

## WEDNESDAY, 1 APRIL 2009

### IN THE CHAIR: MR PÖTTERING

*President*

*(The sitting was opened at 3 p.m.)*

#### 1. Resumption of the session

**President.** – I declare resumed the session suspended on Thursday 26 March 2009.

#### 2. Statement by the President

**President.** – Ladies and gentlemen, I am saddened and dismayed to have to inform you today that, last weekend, more than 300 people were drowned when a number of refugee boats went down in the Mediterranean off the coast of Libya. These boats were carrying people from North and sub-Saharan Africa. Some of the refugees were rescued by the Egyptian and Libyan authorities, and some bodies have been recovered, but hundreds of people are still missing. I would like, on behalf of the European Parliament, to say how deeply shocked and saddened we are by this event.

Over the last two years, the European Union has been experiencing an increase in immigration via the Mediterranean, and the economic crisis means that we can expect to see significantly more people fleeing poverty in Africa.

The large numbers of refugees that tragically lose their lives when attempting to reach the European Union threaten to turn the Mediterranean into a huge open-air graveyard; it is up to us to find solutions to put an end to these tragedies.

I would ask you now to observe a minute's silence in memory of the dead.

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

Thank you.

#### 3. Welcome

**President.** – Ladies and gentlemen, it is a great pleasure to be able to welcome the 2008 winner of the Nobel Prize for Medicine, Professor Luc Montagnier, who is seated in the gallery. I wish you a very warm welcome!

*(Applause)*

I am also delighted, today, to welcome a delegation from the Economic Community of West African States (ECOWAS). This delegation comprises 15 members of its *ad hoc* committee on direct elections and additional powers. They are on an investigative trip to learn from the European Parliament's experience in this area. I hope you have an excellent stay here and that our parliaments will work even more closely together in future. I wish you a very warm welcome!

*(Applause)*

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

#### 5. Composition of Parliament: see Minutes

#### 6. Composition of committees and delegations: see Minutes

#### 7. Corrigenda (Rule 204a): see Minutes

#### 8. Written declarations (submission): see Minutes

**9. Documents received: see Minutes****10. Calendar of part-sessions for 2009: see Minutes****11. Order of business: see Minutes****12. Recommendation to the Council on the new EU-Russia agreement (debate)**

**President.** – The next item is the report (A6-0140/2009) by Janusz Onyszkiewicz, on behalf of the Committee on Foreign Affairs, on the new EU-Russia agreement (2008/2104(INI)).

**Janusz Onyszkiewicz, rapporteur.** – (PL) Mr President, this report describes the relationship between the European Union and Russia as being of key significance for the Union's economic and political interests. It emphasises the role that Russia can and should play in the international arena, notably in our immediate neighbourhood, where it can contribute to the economic and political stability of the region.

In addition, however, the report draws attention to Russia's disproportionately strong reaction to Georgia's armed intervention in South Ossetia and to the large-scale and unprovoked action by Russian forces in Abkhazia. The report highlights the need for meaningful dialogue on security matters. This should be a dialogue based on respect for international law and the territorial integrity of states. The report points out too that events in the Caucasus and recognition of the independence of both enclaves, Ossetia and Abkhazia, cast doubt over whether Russia really is ready and able to build a common area of security in Europe together with the European Union.

The report suggests that talks on full compliance by Russia with the commitments and agreements that ended the Georgian conflict should be brought to a conclusion prior to the adoption of any negotiated agreement. That would involve agreement on the status of Abkhazia and South Ossetia. The report also calls for Russia to enter into firm commitments not to use force against its neighbours.

In addition, the report points out that recent events involving Russia's attack on Georgia's territorial integrity endanger the relationship between the European Union and Russia, as does Russia's part in the gas supply crisis.

The report indicates the advisability of replacing the current agreement with a new and broader one. Such an agreement should cover all aspects of our cooperation and should be legally binding. It should also contain clear dispute resolution procedures.

Energy security is also covered by the report. The inclusion in a negotiated agreement of the fundamental provisions of the treaty concerning energy and the transit protocol is dealt with as well. The reference is made despite the fact that this treaty is currently legally binding, and legally binding on Russia, although Russia can withdraw from it.

The report points to the great latent potential of possible reciprocal economic arrangements based on an equal partnership between both sides. Such arrangements could lead to mutually beneficial interdependence. According to the report, it is extremely important for Member States and the European Union as a whole to speak with one voice, especially regarding relations with Russia. It is also essential that, as they are required to do pursuant to the various European Union treaties, Member States should consult each other well in advance of any bilateral initiatives with Russia. This is particularly essential in cases that could have repercussions for other European Union countries or for the European Union as a whole.

In the report, much attention is paid to human rights and freedoms in Russia. It is pointed out that as a Member of the Council of Europe, Russia is bound to comply with the principles on which the Council is founded. It is stated that compliance with those principles is vital to the success of negotiations on cooperation between the European Union and Russia. It is deemed regrettable that Russia is averse to the introduction of effective measures to ensure that the many cases in which the Russian authorities have violated human rights and been condemned by the European Court of Justice will not be repeated.

It is worth drawing attention to one of the many recommendations contained in the report, namely that the European Union should continue to support Russia's bid for membership of the World Trade Organization. It is considered very important for Russia to abide by the commitments of membership before formally being granted membership. In particular, this involves Russia putting an end to the process of abandoning

practices that have already been introduced. In this context it is worth recalling the great importance attached to the effective protection of intellectual, commercial and industrial property.

The report contains recommendations relating to human rights, freedom of the media, independence of the judiciary and the gradual narrowing of the permitted scope of action for NGOs in Russia. It also covers a range of economic issues, such as maritime traffic in the Baltic Sea and along Russia's northern coast, air traffic over Siberia and reciprocal arrangements for possible unrestricted investment.

**Alexandr Vondra**, *President-in-Office of the Council*. – Mr President, I would like to thank Parliament for giving us the opportunity to address, during this session, the issue of the relationship with Russia. As you certainly know, the Council discussed the relationship with Russia in depth some time ago, when we established the grounds and the rationale for the new EU-Russia agreement, and thus we consider it important that the negotiations for the new agreement are back on track. After all, Russia is our biggest neighbour, one of our key partners and an indispensable player on the international scene. Nowadays, when the economic crisis is hitting both of us equally hard, it is clear that confrontations will make neither of us any stronger.

Constructive, rational and mutually beneficial cooperation and fulfilment of international commitments by Russia, on the other hand, certainly could.

Moreover, