tighter controls in connection with new permits will incur huge costs without any essential benefit to the environment. In practice this would even impair standards of environmental protection. I am pleased that the amendment tabled by my group clears this up.

Here, I would like to say a special thank you to my colleague, Mrs Jackson, for her Amendment 134, which my group has decided to support. Once again, we are witnessing the sort of practical wisdom that results from experience. The amendment finds a compromise on a large number of the hardest questions.

Anders Wijkman (PPE-DE). – Mr President, since I have limited time, having thanked Mr Krahmer for his hard work, allow me to focus on Amendments 136-139, where some 40 colleagues, including myself,

suggest that this directive should include an environment performance standard for large combustion plants, limiting CO₂ emissions in the future. At this very moment, it is unclear whether these four amendments will be voted on later today.

A recast includes the provision stating that if new developments merit amendments and suggestions, going beyond the original proposal, then that should be possible. I believe that recent science is enough substantive evidence that we need to be more ambitious than we thought just one or two years ago when it comes to climate change mitigation.

The Emission Trading System (ETS) is, in my opinion, not sufficient to reach the 2 °C target that the EU has agreed on. As currently designed, the Emission Trading System will lead to a carbon-free power sector only after some 60-65 years. That is why we have tabled these amendments, where we call for all power plants that are built in the future to limit their emissions to 350 g CO₂ from 2020 and onwards and those which are already in existence should be retrofitted by 2025 or closed down. The proposal is technology neutral and can be achieved by different means. I would strongly urge the President to agree that we can vote on those amendments, and I encourage members to give their full support.

Zuzana Roithová (PPE-DE). – (CS) Mr President, I am constantly seeing how the excessive cost of ever higher environmental standards for European manufacturers reduces competitiveness and hits employment as long as similar standards are not also adopted by China, Brazil, the US and other economies. It troubles me all the more that the Commission has not carried out a study into economic impacts on employment, in order for us to take an informed and responsible decision concerning the new requirements for what is otherwise a very desirable reduction in emissions of nitrogen oxide. And I am in favour of pressure to modernise factories. Today, when Member States are implementing crisis measures to reduce costs on companies and factories, I must also point out that the proposals from the ENVI Committee are capable of being fulfilled only by very competitive companies, while small firms would have to restrict or shut down plants and lay off employees. I will vote against expanding the scope of this directive on reducing emissions to include households, small plants, small farms and even schools and churches and the like at a time of crisis. This is disproportionate and therefore not sensible. I would like to thank Mrs Jackson for her proposal for an amendment.

Robert Sturdy (PPE-DE). – Mr President, I will stick specifically to agriculture. First of all, I have to admit that I am a farmer but I do not have pigs, I do not have poultry, though I do have a greenhouse in the garden. I think it is very important that the Commissioner realises that, as has already been said, it is specifically designed for industry.

Commissioner, I beg that you rethink the situation when it comes to the directives on agriculture. We already know that agriculture is under huge pressure. We have heard many times in this Chamber the question of food security. Please reconsider the amendments which are particularly damaging to it. I think that many of the amendments that are not connected with agriculture are extremely good and I congratulate Mr Vernola on his report.

Commissioner, you talked in your presentation about distorting competition. I am going to ask you a simple question, and please try to answer it today. Will you put in place legislation to stop imports of foodstuffs coming into the European Union which are not reared to the same standards as we have in the European Union?

Stavros Dimas, Member of the Commission. – Mr President, I would like to thank all the Members who have participated in today's debate. They have made a constructive contribution to it. I would especially like to thank the rapporteur, Mr Krahmer, for his excellent hard work. Before I close, I would like to say a few words on some of the key amendments that have been discussed today.

Firstly, I welcome your broad support for the thrust of the Commission's proposal and, in particular, for the strengthening of the application of Best Available Techniques (BAT) and the status of the BREF documents. This is the cornerstone of the Commission's proposal.

There are many amendments that are acceptable to the Commission, at least in part or in principle. In particular, many of the amendments help to clarify the text of the Commission's proposal or to improve transparency in the development of the BREFs and in the permitting and enforcement practices of Member States. Better information and participation of the public in these decisions is very welcome.

I also share the concerns expressed on the need to avoid the misuse of flexibility in setting permit conditions. As I mentioned earlier, minimum requirements can be very useful and necessary tools to tackle specific problems where certain sectors have not taken the necessary steps to implement BAT. However, the systematic setting of minimum requirements is not necessary and risks creating an additional administrative burden for little environmental gain. Therefore, I consider that minimum standards should only be set where needed to achieve a better implementation of BAT.

In considering minimum requirements on large combustion plants, it is important to keep in mind the significant impacts that such operations have on the environment and on the health of European Union citizens. BAT for large combustion plants was agreed in 2006 and it is the Commission's view that the minimum criteria should be applied from 2016. We need to ensure that the measures put in place for the sector bring it into line with BAT at the earliest opportunity and facilitate the achievement of the objectives set out in the Thematic Strategy on Air Pollution.

Another key element to ensure that the legislation is effective in its objectives is that of the provisions for compliance and enforcement measures. In the past, we have identified some shortcomings in this regard and it is, therefore, of paramount importance that the new legislation sets clear provisions to ensure the law is properly implemented. For this reason, the Commission's proposal introduces minimum provisions for inspection, review of permit conditions and reporting of compliance. These changes will ensure the proper implementation of BAT and reduce distortions in competition. The Commission will be extremely vigilant on this issue.

I would like to say a few words about the thresholds for intensive agricultural farms, mainly poultry. The same threshold is currently applied for all poultry, without taking into account the different types of species. The rearing of different species leads to different environmental impacts, in particular, due to the different weight of the animals. The proposed new thresholds have been set on the basis of the environmental impact of the species concerned. The new thresholds would include a limited number of additional farms compared to the current scope, and would reduce ammonia emissions in a cost efficient manner to meet the objectives of the Thematic Strategy on Air Pollution, in some areas.

I will provide Parliament's secretariat with a list detailing the Commission's position on the amendments.

Commission's position on amendments by Parliament

Krahmer report (A6-0046/2009)

The Commission can support fully, in part, or in principle, Amendments 1, 5-8, 12-14, 16, 18-21, 27, 34-37, 40, 42-44, 46, 48-56, 58-62, 64-66, 68, 69, 71-73, 75 and 79.

The amendments which the Commission cannot support are Amendments 2-4, 9-11, 15, 17, 22-26, 28-33, 38, 39, 41, 45, 47, 57, 63, 67, 70, 76-78, 80, 93, 97, 114, 115, 117, 129 and 133.

Holger Krahmer, rapporteur. – (DE) Mr President, I want to keep this short. I would like to offer my thanks for the constructive contributions that I have heard Members make to the debate today.

To conclude, I just have a couple more things to say. Firstly, I would like to offer my sincere thanks to the Commissioner for not categorically arguing against the concept of minimum requirements for the safety network. This proposal is no work of the devil, nor is it a bureaucratic monster. It is an instrument for solving problems and one that we should give a chance to. For that reason I would like to take this opportunity just to call for your support for it once again.

The other thing I wanted to say I will direct at my British friends, and 'across all the parties'. My dear British friends, I do understand, Caroline, I can see your problem. I can well understand that the energy security of a country will be put above compliance with an air pollution limit for a certain period of time. I have a lot of sympathy for that. I am also the last person who would fail to grant Her Majesty additional time when it comes to building new coal-fired power stations. This is something that we can talk about. The problem is that that is exactly what we have not done. At no point in the last four months has this conversation taken place.

I want to urge you, at this point – looking forward to second reading now – to be open-minded once again and to say 'let us talk about a compromise now' and, to that end, to give up the resistance – which, in my view, is completely irrational – and the fundamental opposition to the minimum standards, which is unjustifiable from the point of view of either competition policy or environmental policy. I think that a

compromise can be reached on this, something I also hope to see at the end of the second reading. Incidentally, I am not of the view that we should not seek compromises at first reading. This legislation is too complex for that. I do not wish to end this parliamentary term as rapporteur and hand on legislation to the next Parliament where the text of the directive that is debated is inconsistent, illogical and contradictory. I therefore ask for your support for the compromises when we vote in an hour's time.

President. – The debate is closed.

The vote will take place on Tuesday, 10 March 2009.

Written statements (Rule 142)

Rovana Plumb (PSE), in writing. – (RO) I welcome both the integrated approach (the consolidation in a single text of seven separate directives on industrial emissions) and more stringent provisions governing the use of best available techniques aimed at finding innovative solutions for reducing the pollutant effect of production. The development of certain less polluting products entails the involvement of different parties, such as companies, the competent authorities and NGOs. This directive offers opportunities for cooperation between the various parties (local administrations and companies), thereby enabling them to encourage innovation. There are good examples of this in the Netherlands and Denmark, as well as in East European countries such as Romania.

The proposed single directive on industrial emissions, along with all the recommended options of the policy package, will improve the legislation's effectiveness in achieving its environmental and health objectives in the most cost-effective way. It will also reduce unnecessary administrative costs (with an expected net reduction estimated between EUR 105 and 225 million per year) and minimise distortion to competition within the EU without hampering the competitive position of European industry.

Daciana Octavia Sârbu (PSE), in writing. – (RO) While industrial activity has a fundamental role to play in maintaining and increasing economic well-being, we must not lose sight of the impact it has on the environment.

As part of the review of the Directive on integrated pollution prevention and control (IPCC), the emphasis has been firmly placed on establishing limit values for certain combustion plants and on using the best available techniques (BAT) to ensure an adequate level of environmental protection. I supported the introduction, from 1 January 2020, of a limit value of 350g of carbon dioxide for electricity-generating combustion plants bigger than 500 MW as these plants cause an increase in the concentration of carbon dioxide in the atmosphere and, by implication, a deterioration in global warming.

Introducing a limit value would act as an incentive in terms of investing in techniques for cutting emissions, with all plants having to comply with this limit value by 2025.

I believe that the reduction in pollution originating from various industrial sources will help the European Union achieve its aim of maintaining the rise in global temperature below 2 °C. The effectiveness of this directive will be seen following the inspections which will be carried out at all combustion plants, and it will also be reflected in compliance with the terms of authorisation.

Richard Seeber (PPE-DE), in writing. – (DE) The decision about integrated pollution prevention and control (IPPC) represents an opportunity for Europe to obtain uniformly high standards of protection. In the sensitive area of industrial emissions, it is important that European businesses are given an incentive to put in place the cleanest and most efficient technology available. The 'best available technique' principle should be reinforced in future. In its implementation, however, attention must be paid to ensuring that this pioneering project of the IPPC Directive does not become overloaded with bureaucracy once again, leaving Member States and businesses with an impossible job.

We should therefore carefully weigh up how much of a reporting obligation is actually required and to what extent implementing the concept would, if anything, be detrimental.

What is more, the unnecessary burdening of small and medium-sized enterprises also overshoots the objective, as does the overregulation of areas such as soil protection, an area that actually falls within the competence of the Member States. So, let us instead concentrate on the essentials, namely the harmonisation of environmental standards and the entrenchment of a high level of environmental protection in industrial activities.

7. Public access to European Parliament, Council and Commission documents (debate)

President. – The next item is the report (A6-0077/2009) by Mr Cashman, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a regulation of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents (recast) (COM(2008)0229 C6-0184/2008 – 2008/0090(COD)).

Michael Cashman, rapporteur. – Mr President, I look forward to this debate, and particularly to hearing from those who are not so keen on enhancing transparency and public access to documents.

I wish to begin by thanking the seven ministers from the EU who have declared their support for my report. In particular, they are, and I quote: 'therefore, glad to see that Parliament's Committee on Civil Liberties, Justice and Home Affairs adopted a report on 17 February 2009 that shares our vision of a more transparent Union'.

I find it staggering that, when we are trying to reconnect to our citizens, people do not support transparency and openness. I find it equally staggering that, when we are trying to connect the institutions back to the public, there is a lack of willingness to enhance public scrutiny and accountability.

Some Members have raised doubts about whether all the amendments that my report proposes are within the scope of the legal basis of the regulation – Article 255 of the Treaty. I should like to set their minds at rest: the object of Regulation (EC) No 1049/2001 is: 'to give the public a right of access to documents of the institution which is as wide as possible. That right of public access to the documents of the institution is related to the democratic nature of those institutions.' Do not simply take my word for it – I am quoting verbatim from the *Turco* judgment of the Court of Justice. It is in the spirit of that judgment that we must interpret Article 255 of the Treaty.

Take our Amendment 44 on classified documents. It is simply disingenuous to say, as the Commission has, that the classification of documents as confidential has no link with public access to such documents. Under the present version of Regulation (EC) No 1049/2001, documents may only be classified in order to safeguard the essential interests protected under Article 4(1). So the link is already there. What we have done is to draw the logical consequences from that link and incorporate rules on the classification of documents into the regulation itself. These rules, which are carefully modelled on the rules the Council and the Commission already apply, define limits on the public's right to access to documents, just as Article 255 requires, and there is nothing in the Treaty to prevent the institutions adopting these in the regulation.

Take our Amendment 24, which refers to agencies and bodies created by the institution. Regulation (EC) No 1049/2001, as amended, will lay down the principles, conditions and limits of public access to the documents of those agencies, but it will not, in itself, create obligations for agencies.

If you read our Amendment 29, for example, you will see that the regulation applies only to documents held by the institutions, although it does set the standards that agencies will be expected to follow in adopting their own rules on public access to their documents, in accordance, I might add, with the joint declaration adopted by the Council, the Commission and Parliament on 30 May 2001.

Let me also point out for those who cannot witness it, the sadness that the Council is not here to attach the due importance to this extremely important report.

I know some of you were also concerned that we went too far in seeking to ensure that Member States did not undermine the level of transparency the regulation aims at. I believe I have come a long way to meet concerns, as you will see from compromise amendments that remind the Member States of their duties under Article 10 of the Treaty not to stand in the way of the achievement of the Community's objectives, including transparency and democracy.

The amendments by Mr Nassauer may bring some reassurances to his group and other MEPs who are concerned that some private information may get into the public domain. That will not happen and cannot happen under my report. There is still the space to think that personal and private data will remain protected, so I will listen with great interest as to why those who oppose this regulation do so.

Margot Wallström, Vice-President of the Commission. – Mr President, thank you for a very substantive report on the Commission's proposal for a recast of Regulation (EC) No 1049/2001 regarding public access to

documents. This is a very important and cherished subject and I appreciate the enormous work that has been done by Mr Cashman, as rapporteur, and also many other active, interested and skilled people in this House.

This is a subject that touches upon fundamental and sometimes conflicting rights of citizens, associations and undertakings. We need to look very carefully at the necessary changes to be made to this Regulation and we need to remain focused on openness. All three institutions have agreed that, overall, Regulation (EC) No 1049/2001 has worked remarkably well for almost eight years now. Parliament, Council and Commission are much more open now than ever before. You could say that the change of rules led to a change of practice and to a change of minds and attitudes.

At the same time, Parliament, Council and Commission also agree that legitimate interests have received adequate protection. We should not forget that the EU institutions have granted access to a higher number of documents, while a decrease in the number and rate of refusals has been registered. So I hope you agree that Regulation (EC) No 1049/2001 has proven its value. For this reason, a complete overhaul is not necessary.

Having said this, even a good tool can always be improved. The legal base we have as our starting point is Article 255 of the Treaty, as has already been mentioned by the rapporteur. Following that, the Regulation shall define principles and the limits governing the citizen's right of access to documents. As regards the report at hand, I note that some amendments go beyond the scope of Article 255 of the Treaty and therefore these amendments cannot be accepted. But – and this is an important 'but' – they point to important issues that may well be addressed in another context. The Commission will certainly look at that with a constructive, pragmatic and open mind.

It is good practice to assess from time to time whether legislation works well and achieves its objectives, and it is in this spirit that the Commission drafted its proposal for a recast of the Regulation. The use of the recast technique meets the objective of better lawmaking. Since this Regulation touches upon a fundamental right of citizens, it is of the utmost importance to adopt a single, clear and readable legal text.

The recast technique does not tie the hands of the legislator more than the traditional way of amending legislation. Irrespective of the choice of legislative technique, the Community legislator may not go beyond the aim of the proposal.

We are committed to continuing to enhance transparency and openness, and I firmly believe that this is a good way to do it. In this context, however, I have to mention that a number of the amendments concern provisions of Regulation (EC) No 1049/2001 which the Commission did not propose to amend. We are not in a position to accept them because they go beyond the scope of the Commission's proposal.

Having said this, the Commission is, of course, willing to take on board good ideas, although we are at the moment still in the early stages of the procedure. I would like to confirm that the Commission is willing to have discussions with the two co-legislators and that we want to try to find common ground in order to reach a balanced and workable compromise text. However, the Commission prefers to come forward with an amended proposal when the two co-legislators have stated their position. We cannot and will not prejudge or anticipate discussions or negotiations.

We should also bear in mind the changes that the Lisbon Treaty – if and when it enters into force – will bring about on this important issue. Regulation (EC) No 1049/2001 will then apply to all institutions, bodies, agencies and offices of the European Union, albeit to a limited extent for the Court of Justice, the European Central Bank and the European Investment Bank. For citizens, the Lisbon Treaty will mean real progress when all EU bodies will apply a common set of rules on access to documents. Such a single set of rules ensures consistency but, at the same time, it must be tailored to fit the great number of bodies with very different mandates and competences.

I would also like to repeat what I have said on previous occasions in this House and elsewhere. Regulation (EC) No 1049/2001 is the cornerstone of a policy on transparency, but we also need to think about what we can do proactively outside the formal legislation. That is why I announced at the joint committee meeting of the Committee on Civil Liberties, Justice and Home Affairs of 20 January that I am taking the initiative to prepare an openness action plan. Improved registers, greater user-friendliness and accessibility, active dissemination, and quicker publishing of documents are some examples of what I want to address in this action plan and, of course, continue to discuss with the other EU institutions. This is a pragmatic and efficient way to mainstream transparency into all our policies. We need to lead by example.

In this spirit, we should also look at ways to make our institutions and the way they operate more understandable to citizens. We need an active policy of informing citizens and making them aware of how

Europe-wide policies affect their everyday life. Regulation (EC) No 1049/2001 is, of course, an important tool but, beyond the legal text, it is how we put this into practice that really counts.

To sum up the Commission's position on Mr Cashman's report at this stage of the procedure, I would like to say the following. There are some amendments the Commission cannot accept because they go beyond the legal base of Article 255 of the Treaty. There are other amendments we cannot accept because they go beyond the scope of the Commission's proposed changes, but in some cases, such amendments nevertheless point to important issues that may well be addressed in another context. Also, the Commission is always willing to take on board good ideas in whatever context it may be. Once we have Parliament's and the Council's positions, you will have the position from the third corner in the institutional triangle.

I look forward to an interesting and thought-provoking discussion to come. The subject deserves that, and our citizens are entitled to expect clear and well-functioning legislation on public access to our documents.

Monica Frassoni, *draftsman of the opinion of the Committee on Legal Affairs*. – (IT) Mr President, ladies and gentlemen, I have one minute for the Committee on Legal Affairs and one for the Group of the Greens/European Free Alliance. Therefore, I would like to combine them, since the two things have much in common in this case.

Mr President, we in the Committee on Legal Affairs have discussed the recast issue at length. I will say straight away that we are not at all pleased: indeed, we think that the use of the recast procedure for this kind of act was not a particularly bright decision, not least because, as the Commissioner said, the real task here is to understand how a regulation that has worked fairly well, but could be perfected, can, in fact, be improved. So, the outcome, whether through the use of this procedure or through the practical proposals that have been made, is surely a step backwards compared with the current situation. Something must therefore be done about it, and it is more difficult to do this with the recast procedure than with a full legislative mandate.

The second thing I would like to say is that there is no point in beating about the bush: I am pleased that the Commissioner is announcing welcome initiatives on transparency and openness, but the fact remains that the Commission's proposal excludes documents that are currently open and transparent from the scope of this legislation. That is the truth of the matter, and it is also true that a number of Member States, including her own, have said as much quite clearly and have said that it is unacceptable.

Today, the problem is that if we want to improve a piece of legislation, we cannot all simply defend the status quo because if we do, we run the risk of being less transparent, less comprehensible and even, may I say, less democratic.

Anneli Jäätteenmäki, *draftsman of the opinion of the Committee on Constitutional Affairs*. – (FI) Mr President, transparency is the basis of democracy. Unfortunately, the European Union can hardly brag about its transparency. Directives need to be changed, but so do attitudes. What can you say about the statement by the Council that outsiders should not be given documents relating to legal advice in connection with legislative procedure? Outsiders, citizens if you like, should not be given them then. I cannot understand how European Union citizens can be outsiders.

Attitudes, therefore, have to change. Legislation has to change to make the legislative documents of the Council, Parliament and Commission transparent, and the emphasis here is on legislative documents. If I make a comparison with my own country, for example, and the Finnish Parliament, we could not imagine the statements of its Constitutional Law Committee being secret. That would mean the people would not be told the reasons why this or that law is being enacted; and the Council says we should not say anything because the public are outsiders.

In legislation, in the formulation of directives, in everything, we need to work on the assumption that we should increase transparency, and there is also room for improvement in voting procedures. We should have electronic voting...

(The President cut off the speaker)

David Hammerstein, *draftsman of the opinion of the Committee on Petitions*. – (ES) Mr President, Commissioner, we should not waste the opportunity presented by this excellent report to reach agreement at first reading – I mean, during this Parliamentary term – so as to create legislation ensuring greater transparency in access to documents. Excuses are not acceptable, and I hope we have the time and the common sense to reach such agreement on this excellent report.

In the report, we in the Committee on Petitions express our concern at the fact that, where infringement proceedings are brought against a Member State as a result of a petition by citizens, the Member State has the right to deny access to the public documents used in those infringement proceedings, thereby shutting the door on citizens' participation.

We are also very concerned at the lack of interoperability and the technical block that exists in the European Parliament regarding the use of interoperable documents, that is to say, open-standard documents, which are not compatible with the software and IT platform that Parliament is currently using, which is specific to a single company.

The fact is that the European institutions do not guarantee citizens genuine access to the content of documents without imposing discrimination of a technical nature. That is unacceptable, because people cannot access the documents that we are creating. As I speak at this moment, no one can access my words without a technical platform provided by a particular firm that has a monopoly on this information. That really is something that goes against transparency and access to information.

Charlotte Cederschiöld, on behalf of the PPE-DE Group. – (SV) Mr President, we fully share Mr Cashman's aims and commitment to transparency, but we must not forget that there is a regulation that is being recast here. Together, we have pushed the current transparency legislation through. The four Nordic Member States have written to the committee about this regulation, stating that it increases citizens' trust in the EU and that it provides the greatest possible degree of transparency. Mr Cashman and I have always worked very well together, but this time we did not have enough time to sort out all of the issues that were unclear. In other words, it is quite early on in the process, but I welcome many of the proposals and look forward to our continued cooperation.

When the Transparency Regulation was adopted, the 'yes' votes from the Group of the European People's Party (Christian Democrats) and European Democrats were decisive in winning the vote. This time, too, the PPE-DE votes will probably be significant for the final outcome, which will presumably come during a new Parliament. The PPE-DE Group will use its votes to strengthen legal certainty, predictability and clarity when the rules are formulated as the process continues. We want increased transparency and citizens must be able to follow the democratic debate. We believe that the matter requires more preparation, so that there are common impact assessments with regard to the institutions' way of working, for example.

A number of amendments, around 40 to 50 of them, which relate to the Commission's right of initiative, have caused some discussion. The only thing I would like to add is that it should not result in a greater lack of clarity, as that would run counter to the aim of the recast. What is on the table today will probably be modified after the elections. The PPE-DE Group wishes, then, to achieve a degree of transparency that can receive the support of all EU citizens and Member States. This requires those involved to know what the rules are – that being the aim of the proposal. Sanctions cannot be used, either, if there are no clear instructions. As regards sanctions, there is already existing legislation to be taken into account. We therefore see the proposal as an as yet unfinished product, but we fully agree with Mr Cashman that it should lead to increased transparency and that is what we have indicated in our amendments. Transparency is an important part of democracy.

I have five minutes for the PPE-DE Group, so could I just say my last few words?

(SV) We say 'yes' to transparency, but we want to avoid the naivety that can expose people to danger or abuse.

Will the PPE-DE Group lose the three minutes, or what?

President. – I do not know what to say. The agenda specified two minutes, but I am sure that you will have a further opportunity to speak.

Costas Botopoulos, on behalf of the PSE Group. – Mr President, I will speak in English in honour of our rapporteur. With this very interesting report, Parliament is doing three things. First of all, it is taking realities into consideration. We are speaking now about privacy in the era of the Internet and not privacy as an abstract notion. We are taking into account the use of Regulation (EC) No 1049/2001 which has, for some time, been applied to problems but also with good use.

We are taking into account the Charter of Fundamental Rights, the proposals by the Ombudsman and other agencies, and the case-law of the Court. We are also taking into account the Commission's real proposal with its possibilities and its drawbacks – and I think there are some drawbacks.

The second point – and this is very interesting – is that this report is based on principles and not technicalities; a balance between access to documents and the safeguarding of private life; a generalised access to documents but with very precise rules; a very important distinction between public and private interests and this notion of European public interest which is very important to those of us who love Europe; a distinction between legislative and non-legislative procedures which is also interesting; parity between EU transparency and Member State transparency.

Lastly, the most important thing is that this report tries to establish a complete system of transparency – not transparency for every institution separately, but transparency on an interinstitutional basis where all the institutions are taken into account and where the principles of good administration and the Charter of Fundamental Rights are also taken into account. There is also a very common set of classified information, albeit with spy movie names such as EU Confidential, EU Top Secret, but it is important to have a common set of rules in this matter also.

What we are trying to achieve here is transparency as a general rule, with exceptions where those exceptions are justified by the protection of other rights, but to have a common set of rules whereby transparency is the most important one but other exceptions are also taken into account.

Marco Cappato, *on behalf of the ALDE Group*. – (IT) Mr President, ladies and gentlemen, excuse me if I am not able to stay to hear the Commissioner's answer. I believe there is something significant missing from this debate and that something is the Council which has, in truth, been absent from the entire debate, including at committee stage. This, moreover, is the material point: there exists, particularly within the Council, a concept of Europe as the sum of the governments of national states. Consequently when these governments meet together as legislators, these affairs are, shall we say, confidential; citizens must then await the final outcome.

This simply cannot be tolerated when we know that the European Union has legislative powers and citizens have a right to information throughout the entire legislative process. As confirmed and demonstrated by the judgment in the Maurizio Turco case, citizens have a right to information on the positions of national delegations within the Council as well as on legal opinions. That is why we pledge our full support for Mr Cashman's report, which embodies a different idea of Europe; that of European democracy.

I believe that Mr Cashman should also be supported in his attempt to put forward proposals that go above and beyond those made by the Commission. The European Commission would be mistaken if it were to ask us to limit our activities as a legislative body to the proposals put forward by the Commission. I believe that our right to extend the mandate is even enshrined in the treaties. I hope that Mr Cashman will accept our proposed amendments, particularly on greater financial transparency, and I believe that as the European Parliament, we should set a good example.

I read today in the press that our decision to publish parliamentary attendance – this has nothing to do with this report – a decision taken in this House, has, however, apparently run up against technical problems that will prevent it from being implemented before the European elections. There is no technical problem, this job can be done quickly and easily, and I hope that as Parliament we will set a good example on this as well as on the rapporteur's necessary and positive changes to the Commission's proposal for improved access to documents. We hope to hear something from the empty Council benches sooner or later, if only a public explanation of their reasons for opposing our proposals. They must have the courage to publicly defend the idea of a Europe that must make its decisions on legislation in secret, something I regard as wholly unacceptable.

Eva-Britt Svensson, *on behalf of the GUE/NGL Group*. – (SV) Mr President, transparency and public access in respect of everything to do with legislation and political decisions is one of the most important factors behind being a democratic society. Transparency and public access create a sense of participation and confidence in the political system. The opposite – secrecy and the withholding of documents – creates mistrust and a sense of not being involved, and can sometimes aid in the development of corruption and the abuse of power.

An increasing amount of national legislation, with the principle of public access we have in Sweden, for example, is now being made at EU level. The decisions have been transferred to EU level, but transparency and public access have not followed. Our citizens see this, of course, and that is one reason why we have a low turnout for elections to the European Parliament. Citizens find it difficult to penetrate and understand the decision-making process within the EU system and feel, quite rightly, that decisions are taken and

legislation is created at EU level without them having any real opportunity to study all of the documents. They therefore have no opportunity to discuss, debate or influence the decision makers.

We all want to increase the turn-out for the Parliamentary elections, but, if we are to succeed in this, campaigns and exhortations to go and vote are simply not enough. In order for this to be meaningful, we need to do everything we can to provide citizens with information and awareness. We must establish a dialogue with the citizens instead of the one-sided provision of information from above. Public access must be the main principle, secrecy must be an exception. There must be a specific method for permitting secrecy in specific cases and there must be strong grounds for doing so where that is the case.

The Confederal Group of the European United Left/Nordic Green Left and I have submitted amendments to, among other things, broaden the definition of documents, make more documents accessible to the public and prevent any individual Member State from being able to submit a veto. Commissioner Wallström said that a good tool can always be improved. Unfortunately, this report will not bring improvements, but will, in fact, make things worse. However, it can be improved by supporting the amendments tabled by myself and the GUE/NGL Group. Therefore, for the sake of democracy, vote in favour of the GUE/NGL amendments and increase the citizens' ability to get involved.

Hanne Dahl, *on behalf of the IND/DEM Group*. – (DA) Thank you, Mr President, Mr Cashman has written a good report, for which I would like to express my support. The Commission's revision of the 2008 Transparency Initiative will make public access to EU documents more difficult. If this report is adopted, it will go a long way towards rectifying that. However, we still lack access to the advisory working parties within the Commission. According to a statement from the organisation Alter-EU made just before Christmas, we have satisfactory listed information on only two thirds of the members of the working parties involved in producing legislative proposals within the EU. This is completely unacceptable. As a citizen, I need to know whether it is tobacco industry lobbyists or health organisations that are advising the Commission when an initiative to improve public health is to be produced. I also need to know whether it is the chemicals industry or the environmental organisations sitting round the table when an aquatic environment plan is drawn up.

Hans-Peter Martin (NI). – (DE) Mr President, one reason why we fell into the trap of globalisation is specifically that we failed to avoid the Europe trap. The Europe trap essentially lies in our failure, then as now, to act according to the tried and tested principles of transparency of the Scandinavian and other states.

I have now been a Member of this Chamber for 10 years and it was not by chance that, when I arrived here – not with this intention, but it came to me very quickly – I found myself saying, 'oh my word, transparency is the crucial issue', and for that reason, I set up the European Transparency Initiative back in 2000. The initiative was adopted by the Commission word for word, it is just that there is still little by way of substance.

Commissioner, you can read up on what I said to your fellow Swede Anna Lindh – in a long speech at the Nice Summit – in this area. You, as a Swede, understand what this is about. You do know what should really be done.

In the European Union, however, the reality when it comes to transparency issues is that the task we face is like trying to clear an avalanche with a shovel. We are not getting through, and new snow keeps on coming. There is only one way to rescue this European Union, and that is to have real transparency on the Swedish model plus that of the US Freedom of Information Act right now, immediately. Without it, you will experience yet more avalanches, and this time they will hit populated areas.

Manfred Weber (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, we decide laws at European level for several hundred million people, and that is why transparency is required. We all agree on the objective – transparency is important, and I also think that we, as the European Parliament, have no need to hide. We are under the media spotlight, we are watched by journalists, our work is already transparent.

We all agree on the objective, but we must be allowed to argue about the methods of achieving it, and just because someone disputes and wants to get to the bottom of those methods that does not necessarily mean that he or she wants everything to be done behind closed doors. Rather, such people are often just people who ask questions. Here in the Group of the European People's Party (Christian Democrats) and European Democrats, we have a lot of critical questions, such as about the competition procedure in the Council, such as on the issue of whether we need to make all the legal service's documents public, such as the question of whether the private affairs of an MEP should now be the subject of public discussion. We fight for data

protection for our citizens, yet MEPs are to be expected to make everything public. Asking questions like this is allowed.

The key point, the reason why there is also a lot of scepticism in our group, is the question of the legislative process. When we vote, everyone can look up how individual MEPs have voted. All MEPs must also bear responsibility for the way they vote. This is already in evidence as things stand. In a legislative process, though, in the trialogue, when we discuss things amongst ourselves, there also has to be a place for carrying out negotiations.

We know that, if everything were public, the form of negotiations that we have today would no longer exist because you would be putting your head above the parapet as soon as you tried to seek out and to bring about political compromises. That is why there is still a large amount of scepticism in this group about this proposal. We will clarify the final position of our group tonight.

I would like to make one thing clear on behalf of my group, however, which is that we do want transparency, but the methods of achieving it must continue to be up for discussion. We do all agree on the objective. Looking at the individual European institutions, it is not Parliament that is the problem. It is, rather, the Council, which is not represented here today, that represents the problem as, alas, we have no idea what goes on in the Council's working groups.

Inger Segelström (PSE). – (SV) Mr President, Commissioner Wallström, I would like to begin by thanking Mr Cashman and others who have contributed to the fact that we will soon be taking a new and long-awaited step towards making our work more accessible to our citizens. Vice-President and Commissioner Wallström has also fought hard and long.

When Sweden joined the EU, many people were worried that documents would leak out via that country, which has a very strong public access principle, but this has not happened at all. Mr Cashman can tell us about this, because if someone is in favour of transparency and accessibility, that person will also know where the limits are for working material, secrecy and disclosure.

In the Committee on Civil liberties, Justice and Home Affairs, the Group of the European People's Party (Christian Democrats) and European Democrats abstained from voting. I hope that you are now in favour of increasing public access within the EU, so that the Swedish Presidency, together with the rest of us, will be able to take this important and key democratic issue further for all EU citizens. However, I can understand the PPE-DE Group's hesitancy – after all, it was your group that ensured that we were forced to have a secret vote when Turkey was to begin accession negotiations. Is that what you want? I hope that Parliament will now stand united and that we can proudly say to our voters in the EU elections in June that the EU will become increasingly open – that we have no hidden agendas and that we want to be scrutinised on and judged by what we do – and with a transparency of which we can be proud. We do a lot of good things and it would be good if the citizens were better able to follow the work that we do.

Bogusław Rogalski (UEN). – (PL) Mr President, it is clear to everyone that the decision-making process of the Community's institutions and bodies must take place openly and publicly. That is the basis of democracy. Based on this principle, citizens and elected authorities should have the broadest possible access to the documents held by the European institutions, which includes this Parliament. This will enable citizens to truly participate in the political process and to ask the public authorities for clarification.

Despite the efforts made by the European institutions to increase openness and transparency, the situation is, unfortunately, far from satisfactory. The Committee on Petitions has stated that citizens are aware of the deficiencies and failures in the implementation of this right. It is extremely important that in rights infringement procedures, which are often brought as a result of citizens' petitions, citizens are assured of full access to all documents at each stage in their pursuit of their rights. This should also apply to the documents with which the European institutions are provided by the Member States. This has been a major problem, even for the Commission in the German Jugendamt case, where access to information was highly restricted, even though it was public information.

I would like to underline once again, that easy access by petitioners to the information they need should be the foundation for the success of the European transparency initiative. The principles of democracy demand it.

Andreas Mölzer (NI). – (DE) Mr President, the problem of the estrangement of the public from politics in the EU is something that is well known, which is why we attempt to demonstrate our citizen-friendliness

over and over again. This includes regularly recurring initiatives to simplify access to the documents of Parliament, the Council and the Commission.

The Internet is, of course, a cheap and simple tool to achieve this. The EU's homepage has been revised and has, at least, been made more logical and easier to navigate around than it was in the past. In its Internet presence, the EU also highlights the importance of multilingualism as a significant factor in achieving greater transparency, legitimacy and efficiency within the Union. Yet it does not, in reality, live up to what it asks of itself. In practice, the consistent use of the three working languages German, English and French would, in fact, make it possible to reach the majority of the population.

Even the Internet presence of the current Presidency, which is in English, French and Czech, takes no account of the fact that German, with an 18% share of mother-tongue speakers in the EU, is the language with the most native speakers in the Union, while a further 14% of EU citizens speak it as a foreign language. I believe it is time that more attention was finally paid to this state of affairs.

Sirpa Pietikäinen (PPE-DE). – Mr President, access to information is one of the cornerstones of democracy. People have to have the widest possible access to all information at the early stages of the decisions taken by the institutions, or on the background to these decisions, so that they can fully participate in the formulation of policies.

The EU aspires to be more democratic and accessible to its citizens, so granting the widest possible access to EU documents is crucial to the Union's efforts to increase citizens' confidence in its institutions and to the whole legitimacy of this institution. That is why I was rather disappointed at the Commission's proposal regarding this regulation, although I would like to congratulate the rapporteur on the very good, dedicated and skilful work he has done in this context.

I would also like to thank Mrs Jäätteenmäki for her great efforts in this matter. Both of them have held to the guiding principles of openness and transparency where denying access to any document held by an institution is a definite exception. Such exceptions are, in some cases, necessary, but they should be limited to the smallest number on a clearly defined basis.

I also welcome the initiatives to push for the more proactive and clear disclosure of documents through improved Internet databases. Accessing documents is also a question of finding them. Often, information exists online but is hiding behind complex databases and here, we certainly need a lot more development.

Colleagues, we are defenders of democracy and, therefore, should have been more active already. We have to be very bold in defending broad access and transparency to all documents. I think that this is not the time to start compromising, or else we may compromise our status as good decision makers in the eyes of our voters as well.

Andrzej Jan Szejna (PSE). – (PL) Mr President, first of all, I should like to congratulate Michael Cashman on an outstanding report which affects one of the most important aspects of European democracy.

The European Union is undergoing systematic changes and transformations. Unfortunately, communication between the European Union and its citizens is not keeping up with these changes. The situation is similar with access to documents and information destined for the citizens themselves.

Transparency is a fundamental principle of the European Union, set out in Article 255 of the EC Treaty. Every citizen of the European Union and any natural or legal person residing or established in a Member State has the right to access European Parliament, Council and Commission documents.

We can only get the citizens of Europe interested in and build their confidence in the EU institutions, in MEPs and national politicians if we provide complete and honest information. It is therefore our duty to increase the transparency and effectiveness of the institutions of the European Union to the greatest degree possible. We must focus on making it easier for users to access information and on continuing to simplify the system and its tools.

Although it could do with some improvement and streamlining, the regulation which affects this report provides a sound legal basis. I am therefore sorry that the Commission gave no consideration to the rapporteur's 2006 proposal on transparency.

Mairead McGuinness (PPE-DE). – Mr President, access to documents is one part of the process of transparency, but there are many other issues. The use of documents and information is key, and one of the

big problems we have – and we acknowledge it, and the Commissioner in the Chamber currently is one of the best practised – is to get knowledge of the EU's decision-making process out there, because people do not understand the process. During the Lisbon Treaty debate in Ireland, people came up to me and said: 'you are urging us to vote 'yes' and you are going to lose your job'. They thought I was the Commissioner – perish the thought!

It is not enough to say that we give people loads of information, because in one sense, that would lead to a lack of transparency: it just covers things up with mountains of paper but no clarity. I would prefer that people fully understood how this place works and therefore could engage with it. I dare say that there are many in this House who do not fully know how this place works. I rest my case.

Danutė Budreikaitė (ALDE). – (LT) In an attempt to solve the Baltic countries' energy island problem, in particular with the growing threat to Lithuania's energy security following the closure of Ignalina Nuclear Power Plant at the end of this year, the European Commission has drafted the European Union Strategy for the Baltic Sea Region. I called on the European Commission's Directorate-General for Energy and Transport to provide an opportunity to see the document. I was told that there had been no discussion with the high level group drafting the strategy on the possibility of publicising information and documents, as formulated in the answer: *Sharing with the outside world*. The European Parliament is being classed as the outside world, to which information is not provided. Time and again we have discussed the opportunities available to society to see documents held by EU institutions, have we not? If a Member of the European Parliament representing citizens does not have such a right, this is a disastrous situation.

Margot Wallström, Vice-President of the Commission. – Mr President, I should like to thank the Members for an interesting debate and for their many valuable comments.

Regulation (EC) No 1049/2001 will now be updated to 'version two', one might say. It is important to point out again that we are not starting from scratch: we already have a good basis, and it is just a matter of improving on that. This will also be a version for the age of the Internet, as was mentioned in the debate. Electronic registers will now be included, and add to that active dissemination, as examples of these improvements.

The ideal situation would, of course, be for us to disseminate information so actively that no requests for access have to be made since everything is already out there – with some exceptions, of course. I can give you one example of what can be done, which is that I have already made my own correspondence register available on the Internet, so you can see my correspondence and documents.

It is not possible for me to go through all the comments that were made during the debate, but I want to comment briefly on a few crucial points, one of which concerns the definition of documents under Article 3. This is one of the articles of the Commission's proposal that have been most discussed and, I admit, most criticised.

We maintain that the current definition leads to ambiguity and a risk of unpredictability and bad practice. Is this Post-It note a document, for example? Mr Cashman is saying it is, and according to the wide definition in the Regulation, it could very well be so – as could the other scribbles I have here. Sometimes it is not helpful to make a definition too broad. We still maintain a wide definition, but we will reduce the discretionary non-disclosure of documents. The definition that we propose is much wider than the notion of official documents often used in national legislation. It comes very close to the concept of information in the UK Freedom of Information Act and in the Dutch law on transparency, for example. The registration of documents is an obligation under internal Commission rules, but these do not determine whether a document falls within the scope of the regulation. So we clarified and helped with the definition of documents. This will also help citizens to know what is it you can and should ask for in order to get full information. A more precise definition of documents means safer administration and more clarity for citizens.

The Court has ruled that documents relating to an ongoing investigation are manifestly covered by an exception to the right of access and, therefore, that those files are currently not acceptable and this does not constitute additional restriction of the right of access. In no Member State do citizens have access to the files of the competition authorities – I just wanted to make that point.

I also acknowledge that we could have explained and phrased things better in Article 3. I believe we share the same goal, and thus it should also be possible to find a clear and unambiguous wording. This is an example of an area where we should be able to achieve a good compromise text.

Another fiercely discussed point is Article 5(2) concerning access to Member States' documents. Let me be clear that the Commission's intention has been to implement what the European Court of Justice has ruled, and Member States must effectively justify why they refuse access to one of their documents, just as the institutions do regarding all other documents. The bottom line will always be the rules in Regulation (EC) No 1049/2001.

However, it is equally important that the Commission can have correspondence with Member States, for example, in the field of infringements of EU law. We need to have the possibility to quickly find satisfactory solutions from the perspective of both the Commission and EU citizens, as codified by EU law. Those kinds of contacts need to remain confidential, and that is also what the Court has said.

Finally, I shall just comment on the 'space to think' under Article 4(3). If we think carefully, I guess most people would agree that Parliament, as well as the Commission and the Council, needs a certain space to think. Documents related to decisions that have not yet been taken, or reflecting internal discussions, are not the same as other documents. What about the records of political group meetings or preparations? You have yourselves identified a number of problems and limitations arising from refusing a space to think, considering, again, what would benefit citizens most and what would be most helpful.

I must say that I would have preferred the Council to be here – as many of you have said – just as I would have preferred a fuller House, because these are absolutely crucial issues for all of us. The big task for us all in the next few weeks or months is to find common ground. That is also true within this House, and today's debate has shown that it is not always that easy. The more divisions there are, the more difficult it will be when the three institutions hold discussions. Parliament, the Council and the Commission each have their role, which should be respected, and I hope Parliament will speak with one strong voice, because that will benefit us all and benefit the end result, which I hope will be a balanced and workable compromise text.

Michael Cashman, rapporteur. – Mr President, those were interesting remarks, but I am afraid they have very little to do with the contents of my report.

I would point out that we have nothing to fear from public scrutiny and we have absolutely everything to fear as institutions from hiding information. We become more vulnerable. Commissioner, it is official documents which are accessible. Go back and look at the report. The space to think. Official documents. Within the notion of a space to think, that will not be official. Go back to the report. Accept our principles.

It has been an interesting debate but I have to say that the recast – which you defend – is not in the spirit of the interinstitutional agreement and it is not enough. You say it has worked well, but I am afraid the recast ignores vital jurisprudence on what actually needs to be done.

My reasons for delaying the final vote are so that we have absolutely maximum flexibility to negotiate with the political parties and with the institutions. I would further point out that there is nothing to prevent the Commission from amending its proposal at any time after the vote tomorrow, except perhaps institutional and political reluctance.

I find it somewhat patronising to be told that we will get action plans. Commissioner, I do not doubt your personal commitment to openness and transparency, but I do not want action plans for our citizens. I want rights enshrined in law which cannot be taken away – not gifts, but rights.

Parliament must therefore put political pressure on the Presidency to negotiate and it may be that we will have to negotiate without the Commission. Yes, Commissioner, I know the Council is not here, but I do not give up on one Council. I have been in politics long enough to know that you fight and you fight.

Let me finally quote this President, if you will allow me: 'My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government'. So said Barack Obama on 21 January 2009. I await a comparable announcement from the Commission or, indeed, from President Barroso.

President. – The debate is closed.

The vote will take place on Wednesday, 11 March 2009.

(The sitting was suspended at 11.45 a.m. and resumed at 12.50 p.m.)

Written statements (Rule 142)

Stavros Lambrinidis (PSE), in writing. – (EL) The amendments by the European Parliament to the regulation on public access to the documents of the European institutions, especially to documents relating to the legislative procedure, are a catalytic step in safeguarding transparency and participatory democracy in Europe.

Particularly important in my opinion is the requirement that every initiative or document designed to somehow influence the decision-making procedure must be published.

We are all aware that various lobbies frequently try to influence the legislative procedure by putting forward their arguments. European citizens have every right to know what these arguments and interventions are. They must be able to judge the essence of them and evaluate the final stance taken by their governments, the European Commission and, of course, their MEPs.

At least the same level of transparency should also be provided at national level by the Member States for their citizens on the basis of an express requirement in the European Parliament report, a call which we hope will very shortly be adopted by governments and national parliaments.

IN THE CHAIR: MR McMILLAN-SCOTT

Vice-President

8. Voting time

President. – Before we start the vote, I should like to inform Members that we are today introducing a new information system for the votes in the Chamber. The main feature is the display, on one of the large screens, of the official voting list prepared by the Tabling Desk. The display will highlight each single vote as it is announced, thereby making it easier for all Members to follow the vote.

The next item is the vote.

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

Graham Watson, on behalf of the ALDE Group. – Mr President, I seek clarification. Is it the case that the President has ruled that we will apply the recast procedure to the vote on the Krahmer report today and the vote on the Cashman report tomorrow? If that is the case, my group requests that we delay the vote on the Krahmer report until tomorrow, so that we can investigate the implications of the application of the recast procedure to that vote.

President. – The President is considering these two points. When we get to the Krahmer report, we will take your procedural motion.

Thomas Mann (PPE-DE). – (DE) Mr President, I congratulate the House on this new information system. It would seem, though, that a couple of bits of information in the everyday routine do not work.

I am very pleased, meanwhile, that, on the 50th anniversary of China's occupation of Tibet, many of us have managed to display Tibetan flags. It has come to my attention, however, that the Bureau had said in advance that certain flags may not be put up, meaning that MEPs are unable to display them on this important day. Is there any up-to-date information on this issue?

President. – I understand that there has been some confusion about this point, but the President has said that for the sake of good order today – and I am pleased to see so many flags in the Chamber; I am actually wearing one in my pocket here – the Tibetan flag may be displayed.

This gives me the opportunity to welcome to the Chamber Mr Tashi Wangdi, the representative of His Holiness, the Dalai Lama.

(Sustained applause)

Zbigniew Zaleski (PPE-DE). – Mr President, I would like to say a few serious and important words, if you will allow me. We have just passed the anniversary of the barbaric murder, by a shot in the back of the head, of 20 000 Polish officers and intelligentsia in Katyn in 1940 on the order of the 'Father of Nations', Joseph Stalin. This meant the elimination of the leaders and elites of a nation fighting for its own, and Europe's, freedom.

Four years ago, I asked for a minute's silence to commemorate them, but the House refused. Therefore, I will not ask for this today and will free the presidency from what appears to be such a difficult decision. Instead, I want to remind us of this tragedy and to express the wish that our common efforts can prevent genocides of this kind on the European continent in the future.

(Applause)

President. – Thank you, Mr Zaleski – the applause speaks for itself.

8.1. EC-Armenia agreement: air services (A6-0049/2009, Paolo Costa) (vote)

8.2. Agreement between the EC and Israel on certain aspects of air services (A6-0059/2009, Paolo Costa) (vote)

8.3. Additional protocol to the Agreement between the EC and South Africa, to take account of the accession of Bulgaria and Romania to the EU (A6-0073/2009, Josep Borrell Fontelles) (vote)

8.4. Next steps in border management in the EU (A6-0061/2009, Jeanine Hennis-Plasschaert) (vote)

8.5. Cross-borders transfers of companies' registered offices (A6-0040/2009, Klaus-Heiner Lehne) (vote)

8.6. Future of the European Common Asylum System (A6-0050/2009, Giusto Catania) (vote)

8.7. Commission action plan towards an integrated internal control framework (A6-0022/2009, Gabriele Stauner) (vote)

8.8. Cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters

8.9. Implementation of Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts (A6-0014/2009, Bert Doorn) (vote)

8.10. Equal treatment and access for men and women in the performing arts (A6-0003/2009, Claire Gibault) (vote)

– *Before the vote:*

Claire Gibault, rapporteur. – (FR) Mr President, ladies and gentlemen, careers in the performing arts are not immune from the continuing existence of major inequalities between men and women.

As I have responsibilities in the arts, this is a subject close to my heart, as discrimination against women in the performing arts is still rife, particularly when it comes to senior positions: there are so few female directors in theatre, dance, opera and so on.

For example, it is important to widen the practice of holding auditions behind a screen in recruiting orchestral musicians, by analogy with the existing business practice of viewing anonymous CVs, partly because it is the only way that women will get jobs as orchestral soloists and also because it is a good way of combating racial discrimination.

Moreover, the balance between professional and family commitments is even more difficult for women in this sector, due to the unusual working hours connected with their profession, hence the need to have specific opening hours for crèches that meet the needs of artists.

Ladies and gentlemen, Europe, as the ancestral home of culture, cannot continue to do nothing in the face of these problems that make it suffer.

8.11. Type-approval requirements for the general safety of motor vehicles (A6-0482/2008, Andreas Schwab) (vote)

8.12. Integrated pollution prevention and control: industrial emissions, titanium dioxide industry, use of organic solvents, incineration of waste, large combustion plants (A6-0046/2009, Holger Krahmer) (vote)

– *Before the vote:*

Graham Watson, *on behalf of the ALDE Group*. – Mr President, if I understood you correctly, you are indicating that the presidency does wish to apply the recast procedure to the Krahmer report today and the Cashman report. In that case, my group requests that we delay the vote until tomorrow so that we can study the implications of this.

Guido Sacconi, *on behalf of the PSE Group*. – (IT) Mr President, as I said earlier, I am in favour of this proposal, although I would like to point out that if amendments had not been tabled that go somewhat beyond what was adopted on the basis of a general compromise within the Committee on the Environment, Public Health and Food Safety, this problem would not have arisen, since the compromise amendments were completely in keeping with the nature of this revision, namely a recast. If this had been the case, then we could have voted today, but we accept the deferral as it makes sense.

Caroline Jackson, *on behalf of the PPE-DE Group*. – Mr President, it behoves Mr Watson, if he is making a suggestion that we should consider the recast implications, to explain to us now what the recast implications are. He might like to have a word with Mr Corbett before answering.

I am fairly relaxed about this, but it would be much more sensible, since we are teed up to vote on this and we are unlikely to change our opinion on the actual voting – plus, minus or abstention – in the light of the recast procedures, to vote now when we have the time rather than hurry and add this vote to the list tomorrow when we have a lot of other things to do. Therefore, I am opposed to moving it.

Holger Krahmer, *rapporteur*. – (DE) Mr President, I am very pleased that the President has finally given the floor to the rapporteur. I am also quite surprised!

At this time, we are still getting used to the recast rules. I would, however, like to draw attention to the fact that the application of these rules is no surprise, even just before a vote. We have already applied these rules consistently in committee and it is only logical for them to be applied consistently in plenary.

If we were to vote now, there would not be a single amendment and not a single compromise up for voting that have not been discussed. Everything is itemised on the voting list. For the same reason as Mr Sacconi, but with a different conclusion, I see absolutely no reason to postpone. We can vote now!

(Applause)

(Parliament rejected the request)

Avril Doyle (PPE-DE). – Mr President, as we have decided to vote, maybe you could indicate why so many amendments were ruled to be inadmissible. That is the problem, and that is the point originally raised in relation to the recast versions under review. We do not understand why some amendments are inadmissible. Could you clarify that as we proceed to the vote?

President. – I know in general terms what the issue is about, but I regret that I am unable to inform you of the specifics. We are now, however, voting on amendments which have gone through committee, which are regarded as admissible, which are substantive and which may or may not represent the view of the House.

Monica Frassoni (Verts/ALE). – (IT) Mr President, I would just like to say that today's episode clearly shows that the recasting agreement does not work and that it will affect our powers as a sovereign authority. That is the problem with this procedure, as we are now demonstrating so well.

Anders Wijkman (PPE-DE). – Mr President, I am sorry to prolong this discussion, but may I build on what was just said by my colleagues, Mrs Doyle and Mrs Frassoni? As one of the authors of several of the amendments, I was in contact with the President's office until 11.50 and could not obtain a clear 'yes' or 'no' as to whether the amendments we tabled – 136 to 139 – would be voted upon or not. It was unclear, and the last word was that the vote would probably be postponed. As Avril Doyle said, we simply cannot understand why these amendments are inadmissible. In the interests of clarity, we should have some more time and have clarification from the President's office.

President. – I am advised that it has been ruled on and only certain amendments have been declared admissible, as is normal in any House. I think it might be helpful if a statement is made tomorrow by the President taking the vote so that there is clarification. But we must proceed to the vote now. I am sorry for those who are disappointed.

– *Before the vote on Amendment 88:*

Christopher Heaton-Harris (PPE-DE). – Mr President, on most of our voting lists, Amendments 88 and 89 are down as inadmissible and there is no indication as to how we should vote. Whilst you might well be wanting us to vote, we have a small problem with this, because we do not know what we are voting on and we do not know which way we should be voting.

May I suggest that some more thought be given to this new procedure we are using for recast, because there seems to be a lack of coordination and communication around the different political groups.

Holger Krahmer, rapporteur. – (DE) Mr President, ladies and gentlemen, I can help you out here and even point out to the President what he himself decided. We now have Amendments 106, 139, 88 and 89. The President has ruled Amendment 88 admissible. You all have a note to that effect in the voting list. If not, you will have to speak to those responsible within your group. I am sorry for that.

– *After the vote:*

Chris Davies (ALDE). – Mr President, some of the amendments you ruled inadmissible were also ruled inadmissible by the Chair of the Committee on the Environment, Public health and Food Safety under the recast procedures. This Parliament has no right to introduce legislation. Its chance of influence is in amending legislation put before us. It seems that, in the way we have interpreted the recast procedures, we have castrated ourselves. Could you inform the President that if this Parliament is to demonstrate its true virility, we need to review these?

8.13. Statute for a European private company (A6-0044/2009, Klaus-Heiner Lehne) (vote)

– *After the vote:*

Zbigniew Zaleski (PPE-DE). – Mr President, in my judgement, the introduction of this beautiful high technology here was intended to save our time and increase our efficiency. You know my respect for the manner in which you preside here, but could you spare us the enumeration of the results in such detail. You can declare 'adopted' or 'not adopted'. This is enough. We have everything on our screens.

8.14. Guidelines for the 2010 budget procedure - Section III, Commission (A6-0111/2009, László Surján) (vote)

– *Before the vote on paragraph 13:*

László Surján, rapporteur. – Mr President, for the sake of conciliation, I should like to table an oral amendment, which has been distributed, to paragraph 13. The text should read: '[...] as well as internal security, particularly the fight against terrorism; immigration, demographic challenges [...]', instead of the old version '[...] as well as internal security, meaning particularly immigration, the fight against terrorism, demographic challenges [...]']'.

I would ask Parliament to support this oral amendment.

Anne E. Jensen (ALDE). – Mr President, in the text on the voting list, there is a comma between ‘terrorism’ and ‘immigration’, when we had agreed a semi-colon. You could not hear this when Mr Surján read his text. We would like to have that semi-colon between ‘terrorism’ and ‘immigration’.

(The oral amendment was accepted)

– *Before the vote on Amendment 16:*

Hannes Swoboda, on behalf of the PSE Group. – (DE) Mr President, what we are talking about here are ‘diversified gas transport routes’, and I would also add ‘and resources’, because:

It is not only the gas routes, but also the gas sources that should be differentiated, and that would include here. If this amendment is rejected, that should be included in the original text.

László Surján, rapporteur. – Mr President, I have no objection to this oral amendment by Mr Swoboda, which refers to the original text. In any case, I was told by the Tabling Office that this amendment is valid only for the amended one. If that is not so, I am in favour of this oral amendment being part of the original. Therefore, those who are following my advice will vote against the first part in this fifth vote and then we shall have an extra vote, which is not on the voting list, on this oral amendment, which I support.

Hannes Swoboda (PSE). – Mr President, the oral amendment applies in both cases, but I know that the PPE-DE Group will vote differently on the split vote, so that does not change anything, I agree.

(The oral amendment was accepted)

László Surján (PPE-DE). – Mr President, we were not voting on Mr Swoboda’s oral proposal, so if Parliament wishes to support his oral amendment, we should vote that this is still valid for the original text. Otherwise, we will have had four votes and rejected it, which requires five votes.

President. – The oral amendment was incorporated in the first of the four votes. That is what it says on the voting list. It was incorporated in the first of the split votes and was rejected.

László Surján (PPE-DE). – Mr President, no: in the voting list without the oral amendment, we were voting on the first part of the PSE Group amendment and that was rejected. In addition to the original PSE Group amendment, Mr Swoboda tabled putting the word ‘sources’. I am neither against nor for. I am not complaining if the PSE Group is not complaining. I just want to clarify that according to my knowledge, the word ‘sources’ is not in the text.

President. – That is correct.

László Surján (PPE-DE). – Mr President, so we should have had a vote on whether we wanted it or not.

President. – No. I asked if there were any objections to the oral amendment. There were none so it then formed part of the amendment which was voted on in the first roll-call vote and was rejected. That is the situation.

– *Before the vote on paragraph 31:*

László Surján (PPE-DE). – Mr President, that will be very simple. I suggest replacing ‘fears’ in the original text with the word ‘concerns’.

(The oral amendment was accepted)

8.15. Guidelines for the 2010 budget procedure - Sections I, II, IV, V, VI, VII, VIII and IX (A6-0057/2009, Vladimír Maňka) (vote)

– *Before the vote:*

Christopher Beazley (PPE-DE). – Mr President, we do need to make progress, but I see that there has been the most absurd inflation of roll-call votes. The last report to be voted – the Herczog report – has a roll call on every single amendment. Could we call upon Mr Corbett and other luminaries to devise some rationing system so that we can actually get to lunch?

8.16. Integrity of online gambling (A6-0064/2009, Christel Schaldemose) (vote)

8.17. Ensuring food quality: harmonisation or mutual recognition of standards (A6-0088/2009, Maria Petre) (vote)

8.18. Commission Reports on Competition Policy 2006 and 2007 (A6-0011/2009, Jonathan Evans) (vote)

8.19. Small Business Act (A6-0074/2009, Edit Herczog) (vote)

– Before the vote on paragraph 8:

Alexander Alvaro (ALDE). – Mr President, I just want to point out – since hungry Mr Beazley made a point about the roll-call votes – that, on the following report, every roll-call vote was requested by the PPE-DE Group. So much for that one!

President. – And Mr Beazley is a very devout member of the PPE-DE Group!

(Laughter)

That concludes the vote.

9. Explanations of vote

Oral explanations of vote

- Report: Klaus-Heiner Lehne (A6-0040/2009)

Daniel Hannan (NI). – Mr President, it is curious that, whatever the crisis, the answer in this House always seems to be greater European integration. Most people beset by the economic squalls we have had in the past six months respond by seeing the situation as scary and possibly painful. However, in this House, we see it as an opportunity for more regulation, more unification and more harmonisation at EU level, as this report shows.

The problem with this is that the people making that decision will be shielded from the consequences of it. Living in their palaces and chancelleries, surrounded and cocooned in their motorised convoys, their chauffeured cars and their official banquets, they will not be paying the price that our constituents will as a result of these economic policies. It seems to me axiomatic that we should respond to the economic crisis with more flexibility and by allowing countries to tailor their interest rates to suit their needs. Instead, we are doing precisely the opposite.

- Report: Giusto Catania (A6-0050/2009)

Simon Busuttil (PPE-DE), – (MT) I voted in favour of this report because it places heavy emphasis on the importance of solidarity, on the fact that a common asylum policy needs to be built upon solidarity. However, I would like to underline the fact that there are certain paragraphs in the report that I cannot go along with and that I would have voted against had we been given an individual vote. I would particularly like to highlight the issue regarding detention policy. I believe that we must be very careful when referring to the detention of asylum seekers because it is not simply a question of deciding to put a stop to detention once and for all and to have it apply to everyone. There are certain specific circumstances whereby the use of detention policy is, and will, always remain important.

Frank Vanhecke (NI). – (NL) Mr President, I voted against the Catania report, as I totally and utterly disagree with the Commission's recent proposals on asylum policy, which the rapporteur welcomes in this report.

My particular fear is that the new directive, which provides asylum seekers with even easier access to the labour market and would even give them a large allowance on top, will create a pull factor similar to the collective regularisations that were carried out in Spain, the Netherlands, Belgium and Italy, the consequences of which were simply disastrous.

Indeed, I should like to remind the House that, according to recent censuses, there are still more than 20 million unemployed in the European Union – the figure has most probably reached 25 million by now – which means that attracting even more asylum seekers is, in fact, a kind of collective suicide. In addition, I believe that this whole area must remain an exclusive competence of the Member States.

Philip Claeys (NI). – (NL) Mr President, I voted against the Catania report, as it clearly reflects an extreme left-wing bias aimed at rendering any efficient asylum management system simply impossible. All abuses of the existing systems in the Member States are defended and, if possible, cast in stone in legislation.

One example is the toleration of bogus asylum seekers who use minor children as a way of getting themselves a residence permit, and another is the opposition to closed reception centres for people who fail to meet the conditions for recognition as refugees and abscond upon their release. Clearly, every effort is being made to make life easier for actual and potential illegal immigrants.

The rapporteur is pleased that the Court of Justice rejects a list of safe countries, even though such a list is essential to keep the flow of refugees under control. The strategy of the left wing thus aims to overload the system such as to render any possible efficiency impossible. However, this is not what the majority of Europeans wants, and so this will be featuring prominently in our election campaign.

Hubert Pirker (PPE-DE). – (DE) Mr President, I am in favour of a common asylum policy for the European Union that would lead to quick and certain decisions. That said, I am against this report, as it contains elements that are absolutely unacceptable, such as the broadening of the term refugee way beyond what the Geneva Convention currently states; rejecting the regulation of safe third countries that we had already managed to reach a positive agreement on; giving Frontex tasks that have absolutely nothing to do with it; allowing asylum seekers a free choice of which country is to be responsible for the procedure – which represents the abandonment of the Dublin Convention; and easier access to the labour market for asylum seekers. We want quick procedures and not the integration of asylum seekers who will possibly have to leave the European Union again after 14 days because they will not be granted refugee status anyway.

Overall, the development in the Union is heading in the positive direction of a common policy, but what has been proposed in this report is completely counterproductive. It is for that reason that I voted against the report.

Daniel Hannan (NI). – Mr President, and so the European Union carries on acquiring one by one the attributes and trappings of nationality: a legal system, common external borders and now a common policy on who is allowed to cross those borders and settle within its territory. One by one, it has taken on all of the characteristics that international law recognises as definitive of statehood.

I wanted to compliment you, Mr President, on your ruling that it was acceptable for MEPs to demonstrate – as my neighbour did – little Tibetan flags on their desks. It stands in marked contrast to the way we had our placards snatched off us when we dared to display the word ‘referendum’ in this Chamber. I would like to ask you – because I know you, and other Members of this House, are interested in this subject – to ponder the hypocrisy of being in favour of national self-determination in Tibet but against national self-determination within the European Union. If you think I am being extreme by drawing a parallel between an authoritarian State in China and the European Union, prove me wrong by putting your Treaty to the people in the referendums that you promised. *Pactio Olisipiensis censenda est!*

- Report: Andreas Schwab (A6-0482/2008)

Mairead McGuinness (PPE-DE). – Mr President, I shall be brief. I voted in favour of this report because anything that improves road safety has to be welcomed.

I have an additional point. We have concerns in Ireland about road safety issues. When roads are being maintained by local authorities, we have had some terrible tragedies on these roads, and this is an issue that perhaps needs to be looked at from a European point of view and standards put in place.

James Nicholson (PPE-DE). – Mr President, first of all, I would like to welcome the report and thank the rapporteur for his good work. I have to admit that it is very rare for me to be lobbied, in Northern Ireland, to vote on an EU directive in a positive way, but I was on this one, and I was delighted to see such a positive vote today. For once it will bring some good news to my province, which certainly needs it.

Better safety and more environmentally sensitive and sensible proposals are always welcome. In the longer term, I hope it will also save existing jobs and maybe create new ones in the area. This is something that we

can all welcome as far as Europe is concerned, being positive, good thinking, rather than holding the economy back.

- Report: Holger Krahmer (A6-0046/2009)

Mairead McGuinness (PPE-DE). – Mr President, amid all the confusion about casting and recasting, this was a very difficult vote for many Members. In the end, I abstained on this vote because of my concerns about soils in particular. The Committee on Agriculture and Rural Development has concerns about a soils directive and this is an issue that needs to be carefully examined. We made some progress in the amendments in relation to agricultural issues in general, but my vote in the end was to abstain, rather than vote against, because there is much in this report around the environment, about power generation and emissions of which I am in favour.

Anja Weisgerber (PPE-DE). – (DE) Mr President, I very much welcome the central element of the Krahmer report, the European safety network. Maximum emissions limits are being laid down which the Member States must adhere to as an absolute top limit when granting permits to large industrial plants. There is, then, a rough framework, so that everything moves flexibly and so that there is a level playing field. This will put a stop to the inflationary use of derogations that has thus far taken place in certain Member States. This means competition on an equal footing throughout Europe. In that way, we can together establish a high standard at the European level.

I must make it clear, though, that I vehemently reject the regulations on soil protection. I am of the opinion that more account should be taken of the subsidiarity principle. Regulations on soil protection have no cross-border effect. Soil protection is not a cross-border issue. I therefore continue to believe that the Member States can regulate soil protection themselves.

There is an attempt here, however, to use the IPPC Directive as a back door through which to bring in parts of the soil protection directive, which we successfully fought off in the past. I very much regret that my motions to delete the relevant parts were rejected by a very narrow majority, in one case by only six votes. I have therefore decided to vote against this report as a whole, despite the fact that I very much welcome the European safety network.

Neena Gill (PSE). – Mr President, I am not entirely happy with this report and the manner in which we dealt with it here today, but I did nevertheless vote for the report because I believe it reduces red tape. Industrial installations make a significant contribution to pollutant emissions in Europe, but heavy industry is one of the drivers of our economy and needs to be encouraged to produce greener emissions.

This is a major issue for my region of the West Midlands, which is one of the most industrialised in the UK. The integrated approach is welcome, but the stringent rules in this report are of concern, and I am concerned that the implementation costs should not be so heavy that they undermine the environmental protection provisions.

We need checks on the European safety net and we need to look at issues such as the spreading of manure and slurry which, I believe, would be disproportionate to the environmental benefits we get.

Administrative burdens and costs have to be proportionate to the environmental benefits, because if that is the case, we will have a win-win situation which would help businesses meet their environmental commitments, bring significant support in the fight against climate change, and have the potential to improve health conditions for young and old people across my region.

James Nicholson (PPE-DE). – Mr President, I voted against his report. While there may well be good points in it, it eventually went too far. I am in favour of streamlining European Union regulations, but not if you make it more bureaucratic, difficult to operate and unfavourable to industry.

The attempt to bring agriculture into this legislation is, to me, totally unacceptable and is a step too far. It must be rejected. To bring in soil protection is not the responsibility of the European Parliament, nor can it be done throughout the whole of the European Union. That should be the responsibility of the national governments.

I have to ask why the Committee on Agriculture was not consulted on this particular issue. You cannot bring in regulations that are destructive and make pig and poultry farmers go out of business. The truth is that we are bringing in regulations in Europe, and restricting production in Europe, whilst allowing imports into the European Union that are not produced to the same standards as they are in Europe. I cannot accept that.

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Richard Corbett (PSE). – Mr President, there was some controversy about the recasting procedure and my name was mentioned in this context. I would like firstly to point out that the rapporteur who introduced this into our Rules of Procedure was Marylène Renault, not me.

Perhaps a word of explanation is necessary concerning the correct actions of the President of the Parliament. We often have pieces of legislation amending for the 15th, 16th or 17th time some existing pieces of legislation. That is very confusing for people who have to deal with this legislation. We have, rightly, embarked on a procedure for codifying such legislation – putting it in a single, readable, manageable text. We frequently have that before us and, because it does not change the substance, we have a simplified procedure for that.

However, when it comes to recasting, we have a difficulty. There, the Commission is putting forward a proposal to change one element of a package of existing legislation and to simply codify the rest without changing it. We have voluntarily restricted ourselves to tabling amendments of substance only to the part that the Commission is proposing to modify, and not to use the codification of the remaining part as an opportunity to reopen the substance. Maybe we should, as has been suggested by one of our colleagues. However, there would be a problem under the Treaty with regard to the demarcation of the right of initiative between us and the Commission. It is certainly not, however, an issue where colleagues were right to complain about the actions of the President. Under our existing Rules – which we gave ourselves as a Parliament and which we approved by an absolute majority of our Members – the correct procedure has been followed.

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Jim Allister (NI). – Mr President, I voted against this report because of its attempts to totally unnecessarily entwine agriculture into the huge burden of regulation which it would import. I recently met with some producers in my constituency. I saw the paperwork that has been heaped upon a particular producer because he is already within the ambit of these regulations. I shudder to think what is going to happen to ordinary producers of very modest proportions when they, too, are subjected to this huge and totally unnecessary burden of regulation.

I think it is a report that takes us very much in the wrong direction and, at the very least, I am happy that I was here to vote against it.

- Reports: László Surján (A6-0111/2009), Vladimír Maňka (A6-0057/2009)

Christopher Heaton-Harris (PPE-DE). – Mr President, I did not ask to give an explanation of vote on the Maňka report, because I was going to combine it with this one, because the two deal with how we are going to look at the budget in the following year, and I am not going to be here in the following year because I am disappearing off in June. I know that there is great upset across the other side of the Chamber about this matter.

I just wanted to lay down a few ground rules that have been ignored so far in these reports. We should watch out for how much money we are funding NGOs and agencies, where huge problems exist with how European taxpayers' money is being spent at this time. I give the example of the European Fundamental Rights Agency, which is currently under investigation by OLAF.

In general terms, at a time of huge economic downturn and hardship, maybe we should be looking at ourselves to tweak our budget so we can send more monies back to national exchequers where it is desperately needed and where the pain is being felt. And certainly at this time when big – almost irrational – decisions are being made by businesses and government departments around the world in employment matters, we should concern ourselves with having only one seat for this Parliament.

Koenraad Dillen (NI). – (NL) Mr President, I voted against this report. Although it is to be welcomed that illegal immigration and the fight against terrorism are prioritised and that this House is finally calling on the Commission to monitor closely the implementation of funds in Kosovo and the Balkan states too, bearing in mind the hasty enlargement to include Bulgaria and Romania, it is regrettable that no action is suggested in response to this, nor any conditions attached to it.

Incidentally, my party advocates a halt to enlargement after the accession of Croatia. Returning to the report, though – as has just been touched on, why did this House not take the trouble for once to advocate the abolition of a few of the superfluous non-governmental organisations (NGOs) and European agencies that are not subject to any democratic control, often interpret their powers too broadly and call upon European taxpayers' money for nothing?

Philip Claeys (NI). – (NL) Mr President, it is excellent that Parliament is stressing equal access to language facilities for all the Members of this House. Parliament must become genuinely multilingual. It can certainly be said that the working conditions of persons employed by contractors should be in line with the language rules.

On the other hand, in the chapter on buildings, this House neglects to take a clear stance on the monthly travelling circus to Strasbourg that costs approximately EUR 200 million per year. This does not send out a good signal to European citizens, to taxpayers, which is one of the reasons why I voted against this report.

Richard Corbett (PSE). – Mr President, in relation to the two budgetary votes, may I point out that a lot of people are asking: what contribution can the European budget make in terms of a fiscal stimulus in times of economic crisis? The answer is: very little. The whole of the European Union's budget amounts to less than 1% of GDP and it has been a declining proportion of GDP in recent years. It is, in macroeconomic terms, a very small budget and this is something that many of the Eurosceptics would do well to remember.

On the other hand, in certain areas, it can be of huge structural significance and gradually improve the structure of Europe's economy. On research and development, on some aspects of regional fund spending and social spending, we can help prepare our economy for the recovery.

I am glad that those aspects of the budget are gradually representing a greater proportion of the budget, and agriculture and some others are declining. However, I think that trend needs to be accelerated and we need to continue much more rapidly in that direction of shifting resources to where they can make a real difference.

- Report: Christel Schaldemose (A6-0064/2009)

Simon Busuttil (PPE-DE). – (MT) I voted in favour of the alternative motion on this report and I abstained when it came to the principle motion. There is no doubt that integrity in the online gaming sector is extremely important. We must ensure that we fend off all criminal activity that could affect it. However, this does not mean that we must turn to protectionism. We must keep in mind that the liberty of providing services within the European Union is a basic, recognised Union principle, and therefore we must not resort to protectionism. Moreover, it is worth noting that the Internet, considering that we are talking about online gaming, already provides us with a range of security measures that we can build upon, such as the obligation to sign up before one is allowed to play, or the tracing of certain activity which could be fraudulent in nature, or even the identification of the credit cards that are used. Therefore, we must say 'yes' to integrity and 'no' to protectionism.

Zuzana Roithová (PPE-DE). – (CS) Ladies and gentlemen, the growth of gambling on the Internet is a new phenomenon which does not recognise national boundaries, and which has negative consequences that we must confront without delay on a unified EU basis in order to provide effective protection for children and young people. Member States must introduce a common set of regulations on payments as quickly as possible, including checks on identity and age. The key issue of course is prevention and I am therefore pushing for a Europe-wide ban on gambling advertisements which are targeted at young people, just as we have for alcohol and tobacco. We must also monitor the other negative effects of this branch of the entertainment industry, including money laundering and organised crime in general. And as far as these areas are concerned, I am fundamentally opposed to a free market.

Carlo Fatuzzo (PPE-DE). – (IT) Mr President, I was unsure as to how to vote on Mrs Schaldemose's report on the integrity of online gambling and for what reason. So I asked my pensioners. Yesterday I met a pensioner named Ugo Rossi, a retired craftsman. He told me: 'Oh, online gambling, I have lost EUR 10 000'. A little later I met a retired lady, Lucia Annone. She told me: 'Do not talk to me about online gambling, I have lost EUR 100 000'. I decided, however, how to vote when even my mother, who is 94, said to me: 'You gave me a computer and I have lost my entire pension for March 2009, EUR 450'. So no, Mr President, at that point, I decided that, in order to protest against gambling and so that it is eradicated throughout Europe, I had to vote against this report for that reason.

Miroslav Mikolášik (PPE-DE). – Mr President, in the case of online gambling, there must be clear and unambiguous laws that serve to limit, control and account for the nearly EUR 3 billion in annual gross revenue realised by the gambling industry. However, according to Mrs Schaldemose, that EUR 3 billion is only 5% of the total gambling market in the European Union.

Therefore, the importance and influence of this industry is obvious – as are its dangers. Gambling is often correctly associated with crime at international level, and cross-border gambling rings which are much easier to run via the Internet jeopardise the laws of various nations and harbour risks to national sovereignty.

It is also important to note the negative effects on health associated with gambling. As a medical doctor, I am well aware of the damaging characteristics of obsessive or addictive gambling. These are not issues that the European Parliament can underestimate.

When it comes to tackling fraud, criminal behaviour and financial and medical issues that correspond to online gambling, I call on the European Parliament to vote repeatedly on better and better solutions in future.

Christopher Heaton-Harris (PPE-DE). – Mr President, I voted in the same way as Mr Busuttil on this particular report, and was concerned at the level of argument. In fact, the bilge that was coming up in this debate was unbelievable, exemplified by my colleague who has just left, Mr Fatuzzo. It is complete rubbish to say that, because three old people lose some money in a voluntary way, then we have got to ban online gambling across a continent.

This debate showed up many national differences, and there was no honesty in the debate at all. The Committee on the Internal Market and Consumer Affairs commissioned a study which showed that online gaming had no more damaging effect than ordinary gaming in a place run by a national lottery. There was one reasonable part, which was the part about fair return to guarantee integrity in sport. Alas, this debate has driven the online gamblers and the sporting governing bodies further apart than they have ever been before, rather than drawing them together to try and work out a common solution. It has absolutely shown the need for some forum where those two groups can come together and discuss this matter. Alas, this is obviously not that place.

Syed Kamall (PPE-DE). – Mr President, we all know that gambling is a very emotive subject. You only have to listen to the speeches that have been made before me. There are those who believe that gambling is the work of the devil and that those who take part deserve to be cast into hellfire and deserve all the losses they have on this earth and in the afterlife. Now that is an extreme view, granted, but if you were to look at some of the language used in this report – the issues of a transparent sector that safeguards the public and consumer interests, tackling fraud and other criminal behaviour, prevention of consumer detriment – those same emotions are expressed, albeit in a far more toned-down way, in this report when it comes to online gambling.

However, consider the hypocrisy of this report. It talks about online gambling in this negative and detrimental way, but it says nothing about the state monopolies that are hiding behind the emotive language to continue to drive out private innovative competitors. Let us be honest in this debate as to what it is all about. It is about keeping state monopolies, and we know where that leads to: it leads down the road to serfdom.

- Report: Maria Petre (A6-0088/2009)

Jim Allister (NI). – Mr President, quality food is not an aspiration in Europe: it must continue as a reality. But its production requires a fair and competitive return. Our agricultural producers must be able to earn enough to cover the extra cost generated by EU food safety, animal welfare and environmental requirements. When faced with cheap and inferior imports, the competitive advantage that quality should give is often not enough: hence the role that needs to be played by CAP funding in keeping our producers competitive. That has to be the quid pro quo for meeting the high costs imposed by EU regulation.

I also deplore the continuing exploitation of producers by the major distributors who now dominate the European food markets. Their abuse of their position of dominance continues, with producers exploited at every turn, even to the point of having to pay for their promotions.

- Report: Jonathan Evans (A6-0011/2009)

Syed Kamall (PPE-DE). – Mr President, thank you for giving me this opportunity to explain how I voted. It may come as no surprise to you that I actually voted in favour of this report, given that the author was a very good Conservative, British colleague of mine.

What we need to be wary of in these times of economic difficulties is the call for ever more protectionism and the call to suspend our normal rules on competition and state aid. We see the call for protectionism from President Sarkozy, arguing that taxpayers' money should be used to protect the French car industry. We see similar packages in America. I was interested when I saw an advertisement the other day in an American magazine sponsored by the American car companies, which said, 'You did not want to buy our cars. Therefore we are going to take your money anyway through your taxpayers' money to keep our companies alive'. This is what it seems to have come down to. Because the companies were not supplying the goods and services that consumers wanted to buy, we are now throwing aside rules on state aid and keeping up companies that may not survive in the long term. We understand the importance of jobs, but let us make sure that we are making good economic decisions.

- Report: Edit Herczog (A6-0074/2009)

Zuzana Roithová (PPE-DE). – (CS) Mr President, SMEs, unfortunately, still do not comprise the backbone of the economy, especially in the new Member States, and yet they represent hopes for a certain degree of employment security. Of course, we need more flexible employment laws so that these small firms can also react flexibly to new demands and reward specialists more easily in line with new objectives. We need to make it easier to set up companies but also to liquidate them. And most important of all, we also need to have easier access not only to credit, but also to drawdowns of financial resources from European funds. All this we know. We have done a good deal of work over the past five years here in the European Parliament, but it is up to the Member States to take these things seriously and put them into practice rather than just talking about them. Now, at a time of crisis, it is abundantly clear what has been neglected in this area, especially in the new Member States. I have voted in favour of Mrs Herczog's report but the whole exercise is pointless unless the Member States are willing to work on it.

Milan Gaľa (PPE-DE). – (SK) Mr President, I voted for Mrs Herczog's report. We have 23 million SMEs in the European Union. They represent up to 99% of all firms and provide work to more than 100 million EU citizens. In the current time of crisis, they therefore play a key role in economic growth, social cohesion and especially job creation. SMEs are dynamic and have a great ability to innovate and develop. They make a significant contribution towards implementing the Lisbon objectives.

Credit and loans are the main sources of finance for SMEs in Europe. The fact that SMEs are usually considered more risky makes it difficult for them to get access to finance. It is particularly necessary to provide favourable conditions for SMEs to obtain sources of finance, both through loans and from EU funds, and thereby to ensure the long-term sustainability of their business activities.

Neena Gill (PSE). – Mr President, I supported this report because – as we have already heard – small businesses are the backbone of our economy. Many Member States' plans for economic recovery stress the important role small businesses can play in bringing us out of the present crisis.

99.2% of my region's businesses employ fewer than 49 people. The West Midlands has the highest proportion of small businesses of any region in the UK. Providing that proper consideration is made of Member States' competences in areas such as collective bargaining rights, this report will go a long way towards making sure that we all think small first.

I especially welcome the emphasis in this report on the difficulties that small businesses are facing in accessing credit, time and resources for education and training, and – most importantly – for research. National borders, increasingly, are irrelevant to small businesses, which are doing more business with partners across Europe. However, we do need to protect them when they engage in cross-border trading through measures such as my recovery of debtors' assets report.

The EU also has a key role to play in ensuring that SMEs have access to funding, which means we should ensure that non-bank microcredit is made available. We can do this by using structural funds and developing microcredit institutions without taking money from the taxpayer. This initiative can curb unemployment and restart our economy.

Gary Titley (PSE). – Mr President, I welcome this report, with just one or two small reservations. We have heard from my colleague, Mrs Gill, how important small businesses are to the economy and how they are bearing the brunt of the difficulties at the moment. The trouble is that the European Union is geared entirely for big businesses, whether it is about legislation, access to markets or funding.

We often talk about better regulation, but what we really need is proportionality. We have to ensure that our legislation is proportional to the problems we are dealing with, and particularly in the IPPC, which we have talked about today. It is really about big business, not about small businesses, and we should reflect that.

I welcome initiatives like JASMINE, which I think are moving us in the right direction, but we need to think in terms of funding, market access and legislation and about the specific needs of small business.

Let me make one particular plea: we have a single market but we do not have a single Community patent. We have been at this for years and years now, and it really is a disgrace that we cannot sort out this problem. It could, by itself, be the biggest help for businesses in the European Union. Let us have some action.

Christopher Heaton-Harris (PPE-DE). – Mr President, I should like to thank the interpreters for staying around, because they did not have the option that Mr Beazley took a long time ago of going for lunch.

I should explain that being in a big group is not everything it seems. It is very difficult to get speaking time in some of the key debates if you are not in agreement with the big group's line, without either dramatically compromising your position or kissing backside in endless mind-numbingly boring meetings, and that is why, for people like me, explanations of vote are very important.

I suppose, in general terms, I should be welcoming the Small Business Act, or indeed any attempt to recognise the needs of small business. In fact, it was bad regulation when I was running my own small business that got me into politics in the first place – just trying to change one particular thing.

However, I am pretty sure that any regulation that comes from this place will certainly be creating more small businesses. Alas, they tend to be big businesses at the moment, which, when you add a lot of European regulation, gradually turn into small businesses employing smaller numbers of people, because they reduce their turnover because of that regulation and move jobs from our continent. We in this House have to be very careful that we encourage individuals to start up new businesses and do not encourage jobs to move continents because we are regulating jobs out of existence.

Syed Kamall (PPE-DE). – Mr President, like the previous speaker, I would also like to thank all the interpreters for having to listen to our speeches. I am sure it gives you much less pleasure than it gives us.

Two of my personal mottoes, for reasons which may not be obvious, are 'small is beautiful' and 'size does not matter'. I represent London, which I think is the greatest city in the world, capital of the greatest country in the world. Even though we no longer have our smokestack industries, we are full of small, innovative businesses in the creative industries and fashion industry, creating jobs all the time in a real growth area.

As the previous speaker said, we see a lot of European regulation aimed at supposedly helping business, but quite often it is the result of lobbying by large businesses who want to keep small businesses out. There was one notable large business I had dinner with a few years ago that described small businesses as freeloaders. It is that sort of attitude that we need to tackle. We also need to help small businesses when it comes to public procurement and competing with large businesses but, especially in the current times, in dealing with the shortage of credit to make sure that viable businesses continue to grow and create wealth and jobs in the European Union.

Written explanations of vote

- Report: Paolo Costa (A6-0049/2009)

Luca Romagnoli (NI), in writing. – (IT) Mr President, I voted in favour of Mr Costa's report on the amendment of certain provisions of bilateral agreements in force on air services between the Member States and the Republic of Armenia. I think that a designation clause should be added so as to avoid discrimination between Community carriers and those of the European Economic Area and Switzerland. Furthermore, I support the amendment, added in Article 5, relating to air transport tariffs, whereby carriage wholly within the European Community should be subject to European Community law. I believe that these amendments benefit businesses operating in the air sector as well as citizens, through the bureaucratic simplification of procedures and the resolution of the legal conflicts that usually occur in cases where Community regulations and bilateral agreements coexist.

- Report: Paolo Costa (A6-0059/2009)

Glyn Ford (PSE), *in writing*. – I realise that the Costa report deals with technical aspects of air services between the Union and Israel. Nevertheless, I voted against the report as a sign of my protest at the Israeli Government's outrageous actions in Gaza, even if there is no excuse for the rocket attacks on Israeli settlements orchestrated by Hamas militants and one can understand that Israel reacts.

The problem is that the recent invasion of Gaza was totally disproportionate and largely indiscriminate, with casualty rates one hundred times higher amongst innocent Palestinian men, women and children than amongst the Israeli army.

Bogusław Liberadzki (PSE), *in writing*. – (PL) I am voting in favour of the report on the Agreement between the EC and Israel on certain aspects of air services. I agree with the rapporteur's proposal that the agreement be signed.

I believe that the amendments regarding the designation, the taxation of aviation fuel and the pricing clauses are appropriate with regard to the bilateral agreements currently in force. I hope that basing ourselves on mutual trust in the opposite party's systems will help the implementation of the agreement.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of the report by Mr Costa on the agreement between the European Community and Israel on certain aspects of air services. I agree with the rapporteur that economic cooperation should be encouraged with the State of Israel for some services, such as air services, not only because of the mutual benefits, but also the positive external effects throughout the surrounding area. I myself am rapporteur for the report on developing a common aviation area with Israel, within the framework of the Commission's proposal on a global agreement on aviation with this important partner of the European Union in the Middle East and in the context of the European Neighbourhood Policy, and one of the main trading partners in the Euromed area.

Moreover, for a long time, Israel has been a member of the International Civil Aviation Organisation, has met its obligations and adopted policies that are in line with international legislation in this area, especially with regard to security and protection, but also environmental protection and the welfare of airline employees, all of which means that the aforementioned comprehensive agreement should be implemented at Community level, while paying close attention to the environmental repercussions of increasing traffic and to equality of access conditions.

- Report: Joseph Borrell Fontelles (A6-0073/2009)

Călin Cătălin Chiriță (PPE-DE), *in writing*. – (RO) I voted in favour of the additional protocol to the Agreement between the EC and South Africa, which is intended to take into account the accession of Romania and Bulgaria to the EU.

As a result of the accession of Romania and Bulgaria to the EU, the European Parliament will give its assent to the Council's draft decision concerning the conclusion of the additional protocol to the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

I think that it is particularly important that all the agreements signed by the EU with third countries include Romania, as an EU Member State. Romania is a member of the European family with full rights and must be included in all documents relating to the EU. Romania must enjoy all the rights and obligations of an EU Member State.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I abstained from the vote on Mr Borrell Fontelles's report on the additional protocol to the Agreement between the EC and South Africa, to take account of the accession of Bulgaria and Romania to the EU. I find, in fact, that I do not entirely agree with the work carried out by my fellow Member.

- Report: Jeanine Hennis-Plasschaert (A6-0061/2009)

Alessandro Battilocchio (PSE), *in writing*. – (IT) Thank you, Mr President, a great deal of progress has been made since the Schengen Agreement was implemented. The treaty radically changed the lives of many European citizens by focusing on a new approach to border management.

The new phase, dedicated to integrated border management, started in 2002, which led to the creation of a common corpus of legislation, a common coordination mechanism, operational cooperation, common integrated risk assessment, trained staff and burden sharing between Member States in the run-up to a European Corps of Border Guards.

Now that this phase has been completed, it is time to look ahead so as to achieve truly integrated border management to meet the two objectives of enhancing security and facilitating travel for third country nationals. To that end, I am in favour of the proposals presented by the Commission to Parliament, many of which have already been addressed in my report on the Community Code on the rules governing the movement of persons across borders. In this case, it seems inevitable that we will continue along this path and give our favourable opinion on the creation of a system of entry/exit registration, facilitating border crossing for travellers and the introduction of an electronic system of travel authorisation.

Carlos Coelho (PPE-DE), in writing. – (PT) Member States are still responsible for controlling their respective borders, but only a general agreement and a common policy will allow us to tackle the fundamental challenges of managing borders and migratory flows.

An area without internal borders cannot function without shared responsibility and solidarity in managing its external borders. The main reason for this should be borne in mind: the EU's external borders are crossed every year by more than 300 million travellers.

Truly integrated border management must work towards two basic objectives: enhancing security and facilitating the crossing of borders by those who are intending to enter legally and for legitimate reasons.

We cannot, however, continue to adopt separate new initiatives without a comprehensive master plan for the EU's border strategy. It is also important to evaluate existing systems so as to weigh up whether there is a real need for new instruments to be created, as well as their viability, reliability, interoperability and cost, and also whether the protection of individuals' fundamental rights is being given sufficient consideration.

Gérard Deprez (ALDE), in writing. – (FR) I support Mrs Hennis-Plasschaert's report on the next steps in border management in the European Union.

Faced with the challenge of enhancing internal security at the same time as facilitating travel for third country nationals, the Commission has proposed three solutions: registration of entry and exit, essentially in order to deal with the phenomenon of people overstaying their visas; facilitation of border crossing for *bona fide* travellers; and the introduction of an electronic system of travel authorisation, following the example of the system that has been in place in the United States since January. On the latter point, I would emphasise the importance of the Commission's policy study analysing the effectiveness, impact and practical feasibility of a system of this type: we need to have access to an objective assessment of its usefulness and of its real, not just assumed, added value.

We must not forget that there are two preconditions before we can introduce this impressive tool: we need to speed up the implementation of SIS II in order to enable biometric checking of passports and visas, and we need to examine the impact of the system on the protection of personal data, to ensure that the measure is proportionate.

Carl Lang (NI), in writing. – (FR) Such a rare event deserves to be highlighted. This own-initiative report on the future of the management of the EU's external borders is a reasonable one, and it is tinged with a degree of realism in that it proposes, as a first stage in re-examining border management in the EU, a critical, in-depth analysis of the operation and effectiveness of the existing systems and how they interact.

Without being gullible, we can be optimistic, and then perhaps we can have a debate.

Just as an example, to help us understand the state of mind of the authors of this text, here are two passages from it.

The first recognises that 'striking a balance between ensuring the free movement of a growing number of people across borders and ensuring greater security for Europe's citizens is a complex exercise...'. That much is true, but in another place we read that 'measures to enhance border security must go hand in hand with facilitation of passenger flows and the promotion of mobility in an increasingly globalised world'.

This level of schizophrenia is quite beyond us.

Roselyne Lefrançois (PSE), in writing. – (FR) Right from the start, I, as shadow rapporteur for the Socialist Group in the European Parliament for this report, have had serious reservations about the usefulness and the effectiveness of the entry/exit system mentioned in the European Commission's communication. Implementing such a system, which is directly inspired by the 'US-VISIT' Programme, would mean making huge investments only to see very uncertain results obtained with regard to the fight against both illegal immigration and crime. This is what the US experiment shows, in any case.

Moreover, the planned measures, which are based on the massive collection of personal data, pose risks to the protection of privacy in my opinion. This view is shared by the European Data Protection Supervisor.

The adoption of a number of my amendments, which were aimed at highlighting doubts concerning the need and the proportionality of the system and at criticising the culture of suspicion that increasingly pervades decisions relating to external border management, have led me to endorse the report in plenary.

At a time when the global economy is plunged into crisis, there are, without doubt, other priorities for the European budget.

Marian-Jean Marinescu (PPE-DE), in writing. – (RO) The own-initiative report on EU border management is important as it will act as a guide for the legislation which the EC will propose in 2009. As the PPE-DE rapporteur, I believe that the text must provide clearer support for preparing the next steps in integrated border management.

With regard to the EU entry/exit system, part of the data required to create this system was already collected by systems such as VIS, SIS and EURODAC. The Commission must manage the interconnection of these systems and expand their functionality in order to streamline costs.

The option for EU citizens to use automated gates as part of the Registered 'Bona Fide' Traveller Programme is welcome as it will help speed up traveller flows and prevent congestion. However, I have suggested changing the term 'bona fide traveller' to 'frequent traveller' to prevent the remaining travellers being considered as 'high-risk'.

Creating the Electronic System of Travel Authorisation is not justified financially. This is why I have suggested its replacement with the compulsory use of biometric passports by third country citizens not requiring a visa when entering the EU.

In order to achieve the EU's strategic objectives, the Commission should not start developing new tools from scratch until the existing ones are fully operational and reliable.

Alexandru Nazare (PPE-DE), in writing. – (RO) The security of external borders is an area which has not been looked into sufficiently, either by us in the European Parliament or by other Community institutions. I supported this report because I strongly believe that the importance of better identification of third country nationals lies not only in the fact that it will keep out people who should not be given entry, but rather it will facilitate access for those travelling legitimately.

Among the numerous necessary recommendations and observations made in this report, I would like to dwell in particular on how important it is to have a comprehensive master plan in place for border management. Even though, at the moment, other priorities are dictating institutional changes in the EU, it is becoming essential for us to integrate the numerous border programmes, either proposed or existing, in order to avoid unnecessary duplication and costs.

I also want to emphasise the importance of coordinating this potential plan with the experience and objectives of the Schengen area, which is the clearest example of the type of open area all of us want in Europe. We do not need temporary procedures, let alone a host of mutually incompatible mechanisms.

Nicolae Vlad Popa (PPE-DE), in writing. – (RO) I voted in favour of this report because I feel that removing internal EU border controls is a major step in the process of European integration, but it also involves new problems which we need to take into account.

I welcome the Council's initiative in preparing legislation proposals for the 2009-2010 period on introducing an entry/exit system, a Registered Traveller Programme (RTP) and an Electronic System of Travel Authorisation (ESTA). Although I believe that these programmes must be implemented as soon as possible, and operate as efficiently as possible, they need to be prepared properly.

The correct operation of the entry/exit system will depend from both an equipment and operational perspective on the success of the systems VIS, SIS II and EURODAC. I believe that it is absolutely essential for a comprehensive master plan to be drafted which sets out the general framework for the EU's border strategy and ensures coordination and cooperation between the various systems and authorities with responsibilities in this area.

We must also take into consideration the experience in the US in this area. I agree with the author that a programme like US VISIT may work from a technical viewpoint and that the programme is not therefore, by definition, an obstacle preventing normal traveller flow.

Luís Queiró (PPE-DE), in writing. – (PT) A legal system that is vulnerable to fraud, hard to impose and frequently not put into practice is an invitation to infringement – when not simply to ignorance – of the law. Taking into account the available information, it must be believed that this is one of the difficulties of the different European legislation on immigration. It is well-known that the dissuasive effect of a law depends more on how likely it is to be applied than on the sanctions that it carries. These concerns imply recognition of the need for the European authorities to collaborate on applying existing legislation and also on seeking to adapt the legal framework to the reality described in various reports.

Finally, in the name of both solidarity and equitable justice, it must be stressed that there is a need for consideration to be given to the burden that managing external borders represents to the Member States in question.

Bogusław Rogalski (UEN), in writing. – (PL) I voted in favour of this report on the next steps in border management in the EU. I would, however, like to draw your attention to a number of important aspects that should be taken into account in future.

An area without internal borders will not work if there is no responsibility for managing those borders. Increasing border security, which should proceed in tandem with improving the free movement of people in an increasingly unified Europe, is an important element in this. However, the ultimate objective should be to strike a balance between ensuring the free movement of people and providing greater security for the citizens of Europe.

The key element should be an approach based on the goal of protecting privacy in such a way that the personal data of travellers are not abused and the travellers themselves have confidence in the authorities holding that data. The use of personal data is beneficial to public safety. However, let us remember that public confidence in the activities of the authorities must form the basis of any legislative activity in this area. To achieve this, personal data needs to be strictly protected and properly supervised.

Luca Romagnoli (NI), in writing. – (IT) Mr President, I intend to support Mrs Hennis-Plasschaert's report on the important issue of the next steps in border management in the European Union and similar experiences in third countries. I agree with the rapporteur that it is essential to evaluate and assess existing measures within the framework of border management before investing further resources and developing the systems that the Commission seems to prefer, namely an exit/entry system for all third country nationals, a registered traveller programme (RTP) also open to them and a framework for the development of local registered traveller schemes and automated border controls. These procedures have great potential but it needs to be stressed, and in this respect, I welcome the rapporteur's work, that absolute priority must be given to guaranteeing the protection of personal data and the development of technology that is minimally invasive from the point of view of people's confidentiality, not forgetting, finally, a thorough cost-benefit analysis.

Daciana Octavia Sârbu (PSE), in writing. – (RO) Bearing in mind the importance of free movement as part of the European project, the purpose of the measures adopted over the years has been to ease controls at internal borders. However, these steps must be mirrored by measures which tighten controls at external borders.

In a situation where, for instance in 2006, up to 8 million illegal immigrants were registered in the EU, I consider that the Commission's initiative to introduce an entry/exit system, a Registered Traveller Programme and an Electronic System of Travel Authorisation during the 2012-2015 period is necessary. A European area without borders, turned from a wish into reality, can only operate if we assume joint responsibility and if we show solidarity in managing the external borders, a task in which Member States located at the EU's borders, including Romania, will play a major role.

However, we must not lose sight of the fact that there are already border protection systems available, such as EUROSUR and FRONTEX. It is therefore vital in terms of their functionality to assess to what extent the new initiative can supplement them, without creating the risk of duplication. Furthermore, our concern must be constantly focused on respecting a person's right to privacy, as well as on developing new, less invasive technologies.

Daniel Stroj (GUE/NGL), *in writing*. – (CS) I would like to say first and foremost that I completely disagree with one of the main conclusions of the report, which is that the removal of border controls on internal EU borders is one of the greatest successes of European integration. The removal of border controls is merely an inevitable consequence of the EU neoliberal project and its vital interest in the free movement of capital, goods and persons (in other words, workers). The EU should be chalking up successes first and foremost in the areas of peace and social policy, but unfortunately, of course, these are always far fewer in number.

The report also takes it for granted that in the area of administering the EU's external borders, we should copy the systems introduced in the USA. This is simply wide of the mark, bearing in mind the very real and strongly enforced 'iron curtain' between the US and Mexico. With regard to the external borders of the EU, I would also like to stress that the recent past in Europe has clearly shown that political and social problems cannot be solved through police or routine measures.

- Report: Klaus-Heiner Lehne (A6-0040/2009)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), *in writing*. – (SV) In this explanation of vote, we Swedish Social Democrats in the European Parliament aim to explain why we chose to vote in favour of Mr Lehne's report on the cross-border transfer of the registered office of a company. We believe that this is an important complement to the Lehne report on the European private company statute.

We believe that the lack of a common set of regulations for the transfer of the registered office of a company creates problems for companies wanting to move across borders within the internal market, as they are currently forced to liquidate the company and thus wind the business up in order to be able to move their registered office. We also think it good that the European Parliament is proposing that the transfer of a registered office must not involve the circumventing of legal, social or tax conditions. We also welcome the fact that the European Parliament emphasises that the transfer of the registered office should be tax neutral.

However, we do not agree with all of the conclusions of the committee in connection with the discussions of the report. For example, we do not agree with the wording in recital G to the effect that the European Parliament cannot issue legislation that runs counter to the case law of the European Court of Justice. We would like to point out that it is the European Parliament, together with the Council, that makes the law, and it is then the job of the European Court of Justice to interpret that law, not the other way round. Furthermore, we would like to see the words 'the European Parliament emphasises the positive effects of tax competition on economic growth in the context of the Lisbon Strategy' deleted from the report.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted against Mr Lehne's report on the cross-border transfer of the registered office of a company. In fact, I believe that company cross-border migration should not be regarded as one of the crucial elements in the completion of the internal market but, as is often the case, as a way of bypassing national laws on various subjects (not least taxation). I am therefore against this report because there is a real risk that the cross-border transfer of registered offices will circumvent the legal, social and fiscal requirements of the European Union.

- Report: Giusto Catania (A6-0050/2009)

Adam Bielan (UEN), *in writing*. – (PL) Mr President, I supported Giusto Catani's report. In my opinion, we need to revise the Dublin regulation so that the decision of the country responsible for considering an asylum request takes account of the individual needs of the asylum applicant. We need to emphasise the integration of asylum seekers into their new environment and to ensure that they are given the opportunity to learn the language of the country they are staying in, as this will increase their chances of being assimilated into their new culture.

Guy Bono (PSE), *in writing*. – (FR) I voted in favour of this own-initiative report by the Italian Member of the Confederal Group of the European United Left – Nordic Green Left, Giusto Catania, on the future of the European Common Asylum System.

The text of this report focuses on the situation of asylum seekers, whose fate is really something of a lottery depending on the country in which they land, and whose detention conditions are, at times, only just about bearable. This is a situation that affects border countries in particular, but which needs to be taken into account at European level. The fundamental rights of asylum seekers are at stake, as is the ability of certain countries to cope with these migratory pressures. This is a joint responsibility.

This report has the merit of providing a clear account of the situation and of specifying the challenges to come for the European Union in the context of this debate.

Through this vote, I am joining the French socialists in denouncing a situation which is no longer acceptable and which Europe, as a democratic institution and human rights protector, must remedy.

Martin Callanan (PPE-DE), in writing. – I am opposed to moves towards a common immigration and asylum policy in Europe. I believe that a harmonised asylum system will undermine the UK's sovereign right to decide for itself who should and should not be allowed to claim asylum in my country. Furthermore, I believe that a common asylum system will weaken the accountability of British ministers and parliamentarians to the citizens who elect them.

I accept that developed countries like my own have a humanitarian responsibility to people from third countries who have faced or would face persecution, torture or death if they were to return. However, I am worried that by taking away the UK's independent ability to monitor and regulate asylum entrants, we would potentially be exposing ourselves further to the threat of terrorist attacks.

Gérard Deprez (ALDE), in writing. – (FR) I support Mr Catania's report on the future of the European Common Asylum System.

All political refugees have the right to enter the European Union and, once their status has been recognised, to reside on European territory. Unfortunately, this right is not currently applied uniformly by the Member States: recognition of this status may vary from one Member State to another from 0% to 90%.

If we are to establish a uniformly high level of protection throughout the EU, we must be able to introduce a number of elements quickly. These include establishing a single asylum application procedure and single standards for qualification as a refugee, introducing a legal and effective mechanism for solidarity between the Member States – some countries are flooded with applications, while others escape more lightly – improving reception conditions for applicants, particularly for minors, and reducing the use of detention, and creating a European Asylum Support Office.

This is what is at stake in the whole of the 'asylum legislative package', which we have just started to look into as we reach the end of this Parliamentary term.

Bruno Gollnisch (NI), in writing. – (FR) The thinking behind Mr Catania's report is that applicants for international protection are necessarily *bona fide*, but in fact, everyone knows that asylum is often nothing but a pretext used by prospective economic immigrants to avoid being turned away. The Member States, for their part, are allegedly necessarily deaf to their distress, repressive and too slow to take decisions. Nobody points out, though, that it is the abuse of the procedure for illegitimate purposes that slows down the assessment of genuine asylum applications.

It is no doubt these beginnings that have given birth to some of the report's proposals, such as the suggestions that the country responsible for consideration of an asylum request should take account of the applicant's wishes, that this country should ultimately be determined by a European body, that applicants should have the same rights as long-term residents, that they should have freedom of movement within the territory of Europe, and so on.

We agree that there is a need for cooperation with those European countries that, due to their geographic location, are in the front line for migration flows and have difficulty dealing with them, but this absolutely must not result in a European policy that tells the States whom they must welcome into their territory, based on the whims of the asylum applicants and a supranational administration.

Louis Grech (PSE), in writing. – We are in agreement with the main thrust of the compromise report and are therefore voting for it. Having said that, however, we do not agree with certain clauses, such as those dealing with detention. I feel that they do not fully reflect and precisely interpret the complex and difficult situation of small Member States like Malta.

Malta is facing a disproportionate flow of illegal immigrants compared to its geographical limitations (121 sq. miles), small population (400 000 people) and other limited resources (administrative, financial, etc.), which should be taken into consideration when regulating, debating or legislating on this subject.

Carl Lang (NI), in writing. – (FR) In reality, there is only one objective behind this desire to create a common European asylum system, namely to give the Member States of the European Union the legal option of receiving as many potential immigrants as possible, more easily and without restrictions, which were deemed to be useless and contrary to human rights.

Europe has thus reaffirmed its position as a host for all migrant populations, and considerable emphasis has been placed on full respect for the principle of non-refoulement and on the duty to render assistance as enshrined in the United Nations Convention on the Law of the Sea.

Hence – and this is indeed understandable for these pro-immigration types – the simple fact that each Member State still has sovereignty and its own procedures in asylum law inevitably leads to disparities in the acceptance of asylum applications and is thus a barrier to the general acceptance of asylum applicants.

Faced with almost 26 million internally displaced persons and more than 12 million refugees in the world, what we need to do is not find more reception solutions, because it will never be enough to deal with the exponential growth in demand, but rather allow and encourage these people to stay in their own countries, to find work there and to base their families there.

Jean-Marie Le Pen (NI), in writing. – (FR) The report by the Communist Member, Mr Catania, recommends the establishment of a European pro-immigration policy.

Essentially, under the pretext of defending human rights, he wants to turn Europe into an open community that is prepared to take in all the misery in the world.

To this end, he proposes a top-down harmonisation of asylum law, the principle of non-refoulement, the avoidance of detention, and even the extension to refugees of the Directive on the status of third country nationals who are long-term residents.

Mr Catania is pretending to have forgotten that most of the illegal immigrants arriving in Europe – 75 000 of them in 2008 on the Mediterranean coast alone – are not political refugees but economic refugees, fleeing poverty in their countries.

This abuse of the right to asylum, contrary to the Geneva Convention, is not mentioned at any point in the report, and with good reason: it is convenient to make the 'white man' feel guilty by reminding him that he was a terrible colonialist and that he now needs to pay for that in every sense of the word. Legends die hard.

By trying to transform asylum law into a normal branch of immigration, Mr Catania is paving the way for a variety of abuses and is turning illegal immigrants into scapegoats.

Jörg Leichtfried (PSE), in writing. – (DE) I welcome the fact that the Commission has proposed a regulation updating EU asylum law since, given current circumstances, this is urgently needed. The number of refugees is constantly rising, and the current regulations and directives governing asylum are no longer coping with the situation. I therefore believe it to be essential that the Commission's reforms are implemented as soon as possible, and I would categorise the following points in those reforms to be of particular importance.

There must be a common asylum system, and one that leads to 'uniform and reasonable time limits'.

The rights of refugees must be bolstered – because of their status as particularly 'in need of protection', refugees cannot, as a matter of principle, be taken into custody.

There must be uniform border controls so that people who have a right to international protection can get access more easily.

The Dublin system currently in force, under which the wishes of asylum seekers, for example, their choice of a European country, cannot be taken into consideration, must be revised to the effect that people who are recognised as being in special need of protection are also able to live in another EU country.

The individual Member States must always retain the ability to decide independently who and how many people they accept, and why they do so.

I support the Commission's proposal and the own-initiative report, but I would point out, once again, that, on this issue, rapid and uniform implementation is crucial.

Erik Meijer (GUE/NGL), in writing. – (NL) Mr President, I voted against the proposal by Mr Catania today on the future of the European Common Asylum System. My party, the Dutch Socialist Party, does not believe that harmonising asylum policy and dressing up an agency to govern this in future would lead to a more even distribution of the number of asylum applications among the various Member States. Asylum applications are determined more by the presence of family members and acquaintances in certain Member States, which attracts new asylum seekers.

I also take the view that harmonisation would lead to lower-quality asylum policy in countries where this policy is relatively well regulated at present, as Member States would use this standardisation to seek out the lowest possible level. Such a race to the bottom is undesirable and, ultimately, would only hit asylum seekers. As much as I appreciate Mr Catania's efforts, I cannot support his conclusions on this.

Andreas Mölzer (NI), in writing. – (DE) While cooperation on asylum issues, given the massive streams of refugees, is important, the good sense of the proposed European asylum agency is dubious. Further upgrading can be arranged without the need for such an agency, while some of the measures envisaged fall within the competence of other organisations such as Frontex. It is absolutely not acceptable for this new agency to produce risk analyses that the Member States are then compelled to use, which is to say it would be prescribed which asylum seekers the Member States must accept. This is a profound intrusion on the sovereignty of the Member States, and the only response is to reject it.

Luís Queiró (PPE-DE), in writing. – (PT) Even though, in some cases, the reasons that make someone decide to emigrate may be similar to those which drive asylum seekers, the two systems must be sufficiently distinct, whether in legal terms or in terms of administrative procedures.

With this important proviso, a point that must be considered is the fact that, because borders within the Schengen Area are effectively open, decisions taken within one Member State may have implications for another. At the same time, the idea of Europe could be understood as a whole in the eyes of an asylum seeker who views the 'European Union' as an area that is homogenous and, in their understanding, the antithesis of the danger that they are fleeing. Finally, it will be difficult for an asylum seeker fleeing from a real threat to his or her life to choose their point of entry to Europe, or to be able to carry out the administrative processes that are necessary and required for a candidate for immigration. All these considerations make coordination and collaboration between Member States necessary, without the above meaning that asylum should become an alternative means of gaining entry to immigration, or, even less so, a means of getting round the illegality of certain migratory flows.

Luca Romagnoli (NI), in writing. – (IT) Mr President, I cannot agree with many of the points in Mr Catania's report on the future of the European Common Asylum System and, for that reason, I must vote against it. While I agree with Mr Catania on the fact that the institution of asylum is an essential part of democracy and protection of human rights, in order to ensure that it remains, so it is absolutely necessary to avoid any kind of possible abuse.

To that end, rather than a common asylum system in Europe and rather than building a 'Europe of asylum', to use the words of the European Pact on Asylum and Immigration, adopted by the European Council last October, it would be more desirable to build a 'Europe of rights', which is to say, a Europe that combats the causes behind the increase in the number of refugees as pointed out by the rapporteur, which adopts a stronger international role to resolve conflicts in certain countries, which exerts pressure more decisively so that respect for dignity, human life and fundamental freedoms is guaranteed, wherever that is not yet the case. Combating the effects of these serious violations of rights does not resolve and will never be able to effectively resolve the underlying problem, for which other instruments should be used.

Bart Staes (Verts/ALE), in writing. – (NL) In recent years, the number of refugees in the EU has grown to 12 million, in addition to which there are 26 million internally displaced people.

A common European asylum policy is necessary, as the asylum policies of the 27 EU Member States are too different – which, in practice, means playing with people's futures, and that is preposterous. During the first phase (1999-2005), the EU attempted to harmonise the approach of Member States' policies on the basis of common minimum standards. The second phase has been working on a common asylum procedure and a uniform status for those granted asylum or subsidiary protection.

The report we shall be adopting today welcomes the establishment of a European asylum agency but regrets the slow progress on implementing the second phase; for which, of course, the non-entry into force of the Treaty of Lisbon is to blame. I support the call for the improvement of the existing legislation with regard to both the Asylum Procedures Directive, the Directive determining the conditions for reception, and the Directive that grants or withdraws refugee status.

The report has my support, as it is important that a standard of protection be introduced for refugees and that all Member States show solidarity in shouldering their responsibility and cooperating purposefully.

- Report: Gabriele Stauner (A6-0022/2009)

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mrs Stauner's report on the Commission action plan towards an integrated internal control framework of the Union's budget. The principles of sound financial management and budgetary transparency are fundamental, not only in order to obtain a positive statement of assurance from the European Court of Auditors, by means of simplifying legislation on controls and the resultant potential reduction in associated costs, but also, in the medium term, in order to monitor more effectively the use of the resources of the citizens of the European Union and, as a result, to enhance the legitimacy of EU action. For this reason, I believe it is fundamental to begin cooperation with the Member States and with independent audit institutions, as, moreover, already pointed out by the rapporteur.

- Report: Manuel Medina Ortega (A6-0058/2009)

Andreas Mölzer (NI), *in writing*. – (DE) Courts are dealing with international and cross-border evidence law on an increasingly frequent basis. Such cases may relate to Austrians who have accidents in Germany, defective goods or services procured from another Member State, witnesses who live at the other end of the EU or defendants who move abroad. The right to legal redress absolutely must not cease because evidence is located outside the Member State in which the court in question is located. Those on the ground tell us that, just as in the past, there are unsolved questions in connection with the cross-border taking of evidence in civil and commercial matters. Since these matters do still require solving, I have voted in favour of this report.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mr Medina Ortega's report on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters. It is clear that, in order to promote efficiency and hence avoid any unnecessary waste of time and money, direct contacts between courts and full cooperation between them should be promoted. Moreover, more use should be made of information technology, in particular, secure e-mail communications and video conferencing, since they are, at the same time, more effective in terms of results and more cost-effective. Lastly, I agree with the rapporteur when he welcomes what is being done in this respect in the context of the e-Justice programme.

- Report: Bert Doorn (A6-0014/2009)

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mr Doorn's report on implementation of Directive 2006/43/EC on statutory audits of annual accounts and consolidated accounts. I completely agree that it is necessary to urge the Commission to promote national quality assurance structures, in close collaboration with the Member States, which ensure independent and external quality assurance for accountancy firms. Moreover, I feel that it is right and necessary to monitor and report on how far the goals of the Directive have been met, or are expected to be met.

- Report: Claire Gibault (A6-0003/2009)

Robert Atkins (PPE-DE), *in writing*. – British Conservative MEPs are in favour of equality of treatment and access for men and women in all aspects of society, including the performing arts. We have supported this report today on that basis.

However, we wish to record that we disagree with the concept of quotas as implied, for example, in paragraph 12 of the report.

Alessandro Battilocchio (PSE), *in writing*. – (IT) Thank you, Mr President, I voted in favour of the report. A few days after International Women's Day, here we are again in this Chamber discussing social inequality

between the two sexes. Even the world of performing arts, as clearly highlighted by the Commission, is not spared these problems.

Throughout the performing arts sector, women are still struggling to achieve a fully developed role, rarely reach positions of senior responsibility in the major cultural institutions, and are often paid less than their male colleagues. In particular, the untypical hours that typify working in the arts make it difficult to reconcile the female roles of worker, wife and mother, often forcing women to choose between career and family.

I would like to conclude, then, by stressing the need to guarantee an equal gender mix in the decision-making and consultative bodies involved in recruitment, promotion, rewards and funding, as well as in the other branches in the sector, in order to introduce statistical monitoring to produce comparative analyses of the working situation faced by women in the various countries of the Union

Nicodim Bulzesc (PPE-DE), in writing. – (RO) I voted in favour of the report on equality of treatment and access for men and women in the performing arts because inequalities in career prospects and opportunities between women and men in the performing arts are very much present and persistent. There is also an absolute need to put into practice the democratic notion that ‘equal work must be matched by equal pay’, which, in the arts as in many other sectors, is still not the case.

Martin Callanan (PPE-DE), in writing. – Performing art has flourished for thousands of years and in every society on Earth. It is therefore questionable as to why the EU feels the need to impose its will on what is otherwise a sector that flourishes precisely because it is largely free of interference from Brussels.

I do not think it is my place as an MEP to tell those involved in the performing arts how they should regulate their own affairs. In fact, I think it is my job to ensure that performing artists and organisations that facilitate performing arts are as free as possible from well-meaning, but misplaced and naïve, initiatives like this one.

I am all in favour of the equal treatment of men and women in the eyes of the law. However, I believe that political pressure should never be allowed to interfere with artistic decisions. We stood firm in this House with regard to the reaction provoked by depictions of the Prophet Mohammed in Danish newspapers. My fear is that by eroding artistic freedoms, even slightly, we are also eroding the values of free speech and expression.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We voted in favour of this report because it underlines the scale and persistence of the inequalities between men and women in the performing arts and their impact on society as a whole. It also emphasises the absolute necessity of promoting and encouraging women’s access to all the artistic professions in which they are in the minority.

As is stressed in the report, the percentage of women employed in artistic professions and in the official culture industry is very small. Women are also under-represented in positions of responsibility in cultural institutions and in the academies and universities where some arts are studied.

That is why we agree with many of the proposals presented here, emphasising the need for promotion of women’s access to all the artistic professions and other professional activities related to performance in which they are in the minority. Member States also should be encouraged to remove any impediments to women’s access to management positions in cultural institutions, as well as in academies and universities.

We also emphasise that discrimination towards women is problematic for the development of the cultural sector because it deprives the sector of talent and ability. We also recognise that talent needs contact with the public in order to be given recognition.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) It goes without saying that we in the June List stand for equal treatment, equal pay for equal work and the fundamental principle of the equality of men and women. We have therefore voted in favour of this report.

However, this is a ‘yes’ vote with a clear proviso. We are opposed to the European Parliament attempting to determine how the individual Member States should, for example, structure their national childcare or apply a quota system.

The present report is a typical example of the meddlesomeness and zeal for regulation that characterise the European Parliament. Instead of acting as a forum for the pressing challenges that require cross-border cooperation, it is continually interfering in issues that are, and should remain, national matters.

David Martin (PSE), *in writing*. – This report highlights the persistent inequalities in career prospects and opportunities between women and men in the performing arts sector. I support this report which urges Member States to take specific measures to encourage and promote women to further their careers where they are under represented.

Miroslav Mikolášik (PPE-DE), *in writing*. – I believe that gender inequality should be phased out of our lives. In today's civilised world, the disparity between men and women, and majorities and minorities, must be done away with. The European Parliament must observe its past legislation and uphold the values of universal solidarity. There must be a gender mix in the decision-making process for the performing arts and various other areas. In order to find true talent, the most capable performers and deserving applicants, women must be given equal status with men in the same fields. Where men are favoured over women, or vice versa, there must be serious corrections and viable protection to end this inconsistency. Depriving a group on the basis of sex or any other characteristic will not be tolerated by the EU, and it is our duty to ensure this applies across the field of the performing arts (and others areas as well). For this reason, it is my duty and that of the PPE-DE Party to give a vote of confidence to any legislation that supports equality, corrects wrongdoings, and better preserves cohesion between members of the opposite sex.

Maria Petre (PPE-DE), *in writing*. – (RO) I voted for this report and Mrs Gibault and I cooperated very well. We must not forget that women in the performing arts in general are still under-represented, and specifically in management positions in this area. We must not forget either that we are talking about a sensitive area with a large multiplier effect, conveying a powerful message to its audience and society. We do not have sufficient nurseries and crèches. There is also the fact that working hours in the performing arts are long and non-standard. If these aspects are improved, the objective proposed in the report of having a representation level of 30% in the arts can be achieved.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mrs Gibault's report on equality of treatment and access for men and women in the performing arts. I agree with the aims of Mrs Gibault's report: to recognise the way in which identities are constructed socially and culturally in the performing arts and to propose specific solutions which could correct the imbalances associated with existing unequal situations. All available skills sources should be used for the good health of the sector as well as for the personal development of men and women. Lastly, I feel that it is imperative to find solutions very quickly for opening crèches in cultural undertakings with hours adapted to rehearsal and performance times.

- Report: Andreas Schwab (A6-0482/2008)

Adam Bielan (UEN), *in writing*. – (PL) Mr President, I support Mr Schwab's report on CO₂ emissions and improving road safety. It is essential that the efforts to reduce CO₂ emissions do not undermine other equally important aspects of car design, and do not negatively affect road safety. I believe that stimulating and investing in the development of an innovative European motor industry will effectively enable us to protect jobs in this sector, which has been worst hit by the financial crisis.

Šarūnas Birutis (ALDE), *in writing*. – (LT) Now there are new technologies to fundamentally improve transport safety (e.g. electronic stability control systems) or to reduce the amount of CO₂ emissions (e.g. low rolling resistance tyres), if such technologies are fitted as standard in new motor vehicles.

Avril Doyle (PPE-DE), *in writing*. – MEP Schwab has proposed a report which aims to increase car safety through the introduction of increased safety measures requirements for car manufacturers. All new vehicles manufactured in the Union will be subject to compliance with the technical requirements and measures which will reduce their environmental impact, decrease associated noise pollution and increase their road safety. The regulation combines advances in European manufacturing and technology and increased levels of safety protection that the European consumer can expect. These innovations will help to reduce CO₂ emissions, fuel consumption and noise pollution.

I am delighted to support this report which will benefit us all.

Astrid Lulling (PPE-DE), *in writing*. – (DE) I have voted in favour of this report, as consumers need and want safer and more environmentally-friendly vehicles. As for car safety, I particularly welcome the mandatory fitting of ESP (electronic stability systems) in passenger cars from as early as those built in 2011.

As far as tyres are concerned, I believe the efforts to reduce CO₂ emissions through the use of better tyres with less rolling resistance, as well as the introduction of electronic tyre pressure monitoring systems, to be

worthwhile. The reduction of CO₂ emissions must not, however, be at the expense of the safety of the tyres, which is to say, their wet grip.

I am also pleased that existing stocks will not – as originally planned – have to be taken off the market within 12 months, but instead only 30 months after the introduction of a new standard. This avoids the need for tyre stocks to be destroyed, which would cause additional damage to the environment. Furthermore, we are allowing our supply businesses, hard hit, as they have been, by the economic crisis, a sufficient transitional period to get to grips with the high level of requirements made of them.

Adrian Manole (PPE-DE), in writing. – (RO) Any citizen on the planet who is aware of the magnitude assumed by global warming can act to halt the progress of this process endangering Earth. In the case of drivers and the vehicles which they drive, these efforts are set out in the report voted on today.

'Green driving' means reducing fuel consumption. The EU is advocating a possible reduction in these costs of EUR 20 billion by 2010. It is also advocating a possible reduction in CO₂ emissions of 50 million tonnes. It goes without saying that the effects of these measures will only be evident in the long term. However, it is helpful that their implementation is coming into force one year ahead of the Commission's proposal.

David Martin (PSE), in writing. – I support this regulation which will make cars and roads safer by bringing in new technologies. These include tyre pressure monitoring systems, wet grip requirements and lane departure warning systems. This report reduces CO₂ emissions through new standards which tyres must reach, which will improve fuel efficiency and cut fuel bills.

Luca Romagnoli (NI), in writing. – (IT) Mr President, I voted in favour of Mr Schwab's report on type-approval requirements for the general safety of motor vehicles. The aim of the report, which is excellent, is to ensure the proper functioning of the internal market while, at the same time, providing for a higher level of safety and environmental protection. These type-approval requirements have been harmonised at Community level in order to avoid differing systems from one Member State to another, and to ensure a high level of road safety and environmental protection throughout the Community. I therefore fully agree with Mr Schwab, since the proposed Regulation aims to significantly simplify the type-approval legislation in the field of motor vehicle safety and tyres with one Council and Parliament Regulation.

- Report: Holger Krahmer (A6-0046/2009)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) The original IPPC Directive, along with the other six directives, has not been fully implemented in the EU Member States and therefore, these directives do not fulfil their purpose. It was therefore decided to recast these directives and we have voted on them in Parliament today. We Swedish Social Democrats are in favour of a recast and we can see that it contains certain improvements on the current rules. However, we chose to vote against the directive in the final vote, as we believe that some of the amendments that were voted through will make the directive considerably less good than the Commission's original proposal. For example, we were unable to accept additional exemptions for large combustion plants.

Another reason why we felt compelled to vote 'no' is the fact that we are missing an opportunity with this directive to seriously reduce the emissions of greenhouse gases. By voting down the amendments that our delegation was involved in tabling, advocating limit values for carbon dioxide emissions for new large electricity generation plants, this House has shown that it does not take the work of reducing emissions of greenhouse gases seriously. We cannot support such a proposal.

Liam Aylward, Brian Crowley, Seán Ó Neachtain and Eoin Ryan (UEN), in writing. – We strongly support the original IPPC Directive. Industrial activities covered by existing Directives emit 55% of the EU's CO₂ emissions, 83% of SO₂ and 34% of NO_x. Under the current directive, permits are issued by the Environment Protection Agency which require industrial plants to apply 'Best Available Techniques'.

During the vote this morning, there were a number of problematic amendments regarding the new IPPC proposal.

1. Minimum Requirements. Ireland is against the minimum requirements amendment, as this will penalise Irish industry and the work recently undertaken to achieve the status of the current directive. Resources would be better spent enforcing the directive in those Member States which are non compliant.

2. Poultry and Manure and Slurry. There were a number of amendments seeking to bring more poultry and manure spreading within the scope. I have voted against this amendment to avoid double regulation, as the Nitrates Directive suffices on manure and slurry. On poultry, the IPPC already controls 40 000 poultry places. An amendment would reduce the threshold values from 40 000 to 30 000 for laying hens, 24 000 for ducks and 11 500 for turkeys. There is nothing stated in the impact assessment about how these numbers came about and on what scientific basis they were established.

2. Instalments. I also voted in favour of flexibility for instalments

Niels Busk, Anne E. Jensen and Karin Riis-Jørgensen (ALDE), *in writing*. – (DA) The Danish Liberal Party's MEPs, Anne E. Jensen, Karin Riis-Jørgensen and Niels Busk, have voted in favour of Amendment 96, proposed by the Group of the Alliance of Liberals and Democrats for Europe, to delete Article 16, paragraph 4, because the spreading of livestock manure is contrary to the objective of IPPC, which is to combat emissions from large industrial installations. Moreover, this matter is already included under the Water Framework Directive (2000/60/EC) and the Nitrate Directive (91/676/EEC).

Martin Callanan (PPE-DE), *in writing*. – The initial provisions of this report would have left National Health Service hospitals in my region of north-east England and elsewhere in the UK facing massively increased costs for their heating boilers.

NHS hospitals need to have a significant amount of spare boiler capacity to cope with emergencies and in case there are technical failures. The directive would have assessed the hospitals' boilers on the basis of their potential emissions, rather than their actual emissions - thus causing them to incur substantial costs to obtain a permit.

I supported the tabling of amendments to exempt part-time stand-by boilers from the scope of the directive.

Notwithstanding these concerns, we must act in concert to address the common threat of climate change and environmental pollution.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) This proposal for a directive seeks to revise and bring together, in a single text, seven separate directives on industrial emissions.

The Commission's proposal states that it provides for an integrated approach with the aim of ensuring that environmental aspects are taken into account, in the most comprehensive and balanced way possible, when permits are issued for installations. The aim is to impose effective limits on emissions through the employment of best available techniques (BATs), which must be applied more consistently than to date.

As the report states, this legislative process could have implications for 52 000 industrial plants in Europe. That is why we support some proposed derogations for micro, small and medium-sized enterprises, which should not be subject to the same obligations as large industrial units. However, we support greater intervention in industrial units that have incinerators and co-incinerators and more inspection than is being proposed by the European Commission.

The amended text attaches some value to public consultation and the role of environmental NGOs, takes into account the interests of micro-enterprises and SMEs and reclaims some decision-making power from the European Commission. For these reasons, in the end, we voted for the proposal, in the hope that in Portugal, there will be more government intervention in supporting and monitoring air quality.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted against Mr Krahmer's report on industrial emissions. I do not agree that competent local authorities should have to lay down measures to limit emissions for individual installations, and hence attain an emission level which, on average, meets the requirements laid down in the BAT reference documents, with some leeway so that proper account can be taken of local circumstances. This task should be wholly assigned to a Community authority, not a local or national one. The specific characteristics of a region must not be a discriminating factor in this field, since different minimum thresholds result in extremely variable costs and returns, which then inevitably affect the true competitiveness of businesses.

Czesław Adam Siekierski (PPE-DE), *in writing*. – (PL) The recently adopted climate and energy package demands decisive action on our part to meet its targets.

Previous efforts by the EU to reduce industrial emissions have been hampered by lack of cohesion and coordination, and by high levels of disparity. I therefore warmly support the Commission's initiative and

the rapporteur's suggestion. Replacing numerous directives on industrial emissions with a single, coherent act is definitely a step in the right direction. I am also prepared to support any initiatives aimed at cutting red tape, increasing the flexibility of regulations regarding the inspection of installations and increasing transparency. I fully support the rapporteur's proposal to increase the role of the European Parliament in working on future regulatory changes.

Georgios Toussas (GUE/NGL), in writing. – (EL) The proposal for a directive by the European Commission on industrial emissions and the amendments by the European Parliament reveal, once again, that the real objective of the 'green economy' is not to protect the environment, but to safeguard the profits of capital. The pronouncements by the European Commission about limiting emissions of greenhouse gases are misleading and disorientating.

This directive concerns more than 52 000 industrial plants which account for a large proportion of emissions in the Member States of the EU and are even jointly responsible for the failure to achieve the targets set by the European Commission itself for reducing atmospheric pollution.

The most important amendments by the European Parliament considerably limit the scope of the directive and introduce elements of ambiguity and uncertainty which always operate for the benefit of the plutocracy and strengthen the unaccountability of capital. At the same time, industrialists themselves are reduced to a decisive factor in defining emission levels, which will be set in accordance with their needs and priorities, in other words, on the basis of the profit motive.

The impasse in environmental protection is being included in the anti-monopoly, anti-imperialist fight by the workers against the economic sovereignty of the monopolies and their political power and against the EU and the parties which support the European one-way street.

- Report: Klaus-Heiner Lehne (A6-0044/2009)

Jan Andersson, Ole Christensen, Göran Färm, Anna Hedh, Dan Jørgensen, Poul Nyrup Rasmussen, Christel Schaldemose, Inger Segelström, Britta Thomsen and Åsa Westlund (PSE), in writing. – The Commission's proposal on a Statute for a European private company allows an opportunity for non-serious companies to circumvent the rules on worker participation. If the private European company has its registered office in a Member State with low or no workers' participation and performs its activities in another Member State with high participation, the company can circumvent the rules.

The Socialist Group in the Parliament has however, together with the ETUC, reached a compromise which improves the Commission's proposal substantially. The compromise now states that when the companies have a certain quota of their employees in another Member State with higher worker participation compared to the Member State where the company has its headquarters, the more favourable rules for worker participation will apply.

Although the compromise is far better than the original proposal, we have not succeeded fully. The levels to trigger worker participation are still high compared to the rules in some Member States and there are also problems with the definition of what is regarded as being a higher level of worker participation. We – the Danish and the Swedish delegations in the Socialist Group – have therefore decided to abstain our votes in the final vote.

Johannes Blokland (IND/DEM), in writing. – (NL) This afternoon, we voted on the Statute for a European private company. In the end, I voted against the proposal, for the following reasons. Firstly, I take the view that this proposal increases the legal uncertainty in the European Union. The relationship between the national private company and the European private company, between the applicable national law and the text of the regulation, is not made sufficiently clear. How is circumvention of useful national legislation to be prevented? How does the proposal accord with consumer protection?

No satisfactory answers are provided to such questions. We also voted on another report by Mr Lehne today, in which he makes recommendations for improving the cross-border transfer of company registered offices. I actually think this a much better idea than the European private company. If the Commission were to endeavour to facilitate the cross-border transfer of company registered offices, reducing red tape, the whole proposal for the European private company would be redundant.

Carlos Coelho (PPE-DE), in writing. – (PT) The significant differences between the legal systems of Member States often force companies that want to begin operating abroad into very costly processes. This is particularly true for SMEs, which have smaller structures.

With the creation of this statute, another step is taken towards the lifting of these obstacles, especially in a sector that is fundamental to the European economy.

The creation of the 'European private company' allows SMEs to establish their subsidiaries using the same statute, regardless of where they have their head office. They will be able to do business just as easily abroad as in their own country.

The time and money saved by SMEs through this measure, resulting from the Small Business Act, point out a clear course for future European business policy.

For these reasons, Members representing the Portuguese Social Democratic Party are supporting the report.

Avril Doyle (PPE-DE), in writing. – Mr Lehne has proposed an own-initiative report proposing a Council Regulation that aims to make it easier for small and medium-sized enterprises (SMEs) to facilitate cross-border transfers within the Community of the registered office of a company formed in a Member State of the Community. The aim is laudable. However, we must be cautious that this facility is not abused to undermine national company law while ensuring that the Statute (*Societas Privata Europea*) represents a viable alternative for businesses.

There are many proposals among the numerous amendments which remain highly contentious, including references to minimum capital, checks on registration, references to national law, cross-border components and employee participation. Certain amendments proposed by the ECON committee have called for uniformity in certain areas by 2010, including tax, effectively restricting the application of national law.

While accepting in principle the proposal of a European company operating according to the same principles EU-wide, the scope of this proposal should not extend to restricting national taxation decisions, which remain firmly the preserve of individual Member States.

Lena Ek (ALDE), in writing. – (SV) I voted against in the final vote with regard to the Statute for a European private company (SPE). The basic idea of introducing a common European company form for private companies is a very good one. It is a reform that is definitely needed.

The Commission's proposal is very poor. The boundary between when national law is to be applied as opposed to the statute for a European private company is very unclear. A large proportion of companies' rules and regulations are to be dealt with in their articles of association. Even if this may be a positive step for some companies, some issues are such that they must be clearly specified in the statute: for example, the boundary between the competence of the company as an entity and protection of minority shareholders. Moreover, the degree of employee representation within management is poor.

The SPE statute has been significantly improved during the Council's ongoing negotiations, and I am still hoping that the final result will be good. However, it is not that proposal that we are to adopt a position on today. It is the Commission's proposal, as amended by Mr Lehne, and that makes my decision quite simple: the lack of clarity and the problems contained in this proposal overshadow the positive aspects of the reform, and there is an imminent risk of us having a statute that will run counter to its purpose. Furthermore, in view of the positive progress that the Council has already made, support for this report would throw a spanner in the works with regard to the Council's work.

It is not the Council's proposal that we are voting on, it is essentially the Commission's proposal. I have therefore chosen to vote against it.

David Martin (PSE), in writing. – This initiative creates a new European legal form intended to enhance the competitiveness of SMEs by facilitating their establishment and operation in the Single Market. I support the report which will lead to greater protection for workers and the information they are provided with by their company.

Bernhard Rapkay (PSE), in writing. – (DE) The German Social Democratic (SPD) delegation has voted in favour of the option of establishing a European private company. We would like to issue the following explanation, however.

Worker participation is a cornerstone of a democratic and social Europe. For that reason, the right to information, consultation and worker participation, without restrictions, must take the same form as in the existing rules on the European company (*Societas Europae* – SE) and the European cooperative society (*Societas Cooperativa Europaea* – SCE).

The version of a European private company now agreed represents an improvement on the Commission's proposal in this regard – which is the reason we have voted in favour – but fails the objective of adapting to the existing rules. The risk of circumventing workers' rights to participation has not been completely averted.

The process is not yet over. We call upon the Council of Ministers to improve the proposal in the following ways:

- the addition of clear references to the Directive on a European company (SE), in particular, to its standard rules in respect of the election of members to the administrative or supervisory board,
- the simplification of the impracticable provision of Article 34; the significant lowering of the thresholds,
- the stipulation that a European private company really is active across borders.

We call on the Commission to finally get the 14th Directive on the cross-border transfer of the registered office of a limited company moving, as the rights of worker participation in the cross-border transfer of registered offices can only sensibly be ensured by a Europe-wide directive on worker participation.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I voted in favour of Mr Lehne's proposal for a Council regulation on the Statute for a European private company. I support the work he has done to lay down autonomous rules on points that are crucial for the 'daily life' of the SPE, such as minimum capital, employee participation and checks on registration. Lastly, as far as references to national laws are concerned, I believe that the aim of the regulation on SPEs, namely to create a uniform form of undertaking throughout the Community, is thoroughly welcome and worthwhile.

Czesław Adam Siekierski (PPE-DE), *in writing*. – (PL) At a time of a raging economic crisis, developing the SME sector is a highly desirable thing. We must strive to raise the administrative and legal barriers that are preventing anyone who wants to from starting up in business. Procedural requirements, red tape and high costs of registration should not get in the way of people who want to develop their business idea. New firms mean new workplaces, and hence economic recovery.

The European Union consists of 27 Member States with different legal systems and different systems for setting up companies. Creating an EU-wide form of business establishment – the European private company – will definitely make life easier for anybody who wants to start up in business, and will help to make the principle of the free movement of capital more effective.

Uniform requirements on establishing and carrying on an activity, a low share capital requirement and simplified registration methods will definitely make the European private company a success. It will provide an attractive alternative to national regulations. It will be fast, cheap and free of unnecessary formalities, but ensure a proper degree of legal certainty.

- Report: László Surján (A6-0111/2009)

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) This report calls for yet more financial resources for area after area within the EU, while in the Member States, savings need to be made in areas such as healthcare, schools and social care.

Furthermore, several areas indicated in the report, such as the financial crisis, climate change and energy policy, are associated with huge costs that are completely out of proportion to the EU's budget. These are matters that need to be dealt with in the individual Member States under their domestic political processes, which will result in a democratic basis for the sacrifices that need to be made.

We have therefore chosen to vote against this report on the Commission's budget for 2010.

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) Faced with the worsening economic and social situation in various Member States, to date the EU has not taken any effective initiative that has not been aimed at protecting financial capital.

We urgently need to adopt immediate Community measures which will help to effectively respond to the needs of workers, the productive sector, and micro, small and medium-sized enterprises, by mobilising the necessary financial resources.

However, the EU has debated and adopted a budget for 2009 as if nothing were happening – a Community budget which, in relative terms, is the lowest since Portugal's accession to the EEC – once again showing its class nature.

Faced with evidence of the depth of the capitalist crisis (in its policies), the EP has failed to conceal the true situation. The resolution now adopted therefore timidly says that the Community budget for 2010 must be closer to the limits set out in the Multiannual Financial Framework 2007-2013 – which, in addition to being clearly inadequate, is not even observed – and also recognises that the category of expenditure is 'insufficient'.

As we are 'once bitten, twice shy', we hope that this proclaimed concern and intent are not merely short-lived wishes, bearing in mind the forthcoming European Parliament elections, and that this is not, as always, simply a case of good intentions.

Luca Romagnoli (NI), in writing. – (IT) Mr President, ladies and gentlemen, having carefully read Mr Surján's work on the Guidelines for the Budget 2010 procedure, I decided to vote against the report. I do not believe that the European Parliament's credibility comes from promotion or from establishing links to budget items. In this way, the real motivations prompting the European institutions to act are lost sight of. Moreover, while I agree with the principle of maximum transparency, I believe that the funds to be allocated to the various sectors should be shared out without any discrimination in terms of efficiency or results. Sectors that have performed poorly must also be subsidised. In fact, perhaps they are the ones that are most in need of Community institutional support.

- Report: Vladimír Maňka (A6-0057/2009)

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) At a time when cuts are being made in healthcare, schools and social care within the public sector, savings should also be made within the EU institutions. We believe that the budget should most definitely be cut for the Committee of the Regions and the European Economic and Social Committee. The EU's taxpayers would not notice any difference if a strict savings plan were to be imposed on these two institutions.

We are also opposed to the increase in staffing levels in the political groups in the European Parliament. This is not a necessary cost given the current situation.

Opening a museum of European history, as the Bureau of the European Parliament has decided to do, is also a bad idea. Experience shows that such a museum will be designed as propaganda for an increasingly federal EU.

We have therefore chosen to vote against this report concerning, among other things, the European Parliament's budget for 2010.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) We welcome the fact that linguistic issues are now regarded by the EP as a 'fundamental principle' in its priorities for the Community budget for 2010:

- 'Cannot stress enough the fundamental principle that all Members should be equally provided with full and quality services allowing them to work and express themselves and to receive documents in their native language ...';

- 'Considers that 2010 should be a year when the utmost effort must be made so that Members of all nationalities and languages are treated equally in terms of their possibility to carry out their duties and all political activity incumbent upon them in their own language if they so choose';

- 'stresses, ..., the principle of democratic legitimacy through all its composite Members and their right to full multilingualism; therefore considers that this budget can and should be used to work towards this goal ...'

However, we cannot forget that the proposals presented on the budget by the MEPs from the Portuguese Communist Party – which called for all the official languages of the EU to be available at meetings (both those held within the Community institutions and external meetings held as part of Parliament's work) – have successively been rejected over the years.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, ladies and gentlemen, I do not endorse Mr Maňka's report on the guidelines for the 2010 budget procedure, and I therefore voted against it. In point 5 of the motion for a resolution, in fact, mention is made of a complete adaptation in view of Croatia's accession to the European Union. However, as is written in the resolution, in situations such as these, with 27 Member States and one potential entrant, it should be the newest arrival that adapts, not the rest of the countries. Furthermore, I do not feel able to support the extension for a second year of the pilot programme on enhanced cooperation between the EU's Bureau and the Committee on Budgets, since I do not consider it worthwhile or effective.

- Report: Christel Schaldemose (A6-0064/2009)

Jim Allister (NI), *in writing*. – This report addresses significant weaknesses in the current regulatory framework. In particular, I have been concerned about the lack of accountability of EU-based companies trading in the UK which are able to advertise in the UK, but do not need to apply for a licence. Indeed, the UK vice tax has only encouraged this worrying pattern of companies establishing themselves overseas and thus avoiding the need to apply for a UK licence. I therefore welcome this report, which should go some way to tackling this problem.

Liam Aylward, Brian Crowley and Eoin Ryan (UEN), *in writing*. – Consumer protection is of paramount importance to all Member States. It is also an area in which Member States can cooperate to ensure protection for consumers availing of cross-border services. Mrs Schaldemose's report on the integrity of online gambling is an example of how a pragmatic, cooperative approach from Member States can result in an approach that has consumer protection at its core.

The report recognises that the integrity of online gambling is best dealt with by recognising the principle of subsidiarity in this area and allowing Member States to regulate the industry themselves. However, it calls for cooperation and coordination on combating fraud and crime and addressing social and public order problems such as addiction and personal data protection.

Central to the report is the safeguarding of the integrity of sports and sporting events. It is absolutely essential that sport is first and foremost recognised for its social, entertainment and health values and that these values are in no way threatened or manipulated for financial gain. Online gambling is enjoyed by many European citizens. We must ensure that these citizens are protected and I believe that Mrs Schaldemose's report is an important step in that regard.

Martin Callanan (PPE-DE), *in writing*. – I support a more open gaming environment in Europe. For too long now, national monopolies controlled by governments have prevented new entrants from offering gaming services in Europe.

Online gambling offers a new way for consumers to enjoy their gaming experience. I have no problem with responsible gamblers participating in online gaming activity offered by responsible operators. This report seeks to ensure a high level of consumer protection and to ensure a fair and transparent gaming environment in cyberspace. It is also important in my view to take all reasonable steps to prohibit minors from gaming online.

Of course, there are concerns about the social effects of gambling and these are concerns that I share. However, I think that in the past, far too much responsibility has been put on gaming companies and not enough on individuals. Ultimately, the decision on whether or not to gamble is a personal decision and the individual must be responsible for the consequences.

Eija-Riitta Korhola (PPE-DE), *in writing*. – (FI) Mr President, I am very satisfied with the result of the vote on Mrs Schaldemose's report on online gambling. It shows that the vast majority of Members of Parliament consider gambling to be an economic activity of a very special nature, to which the rules of the internal market cannot be applied exclusively.

The social impact of gambling and its effect on health, as well as the risks of crime associated with it and its special cultural aspects, must all be taken into account. That also applies to the many studies that show that the Internet as a tool multiplies these risks. Obviously, no one single authority alone could control online gambling throughout the whole of Europe.

Mrs Schaldemose's report also mentions the positive effects of gambling, which I think it is very important to preserve. In many countries in Europe, the proceeds from these games amount to significant sums of

money that go, for example, to the arts, science, youth work and hospitals. Thousands of NGOs benefit from the funding that they provide, besides which gambling games are the biggest source of income for EU-wide sports organisations and, in particular, grassroots sports activities.

The fact that a majority in Parliament are keen to preserve the current national laws on gambling policy and do not simply want to replace them with a code of practice, which would afford consumers far less protection, does not mean that the market should not be liberalised. It simply means that liberalisation has to be on the Member State's own terms. Furthermore, if there is a desire to maintain national monopolies, the system must be non-discriminatory and legally justifiable.

Mairead McGuinness (PPE-DE), *in writing*. – I voted against the report on the integrity of online gambling as I believe the alternative motion, which was rejected by the plenary, would have better reflected the up-to-date position in the online gambling sector.

I share concerns about citizens being ripped off and the worries about gambling addiction, but note that gambling is controlled in the majority of Member States in order to protect citizens against gambling addiction and fraud and to prevent money laundering.

We need to prevent problem gambling and under-age gambling, in addition to fighting fraud and crime. I believe that the alternative resolution would have addressed those concerns more effectively.

Seán Ó Neachtain (UEN), *in writing*. – (GA) Consumer protection is vitally important to all the Member States. This is also an area where cooperation between Member States is desperately needed, particularly from the point of view of cross-border services. This report on online gambling shows that a pragmatic approach, based on cooperation, can ensure that consumer protection is at the heart of European Union policies.

This report recognises that the best approach for dealing with gambling matters on the Internet is to recognise the principle of subsidiarity in this sector and to leave regulatory matters to each individual Member State. That said, the report recognises that it is through cooperation and coordination that European Union Member States will best be able to combat fraud, crimes and social problems.

At the heart of the report is the importance of sport and the need to preserve its integrity and honesty. The social and cultural value of sporting matters must be protected and it must be ensured that sport is not mismanaged for the sake of money or for other similar reasons. Many people in the European Union enjoy online gambling. We must ensure that these people are safe from harm on line.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mrs Schaldemose's report on the integrity of online gambling. I am firmly convinced that in this sector, which, incidentally, generates a very important source of income for sports organisations, there must be complete transparency that safeguards public and consumer interests. Lastly, I feel that uniform legislation, and not diverse legislation such as that currently in force, can be very helpful in order to avoid online gambling being signalled as a social problem.

Toomas Savi (ALDE), *in writing*. – Unfortunately, I was unable to participate in the votes on Christel Schaldemose's report on the integrity of online gambling. However, I would like to use this opportunity to agree with the rapporteur, as the report points out several important and dangerous aspects concerning online gambling. In 2004, online gambling accounted for roughly 5% of the total gambling market in the EU and the numbers have been increasing rapidly over the past few years.

It is important to understand that different illegal activities such as credit card fraud, minors having access to gambling, match fixing, etc. are currently inevitable parts of online gambling. Also, the number of people addicted to gambling is likely to rise, as for many, online gambling is very convenient.

The impact of online gambling, as the rapporteur points out correctly, has not yet been examined in depth. Therefore, in order to protect citizens, it is crucially important that all Member States perform intensive research on the effects of online gambling as well as improve the monitoring and regulation of gambling markets.

Christel Schaldemose (PSE), *in writing*. – The Schaldemose report on the integrity of online gambling sets out Member States' responsibilities in regulating their gambling markets so as to protect vulnerable consumers, especially children, to tackle crime and to protect sporting events from risks such as match-fixing.

Gambling was removed from the Services Directive by MEPs on account of its special status, and there is clearly no willingness to create EU-level legislation. Labour MEPs therefore strongly support the report's call for Member States to regulate their gambling markets to protect consumers. The report also makes clear that such regulation must be proportionate and non-discriminatory, as set out in the EU Treaties.

As such, Labour MEPs believe that the UK Gambling Act represents Treaty-compliant legislation that aims to ensure fair and open access to gambling services, while preventing crime and protecting children and the vulnerable. A number of Member States are currently reviewing their legislation on gambling to ensure it is compliant with the EU Treaties.

Labour MEPs emphasise that authorities across the EU must remain vigilant and cooperate against all risks of crime, match-fixing, and threats to young people and the vulnerable from all forms of gambling. Labour MEPs welcome continued efforts by reputable operators of online gambling services to take action to ensure such concerns are met.

Marianne Thyssen (PPE-DE), in writing. – (NL) The operation of gambling and betting is not the same as other economic activities, as some in this House believe. In its case law, the European Court of Justice has confirmed that it is Member States themselves who determine what level of protection they consider appropriate to protect their citizens against the hazards associated with gambling.

The subsidiarity applicable here means that Member States must be able to control and to regulate their gambling markets in accordance with their traditions and cultures in order to protect consumers against the hazards of addiction, fraud and money laundering. In view of the additional risks involved in online gambling, I am convinced that national legislation cannot be replaced by pan-European self-regulation of the gambling industry.

Therefore, I join the substantial majority of my colleagues on the Committee on the Internal Market and Consumer Protection who believe that a purely internal market approach to gambling is not applicable. I have therefore chosen to wholeheartedly endorse the Schaldemose report.

- Report: Maria Petre (A6-0088/2009)

Adam Bielan (UEN), in writing. – (PL) Mr President, I voted in favour of Maria Petre's report on ensuring food quality. I would, however, like to express my concern that the average consumer is unaware of the difference between protected designations of origin (PDO) and protected geographical indications (PGI). I believe that conducting an information campaign on this issue is essential.

Šarūnas Birutis (ALDE), in writing. – (LT) Member States need to promote those quality assurance systems which are already well known to European consumers. These systems should not be made uniform or merged into one. In order to ensure minimum standards for quality certification in the Community, they must be assessed and recognised on a European scale. Therefore, the Commission must have an office which would be responsible for approving and allowing the use of these systems on a European scale and which would ensure uniform and effective control at European and national levels.

Nicodim Bulzesc (PPE-DE), in writing. – (RO) I voted for this report as I agree with the introduction of a mandatory indication of the place of production of primary products based on a country of origin label, reflecting consumer desire to know more about the origins of the product they are buying. A system of this kind should also be applied to processed food products, indicating the origin of the main ingredients and raw materials, and specifying their place of origin as well as the place of final processing.

Niels Busk, Anne E. Jensen and Karin Riis-Jørgensen (ALDE), in writing. – (DA) The Danish Liberal Party's MEPs, Anne E. Jensen, Karin Riis-Jørgensen and Niels Busk, have voted in favour of Mrs Petre's own-initiative report on ensuring food quality, having weighed up the pros and cons and because there is only an overall vote. We feel able to support most of what is contained in the report, although there are also several things that we do not fully support.

Richard Corbett (PSE), in writing. – I was disappointed to have to abstain on this report, which should have followed up on the Commission's Green Paper in looking at how farmers across Europe get the maximum benefit in the marketplace from the high standard of their produce. It does focus on important issues such as country of origin labelling, developing the organic market, where European products are the finest in the world, and exploiting the strengths of farming in Europe to give our farmers an advantage when taking their products to market – and this part is welcome.

Unfortunately, however, the report has been hijacked by the protectionist elements in the Committee on Agriculture, and particularly by those who seek to justify massive market-distorting CAP subsidies and who want to make it harder for produce from third world countries to be imported to the EU.

Constantin Dumitriu (PPE-DE), in writing. – (RO) Allow me to congratulate my colleague, Mrs Petre, for this excellent report.

There are a few points which we need to bear in mind when we are talking about European product quality:

1. Implementation of 'qualified market access' offers a solution for guaranteeing that the products available to European consumers, whether produced domestically or imported, meet the same standards.
2. The costs incurred by European producers in guaranteeing food safety and demands linked to cross-compliance, which should be covered by CAP funds.
3. The promotion of specifically European agricultural and food products. As I also requested in the report on the amendment of Regulation No 3/2008, the European Union's cofinancing rate must be increased. At the same time, however, we need to simplify the administrative procedures for the system of Traditional Speciality Guaranteed and offer better protection for products with a geographical indication or designation of origin.

I hope that the recommendations we are going to adopt will be implemented as soon as possible by the European Commission and Member States because we cannot afford to waste time in such circumstances when European citizens are being hit by the effects of an extremely serious economic recession.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) Despite its good intentions, the report continues and even extends the policies which are at the root of problems experienced by many small producers, particularly in Portugal. Invoking what they call 'promoting the quality of European agricultural products', they increase production costs for those who are already having difficulty keeping themselves in production. This is especially true for small producers, as is the case for many small cheese dairies producing Serra da Estrela cheese of undeniable quality. It is unacceptable that producers should have to meet new requirements in order to continue producing, without the financial compensation that is due to them, whilst also having to support the costs of the 'official control' requirements. Contrary to the claims made, production of real quality is at serious risk of disappearing.

Applying harmonised production and marketing standards to both small producers and agro-industry is unacceptable. The application of these standards is destroying the diversity, in terms of production and of culture, of countries like Portugal. It is important to reverse this trend and promote production and consumption at the local level. Agriculture must be considered a sensitive activity, incompatible with this model of commercial liberalisation that is environmentally unsustainable and poses enormous risks to human health.

Duarte Freitas (PPE-DE), in writing. – (PT) I agree with the report as I consider the reduction of bureaucracy and of the complexity of the standards system to be essential. That way, regulation and quality control for agricultural products will become easier.

The result of this simplification would be a reduction in administrative costs for public entities.

I also welcome the special attention given to designations of origin and the call on the Commission to ensure that this issue is included on the World Trade Organisation's agenda.

Bruno Gollnisch (NI), in writing. – (FR) We cannot but endorse the intentions behind this report: to guarantee the quality of European food products, the competitiveness of producers, simple but comprehensive information for consumers regarding the origin of products, compliance with designations of origin and quality labels, a better definition of traditional or organic products, and so on.

The rapporteur is quite right to stress that we need to stipulate that agricultural and food products imported into Europe must meet the same standards as are required of European producers, which is unfortunately not always the case at present. He is also quite right in his wish to implement conditional access to our markets.

There are, however, still some problems that need to be solved, including that of unfair intra-Community competition, where one Member State lays down stricter standards than are provided for at Community

level, primarily for reasons of public health or environmental protection. In such cases, the State must, whether you like it or not, be able to apply the same rules as you are calling for at WTO level.

Another problematic aspect is consistency with this Parliament's environmental concerns – we should be concentrating on reducing food miles (eating locally produced, seasonal products) rather than on a necessarily imperfect adaptation to the global market.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) This report, which does not form part of any legislative process, recommends a number of costly proposals, such as an EU agency for product quality and new sales promotion and sales supporting measures within agriculture. We would also like to point out that this report contains wordings that could lead to a more protectionist policy for agricultural goods on the part of the EU.

As usual, the June List observes that, in this situation, it is fortunate that the European Parliament does not have powers of codecision in respect of the EU's agricultural policy. Otherwise, the EU would fall into the trap of protectionism and of heavy subsidies to various groups within agriculture.

Mieczysław Edmund Janowski (UEN), *in writing*. – (PL) In the vote, I was in favour of Maria Petre's report on ensuring food quality. The issue of harmonising and mutually recognising standards with regard to food is very important for ensuring human health. Awareness of the relationship between the incidence of various diseases and the quality of food consumed is becoming increasingly common today. Only, the term 'healthy food' does itself appear to be paradoxical. Can anything that is not healthy to humans be described as 'food'? The quality of food products has a fundamental significance to the safety of food for our citizens. These products must meet clearly-defined criteria based on current knowledge and the principles of hygiene, and these criteria should also contribute towards protecting the environment and respect the principles of the proper treatment of animals for slaughter. Food products must also be properly packed, transported and stored.

To ensure good food quality, consumers must also be given complete information on the products they buy, the ingredients, any genetic modifications, the place of manufacture, the storage conditions, how to prepare it and the use by date. The rapporteur favours the introduction of a European service responsible for certification and food quality at Commission level to ensure that minimum certification requirements are met. This would provide a uniform system of control at EU and Member State level. On the basis of an earlier resolution, the report also favours the introduction of a special quality mark for European products.

Andreas Mölzer (NI), *in writing*. – (DE) The global financial and food crisis means that people are saving on consumption, and that means a rise in market share for discounters. In addition, we are laying down restrictive production regulations for our domestic food producers and promoting quality seals and similar schemes. At the same time, we are importing products that do not meet domestic quality standards and for which compliance with such standards cannot be checked. This means that domestic farmers find themselves severely squeezed and we must ensure that, especially in this difficult situation, the rate of farms going under does not escalate and that we do not lose our capability, across the EU, of self-sufficiency in food production.

People who are prepared to pay for the quality of their food can all too easily lose their ability to keep on top of what is what amongst the jumble of quality seals and symbols – not everything that is labelled as 'organic' is produced in the domestic market and not everywhere where a particular country is given as the country of origin do all the ingredients actually come from that country. There is some playing fast and loose here, and food scandals and labelling scams are repeatedly being uncovered. Ultimately, consumers have to be able to rely on labelling. This initiative appears to be taking us in that direction, and that is why I have voted for it.

Alexandru Nazare (PPE-DE), *in writing*. – (RO) The report which my colleague, Maria Petre, presented to us today contains a series of recommendations which I confidently support. These range from simplifying the administration involved in guaranteeing quality standards and reducing the financial burdens on producers to supporting traditional products, as well as those with a designation of origin or geographical indication.

At a time when we are facing a serious economic crisis, it is our duty to take measures to support European farmers and processors and ensure that consumers have access to the best products at the most favourable prices.

I believe that we must ensure that we provide consumers with correct information about the origin of products in order to support European agriculture. However, we must not confuse these provisions relating

to a European quality mark with protectionism aimed at blocking access to the Community market. I rather think that the purpose of introducing this mark must be to promote European products and the benefits which they enjoy over those from third countries and to provide European consumers with better information. At the same time, a system recognising the origin of products will help reduce fears about 'contaminated products'.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mrs Petre's report on ensuring food quality and harmonisation of the relevant standards. I believe that the subject is extremely important, since food quality has an ever-increasing effect on the quality of life of European citizens. Indeed, the EU needs to insist that all food products comply with its production standards, especially as regards health and safety. In addition, the Union must ensure a level playing field between locally produced and third country products. Lastly, I share the rapporteur's opinion when she states that, with regard to PGIs (protected geographical indications), PDOs (protected designations of origin) and GTSS (guaranteed traditional specialities), Community technical assistance should be provided for the implementation of the above systems in the Member States and the related evaluation of the products concerned.

Olle Schmidt (ALDE), *in writing*. – (SV) I chose not to support Mrs Petre's report on promoting and increasing the labelling of food. The report contained good proposals with regard to the simplification of the rules and shorter handling times. However, these were, in my opinion, outweighed by protectionist wordings on conditional market access and the desire to set up a supranational authority for product quality.

Georgios Toussas (GUE/NGL), *in writing*. – (EL) When food is produced on the basis of the profit criterion rather than to satisfy grassroots requirements and the production and sale of food are concentrated in fewer and fewer hands and are determined by food multinationals and cartels (choices which characterise the policy of the EU and of the governments of the Member States), then food can be neither cheap nor of good quality.

The supposed return to quality food is not intended to increase farmers' incomes or satisfy grassroots requirements. It is intended to increase the competitiveness and profits of the multinationals, to increase the exploitation of rural manpower, to concentrate land ownership even further and to control production.

The introduction and cultivation of GMOs and the series of food scandals show that the quality and safety of food in the EU are subordinate to the interests of big business.

The classification of food on the basis of quality is food differentiation on the basis of class in keeping with the market rationale' first-class food for high incomes and second-class food for working class families.

Farmers of small and medium-sized holdings have every interest in opposing the CAP and the EU and their being sold off to big business, as well as in joining the Greek Communist Party and the Workers' Rally, the workers and the self-employed in the social alliance, to overturn the sovereignty and power of the monopolies.

- Report: Jonathan Evans (A6-011/2009)

Šarūnas Birutis (ALDE), *in writing*. – (LT) Updating the Competition Policy is a particularly important factor in the preparation of the new security structure and operation of the EU competition policy. The essential elements of this process are cooperation between national competition institutions and coordination through the European Competition Network. The European Parliament has expressed serious concern that without an effective ECN, updating the policy would, in essence, really only be a renationalisation of the competition policy, and that would obviously undermine the idea of assuring uniform competition policy throughout the EU. Based on the criteria of flexibility and pragmatism, the 2006 and 2007 reports give a favourable evaluation of the effectiveness and development of the ECN's work. The efforts to fund training and judicial cooperation between state judges to interpret EU competition law and ensure its implementation are also welcome.

David Casa (PPE-DE), *in writing*. – This report highlights the importance of the free trade and fair competition principle and affirms the importance of what was signed in the Treaty of Rome. We must ensure effective anti-trust measures so that we will be protected against restrictive trade abuse.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) We voted against the report because they did not even accept a proposal relating to concern about the abuses of market domination by big business, particularly with regard to the big supermarket chains. These abuse their purchasing power to force down prices paid to suppliers in the European Union and in third countries.

Nor did they demonstrate the necessary determination to investigate the impact that the concentration of the supermarket sector is having on small businesses, suppliers, workers and consumers. In particular, they failed to evaluate the abuses of purchasing power which may follow from such concentration.

The resolution adopted continues the pattern of intervention in defence of competition and against public services. It follows in the footsteps of the notorious Bolkestein Directive, always insisting on the need to comply with the rules of the internal market. Also, regrettably, even as it speaks of the crisis and the difficulties faced by economies, it insists on the Commission being vigilant so that competition is not called into question. In other words, faced with the crisis caused by neoliberal capitalism, the solution is more of the same. That is unacceptable.

Luca Romagnoli (NI), *in writing*. – (IT) Mr President, I voted in favour of Mr Evans's reports on competition policy 2006 and 2007. Huge progress has been made in the field of competition over recent years. Indeed, if we think of merger control between enterprises and state aid (a problem that became of prime importance following the financial and economic crisis on the markets), the Commission has done an increasingly large amount of work. That is why I share the rapporteur's view when he says that it is necessary to modernise the legal and institutional framework in the field.

Peter Skinner (PSE), *in writing*. – Given the state of the economic crisis which grips the European Union and which has a global reach, it was important for Parliament to find agreement. This report has finally found a route to agree between ourselves in the Committee on Economic and Monetary Affairs. Obviously, concerns about state intervention are of the highest ranking but, given the nature of the damage caused by under-consumption and a shrinking manufacturing base, some relief at the level of government expenditure is necessary.

- Report: Edit Herczog (A6-0074/2009)

Liam Aylward (UEN), *in writing*. – Small businesses are the backbone of the European economy, accounting for 98% of all European businesses and employing up to 60% of the EU's workers. The European Commission is to be applauded in its initiatives to date and its continuing work aimed at eliminating red tape for small businesses. Ms Herczog's report recognises the work done by the Commission and calls for further steps in this direction.

While I certainly support many of the comments contained in the report on the Small Business Act, I was very disappointed that the report that emerged from the Committee on Industry, Research and Energy contained a paragraph calling for a common consolidated corporate tax base. I would have hoped that there would be global recognition at this stage that the CCCTB proposal is badly thought out and ill-advised. This issue is of such importance to Ireland, especially in these economic times, that I had to vote against this proposal. Doing so will have no adverse affects on the commendable work that is being done for small business but will send out a strong message that we must take a stand against unproductive, unwieldy and ill-conceived proposals that will be of no benefit to the European economy.

Gerard Batten, Nigel Farage and Jeffrey Titford (IND/DEM), *in writing*. – This act proposes various measures, some of which might be of assistance to small businesses, but whose overall effect is to promote EU control, churning of the population, feminist agendas and infiltration of businesses by EU officials 'on work experience'. These elements make it impossible for UKIP to support this proposal.

Šarūnas Birutis (ALDE), *in writing*. – (LT) The global financial crisis and slow economic growth are having a negative impact on the level of entrepreneurship. Therefore, we welcome the following measures embedded in the SBA, the implementation of which would be most effective for economic growth: to create the most favourable conditions for SMEs to obtain funding; to simplify business transfer conditions; to provide honest entrepreneurs who have experienced bankruptcy an opportunity to start a business a second time. The initiative to create the most favourable conditions for SMEs to obtain funding (risk capital, micro-credits, etc.) is very important.

With energy and raw materials rising in price, SMEs are becoming particularly vulnerable. Therefore, implementing the SBA strengthens the aspect of competitiveness. Only complex measures, i.e. promoting higher standards of manufacturing processes and ecological standards for products within the EU, and popularising these same standards throughout the world, as well as enhancing supervision of the EU market, can contribute to common global challenges, such as climate change and diminishing fossil fuel reserves.

David Casa (PPE-DE), in writing. – Every initiative that supports SMEs or improves their conditions should be applauded, and this report has many valid arguments that will be of great value to SMEs throughout Europe. We must capitalise on the major benefits of the current progress and ensure that we include the creation of a superior operational business environment for SMEs, including a more effective regulatory culture taking root across Europe.

Derek Roland Clark (IND/DEM), in writing. – This report proposes various measures, some of which might be of assistance to small businesses, but whose overall effect is to promote EU control, churning of the population, feminist agendas and infiltration of businesses by EU officials 'on work-experience'. These elements make it impossible for UKIP to support this proposal.

Carlos Coelho (PPE-DE), in writing. – (PT) Although 99% of the EU's businesses are SMEs (23 million) – responsible for the creation of 80% of the new jobs in the EU in recent years – the majority of the rules normally created are aimed at the 41 000 large European companies. This fosters obvious inequalities in terms of competitiveness.

The time has come to reverse this trend and make a commitment to the sectors of the economy in which wealth is truly created, with a policy based on rewarding merit. This would put European SMEs on a par with their counterparts in the rest of the world.

Furthermore, because of their flexible nature, SMEs are companies that are accustomed to being at the forefront of innovation in their areas, making the Small Business Act an important step forward in realising the Lisbon Strategy.

That is why the Members representing the Portuguese Social Democratic Party (PSD) are supporting this report, which is, as a matter of fact, coherent with the measures proposed in Portugal by the leader of the PSD, Dr Manuela Ferreira Leite.

Avril Doyle (PPE-DE), in writing. – The Commission's proposal for a Small Business Act is part of a communication containing legislative proposals, guiding principles and measures to be implemented to help SMEs in Europe. I welcome the articulation of ten guiding principles which focus on the needs and requirements of SMEs and aim to help them realise their full market potential.

The provisions for legislation that is fully aware of the needs and requirements of its intended recipients are welcome, as is the adaptation of public policy tools to the needs of SMEs. Vitally important is the introduction of means of using the present crisis to respond to the environmental crisis by increasing efficiency, through thorough environmental management systems. As the Rapporteur on EU-ETS, I am aware, as I hope we all are, of the need to act and act promptly if we hope to solve this challenge.

While I agree with much of this report, I am wary of proposals for a corporate consolidated tax base and voted against accordingly.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) Despite all the big talk and apparent good intentions of defending SMEs, the report has other objectives, namely: encouraging free competition and the internal market or, in other words, supporting the large economic and financial groups; insisting on the liberalisation of services, including public services; and also, behind a façade of pseudo-help for small and medium-sized enterprises, aggravating the exploitation of workers.

In fact, in the name of the 91.5% of businesses in the European Union that employed less than 10 workers in 2003, they want better conditions in order to destroy essential public services, deregulate the labour market and call into question social and working rights. This is neoliberalism in its most visible form.

That is why we voted against this report: in defence of real measures in support of micro, small and medium-sized enterprises, and in defence of other policies that safeguard their role and significant contribution to production in the industrial, agricultural and fishing sectors, and to employment with rights, trade and meeting the public's basic needs.

Bruno Gollnisch (NI), in writing. – (FR) Mr President, ladies and gentlemen, we have approved this report, which lists, in the form of desires that will no doubt remain unfulfilled for a while, the ways and means of making life easier for small businesses in the European Union.

However, I have some comments to make.

The admittedly discreet call for a kind of positive discrimination in favour of SMEs, I quote, 'owned by under-represented ethnic minorities' is pointless, incomprehensible and completely ideological.

Access by SMEs and, in particular, local SMEs, to public procurement contracts, which the rapporteur intends to promote further, was hindered by the texts adopted 15 years ago by this very House, despite the warnings that they would have adverse effects. These texts effectively promoted access to public procurement contracts by large companies, particularly foreign ones, that had the information and the administrative and legal resources to bid for these contracts, while local SMEs did not have those resources.

It is an extraordinarily complex business for SMEs to access existing national and European aid, due to the requirements of European legislation itself.

In short, one once again gets the impression that we are having to adopt European texts to deal with the foreseeable problems produced by other European texts.

Françoise Grossetête (PPE-DE), in writing. – (FR) I voted in favour of the Herczog report on the establishment of a Small Business Act.

Our SMEs are the first victims of this current economic and financial crisis, having seen the banks restrict their access to credit, and the motor driving their growth must be restarted as a matter of urgency. Introducing a European Small Business Act will make it possible to strengthen SMEs' competitiveness so that we can finally turn words into action. The European Parliament has sent a clear signal to the Council and to the European Commission in order to ensure that the Small Business Act is actually implemented, namely 'priority for SMEs', so that these new measures can be understood and applied by all such enterprises, particularly by including the following actions: avoiding unnecessary burdens, promoting the emergence of innovative medium-sized companies beyond the Community definition of SMEs (250 employees), and making it easier for SMEs to get access to funding and public procurement contracts so as to increase their growth potential.

I nevertheless find it regrettable that this action plan is not a legally binding instrument.

Mieczysław Edmund Janowski (UEN), in writing. – (PL) I voted in favour of Edit Herczog's report on the Small Business Act, as I regard it as important legislation which affects the smallest organisms of the economy, which are currently responsible for around 100 million jobs in the EU. They account for almost 99% of all enterprises in the EU. In this context, and because the present crisis threatens severe economic disruption, we need to implement legal regulations at EU level which will help these enterprises to function. This should, in particular, cover issues such as the transfer of ownership in enterprises (particularly in the case of the illness or retirement of the owner) and for harmonised time limits for the payment of transactions (to avoid 'credit crunches').

The document also accentuates the importance to these enterprises of innovation, scientific research, patents and inventions and protecting intellectual property, and e-commerce. SMEs should also be assured access to sources of finance, including European funds and credits. A separate, but no less important issue, is reducing the red tape which plagues many SMEs. Also worthy of mention are the ten principles to guide policy towards small enterprises, both at EU and at Member State level. I also believe that underlining the need to support and promote the activity of SMEs at a cross-border level in the internal market is essential.

Astrid Lulling (PPE-DE), in writing. – (FR) The Commission's communication on the Small Business Act takes on a particular significance in the current circumstances, as it sets out the basic principles that should underlie the development and implementation of policies, at both European Union and national level, in order to create equal conditions for all SMEs operating within Europe. On a more operational level, it also includes a package of more than 50 separate measures, including four legislative proposals that translate these principles into action. Support for SMEs must be a top priority, particularly in this period of serious economic crisis. Investment by SMEs is one of the key factors in the keenly awaited recovery.

Given that most of these actions fall within the competence of the Member States, we need to find ways of involving the Member States and Community bodies in order to guarantee that SMEs can gain added value from the measures affecting them. Certain amendments tabled by my group aim to make the 'think small first' principle an essential part of all future legislation. I also support the idea of having a specific budget line for SMEs...

(The explanation of vote was cut short pursuant to Rule 163 of the Rules of Procedure)

Mairead McGuinness (PPE-DE), in writing. – Paragraph 68 of this report contains a reference to a common consolidated corporate tax base, stating that there should be a common basis for company taxation. That is something which I cannot and do not support. Taxation is a Member State competence, not an EU one, and any reference to a CCCTB inevitably brings concerns about EU corporate tax rates, which is not something I can support.

I therefore rejected the first part of the paragraph, and because the plenary voted overall in favour of that paragraph, I voted against this report in the final vote.

Andreas Mölzer (NI), in writing. – (DE) If small and medium-sized enterprises (SMEs) are, for the first time, to be put at the heart of European legislation, it is no cause for celebration. It is, rather, a tragedy. 2009 will, no doubt, be a year of destiny in which the survival or otherwise of thousands of SMEs will be decided. If the big companies fold, the little ones will inevitably follow.

The much talked-about credit crunch looms large, in any case, in the contraction of the volume of credit. What is needed here is to ensure that Basel II does not lead to the money flow to SMEs drying up definitively. If we do want to cut red tape, the gain from simplifying a procedure – insofar as this would have any noticeable impact on a business – must not be lost again through new obstacles elsewhere. If nothing else, tendering and public procurement must also be made more SME-friendly in order to give these companies a chance. I voted in favour of the Small Business Act in the hope that, this time, it will, at long last, amount to more than a piece of paper specifying objectives and will actually be implemented.

Luca Romagnoli (NI), in writing. – (IT) Mr President, I voted in favour of Mrs Herzog's report on the Small Business Act. It is clear how important SMEs are within the European Union, and that is why I intend to support Mrs Herzog's careful piece of work. Policy, public intervention and the social environment must all meet the real needs of small enterprises, which truly form the backbone of the European Union. That is why I agree with the report, especially with regard to the legislative proposals for the general block exemption for SMEs in respect of state aid.

José Albino Silva Penada (PPE-DE), in writing. – (PT) It is well-known that SMEs are responsible for more than 90% of jobs in Europe. However, the crisis that we are experiencing has already seen, or will soon see, many of their workers become unemployed.

The relaxing of Structural Fund procedures, as promoted by the Commission, is a sign that should be welcomed as positive.

The globalisation associated with the current crisis has changed many of the circumstances that served as a basis for decisions taken at European level in the past and which were, at the time, considered correct.

Taking this into account, I am convinced that, for example, some aspects of the regional and cohesion policies must be revisited.

We must also examine the current financial conditions faced by SMEs. These are decisive, especially when they have to pay back loans at a time of economic stagnation.

I therefore support this report, since it is precisely at these moments that we must think about SMEs and their contribution to innovation, economic growth and employment.

That is why there is a need for anticyclical policies at European level. This requires steps that are far more decisive to be taken, so as to create a truly macroeconomic policy at European level, which still does not exist.

Peter Skinner (PSE), in writing. – I welcome this report and was pleased to vote for its main text with little exception. I cannot agree with a common consolidated corporate tax base as there is no agreement for this. Similarly, on the issue of penalties for exceeding limits on late payments, I prefer the Late Payments Directive so as to avoid confusion.

Given that small to medium-sized businesses are the strongest element of growth in the economy, this proposal helps to strengthen the conditions for such growth. The south-east of England should benefit from such an approach.

Silvia-Adriana Țicău (PSE), in writing. – (RO) I voted for the European Parliament Resolution for a 'Small Business Act' for Europe as it is very important to create better framework conditions aimed at providing an environment promoting innovation by SMEs, in particular, by introducing ways to improve the protection

of intellectual property rights and to fight against fraud and counterfeiting more effectively throughout the European Union.

A combined effort is required on the part of financial institutions, the Commission and Member States to ensure SMEs' access to finance and to offer them the possibility of consolidating their capital by reinvesting their profit in the company. I voted for the amendment asking for immediate action to ensure that charges are not levied prior to SMEs' commencing activities, in order to ensure that they are able to build up their own resources. I also called for the EIB to devise new forms of financial instruments and tangible new solutions to tackle the obstacles that collateral presents to accessing credit. I also called on Member States, in light of the current financial crisis, to encourage banks to guarantee SMEs access to credit on reasonable terms.

10. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 1.50 p.m. and resumed at 3.05 p.m.)

IN THE CHAIR: MR BIELAN

Vice-President

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

12. Common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast) - Common rules and standards for ship inspection and survey organisations (recast) - Port State control (recast) - Community vessel traffic monitoring and information system - Investigation of accidents in the maritime transport sector - The liability of carriers of passengers by sea in the event of accidents - Civil liability and financial guarantees of shipowners - Compliance with flag State requirements (debate)

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

- the report (A6-0097/2009) by Luis de Grandes Pascual, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation Committee for a Directive of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (recast) (PE-CONS 3719/2008 - C6-0042/2009 - 2005/0237A(COD)),

- the report (A6-0098/2009) by Luis de Grandes Pascual, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation Committee for a Regulation of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (recast) (PE-CONS 3720/2008 - C6-0043/2009 - 2005/0237B(COD)),

- the report (A6-0099/2009) by Dominique Vlasto, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation Committee for a Directive of the European Parliament and of the Council on port State control (recast) (PE-CONS 3721/2008 - C6-0044/2009 - 2005/0238(COD)),

- the report (A6-0100/2009) by Dirk Sterckx, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation committee for a Directive of the European Parliament and of the Council amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (PE-CONS 3722/2008 - C6-0045/2009 - 2005/0239(COD)),

- the report (A6-0101/2009) by Jaromír Kohlíček, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation Committee for a Directive of the European Parliament and of the Council establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Directives 1999/35/EC and 2002/59/EC (PE-CONS 3723/2008 - C6-0046/2009 - 2005/0240(COD)),

- the report (A6-0102/2009) by Paolo Costa, on behalf of the European Parliament delegation to the Conciliation Committee, on the joint text approved by the Conciliation Committee for a Regulation of the

European Parliament and of the Council on the liability of carriers of passengers by sea in the event of accidents (PE-CONS 3724/2008 - C6-0047/2009 - 2005/0241(COD)),

- the recommendation for second reading on the Council common position for adopting a Directive of the European Parliament and of the Council on the insurance of shipowners for maritime claims (14287/2/2008 - C6-0483/2008 - 2005/0242(COD)) (rapporteur: Gilles Savary) (A6-0072/2009) and

- the recommendation for second reading on the Council common position for adopting a Directive of the European Parliament and of the Council on compliance with the flag state requirements (14288/2/2008 - C6-0484/2008 - 2005/0236(COD)) (rapporteur: Emanuel Jardim Fernandes) (A6-0069/2009).

Luis de Grandes Pascual, *rapporteur*. – (ES) Mr President, Mr Tajani, ladies and gentlemen, today, with the ratification of the Erika III package, we are bringing to a close an undertaking that began more than three years ago. The feeling I have at this moment is certainly one of satisfaction, and I am sure that everyone who has trodden this path with me feels the same. We are now writing a new chapter in the history of Europe, by making it an area of greater safety on our seas.

The aim of the Erika III package is to protect our seas and, as you are all well aware, its roots lie in the terrible oil slicks from the *Erika* and the *Prestige*, which caused severe damage to the coasts of southern Europe.

We have learnt the lessons from our past and realise that we have to act immediately to prevent such things from happening in that way again. Europe must not underrate the strategic value of maritime transport to its economy: 90% of the European Union's foreign trade goes by sea, as does 40% of our intra-Community trade.

That accounts for all the work that the EU has had to put into the legal framework for maritime transport over several decades.

As I say, it has not been a path strewn with roses: far from it, because, although we were all united by a common goal, the Council's initial miserly attitude made it a difficult journey. At the same time, to be fair, I would like to praise the firm political will shown by the French Presidency to bring such an important topic to a conclusion.

I also hardly need to stress the decisive role played by Vice-President Tajani, who gave the final push to reach consensus. Lastly, but no less importantly for all that, I would like to highlight this Chamber's steadfastness in upholding Europe's interests and protecting the citizens whom we represent.

Focusing now on the topic itself, I would like to make a number of comments on each of the proposals that make up the package. I can tell you right now that most of my concerns have been dispelled.

Ladies and gentlemen, there is one issue that gave me great cause for concern throughout the negotiations, since it touches on an essential aspect of the package. I am talking about the independent nature of the bodies and authorities created for the purpose of adopting the best possible decisions within the shortest possible time. I am talking specifically about the independent authority that is to be set up to make what is always a very difficult decision: whether to admit a vessel in distress into a place of refuge. Well, ladies and gentlemen, I welcome the final decision that has been adopted. The way things stand is that each Member State will set up an independent authority with the resources and powers needed to adopt the best possible decisions in the shortest possible time. Only once a detailed assessment of all the risks has been carried out will the authority finally decide whether to admit the vessel or to send it away.

In this respect, it is proper to acknowledge Mr Sterckx's tenacity in carrying through this difficult undertaking. I am also pleased at the progress made on the vessel tracking instruments, which are essential for reducing the number of risk situations. With regard to the report by Mrs Vlasto, whom I congratulate on her excellent work, I would like to highlight the substantial improvement that will be made to the current inspection regime in Community ports, which will become more effective through being based on a risk profile. I would also like to thank Mr Kohlíček for his willingness to enter into a dialogue and for the good work he has done.

Another aspect that I would like to highlight is the ambitious proposal in the field of passengers' rights which, until now, have not been regulated in Community law. This advance was due to Mr Costa's efforts until the very last second.

With regard to the Savary and Fernandes reports, I am delighted that the Council has at last decided to abandon its obstructive position, which was not leading anywhere useful. This change has enabled us to

reach a solution, albeit a minimal one. At any rate, I have to say I am pleased because the package is now complete.

Lastly, I will move on to my own report. After being examined by the Council, it has been split into two legal instruments.

The key points of my report can be summarised as follows: with this fourth revision of the Community legislation regulating the activities of inspection bodies, we have succeeded in strengthening the surveillance mechanisms by creating an independent assessment committee with permanent powers and the ability to act on its own initiative.

We have also succeeded in laying down a fairer, more flexible system of sanctions that is also more effective than the one we had before, since it penalises those who do not act as they should, but it does so according to the severity of the infringement committed and the organisation's financial means.

Finally, we have managed to make progress on the very tricky issue of recognition of classification certificates, by setting out the terms on which recognised organisations will have to recognise each other, but without endangering maritime safety, and taking the most stringent rules as our reference in order to safeguard the standards of excellence that characterise our European naval industries.

Dominique Vlasto, *rapporteur*. – (FR) Mr President, the European Commission published its proposals on the Erika III package on 23 November 2005, and I hope you will allow me to pay tribute at this point to the Commissioner responsible for transport at the time, Jacques Barrot, because, with this new package, he has worked very ambitiously to improve maritime safety in Europe.

The Erika III package puts the finishing touches to an overall legislative effort that has taken 10 years since the tragic shipwreck of the *Erika* off the coast of Brittany. It has allowed the European Union to plug what were initially some serious loopholes, in order to become an international point of reference when it comes to maritime safety.

In the wake of these disasters, European citizens angered by such maritime disasters had the right to expect politicians to respond firmly and vigorously to put a stop to irresponsible behaviour.

Our ambition was to create an area of responsibility within which each party involved in maritime transport must take its fair share of the responsibility for its choices and actions and, where appropriate, for its errors and mistakes.

The Erika III package thus covers several stages in maritime transport, with true complementarity between the various proposals – it is an overall approach that led us to view each of our reports as forming part of an indivisible whole.

Today, when this House is being asked to give its opinion on the outcome of a conciliation procedure that will bring a conclusion to this long process – more than three years' work – we as rapporteurs are delighted with this joint approach, which has enabled us to achieve what I believe to be a very satisfactory result.

I would like to thank my fellow rapporteurs, who have all considered this general interest before turning to their own individual interests, which has allowed us to achieve, together, a good result that none of us could have achieved individually.

With regard to my own report, Parliament has got what it wanted on almost all the important points in it, firstly because ships will be inspected not only in ports but also at anchorages, as we called for. This is very important, because it means that ships will not be able to call at locations where they know they will be able to avoid inspections.

Next, we managed to get a very strict regime for conducting inspections: Member States will be able to cooperate to plan the inspections of a following port of call without harming the inspection of high-risk ships, and the interval between inspections of these ships must not be more than six months.

The most pleasing aspect of our negotiations with the Council, however, is that repeated bad behaviour will be punished. Inspections in our ports may give rise to temporary access refusal measures and to bans on operating in our waters, and possibly even to a permanent ban, in other words, a definitive prohibition on entering European ports and anchorages. This measure targets hulks.

To achieve this, there will be a tolerance limit – a threshold of unacceptability that cannot be breached, because ships issued with a definitive refusal of access to our ports or anchorages will be designated as hulks, which will have a deterrent effect.

We reached agreement with the Council on this point in conciliation, so the conciliation meeting on 8 December was very positive. My thanks to the French Presidency of the Council and to Dominique Bussereau, because I am quite sure that it was the personal commitment and all the work done by the Presidency's teams that have enabled us today to submit a very satisfactory result, which I call on Parliament to approve without reservation.

Dirk Sterckx, *rapporteur*. – (NL) Mr President, Commissioner, we are finishing off a job we started 10 years ago; I still remember clearly the indignation aroused by the accident involving the *Erika* in December 1999: the speed with which Commissioner de Palacio presented proposals at that time, the cooperation of the Council – which, under pressure from public opinion, was at least partly responsible for ensuring that the first two packages were ready by June 2002 along with, among other things, my report on monitoring and a European policy for the monitoring of ships and for ports of refuge.

I also remember clearly our indignation at the *Prestige* disaster in November 2002 – incidentally, we were also holding a part-session here in Strasbourg at the time. Back then, we wondered why we had adopted all those measures if things could go so badly wrong at the application stage. Parliament played its part back then.

I would remind the House of a report by the Temporary Committee on Improving Safety at Sea, chaired by Mr Jarzembowski, in which we made it clear that, although the regulatory framework was in place at both European and international level, we still had to ensure practical application and follow-up of those rules by people on board ships, in ports and elsewhere in order to ensure that shipping was as safe as possible.

Things still went wrong in places in terms of the practical application of these rules, and the Commission responded to the questions that were asked in the European Parliament at the time with seven proposals by Commissioner Barrot. I think that these formed a successful whole, and I also wish to thank Commissioner Tajani for following them up. In my opinion, all this forms a successful whole. The existing rules are improved and supplemented by two reports, one by Mr Savary and one by Mr Fernandes. Thus, we have provided a balanced package.

I should like to say a couple of things about my report on vessel traffic monitoring. An existing network called SafeSeaNet provides a means of exchange, enabling all Member States to talk to one another and exchange information. All ships must be equipped with AIS, an automatic system that provides information on ships entering European waters, enabling us to locate and contain the risks. The AIS is also there for the benefit of fishing vessels, improving safety for these vessels, too. We insist once again – and I think that this is important – that the ship's crew be treated fairly in case of an accident and not erroneously regarded as criminals.

We have also tightened up the arrangement for the accommodation of ships in distress. We knew already that we needed plans, but now an authority is needed too, one that is not only involved in drawing up these plans but also takes care of their implementation. The authority needs to have expertise, be competent to take independent decisions and be permanent in nature. It should be already available, therefore, rather than needing to be put together in a hurry in case of an accident. Commissioner, we are still awaiting a scheme to compensate ports of refuge for damage, but I am counting on your presenting a proposal on this at the appropriate time.

We have spent 10 years working on this, then. This time, we are doing so without the pressure of a disaster. I should like to thank both the Slovenian and French Presidencies, as Mrs Vlasto has already done. I believe that no decision would have been possible if it were not for them, but I should also like to stress that Parliament has been very tenacious, and has been united in pushing through its positions on many points.

For this I wish to thank all my fellow Members who played a part, the shadow rapporteurs, the rapporteurs and everyone else. We remember today someone who is no longer with us, but who played a huge role in bringing about this package, and that is Mr Piecyk. I should like to express my warm thanks to him posthumously.

Ladies and gentlemen, we cannot issue a directive banning accidents, nor one declaring that there will be no more storms at sea, but I think that everything politicians can do to improve maritime safety is currently being done.

Jaromír Kohlíček, *rapporteur*. – (CS) Ladies and gentlemen, maritime disasters can be the single most destructive events that occur in the transport sector. Maritime transport has been connected ever since mythological times with a range of beliefs and traditions. Until recently, it was managed through various sets of regulations. Gradually, the International Maritime Organisation (IMO) has established clearer regulations based, among other things, on customary law. The establishment of these rules was absolutely not an end in itself. They have to ensure the safe transport, both of goods and passengers, and they specify the technical requirements for ships and infrastructure and the rules of navigation, *inter alia*. Other regulations – among the topics recently discussed in the European Parliament – unify the minimum requirements for crew training. Others attempt to exclude the possibility of maritime disasters occurring. However, despite all technical measures, large-scale accidents can occur. Until the Prestige tanker disaster, the countries of the European Union were unaware of the need for a thorough unification of accident technical investigations in the branch of maritime transport. The inability to investigate the Prestige disaster or to identify clear causes of the accident showed the need for investigation methods to be unified. This includes the establishment of fixed deadlines for commencing and completing investigations and a structure for the final reports. The establishment of objective investigatory commissions clearly has a place here. It was necessary to link the individual sections of the directive with the IMO requirements and other documents from the third maritime package and, at the same time, to use the provisions of other binding documents that are in force in the European Union, e.g. in the area of the confidentiality of personal data.

I think the conciliation procedure will manage to achieve a highly successful resolution to all of the questions that remain open, including a clear formulation of the requirement concerning decent treatment for the crews of ships involved in disasters. The formula used here conforms to the corresponding parts of the Sterckx directive, i.e. an EU information and control system for operating ships, as my colleague has otherwise briefly mentioned. In conclusion, I would like to express my thanks for the collegiate approach to the task shown by the amendment proposal authors, for the very amenable attitude of the European Commission staff and of the individual countries holding the presidency, i.e. Germany, Slovenia and France, who participated in the work. A major contribution to the quality of the text was also made by the specialist assistants. I received support in the first phase of the work, for example, from Hannes Kugi, among others, and in the conciliation procedure from the remarkably tireless Katrin Huber. It is thanks also to them that the resulting directive is a practical and usable document which can only be recommended for the attention of the specialist public.

Paolo Costa, *rapporteur*. – (IT) Mr President, Commissioner, ladies and gentlemen, this evening, in this session, we are concluding a lengthy piece of work and I believe that we should all consider ourselves satisfied with the results achieved. We should be satisfied for a variety of reasons, which are those that concern the Union as a whole, because it is clear that allowing the European Union to create for itself regional regulatory areas where international standards already exist to govern them, and to come between the Member States and international organisations in defining rules, is something that must only be done when necessary. Yet it is clear that it was necessary. Unfortunately, the incidents that set the process in motion made it clear.

The result achieved is a result that, I believe, cannot satisfy everyone, in the sense that it is an honourable compromise of a lengthy piece of work, which has seen all the institutions involved – the Commission, Parliament and the Council – play their part, with each representing the interests they are appointed to represent, so to speak. This ensures that the whole sector and the whole framework of maritime safety have today taken a step forward. After all, my colleagues and I have had the honour and the opportunity to tackle more specific problems. I had the responsibility and pleasure of dealing with the liability of carriers, in the event of accidents involving passengers on board.

I must, of course, admit that, as always, the result falls short of our stated ambitions, ambitions that sometimes even seemed like they might be achieved. The ambition was to immediately extend cover and protection to everyone who gets on board a ship, whether in international waters, national waters or on rivers. However, the reality of the situation, so to speak, required that the scope be partially reduced. I am aware, let us say, but I cannot fail to point out that something is missing from this set of rules, owing to the fact that many ships that travel indiscriminately between rivers and the sea are not covered in this way and, certainly, this is a point that should be covered somehow. I am sure that the Commission will make provisions along these lines as soon as possible.

We set, however, a rather long period to ensure that voyages in domestic waters are also covered. This problem regarding the length of time is a problem of transition periods, and perhaps it is an issue that we underestimated. I am afraid that the risk we run is that they are too long and that we will therefore have to wait too long for this. It is better, however, that they are there, rather than not having changed anything.

The other main discussion point – and, still, the point we have reached – is that this protection begins at a certain time. Certainly, we can now tell our fellow citizens that when they get on board a ship they are covered, in basic terms, from the end of 2012, irrespective of how they travel. To sum up, we have, also from this point of view, enabled all citizens to feel a little more European, since the same cover will apply in any sea, in any location, for any ship.

Gilles Savary, rapporteur. – (FR) Mr President, Commissioner, here we are at the end of a legislative marathon that, as has been mentioned, has taken ten years and that, as we were reminded in a debate this morning, has been given the inappropriate name of ‘Erika III’.

It is inappropriate because, after the *Erika*, there was the *Prestige*; after the *Prestige*, there was the *Tricolor*; and, after the *Tricolor*, there were unfortunately plenty of other maritime disasters both in European waters and beyond.

Above all, though, it is inappropriate because, as Mr Sterckx pointed out, this is cool legislation, for the first time – in other words, it is free of the passions, excesses and polemics that take over in the wake of disasters such as the *Erika* and the *Prestige*. I think it is very much to the credit of Mr Barrot and the Commission that they have proposed it, but it was also a formidably difficult matter.

The Member States are not exactly inclined to legislate in fields like this when nothing serious has happened; sometimes, on the other hand, they go overboard with the legislation when there are accidents. In any event, this really is a major piece of legislation, since it contains seven texts.

It aims to make the European maritime space – or rather, that of the Member States – one of the safest in the world. This is perfectly justified given that it is also one of the busiest in the world and, in geographical terms, one of the most complicated in the world. We have a number of straits, including the Bosphorus, Gibraltar and Pas-de-Calais – through which 800 commercial ships pass every day – which are among the largest ports on the planet.

We therefore had a lot of work to do, not, unfortunately, to ensure that there are no more accidents – life will always be random – but so that we could be sure that we had done our best to prevent them, and also to punish the causes of any such accidents.

The structure of this package is simple: it is a virtuous circle, in which each link in the transport chain – from the port state to the insurer, via the charterer, the classification society and the flag state – is responsible for its own actions and in some way applies pressure – or at least that is what we are betting on – to clean up transport conditions and to ensure that they are using a responsible transporter that complies with the standards.

Thinking about it, moreover, perhaps it would have been worth basing our model, in terms of its broad principles and structure, on what we are trying to do in the field of finance: The financial ratings agencies have been just as inadequate as the maritime classification societies.

Certain Member States accommodate flags of convenience, or tax havens as they are known in the field of finance. Certain operators are not wanted, and are subject to blacklisting or bans in the maritime field. This is, then, a quite exemplary piece of legislation and, moreover, one that fits into the framework of the IMO at international level.

I would also say that, in political terms, this is a truly remarkable success for the Community, because the link between the Commission and Parliament has made it possible to produce a very complicated text and piece of legislation about which the Member States were very reticent.

I would like to thank Mr Tajani and the Commission. I would also like to thank the French Presidency, because I think that Mr Bussereau realised that this could be something very important during the French Presidency, and I would like to thank all of my fellow Members, because everyone here knows that we made use of subterfuge and magic tricks to get to this point. We have only managed to bring in this maritime package in as much as we have been united, and have shown solidarity to such an extent that certain fellow Members have, so to speak, inherited some stowaways, such as my text and that of Mr Fernandes, which the Council did not want.

That, ladies and gentlemen, is why we have succeeded. I would have liked to go into the details of my report, but I think I will have some time to speak at the end, which will give me the opportunity to do so.

(Applause)

Emanuel Jardim Fernandes, rapporteur. – (PT) Mr President, Commissioner, ladies and gentlemen, discussion of the Erika III maritime safety package is drawing to a close. This process is more than three years old and, during that time, we have argued strongly for more safety for passengers, oceans, seas and maritime routes. As a Portuguese and a Madeiran, it is thought that I was especially committed to this project and its main goals: ensuring that Member States comply consistently with their obligations as members of the International Maritime Organisation (IMO), adopt that organisation's conventions and fully apply their mandatory provisions. The negotiation process was difficult. For Parliament, the Erika III package was always a package and never a collection of cobbled together measures.

At the time of first reading, Parliament adopted some amendments. These included the obligation for the flag state to ensure that inspectors and investigators have the correct training and to create capacities for assessment, approval and authorisation of ship and equipment building, the obligation for Member States to obtain documentary evidence of ships' compliance with international standards – if a ship is not newly built, the Member State is obliged to liaise with the previous flag state and ask it to pass on the necessary documents and data – and the maintenance of a fleet database, which must include the main technical information on each ship, including infringements of IMO conditions.

At that time, we reached political agreements on six of the eight proposals. My own proposal and that of Mr Savary remained to be agreed. We have now reached agreement on how these two proposals also can be included in the final text of the Erika III package. Thanks to Parliament and its perseverance, to the Slovene and, especially, the French Presidencies – whom I thank – and, finally, to the common will of us all, we can now conclude this third maritime safety package. It is important to highlight the ratification of international conventions using the national method in this process. That was a position which I supported out of respect for the various ratification systems in existence in the various Member States. Whilst waiting for the IMO audit scheme to become mandatory, Member States have to subject their maritime authorities to such an audit and publish the results. Member States will put in place a quality management system for their maritime authorities, which is certified in accordance with international standards. Before authorising a ship to fly their respective flag, Member States have to check that it complies with international rules.

Member States have to make sure that ships which fly their flag and have been detained in the context of a port state inspection are brought into conformity with the relevant IMO conventions. When a Member State's flag appears on the blacklist or the grey list of the Paris Memorandum of Understanding on Port State Control for two consecutive years, it has to submit a report on the reasons for the poor performance to the Commission.

In parallel with the common position, Member States will confirm in a joint declaration their commitment to ratify the main international conventions on maritime safety before 1 January 2012, apply the IMO Flag State Code and the related audit scheme for maritime authorities, and encourage the IMO to make these two instruments mandatory worldwide.

To conclude, Mr President, ladies and gentlemen, the adoption of this third maritime safety package is a significant victory in the European legislative process. The Commission, the Council and the European Parliament have proposed, debated, come to agreement on and accepted a text that improves the lives of citizens and businesses, promotes better security on the seas and oceans and prepares our future. My participation in this process was a great honour. When we vote on this package shortly, we will be paying tribute to the victims of all the past or recent maritime tragedies: from the Prestige to the Erika, and from Bolama to Estonia. We will also be helping to avoid or reduce the consequences of similar events in the future.

Antonio Tajani, Vice-President of the Commission. – (IT) Mr President, today we have completed a difficult task, a hard road that the Parliament, Council and Commission have trodden together, beset by difficulties to be overcome, technical problems and some not inconsiderable conflict.

Now I would like to address not only all my fellow members in this Chamber, who are about to put the final seal on our work to introduce a new maritime package, but also all the European Union citizens that you represent. On the eve of the European elections, concluding this difficult task means sending out a strong message from the institutions to all European citizens. The job of the European institutions is to impose rules in response to issues raised by the public. When they have to, they can overcome difficulties and reach an agreement for the greater good of the half a billion Europeans who live within our borders. They are capable of sending out a message to guarantee safety. They are capable of sending out a message to protect the environment. They are capable of sending out a message to defend the rights of passengers. They are capable of sending out a message to protect companies and ensure the rules are respected.

Because, in Europe, we traditionally base our legal system on cast-iron legal certainties, introducing new rules to the maritime sector means again giving European citizens rules, rules that they can respect, rules that can improve conditions in the transport system; better conditions for this important sector that affects our seas. This is the reason I wanted to stress the importance of your vote over this package because, over and above its actual contents, it represents a political message sent out by the European institutions. The scope of this decision transcends our immediate needs, transcends the issues we are dealing with, that you have decided to turn into rules with the consent of the Commission and the Council. I would like to reiterate: this is a political choice, a message we are sending out to European citizens to have faith in their institutions, because they are able to tackle problems and resolve them.

So I certainly want to thank the Commission staff that made it possible for first Mr Barrot and then myself to work as effectively as possible. I want to thank the French Presidency and the Slovenian Presidency. I want to thank Mrs Bussereau for all the work she put in during the knottiest stage of the negotiations, and I also want to stress the important work done by all the rapporteurs, the Committee on Transport and Tourism and Parliament as a whole. My thanks also to Mr de Grandes Pascual, to Mrs Vlasto, to Mr Sterckx, to Mr Kohlíček, to the Chairman, Mr Costa, to Mr Savary – whom I thank once again for his work – to Mr Fernandes for his contribution and his ability to ultimately close the negotiations by overcoming even partisan or entrenched attitudes in the attempt to give the public some tangible answers.

Our challenge was to consolidate European legislative instruments to fight illegal shipping and prevent maritime accidents and the pollution of our seas. We must now use all the maritime transport regulatory instruments at our disposal to prevent the recurrence of the accidents that spurred us to action. These instruments firstly concern the Flag State, which bears primary responsibility for maritime safety, and a political line has now been drawn. All European Flag States must, without exception, be on the white list and be in possession of instruments designed for this purpose. A consolidated framework for European accreditation of classification companies will also allow us more effective control of our shipping.

Other devices will be applied to the Port State. Certain ships and shipping companies must no longer be welcome in our waters because they do not meet minimum safety regulations. Coastal states are subject to yet another set of measures: effective monitoring of ships over short and long distances represents an essential preventive tool. Reinforced rules on the accommodation of ships in distress in a place of refuge will make sure we can prevent shipping accidents from turning into environmental disasters. We must act to prevent whilst also taking responsibility for the consequences of accidents and learning lessons from them. Shipping companies must take out adequate third party and passenger liability insurance policies. A common investigatory framework will also provide us with optimum feedback on accidents so we can learn from them. It goes without saying that risk cannot be removed altogether from maritime transport, as it is from other sectors, but it is the duty of the law maker, the duty of whoever represents the public, to do their best to limit these risks as far as possible.

So I believe that this is our common goal. I believe that we have made a step forward that is important by any standards. The package you are about to adopt certainly represents a great stride in the right direction and – I reiterate – a great political message, a great sign of will by the European institutions to provide answers to the questions asked by 500 million citizens.

Georg Jarzembowski, *on behalf of the PPE-DE Group*. – (DE) Thank you very much, Mr President, thank you very much, Mr Vice-President, ladies and gentlemen, allow me, first of all, to thank all the rapporteurs on behalf of my group, not only for their work itself, but also for the fact that we have achieved what we set out to do, namely to treat the proposals as a package. By treating them as a package, we forced the Council to move towards us as you know that the Council most definitely did not want to adopt two proposals. Only by standing together did we manage to get the Council to take on these two dossiers, and we succeeded.

I share the view of the Vice-President that this package is a great success for the citizens. That is something we should say in the election campaign, too.

Looking around, there are not that many Members here for this debate this afternoon, despite the fact that putting this package together was one of the greatest achievements of the Committee on Transport and Tourism.

The citizens perhaps do not understand, sometimes, why we sit for so long and why everything takes so long. Here, however, they can see, that this package consists of regulations on monitoring, regulations on classification societies, accident investigations, insurance obligations, liability regulations, on port State

control and flag State control. We need to tighten up the requirements for all these different aspects in order, where possible, to prevent accidents and, where accidents do happen, to be able to react quickly.

Mr Sterckx, I would like to offer my particular thanks to you once again, as you were the rapporteur in the special committee that I had the honour of chairing, and we met again after the *Prestige* sinking to consider what we still needed to improve. Through Mr Barrot, the Commission essentially adopted our proposals and we actually finalised them through the legislative process.

To that extent, we can be really pleased to be able to agree the third maritime package after all these years. Let me make two more points, however. The first is that we should thank Dominique Bussereau who, as a French minister, in the end pushed the package over the final hurdles, enabling it to succeed. We should give him particular credit for that.

Mr Vice-President, all eyes are on you, now! You, the Commission, with your fine European Maritime Safety Agency, must now ensure that the Member States also implement and apply this. It is only when what we have decided is actually applied that we will be able to succeed in preventing the recurrence of accidents like those of the *Erika* and the *Prestige*. We should be fighting together to achieve that. Thank you very much.

Rosa Miguélez Ramos, *on behalf of the PSE Group*. – (ES) Mr President, I have just had a real race to get to the Chamber. I was in my office listening to Vice-President Tajani and the other speakers, and I feel I have to congratulate all the rapporteurs and the Commission. Like Mr Tajani, I, too, would like to warmly and gratefully acknowledge the work carried out by Commissioner Barrot, which was very important, and also the goodwill shown by the French Presidency.

I want to say here that this maritime package is going to usher in a decisive change in Europe, one that will foster quality and transparency in the maritime sector. I believe it will ensure that we will never again witness the spectacle of the lack of transparency that we have seen in the past, after those two terrible accidents of the *Erika* and the *Prestige*, particularly the lack of transparency surrounding the *Prestige* accident. In this context, Mr Kohlíček's report, for which I am a shadow rapporteur, is a guarantee – in fact, the guarantee – that investigations in the maritime sector can, in future, be carried out in total transparency. It will ensure that all of us – the general public and the authorities – will know what was behind or what happened after every accident, so that the same mistakes can never be made again and so that anything that is done badly can be corrected.

Europe has to go further in this field and I am sure that our work is not going to end here, because we have always been leaders and also because maritime traffic is not going to stop growing.

Anne E. Jensen, *on behalf of the ALDE Group*. – (DA) Thank you, Mr President, I, too, would like to congratulate the rapporteur on the result that has been achieved here and to thank the French Presidency for its efforts. The result that we have achieved is a great success for the environment and for European shipping. In recent years it has largely been the EU that has set the standard for the impact of shipping on the environment through legislation and through the work of the International Maritime Organisation. Shipping is a global activity and, for the sake of fair competition and for the sake of the environment, it is important to have common rules at a global level. However, the EU could take the lead and set the standard by demanding more stringent rules. We must ensure that the EU Member States actually comply with the IMO agreements and this is what we are doing with the legislative package that we are concluding here. The seven directives in the third maritime package will prevent pollution, ensure a better coordinated response to accidents and prevent poor ships from entering EU waters. I have paid particularly close attention to the Directive on port State control and the Directive on the investigation of accidents as the shadow rapporteur for my group, and I would like to thank the two rapporteurs, Mrs Vlasto and Mr Kohlíček, for their proficient and successful work. We have achieved a better method of inspecting ships, so that it is the poorest ships that are inspected most often and we have a method of investigating accidents that will provide legal protection for those questioned, the witnesses, and that will also mean that what we learn from the accident report can be utilised in future and that the information can be exchanged between Member States.

Mogens Camre, *on behalf of the UEN Group*. – (DA) Thank you, Mr President, we have every reason to express our deepest satisfaction with the maritime package and I would like to say thank you on behalf of our group for the sterling work carried out by the rapporteurs, the Commission and the Council in this area. Now, ship surveys affect large ships in particular, and I would like to highlight a problem with small ships. We have special competent bodies to carry out inspections, but we do not have sufficiently clear rules for the seaworthiness of these ships or for when the inspection is to be carried out. This is particularly the case with regard to fishing vessels, small fishing vessels that have been rebuilt, either to continue fishing or to be used

for tourism-related purposes. This often involves an increase in weight and an increase in engine size, which alters the centre of gravity and reduces seaworthiness, and, in my country, Denmark, we have seen numerous tragic accidents as a result. We need to introduce a fixed requirement for every vessel, whether new or rebuilt, to undergo a seaworthiness test. Therefore, like Mr Costa, I would like to ask the Commission to extend the provisions on survey and approval to include these types of ship as soon as possible.

Michael Cramer, *on behalf of the Verts/ALE Group*. – (DE) Mr Vice-President, ladies and gentlemen, we, the Group of the Greens/European Free Alliance, support this final compromise. We are pleased that Parliament has prevailed, with the result that all eight legislative proposals form a single package to be voted on together. I would like to thank all the rapporteurs from the bottom of my heart for their collaboration.

Marine safety urgently needs stricter European legislation in order to save lives and prevent environmental disasters by preventing accidents. There must be no repeats of the shipping accidents involving the *Erika* and the *Prestige*.

Port State control means that ships that call at EU ports can be better monitored and – this is something we think is important – these ships can face sanctions where they fail to satisfy the safety provisions. The monitoring of ships in territorial waters is extremely important, especially in environmentally sensitive areas, as pollution of the seas and the oceans recognises no boundaries. That is why cross-border action is urgently required. In the liability regulation in favour of passengers on passenger ships there is, unfortunately, only a regulation for the maritime area. We Greens would have liked to have seen it apply to inland waterways too.

Finally, we are pleased that, after a long delay, the Council has also decided on the obligations of the port States and the insurance and liability of shipowners. With this port package, we have taken a mighty step forwards, knowing that these rules can and must be improved still further in future.

Jacky Hénin, *on behalf of the GUE/NGL Group*. – (FR) Mr President, ladies and gentlemen, repeated accidents and an increase in the transport of dangerous goods by sea constantly raise acute issues regarding strengthening the safety rules governing all maritime straits in the European Union and the resources needed in order to enforce these rules.

In particular, it makes sense to classify these straits and approach routes to them in accordance with the procedure relating to ‘Seveso zones’, because transport must come down to a drive to reduce costs whatever the consequences.

The Commission and the Council, under pressure from economic disasters set off by the financial crisis, are finally thinking about calling tax havens into question. If this can actually be put into action, it could be a real step forward.

Along the same lines, how many more maritime and environmental disasters do we need to have before the Commission, the Council and this Parliament will finally turn their attention to the long-standing scandal of flags of convenience? Perhaps, though, it would be wiser for the European electorate to fill Parliament with more MEPs who care more about working for the safety of their fellow citizens than about standing up for free trade, which destroys people and the environment.

Derek Roland Clark, *on behalf of the IND/DEM Group*. – Mr President, last September, I drew attention to how the electronic data of ships required in these reports could easily find their way to pirates operating off Somalia. This was not heeded. These reports have been modified, but not for the better. In fact, there is now contradiction between them. I will try again.

Whilst Mr Sterckx obliges ports not to turn ships away, Mr Savary says that they can deny entry if insurance certificates are not being provided. Add the further contradiction of Mrs Vlasto, which extends port control to ships anchored offshore. So, if a vessel with no papers lies offshore and then, due to extreme weather, becomes at risk, it must be allowed entry because Mr Sterckx established the right of ships in distress to a place of refuge. So we come to the situation of a vessel with a dangerous cargo finding its way into a port by manipulating these contradictions. What happens if it then results in a serious incident, closing a major port? Would the compensation mentioned in Mr Sterckx apply to all of that and, in any case, who pays? These reports need a real overhaul.

Finally, the Fernandes report endorses various IMO recommendations. Fine – the UK has already signed these – but the EU wants to add its own fleet database, to which I and others would object. I say ‘would’ because

the Fernandes report is to be adopted without a vote. How democratic is that? Whatever happened to the comments made here this very morning that this is an amending House?

Fernand Le Rachinel (NI). – (FR) Mr President, ladies and gentlemen, I would like to congratulate all the rapporteurs, who have answered the big questions raised by the challenges of maritime safety and have faced up to our responsibilities.

We all remember the disasters involving the petrol tanker *Erika* in 1999 and the *Prestige* in 2002, and their tragic ecological, human and economic consequences.

A new arsenal of laws to protect Europeans from maritime disasters will now, finally, see the light of day, providing, in particular, for systematic inspections of the most antiquated ships, compulsory insurance to compensate the victims of ecological disasters, and also audits on the flags of European countries, which, as we know, are still far too often flags of convenience.

It was high time to take these measures, which do indeed restrict the vast room for manoeuvre that shipowners have been allowed for centuries. They bring an end to the impunity of owners of hulks, and inspections will be made even more effective by being targeted at such ships.

The safety of the seas and oceans is not up for negotiation: it is this, and not money, profit and unrestricted trade, that should be the primary reference value.

I do have one regret. It is going to take a long time to implement all these new repressive and preventative laws. As an MEP for the North-West region, with its numerous shorelines, I am relieved and proud to be voting in favour of this third maritime package.

Ioannis Kasoulides (PPE-DE). – (EL) Mr President, the package of seven proposals on shipping is an important development in preventing accidents and in safeguarding an effective response in the event of an accident. As far as the latter is concerned, I should like, as shadow rapporteur, to refer in particular to what was agreed on refuges for vessels in danger. I should like to congratulate the rapporteur, Mr Sterckx, and the entire negotiating team on achieving a valuable compromise on this important issue.

If one small accident, one small crack, for example, in the tank of an oil tanker, is not contained and confined, it may result, in the event of vibrations from rough seas or difficulties in decanting the cargo to another vessel, in a huge ecological disaster if there is no refuge where appropriate measures can be taken. At the same time, fear on the part of the crew that they are in danger of suffering criminal or civil consequences or the fact that the vessel has inadequate insurance may prevent refuge from being sought, with unfortunate consequences.

The present compromise safeguards the independence of the experts who decide if a ship in danger is to be given refuge, fair treatment for seamen in the event of an accident in accordance with the IMO, the obligation of uninsured ships in refuges, compensation for ports and refuges for damage, on which the Commission will present various policy options, and the obligation of oil tanker owners to notify their cargo if it exceeds 1 000 tonnes. At the same time, all vessels, including fishing vessels, will need to fit an automatic recognition system.

To close, I welcome the fact that Parliament's actions have pushed the Council into adopting a final common position on all seven legislative proposals in the package.

Michel Teychenné (PSE). – (FR) Mr President, ladies and gentlemen, the package on which we will be voting tomorrow would have come to nothing without the will of the European Parliament, and I would like to take this opportunity to pay tribute to the work that has been done.

If the European Union creates a legal instrument that, as I hope, will make it possible to prevent disasters such as the shipwrecks of the *Erika* or the *Prestige* and finally to make the polluters take responsibility, it will be thanks to the European Parliament's perseverance in the face of the Council's timidity. There is no point in reminding you of the resolve that has been required in order to bring the reports by Mr Savary and Mr Fernandes to the table. This is a political victory for the European Parliament, and it is also a victory for steadfastness and working together.

Thanks to this 'maritime safety' package, the Member States will finally have to fulfil their obligations in the International Maritime Organisation and, in particular, carry out technical audits before issuing a flag to a

ship. Another consistent step forward is the requirement for ships to be insured by financial guarantee certificates, which will put real responsibility on their charterers.

If Parliament adopts these texts tomorrow, the European Union will be showing that it has provided itself with an effective tool to fight against waste ships and against criminal charterers and owners, and it is to be hoped that the environment and the health of our fellow citizens will benefit.

Finally, I would like to pay tribute to the work that has been done in this field by Mr Tajani, who is here today, and the rapporteurs on transport law, because we have now embarked on the final stages of the process on maritime law with the aim of covering all transport in Europe. It is therefore in relation to that work, which has seen a real delay in maritime transport, that, I hope, Parliament will also be able to round off an important strand on maritime transport during this session or, at any rate, as soon as possible.

IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

Vice-President

Josu Ortuondo Larrea (ALDE). – (ES) Mr President, Commissioner, ladies and gentlemen, I am delighted that we can end the current Parliamentary term with the final adoption of the last of the maritime packages. I remember, however, that when I first came to the European Parliament in 1999, we had a serious maritime accident off the French coast with the *Erika*, which gave its name to the first set of legislative proposals designed to avert and prevent accidents.

We thought we had warded off the danger, but soon afterwards, the coastline of Galicia was ruined by the tar from an even worse accident than the previous one: the *Prestige*. Since then, we in the Committee on Transport and Tourism have worked on a succession of legislative packages in an attempt to overcome the excessive resistance we have encountered among shipowners, oil companies, classification societies and also certain Member States, which rejected the three proposals for being too stringent.

Over the last 10 years, we have adopted a number of directives and regulations, some of which we have had to go back and revise because they proved ineffective in their initial versions, as a result of the cuts made by the Council.

We adopted legislation to introduce double-hulled vessels, a European fund for major oil disasters, and ports of refuge, and now we are revising and adopting legislation on the liability of carriers of passengers by sea, the investigation of maritime accidents, the Community vessel traffic monitoring and information system, port state control and, lastly, the regulation and directives on ship inspection and survey organisations. All this is good and it is desirable that it should enter into force and be implemented by all the Member States as soon as possible.

I am pleased at that. However, this Parliament's term is coming to an end. I am leaving Parliament, and I am going with the regret that we have not succeeded in making it compulsory to introduce control systems – which already exist and have been patented – to show when and what amounts of bilge and oil tank residues have been illegally dumped into the sea by a particular vessel. In other words, they are a kind of black box or tachometer that can be inspected by the maritime authorities whenever a vessel enters port.

I believe we owe the marine environment greater attention and stricter procedures to avert all the pollution we cause. I also think that, if we fail in this, it will affect our food chain and our lives, and we will end up paying a high price for it. I trust it will not take another 10 years to control illegal discharges at sea more effectively and efficiently.

President. – Thank you, Mr Ortuondo Larrea. I am sure that your efforts will be remembered in this House, and I am also sure that, wherever you are, you will continue fighting for the objectives that you are leaving here. They may be unfinished, but they are well on the way to completion thanks to your efforts.

Georgios Toussas (GUE/NGL). – (EL) Mr President, after five years of debate and consultation with the Council, the much-vaunted shipping package of six directives and one regulation has been stripped of any positive content to do with the safety of life at sea and environmental protection. In other words, the mountain has brought forth a mouse.

The Council, loyally expressing the anti-grassroots policy of the European Union and the interests of capital, is implementing all the demands of operators and shipowners and of the monopoly business groups which oppose any measure which might even minimally affect their profitability. Thus, they have managed, through

this long, drawn-out procedure, either to remove the teeth of every positive provision designed to control safety rules for ships or to postpone them indefinitely.

No measure has been included to protect and upgrade the human factor, the seamen, the primary factor in the protection of human life at sea and the environment. The submissions put forward by the European Union since 1986, within the framework of the common shipping policy, that issues relating to the human factor, to improved working conditions and training of seamen, will allegedly be examined in the future, are misleading and false, given that they have been deteriorating all these years. That is why the Greek Communist Party will vote against the so-called shipping package in its entirety.

Luca Romagnoli (NI). – (IT) Mr President, Mr Tajani, ladies and gentlemen, Parliament's Committee on Transport and Tourism could not, and cannot, avoid the task of providing a holistic response to the need to improve shipping safety and also to lay down the measures to be taken in the event of accidents. The third maritime package also deals effectively with issues of the liability of carriers in relation to their passengers and the goods they carry. It was about time, always assuming that the matter is not disregarded, as I have the impression is happening in the case of airline passengers' rights.

I actually believe that the goals for category A ships to come into line by 2016 and the even later deadline set for category B, C and D ships are too lenient and give the carriers too much leeway. I hope that this largesse by the European Union is repaid by the carriers' prompt compliance with the new regulations. We needed, and still need, common standards for classification companies which are responsible for monitoring ships and granting shipping permits, and also very clear rules governing inspections and the addition of ships to the blacklist.

I therefore welcome the proposals and also the measures for managing accidents and shipping and environmental disaster risks and the relevant responsibilities, which I call on the Commission to make a greater commitment to uphold. The far-ranging package also considers measures on investigations, on competences and on just sovereignty in the event of maritime accidents, a compendium which, I hope, will help clarify issues of liability and compensation. I therefore voted for the set of reports.

Corien Wortmann-Kool (PPE-DE). – (NL) Mr President, Commissioner Tajani, the course of the maritime safety package has been turbulent, but the outcome is pretty good. This is largely thanks to the fact that Commissioner Tajani and his officials stood side by side with the European Parliament in encouraging the Council to seriously set to work on a number of crucial points that were so important to Parliament.

After all, there must be compulsory cooperation at European level if maritime safety is to be improved at the end of the day. Fortunately, we have now sorted out a number of missing links, although Parliament would have liked to go further on a number of points. The fact that independent accident investigation has now been made compulsory in case of major maritime accidents is progress, as this will make it possible to really get to the bottom of the cause.

There is already a great deal of experience with this in aviation. Just last week, a Turkish Airlines aircraft crashed near Amsterdam in the Netherlands and, thanks to independent accident investigation, the cause had been determined within a week, putting an end to speculation. It is real progress that we now have independent accident investigation, irrespective of culpability, in shipping too. The rapporteur has done an excellent job in this regard.

Mr President, I should like to highlight another point in this package, namely the improved regulation of maritime passenger liability. This is a good thing, but it is also good that inland waterways are excluded, as small inland waterway vessels cannot be treated in the same way as seagoing ships navigating on the high seas. The two things are different and, ultimately, it is good that this has been confirmed in the proposal.

Marusya Ivanova Lyubcheva (PSE). – (BG) Mr President, Commissioner, ladies and gentlemen, the maritime community has long discussed the need to improve the regulation, control and monitoring of vessel traffic due to risks of incidents, environmental pollution, danger to human life and illegal trafficking which, unfortunately, is far from negligible. The integration of new technology into maritime traffic and the intensification of piracy, combined with the lack of any strict, general control, are premises underlying the problem. Amending the directive establishes and develops conditions for a maritime safety network, as well as conditions for developing an effective, automated IT system. These are achievements which must be assessed on behalf of the European Parliament, Commission and Council.

The framework for dealing with problems involving hazardous waste is important. The application of the directive will not allow vessels carrying hazardous, unidentified cargo to pass through European waters looking for somewhere to dump its cargo. Exercising control over maritime traffic is an absolute necessity. A maritime safety culture must be created, the logistics for this process must be set up, a technical and technological basis must be provided for the system, a system must be created for distributing information efficiently while protecting part of this information which ensures the safety of traffic. I welcome the efforts which the European Maritime Safety Agency is making, including with regard to developing a Vessel Traffic Management and Information System, while providing an integrated database, which includes displaying vessels in real time, along with other data linked to their cargo and its properties. Even though the 'Erika' incident is already a textbook case in terms of learning to manage and analyse risk, I do not want a case like this to happen again or any more similar incidents to occur.

Marian-Jean Marinescu (PPE-DE). – (RO) The compromise reached for the third maritime package will improve passenger safety, as well as help protect the environment and reinforce control systems.

The blacklist drawn up for ships which repeatedly breach the regulations will, just like in the aviation sector, mark an important step in improving safety. Erika III is of particular importance to Romania as, in the wake of the documents recently adopted, An Integrated Maritime Policy for the European Union and Black Sea Synergy, it may have an important say in the success of the process for extending European principles and good practice to the other littoral states which are not part of the European Union, using the new instrument proposed by the European Commission via the Eastern Partnership.

The measures relating to maritime transport must be supplemented by increasing cooperation between littoral states in order to make the most efficient use of resources and reduce the pollution resulting from activities carried out in ports and on shore, as well as along the whole course of the Danube. The Black Sea can only be protected effectively through concerted action in every area.

Jim Higgins (PPE-DE). – Mr President, the package has been a very difficult one for Parliament and the Council. There has been much negotiation and debate, and I am glad to see the issues have been finally resolved.

The adoption of this package is a victory for the European Parliament and certainly for the rapporteurs who have fought to ensure that we delivered on behalf of our citizens, even against very strong opposition from Member State governments.

This law will impact on a variety of areas, including the standards of European flags, ensuring improved inspection procedures for ships. What we have now is more transparency and stricter inspections. Essentially, this package will deliver safer vessels, meaning a lower risk of environmental disasters and loss of sea life.

From the point of view of Ireland, the timing is extremely important by virtue of the fact that we have a Latvian ship tied up in an Irish port where the crew have not been paid, they have not been given enough food and they have no way of getting back to their Member State, Latvia. These are the kinds of issues that have to be tackled, and I look forward to the implementation of the package.

Silvia-Adriana Țicău (PSE). – (RO) The third maritime package is extremely important. The EU would like to develop the maritime corridors as part of extending TEN-T. This maritime package helps increase maritime transport safety and puts into practice the lessons learnt from the sea accidents which have taken place in recent years involving the ships Erika and Prestige, along with accidents in the Black Sea.

In the case of the Black Sea in particular, this package will be particularly important as many of the Black Sea littoral states are on the Paris Memorandum blacklist or grey list. Shipowners' liability should be applied in the event of an accident, including accidents which occur on inland waterways. I believe that ships in distress must be received in specially equipped areas where they can be given the assistance they need. However, the way in which these services are paid for must be clearly regulated.

Marie Anne Isler Béguin (Verts/ALE). – (FR) Mr President, ladies and gentlemen, when the *Erika* was shipwrecked, I was one of those Members in France who called on the French authorities to close the sluices so that the salt pans would not be polluted.

When the *Prestige* disaster occurred, I was co-rapporteur, along with Mr Sterckx, as we were jointly responsible for the topic of transport – I myself was responsible for the environment – and we quite justifiably called for greater safety in maritime transport. I well remember how hard we fought in this very Parliament for an inquiry committee on the *Prestige* to be set up: it certainly made an impression.

Today, therefore, I think we can all be pleased with the fact that many international and European rules have moved forward as part of the maritime package, and I hope this will soon be nothing more than a bad memory.

However, I would like, if I may, to draw attention to...

(The President cut off the speaker)

Avril Doyle (PPE-DE). – Mr President, I would like to reiterate, on the record, in relation to this most important maritime package, recital 3 of the review of the EU-ETS Directive, which was passed by an overwhelming majority. This directive deals with our carbon dioxide emission reduction targets and the timetable for the same.

Recital 3 states that '[a]ll sectors of the economy should contribute to achieving these emission reductions, including international maritime shipping and aviation. In the event that no international agreement including international maritime emissions in its reduction targets through the IMO has been approved by Member States and/or no such agreement through the UNFCCC has been approved by 31 December 2011, the Commission should make a proposal to include international maritime emissions according to harmonised modalities in the Community reduction commitment with the aim of its entry into force by 2013. Such a proposal should minimise any negative impact on EU competitiveness, taking into account the potential environmental benefits.' Comments please, Commissioner.

Brian Simpson (PSE). – Mr President, we have come a long way as a Parliament since the *Prestige*, a tragedy to the coastline of Galicia and to its ecosystems. We have come a long way since the *Erika* polluted and destroyed the wonderful coast of Brittany. We have come a long way since *Sea Empress*, *Exxon Valdez* and other shipping disasters.

This package is a testament to the work of Parliament, the Commission and also, if belatedly, the Council. For me, the significance of this package will be felt for many years to come. It is a testament also to the work of all our rapporteurs and MEPs who, over the years, have pushed for such legislation.

This package is a victory for this Parliament, for Members from all the political groups, particularly on the Committee on Transport, although I hope Members would allow me to make special mention at this time of Mrs Miguélez Ramos and the late Mr Willi Piecyk.

Antonio Tajani, Vice-President of the Commission. – *(IT)* Mr President, during the discussions that have taken place in this Chamber, amidst all the general satisfaction of seeing the Council, Parliament and Commission adopt rules that provide the public with tangible answers, I believe one overriding question has emerged: will all these good rules – that have been arrived at through compromise and a lot of hard work – be properly applied? Will the Commission be able to ensure they are complied with? Will the Agency be able to cooperate effectively with the Commission in ensuring the enforcement of these rules? I refer to the comments that were made during the course of the debate – I am thinking in particular of remarks by Mr Jarzembowski and Mr Romagnoli – but also the letters that were sent to the Commission during recent months, by Mr Sterckx and Mr Simpson, who also raised the same problem.

I believe I can confirm the commitment of the Commission, which strongly urged the approval of this package, to ensuring its observation by the Member States. I intend to call on the cooperation of the Agency – which is an institution in which I believe and one that has always worked effectively and fulfils its role of supporting the Commission and also of supporting the Member States in the best possible way – to implement this regulation as it has done with other regulations. I visited Lisbon, where the Agency is based, and I found a great spirit of cooperation, great willingness and also great commitment and enthusiasm for applying all the rules in the package. These will be guaranteed through the safety system, Safe Sea Net, and also all the other state-of-the-art technological tools used to help the public ensure that European Union rules are actually applied. As you are well aware, when the law gives the Commission a specific responsibility, the Commission is able to call on the Agency to help it perform tasks of a technical nature.

I intend to continue moving in the direction taken by my predecessor, Jacques Barrot, and call on the cooperation of an agency that I consider to be efficient, well-run and full of people with the right attitude who believe in the work they are doing. And that applies, for example, to the inspections that aim to check the correct application of regulations or the implementation of traffic monitoring information systems. On the last point, I wish to stress the essential part played by the Agency – and I address my remarks to Mr Sterckx in particular – in the implementation of Safe Sea Net, the European platform for the exchange of

data on maritime traffic, and in the setting up of a European long-range ship identification and tracking centre.

These tasks comply with the Agency's regulation, even though they are not specifically mentioned, because the latest amendment dates back to 2004, but they will certainly be included in the next revision of the regulation, which is currently being prepared. The fact that these specific tasks are not mentioned in the directives or in the specific regulations has no bearing on the division of roles between the Commission and the Agency.

My intention, by replying, is to reassure Parliament of the Commission's will and determination to apply the rules that we are approving with the support of the Agency. It would be pointless to tell the public: 'We've done something positive for you', if we were then unable to apply this positive thing and ensure it was respected. We should bear in mind that the Member States, represented by the Council, are part and parcel of this agreement. Because they are joint legislators with us, I believe the Member States will apply the rules we are approving. There is no doubt that the Commission will ensure this commitment is respected and upheld and we will do so with the technical support of the Agency.

Luis de Grandes Pascual, *rapporteur*. – (ES) Mr President, I think we have reached the end, and we should all be very pleased that we have arrived at this moment after such a long journey. If the codecision procedure is ever justified, I think it is in the case of this package and the way it has been handled.

The key to this package lay in the need to bring the Commission, the Council and Parliament to an agreement. Parliament did very well to take the lead – it can be seen to be justified now more than ever – and in pressing to have this package considered absolutely essential. Right from the start, we would not accept any kind of split or separation, so as to achieve a whole that could guarantee safety at sea.

I think we can be confident that there are guarantees for the future that *ad hoc* political measures will be superfluous. We will thus save ourselves from disgraceful situations in which certain people in power criticise the positions of some governments and have to praise the positions of others. In future, therefore, the major decisions will be in the hands of independent committees, who will make rigorous, authoritative, immediate and capable use of decision-making tools. That will ensure that the decisions made are rigorous, right and fair.

That is because we have had to balance many different things here in this package: classification societies have had to be brought together with marine equipment; all interests have had to be put clearly on the table; and, above all, Parliament has had to show leadership.

We should be pleased at the fact that Parliament has shown this leadership. It can now proudly say loud and clear that the European Union has not waited for the IMO – the International Maritime Organisation – but that we have taken the lead.

It was our duty, and we did not need to wait for anyone. I think we can feel pleased and have hope for the future, trusting that mistakes will not be repeated and that we have learnt the lessons of the past.

Dominique Vlasto, *rapporteur*. – (FR) Mr President, to finish, I would like to say that the work everyone has achieved will allow us – if Parliament adopts the package, of course – to worry much less about the protection of our seas, our coasts and our fellow citizens.

The important thing now is to implement the recommended prevention and enforcement provisions, which need to be properly effective in all our countries. If we can do that, we will have helped to safeguard our maritime heritage.

I am grateful to the Commissioner, who has shown himself to be determined to ensure that the European directive is implemented, rather than just being discussed.

Dirk Sterckx, *rapporteur*. – (NL) Mr President, once again, I note that there is a consensus in Parliament. The vast majority supports the contents of this package, the compromise we have reached. I think that that is a sign to everyone involved that this is not an ideological conflict but rather is a matter of making practical arrangements to improve maritime safety.

I should also like to thank the Commissioner for his answer to my question on the uncertainty over the agency and its role. In case we have forgotten, the agency was one of the components of the first *Erika* package.

The agency was one of the first proposals: an agency bringing together the necessary know-how and specialists to ensure that we – the Commission in particular, but also Parliament – have support in what we do, in drafting legislation.

Now then, I welcome the consensus, and am also proud of what we have achieved, but I do think, Commissioner – as both you and Mrs Vlasto have already said – that everything now depends on the quality of the implementation. The aim is to have high-quality authorities – for the accommodation of ships in distress, for example – in all Member States. If their quality is below par, you must take action.

Thus it is now up to you – the Commission, the Commission services, the agency – to ensure that the Member States do indeed do what they have incorporated in the legislation in the fields of port state control, classification societies, SafeSeaNet and all the matters we are now finalising or improving.

Commissioner, we shall be monitoring you, and if you should retain responsibility for transport in the next Commission, we shall continue to monitor you, to ensure that the quality is indeed as we had intended. All the best, then. We shall keep an eye on you, and shall support you again if further proposals are needed.

Jaromír Kohlíček, *rapporteur*. – (CS) I would like to take the unusual liberty for this place of correcting my fellow Member, because it not just a question of whether the Commissioner will remain in office so that we can keep an eye him but also of whether we will remain in office. So much for the correction. I would like to thank everyone who has collaborated on this package. This document is paradoxically becoming the first major success of the Czech Presidency in the European Commission, whether we want it to or not. Concerning the comments of Mr Toussas, who spoke with some bitterness about how the package generally ignores work conditions at sea, it is true that the package actually does not directly address the work conditions of ship crews, except for decent treatment for the crews of ships experiencing difficulties and the crews of ships involved in maritime disasters. However, I believe that the European Parliament, together with the Commission, will return to this topic in the near future. After all, we are similarly involved in other fields of transport so it would only be logical. Until now, the important matter of the maritime transport safety has not been sufficiently addressed in the same way as inland transport. And I believe, to return once more to my starting point, that as long as we can join forces with Commissioner Tajani in our common task, we will be able to cooperate.

Paolo Costa, *rapporteur*. – (IT) Mr President, ladies and gentlemen, I would also add my own thanks to everyone who has been engaged in this long and important task. I would like to express my heartfelt thanks and say a true thank you because now, European legislation, the European rules on maritime safety, are certainly better than they used to be. Now it is, of course, the Commission's job to ensure they are applied and I am sure that the Commissioner will do his bit to ensure that the rules do not remain empty words. Fortunately, some of the rules will immediately come into force. In some other cases, the Commission will have to ensure that the directives are transposed into national law.

Of course as soon as one chapter closes, another one immediately opens. We left many issues to one side but now we should perhaps revisit them. I will only mention two: we have not yet properly finalised the details of ports of refuge and I hope that this does not lead to any dangers if we have any difficulties on our seas; the other problem is the extension of passenger cover to inland navigation as well as the extension of domestic navigation.

We could say much more, but there would not be much point. The thing that it is worth doing at the moment is perhaps to thank yet again the Commission for its initiative and the Commissioner for the conscientious way he has followed through the actions of Parliament – and also to vindicate the part played by Parliament without allowing ourselves to become overly self-righteous. I believe that when we take a look at the proposal that embarked on the legislative process and think back to the way it was stripped down from the Council's initial stance to achieve the final result, I think we can state with pride that Parliament has done its job, which is much more than being – I cannot say 'custodian' because the Commission is the custodian – let us say a determined proponent of European legislation and the role Europe must perform for the common good.

Gilles Savary, *rapporteur*. – (FR) Mr President, everyone in Parliament, with just a few exceptions, knows what it means to legislate and to bring added value to a text from the Commission. From that point of view, I would like to echo what Mr Costa said: for Parliament, this is not just a textbook exercise to be proud of, but an exciting reality at a time when Europe needs a lift.

I would like to say, because I am not sure whether this has been emphasised sufficiently, that this legislative package of seven plus one texts will, in fact, be going at two speeds: there are five plus one on which we will

be asked, tomorrow, to ratify the conciliation procedure and agreement, and two others – the reports by Mr Fernandes and myself – that will go to second reading, because they were initially rejected by the Council.

As we have, almost miraculously, reached agreement with the Council, due to the fact that our fellow rapporteurs were kind enough to give us a vehicle within their own reports so that the Council would agree and be required to state its position, we are only at second reading on the reports by Mr Fernandes and myself. Of course, we do not want them to be amended, and I do not think they will be, as no amendments have been tabled. We hope that they will be adopted in their current form tomorrow. This will allow us to re-integrate the package, having achieved a very pleasing success with respect to the Council.

I would say to you, Commissioner, that the ball is now in the Commission's court: we are all aware that, in order to monitor the implementation of this legislation, in many fields, legislating here is not enough – the texts need to be transposed in the Member States.

Personally, with regard to the requirement for insurance against damages to third parties, in other words, serious pollution and damages subsequent to a maritime accident, I think we need to ensure that, in particular, the major international conventions are ratified, because that is a commitment made by the Member States. I also think it would be good for the Commission to report to Parliament on this subject in 2012.

Emanuel Jardim Fernandes, rapporteur. – (PT) Mr President, I should like to begin by thanking the French Presidency for the opportunity that it gave us to see this package through to the end. Special thanks go to Vice-President Tajani and to the Commission for its significant contribution in the final phase of the negotiations. I also thank everyone for your comments and contributions. I wish to give a special mention to all the rapporteurs, especially Mr Kohlíček, and, if you will permit me, also to the shadow rapporteur, Mrs Miguélez Ramos. They ensured that disputes between Member States, such as occurred with the wreck of the *Prestige*, will not happen again and that everyone really recognises their responsibility when the worst happens. I thank Mr Costa, with whom I worked throughout the process, especially on the report relating to the responsibilities of passenger carriers while I was rapporteur for the Socialist Group in the European Parliament, for ensuring that all modes of maritime transport guarantee the protection of their passengers; that means of financially compensating passengers exist for when the worst happens; and that those who are potentially the worst affected are also the best protected, quickly and even in advance, regardless of where the blame lies.

Means of legal recourse exist that are sufficiently clear, accessible and based on information that is clear and available in advance. As I have already said, the adoption of this third maritime safety package is a significant victory for the European legislative process. The Commission, the Council and Parliament have accepted a text that improves everyone's lives, promotes better security on the seas, oceans and inland waters, and prepares our future. By voting for this package tomorrow, we are paying tribute to the victims of all the past or recent maritime tragedies and we are honouring citizens and businesses.

I hope, Mr Vice-President, that the provisions to be adopted tomorrow in this package will be observed so that the citizens' expectations that have now been created can be transformed into a real strengthening of their safety and their rights.

Georg Jarzembowski (PPE-DE). – (DE) Mr President, as we close this debate having thanked Vice-Presidents Barrot and Tajani and the French Presidency, and specifically Mr Bussereau, we should also thank those who work on the Conciliation Committee and the Committee on Transport and Tourism who have been working with us on this for a number of years. They have played their part in making possible the success that we have achieved and for that I ask that we thank them.

Inés Ayala Sender (PSE). – (ES) Mr President, I would just like to add something to what Mr Jarzembowski has just said. We would also like to thank him as the Chairman of the Temporary Committee on the Improvement of Safety at Sea, which was set up to clarify the *Prestige* case, which, in some way, lay at the root of everything we have been dealing with here today.

In case we lose touch with Mr Jarzembowski, I would like to tell him that we will always remember the ability he demonstrated on that committee.

President. – Mrs Ayala Sender, from the chair I naturally add my congratulations to someone who has certainly been a very effective chairman, and wish him every happiness and success.

The debate is closed.

The vote will take place tomorrow.

Written statements (Rule 142)

Dushana Zdravkova (PPE-DE), in writing. – (BG) Ladies and gentlemen, the compromise which has been reached will consolidate the EU's legislation on safety and the transposition of important international instruments into Community legislation. By adopting this, the European Parliament will set a new benchmark in terms of standards for investigating accidents involving vessels.

These measures have been adopted as a consequence of the accident involving the tanker 'Erika', but I want to remind you of another, more recent case. On 13 February 2004, 7.5 nautical miles from the Bosphorus, the ship 'Hera' sank with its entire crew of 19 on board, in circumstances which are still unexplained. Five years after this tragedy, which took place in one of the busiest and most monitored spots in the world, no one can say how and why this ship sank. Furthermore, no one can say what rescue operations were carried out after the emergency signal was received.

The investigation into the reasons and consequences of this accident has reached a dead end at the moment. The only thing which can be confirmed with any certainty is that 17 European Union citizens and two from Ukraine perished. No one has yet been made to answer for this.

It is obvious that the new rules we are adopting will not prevent such tragedies, but I hope that they will ensure that a transparent, complete and objective investigation is carried out so that we can bring the guilty parties to book for this.

13. The charging of heavy goods vehicles for the use of certain infrastructures - Greening of transport and internalisation of external costs (debate)

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

- A6-0066/2009 by Mr El Khadraoui, on behalf of the Committee on Transport and Tourism, on the proposal for a directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures (COM(2008)0436 – C6-0276/2008 – 2008/0147(COD)), and

- A6-0055/2009 by Mr Jarzembowski, on behalf of the Committee on Transport and Tourism, on the greening of transport and the internalisation of external costs (2008/2240(INI)).

Saïd El Khadraoui, rapporteur. – (NL) Mr President, Commissioner, ladies and gentlemen, I wish to come straight to the point and clear up a few misunderstandings. I have read from various sources that, by bringing in this Eurovignette Directive, we are trying to give the road transport sector the kiss of death in these economically difficult times. I have also read that we mean to make road pricing compulsory for all passenger cars in Europe.

The truth is, of course, that we do not mean to impose anything at all; on the contrary, we wish to offer a wide range of possibilities to help Member States who so desire to introduce, in their own time, the 'polluter pays' principle into the road transport sector. That is, we want to establish a framework, to lay down ground rules that Member States must observe if they wish to internalise external costs.

This should bring us one step closer to a more sustainable transport system. I wish to add straight away that this is no miracle cure. Very many more measures will have to be taken if we are to work wonders. If we do nothing, however – as the Commission is well aware – road transport will increase by 55% by 2020. We therefore have to do something.

What we are proposing here is a minor revolution in itself, if I may say so, but it is just a start, and will require an ambitious follow-up within a few years. With the help of the majority in the Committee on Transport and Tourism, we managed to draft a balanced, reasonable, coherent proposal. I should also like to thank everyone involved. It was not easy; points of view differed very widely. However, I hope that we retain this balance after tomorrow and thus send out a strong signal to the Council, which needs to draw up another common position.

What are the essential points? Firstly, which externalities are to be introduced into the system? We opted for the areas of air pollution, noise and congestion. Regarding the last of these, we have actually made a concession

to the road transport sector by saying that countries wanting their systems to cover congestion should make a link with passenger cars. This is optional, not obligatory.

Secondly, on the subject of earmarking, we do not regard the revenue from these charges as an additional tax that is allowed to simply flow into State treasuries. Such revenue must be reinvested in the transport system with the aim of keeping external costs down. This must be the ultimate objective.

Thirdly, there is interoperability, which is vital, and I think the Commission still has some way to go in this regard. We want to prevent lorries having to take along 27 different tins in future in order to pay all the various tolls around Europe, and so I think that clear initiatives are needed to this end.

Fourthly, there must be the possibility of further action in future. Within a few years, an overview must be drawn up of the internalisation of external costs in all modes of transport. We must consider the possibility of adding other external costs, too, but we must also favour charging schemes based on kilometrage over time-based schemes.

Overall, the impact of all of this is actually limited. We estimate that the operational costs could rise by 3% if this Directive were to be applied in the field throughout Europe. Consequently, I wish to propose to my fellow Members that we stick with the package supported by the Committee on Transport and Tourism.

In other words, I do not support the amendments by the Group of the European People's Party (Christian Democrats) and European Democrats that seek to remove congestion from the system, nor can I support the amendments tabled by the Group of the Greens/European Free Alliance, no matter how appealing I find them. Let us preserve a coherent whole and take a step forward in this way.

Georg Jarzembowski, rapporteur. – (DE) Mr President, Mr Vice-President, ladies and gentlemen, let me begin by saying that the mobility of people and goods is quite simply of key importance to citizens' quality of life, growth and employment, the social and territorial cohesion of the European Union and for trade with third countries.

That is why the European Community quite simply needs an infrastructure that meets its needs and equitable transport rules for all modes of transport. Given that transport also has negative consequences for people and the environment, it must, of course, be further greened, in order, also, to play its role in fighting climate change.

However, I have to tell you, Mr Vice-President, that what you put forward to us as a basis document on the greening of transport was a little too sparse. I am sorry to say that there is no consistent overall plan and you leave everything open – everything is palmed off on subsidiarity. If you say that we have to green transport, that must apply throughout the European Union and cannot be made subject to the wishes of the Member States. It must then apply to everything from the railways to marine transport.

You cannot just pick out road transport – and, in fact, specifically only goods vehicle traffic – and then say 'we will leave it up to the Member States to decide whether or not they want to have road tolls.' If you want a fundamental change, you need to put forward an integrated plan for all means of transport – and that is something we made very clear in the committee. Then, however, you also have to do that with scientifically-based impact assessments that take account of the consequences for competition amongst means of transport, mobility costs and the competitiveness of Europe.

The second communication, on the internalisation of external costs, is another example of the compartmentalisation under your system, proposing something and yet not proposing it. As regards the internalisation of external costs, you again set out a great big handbook that provides a multiplicity of ways to perform calculations, but then, in the end, you say 'we will calculate according to a flat-rate value.' No one on earth could understand that. You also fail to take account of the contributions already made by the various means of transport, be it in the form of general taxation, petroleum tax or vehicle tax.

You know, it is the same story with the Eurovignette. My group agrees with the other groups that exhaust emissions and noise should be taken account of in the external costs and in the charging thereof. Congestion, though? Mr Vice-President, congestion is caused by an insufficient provision of infrastructure by the Member States. To give the Member States money for managing their own shortcomings would be downright madness.

What is more, you are very much aware of the fact that companies have long borne the costs of congestion, as it leads to higher wage costs and higher fuel costs. With that in mind, it must be said, Mr El Khadraoui, that it makes no sense to internalise the costs of congestion – quite the opposite, in fact. We must attempt

to get rid of this congestion through the prudent upgrading of infrastructure and the deployment of intelligent transport information systems, yet we must not burden businesses, already struggling with rising costs, with additional costs in the form of road tolls. There is no point in that.

Mr Vice-President, your communication on noise protection measures on the railways is positive, in principle. As the man on the English-speaking street says, though, *'Where's the beef?'* What are you actually proposing? You say there are many options. No, you are the Commission! You have the right and the duty to put forward proposals that we can then implement. That is why the Committee on Transport and Tourism is calling on you to actually table a proposal for a directive on the introduction of noise-related track access charges so that, by re-investing the money collected by means of such track access charges in the railway companies – including private companies – we will be able to help see new noise-reducing brakes actually installed. All of us in this House have a clear goal and that is that noise pollution by the railways must be eradicated. We want to promote the railways, but then their journey through the serene Rhine valley must also be effected in an environmentally sound manner. So help us do this – propose something really tangible!

Antonio Tajani, *Vice-President of the Commission*. – (IT) Mr President, we have reached the end of yet another debate on a subject that I resolved to bring to the attention of this House as soon as I had obtained the support of Parliament, in other words, our aim of not imposing a new tax on European citizens. As far as the Commission is concerned, the fact that the new Eurovignette is optional is evidence that we are not imposing a new tax. Above all, the sums collected will not be generally earmarked for the budgets of the various Member States but will be allocated to make a difference in a particular sector, namely pollution, the internalisation of external costs and the construction of safer roads and infrastructure.

I wish to thank Parliament for the commitment it showed to the greening package, particularly with regard to the review of the Eurovignette directive. The draft adopted by the Committee on Transport and Tourism based on Mr El Khadraoui's report sends out a strong message to Member States because it proposes a more flexible framework that legally authorises the adoption of new instruments to combat negative effects within the transport sector and also within the parties involved in the sector. It does this by showing a political intent to gradually encourage the introduction of fair and effective tariff scales for the use of infrastructures whereby the polluter pays, instead of the taxpayer having to foot the bill.

I feel that the opinion approved by the Commission, which is under discussion today, reinforces the Commission's proposal in some key respects. As far as the allocation of resources is concerned, I believe the proposed amendments are consistent with our suggested approach, which aims to defend the allocation of revenue from tolls and reduce the external effects of road transport, and I believe I can support them. As far as the type of external effects that should be taken into account, I say no to CO₂ but yes to taking congestion into account. A modulated congestion charge would allow us to fight climate change more effectively than if we applied a one-off tax on CO₂. It is essential for the economic effectiveness of road transport and useful for ensuring sufficient income to fund new transport capacities and I believe that the compromise we achieved constitutes a sound basis for discussions with the Council. We must nonetheless take great care to ensure that the final result represents an encouragement to States rather than a deterrent and does not impose conditions that are too complicated to manage.

I harbour certain reservations, however, about the specific amendment concerning sensitive mountain areas. The Commission proposal already authorises a pollution cost multiplication factor known as the mountain correction factor. The fact that we simply authorised the addition of this tariff charge to the existing surcharge, decided in 2006 to fund the great tunnels through the Alps, amounts to a double tariff charge and this is an obstacle to achieving a single market in my opinion. Hence my puzzlement.

Now I would like to move on to Mr Jarzembowski's report on the communication accompanying the directive. As he clearly showed during his speech, Mr Jarzembowski is highly critical of the Commission's position: for once, we are not in agreement after all these years of working together. The report is clearly critical. I will attempt to concentrate on two points in particular, two points that I feel are crucial. I wish to stress, on the one hand, that the Commission has carried out an impact assessment that covers all transport methods and analyses the effects of the various internalisation options. I feel that this analysis lays the foundation for the internalisation strategy proposed by the Commission. On the other hand, the Commission has proposed a common internalisation framework based on a principle that concerns all transport methods and takes into account past initiatives. It is a pragmatic approach that respects the *acquis communautaire* and takes into account the recently adopted proposals – I am thinking of the extension of the ETS to aviation and the international agreements on aviation, the maritime sector and inland waterways. Of course we can debate whether or not the Commission's proposals go far enough, but I must stress the fact that the Commission

has dealt with the topics it was asked to cover, in other words, an integrated plan to make transport greener, supported by specific legislative proposals.

I wish to end by bringing up one aspect on which the Commission and Parliament are in agreement: the need to find a legislative approach to the problem of noise pollution in the railway sector. The Commission will submit its proposals within the framework of the first railway package revision, due to be adopted in the autumn. We will, of course, be pleased to hear your suggestions on this matter.

President. – Thank you, Mr Tajani. In your relations with Mr Jarzembowski, you will have seen how right Karl Marx was when he showed how people's institutional position also determines their political position on various subjects.

Claude Turmes, *draftsman of the opinion of the Committee on Industry, Research and Energy.* – (FR) Mr President, the Committee on Industry, Research and Energy mainly looked into two aspects of this directive, the first of which was oil.

Of all the major world economies, Europe is the most dependent on the transport of goods using oil. Let us not deceive ourselves. Although the price of oil is going down at the moment, it is only because the global economy is shrinking. Once the economy starts to recover, we are once again going to see the same problems of oil shortages, and the European economy's main Achilles heel in the future will be our dependence on oil for the transport of goods.

The second aspect relates to technology and exports. If Europe introduces a relevant Eurovignette system, it will also promote the rise of European economic players. The United States, China, India and Indonesia are economies that will have the same problem as us. This is therefore an appeal for the implementation of an ambitious policy, both with regard to the internalisation of external costs to anticipate the necessary changes from oil and to promote European industry in all the technological apparatus surrounding the Eurovignette.

Corien Wortmann-Kool, *on behalf of the PPE-DE Group.* – (NL) Mr President, Commissioner, our rapporteur, my esteemed fellow member, Mr El Khadraoui, began with some reassuring words. No European charges are to be imposed. Instead, the rapporteur is concerned with ground rules for the internal market, aiming to facilitate sustainable transport in Europe. However, the position he adopts as rapporteur gives Member States a licence to impose very high charges, up to a few euros per kilometre, with the congestion charge and the mark-up on top. Mr President, in the Commissioner's words, what we have here are not ground rules for the internal market but barriers to the internal market.

The Group of the European People's Party (Christian Democrats) and European Democrats wishes to make its position here today clear. We are staunch supporters of investment in sustainable transport. Therefore, the internalisation of external costs for air and noise pollution can count on our approval, provided the revenues are invested in making road transport cleaner – something that enjoys broad support. However, the proposed congestion charging and mark-up are a bridge too far for the PPE-DE Group. Congestion charging has a very limited impact on the environment and does not solve the problem of congestion, and would also constitute an extra heavy burden in these times of economic crisis, an extra burden on SMEs, which is also bad for employment.

The rapporteur has reached a compromise with the Group of the Alliance of Liberals and Democrats for Europe by making a link with passenger transport, which was crucial to obtaining their support. The Council will not accept that – so much is already clear. This puts the rapporteur in a position he himself wants but the ALDE Group does not.

Therefore, I should like to end my speech on behalf of the PPE-DE Group with an old saying: we may lose the battle, but that does not mean we have lost the war.

14. Amendment of the agenda

President. – Ladies and gentlemen, as I am in the chair, I have to read you a communication which states that, at its meeting on Monday, 9 March, the Committee on Foreign Affairs approved a motion for a resolution on the deterioration of the humanitarian situation in Sri Lanka and, in view of the alarming situation there, it requested that the motion for a resolution be included on the agenda for the current part-session in accordance with Rule 91 of the Rules of Procedure.

The motion for a resolution will be deemed adopted unless at least 40 Members submit a written objection by noon tomorrow, Wednesday, in which case it will be included in the current part-session for debate and voting.

15. The charging of heavy goods vehicles for the use of certain infrastructures - Greening of transport and internalisation of external costs (continuation of debate)

President. – We shall continue with the debate on the reports by Mr El Khadraoui and Mr Jarzembowski on the transport sector.

Silvia-Adriana Țicău, *on behalf of the PSE Group.* – (RO) I would first of all like to congratulate my colleague, Mr El Khadraoui, and Mr Jarzembowski.

The transport sector is one of the key sectors contributing to the European Union's economic and social development. At the request of the European Parliament, the European Commission proposed internalising external costs and amending the Eurovignette Directive. However, the moment that has been chosen to do this comes at a very difficult time. As a result of the economic crisis, the volume of orders is dropping, carriers are facing increased costs, companies are going bust and jobs are being lost.

Although the texts being proposed by the Commission mark a step forward in the development of transport which respects and protects the environment, they can and must be improved. I do not think that Mr Jarzembowski's approach, where we only criticise without making any improvements, is the right one. In my personal opinion, a directive which cannot be applied to all Member States on a mandatory basis will not achieve its aim and may significantly distort the internal market through the barriers which some Member States, if they so wish, may introduce to block the free movement of persons and goods.

This is why I consider that the process of internalising external costs must be applied to every kind of transport and double taxation must be avoided. In this way, if some Member States have decided to introduce road tolls they should not then introduce an additional pollution tax later on. This is also actually the stance adopted by Mr El Khadraoui, which I support.

The costs incurred by traffic congestion are rising to 1% of GDP. We must therefore act to reduce this, but the cost of these measures must not only be paid by goods and passenger transport operators. Congestion is caused by all vehicles and, especially, by a defective infrastructure. Member States must invest in the construction of motorways, high-speed railway lines and in those alternatives which can cut traffic congestion. Intermodal transport will facilitate the transfer of goods from the road network to a rail, ship or air freight system, making the transportation of goods and passengers more efficient.

In conclusion, we need an integrated strategy for developing European transport which protects the environment, but without internalisation of external costs affecting the competitiveness of road transport.

Dirk Sterckx, *on behalf of the ALDE Group.* – (NL) Mr President, I agree with Mr Jarzembowski when he says that mobility is essential to society. I also agree with Mrs Wortmann-Kool when she says that here, too, we must pay particular attention to the internal market. However, to my mind, this compromise does take us a step in that direction. The internal market is important, and so it is also important that agreements be made between Member States. In addition, this is just a first step towards a system we are going to have to think over in its entirety anyway at a given point in time and to adjust at certain points.

A large majority of our group supports the compromise reached with the rapporteur, for which I thank him. The internalisation of external costs – and I have listened closely to the rapporteur's words – is not a regular tax. The revenues thus generated must be used to reduce the external costs. This is an essential component of Parliament's position. If this does not happen, we no longer have a compromise.

Therefore, we agree to the inclusion of air pollution, noise and congestion in the internalisation of external costs. In the case of congestion, however, if the aim is to fight and reduce this phenomenon, all road users causing it must be treated in the same way without any discrimination between the various elements responsible.

I also think it a good thing, therefore, that a Member State must present an action plan and state how it plans to reduce congestion. All in all, earmarking is important – the rapporteur too has pointed out that this is an essential component. It is not disputed in Parliament that earmarking, the use of the revenues, is very important.

I should like to say to Mrs Wortmann-Kool that, if these two conditions – equal treatment of all the road users responsible for congestion and clear earmarking of revenue from the charge – are not met, and if the Council is not in agreement, the Group of the Alliance of Liberals and Democrats for Europe will also withdraw its support for the compromise.

IN THE CHAIR: MR MAURO

Vice-President

Roberts Zile, *on behalf of the UEN Group*. – (LV) Thank you, Mr President, firstly, I would like to thank both rapporteurs, especially Mr El Khadraoui, for this difficult work on trying to reach a compromise. I think that part of the compromise is being voted on by the Committee on Transport and Tourism – the part relating to the use of earmarked taxes – but the plenary sitting will clearly be voting on a certain part, such as congestion. I would also like to thank my fellow Members for their understanding in relation to not removing time-based charges in countries at the European Union's borders, where heavy goods vehicles generate considerable pollution, queuing at the borders for long periods, day and night. Finally, once we have adopted this directive in one form or another, I very much hope that, regardless of the crisis, the Member States will nonetheless not subordinate the short-term situation to long-term goals. In my view, this would be very important in resolving the problem. Thank you.

Eva Lichtenberger, *on behalf of the Verts/ALE Group*. – (DE) Thank you, Mr President, ladies and gentlemen, tomorrow's decision on external costs in the road haulage sector is a decision about whether haulage, ultimately, is sustainable; whether, in future, there is to be fair competition between road and rail; and whether the polluter pays principle is finally to be made to apply to road traffic – at least to some extent.

The costs are not new – they have been around for some time. It is just that, at present, they are paid for from national budgets. We surely must put the environment and the health of those living close to transport links above having uncongested roads. The burdens are well enough known to all of us. Health impacts along transit routes have been documented and that is our call to action.

The stricter exhaust emission standards for goods vehicles, for which we had had such high hopes, were inadequate. Any improvement in each individual goods vehicle meant nothing, as simultaneous growth cancelled everything out. That means that we need new, targeted measures in order to provide a better framework for a market that has come off the rails. It also means, however, that the likes of relief for heavy road-users, which are still in existence, need to be abolished, as what this does is give extra reward to polluters for polluting.

We demand the most comprehensive possible inclusion of all the external costs that arise that currently have to be borne by the budgets, and I will finish with my old *ceterum censeo*: the sensitive area of the Alps needs special protection.

Erik Meijer, *on behalf of the GUE/NGL Group*. – (NL) Mr President, the abolition of customs borders and exchange rates within Europe has increased the scale of the economy. The government has created a dense network of ever wider motorways. Many goods are now transported over long distances, sometimes even at various stages of the production process.

These developments have a negative impact on the environment, and their costs are not borne by hauliers. Partly as a result of this, freight transport has become increasingly cheap over the years. This encourages even more transport and increases the environmental impact still further.

In nearly 10 years as a Member of this House, I have often heard talk of charging this environmental damage to hauliers, but unfortunately the results are still unsatisfactory. Sometimes it seems as though politicians are more interested in the calculation models themselves than the results that can be obtained using them. Decisions taken on this in 2006 have yielded insufficient results.

As far as my group is concerned, the objective must be to give the most environmentally-friendly modes of transport – transport by rail and water – more of a chance, and to curb the most environmentally damaging – road and air transport. In the absence of a clear objective such as this, calculation models and more European rules only produce bureaucracy, at no benefit to humans and the environment.

My country, the Netherlands, is an example of how not to do things. A discussion on road pricing – taxing road traffic according to the distance travelled – has been under way there for nearly 20 years, and has now become completely deadlocked. The only impression voters are left with is that congestion is being taxed

without there being any prospect of a solution to the problems in the form of improvements to the railways and public passenger transport services.

Europe must not repeat such errors by Member States. It must, however, remove all the barriers to regional and national measures, enable effective coordination of these measures, improve cross-border payment of charges and provide professional drivers with better information on what measures to expect outside the area where they live.

The proposals by rapporteur Mr El Khadraoui provide scope for this, and therefore have the support of my group. In addition, rapporteur Mr Jarzembowski mainly calls attention to the noise nuisance from rail freight traffic, and we agree with him. At the same time, however, I should like to point out that the construction of more and more high noise barriers along railway lines cannot be the solution.

Johannes Blokland, *on behalf of the IND/DEM Group*. – (NL) Mr President, following a long, tiring debate, we are on the verge of adopting Parliament's position at first reading. I am fairly pleased with the result, and very pleased with the cooperation with the rapporteur. It is good that Member States are to be given the opportunity to pass on external costs to the polluter. Let us not hesitate to pass on the costs of congestion, air and noise pollution to what will ultimately be the consumer.

I do take the view, though, that Member States must retain the scope to vary the costs. In addition, it must be possible to trace back the burdens imposed clearly and transparently to the actual costs incurred. We cannot allow Member States to introduce a kind of punitive tax. Amendment 40 will therefore have to be removed from the report.

I should also like the Council to tell me whether it shares Parliament's view that the revenues from the Eurovignette must be used to reduce the external costs. This is essential to my support for the Eurovignette Directive.

In addition, this proposal must not remain isolated. Lorries are not the only road users responsible for congestion costs; other modes of transport generate them too. With the exception of maritime and air transport, which will be covered by the Emissions Trading Scheme, these hauliers too must pay their external costs. This is a fair way of encouraging hauliers to clean up their act.

I should also like to take this opportunity to request support for my Amendment 76. I do not understand why the Commission decided to change the old text on regulatory charges to 'any urban road'. The imposition of such regulatory charges is a national competence. It is the Member States who must decide on the way they wish to impose such a regulatory charge, provided it is non-discriminatory, of course. I propose that we return to the old text from 2006, therefore, and I ask for your support for this.

On a final note, it is of the utmost importance that the Commission ensures that the Member States do not use this directive to impose unduly high charges on freight transport. The Commission must take very seriously its tasks under Article 11(1). If a Member State makes a mockery of the external cost charge calculation or of the maximum value, the Commission must come down hard on that Member State.

Reinhard Rack (PPE-DE). – (DE) Mr President, the economy, the environment and people – these are the three cornerstones within which we must fit European law relating to road charging and the Eurovignette. When it comes to freight transport in Europe it is probably right to say that we must rank these three priorities differently, according to reverse alphabetical order, no less. We must now prioritise as follows: people first, then the environment, then the economy.

We, the Commission and Parliament, want to do that. The Commission has produced a very sound proposal on the subject of internalising external costs, proposing a truer reflection of costs in transport – in freight transport, but not just there – and we have former Vice-President Barrot and current Vice-President Tajani to thank for that.

We improved the proposal in the Committee on Transport and Tourism. In particular, we put an even greater emphasis on the concerns of those affected most – people, the environment and the economy. In this context I would like to offer my sincere thanks to the rapporteur, Mr El Khadraoui, and to all those who played their very constructive and active parts in this work.

We have also kept a sense of proportion. Europe cannot and should not regulate everything and in every detail. The Member States, as the shapers of their own specific conditions, must also have their place. This also applies, and especially applies, to this much debated topic today, of congestion. In this case, it should

not be about punishing those who find themselves stuck in congestion but about coming up with constructive solutions to help prevent it. Design should take precedence here, not bans.

As is also frequently the case with our text, the devil is in the detail. In its original proposal, the Commission proposed, after careful cost calculations, to forget everything and have a final upper limit on costs after all. In the committee, we rejected that as nonsensical in the then Amendment 20. Tomorrow, this item will be voted on again as Amendment 40. The rapporteur is in favour. I ask all of you to support this item – we need to win this vote.

In closing, I would like to say that I find it very regrettable that the Czech Presidency has not deemed it worth the effort to send a representative to Parliament for this important legislative proposal.

Brian Simpson (PSE). – Mr President, I will speak on the El Khadraoui report. I would like to thank the rapporteur and his staff for all their hard work and for finding a compromise when, at times, it looked impossible.

There are a number of points that need to be made in this debate. Firstly, this is the start of a process, not the end, and contained within the compromise is the right of Member States to introduce congestion charging or not. I also want to remind honourable Members, particularly from the PPE-DE Group, that this Chamber has consistently demanded from the Commission a proposal and strategy to internalise external costs in all modes of transport – but in particular road transport – and this has indeed been highlighted as our roads become more congested and global warming more severe.

There is also a need to see a more balanced road sector that is not only economically sustainable, but also environmentally sustainable, and one that recognises that it has to pay a fair price for the costs it creates – be these environmental or infrastructure costs. We cannot have a ‘do-nothing’ attitude, although I note that this phrase has become synonymous with the Conservatives over recent months. I know the formulation of this report has been difficult – some Members believe it goes too far, whilst others not far enough. However, as a first stage, I think that this compromise deserves support. I look forward in the future to other externalities being included and would stress my group’s support that all revenue from Eurovignettes should be earmarked for use in the transport sector so that transparency and public opinion can be brought closer together.

This report is a serious attempt to deliver what Parliament has called for over many years. It will be an important tool in combating congestion, in improving the environment and in facilitating modal shift, which is why it deserves our full support. And Commissioner, I would not worry too much about disagreeing with Georg Jarzembowski – we in the Socialist Group have been doing that successfully for years.

Paolo Costa (ALDE). – (IT) Mr President, Commissioner, ladies and gentlemen, this is the third time I have had occasion to deal with this subject. During the previous term, I had the pleasure of acting as rapporteur for an own-initiative report on the topic and then, not long ago, we approved the previous version of the Eurovignette.

We should not forget the reason why this process has dragged on for so long. At least three factors are simultaneously at play. Until recently, road and other infrastructures were paid for only by taxpayers. The Eurovignette is paving the way to allow us to begin shifting at least part of the responsibility for paying the financial burden of infrastructures onto the user, in a manner that is clearly fairer. In other words the Eurovignette is an instrument designed to ensure fair taxation, despite all indications to the contrary at the moment. Ensuring this takes place in a different way will depend on financial engineering within the various states, who are not allowing Europe to deal with the matter – because otherwise we would be only too willing to do so. The present Eurovignette applies the ‘user pays’ principle. Now we have the problem of switching to a ‘polluter pays’ system, which is another great principle that we must seek to tackle.

As far as I am concerned, the compromise we have reached is a good compromise and we must seek to hold onto it as far as possible. This is evidence that, if the Council agrees, we will effectively be able to pass...

(The President cut off the speaker)

Seán Ó Neachtain (UEN). – (GA) Mr President, I would like to say that I understand the reasons behind this report. However, in so far as it relates to me it is unfair, as this duty, the Eurovignette, is adding to the costs of countries that are a long distance from the centre of the market.

The Commissioner said that mountain regions are opposing the Single Market. What about areas like my own constituency in the West of Ireland, from where 1 000 lorries depart every week? They are hit while

going to the market. And what is this about it being a single market? It is not! Costs are being raised for peripheral countries because you want the greening of the market. You can't have it both ways, however. You must think about the countries on the periphery and give them a fair deal, Mr President, something which is not done in this report.

Sepp Kusstatscher, (Verts/ALE). – (DE) Mr President, ladies and gentlemen, no serious scientist doubts that there must be a drastic application of the brakes to the consumption of fossil fuels, as the raw materials are limited and as the combustion of fossil fuels is the main cause of the climate chaos.

We all know that around a third of fossil fuels are squandered on travel and transport and that goods vehicles, in particular, cause enormous damage to people and the environment that the taxpayer then has to pay for. Everyone essentially agrees to the principle of paying the true costs. Yet, when it comes to the specific measures to implement true costs, we hear a thousand excuses.

It is thoroughly incomprehensible why the actions being taken in response to the crises are not much more consistent. It is wrong to continue to promote the unhealthy and bloated transport economy. The 20-20-20 target will otherwise grow ever more distant. We must be clear that this dishonesty jeopardises the future of our grandchildren.

Ulrich Stockmann (PSE). – (DE) Mr President, Commissioner, first of all, I would like to thank Mr El Khadraoui. He has achieved a workable compromise under really difficult conditions.

For us transport policy makers, it is a quantum leap forward that air pollution, noise and congestion can now also be included in the tolls. This reinforces the polluter pays principle. The polluter pays principle prevents profits going into private hands while the damage is paid for by society. That is a social democratic concept. Parliament has resolved to introduce this principle to all modes of transport step by step. There will then, at long last, be fair competition between the railways, lorries and inland waterways.

It must also be made clear at this point that it will be entirely up to the Member States whether or not these additional tolls are implemented. Nobody will be forced to do so. All we are doing here is setting up the basic framework for it so that there is no patchwork of different toll models across Europe, thereby avoiding discrimination, as road haulage should be treated in a comparable way throughout the internal market. For us, this is not about additional income streams but is, instead, about directing transport more strongly by means of price signals. The Committee on Transport and Tourism is right to want to see the mandatory ring-fencing of this additional income for use in reducing external damage.

However, there is still one fly in the ointment, as I see it. Unfortunately, the committee decision, as it currently stands, links the introduction of congestion costs for goods vehicles to the inclusion of other modes of transport, such as passenger cars. That will prevent the introduction of congestion costs in those Member States, such as Germany, that do not want a toll for passenger cars. That therefore denies us an important instrument of taxation in the field of transport policy.

My conclusion is as follows: tomorrow's vote offers a breakthrough in transport policy after decades of discussion about external costs. I hope that we will receive the necessary majority to achieve that breakthrough.

Jeanine Hennis-Plasschaert (ALDE). – (NL) Mr President, the only reason – at least the way I see it – to look seriously at this proposal at all is that it creates a European framework for Member States to work within, which ultimately benefits the internal market. Indeed, the 'green' concept is being misused with increasing frequency for the purposes of a kind of protectionism. The sectoral driving bans in Austria are a good example of this.

We have come a long way. A few tricky points remain under discussion, however. Let me be clear that, as far as I am concerned, the possibility of a congestion charge for road freight transport is inadmissible, and I also consider the abandonment of earmarking unacceptable.

As my colleague Mr Sterckx said earlier, if, at second reading, it emerges that there is no majority in this House and in the Council in favour of these positions, the Group of the Alliance of Liberals and Democrats for Europe will withdraw its support for the proposal. Road freight transport is an important driving force for our economy. It is particularly important that we do not lose sight of that fact – certainly not at this time.

Allow me, too – I say this particularly with the Group of the European People's Party (Christian Democrats) and European Democrats in mind – to conclude with an old Dutch saying: the bull-in-a-china-shop approach rarely works.

Wiesław Stefan Kuc (UEN). – (PL) Mr. President, the crisis which is increasingly taking its toll on road hauliers should caution us against introducing new charging regulations, unless what we want to do is to exacerbate the crisis. Transport has always been the lifeblood of the whole economy. We have had negative experience reforming the common agricultural policy, and this is likely to repeat itself now.

We must remember that road hauliers are not, in the main, vast enterprises, but small businesses with a handful of vehicles. Let us not make them pay for the upkeep of the country. This is already being done through tax on fuel, insurance, road checks and through many other charges. Introducing payments for external costs would significantly increase the cost of transport and mean paying twice for the same thing. It is clear that goods need to be transported, as there will always be producers and customers for goods which will need transporting, but do we have to make them responsible for the costs of infrastructure? I move for the suspension of all further action until better times, or for the complete rejection of the Commission's proposal.

Michael Cramer (Verts/ALE). – (DE) Mr President, transport, and above all road transport, is responsible for 30% of CO₂ emissions, and even with this directive we are still miles away from achieving fair competition between the different modes of transport.

The EU has had a mandatory rail toll since the mid-1990s. It applies to every locomotive on every kilometre of track, and it is practically unlimited in size. On the roads, it is left up to the Member States to decide whether they charge any toll at all. It applies only to goods vehicles, only on motorways and only to goods vehicles weighing 12 tonnes or more. That is unfair competition. It leads to the traffic moving from the railways to the roads rather than, as your fine grandiose speeches often indicate, from the roads to the railways.

The rail toll in Slovakia is twice as high as in Germany, and the Slovaks have no road tolls at all. That is just madness. That is why we need this directive. We need the true reflection of costs. If Members from the Group of the European People's Party (Christian Democrats) and European Democrats believe that the costs of congestion should not be included, they should at least vote for the inclusion of the climate costs, the accident costs and the noise costs. Then they will be credible.

Those who vote 'no' on this issue are giving up on climate change and setting our children and our children's children on the road to ruin, as they will have no future on this planet. We need regulation that is much tougher than what the Commission and the majority of this House have proposed.

Luís Queiró (PPE-DE). – (PT) Mr President, the revision of the Eurovignette Directive should have been used to encourage more sustainable and environmentally-friendly road transport. Simply put: in my view, with the result obtained in committee, we have taken the wrong road.

We have not chosen measures that encourage more sustainable carriage of goods. Instead, we have sent out the wrong message at this time of global crisis, with a revision for which all the indications are that it will only exacerbate the already precarious situation of many transport companies. Many of these are small and medium-sized enterprises, which make up the majority of Europe's businesses.

We know that measures aiming to combat pollution or stimulate technological innovation, such as cleaner engines and intelligent vehicles, are essential. The problem, which is starting to cause serious difficulties, lies in the imposition of a congestion charge. As far as the so-called 'peak hours' are concerned, the cause of these is, above all, local motorists who are travelling to their job or business, or for leisure. By coming up with the imposition of a charge that affects the carriage of goods, we will simply be punishing those who supply the workings of our daily lives, and who do so in the fastest, most flexible way, door-to-door.

We will also be acting unilaterally if we fail, for example, to take action in terms of changing working hours, accident prevention or road planning and maintenance, and will therefore call into question the very mobility that defines our societies and the market economy. We are also impugning other measures taken to promote the economic, social and territorial cohesion of the Union. For my country, Portugal, as well as for all the peripheral countries, this measure is nothing more than a throttling of economic activity, as we will merely be net contributors of any transit charges.

Mr President, in summary: with this charge we will be misconstruing the environmental objectives, which are important, causing more difficulties and even bankruptcy for small and medium-sized enterprises, and therefore directly contributing to increasing unemployment and social instability in European societies. The choice is ours, and let there be no doubt that we will be called to account for the consequences of our decisions.

Inés Ayala Sender (PSE). – (ES) Mr President, I would like to express our profound disappointment, not least from the viewpoint of the Socialist benches – despite being geographically peripheral – at the dreadful timing of this report. Firstly, it has come too soon. We have not even evaluated Eurovignette II yet, which only began to be implemented about six months ago, but here we are opening another new dossier.

In addition, we are in the grips of a cruel financial, economic and social crisis, which has had devastating effects on goods transport. It therefore sounds like a bad joke to propose a measure now that necessarily means raising the cost of goods, especially those transported in the countries on the fringes of Europe, which are precisely the ones that are worst affected by unemployment and lack the alternatives of railways or motorways of the sea. They simply do not exist and, moreover, there is no willingness at the border.

Furthermore, the European Parliament has historically called for internalisation for all modes of transport and not just for the one that is already subject to cross-border charging. We asked the Commission to make a really creative effort to achieve an intermodal system based on solidarity and thus maintain consistency in our European commitment to a co-modal logistics chain. This text contradicts that in its partiality.

Lastly, I am disappointed because I feel it is dishonest to tell people that this instrument will solve their daily congestion problem for ever.

If that were the case, the road haulage sector would be the first to call for this instrument, because that is the group that already pays for the delays caused by urban traffic jams.

The rapporteur is proposing a compromise that deserves praise for its sharpness, but it contains an obvious legal weakness which the Commission denies, even though it can see it, not to mention the confused message that we send out to citizens when we establish European rules that the Member States are free to implement or not as they see fit.

As I have said, this has come at the wrong time, and it is an incomplete instrument that shows little solidarity, at least with the fringes of Europe.

Fiona Hall (ALDE). – Mr President, I want to say a word on the need to include CO₂ emissions in the Eurovignette. CO₂ emissions from heavy goods vehicles amount to almost a quarter of emissions from road transport and, while cars are gradually getting more efficient, HGV fuel efficiency has not improved in the last 15 years.

If we do not include CO₂ in the Eurovignette, what other options do we have? Precious few, because pigs will fly, as we say, before Ecofin ministers agree on EU-level fuel taxation. Worse still, if a Member State wants to bring in a toll system that reflects the external costs of CO₂, they will not be allowed to do so unless we now include CO₂ within the Eurovignette. Excluding CO₂ from the Eurovignette would be particularly unfair given that all Member States now have binding CO₂ reduction targets to meet under the effort-sharing decision. They need to have a range of tools at their disposal.

Philip Bradbourn (PPE-DE). – Mr President, I rise to speak specifically on Mr El Khadraoui's report on the Eurovignette, the subject of which has been before this House in numerous forms on many previous occasions. My position remains the same in that I do not see the need to pile extra taxation onto an industry which is already badly hit by the economic downturn.

In the United Kingdom, over GBP 50 billion is already taken from road transport each year and only GBP 10 billion reinvested in transport as a whole. So much for hypothecation. At a time when we are facing the biggest economic crisis in living memory, and businesses, large and small, are going bankrupt each week, why are we at a European level discussing measures which would exacerbate the problem?

In this context, may I also say to Brian Simpson that it is better to do nothing than to do it wrong, as I am sure his party will find to its cost in the next few weeks.

On a more general note, I should make Members aware that, in the UK, these matters are decisions for local authorities in the context of implementing road pricing. In my own region, the West Midlands, all seven of the local city councils of differing political complexions rejected the idea of implementing such a scheme.

In Brian Simpson's own region, citizens overwhelmingly rejected road-pricing in a local referendum in the Greater Manchester area.

So I would ask this Parliament, and the European Commission, what part of 'no' do you not understand? It should not be for the EU to dictate a 'one-size-fits-all' approach in this area. It should remain a matter solely for national and local determination.

Jörg Leichtfried (PSE). – (DE) Mr President, I would like to take this opportunity – as soon as we have quiet again in the Chamber – to offer my sincere congratulations to the rapporteur. It was a tough job, and yet noteworthy progress was made, and progress that represents a small step on the road to the complete greening of heavy goods transport, especially in allowing no compensation for the additional charges and in including noise, air pollution and, to some extent, congestion, with some room for discussion about whether – in particular in the case of congestion – this is not somewhat too little.

I am, however, dissatisfied with certain elements and I would like to say a few words in that regard. The problem of climate change must, by now, be something that everyone knows about or is at least aware of. We have therefore also decided on special requirements, especially for heavy industry, that are not particularly easy to comply with and that are very much open to further discussion. However, what no one in Austria and in the rest of Europe understands, under these circumstances, is that the Group of the European People's Party (Christian Democrats) and European Democrats has prevented one of the largest causes of CO₂ emissions, namely heavy goods transit traffic, from having to pay even a single euro cent for the costs it has given rise to. That is something you will not be able to explain to your constituents, ladies and gentlemen. They have to pay these costs through their taxes, and you really cannot explain that.

If the rapporteur for the PPE-DE Group believes that they have lost a battle here, I would say to her that I hope they lose many such battles, as that would be good for the vast majority of people in Europe.

Bilyana Ilieva Raeva (ALDE). – (BG) The report on road tolls contains suggestions which will make transport in the European Union significantly more expensive, especially over long distances and when using carriers from periphery countries of the EU, like Bulgaria. It will not only be the carriers which will suffer as a result of this, but also their direct customers, retailers and end customers in the European Union. Road transport operators are being hit hard by the financial and economic crisis. We are seeing a 50% reduction in the demand for transport services compared to 2007, as well as 110% more bankruptcies in this sector compared to 2007.

Due to the lack of similar regulatory requirements, European carriers are not as competitive as firms from third countries which carry out a large number of shipments in the European Union. Companies which have invested in green vehicles in recent years are in a particularly difficult position. At the moment, they cannot service their leases and are consequently faced with bankruptcy. Taking into account these conditions, I firmly support proposals 71 and 72 which recommend a 'congestion' factor should not be included in the directive. I also think that it is extremely important not to allow resources collected from road tolls to be transferred to other means of transport. This will have an adverse impact, especially in countries with an underdeveloped road infrastructure, as is the case in my country, Bulgaria.

Marian-Jean Marinescu (PPE-DE). – (RO) We need a coherent, sustainable European policy in the transport sector which respects the principles of subsidiarity and proportionality. Internalising external costs for pollution and noise is a positive measure.

The tolls paid by heavy vehicles to use road infrastructures will support, in the long term, the huge investments in the infrastructures included in the European and national economic recovery plans, at the level of both Trans-European transport networks and of other categories of road infrastructures, including mountainous regions where, in many cases, it is particularly difficult to construct roads.

However, in the short term, it is still the Member States' responsibility to find specific quick ways of financing these investments through the sensible use of the funds which the EU provides to them, both as part of the TEN-T financing and through the Structural Funds and Cohesion Fund, as well as through franchises and public-private partnerships.

The European Commission must support, using the instruments which it has available, the integrated initiatives for extending Member States' infrastructure networks, especially in the new Member States.

As regards introducing a charge on those using the infrastructure to help solve the problem of congestion, I believe that this proposal should be examined in more depth, bearing in mind that congestion does not depend exclusively on cars, but more significantly on Member States' ability to plan and implement efficiently national infrastructures at regional and local level.

For this reason, I believe that there needs to be a better correlation between spatial development plans, town plans and traffic management, especially in urban and peri-urban areas where congestion causes the most problems.

Robert Evans (PSE). – Mr President, I would like to start by congratulating my friend and colleague, Mr El Khadraoui, who, it is fair to say, despite appearances suggesting the contrary, has actually proved himself capable of producing a very sound and workable report. I am happy to add my support to it, and indeed to the underlying principle that the polluter should pay.

On this side of the House, we attach great importance to air quality, about which we are all very concerned, and we all know that lorries pollute. As Mrs Lichtenberger put it, 'there is documented evidence'. Now Mrs Wortmann-Kool, who has left, spoke about the obstacles to the internal market and Mr Jarzembowski, despite his report on the greening of transport, also expressed reservations about the Eurovignette. I would say to both of them that the biggest threat to all markets will be if we get overtaken by pollution. I do not believe that an extra 2-3% will be a huge burden, but it will show that we are taking serious steps to counter pollution.

Mr O'Neachtain expressed reservations and concerns about Ireland and other peripheral countries. He seems not to understand that this is optional on Member States. It will only apply in Ireland if his government actually decides it. I think he, and probably Mr Bradbourn, will have learnt one lesson this afternoon, which is that it is dangerous – and makes you look rather foolish – to speak on a report that you either have not read or that you clearly do not understand.

On another point, as an aside, I believe that we should, and could, do much more to encourage freight off the roads onto the waterways, where one barge can carry as much as 15 lorries. I therefore think that we should support the initiative of our erstwhile Belgian colleague.

Christine De Veyrac (PPE-DE). – (FR) Mr President, Mr Vice-President of the Commission, I would like to start by congratulating my fellow Members, Mr El Khadraoui and Mr Jarzembowski, on the high quality of their work and the excellent reports they have produced.

We are currently at a turning point, where we are trying to safeguard our industry whilst making it more sustainable, and to reach the 'three times 20' objective that was reaffirmed by the President of the European Union at the time, Nicolas Sarkozy, in this House last December.

In this context, the European Union has expressed a desire to legislate to take account, in transport costs, of other costs that have, to date, been borne by European society as a whole: this is the polluter pays principle that Parliament has always supported.

We voted for this for air transport last June, when aviation was integrated into the ETS system. In the maritime sector, the European Commission is currently looking into the best way of taking account of discharges from ships, and it is what we are proposing today with this text for the transport of freight by road.

I agree with those of you who have said that we certainly must not restrict mobility. We need to carry on as we have been for a number of years in encouraging this mobility in the European Union, and we need to ensure that there is fair competition between the various modes of transport.

We must not compel businesses at all costs to transport their goods by train or boat instead of by road freight – that would be absurd and anti-economic. What we need to do is make sure that businesses can choose the quickest, most economic and most beneficial mode of transport for their purposes, and for that to be possible, the price has to reflect the real cost of the selected mode of transport.

By giving the States the option of internalising certain external costs if they wish, this directive takes a first step in that direction – a first step towards true integration of the external costs in all modes of transport, which sends a powerful political message. It is important for us to support this when we vote tomorrow.

Bogusław Liberadzki (PSE). – (PL) Mr. President, I would like to thank our rapporteur, Mr El Khadraoui. He has done a fine job. He has dealt with hundreds of comments.

More to the point, I would like to stress that it is road transport that is currently keeping Europe up and running. It is true that we are deciding on introducing additional charges, and it seems right that we should pay for what we use. But when planning our work on the directive, we did not plan on the crisis.

I therefore feel I must speak on behalf of the road hauliers and say that their actual situation is much worse, particularly with the fall in demand for international road transport. The hauliers have cited huge financial burdens, particularly those of tax on fuels. There has been a temporary respite in terms of fuel costs, but we, as the European Union, cannot guarantee fuel prices over the longer term.

I believe that both the European Commission and governments should enter into dialogue with professional road hauliers. We must explain to them how this initiative came about. And we must also convince them that our intention is equal treatment for all forms of transport, and finally, that we are responsible for a sensible, balanced European transport policy.

Luis de Grandes Pascual (PPE-DE). – (ES) Mr President, the revision of the Eurovignette Directive is a very important issue that occupies us all and is also a cause for concern, particularly to those of us in peripheral countries who feel victimised by this proposal.

The European Commission has decided to approach the internalisation of the external costs of road transport by charging for three new costs: air pollution, noise pollution and congestion.

Although the principles behind the proposal – ‘the user pays’ and ‘the polluter pays’ – are reasonable, the solution proposed is definitely not, as it will discriminate against a sector which, for months, has been suffering from the disastrous effects of the economic crisis. Although it was not the intention to demonise goods transport by road, it has ended up being the target.

This proposal, ladies and gentlemen, is inappropriate and, far from achieving the expected objectives of sustainable transport, it will be a death sentence for a large number of small and medium-sized European enterprises that employ thousands of people in the European Union and contribute every day to the distribution of goods, ensuring that products reach the end consumer. Consumers will see how product prices will rise when these charges are implemented.

Ladies and gentlemen, we need a transport system that is competitive, sustainable and environmentally friendly and does not rule out road transport, because at the moment, it is the only way to get everywhere. Modal change remains a dream and is far from becoming reality. Trans-European networks, motorways of the sea and cross-border connections are still plans and not realities in some cases.

When the world economy *Titanic* goes down, ladies and gentlemen, we cannot ask the orchestra to carry on playing, and certainly not in celebration.

Emanuel Jardim Fernandes (PSE). – (PT) Thank you to all those who were involved, particularly and especially my colleague Mr El Khadraoui, who gave his all in a manner very open to and ready for consensual solutions.

The proposal under discussion will allow Member States to levy charges with the objective of covering certain external environmental costs, as well as generating a significant income to be used for improving the European road network and minimising the environmental impact of some road transport. On the other hand, it could also mean significant costs, especially for the more peripheral countries such as my country, Portugal. That is why I insisted on Copel and vehemently opposed the mandatory extension of the geographic scope to cover all major roads.

I also opposed the application of charges generated just by the congestion of a few, which is a measure that will lead to unfair advantage and which fails to penalise those who pollute most. I do, however, recognise the need to keep accounts of these charges. Application just to trans-European road networks or to routes usually and significantly used by international road haulage, thereby allowing the Member State to choose the routes for which to introduce charges, is a lesser evil which could be minimised even further if application of this proposal were postponed until after the difficult global economic crisis we are currently experiencing.

Richard Seeber (PPE-DE). – (DE) Thank you, Mr President, I very much welcome this proposal. We are on the right road here, in particular, when it comes to incorporating the costs of congestion into overall road costs. We need to achieve cost reality here to really bring about a situation where market economic instruments regulate traffic. Otherwise, we will always have imbalances in this regard.

This debate has also shown up the tensions between the peripheral regions and those areas in the centre of our continent. Quite simply, it must also be the case that when people from the peripheral regions drive through our central areas, they must take account of the concerns of the population. That is very important and I do ask for understanding on this point, because on this issue some of the population has found itself

pushed to the limit. The subsidiarity principle, as expressed in the proposal, allows the Member States to decide for themselves whether they want to internalise these external costs.

For the central areas – and for the Alpine regions in particular – it is clear that they will choose to do so. If peripheral regions decide not to take that route, that is something I can understand. Overall, however, we must strive to make the individual sectors in the transport industry bear the costs that they actually give rise to. That is the only way in which, in the long term, we can create a system that is truly sustainable and that satisfies the concerns of the population. Thank you.

Gilles Savary (PSE). – (FR) Mr President, I would like to start by congratulating Mr El Khadraoui on having reached a compromise, but we must not pretend that this text is not a very fragile one. It is suffering from the external costs of the crisis, by which I mean that there is considerable pressure and considerable concern on the part of the road hauliers.

Moreover, when it landed in the office of our co-legislator, it had quite a different nature, because oil was at USD 57 a barrel. It is therefore a text that was born under difficult circumstances, but I would like to say at this point, because I have been surprised by some of the things I have heard, that it is not a text that introduces a tax or a toll: it is the individual Member States that will decide whether to introduce a tax or a toll.

It is a text that, like the two previous ones, aims to define the conditions for road tolls in the various countries in order to avoid excessive distortions and so as not to create distortions of competition or discrimination.

We do, in my view, need to be quite clear on this. The text complies completely with the principle of subsidiarity, and it is also fair. I would say that I am very pleased with it on behalf of my own country because it will make it possible to obtain a contribution to the infrastructure of a transit country such as France from heavy goods transporters that currently go through the country without buying a drop of petrol and without spending a cent. I therefore think that this will be a beneficial text.

Alexandru Nazare (PPE-DE). – (RO) The Commission's desire to charge transport operators not only for the right to use the infrastructure, but also for the impact on the environment, known as internalisation of external costs, will impose a tax burden with severe repercussions for these companies, especially in the current economic crisis.

Specific impact studies based on relevant statistics need to be carried out before putting forward a directive like this. A realistic assessment is required of the consequences which will result from the implementation of such a directive and specific proposals on methods for calculating and posting external costs to account.

The internalisation of external transport costs is, in the long run, a measure which may help to make transport greener. I should mention that specific legislative instruments such as these are actually necessary in Member States such as Romania. However, I do not envisage yet that these external costs will be applied in the future, at any rate, not in Bucharest where I come from. I am referring here to traffic congestion, air pollution, sound pollution, water pollution, soil pollution or the impact on natural landscapes. I find it difficult to believe that the authorities in Romania will implement this directive, which is more of a burden than a help.

However, as Mr Jarzembowski also indicates, measures of this kind must be implemented after objective studies have been carried out, based on statistical data. We cannot ask transport companies to pay sums of money that have been arbitrarily set for external costs, all the more so as we are talking about significant sums.

Jörg Leichtfried (PSE). – (DE) Mr President, I wanted to speak again because a number of my fellow Members have spoken about the jobs issue in perhaps somewhat sanctimonious terms. I think we would all agree that it is incredibly important, especially in times like these, to safeguard jobs.

The freight transport industry is, of course, suffering in this situation, but it is not only the hauliers that are suffering – the railways, inland waterways and maritime transport are suffering just as much. All this directive does is to reduce the unfair advantage that road haulage currently enjoys over other forms of transport.

The question of jobs is a completely different issue. In that regard, we need to implement a prudent economic and reconstruction policy, and we must consistently push on with what we have decided in this House. This directive, however, has absolutely nothing to do with that.

Antonio Tajani, Vice-President of the Commission. – (IT) Mr President, during the course of the debate, very many different positions emerged, sometimes conflicting, because they were linked with political stances as

well as national positions. All this discussion therefore highlights the difficulty of the issue, but also its importance. I believe that we must find a compromise and the one we are arriving at in Parliament through Mr El Khadraoui's report is a good compromise on the whole.

I do not believe that the Commission set out to inflict an additional tax or wanted to penalise countries situated to the west and east, in other words, more outlying countries. In any case, the Eurovignette is not compulsory. We also tried to harmonise the system to establish a framework that prevents tariff fraud, so maximum values are also established. However, different stances, different ideas naturally emerged in our discussion. I believe that the text that will be sent to the Council will certainly undergo amendments because people do not see eye to eye within the Council either. We all agree with the 'polluter pays' principle, but then when we go into the practical applications, differences emerge between Member States, between political forces, between MEPs, between the Commission, Parliament and Council. The argument is therefore certainly thorny and complicated.

I do not, however, think we need to give credence to the critical viewpoint that takes a gloomy outlook because we are in the midst of a crisis. It is true to say that we are in the midst of a crisis but it is also true that the proposal is for the measure to be applied from 2012. I certainly hope – and I am absolutely sure I am right to say – that the crisis will be well and truly over by 2012. A little optimism is a good thing, but even the most pessimistic amongst us cannot believe that we will still be in the midst of a crisis in the year 2012.

Having said this, I believe that the Council will make amendments. This means that the first reading will not be enough and we will then have time over the coming months to assess the changes that must be made so that we can attempt to come to a successful agreement through the conciliation procedure. This will allow us to come up with specific answers for the public and allow us to apply the 'polluter pays' principle as an option from 2012 in the best way possible.

Saïd El Khadraoui, *rapporteur*. – (NL) Mr President, I wish to make a couple of comments. I should like to start by asking my fellow Members not to be fooled by the off-putting statistics some have put forward. One example is Mrs Wortmann-Kool, who talks of additional costs of several euro. With all due respect, that is completely wrong. I can tell you to the nearest cent what the impact would be in the most extreme case: congestion would be 65 euro cents per kilometre at the absolute maximum: 65 euro cents in very heavily congested areas, and only for the few kilometres where there was congestion, not the rest of the journey.

Noise would add 1.1 euro cents to this. Air pollution would be a further 16 euro cents in the case of the most polluting lorries. If you add all this up, you arrive at an absolute maximum of 82 euro cents for the few kilometres where there is congestion. For the rest of the route, the 65 euro cents can be deducted. That was the first thing I wanted to say, and I addressed it also to those from the peripheral Member States.

Secondly, it is true that we are in the midst of a crisis, but the crisis will not last forever. What we are doing now is creating a framework to permit willing Member States to actually introduce a system of internalisation of external costs – following a national debate, in their own time and usually after years of preparation.

Thirdly, I note that quite a few of my fellow Members are seeking to anticipate all the Council's decisions, as the Council has yet to take a position. We should not be deterred by this one bit. Let us simply go for a position we support 100%. Afterwards, we shall enter the debate, the fray, with the Council. I can assure you that I shall do my best as rapporteur to secure most, if not all, of Parliament's position, which we shall then discuss at a later date.

Georg Jarzembowski, *rapporteur*. – (DE) Mr President, Mr Vice-President, ladies and gentlemen, allow me, as we close this debate, to add two comments. The first I address to Mr Evans. My group is in favour of the internalisation of external costs, and specifically exhaust emissions and noise. We believe this is reasonable. Yet, if you always put the polluter pays principle first – I am prepared to discuss this with you – then it is the Member States that cause the congestion by not providing sufficient infrastructure. The goods vehicles drive into congestion, 80% of which is made up of cars. To make businesses pay for congestion caused by the Member States is nonsensical. If you applied the polluter pays principle, Member States would have to give extra money to the goods vehicle owners as it is the States that cause the congestion by failing to provide adequate infrastructure in time.

We are in agreement that there does not always have to be additional infrastructure. Another way to prevent congestion is through intelligent traffic systems. There are lots of modern technologies capable of preventing congestion. To say, however, we have congestion, so the goods vehicles must pay for it, gives the Member

States no incentive to remove the congestion, as to do so would cost them revenue. That, surely, cannot be right!

Mr Vice-President, you were right to say that you did not want to introduce new taxes by means of this proposal and you insisted on ring-fencing. Can we agree, then, Commissioner, Mr Vice-President, that, when the Council of Ministers fails to come out in favour of a clear ring-fencing of the revenue from the Eurovignettes, you will withdraw the proposal? You see, you said you do not want any new taxes. I completely agree with you that if the Eurovignette is to be made more expensive as a result of exhaust emissions and noise, this extra money must also be used to reduce the environmental impact of road transport and not to fill holes in the finance ministers' budgets. That is not on. With that in mind, I hope that you will stick to your position, in other words, no taxation without ring-fencing and withdrawal of the proposal where that is the case. Thank you very much.

The debate is closed.

The vote will take place on Wednesday, 11 March 2009.

(The sitting was suspended at 6.10 p.m. and resumed at 6.30 p.m.)

Written statements (Rule 142)

Krzysztof Hołowczyc (PPE-DE), in writing. – (PL) There are three aspects of the present debate that need to be stressed: vehicle charging, environmentally-friendly vehicles and the internalisation of external costs.

The overriding priority of EU initiatives should be to guarantee the rights of EU citizens to unhampered mobility and its promotion through the consistent implementation of the EU infrastructure development plans. This is enshrined in principle 4 of the Treaty on the freedom of the internal market.

Investments in infrastructure development should be based on the designated environmental protection priorities which take into account the EU climate change targets. A modern integrated infrastructure should therefore be developed, while retaining the principles of intermodality and interoperability.

The costs of protecting the environment, noise, traffic congestion and protecting human health are integrally tied in with the modification of Europe's rapidly developing infrastructure network. It would seem appropriate to make the 'polluter pays' principle, proposed in this document, binding. We should remember that the principle has been operational in the field of business in the EC for several years now.

IN THE CHAIR: MR DOS SANTOS

Vice-President

16. Question Time (Commission)

President. – The next item is Question Time (B6-0009/2009) which, exceptionally, will last until 8 p.m.

I begin by informing you that Mr Kovács will not be present, so Questions Nos 1 and 3 from the first part of this period, addressed to the Commissioner, will be taken up by Mrs Reding.

The following questions have been submitted to the Commission.

Part One

President. – Question No 31 by **Silvia-Adriana Țicău** (H-0068/09)

Subject: Measures for the promotion of products and services that help increase energy efficiency and promote renewable energies

At the Spring European Council in 2008, the Heads of State and Government agreed on a future review of the Energy Taxation Directive aimed at promoting an increase in the percentage of renewable energy as a proportion of the total energy used.

Increasing energy efficiency is one of the quickest, safest and cheapest ways of reducing EU dependence on third country energy resources, lowering energy consumption and cutting CO₂ emissions and the European public's expenditure on energy bills.

In the light of the need to increase energy efficiency, could the Commission indicate what measures and financial and fiscal instruments it has in mind to promote products and services that help increase energy efficiency and promote renewable energies?

Viviane Reding, *Member of the Commission*. – It is in its European Economic Recovery Plan – which has, by the way, been endorsed by Parliament and the Council – that the Commission supports the promotion of the rapid take-up of green products. It has, among other things, proposed reduced VAT rates for green products and services aimed at improving the energy efficiency of buildings in particular. Furthermore, the Commission encourages Member States to provide further incentives to consumers to stimulate demand for environmentally-friendly products.

The Commission is currently carrying out a review of the existing Community tax legislation. The objective is to eliminate as much as possible existing incentives that run counter to the objectives of energy efficiency and the reduction of carbon emissions, as well as to create incentives where appropriate to serve these objectives.

In addition to the above fiscal initiatives, the Commission seeks to enhance the use of other financial instruments to promote energy efficiency, in particular, in buildings. A sustainable energy financing initiative is being developed jointly by the Commission and the European Investment Bank. The initiative aims at mobilising funding from capital markets to be used via the participation of the Covenant of Mayors. For 2009, a budget of EUR 15 million can be expected to be made available.

The Commission has also proposed the modification of Regulation (EC) No 1080/2006 on the European Regional Development Fund, which would allow use of this fund by all Member States for increased expenditure on energy efficiency improvements and the use of renewable energy in existing housing.

Silvia-Adriana Țicău (PSE). – (RO) I would like to start by saying that the current directive was implemented badly or inadequately, which is why I would like to ask the Commission whether it is considering cutting VAT on products too in the future. In addition, I think that it would be important to increase the European Regional Development Fund allocation supporting energy efficiency for buildings and social housing from 3% to 15%.

I also think that a fund for energy efficiency and renewable energy would be important.

Viviane Reding, *Member of the Commission*. – We know that it is very important to have measures to help citizens and governments go for energy efficiency. We now have some studies on the potential of tax incentives for energy and environmental purposes, and the Commission is preparing a proposal to amend the VAT directive to allow reduced rates of VAT to apply to certain environmentally-friendly goods and services.

As set out in the Economic Recovery Plan, the Commission may propose reduced VAT rates for green products and services aimed at improving the energy efficiency of buildings in particular. It should be pointed out, however, that the Commission proposal of July 2008 already provides an option for Member States to apply these reduced VAT rates on services involving the renovation, repair, alteration and maintenance of housing, places of worship and of cultural heritage, and historical monuments. This includes work aimed at increasing the energy savings and efficiency of the buildings concerned.

The Ecofin today came to a compromise. It is too early to say exactly what we are going to do in detail with the Ecofin proposals, but the Commission is going to study the proposals that were made today.

Reinhard Rack (PPE-DE). – (DE) Mr President, I would like to put on record my thanks to the Commissioner and the Commission for ensuring, in particular, that the subject of the thermal insulation of buildings was discussed here. It is one of the most efficient ways of saving energy and, from that point of view, it seems to me to be an important and a correct route to go down. In this context, my question is this: does the Commission see an opportunity here to make the corresponding VAT cuts available for low-energy houses and energy-neutral houses in the prefabricated construction sector? Is this something that can be considered, and where are we heading?

Viviane Reding, *Member of the Commission*. – (DE) Mr President, what Mr Rack has just proposed is an interesting idea. His idea will, of course, be analysed by the Commission along with the other ideas on the table in relation to energy efficiency in house building or housing renovation. I can also say that the Commission is going to restructure the structural funds with the effect that it will also be possible to invest in such energy-efficient houses through the structural funds.

President. – Question No 32 by **Giorgos Dimitrakopoulos** (H-0100/09)

Subject: More flexible interpretation of the Stability and Growth Pact

Will the Commission say whether, during this period of very great economic crisis, it is insisting on its view that all countries with deficits must reduce them within a period of two rather than three years, although the latter period would appear more reasonable according to the available data? If so, why? How is this insistence compatible with the views of the Eurogroup chairman regarding a more flexible interpretation of the Stability and Growth Pact (see statements of 21 January 2009, Agence Europe)?

Viviane Reding, *Member of the Commission.* – Under normal circumstances, the Stability and Growth Pact presumes there will be rapid correction of the excessive deficit and this correction should be carried out the year after such an excessive deficit has been identified. However, the reformed Stability and Growth Pact also allows for longer deadlines in the case of special circumstances – in accordance with Article 34 of Council Regulation (EC) No 1467/97.

The Pact does not provide an explicit definition of these special circumstances. However, when preparing a report under Article 143 of the Treaty triggered by the existence or the planned excessive deficit, the Commission is required by the Treaty to take into account what are known as ‘relevant factors’. In this report, the Commission shall reflect developments in the medium-term economic position, in particular, potential growth, prevailing cyclical conditions, the implementation of policies in the context of the Lisbon Agenda and policies to foster research and development and innovation. It shall also reflect developments in the medium-term budgetary position, in particular, fiscal consolidation efforts in good times, the level of public debt and sustainability issues, external financing needs, public investment, and the overall quality of public finances. It shall also take into consideration any other factors which, in the opinion of the Member State concerned, are relevant in order to comprehensively assess in qualitative terms the excess over the reference value and which the Member State has, of course, put forward to the Commission and to the Council.

The provisions of the relevant factors to be considered indicate that determining the incidence of special circumstances should be based on an overall assessment of such factors. On 18 February, the Commission adopted its recommendations for Council opinions on the latest updates of the stability and convergence programmes for 17 Member States. At the same time, and taking into account its assessment of these programmes, the Commission adopted reports for Ireland, Greece, Spain, France, Latvia and Malta. The Ecofin adopted its opinion on these reports this morning. The Commission will propose recommendations to the Council to put an end to situations where an excessive deficit exists. These recommendations will include deadlines which will have been decided according to the Stability and Growth Pact, i.e. taking into consideration the existence of special circumstances, where appropriate.

Giorgos Dimitrakopoulos (PPE-DE). – (EL) Mr President, I should like to thank the Commissioner for her very detailed reply, although I must say that I was somewhat surprised that, with all the important things you said, you did not mention the concept of timetables, in other words if the Commission will recommend specific timetables for each case and, secondly, if, in its recommendation, the Commission will link the timetable phases with the reduction in the percentage above 3%.

Jörg Leichtfried (PSE). – (DE) Mr President, Commissioner, I have two brief questions. My first question is this: what happens in respect of those Member States that have really provocatively low business tax rates or indeed none at all? Is it fair for the relaxation of the Pact by these countries to be overlooked when they get into difficulties due to the low tax takes resulting from their policies?

My second question is as follows. Should this question not be linked to a certain level of success? In other words, where a Member State suffers a greater deficit in order to combat unemployment and unemployment then falls dramatically, would it not make sense to promote such an approach?

Avril Doyle (PPE-DE). – Has there been a change in the Rules of Procedure? I thought it was the questioner who had a supplementary, plus two other Members.

Secondly, what time does Question Time continue until tonight as we started late?

President. – Mrs Doyle, we will actually finish at 8 p.m. as intended. We began late and we will finish late. Does the honourable Member not have a supplementary question?

Do you wish to pose your supplementary question Mrs Doyle?

Avril Doyle (PPE-DE). – Mr President, I do. My apologies. I understood you were only giving it to the Questioner and one other. I misunderstood the point you made.

I would like to follow through by asking the Commissioner to name any Member State that will not have an excessive deficit, as understood to date.

Secondly, could she develop exactly what the Commission is going to propose to the Council as decided this morning in relation to Ireland?

Viviane Reding, Member of the Commission. – In answer to the question by Mr Dimitrakopoulos, the Commission, when proposing the deadlines for a Member State to return to a sustainable position of public finances, will take into account the room for manoeuvre available to the Member State concerned. A call for rapid fiscal consolidation can be expected only in cases of danger of a public finance crisis, taking into account the financing needs of the whole economy.

As for the second question, which was a double question, the answer to the first part is 'no'. The answer to the second part – on countries with low corporate tax – the Stability and Growth Pact assesses the global fiscal position of a Member State, not the specific tax structure of each Member State.

In reply to the third question, on whether there are any Member States without excessive deficits, there are, of course, certain Member States without excessive deficits, as can be seen in the charts which the Commission regularly publishes.

President. – Question No 33 by **Pedro Guerreiro (H-0125/09)**

Subject: Abolition of tax havens

Has the Commission proposed or does it intend to propose the abolition of tax havens, especially within the EU?

Has the EU adopted any decision proposing that Member States abolish the tax havens existing within their territory?

What measures will the Commission take to put an end to tax havens, combat financial speculation and curb the free movement of capital, especially within the Union?

Viviane Reding, Member of the Commission. – (FR) Mr President, since the end of the 1990s, the Commission has been pursuing a determined policy against fraud, tax evasion and detrimental fiscal competition.

A key element in this policy has been to promote transparency in tax systems and the exchange of information between tax administrations. Finally, this policy has been confirmed by the clear declarations by the G20 attacking non-transparent practices in certain jurisdictions, often referred to as tax havens.

The Commission strengthened its policy in this field at the end of 2008 and the start of 2009, by presenting two proposals.

The first aims to boost the exchange of information as laid down in the savings directive. The second effectively proposes that all the Member States should align their information exchange standards to the most open level, particularly by ensuring that Member States cannot use financial confidentiality as an excuse to refuse to provide information that other Member States need in order to calculate their residents' taxes.

In May 2008, the Council decided to promote this policy of good fiscal governance to third countries, including the principles of transparency, exchange of information and fair fiscal competition, and it asked the Commission to negotiate clauses to this effect in agreements with third countries.

The Commission intends to present a political initiative soon with the aim of highlighting the consistency of this policy and the key factors in ensuring that it is successful. It feels, in particular, that the implementation of measures coordinated at European level would respond to the concerns expressed by Mr Guerreiro.

Pedro Guerreiro (GUE/NGL). – (PT) On the strength of what was said, there seems to be less action than words. In other words, tax havens and their abolition are not on the menu, but I would pose the following question: how does the Commission intend to dissuade banks from operating from 'offshore' centres, as it has stated that intention? Also, what actual measures does it intend to propose to combat the financial speculation that is central to the causes of the current financial and economic crisis?

Robert Evans (PSE). – The Commissioner must know a little bit about tax havens, because Luxembourg rather falls into that category. Does she not feel that this undermines the whole principle of a common market, with lorries driving out of their way to get the cheap fuel there?

Then there is Jersey, Guernsey, the Isle of Man – which are in the UK but outside the EU – Liechtenstein, Monaco, San Marino, etc. They are all little tax havens, with offshore banking, which we have just heard about, pandering to the rich. They only exist because the EU allows them to do so.

These are her words: ‘a resolute policy against tax evasion’. If that were true, would not the Commission include some suggestions for abolishing these tax havens?

Viviane Reding, Member of the Commission. – In answer to the first question, the Commission has proposed two new directives in order to solve these problems because the financial crisis has highlighted the problems more clearly than before.

We made a proposal at the end of 2008 and another one at the beginning of 2009, the former reinforcing the information exchange and the latter enshrining the right of a Member State to obtain information without the other Member State invoking banking secrecy.

As for the second question I just want to underline that lorries have nothing to do with tax havens.

Part two

Question No 34 by **Claude Moraes** (H-0048/09)

Subject: The Internet and hate crimes

Incitement to racial hatred is a crime in all EU Member States. However, according to the 2008 Hate Crime Survey published by the NGO Human Rights First, hate crimes are on the rise in Europe, and it is important to see the central role that the Internet plays in this.

As part of its aim to fight cybercrime and create a safer Internet for all, is the Commission taking any specific action to help combat websites which incite racial hatred and violence?

Viviane Reding, Member of the Commission. – The question which was asked is very important, and I would like to underline that the Commission strongly rejects the racism, xenophobia and any type of hate speech the honourable Member refers to. The Commission also shares the concerns raised, and is aware that certain content available on the Internet can have a very negative impact.

The Commission fights racism, xenophobia and anti-Semitism in all media platforms, and not just the Internet, as far as possible, under the powers conferred by the Treaties. On this basis, the Commission has taken a number of initiatives – legislative and non-legislative – which seek to prevent discrimination as well as racist, xenophobic and anti-Semitic speeches. Firstly, there is the Audiovisual Media Services Directive, which extends minimum standards for content to all audiovisual and media services, and that includes on-demand offers on the Internet. This includes: ‘prohibition of incitement to hatred based on race, sex, religion or nationality’. Furthermore, the Commission had adopted policies that aim at reducing racist content online. I would just underline here the recommendation on the protection of minors and human dignity and on the right of reply, which calls for action against discrimination in all media.

The recently adopted Council framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law sets out a common EU approach to racism and xenophobia. The framework decision aims at criminalising international conduct, such as incitement to violence or hate towards a group of people or against a person belonging to a group defined on the basis of race, colour, descent, religion, belief, or national or ethnic origin.

Incitement to violence or hatred would also be punishable if committed by public dissemination and distribution of tracts, pictures and other materials. The Member States have an obligation to comply with those provisions by 28 November 2010.

Apart from this legal approach, the Commission is promoting a set of measures for the safer use of the Internet. I think Parliament well knows the Safer Internet Plus Programme, with a budget of EUR 55 million for the period 2009-2013, which co-funds projects with the following objectives: increased public awareness, provision of a network of contact points for reporting illegal and harmful content and conduct, in particular, on child sexual abuse material, grooming and cyber-bullying, fostering of self-regulatory initiatives in this

field and involving children in creating a safer online environment, establishing a knowledge base of the new trends in the use of online technologies and their consequences for children's lives.

The Commission furthermore strives to promote a responsible use of media and the Internet. In its communication on media literacy of December 2007, the Commission calls on Member States to commit to more effectively promoting media literacy and research in this field. This year, it will present a recommendation on media literacy.

It is also worth noting that our neighbour, the Council of Europe, has developed a series of international legally binding and non-binding instruments on these issues, which all show that cyberspace is not a lawless area and that Member States are bound to protect individual rights and freedoms through their national laws, *inter alia*, the Cybercrime Convention and its additional Protocol 3.

Claude Moraes (PSE). – Commissioner, I do not doubt for one minute your commitment to this area. I know you have looked into it in great detail. However, concerning this issue which you mentioned of the 'lawless area' of cybercrime, are you convinced, specifically in connection with inciting hatred – which is a criminal offence in all Member States, I think – that the implementation of the Framework Decision, the Audiovisual Directive and many of the other instruments that you have mentioned is actually stopping the proliferation of these sites? The evidence so far is that they are increasing as we speak. Do you feel that we should take further action?

Jim Allister (NI). – Commissioner, there is no greater hate crime than murder, and this week in my constituency of Northern Ireland, we had three hate murders of members of the security forces by Irish Republican terrorists.

And yet, within hours, there were a number of sites, across the Internet, glorifying those hideous murders and praising those who had carried them out. So, as well as looking at racism and xenophobia, is the Commission focused on how it deals with the abuse of the Internet by terrorist parasites?

Viviane Reding, Member of the Commission. – There is no excuse for crime, wherever that crime has taken place – be it in the real world or in the digital world – but of course, it is much easier to fight crime in the real world because you have the instruments which allow you directly to intervene. It is much more complicated on the worldwide web, and that is why we have developed a whole series of instruments in order to fight such crime.

I know from discussions with my colleague, Jacques Barrot, that police forces are building up a network of analyses in order to fight crime on line, and that they are having more and more success in catching the criminals. However, there are also more and more sites being constructed. I myself have tried, with the Safer Internet Programme, to do something else in this respect. This is to empower people – and most of all young people – who utilise the Internet to know what to do when they come across negative content. For instance – and we are not necessarily speaking about crime, but about cyber-bullying, which can become terrible for young people – that there is a special report button for them to ask for help.

So we are trying by different means to fight criminals by means of the police forces, by empowering educators, parents and children so that they can take a decision by themselves or report, and, of course, by media literacy programmes, which I personally would wish to be much more numerous in the Member States. You have to give tools to the next generation to find a solution and to fight, because, if not, then we might have a problem with the Internet, and that parents will not allow, for instance, their kids to be on the Internet, and that would not be the right way to proceed. We want the positive side of the Internet to flourish and the negative side of the Internet to be blocked.

Now to the murder question which the honourable Member underlined. This is a terrible thing to happen, and I believe that it is within the field of activity of the police and security forces to block all this. Those tools should, of course, not be regarded as something which can be utilised for solving all society's problems, but when it comes to crime there can be no discussion. Crime has to be fought and it has to be fought very strongly.

President. – Question No 35 by **Eoin Ryan (H-0055/09)**

Subject: Information and Communication Technologies (ICT) and Information Society

The Commission has put the development of ICT and of the Information Society, which has huge potential benefits for European economy and society, at the heart of its programmes. However, what is the Commission

doing to ensure that certain sectors of European society – such as older people and people on low incomes – are not left behind or forgotten in this process?

Viviane Reding, *Member of the Commission*. – Information and communication technologies have a huge potential for helping older people. Well, that is easily said and not so easily done because we do have a real digital divide here. It is those people who badly need ICT tools who, because they have never used those tools in their lives before, are not used to utilising them. For instance, only 15% of older people use the Internet. That is why we have to develop a whole policy in order to bring this barrier down, because we will need ICT to enable older people to stay active and productive for longer, to continue to engage in society with more accessible online services, and to enjoy a healthier and higher quality of life for longer.

That was exactly why the Commission presented in 2007 an action plan for ageing well in the information society with very concrete measures.

The first measure is on research and innovation in order to develop and test technologies for social care and independent living for older persons. I must pay tribute to our industries because, through these research programmes, the industries have developed a whole series of mechanisms, services and products which help older people to stay longer in their own homes.

The second measure is to raise awareness of the benefits among users and public authorities through the establishment of a best practice Internet portal and European award schemes for smart homes – independent living applications for instance.

The third is to reduce the fragmentation of approaches in deploying these technologies in Europe.

In 2008, the Commission adopted two other initiatives.

The first was a new joint programme to support joint research with Member States in the area of ambient-assisted living: those are the technologies for home applications and for mobility, assisting older users in their daily lives and providing social care applications.

The second was the new communication on e-accessibility, fostering the use of ICT goods and services by older people and by people with disabilities, and inviting Member States to take all necessary steps to improve the accessibility of public websites.

In line with those measures, between now and 2013, the EU, together with Member States and the private sector, will invest more than EUR 1 billion in research and innovation for the ageing society.

So you see we really take that very seriously and we believe that we have possibilities here to improve life in an ageing society.

On the problem of low income users, I would refer first of all to the second package of the roaming regulation which Parliament adopted in the ITRA committee yesterday night. One element of this package is to bring down the prices of using mobile phones, landlines, the Internet, etc.

The Commission has also set up a consumer market scoreboard that permits monitoring of market outcomes for consumers. The evidence on the scoreboard helps us to better take account of consumer interests.

The new proposals which are before Parliament in the review of the telecom market also aim to strengthen consumers' and users' rights with a view to improving accessibility and promoting an inclusive society.

It has been proposed, for instance, to amend some provisions in order to take better account of the needs of the elderly and those with special needs, and those should be general objectives guiding the activity of the national regulatory authorities.

Eoin Ryan (UEN). – I would like to thank the Commissioner. I do not for one minute doubt that the Commission is doing an awful lot on IT information. You can see a lot of the work they do. I am a recent participant in the 'Twitter' site and I have to say that I am more than surprised and impressed at how much information is on that site from the European Union. It gives a huge amount of information and I would like to congratulate them on that.

However, we still have a problem with people from disadvantaged backgrounds and elderly people using and accessing the Internet and new technologies. This is changing all the time, but we have an opportunity, or a challenge, between now and the June elections, and I would just like to ask you whether you have any

plans to try to get more people to participate on the Internet to promote the June elections in the European Union.

Silvia-Adriana Țicău (PSE). – (RO) I would like to congratulate you on what you are doing for children and the Internet, as well as for the decision to have 100% broadband coverage by 2010.

I want to say that in Romania, elderly people and parents communicate cheaply and efficiently via the Internet with children who have gone abroad; they can see and hear them. However, I want to ask you what you are doing to develop online services. I am referring in this case to the public key infrastructure.

Reinhard Rack (PPE-DE). – (DE) Mr President, Commissioner, industry does actually produce equipment that is very suitable for the varied purposes of the information society for elderly and disabled users, too. That said, nearly all the mobile phones, emergency call buttons and similar gadgets are offered at fundamentally very expensive prices.

Is the Commission able to do anything about this? You see, selling particularly simple technology at especially expensive prices is not very user-friendly.

Viviane Reding, Member of the Commission. – First of all, the Internet and the elections. This is a question which those who are standing for election, the MEPs and the candidates, should take on board and on which they should develop better communication with their citizens. In recent years, so many positive actions have been taken with the help of the European Parliament that it should not be very difficult to present all these positive actions to citizens.

Looking only at the examples of e-inclusion in Ireland, for instance, I can give the list of those which have been put into practice on the territory of Ireland with Irish companies, research centres and NGOs. It will be very interesting, even for the MEPs themselves, to explain what is being done via the European budget to improve the life of citizens.

The second question was about the young and the old, and how they can communicate better. Well, I can tell you that my mother, who had never used a mobile phone, bought one in order to communicate with her grandchildren because she understood that this was the only way they could call her. Now she is very much upset if they do not call her often enough. However, I have also met a lot older persons who have come to use the Internet because of Skype, because their children or grandchildren are abroad and they would like to speak with them.

That is why we are trying to develop measures towards a real internal market for communications in Europe, so that this communication will be swift and not very expensive.

That brings me to the third question: what about the price of the communications? There are a lot of services in operation which bring down the price of communications. Now it is true that those services or those items specially adapted to the older generation are being kept on the home market, because the market is not yet developed very strongly and they are still too expensive.

There is only one solution to this, namely to develop the market, because if thousands and thousands of older people take up those services, take up those instruments, the price will become affordable. So we have to raise awareness to promote the take-up of these ICT goods and services which I believe will be one of the solutions to the problems of the ageing society.

President. – Question No 36 by **Gay Mitchell** (H-0065/09)

Subject: Internet monitoring

It has come to my attention that the Internet has become a safe haven for racists and other bigots to air their views.

Has the Commission raised this and, if so, what action is it taking?

Questions Nos 37 and 40 will receive answers in writing.

Viviane Reding, Member of the Commission. – The question the honourable Member has asked is not new, which shows that it is something that is very dear to the heart of MEPs.

I would recall the answer I gave to the questions by Mr Moraes on the Internet and hate crimes, by Luca Romagnoli on content and the use of blogs, and by Robert Kilroy-Silk on racism and violence on social

websites. I can tell you not only that those questions have been asked but also that the Commission has taken action in this area.

Speaking only about the social websites, some weeks ago, all the social networking site providers sat around a table and signed a code of conduct to help young children and adolescents to fight against negative content on these websites.

As you know, the Commission strongly rejects all racist and xenophobic views conveyed on the Internet, together with the types of hate speech cited by the honourable Member in his question. As is often the case with the web, the picture is one of stark contrasts. On the web, the best rubs shoulders with the worst: on the one hand, there are tremendous opportunities to diffuse and receive valuable, targeted information, for better social cohesion; on the other, it is an ideal forum for stereotypes, prejudices, derogatory views and even dangerous content, as was mentioned in the question.

Here lies the danger: should the State go and block access to websites or filter search-engine results? This is already being done by authoritarian states. In democratic countries, such as the EU Member States, restrictions on the freedom of speech are exceptional and governed by the rule of law.

It is worth noting that the Council of Europe has developed a series of international, legally binding instruments, directly and indirectly concerning the Internet. These uphold the belief that cyberspace is not a lawless area, but is subject to the rule of law. I would recall the Convention on Cybercrime and its additional protocol.

The Commission has also adopted policies aimed at reducing racist content online, notably the recommendation on the protection of minors and human dignity and the right of reply, which calls for action against discrimination in all media.

I would also like to draw attention to the Framework Decision on combating certain forms of expression of racism and xenophobia, which aims at criminalising intentional conduct, such as incitement to violence or hatred towards a group of people or against a person belonging to that group. This is a criminal offence if committed by public dissemination or distribution of tracts, pictures or other material, and here, Member States have the obligation to comply with the provisions of the Framework Decision by 28 November 2010.

I could also underline that the European law already prohibits incitement to hatred on grounds of sex, race, religion or nationality in TV broadcasts and in TV online.

So we already have a whole series of mechanisms, a whole series of laws and a whole series of measures implementing these laws. But as always with negative content – be it in the traditional media or on the Internet – it pops up more quickly than you can fight it.

Gay Mitchell (PPE-DE). – I would like to thank the Commissioner for her reply. In recent days, we have seen in Northern Ireland two soldiers and a policeman killed, as has been referred to by another Member, by people who secretly arrogate to themselves the right to do things like this based on bigotry and evil and – yes – racism and xenophobia. They, and their like, use such things as the Internet to recruit and to spread their evil words and deeds.

It seems to me very clear, for example, that if the rules for entering chat rooms were to be tightened up, by not allowing the use of, for example, Hotmail – I confess I do not know very much about it but it is very easily used – and insisting instead on some sort of traceable e-mail, then the people who do these sorts of things, which they could not do in the open, would be more easily traced. I ask the Commissioner to use all her powers to continue to pursue this issue, because it is not acceptable that the Internet should be used for racism and xenophobia.

Viviane Reding, Member of the Commission. – Crime is crime wherever it happens, and that is why we also have instruments to go after crime when it is committed on the Internet. Together with my colleague, Jacques Barrot, we will develop those instruments so that they become stronger and are used more efficiently. The problem of the Internet, of course, is that it goes beyond national territory, which is why collaboration between police forces and those forces which combat terrorism and international crime has to be reinforced. In recent years, we have seen those forces working together with very good results. I hope and I think these efforts will continue.

President. Question No 41 by **Bernd Posselt** (H-0061/09)

Subject: Serbia's candidate status

The debate about granting Serbia the status of an EU candidate country continues. Is there not a risk involved in making Serbia a candidate country or even a Member State before the Republic of Kosovo, given that Belgrade might use this advantage to block future accession negotiations or, indeed, the establishment of any kind of relations between the Republic of Kosovo and the EU?

Leonard Orban, *Member of the Commission*. – (RO) The prospects of Serbia joining the European Union depend on this country meeting the Copenhagen accession criteria, as well as the conditions set out as part of the Stabilisation and Association Process, including the condition to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

However, Serbia is not a candidate country and has not, as yet, requested to join the European Union. As a result, I am not in a position to pass an opinion on what might happen in the future and on the actions which Serbia might or might not take in relation to Kosovo.

If Serbia were to apply for accession, the European Commission would draw up, following a request made by the Council, a draft opinion based on the established objective criteria applied to all states which request to join the EU. Subsequently, it will be the European Council which will decide whether to grant candidate country status or not.

Bernd Posselt (PPE-DE). – (DE) Mr President, Commissioner, I have a high personal regard for you, and that is why I regret the fact that Commissioner Rehn is not here, as I am far from satisfied with that answer. I could have printed that off from the Internet myself.

I will state very plainly what I was getting at with my question. Negotiations are taking place with Serbia about a stabilisation agreement currently being drawn up. I want to draw the Commission's attention to the danger that Serbia could block Kosovo here, as in the UN and the Council of Europe. My question was, what do we do to prevent the occurrence of something like the current block on Croatia by Slovenia.

Leonard Orban, *Member of the Commission*. – (RO) As I said in my reply, we do not wish in any way to pre-empt possible actions in the future. At the present time, Serbia is at a certain point where no application has been submitted yet to join the European Union. Let us see what happens in the future.

Therefore, as I have said, let us not speculate on hypothetical situations in the future.

President. – Question No 42 by **Sarah Ludford** (H-0072/09)

Subject: Serbian accession

Will the European Commission explicitly and firmly recommend that no further progress be made regarding Serbia's accession to the EU unless Ratko Mladić and Goran Hadžić, the two remaining fugitives from the ICTY, are delivered to The Hague?

Leonard Orban, *Member of the Commission*. – (RO) Serbia's accession to the European Union depends on Serbia meeting the political condition to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, along with complying with all the other obligations which are a condition of integration into the EU.

In this respect, the Commission shares the conclusions of the Council reached in April 2008 that full cooperation with the International Criminal Tribunal for the former Yugoslavia, including making every possible effort to arrest and hand over people who have been indicted, is an essential element of the Stabilisation and Association Process.

In this regard, the assessment carried out by the ICT's chief prosecutor, Serge Brammertz, is particularly important. We have established permanent, close contact with him. Furthermore, Commissioner Rehn has taken every opportunity to call on the Serbian authorities to implement fully the recommendations made by the chief prosecutor in his report published in December 2008 and sent to the UN Security Council.

This is the surest way of allowing Serbia to cooperate fully with the International Criminal Tribunal and make progress in terms of fulfilling its aspirations to become a Member State of the European Union.

Sarah Ludford (ALDE). – I am very supportive of Serbia making progress towards EU accession, as I am all of the Western Balkans, as a former member of the relevant European Parliament delegation.

The problem is that when we say Serbia's accession will depend on full cooperation with the ICTY, this begs the question of when exactly we will make this criterion bite.

I really want to try and get from the Commissioner the fact that no further progress will be made now, in the next few weeks, unless these fugitives are delivered.

Can he also tell me that no further progress can be made regarding Croatia's accession unless the ICTY is satisfied that there is full cooperation over evidence and witnesses regarding the Croatian invitees?

Bernd Posselt (PPE-DE). – (DE) Mr President, I would like to support Mrs Ludford's question. The Commissioner has rightly said that this is a criterion for Serbia. What he has not said, is whether or not Serbia fulfils this criterion. I would be interested to hear the answer. Does Serbia fulfil the criterion of full cooperation? We know that that is the case for Croatia.

Leonard Orban, Member of the Commission. – You are aware that in the Council, there are different opinions concerning this issue and you know that there is no unanimity concerning the position of the Council on this issue. So, as I said in my answer we, the Commission, fully share the opinions of the Council – and I refer to the conclusions of the Council from April 2008 – that full cooperation with the Tribunal is essential for following the process.

President. – Questions Nos 43 and 44 will receive answers in writing.

President. – Question No 45 by **Yiannakis Matsis (H-0095/09)**

Subject: Turkish-funded usurpation of Greek Cypriot properties in the occupied territory of Cyprus

According to public allegations by the former Cypriot Foreign Minister, Erato Markoulli, large-scale usurpation of Greek Cypriot properties situated on the Karpas peninsula in the occupied territory of Cyprus is taking place with funding from Turkey.

This matter clearly came to the attention of Mrs Markoulli in the course of negotiations to resolve the Cyprus question, in which she is involved, and on the basis of other information. Turkey, which has applied for accession to the EU while, at the same time, occupying territory in the Republic of Cyprus, an EU Member State, is organising the usurpation of properties belonging to European citizens, thereby infringing international law and human rights, together with EU principles and values.

What view does the Commission take of this policy being followed by Turkey? Is it acceptable on the part of a country seeking EU membership? Does the Commission intend to take measures against Turkey and, if so, what measures, in response to the usurpation of Greek Cypriot properties in occupied Cyprus?

Leonard Orban, Member of the Commission. – (RO) The Commission has noted the use of properties belonging to Greek Cypriots in the northern part of Cyprus. The Commission is aware of this problem, which intensified when Cyprus joined the European Union on 1 May 2004, and shares the concern of the European Parliament's honourable Member.

With regard to the specific cases which the Parliament's honourable Member is referring to, the Commission does not have any information on this and is therefore unable to comment.

The European Commission reaffirms its full commitment to support the efforts of the leaders of the Greek Cypriot and Turkish Cypriot communities in identifying a comprehensive solution to the Cypriot problem under the auspices of the United Nations. Such a settlement would help resolve the problems over property on the island, which the European Parliament's honourable Member is referring to.

Yiannakis Matsis (PPE-DE). – (EL) Mr President, I am a Cypriot member of parliament, I have supported the integration of Turkey into Europe since the days of President Ozal and I still support it today.

In the fourth interstate application, the Court of Human Rights ruled that Turkey is responsible for usurping Greek-Cypriot property. What, at long last, is to be done? How are we supposed to put up with this situation year after year? Are there first- and second-class human rights or does their application depend on the size of the country?

Leonard Orban, *Member of the Commission*. – The Commission has always encouraged Turkey to implement all the decisions of the European Court of Human Rights. A debate will be held tomorrow in plenary, and this subject will also be discussed.

President. – Question No 46 by **Vural Öger** (H-0106/09)

Subject: Opening of the 'energy' chapter in the accession negotiations with Turkey

The recent gas crisis between Russia and Ukraine demonstrated once again the importance of diversifying the EU's energy sources and energy supply routes. Turkey is a strategic transit country and, in this respect as well, of vital importance to the EU's energy security. It is all the more vital, therefore, that the EU's negotiations with Turkey on the 'energy' chapter should continue unhampered and not be blocked by certain Member States on political grounds.

Will the Commission take steps to ensure that this negotiating chapter is opened? Can it indicate a timeframe? What is the most serious obstacle to the full opening of the 'energy' negotiating chapter?

Questions Nos 47 and 48 will receive answers in writing.

Leonard Orban, *Member of the Commission*. – (RO) The European Commission considers that Turkey is sufficiently prepared to initiate negotiations on the Energy chapter and therefore recommended for this chapter to be opened in spring 2007. Our point of view has not changed on this matter.

However, the unanimous approval of all Member States is required to open a chapter, which has not happened so far. In the context of the recent energy crisis, we completely concur with you that both the interests of the EU and Turkey would be better served through close cooperation and aligning Turkey's legislation with Community legislation in the energy sector.

Initiating negotiations in the energy sector would make a decisive contribution to attaining this objective.

Vural Öger (PSE). – (DE) So, will the Commission take steps to ensure that the chapter is opened, or will we simply have to wait until all the Member States agree? Does the Commission not influence the Member States?

Leonard Orban, *Member of the Commission*. – These are the rules. The Commission made a proposal, and now it is up to the Council to decide unanimously whether the chapter is open or not.

So these are the procedures. We have to follow the procedures.

President. – Question No 49 by **Marian Harkin** (H-0041/09)

Subject: Market support

In early January, the Commission pledged to introduce new measures to support the dairy sector and producers' incomes across Europe in an effort to combat some of the negative effects the current economic crisis is having on the dairy sector. Has the Commission any plans to make similar pledges to support other agricultural sectors and producers who have also been negatively affected by the current economic crisis?

Question No 51 by **Seán Ó Neachtain** (H-0053/09)

Subject: Dairy sector in the EU

The Commission has introduced measures to assist the dairy sector. The Commission will reintroduce export refunds for butter, skimmed milk powder (SMP), whole milk powder and cheese. In addition, the Commission will purchase more than the fixed quantities of butter and SMP should the market situation warrant it. Does the Commission think that these measures will be sufficient to end the spiral of downward prices in the EU and particularly the Irish dairy sector?

Mariann Fischer Boel, *Member of the Commission*. – The two questions by Mrs Harkin and Mr Ó Neachtain mainly concern the same subject. Thank you for giving me the opportunity to answer them together.

I am happy to say that the Commission has recently taken a number of measures within the dairy sector in an attempt to try to end the downward spiral of prices.

We have already introduced private storage earlier than we normally do. We have also started the intervention system whereby we hope to be able to stabilise the prices for butter and for skimmed milk powder, as this intervention system will certainly remove a lot of quantities from the market.

Originally, we entered a level of 30 000 t of butter and 109 000 t of powder, but I have indicated recently that we will be able or willing to go higher than these figures by opening a tender.

Export refunds for the dairy sector were further alleviated recently. We can see that we are faced with a significant drop in the world market prices although Europe has not increased its production, despite the 2% increase in the milk quota which was agreed for last April.

So I think I can say to those people who argue that the drop in prices is due to the increase in the quota that this is not the case, because we can see that in spite of the 2% increase in the quota, production is staying at a lower level than we used to see before.

With the introduction of the export refunds, however, we should see a situation where we can increase the chances for the European Union's dairy producers to be present in the world market. At the same time, this may also alleviate the imbalance within the dairy market.

In response to the specific question that Mr Ó Neachtain put forward, the Irish dairy sector with a relatively high share of milk processed into butter and into skimmed milk powder, and a relatively high share of export outside the European Union, will, in particular, benefit from the measures taken by the Commission.

I can promise you that we are closely following the situation in the dairy market. This can be seen from the fact that two weeks ago, we actually increased the export refunds in the dairy sector, and we will be willing to take all the necessary steps.

Of course, the sector itself also has a responsibility to adapt production to demand, in order to try to restore profitability, and Mrs Harkin wants to know if the Commission has similar plans for other sectors.

I gather that the question might be aimed at refunds for the pig meat sector. But I must say that at present, I do not see any justification for introducing export refunds in the pig meat sector because we see that the number of pregnant sows and the number of piglets are decreasing. Consequently, the input on the European market will decrease, and therefore we hope that the result will be increasing prices.

We also have to take into account that for pork production, the situation is totally different to the end of 2007 because today, the feed input prices, and the energy prices, are considerably lower than when we introduced the export refunds for the pig meat sector.

So please trust me that we will continue to keep an eye on the situation. I do not underestimate the difficulties in the dairy sector. I think it is decades since we experienced a situation like the one we are seeing today.

Marian Harkin (ALDE). – Thank you for your very detailed reply, Commissioner. You talked about the measures you have taken to stop the downward spiral of prices. As you are well aware, milk prices at the moment are below production prices. Many dairy farmers are hanging on by their fingernails.

I am very pleased to hear you say that you will be willing to take all the necessary steps. By that, are you saying that you would be prepared to make greater use of some of the dairy management tools that are at your disposal, such as export refunds, aid to private storage and intervention?

I would like you to clarify that for me, please.

Seán Ó Neachtain (UEN). – (GA) Mr President, I would also like to thank the Commissioner for her comprehensive answer. However, as she understands, milk producers are having major difficulties. The cost of producing the milk is higher than the price for which it is sold.

I accept your point about Ireland, but can any further policy – an intervention policy – be provided to raise the price at this point? Farmers cannot continue to produce milk under the current conditions.

Jim Allister (NI). – Commissioner, what urgency and commitment does the Commission have towards ensuring that the dairy market bottoms out? Is there not a danger that, by piecemeal incremental measures, it will take even more time to turn the market? And yet time is the one thing we do not have. Is it not time to be bold with the export refunds? Because, Commissioner, our industry is dying on its feet.

Jim Higgins (PPE-DE). – I should like to thank you, Commissioner, and I particularly welcome your decision in relation to reintroducing intervention as a short-term measure only because we have a crisis situation.

Would the Commissioner not agree that we have four problems: firstly, the rate of exchange between the euro and the pound sterling; secondly, the reduction in production as a result of the melamine scandal in Asia and in China; thirdly, the 3% increase in production in the United States and, last but by no means least, our old enemy, Brazil? Would we not need to be constantly monitoring world trends in order to have our answer ready for these kinds of situations?

Mariann Fischer Boel, Member of the Commission. – First of all, I have clearly signalled that I am ready to use the management tools that we have available. However, we have certain limits and it is very important that the decisions we might take do not mean that, at the end of the day, we shoot ourselves in the foot. We have to take into account the fact that intervention is a fine and – I was happy to hear – short-term measure. This is because we have to, I would not say get rid of it, but it has to apply to the market at a later stage, which rather prolongs the pain, but we cannot just dump it.

As I said previously, we did show our commitment by increasing export refunds, both on butter and on powdered milk, ten days ago, and we are monitoring the market.

Concerning compensation, it seems that quite a lot of dairy farmers have forgotten that, under the 2003 reform, they were actually compensated via the direct payment, and so an amount not linked to the dairy cow *per se*, but calculated on the basis of historic production between 2000 and 2002, is now incorporated into the direct payment.

I also sometimes have to remind some farmers that this compensation has already taken place. I know this is not a fully satisfactory answer in this difficult situation, but it has been taken into account.

I sent a very clear signal during the Green Week in Berlin at the beginning of January, saying that I was ready to spend some of the unspent money under the 2009 budget, and the Commission has made a proposal to spend EUR 1.5 billion in 2009 to cover the gap arising from the consequences of the health check not entering into force until 1 January 2010, when the package for trying to meet the new challenges comes into effect.

The question of whether Member States want to spend EUR 1.5 billion is not in my hands, but in those of the Heads of State and Finance Ministers, and I hope it will also be possible, via a sort of lobbying by Members of the European Parliament on their national governments, to push for a solution.

I completely agree on the three reasons for the situation. For Ireland, exporting into the UK with an exchange rate that makes life even more difficult is, of course, a huge disadvantage, specifically for Irish farmers. I do not underestimate the spin-off consequences of the scandal in China, where some people might be much more cautious over the dairy products they eat and drink.

The increase on the world market does not come exclusively from the United States. We have seen a significant increase taking place in New Zealand, and this has been dropped on the world market with the consequences we have mentioned. I hope that in general, on the world market, production will go down, because this is a general problem and not one only affecting European dairy producers. It is very difficult to make money in the dairy sector at the moment. We will therefore not hesitate to use the tools available in an appropriate and balanced manner.

President. – Question No 50 by **Liam Aylward** (H-0051/09)

Subject: Labelling for sheep meat products

There is currently no specific EU legislation dealing with the issue of origin labelling for the sheep meat sector. As a result, there are many different labelling techniques in operation within the EU for sheep products.

Would the Commission consider introducing an EU regulation for the labelling of sheep meat products which would allow consumers to distinguish between EU products and those from third countries?

Mariann Fischer Boel, Member of the Commission. – I definitely think that European farmers can be proud of their standards and the Commission favours any initiative that helps farmers, not least in the livestock sector, to communicate with consumers about the origin of products.

As the honourable Member states, there is currently no specific EU legislation dealing with the issue of origin labelling for the sheep meat sector.

Of course, the general internal market rules about labelling and advertising of foodstuffs also apply to sheep meat. These rules require mandatory origin labelling in cases where consumers might be misled regarding the true origin or provenance of the foodstuffs.

It is not the Commission's view that there is a general problem of consumers being misled about the origin of sheep meat. Therefore, the recent Commission proposal for a regulation on food information to consumers does not extend the list to which compulsory origin labelling applies.

I would like to underline that the origin labelling for beef and beef products is a special case, and I think we all keep in mind from where it came, because it was a spin-off of the BSE crisis. Therefore, in order to rebuild consumer confidence in beef, it was necessary to make more information available to consumers by clear labelling of the product, including its origin.

It is also important to recall that already, the existing legislation makes it possible to put in place voluntary labelling of sheep meat. If the whole supply chain could agree on such a labelling system, it could add value to their products to provide consumers with extra information.

For the internal market to function smoothly, the Commission's proposal for a regulation on food information to consumers introduced a framework for voluntary origin indications.

In particular, as regards sheep meat, when origin is mentioned, information on the different locations of birth, rearing and slaughter of the animal shall be provided. If these production steps took place in different Member States, all origins should be indicated.

Looking further ahead, the Commission is considering whether all different agricultural products should be labelled to show the place of farming and specifically whether EU farming requirements have been followed.

I am aware that, during the public consultation on the Green Paper on the quality of agricultural products, stakeholders in the sheep meat sector have advocated compulsory origin labelling. In May 2009, the Commission will issue a communication where we will seek to strike the right balance between simplification, transparency and product specification. A conference organised by the Czech Presidency will take place on this issue on Thursday and Friday this week, and I am sure we will have a lively and interesting discussion on labelling. It is important. It is not always easy, because nobody wants to read a novel on the back of food in supermarkets, so I think we should try to find a balance and the right solution. I am happy with all the comments that we have already had on the Green Paper.

Liam Aylward (UEN). – Thank you Commissioner. I particularly welcome the Conference that is going to take place and indeed we can be very proud of the standard of our food products in Europe – I certainly agree with you on that.

I want to refer, however, to the proposed compulsory electronic identification of sheep, which commences in January 2010, and which the Commission is determined to press ahead with despite the opposition of the Agricultural Committee members and the farming organisations. We have, as Members, challenged the operational and cost implications of the compulsory electronic identification, and the disastrous consequences for an industry already in serious decline. Would the Commission consider granting a further deferral or removing the compulsory nature of this proposal? Failing that, would the Commission consider meeting the additional costs of compulsory electronic identification?

Mariann Fischer Boel, Member of the Commission. – First of all, I should say that if you want an in-depth discussion on electronic ear-marking on sheep then, as you probably know, you have to invite another Commissioner – the Commissioner responsible for consumer protection – but I will be happy to give my remarks on this issue.

There seems to be unanimity now in the Council on this issue. I have the opportunity to travel quite a lot and I meet many people who consider that the electronic identification system will kill many smaller producers because of the cost. I think you have to look into the possibility of using rural development funding to try and alleviate the cost of electronic ear-marking. There is a line called 'approximation of standards' that can be used to call on rural development funding for these extra costs that will certainly be felt by many of the smaller sheep producers.

President. – Questions which have not been answered for lack of time will be answered in writing (see Annex).

That concludes Question Time.

(The sitting was suspended at 8.05 p.m. and resumed at 9 p.m.)

IN THE CHAIR: MRS WALLIS

Vice-President

17. Childcare facilities - Barcelona objectives (debate)

President. – The next item is the Commission statement on childcare facilities – Barcelona objectives.

Vladimír Špidla, *Member of the Commission.* – (CS) Madam President, ladies and gentlemen, the Commission welcomes the opportunity, a few days after International Women's Day on 8 March, to make a declaration before the European Parliament on childcare facilities for pre-school age children. These facilities are essential for promoting gender equality and for helping to achieve a work-life balance, but also for ensuring quality of life for children. At a meeting of the European Council in Barcelona in 2002, the Member States adopted ambitious aims which were to be fulfilled by 2010. In line with the undertaking which the Commission accepted before the European Parliament in 2007, a report on the implementation of the Barcelona objectives was presented in October 2008. In the report, the Commission spoke about why it is important to invest more in childcare facilities.

The Commission noted mainly that the Barcelona objectives are aimed at eliminating obstacles to accessing the labour market, especially for women. More than 6 million women in the EU (aged from 25 to 49) say that they are unable to work or can work only part-time because of family obligations. The European economy is thereby deprived of significant productive potential, and this at a time when it must confront serious economic and demographic challenges, and when the social position of families is thereby weakened. The development of childcare facilities for pre-school age children will enable families to decide freely how to organise their time and how to achieve a better work-life balance. The aim is not to 'force' parents to send their children to these facilities. The aim is to offer this option to parents who want it. The development of childcare services will also contribute to the prevention of poverty, especially for single-parent families, more than a third of whom face the threat of poverty.

In connection with the demographic slowdown which Europe is going through, access to childcare facilities will also assist in the implementation of family planning. It turns out that the Member States with the highest birth rates are precisely those which have introduced the most highly-developed policies on the work-life balance and which record the highest levels of employment of women. Childcare facilities also contribute to children's development, of course. Numerous studies, especially those carried out by the OECD and UNICEF, have shown that these services play a significant role in the personal development of children, provided that they are of a high quality and children are entrusted to them for adequate periods of time. Childcare services can also have a positive influence on educational results and future professional life.

The Commission states in its report that despite all of the aforementioned good reasons, most Member States are far from achieving the objectives set out in 2002. A lot of work remains to be done, especially concerning children under three years old. Furthermore, there are some facilities operating only for part of the working day, which restricts parents' access to the labour market. The Commission recognises, however, that significant progress has been achieved in many Member States. The undertakings adopted by Member States at a European level and the appeals expressed by the European Parliament in a series of resolutions have played an important role in this regard. It is therefore necessary for all of the participants, especially the national and regional bodies, to come together and create progressive, financially accessible and high-quality childcare facilities for pre-school age children.

In the Plan for Achieving Gender Equality, the European Commission undertook to support the efforts being made by Member States in this area. It encourages the Member States to make full use of the possibilities offered by the structural funds. With the aim of assisting local organisations to introduce measures in this area, the Commission has adopted an information brochure in addition to last year's one on the possibilities for financing family support measures. The Commission will continue to support the exchange of proven approaches and will regularly monitor the Barcelona objectives within the framework of the strategy for growth and employment. It will also evaluate family policies, especially policies on the work-life balance, in which it will rely mainly on cooperation with the OECD. Last but not least, the Commission will support

adherence to European childcare objectives within the framework of the strategy for growth and employment after 2010.

Some people may be questioning the wisdom of investing in childcare facilities at a time of crisis. Nevertheless, numerous studies have shown that where such services are not available, everyone pays the price. It is therefore important to act today in order to ensure access to childcare facilities and in order to support employment and to promote equality, social inclusion and the interests of children.

Philip Bushill-Matthews, *on behalf of the PPE-DE Group*. – Commissioner, thank you for your statement. I was very encouraged by your words, but was very discouraged to notice that only 12 colleagues were here to hear it. That has now risen to the dizzy heights of 18 MEPs, to hear what is an important statement on an important subject.

I was curious though that there was no reference – unless I missed it – to the Council Presidency comments of a month or so ago, because I thought those remarks were also very helpful to the debate and they made the point very clearly that, whilst the Barcelona objectives had not yet been reached – in some cases, by a very long way – it was very clear that a number of countries did not have any immediate plans to reach them and did not see that as a particular problem. The reason for that is, and I quote from what the Czech Council Presidency said: ‘No one should criticise the decision of those countries that fail to fulfil the Barcelona objectives and do not intend to increase efforts for their fulfilment. There are countries whose citizens, based on their historical experience, are not interested in placing their children in day care’.

I think that is true. That does not mean, of course, that we should not try as hard as we can to encourage the provision of day care and make quality day care available for those who want to use it.

I hope that you will agree, Commissioner, that in the context of helping more women into the labour market, and in the context of helping people with the important role of childcare, that there are indeed many roads to Paradise – and there is not just the one road that we should exclusively concentrate upon. Let us please explore all routes, but let us keep Paradise in mind so that the objectives we all share can indeed be fulfilled.

Zita Gurmai, *on behalf of the PSE Group*. – Madam President, the financial crisis has become an economic crisis and we are now facing a recession in Europe, which is also affecting ordinary citizens: prices have been going up, unemployment is growing, investment is slowing down, credit is less available and thus, the economy is slowing down.

It is a *trompe l'oeil* figure, which shows that, actually, men are hit first – and most – by unemployment due to the male domination in industry, such as the car industry. However, women will be hit in the second wave of the redundancies and we will suffer in the long term. Women with temporary and outsourcing contracts often fill posts in sectors where the need is great during good economic times but where the position is often very fragile during an economic downturn. This flexibility works in favour of the labour market but not for women who want and need social security, employment guarantees and reconciliation of private and professional life. It is even more worrying when conservative governments, such as the current Czech Presidency, talk about revising the Barcelona targets and going back to home childcare. The Barcelona targets, as PSE women demonstrated by our campaign in 2007, are beneficial for the whole of society and all children. It helps to give them an equal start in life and to eradicate poverty.

As Jacques Delors says: ‘in every child there is a treasure, and we have to give them the chance to explore and develop this treasure’. If I might add: every child needs an equal chance to develop their treasures. In this way, we can also ensure well-prepared and competent labour forces. The Barcelona objectives also help towards achieving the Lisbon objectives of having 60% of women in the labour market by making the reconciliation of public and professional life possible for women workers.

It is clear that governments may not cut back on public services, not even during the current crisis.

(The President asked the speaker to speak more slowly)

Home childcare is important. Every woman should have the choice between home and public childcare, but it is the responsibility of every government to ensure this freedom of choice by providing good quality, accessible and affordable childcare for everyone. I am glad that we have such a dedicated ally in keeping the Barcelona objectives.

Karin Resetarits, *on behalf of the ALDE Group*. – (DE) Madam President, children and politics – rarely are the interests of the citizens and of the politicians so far apart. For citizens throughout Europe, the subject of

children is right at the top of their priorities. For politicians, children's issues are also-ran issues, as we can see again here, too.

I do not know of a single country with a dedicated ministry for children, nor is there a dedicated representative for the interests of our youngest citizens in the Commission. In Parliament, the subject of children is spread across all the committees. That is why I would like to give special mention to the Commission today, as it is dealing here with childcare facilities and the Barcelona objective. Thank you ever so much.

In the parliamentary working group on Quality of childhood, we observed that our children live in a very complicated world. The future for those who are children right here, right now – today – is completely uncertain. A child of today can climb right to the top of the social ladder or fall right down to the bottom. Such children can remain in their own cultural circle or they can search out another one. They can follow a similar life path to their parents or do the exact opposite. They can marry someone from the opposite sex or someone of their own sex. More than 50 years ago, when we launched the project of uniting Europe, all that was completely different.

The diversity that characterises us as Europeans has become a decisive factor in the lives of children. The concept of diversity must, therefore, find its way into what teachers and others engaged in educating our children teach. Far too little attention is paid to this at present. Europe's childcare facilities and schools are, after all, cracking under the strain of the challenge of integration. We need to press the reset button when it comes to matters of integration and start again from scratch.

Let us approach this subject completely free of prejudice again, according to the slogan 'stop it through diversity'. In addition, I would ask all the MEPs after me not only to come out and advocate gender mainstreaming, but to fight for child mainstreaming, too – especially in this time of global financial crisis – because, otherwise, we will saddle our children with immeasurable debts.

Roberta Angelilli, *on behalf of the UEN Group*. – (IT) Madam President, ladies and gentlemen, we should remember that we cannot uphold women's rights in any document that deals with employment or equal opportunities unless we can count on satisfactory childcare facilities, without which mediation is impossible and rights count for nothing.

These matters are more pertinent than ever now that we are faced with problems raised by the economic crisis. In the European Union, more than six million women aged 25 to 49 state that they are forced to be unemployed or work part time due to their family responsibilities. The situation of more than one quarter of these women stems from the lack of childcare facilities or their excessive cost. Six years after the adoption of the Barcelona objectives, as the 2010 deadline approaches, we find that most Member States will not achieve these objectives, which were not even particularly ambitious: guaranteeing access to childcare facilities for 30% of children under the age of three. We must therefore work hard to achieve satisfactory levels of availability of children's services, beginning with services for children aged under three.

For this reason, I am very happy that today's ECOFIN Council has approved the possibility for all Member States to cut VAT on children's services. I believe that this is a considerable incentive and a common sense gesture that could help to relaunch the childcare plan and a plan for services for children and families throughout the European Union.

Hiltrud Breyer, *on behalf of the Verts/ALE Group*. – (DE) Madam President, we find the Czech Presidency's attempts to water down the EU's childcare objectives to be truly shameful and we naturally, therefore, roundly reject them. It is also a great success that the Union's Ministers for the Family, as a result of the pressure that has been exerted by this House, did not endorse this watering down of the childcare objectives.

I also find it very regrettable that the Czech Presidency is conspicuous by its absence today and is unable to discuss its attempt to water down the Barcelona objectives with us here in Parliament, as this Czech move is a very clear roll-back in EU equality policy and we very clearly reject the antiquated picture of women and the family expressed by the Czech Presidency's proposal.

Yet, Commissioner Špidla, you have said that there are funding opportunities. You have observed that most Member States of the EU do not meet the objectives, particularly when it comes to childcare for the under-threes. What initiative will the Commission take in order to make the Member States more active, however? I have, I am afraid to say, heard no answer from you today on that question.

What else will the Commission do to encourage the Member States? You have also hinted that there are possibilities of co-financing. Are these possibilities being used by the Member States? I would ask that you

answer this question. If not, why are they not used and will the Commission also increase the funding for the expansion of childcare?

Eva-Britt Svensson, *on behalf of the GUE/NGL Group.* – (SV) Madam President, I very much appreciated the Member States adopting targets within the Barcelona objectives relating to children's access to childcare. I felt – and still do today – that the objectives were set rather low, but we have at least made a start. Access to good childcare is a basic prerequisite if women are to have the opportunity to work and it is also a basic prerequisite for equality.

However, I am now concerned that these targets will not be achieved and, of course, I am concerned about the indications from the Czech Presidency about replacing the childcare objective with care in the home as a fully viable alternative, and that it therefore wishes to remove this objective. However, I would also like to thank Commissioner Špidla, who has, in fact, made it clear that the Commission still regards it as important for us to achieve the Barcelona objectives with regard to childcare. I would also like to thank Mrs Resetarits for her proposal on child mainstreaming. I think that, together, we should bear this in mind.

Kathy Sinnott, *on behalf of the IND/DEM Group.* – Commissioner, many of my constituents are babies and very young children, and tonight I would like to speak on their behalf, especially as there are many very good speakers tonight who can speak effectively for women in the workplace.

The care a child receives in the earliest years will have an impact on him or her throughout life. Many students of child development, like Maria Montessori, have noted the need a young child has for the presence of his or her mother, or mother substitute. Many of them have also noted a watershed in a child's development at two years and nine months, after which it becomes safe for a child to spend periods of time away from his or her primary care-giver.

In the last decade, brain-imaging technology has backed up those observations, demonstrating that there is a definite shift in the child's brain that allows him or her to internalise the primary care-giver, usually the mother, so that she is available to the child in active memory even when she is not present. At that time, the child can understand that the mother, or the substitute primary care-giver, will come back and is not gone forever.

Of course, life is not like that and mothers often work outside the home. They may want to work, or choose to, and even if they do not, they may need to earn because mortgages must be paid and food must be put on the table. Women have been a wonderful addition to the workforce. Their inclusion and equal treatment is a matter of fundamental rights. However, babies do not know, nor are they able to consider what their mothers must, or want to, do. They are hardwired to need what they need. Nature is a very powerful force.

There are always consequences when we go against nature. Having a loving invested mother is the ideal for a child, which we should make every effort to accommodate where a woman wants to be available to her child in those early years. This is because, if that young child needs the constant reassuring presence of its mother, not having her will have an impact, despite all the very worthy reasons for her absence. However, as I said, women work, and we must do our best to at least ensure that if someone other than the primary care-giver is taking care of the child below the age of two years nine months, that it is someone who can give the child as nurturing a care as possible.

Some children are fortunate enough to receive this care from secondary care-givers like fathers, grandparents, other relatives, close neighbours – people who are committed to them and part of their life on an ongoing basis. However, this is simply not the lot of most babies and toddlers who would be cared for in childcare facilities. It behoves us to ensure that those facilities are clean, safe, stimulating and, above all, nurturing, and are not just holding centres.

Children are our future. The foundation they receive is of utmost importance, but the time, space and nurturing children need to grow and develop fully is becoming a luxury afforded to fewer and fewer. For better or for worse, we are shaping Europe's future by how we raise our children. I would ask the Commission to view this issue for a moment from a child's point of view. If you could ask a baby whether it wanted its mum or a day-care centre, it would always choose mum. We need to listen to that child as mothers do, and to help them find a way to reconcile home and work to the benefit of both.

Irena Belohorská (NI). – (SK) We probably all know how important it is to implement all of the Barcelona objectives into everyday life. Achieving a balance between family life and work life is essential to achieving

the principle of equality in employment. It also brings advantages for children in terms of their healthy development.

Support for the expansion of services in the area of pre-school and out-of-school facilities, for parents' centres and also for the operation of broad-spectrum, multi-functional, daily community centres increases accessibility, flexibility and equality in the system of public social services for families by making them competitive and improving their quality.

The situation with childcare in Slovakia is rather complicated. Public childcare facilities for the youngest children up to the age of two or three have virtually disappeared, operating only on an exceptional basis, while private facilities are not affordable for most families. Competence in this area has been transferred to local authorities who can choose whether or not to participate in running such facilities.

The situation with the hidden population of older children from three to six years old, in other words the so-called little schools, is not much better. According to EU statistical estimates, only Greece, Lithuania, Poland and Slovenia record lower attendance levels of children aged from three upwards.

The countries with social and family policies based on the spirit and letter of gender equality, such as Finland, Sweden and France, have, in recent years, recorded high levels of fertility, while the countries supporting the traditional separation of parental roles are facing low fertility and increasing levels of childlessness, for example Germany, Spain and Italy.

Many of the countries with a high proportion of women on the labour market, such as the northern countries, have, at the same time, higher birth rates and fertility levels. It is necessary for the state to provide support so that women can work and, at the same time, fulfil their longing to be mothers. The demographic situation is simply an outcome of the interest or lack of interest shown by the state in the next generation. By supporting family policies, the state will provide the essential preconditions for families. The blindness to these values which we have seen to date, together with support for the consumer lifestyle, is probably the cause of the current demographic gloom.

It is also true that pre-school facilities are extremely important for problem groups as well, such as children from socially disadvantaged groups and Roma children. It is precisely these children who pick up basic habits of hygiene in pre-school facilities and also gradually learn rules of behaviour. Let us agree that the Barcelona objectives should form part of the national policy of the state on citizens' welfare.

Edite Estrela (PSE). – (PT) Almost seven years after the Barcelona European Council, the majority of Member States are a long way off achieving the objectives that were set out. Yet childcare facilities are an essential requirement for reconciling professional, family and private life, as much for men as for women. They are also a requirement for the promotion of equality.

I would remind you that family responsibilities prevent more than six million European women from taking part in the labour market. Yet there are 15 Member States that have a coverage ratio lower than the European average, which falls far short of the Barcelona objectives. For example, the Czech Republic, which currently holds the presidency of the European Council, has a coverage ratio lower than 10% for the under three age group. It is not surprising, then, that there should be a debate on the revision of the Barcelona objectives included in the programme of the Czech Presidency. More seriously, the Czech Presidency will, and I quote: 'focus on the issue of parental childcare and its relation to employment policy and stress the importance of home childcare as a fully fledged alternative to a professional career'. End quote.

It is hard to believe when reading it. Nonetheless, it is true: the Czech Presidency wants to send women back into the home. It wants Europe to regress years and years and European women to give up the results of years of fighting for equality. This is definitely the case, because the authors of this proposal are not intending to send men into the home so that it can be they who look after the children. Yet women have the same right as men to professional fulfilment.

I would like to give the example of Portugal, which has launched an ambitious programme of construction of childcare facilities. These will help to stimulate the economy and create employment, and also achieve the Barcelona objectives.

Jan Tadeusz Masiel (UEN). – (PL) Madam President, I sometimes get the impression that the wealthier a country, the less money it spends on caring for, bringing up and educating its children. However, we must remember that Europe is being threatened by a demographic crisis. We must do everything to encourage women and men to have families and as many children as possible.

In many countries of the EU, guaranteeing a place in a nursery means applying even before the child is born. How, then, can we talk about making it easy for women to return to work? Furthermore, many women look for their first job only after they have had their children.

Let the attitude of European citizens to the family and to children define our level of culture and civilisation.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Madam President, the European Commission's effort to help mothers actively participate in the labour market by promoting the application of everything decided in Barcelona in 2002 is noteworthy.

However, I should like to remind the Commissioner that freedom of choice, especially where there is economic pressure, is not a question of historic tradition, it is a question of democracy. Forcing mothers down this road will not bring about good results; on the contrary, the result must come about once parents have been convinced that this is the ideal solution for their child and, as the previous speaker said, this is achieved with support and advisory services from the beginning, when life is created.

Thus, parents will also find the best solution and will adapt care facilities over time, immediately after the birth and three years later. However, we must look at the services being supplied, because quality costs money. Today, in most countries, quality costs a great deal of money and implies private facilities. By contrast, public facilities, which are cheaper or – on rare occasions – free, have lower costs but are of a poor standard. We therefore have to look at the education of the staff working in such facilities and we need to increase parents' confidence so that they can participate. When I had the first of my nine children in Paris, I was confident of the standard of services offered by these facilities, which I as a mother could not give.

We must therefore respect the experience of mothers and consider it as prior service, if it is provided solely to children. While mothers are offering their services, they can be supported by lifelong learning and training measures so that they can practice their profession afterwards.

We must also remember Parliament's report on childcare facilities for students, because we are talking about work, but work starts with professional qualifications. If, therefore, we have no childcare facilities during study for professional qualifications, how will women subsequently participate in the labour market?

Gabriela Crețu (PSE). – (RO) The Czech Presidency was right: the Barcelona objectives were established before the EU's last expansion. However, it was fundamentally wrong when it stated that the specific situation in the new Member States and their previous experience would be arguments against these objectives.

If anything, the benefits are important: for parents and gender equality, for the economy and level of employment, and for children and the future. The relatively low salaries in our countries mean that both parents are obliged to work; it is not an option but a necessity. In addition, the number of single-parent families is on the rise. In some countries, almost a third of children are not born in the traditional family set-up.

The policies which encourage labour mobility, considered to be an efficiency factor, cannot continue to ignore the fact that people have children. Many of them live in poor families without any proper provision for food, healthcare and education. Sometimes, the family environment is violent. When parents emigrate for work, these children are also left alone. These services can break the poverty chain and offer a positive alternative way of socialisation under the guidance of specialist staff. However, to be able to fulfil this role, crèches and nurseries need to be:

1. available, but above all, accessible, whether free or at an affordable cost, and
2. of good quality. This is where it is vital for staff to have professional training.

In order to combat the current crisis, we give up nearly new cars to buy other brand new ones, wasting considerable material resources in the process. We would be better instead investing in building crèches and nurseries and creating stable jobs for those working in this sector. The quality of the human resources deployed has been, for a long time, one factor which differentiates countries.

We suggest that the Commission should seriously factor in the public cost of a child when evaluating employment programmes in each country. It is true that Jacques Delors once said that there is a treasure in every child and it is society's task to discover it. However, I would add to this: otherwise, society is undermining its entire future.

Anna Záborská (PPE-DE). – (SK) Achieving a balance between the family responsibilities of mothers and fathers, on the one hand, and their professional ambitions, on the other, can have a very positive and direct impact on the whole of society. I would like to propose that the definition of work be revised in order to highlight the advantages of achieving a balance between family responsibilities and professional ambitions.

Family responsibilities must not be automatically regarded as harmful to the future prospects of mothers merely because they involve a temporary withdrawal from the labour market. Up until now, European policies and politics have viewed citizens only on the basis of the requirements of the labour market. Responding to the demographic crisis, however, also involves viewing citizens on the basis of their role as parents, in other words, as mothers and fathers who have a responsibility to their families.

At this point, a fundamental question arises which will determine the direction of further deliberations. It is the question of which social model we wish to promote. Do we want to have families that are adapted to the market and the needs of companies or a market and companies that are adapted to families? This is absolutely not a meaningless question. European and national policies in this area are both determined by the tension between market logic and the logic of human nature. The task of society is therefore to act in such a way that women and men can decide freely between the two logical options, each of which has a reason for existing when viewed from a broader perspective than that of work.

The logic of EU policies relating to the cycle of life assumes a special significance insofar as it takes specific account of the active categories of men and women aged between 15 and 49 in order for them to be able to fulfil their particular role in resolving the demographic crisis. In contrast to the proposals of the European Commission, the decision to give life to a child cannot be considered simply as an individual goal involving fulfilment of the longing to have children.

Marusya Ivanova Lyubcheva (PSE). – (BG) Ladies and gentlemen, childcare should be the focus of EU policy. Not because we sometimes say for the sake of it that children are the future of the nation, but because current reality demands us to think about and work at building the future of Europe. We are witnessing a serious demographic crisis, a low birth rate, an ageing population, as well as economic and social problems in society. Our efforts must be aimed at creating suitable conditions for giving birth to, bringing up, educating, providing materially for and fostering the social development of children. We need to appropriately allocate the rights, obligations and responsibilities involving childcare between the state, local authorities and the family. We also need to support childcare institutions in both the public and private sector, look to establish public-private partnerships in the area of childcare and obtain the funds for their development. To enable us to attain the Barcelona objectives, we must adopt concrete measures, increase the provision for children in crèches and nurseries, which must be built as a priority. We must also set up networks offering comprehensive services, consultancy and social support for children and parents.

My country, Bulgaria, offers a high level of childcare. The National Strategy for Children and National Child Protection Programme which have been adopted not only specified the objectives, but also concrete measures to be implemented by the executive with regard to childcare. Children's institutions changed their image, for instance, solutions have been sought aimed at returning children to their family environment, the principles of foster families were accepted, safe houses were created and nurseries and crèches were built. However, we are talking about all this in the context of a financial and economic crisis, when it is possible that we will lose what we have achieved and fail to achieve what we have planned. Will we then invest in the children of Europe?

Zuzana Roithová (PPE-DE). – (CS) Commissioner, ladies, you will perhaps not like what I have to say. The Barcelona objectives have the aim of increasing employment among mothers but they say nothing at all about improving the lives of their children nor do they have the aim of helping these children to manage and overcome life's problems in the future. Someone raised the point that, for example, infants and toddlers up to two years old need the presence of their mother, father or grandmother or simply a nanny every day, but the one thing these children definitely do not need for their healthy development is a childcare facility. The situation is quite different for children of pre-school age, of course, and here the Barcelona objectives are quite appropriate. Even the Czech Republic manages to provide childcare facilities for 90% of pre-school age children because these children are learning to play together and need to be in a group. However, ladies and gentlemen, the Barcelona objectives are a policy of the last century. A modern family policy for the 21st century should also promote the healthy development of children. Those of us from the communist countries have a wealth of experience with childcare facilities because mothers had to go back to work four or five months after their child was born. I would like to ask you to read a bit of European history as well.

Katrin Saks (PSE). – (ET) My political party has the custom of visiting kindergartens at roughly the time of International Women's Day and acknowledging the people who work there. This year, I have visited ten kindergartens, and at every one of them I heard about long waiting lists. It is clear that Estonia cannot achieve the Barcelona objectives, at least not as regards children up to the age of three, but the Commission's appeal is very welcome, and will help towards solving the problem.

I would also, however, like to emphasise one more thing: child day care is generally spoken of in the context of gender equality and women's employment, but I would like to emphasise that this is not merely a care service, but also an educational service, and this base education creates a basis for success at school and later in life. In this context, we also consider it particularly important, and definitely not an attitude from the past century, as we have just heard. It is an approach for this century.

Flaviu Călin Rus (PPE-DE). – (RO) According to the European Commission's report in October 2008 on implementing the Barcelona objectives and the care framework for pre-school children, Member States have not met the objectives set by European Union leaders.

In this case, I recommend the following actions:

1. increase the involvement of national governments in this problem,
2. create at national government level a team of specialists which deals exclusively with this problem,
3. develop EU control over Member State governments through a set of specific instruments.

All these measures would help ensure equal opportunities between women and men, improve the quality of life, and also compensate for an ageing population as they would boost the birth rate.

Catherine Stihler (PSE). – Madam President, it is deeply disappointing that so many countries are not meeting the Barcelona targets – and perhaps if this debate had been at 9 a.m. rather than 9 p.m. we might have seen more colleagues in this Chamber.

Many have spoken about the economic crisis. This is not a time to dismiss childcare but to increase quality, affordable childcare for all. We need, like never before, to invest in our children. An investment in quality childcare will help families and children alike in providing families – mostly mothers – with an opportunity to work, by giving children the chance to a high-quality, nurturing environment akin to the home.

This weekend, I heard a talk from a leading Scottish psychiatrist and also someone from Barnardo's. Their views concerned vulnerable children and it was shocking to find out that, if there is no intervention to help vulnerable children, a vulnerable child could be damaged irrevocably by the age of three. Childcare helps families and society as a whole, and it can help the most vulnerable children too. I urge the Commissioner to keep the pressure on.

Nicodim Bulzesc (PPE-DE). – (RO) The country which I represent featured for a long time on a list of countries which did not have a childcare social policy up to European standards. Things have gradually improved, with the adoption of qualitative methodologies resulting from care staff receiving specialist training. The Barcelona objectives have motivated the institutions whose objective is to protect children and the care standards have resulted in responsibilities and skills. Children actually receive humane treatment.

With the birth rate currently in decline, we must offer equal opportunities to those who have special social circumstances. Both Member States and the European Commission must make efforts to support their education and their subsequent integration into society. They have inferiority complexes in relation to those children who have grown up in a normal family. This is why programmes which allow these children being supported by social services to spend time in a family environment and socialise could give them another chance.

Silvia-Adriana Țicău (PSE). – (RO) The involvement of women in professional life and politics and encouraging them to take on more responsibilities depend on the availability of childcare facilities.

Women must be encouraged to plan their career, but this cannot be done without an efficient childcare system. Every euro invested in childcare facilities means a profit of six to nine euros for society through the creation of jobs and better conditions for bringing up children.

The fact that in many EU Member States, you need, for example, to register for a place in a crèche even before your child is born or that there are waiting lists of several months to register for a place at nursery highlights

that there are not enough childcare facilities in Europe. Childcare facilities not only help women develop their careers, but, in particular, they develop children's skills as members of society.

I would also like to say that during the current crisis, it is important for us to invest in education and health, which are practical investments in our future.

Ewa Tomaszewska (UEN). – (PL) Madam President, nurseries are an evil. They may be a necessary evil, but they are an evil. I shall never forget how I had to take my three month old little brother to the nursery because my mother had to go to work early. He kept on holding on to me because he didn't want to be picked up. I believe that if we ask ourselves whether the good of the child or the parents' careers are more important, the good of the child should always come first.

Kindergartens and nurseries are necessary, but only where there is a real need for them. But what is needed above all is to be sensitive to, to give a chance to, to help, those parents, particularly mothers, who want to stay at home with their little children so that they can care for them. They need both financial support and advice. That is something we must remember. When we speak of childcare, we are talking about children and what they need, and not about what we want for our own personal convenience.

Zbigniew Zaleski (PPE-DE). – (PL) Madam President, I would like to say two things, as a psychologist and a politician. Life is changing before our very eyes, career women are a new phenomenon, fathers are increasingly busy, and women are fighting for their rights. It all sounds so logical and modern, socialist, even.

There is, however, one unchanging constant in all this, and that is the individual psychological needs of children. In this area, there is no progress or revolutionary change. Ensuring that these children grow into mature citizens requires the efforts of ordinary women and ordinary men, without ideology, without pretensions, without quasi-modern methods, but just with natural care, time and dedication, even if it does involve occasionally putting oneself and one's own ambitions on hold for a while. This is for the good of the children, and therefore also for the happiness of the parents, and effectively for the development of the normal European society in which I would like to live.

José Ribeiro e Castro (PPE-DE). – (PT) Madam President, Commissioner, I asked for the floor in order to disagree with Mrs Estrela. It was in fact her caricaturing of the Czech Presidency's intentions that motivated me to speak. Nobody wants to send women into the home. The problem is that there are women who want or would like to stay at home. There are even organisations that seek to defend them! These are women who are ignored, disregarded and discriminated against because they want to dedicate themselves to their families, and we are not listening to them. Moreover, this is a question of freedom: it is a question of the freedom of choice that the Left likes to evoke so much, but is forgetting here. It is about whether or not to respect couples' choices about how to organise themselves. It is about being able to provide a better quality of life and more quality care from fathers and from mothers to those who want to do it that way. It is that which our society also needs to do. We will not move forward or solve the problems with the birth rate and people's happiness through prejudice. They will be solved through policies that are adjusted to reality and to the spontaneous desires of people. We will not move forward through an obsession with the state and with the market. Let us move forward with a fair view of the family!

Vladimír Špidla, Member of Commission. – (CS) Ladies and gentlemen, I would like to thank you for what was, in my opinion, an exceptionally important and profound debate. It is, of course, clear that both the family and childhood are going through a series of changes in the current historical period. For example, in the middle ages, childhood was not recognised as a phase and children were seen as small adults and it can be said that the concept of childhood essentially developed in the Enlightenment, the period of Jean Jacques Rousseau and his novel *Emil*. From this perspective, it is always necessary to take account of the fact that families depend on society and society of course depends on the family. The Barcelona criteria are definitely not a policy of the last century, they are a policy which attracts lively discussion and which will surely continue to attract discussion. Despite all this, both the current debate and the informal negotiations of labour and social affairs ministers have echoed the view that the Barcelona criteria are relevant for the current period and that it is right to continue with them. I would also like to stress that the Barcelona criteria do not involve forcing a single solution on anyone but providing a real choice, a real choice for parents because, ladies and gentlemen, the fundamental point has been made in the debate and in my opinion very clearly in the last contribution, that genuinely attentive and loving parents naturally have a great ability to distinguish how to decide at a given moment, in a given phase of family life, or in a given situation, what will be best for their children. And therefore I believe it is also good to provide choice through the Barcelona criteria.

Concerning the question of how the Commission will support the Barcelona criteria, it can be done through the structural funds. In the new perspective, it is explicitly possible for the first time. Previously, it was technically possible but the way was rather unclear and complicated, since this is an open possibility. Of course, the Commission is also following the development of the Barcelona criteria, in the same way that it can assist in imparting good practice and good approaches to facilitate solutions for individual Member States. Ladies and gentlemen, I firmly believe that the Barcelona criteria do not, in any way, conflict with children's interests and I would like to emphasise what was been said by many people, that the Barcelona criteria represent a specific approach to the matter from a quantitative standpoint but that we must not, under any circumstances, neglect the qualitative aspect. In the same way it is clear that the main decisions must always rest with the parents of course and I have to say that personally, at the end of the day and on the basis of my own simple family experience, I have faith in parents.

President. – The debate is closed.

Written statements (Rule 142)

Siiri Oviir (ALDE), in writing. – (ET) The European Union Lisbon Summit in March 2000 set the strategic objectives for the following ten years as the achievement of sustainable economic development, the creation of more and better jobs and the improvement of social cohesion.

Based on the so-called Barcelona objectives, which the Member States accepted in 2002 concerning childcare facilities, by 2010, Member States should guarantee child care for at least 90% of children between the age of 3 and compulsory school attendance age and at least 33% of children under the age of 3.

In order to achieve the Barcelona objectives, an open co-ordination method was applied, but measures for reaching the objective were left to the discretion of each Member State. Thus one must now recognise that several Member States are still quite far from reaching this objective and, as a result, the objectives approved in 2002 need to be reviewed now.

The present recession proves that disturbances in the financial market have noticeable negative side-effects on the real economy. The negative influences on economic growth and employment are sufficiently serious, and are now influencing the achievement of the Lisbon objectives in Member States.

Since most EU States have now directed their attention and also their financial resources towards the struggle with the economic crisis, it is important that in the framework of that activity the Barcelona objectives should not be forgotten, since achieving them also supports the achievement of the Lisbon objectives.

The present situation also bears witness to the fact that we will not fully achieve this objective in the Member States by merely setting new dates for the Barcelona objectives. In this area, another important issue for Member States is the EU's supporting back-up measures, which will help towards achieving objectives for childcare facilities in all Member States.

18. Children of immigrants (debate)

President. – The next item is the debate on the oral question to the Commission on the children of immigrants, by Jan Andersson, on behalf of the Committee on Employment and Social Affairs (O-0023/2009 – B6-0014/2009).

Rovana Plumb, deputising for the author. – (RO) I would first of all like to thank my colleagues in the Committee on Employment and Social Affairs and the PES Secretariat from the Commission for promoting this topic on the children of migrants, which we are debating today in this plenary session because, when we talk about children, we are talking about our future, about the future of the European Union.

The migration of labour is continuing to grow, not only at global level, but within the EU as well. Migration offers great potential for development, but it also poses serious challenges in both the developed and the least developed Member States of the European Union. We can talk about the positive impact of migration at the level of the economy in the migrant workers' countries of origin because this can reduce poverty and boost investment in human resources. On the other hand, the situation of migrants' children who are left behind on their own in the country of origin when parents emigrate in search of a job in another country is an issue which has caused concern in some Member States during the last two years.

Although there are comprehensive policies for improving the living conditions and education of migrants' children who have moved abroad with their parents, less attention has been focused on the children who have been left behind at home. The migration of parents abroad for work is a social phenomenon with a complex impact on the dynamics and functionality of the family, as well as on the whole of society. Children whose parents have gone abroad for work belong to a vulnerable group which is at risk.

The complexity of this issue, of its causes and consequences, of its dynamics and the way in which legal provisions are implemented effectively in the field, as well as the complexity of the professionals' practices, have provided challenges, not only to the authorities but to civil society as well. On this point, civil society and the mass media in Romania have presented studies which state that in Romania, there are more than 350 000 children whose parents are working abroad, including 126 000 where both parents have emigrated.

The adverse consequences of the parents' departure are primarily felt by children at a psychological level. The feeling of depression and a lack of interest in school and out-of-school activities may be direct consequences of their parents' absence. One direct consequence of the parents' migration is the fact that the child is deprived of parental affection and the necessary supervision of his or her normal development.

In cases where parents have emigrated and the children have stayed behind in the care of people who cannot provide them with emotional and educational support, both these consequences may have, in turn, an adverse impact on the children's health and psychological development, as well as push them into behaviour that is uncharacteristic or inappropriate for the children's age and expose them to other kinds of exploitation and abuse.

As a mother and a European social democrat, I urge respect for the rights of every child, for their entitlement to equal opportunities and for the role of the state, as well as the investment required to mould future generations. Identifying the most vulnerable, excluded or marginalised children must be the key focus of any research effort, thereby ensuring there is sufficient leverage generated to support the authorities' efforts to safeguard the rights of every child.

Commissioner Špidla, I would like to thank you sincerely for the contribution you have made in broadcasting the video message as part of the European conference which I organised in Bucharest last November on this issue of children left alone at home.

Taking into account the complexity of this issue, especially during the current economic and social crisis that is primarily affecting vulnerable groups, which children also belong to, on behalf of the Committee on Employment and Social Affairs, I would like to ask you whether the Commission is in favour of carrying out a study to assess the extent of the situation and whether the Commission considers that the topic of migrant workers' children is only a problem for the government in the country of origin or for the governments of the host countries which benefit from the presence of migrants on the labour market.

Vladimír Špidla, Member of the Commission. – (CS) Madam President, ladies and gentlemen, there are disturbing signs indicating the appearance of a relatively new trend in a number of Member States. Parents are leaving their home country to work in another Member State – so-called 'mobile workers' – and are leaving their children at home in the care of relatives. These arrangements are supposed to be temporary but it seems that they often become more long-lasting. The question of whether arrangements for children left at home operate on a formal or informal basis depends on the length of time for which the parents intend to work abroad. However, after some time, a number of these children often end up in institutional care because the relatives are no longer able to cope with the situation due to financial, personal or other practical reasons.

In Member States with high levels of emigration, this phenomenon is by no means unusual. It is starting to be documented and it has also attracted media attention. The Commission has organised a number of studies which will help to gather evidence and to find solutions, although such solutions can only be implemented at a domestic level. At present, there is still not enough hard data for us to understand the nature, structure and main forms of this phenomenon, even though the evidence is already disturbing enough, as I have already said. Within the framework of the open method of coordination in the social area, the fight against poverty and social exclusion is a priority. Member States must reinforce preventative measures and focus on the most vulnerable families. In concrete terms, this means supporting projects for strengthening families and supporting parental assistance for families in difficult circumstances in order to overcome the risk of children becoming separated from their parents at an early age.

A further aspect which must be addressed is the fact that this phenomenon is often perceived as a negative consequence of worker mobility. The Commission, in cooperation with the EURES network, is focusing on

how best to help those affected with the specific problem of children left at home by parents who are mobile workers and providing job-seekers and their families with information on living and employment conditions in EU countries. Such an approach can contribute to relieving the negative consequences of this phenomenon which we are quite rightly debating today.

Marie Panayotopoulos-Cassiotou, *on behalf of the PPE-DE Group*. – (EL) Madam President, my political group participated actively in the drafting of this motion and improved the text, so that it no longer conceals the hypocrisy which exists when it comes to the exploitation of workers from third countries.

We know that the parents of children from Member States working in any other country receive child benefit. We know that countries which have bilateral relations can have the family connection. So why does this phenomenon arise, which the Commissioner says cannot be measured? We have films, we have documentaries which have been shown on television all over the world, including from Romania and Ukraine and other countries. One such film was shown here in Parliament and we saw the situation.

It is therefore hypocritical of us to say that we have no evidence. It is hypocritical of us to say that there is no family and that is why there are abandoned children. There is a family, but there are no proper bilateral relations and agreements to cover parents so that they do not abandon their children and there is no help from the European Union for these countries in building the infrastructures which will help to ensure that children that find themselves in this situation can be rehabilitated, without carrying the trauma with them their entire life.

I think that raising awareness among the parents who come to our countries to work is also our affair. If one part of the body hurts, the whole body hurts. If some of our fellow human beings, especially children, are suffering in our neighbouring countries, later we shall see them arrive here with other more threatening methods and then we shall lock them up in our prisons.

Inger Segelström, *on behalf of the PSE Group*. – (SV) Madam President, Commissioner Špidla, I would like to start by thanking the Commissioner for his response and the committee for its initiative. It is about time this issue was discussed in Parliament. With the Treaty of Lisbon, issues relating to children will become objectives within the EU and will gain a legal basis. A year ago, in anticipation of the Treaty, Parliament also adopted a children's strategy.

It is scandalous that children are left to live on their own at all. Of course, a mother and father may be forced to move to find work or to find refuge, but we MEPs must take responsibility when we adopt such rules, for example, to the effect that only the applicant receives asylum and not his family, as it is most often the men who flee and the women and children who are left at home. Or when employers import labour and do not ask or care whether there are children back home or they ignore the fact that this is the case. I therefore fully support the demands made by the Socialist Group in the European Parliament in its question. An impact assessment is an urgent and necessary requirement. The Commission must act on the basis of the studies that the Commissioner himself has ordered, and quickly.

Better information must be produced on children's rights and schooling. We must also provide information and ensure that children who are currently in this situation receive help. We must include the parties concerned and NGOs and we must come up with proposals. I also believe that the relatively new group of lone child refugees could also be included in the work described by the Commissioner. Children should grow up with warmth and care and they are not something that the market should control. We politicians have a duty and we must accept it, so give us child mainstreaming and give us child impact assessments in respect of this huge problem. Otherwise, we will be forced to feel ashamed when we face the next generation.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Madam President, I would like to thank the Commissioner for his willingness to embark upon studies and to expand the information on the EURES network, to provide greater information for individuals about family rights and the right of family reunion. Colleagues have raised the issues of why people feel the need to move to look for work. Certainly, the need to increase progress on combating poverty within the European Union is an extremely important issue. We look forward to rapid progress on that, including the question of minimum income, so that people can live in dignity.

But we should also be aware that many of the parents who are moving are doing this in what they believe is in the best interests of their children, to provide greater opportunities for them. Indeed, they often sacrifice their own careers, their own chosen path, as it were, in order to try and do this. While we are trying to sort out the children's problems, we need to beware of demonising parents who are moving.

Alessandro Battilocchio (PSE). – Madam President, the European Commission should focus on this issue. As UNICEF and other organisations have underlined several times, it affects a huge amount of children in the world and in Europe.

The situation in which social and economic risks are made worse by the absence of parents who cannot meet their children's needs for care protection and education may lead to an increase in vulnerability. The primary responsibility for the development of the child rests with the parents; and parents, in fulfilling their responsibilities, are entitled to receive the necessary support from the community and the local authorities, whose efforts to meet their obligations unfortunately often fail. So we expect concrete action from the Commission in such an important field.

Flaviu Călin Rus (PPE-DE). – (RO) According to the study carried out by UNICEF and the 'Social Alternatives' association, in Romania, roughly 350 000 children have one parent working abroad, while 126 000 have both parents abroad. These findings are worrying. I believe that this situation could be improved through adopting the following measures:

1. The national governments of the migrants' countries of origin and the governments of the countries absorbing this labour force, alongside the European Commission, should create a joint programme offering migrant workers the opportunity to access specific childcare services, the school and education system, as well as language courses. These services should be accessible to every migrant worker segment.
2. The European Commission, along with the governments of the states where the migrants are employed, should devise a strategy for offering certain facilities to employment bodies so that they can also offer employees a package of specific services providing migrant workers with the opportunity to take their children with them to the countries where they are working.

I feel that these measures would be conducive to the harmonious development and growth of these children as they, too, represent the future of Europe.

Gabriela Crețu (PSE). – (RO) I would like to highlight one thing. The labour force flow we are talking about is from the less developed countries to the more developed countries in the EU.

The opportunity to access the labour markets in developed countries is usually considered to be a significant advantage and the large sums which go back to the countries of origin are always brought up in discussion as an argument for this. However, the facts presented here show a different aspect: in addition to the advantages derived from lower labour costs, the developed countries externalise some of the associated costs. These costs are considerable and it is down to the communities and states where the workers come from to pay for them.

In this respect, the cohesion and solidarity policies between Member States must not be regarded as some act of altruism performed by the rich for the benefit of the poor. These policies are an absolute must, being acts of justice ensuring that the European Union consistently sticks to its values and maintains its citizens' affection for these values.

Nicodim Bulzesc (PPE-DE). – Madam President, in the context of this debate, I wish to take the opportunity to emphasise another aspect connected with the issues already mentioned. I was recently the shadow for the PPE-DE Group on the report on educating the children of migrants. That report was based on the communication from the Commission on 'Migration and mobility: challenges and opportunities for EU education systems'.

That document was very well structured and summarised very well the problems connected with migration and education. However, one aspect was left out: the situation of thousands of European children left behind by parents who go to work in another European country, generally called the 'migration orphans', of which there are almost 350 000 in my country.

I have already tabled a written question to the Commission on this topic, but would like to take this opportunity to put that question again. So, Commissioner, could you please tell us whether the Commission thinks this is only a matter for national governments, or do we need European action in this field? If we do, what action has, or will be, taken by the Commission in order to help those children in their school years?

Silvia-Adriana Țicău (PSE). – (RO) We have a saying in Romania: a well-bred man is said to have had his 'first seven years at home'. Young children must be together with their family to benefit from the direct

supervision and care of their parents. Parents who decide to go and work temporarily in other countries must be supported in their efforts to reunite their family as soon as possible.

In many Member States, schools offer facilities for teaching the language of the country of residence. Indeed, in some Member States, families who were living illegally have been able to make their situation legal if they had children registered at school, and have even received social housing.

Children are the most precious thing that society has and it is our duty to provide them with conditions conducive to their harmonious development. Formal education, affection, children's integration in society are essential conditions allowing social Europe to offer equal chances to all its citizens.

I congratulate Mrs Plumb for the initiative. It is a topical subject which is hugely important for the future. Congratulations.

Anna Záborská (PPE-DE). – (SK) When workers emigrate, children often become the victims of their families' improved financial circumstances. The former Czechoslovak Republic experienced a great wave of emigration in the inter-war period, chiefly to the United States. However, these were migrants living in conditions of extreme poverty at home. And even if the children remained temporarily in the care of one parent, this would usually only be for a limited period of time.

In today's consumer society and with family relationships under threat, there are considerably more tragic cases. It is often not extreme poverty that motivates parents to work abroad. One or both parents often never return and they can be indifferent to the fate of their children, whose best hope is to be cared for by close relatives.

We should keep this aspect in mind in relation to regional development policy and we should strive to eliminate regional variations, particularly in the new Member States.

Vladimír Špidla, Member of the Commission. – (CS) Ladies and gentlemen, I think that the debate has clearly shown that this is an important topic which we must work on, regardless of whether or not, at a given moment, there may be sufficiently detailed information available for us to reach a final opinion. After all, the facts that are known are sufficiently compelling for it to be clear that we must address the question and take an active approach. I have stated that the Commission has already prepared some studies, one of which will be completed by the end of this year. I think it is also clear that the main part of the response and the main part of the reaction must come from the Member States, as family policy is generally a matter for Member States. Undoubtedly, of course, there are possibilities for the EU itself because questions which relate to migrant workers also relate to their social security, the transfer of social contributions and a range of other issues. So my answer to your question would be that it is, above all, a matter for the Member States, but the EU does have a role to play and one which, in my opinion, is by no means insignificant.

President. – I have received one motion for a resolution⁽¹⁾ tabled in accordance with Rule 108(5) of the Rules of Procedure.

The debate is closed.

The vote will take place on Thursday, 12 March 2009.

19. Risk to close down the company QIMONDA in Germany and Portugal and the loss of thousands of jobs in Europe (debate)

President. – The next item is the Commission statement on the risk to close down the company QIMONDA in Germany and Portugal and the loss of thousands of jobs in Europe.

Vladimír Špidla, Member of the Commission. – (CS) Madam President, ladies and gentlemen, companies and workers are both beginning to feel the effects of the financial and economic crisis. Although circumstances vary between individual Member States, the employment situation in Europe is generally deteriorating. In 2009, overall employment may go down by 1.6%, which represents the loss of 3.5 million jobs. The level of unemployment in the EU could be around 10% in 2010. Day after day, companies are announcing

⁽¹⁾ See minutes.

restructuring measures or are relocating, often with the loss of many jobs. The situation in the company Qimonda, which has announced the closure of plants in Germany and Portugal, is, unfortunately, not unique.

The Commission is aware of the negative effects which restructuring can have on workers, their families and the economic and social structure of a given region. However, I would like to emphasise that the Commission does not have the power to overturn or postpone the decisions of individual companies and that companies are not obliged to inform the Commission of their decisions. I have to say that neither Qimonda management nor employee representatives have approached the Commission.

The Commission would like to raise several points in connection with this situation. It is essential, above all, to anticipate and manage restructuring better through intensive dialogue with representatives of employees and the other parties involved. I think that the recently passed directive or amended directive on company councils constitutes one of the EU's major contributions in this matter. It is all the more important in this context that the companies affected are careful to abide by their obligations arising from EU directives relating to informing employees and consulting with them. The Commission also invites companies to introduce measures aimed at maintaining maximum levels of workers in employment through flexible work arrangements and the use of temporary layoffs for economic reasons.

Most Member States have introduced targeted measures in an effort to support employment and limit the effects of the crisis on ordinary citizens. These measures apply to four major areas: maintaining workers in employment, rapidly integrating workers back into employment, assisting the most vulnerable groups through income support, extending the period for paying unemployment benefits or increasing the family contributions and strengthening social protection and investments in social and health infrastructure.

The Commission has strengthened financial instruments at a European level with the aim of helping the Member States to overcome the crisis and its social consequences. The European Social Fund, which provides assistance to 9 million workers every year, has been simplified so that advance payments can be released for projects amounting to EUR 1.8 billion. I hope that the European Parliament and the Council will come to a rapid agreement over this matter. The Commission also supports those Member States which would like to reprogram the European Social Fund. Member States can also request intervention from the European Globalisation Adjustment Fund to assist workers who have been laid off. In the European Economic Recovery Plan, the Commission has proposed extending the eligibility criteria in order to respond better to the current economic crisis. I hope that here, too, Parliament will reach an early compromise with the Council. The Commission is prepared to work together with the German or Portuguese authorities to assess all requests for support from European funds. The Commission also supports social dialogue at a European level, as the social partners have a decisive role to play in managing the crisis. The European social partners are also due to submit a joint contribution on how to overcome the crisis at the tripartite meeting on 19 March.

It is important for the Commission that action is taken on a unified basis, because in that way it will be possible to combat the short-term effects of the crisis and to work towards future economic renewal. The Commission had this aim in mind when it introduced the European initiative to support employment within the framework of the European Economic Recovery Plan. On 4 March, the Commission also received a contribution designated for the meeting of the European Council on 19 and 20 March, which concentrates, among other things, on the requirement and the methods for supporting workers affected by the crisis and vulnerable persons on the labour market.

The Commission also welcomes the initiative of the Czech Presidency to organise a summit devoted to employment and social affairs in May 2009. The aim of this meeting will be to assess the situation and set out concrete measures. It should lead to the adoption of a common approach for reducing the social impact of the crisis, reaching a new consensus with the social partners and other participants over the question of modernising social policies and setting out concrete measures for speeding up economic recovery and overcoming the crisis through resolving structural shortcomings on the labour market.

José Albino Silva Peneda, *on behalf of the PPE-DE Group*. – (PT) The possible closure of Qimonda puts nearly 2 000 jobs at risk in the north of Portugal, which has, in a few years, gone from being one of the most industrialised regions of Europe to being one of the continent's poorest regions.

It must be understood that the industrial fabric of the north of Portugal was based on traditional sectors, in which textiles were of great importance. This case has arisen precisely at a time when this industrial fabric was at a decisive stage in its conversion, undergoing restructuring processes that are always arduous and costly. If this closure becomes a reality, it will have an enormous impact not just on the region, but on the country as well.

I know that whether or not Qimonda continues to operate depends, above all, on market forces and the will of the shareholders. Nonetheless, it will also not be difficult to recognise that, as Qimonda is considered one of Portugal's main exporters and as it is also an essential part of the conversion of the economic fabric of the region, we cannot accept that only market forces should decide its future on their own. This circumstance explains why the authorities in Portugal and Germany have been tackling the issue at the highest level, specifically and very recently through the President of the Portuguese Republic and Chancellor Merkel. It is also because of this, Mr Špidla, that if the Portuguese Government has not yet invited you to visit the region, which is facing a real social emergency, I myself am inviting you, Commissioner, as I want you to see for yourself the seriousness of the situation, support the efforts that are being made and mobilise all the instruments that the Commission has at its disposal to prevent the lack of confidence throughout the region from spreading even further.

Edite Estrela, *on behalf of the PSE Group*. – (PT) Qimonda is a paradigm case in the current context of global financial and economic crisis. It is a company that uses cutting-edge technology, employs highly qualified workers and promotes research. Qimonda meets the objectives of the Lisbon Strategy. The Portuguese Government has been doing everything to find a solution that makes this company viable, but the solution is also dependent on the involvement of the German Federal Government and the state governments of Bavaria and Saxony. The Portuguese Government has already decided to make EUR 100 million available for this purpose. As I said, it has been doing and will continue to do everything it can, as was, in fact, recognised by Qimonda's German workers during the recent official visit by the President of the Portuguese Republic.

The European Commission and the Member States have been taking steps – and rightly so – to save many banks and to support certain industries such as, for example, the automotive industry. Why not also support Qimonda? Leaving Qimonda to its fate will have extremely serious consequences. Not only will thousands of workers in Germany and Portugal lose their jobs, but invaluable European intellectual property and a lot of Community funds that were invested in Qimonda will also be lost. Keeping Qimonda going in Germany and in Portugal is of such strategic importance for Europe that European Union support is well justified.

Commissioner, we must be consistent and, if we are to be consistent, we will do everything to save Qimonda. Qimonda is not just any company!

IN THE CHAIR: MR VIDAL-QUADRAS

Vice-President

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Mr President, the German Qimonda corporation, one of the largest memory chip manufacturers, has declared bankruptcy. During the last year, it received EUR 325 million in subsidies, which proved to be inadequate.

In 2007, Qimonda employed 13 500 people. In December last year, they took a 10 to 15% cut in their salaries, based on reassurances that the underpayment would be made up to them by April this year. Instead, 500 workers lost their jobs overnight. They have not received salaries or compensation for leave not taken or the severance pay owed them. Another 500 will lose their jobs in the coming month, with a further 1 500 workers threatened further down the line.

There are many more such enterprises in our countries, including those in Krośno or Stalowa Wola in Poland. What we expect from the Commission is a coherent programme for the protection of jobs during the crisis.

Elisabeth Schroedter, *on behalf of the Verts/ALE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, the bankruptcy of the company Qimonda is due to the massive fall in prices for outmoded DRAM chips. In actual fact, Qimonda is months ahead of the competition when it comes to research into energy-saving chips, and it is specifically in this regard – in this potential for innovation – that investment should be made. We hope that the Commission will focus on that.

Nonetheless, that could mean that not all the jobs are retained. The Commissioner was right. This is where the European Globalisation Adjustment Fund comes in. In Qimonda, however, what we have is highly qualified workers who, through really well-chosen and specifically tailored re-training, could find new jobs in new sunrise industries. Those workers who have made the switch to the solar power industry have shown that. The Qimonda case shows that it is also up to the Commission to ensure that re-training takes place for jobs with a future rather than just taking a scatter-gun approach. Only targeted investment, environmental restructuring of the economy and then a corresponding re-training of the workforce give people hope and real prospects for the future.

Gabriele Zimmer, *on behalf of the GUE/NGL Group*. – (DE) Mr President, Commissioner, you will surely not be surprised to hear that I am not happy with the answer you have given us, especially as we made great efforts several weeks ago to make contact with a very wide range of representatives of the Commission, in particular, Commissioner Verheugen, and demanded clear answers. There was very much an opportunity today to provide a much more precise answer and to say how the Commission itself intends to assume its responsibility.

For me, there are two aspects that I would like to introduce to this debate. First of all, Qimonda is capable of ensuring a crucial technological advance for the European Union in terms of semiconductor technology and nanotechnology. Secondly, Qimonda has no competitors in Europe but does have some in Asia, where they are assisted by 70% subsidies – that makes the crucial difference. Thirdly, the closing down of production at Qimonda will mean the loss of the cooperative core of a network of around 40 000 jobs in a region like Saxony alone.

What do workers, their families and the people of the affected regions expect from the Union? First and foremost, they expect a clear and immediate undertaking that the Commission wants to retain the current sites of the European semiconductor technology and nanotechnology industry, that this head start for the future is not to be allowed to be thrown away and that the statements made about future research spending, in particular, in relation to the Eighth Research Framework Programme, are true.

We also expect that the Commission, the Federal German Government and the Regional Government of Saxony will support the necessary solution to prevent the closing down of production. There is not much time left, just a few days. Top management figures are already drifting away. The alternatives to a solution would be that highly advanced research technology moves to Asia or is sold for peanuts. That cannot, I would contend, be in the interests of the European Union.

Joel Hasse Ferreira (PSE). – (PT) Mr President, Commissioner, ladies and gentlemen, Qimonda's difficult situation has been made worse by the emergence of the financial and economic crisis. The Portuguese Government has been doing everything that it considers appropriate and useful to help resolve the situation. We wish that the Bavarian Government also knew how to respond to this situation with a great sense of responsibility. Saving the plants in Munich will have a decisive impact on those in Vila do Conde and Dresden.

The Portuguese Minister for the Economy and Innovation, Manuel Pinho, has himself confirmed how very important it is to ensure the viability of this company. Qimonda is extremely important to Portugal and, because it could be competitive on a global level, it is just as important to Europe.

Mr President, Portugal will continue to work towards a solution that guarantees the company's viability. We hope that the German Government – both at Federal and State level – will really strive to find a solution to this problem.

As for me, I would like to underline once again the strategic importance of keeping this type of industry in European territory. I hope that no national or state government will make the mistake of allowing this company to close plants and destroy jobs in the Union's territory.

Ladies and gentlemen, we understand the need to aid the large groups of the automotive industry with their restructuring, but the Union's funds and the energies of the European Commission cannot be used up on this aid.

Commissioner, to avoid any possible failures in communication, we are appealing to Mr Špidla, to whom we are linked by ties of work and political solidarity, and to the President of the Commission, who will never forget that he is our fellow countryman as well as that of a significant proportion of Qimonda's workers, for the Commission to pledge to support Qimonda.

Before finishing, we must stress that President Cavaco Silva of Portugal recently stated in Germany that there was new hope with regard to Qimonda. Reference must also be made, as my fellow Members have already done, to the importance of the specific economic sector in which Qimonda operates. Let us keep in mind, therefore, that the Portuguese Government is showing its readiness to support Qimonda by whatever means necessary, taking into account the economic size of the country.

Ladies and gentlemen, let us help save Qimonda. Time is short!

Ilda Figueiredo (GUE/NGL). – (PT) Mr President, Commissioner, ladies and gentlemen, in this important debate that we are having it is essential that it be understood what is at stake, namely: the future of the strategic

nanotechnology industry, together with research and development in a sector that is fundamental to the future of the information society, the central core and research centre of which is in Qimonda's complex in Germany, with its semiconductor factory in Portugal. The European Union cannot continue to allow its industries to be destroyed, particularly in a strategic area, and become dependent on the United States and the countries of Asia, which support their industries. It is regrettable that Mr Špidla has demonstrated in this House serious insensitivity to the issue of Qimonda as a productive company.

There are many jobs involved in this process: almost 2 000 at Vila do Conde, 5 000 in Germany, more than 5 000 worldwide, as well as thousands of jobs that would be indirectly affected in supplier companies and in the research and development centres of Qimonda's other partners. There is an enormous amount of research threatened by the risk of closure of Qimonda in Germany and the knock-on effects that such a situation would have in Portugal. It is out of the question that the European Union should not commit itself to this issue, at least on the same terms as it did with the banking sector. It must be kept in mind that Vila do Conde is in the north of Portugal where unemployment has grown most, whether because companies in the textiles and clothing industry have closed down or because multinationals which manufactured footwear and cabling, amongst other things, have relocated. It is now an area at high social risk if steps are not taken to slow the growth of unemployment and to guarantee production.

It is therefore essential for every necessary effort to be made in every possible way. In the short term, this includes state aid, Community financial support and credit guarantees to maintain an industry of strategic importance to the European Union's economy. In the medium term, it includes developing this industrial area and creating more jobs with rights. It would be good if the European Commission and the governments of our countries understood this. As for us, we will continue this fight.

Colm Burke (PPE-DE). – Mr President, I commend the priority given to this debate. Losses of companies like Qimonda, due to their large size and importance as an economic anchor to regional and even national economies, have to be treated seriously by policy makers.

The demise or offshoring of these companies is often a function of globalising forces. Globalisation – normally a positive force that increases global welfare – can, unfortunately, wreak huge havoc on regional economies when large companies move location. This has happened in my own area in Ireland South, where Dell has announced layoffs of 1 900 of its staff at its factory in Limerick. Likewise, in Waterford, where Waterford Wedgwood may be closing in the not too distant future, and again, between that and downstream jobs, another thousand jobs may be lost.

This has to be treated seriously by policy makers. Therefore, I welcome Commissioner Špidla's resolution to do his utmost to deploy monies available in the European Globalisation Adjustment Fund and the European Social Fund. The EUR 500 million from the European Globalisation Adjustment Fund could provide huge benefits by giving a second chance to laid-off workers to upskill, retrain and become the entrepreneurs to drive us out of this recession.

The ball is firmly in national governments' courts to apply for this funding. It might be worthwhile in this context to push for 75% co-financing to make their applications easier and, therefore, deliver recovery on the ground to the affected workers rapidly and effectively.

José Ribeiro e Castro (PPE-DE). – (PT) Madam President, Commissioner, we have been talking about the Lisbon Strategy for years and these are perhaps not the most appropriate times to be discussing it. Nonetheless, without doubt we need a strategy: a strategy that responds to the difficulties and challenges posed by the present crisis. That is also what we expect from the Commission. It is essential that the Commission not shy away from this subject but instead find the capacity to develop joint actions with the government of Portugal and the governments of Germany and the German *Länder*. It is essential to keep in mind that this is an industry, as has already been said, that is important to Europe because of its quality and value, because of the research that it undertakes and because of the environmental quality that is associated with it. It is essential that the Commission not shy away. I second the invite issued by my colleague, Mr Peneda, for Mr Špidla and the Commission to visit Portugal.

It is essential that the Commission keep in mind that at the moment, Europeans are looking to Europe and expect responses from the European authorities: they need to feel like the European authorities are close by. The European public does not understand a Europe that washes its hands of problems. Instead, the people want a Europe that is bold enough to roll up its sleeves and get its hands dirty helping them to overcome their difficulties.

Vladimír Špidla, *Member of the Commission*. – (CS) Ladies and gentlemen, the case we are debating is significant and forms part of the overall economic situation. You will also be well aware that the strategy which the Commission is developing is a definite policy for industry because the Commission firmly believes that industry must always make up a substantial part of our economy and that it is the torch-bearer of high technology. It is clear that the crisis in which we find ourselves has structural elements and therefore the Commission, in its strategies and basic documents, is formulating, on the one hand, the future green economy or 'green jobs', while also pressing very hard for innovation and modernisation. It is also clear, as I stated at the beginning, that it is up to companies to take business decisions and that the Commission will not interfere in such affairs.

The other thing of course is that if a certain amount of restructuring takes place, certain decisions with social and community-wide consequences, there are instruments and European policies, which we, of course, always have a duty to mobilise and we are mobilising them. As for the call made twice for me to familiarise myself with the situation on the ground, I am, of course, ready to do that because, at the end of the day, it is one of our normal and fundamental duties to make decisions on the basis of what is possible. There has been mention of possibilities within the framework of European funds and mention of approaches discussed between the Portuguese Government and the German Government. In any event, I can state loud and clear that the Commission always makes active use of all available options, that it is doing so in this case, and that it will undoubtedly do so in future cases.

President. – That concludes this item.

20. Multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean (debate)

President. – The next item is the debate on the proposal for a Council regulation concerning a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean (COM(2009)0093 – C6-0081/2009 – 2009/0029(CNS)).

Philippe Morillon, *Chairman of the Committee on Fisheries*. – (FR) Mr President, Commissioner, ladies and gentlemen, Parliament's decision to accept the Council's request for application of the urgent procedure for this matter was a unanimous one, both in the Committee on Fisheries last week and here in plenary this morning.

We are, of course, all aware of the need for the European Union to honour the commitments made in Marrakesh last November by the competent international commission, the ICCAT. We need, specifically, to put into practice the recommendations that this organisation adopted in order to curb the persistent problem of overfishing of bluefin tuna in the Eastern Atlantic and Mediterranean and to confront the resultant serious risk to the future of the species and thus to the fishing industry itself.

Two of my colleagues in the Committee on Fisheries, Mrs Fraga Estévez and Mr Romeva i Rueda, were in Marrakesh and will be talking about this during the debate. For my part, I would like to remind you that our committee attaches great importance to this matter, which brings into play the main aspects of the common fisheries policy: resource management, fleet management, respect for international, regional and bilateral agreements, technical measures and, above all, monitoring, to which I will return shortly. This defining issue is thus, in our view, a test of the credibility of the common fisheries policy.

For this reason, there was obviously no question of the new recovery plan being implemented without consulting the European Parliament.

I am therefore delighted that the Commission ultimately chose the only legally and politically acceptable route for implementing the ICCAT's recommendations, namely, submitting a proposal for a regulation in due form on the basis of Article 37 of the Treaty.

The transposition into Community law of commitments made by the Commission on behalf of the European Union in regional fisheries organisations is, after all, hardly an uncontroversial operation, and we must insist that it should always be carried out under the democratic eye of this institution.

I am, essentially, very pleased with the various measures put forward as, although they are rather restrictive for our operators, they are in line with the challenges, and I would emphasise that the most important of

these measures are, without doubt, those relating to monitoring, as it is certainly true that no recovery plan can be effective without monitoring.

I am therefore grateful to you, Commissioner, for this proposal, and I hope that you will show just as much determination in actually implementing the plan, once it has been ratified by the Council, as you showed in reaching a satisfactory agreement within the ICCAT.

Joe Borg, *Member of the Commission*. – Mr President, firstly I would like to stress the importance that the Commission attaches to the sustainability of the bluefin tuna stocks and fisheries, and also the importance of the European Parliament in this process.

Within the framework of the 2006 recovery plan for eastern bluefin tuna, and on the basis of an evaluation of its implementation during the 2006, 2007 and 2008 fishing seasons, and in the light of new scientific advice, ICCAT decided to adopt a new recovery plan. The ICCAT Scientific Committee clearly indicated its view that the 2006 recovery plan was insufficient to recover the stock and reiterated its concerns with respect to the level of TAC and excess of fishing effort.

Furthermore, ICCAT contracting parties identified certain failures in the implementation of the 2006 plan and so decided to adopt a new plan. This plan addresses the concerns of the Scientific Committee, notably by reducing the TAC level and by introducing new measures to address fishing and farming capacity.

It should also be noted that, at the initiative of the European Community, the new recovery plan introduced the obligation for annual fishing plans at ICCAT level. This is an effective instrument to avoid overfishing by identifying the vessels that are over 24 metres which are fishing for bluefin tuna and setting their individual quotas. I am convinced that the establishment of the annual fishing plan is a key tool in ensuring the full respect of the quota.

The new recovery plan also improves the existing one and introduces new control measures to address those failures identified by the contracting parties, to which Philippe Morillon referred.

The main measures introduced in the new recovery plan are a substantial reduction in the TAC from 27 500 to 22 000 tonnes in 2009 and further reductions to 19 950 tonnes for 2010 and 18 500 tonnes in 2011. The EC quota for 2009 is thus reduced to 12 406 tonnes from the 15 641 tonnes foreseen in the 2006 plan. The fishing seasons for all years are reduced, in particular, for purse seiners, which account for the bulk of this fishery. The measures to freeze and reduce fishing and farming capacity are a brand new and decisive component of the new plan. Overcapacity has been identified for some time as a key driver of overfishing. Now is the time to address this issue in a real manner and the Community, like other ICCAT members, has to share in the effort to do so.

The introduction of the fishing plans I have already mentioned is another measure. Furthermore, the derogations to minimum size are adjusted. On the Atlantic, pelagic trawlers no longer benefit from derogations, while the derogations applicable to the artisanal coastal fishery have been removed, except for one case. Indeed, only bait boats still benefit from previous derogations. In the Mediterranean, the artisanal coastal fishery now benefits from a derogation. The control measures are reinforced, in particular as regards joint fishing operations, the adoption of a general prohibition of transshipment at sea and the introduction of a regional ICCAT observer programme.

In conclusion, the situation of the eastern bluefin tuna is considered to be extremely serious. The overshooting of quotas, the lack of compliance, notably as regards data collection and transmission, undermine the recovery process. However, I am confident that our agreement to urgently adopt measures to eliminate overfishing and to ensure strict compliance with ICCAT measures can turn around the situation and bring the bluefin tuna stock to sustainable levels.

We need to ensure that situations similar to those that occurred last year do not happen again in the future. The best means to achieve this is the speedy adoption by the Council of the new recovery plan for bluefin tuna. Any delay in the adoption of this regulation should, therefore, be avoided, especially if we want to ensure the credibility of the Community at international level and to promote the process of the recovery of this stock. I am convinced that, if this plan is fully respected, it represents a realistic chance for the gradual recovery of bluefin tuna. Consequently, decisive and effective action is immediately needed at the European Community level.

After its adoption, the Commission is resolved to work closely with the Member States and with other ICCAT contracting parties to ensure and closely monitor the full implementation of the recovery plan.

Finally, I wish to express my appreciation for the constructive approach and the cooperation adopted by the European Parliament in dealing with this sensitive subject, reflecting our shared interest and commitment to ensuring that the Community fisheries policy and our international obligations are fully respected.

Carmen Fraga Estévez, *on behalf of the PPE-DE Group*. – (ES) Mr President, my political group voted in favour of the urgent procedure for the recovery plan for bluefin tuna because it is essential that the new measures should be in force before the season begins in April.

I would also like to remind everyone, however, that no recovery plan will save the bluefin tuna until fishing capacity is reduced, starting with that of certain Community fleets, which are well-known and have been pointed out in this respect for many years. For all these years, the Member States in question have allowed their vessels to multiply to scandalous levels, while the European Commission has stood by passively. That has brought us to this situation, in which there is hardly any way out.

When the current recovery plan was adopted in 2007, I tabled an amendment, which was adopted by the House and incorporated by the Commission in its final text, obliging the Member States to submit fishing plans showing that their fleet capacity was adapted to the quota allocated to it.

Despite that, the fishery again had to be closed early in 2008, earlier in fact than in the previous year, when it was found that practically the whole Community quota had been used up in just a few weeks; that is to say, we were doing even worse.

Article 5 of the new recovery plan now obliges Member States with overcapacity to eliminate at least 25% of it by 2010. Not only does that reduction seem to me to be incredibly mild compared with the excesses that have been committed, but, given the precedents, I am exceedingly concerned at the ability of the Commission and the International Commission for the Conservation of Atlantic Tunas (ICCAT) to enforce this obligation, in view of the clear lack of political will that the Member States involved have more than demonstrated.

I therefore beg the Commissioner to give us guarantees here and now that this lack of political will will not rub off on the Commission and that this time, the Commission will show some firm action that goes beyond closing the fishery early again this spring.

Rosa Miguélez Ramos, *on behalf of the PSE Group*. – (ES) Mr President, the proposal for a Council regulation concerning a multi-annual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean puts into practice the binding decision adopted by consensus by the International Commission for the Conservation of Atlantic Tunas (ICCAT) at its annual meeting held in November 2008.

As has been stated, this regulation should enter into force before the start of the fishing season in April, which means that this mandatory consultation of the European Parliament must be carried out during this plenary session. We would like to help achieve an effective political agreement within the Council on this subject which, in our view, is extremely important and deserves our closest attention. That is why Parliament's Committee on Fisheries came out unanimously in favour of the urgent procedure.

The aim of the annual fishing plans, the reduction in the fishing season, the strengthening of the monitoring system, the spawning grounds in the Mediterranean and the presence of ICCAT observers in the purse seine fishery and on tuna farms, all measures included in the regulation, is to ensure compliance with the management measures adopted and to ensure traceability at all stages. I think they will be successful.

Each contracting party – I think it is important to point this out – will have to submit a fishing plan for the fishing boats and pound nets that catch bluefin tuna in the Eastern Atlantic and Mediterranean which identifies, *inter alia*, the authorised fishing vessels over 24 metres and the measures introduced to ensure that individual quotas are not exceeded.

Another of the important measures to be adopted is the reduction in the fishing season and the extension of the closed seasons for purse seiners, long-liners, live bait and trolling boats, pelagic trawlers and recreational fishing. The adjustment plans for countries with excess fleet capacity and bluefin tuna fattening farms are also important.

Ladies and gentlemen, I have read a considerable amount about tuna in recent days, and I would like to raise a few issues here in the short time I have left.

Adding to the almost non-existent governance to counter the concurrent interests of fishing nations and high market demand, numerous factors of various kinds combine to leave the bluefin, a highly exploited species nowadays, in such a precarious situation.

The fact is that the European Union, or rather three Member States (France, Spain and Italy), together account for half of the world's landings of bluefin tuna. It is therefore crucial that the European Union should be able to supply ICCAT with statistics that are of the same quality as the fishing or the fishing effort expended, not least because statistics are essential if we want to carry out research to answer the needs or questions being raised today by bluefin biology and ecology, which present scientific research with a real challenge.

If we want to save this species, we have to learn more about it. In my view, therefore, anything connected with data collection and statistics is especially important.

Raül Romeva i Rueda, *on behalf of the Verts/ALE Group*. – (ES) Mr President, the time has come to speak clearly. I do not think that what we have here is a recovery plan; instead, it is clearly what one might call a death certificate.

The lack of a sense of political responsibility on the part of certain governments and the Commission, added to a kind of blindness in part of the sector itself, has brought us to a scenario in which we have to ask ourselves not whether we will be able to help stocks recover, but when we will stop seeing and finding tuna in our seas and oceans. I am not talking about a decade here, but five years at most.

In this context, the International Commission for the Conservation of Atlantic Tunas should really be called the International Commission for the Capture of All Tunas.

Governments and the Commission have turned a deaf ear to the scientific recommendations that have, time and again, alerted them to the collapse in the hope that there would be a political reaction, which has never come. The consequence of this attitude – we must not deceive ourselves – is one more step towards the abyss.

Now that we have reached this point, I fear that we have few solutions left to save the tuna, although there is one that we can still use: we must work to have the tuna included on the CITES list as an endangered species and thereby, by banning its commercial use, guarantee its future.

Iles Braghetto (PPE-DE). – (IT) Mr President, Commissioner, ladies and gentleman, I welcome the opportunity to tackle with all necessary urgency the discussion on measures to be adopted to safeguard stocks of bluefin tuna and the gradual reduction of quotas established by the ICCAT.

The European Union must stand by its commitment to support the recovery plan established in Marrakesh, to be complemented by monitoring by Member States to prevent illegal tuna fishing. This is particularly common in the Mediterranean as recent journalistic investigations have revealed in the TV and press. The European Union must also raise the topic of unfair competition by countries of the southern shores of the Mediterranean in the appropriate quarters.

I particularly welcome the following aspects of the proposed regulation: the decision to bring fishing capacity into line with the allocated quota; the undertaking to produce information on the implementation of the respective annual fishing plans within the required deadlines; the reciprocal international inspection programme to guarantee the efficacy of the recovery plan; and regulations for sport and recreational fishing. In other words, a tougher and more demanding plan than in the past, to govern these very considerable fishing activities.

Ioannis Gklavakis (PPE-DE). – (EL) Mr President, the draft regulation on the conservation of bluefin tuna in the Atlantic and the Mediterranean, which we are debating as a matter of urgency this evening, makes provision for reduced quota levels up to 2011, fishing restrictions in certain areas and over certain periods, a new minimum size, restrictive measures for sport and recreational fishery, a reduction in fishing capacity and in the capacity of fattening units, reinforced control measures and the application of the ICCAT international joint inspection programme, in order to safeguard the effectiveness of the plan.

I agree with the spirit of the regulation, given that overfishing of tuna has brought stocks to very dangerous levels. We must not forget that in the last two years, the Commission has imposed a fast-track ban on tuna fishing before the end of the fishing season, because it emerged that certain Member States had overfished by up to 200%, thereby palpably damaging those which had not broken the law but which were also forced to stop fishing tuna.

However, there are two points in the new regulation which bother me:

The first is the tight time scale allowed for Member States to adjust their fishing effort. The ICCAT recommendation made provision for 2010 as the year of application, while the regulation makes provision for 2009, this year, now. This time scale is very tight and I fear that there will be problems.

The second is the increased cost involved in the reinforced inspection programme which has to be borne by the Member States. Perhaps the possibility of Community assistance in this direction could be examined.

Sebastiano Sanzarello (PPE-DE). – (IT) Mr President, Commissioner, ladies and gentlemen, as we can see from what has been said so far, the ICCAT plan has not yet been fully implemented. This means that the plan regulating tuna fishing methods, which vary greatly from one another, ranging from purse seining to traditional fishing using a system of fixed nets, requires additional fine tuning before it can be applied in full. We must differentiate between the indiscriminate capture of specimens that takes place in the case of purse seining – which is even worse when fleets go over the limits, exceed their quotas, which are not sufficiently monitored, as some people pointed out – and traditional fishing with fixed nets. Fixed nets, by their very definition, make it impossible to go in search of prey: using this system, the fishing season effectively lasts from 50 to 60 days.

When issuing the new regulations, ICCAT must take into account this diversity of fishing systems. It must also consider that the system of fishing for tuna with fixed nets is also a cultural and historical activity that does not damage the environment and provides employment for thousands of people. I also believe that UNESCO should think about protecting this system of fishing because it has cultural significance as well as having an impact on the economy and jobs. It is my view that ICCAT should build additional control systems into its programmes: it should not be possible for tuna to be indiscriminately intercepted before they enter the Mediterranean; it should not be possible for indiscriminate fishing to take place within the Mediterranean, driven by the commercial value of bluefin tuna. I would like to conclude by saying, Commissioner, that it is worth making diplomatic efforts to seek to restrict fishing within the Mediterranean to the countries that line the shores of the Mediterranean Sea – prohibiting others from fishing there – because those countries have an interest in safeguarding the stocks of the Mediterranean fish population and because they share a interest in guaranteeing the future of their fishing.

Joe Borg, Member of the Commission. – Mr President, first of all, I would like to thank Members for their comments and the points that have been raised in this debate, and also for accepting the request for urgency. As I stated at the start, the measures agreed in Marrakesh need to be transposed as soon as possible in order to apply from the start of this fishing season.

This year will clearly be a test of our ability to demonstrate our commitment to the sustainability of this endemic stock. I cannot emphasise enough the crucial importance for all contracting parties, not least our own fishers, to respect the newly-agreed measures. This is the only way to provide a chance for the survival of the stock. Not respecting the new recovery plan will have serious consequences and will lead to a collapse of the stock.

On the point that was raised by Mrs Fraga Estévez, I cannot agree more that, for the recovery plan to succeed, we need to bring about a reduction of capacity, in particular, of the purse seine fleet, which is the one which causes most pressures on the bluefin tuna stock. In this regard, I would like to refer to the fact that last year, we had agreed on a restructuring package which was triggered because of the fuel crisis and we are encouraging Member States to make use of this restructuring package in order to bring about a reduction of the fleet, in particular, of the purse seine fleet. We are hearing some encouraging news with regard to one particular Member State, France, which is undertaking to encourage certain fishers to decommission their vessels in order to bring about a reduction in capacity.

We need to see this happening also in the other Member States such as Italy, in particular, which suffers from a significant overcapacity. We are therefore, at this present moment, engaging in discussions with the Italian authorities in order to see whether they can effect something in this regard in the very short term.

I need to underline the fact that last year, we closed the fishery early so as not to come under any pressure from any Member State or any group of Member States. We closed the fishery early: immediately when, according to our own calculations, the overall Community quota was exhausted. This year, also as a result of the annual fishing plans that have been agreed on the Community's insistence in Marrakesh, we are prepared to close the fishery early with regard to particular Member States. If the fleet of a particular Member State overshoots its quota, we will not hesitate to close the fishery for that particular Member State. In that

way, only the fleet of that Member State will suffer the consequences of its overshooting, and not the fleet of the whole Community. I hope that will be enough to fine-tune our action even further during the course of the fishing season.

If we do not deliver on this new recovery plan, then in the years to come, we will have to face the serious consequence that the whole fishery should not open at all in the coming years. I hope that we will be able to deliver on this plan.

Therefore, I do not agree, regrettably, with what Mr Romeva i Rueda said that the recovery plan is a death certificate. I think that the recovery plan, if properly implemented, gives us a realistic and reasonable chance to see to it that the stock does recover. The fact that we have reduced quotas from 15 641 tonnes to 12 406 tonnes in 2009, the fact that by virtue of what we are discussing today and by virtue of the Council Decision which, hopefully, will be taken later in the month, the fact that we are going to implement the Marrakesh Recovery Plan adopted in November, from this very fishing season, is indicative of the fact that we mean business. We are not prepared to accept any abuse of the fishing possibilities that are based on what was agreed in Marrakesh.

We have not waited for the natural implementation of the Marrakesh agreement, which would have come too late in the fishing season for bluefin tuna. We have decided to have all the parameters of the Marrakesh plan introduced from the very start.

I hope that these will be properly adhered to because, in that way, we will be able together to recover this endemic stock. If not, however, then next year we will have to speak another language.

President. – The debate is closed.

The vote will take place on Thursday, 12 March 2009 at 12 noon.

21. Agenda for next sitting: see Minutes

22. Closure of the sitting

(The sitting was closed at 11.20 p.m.)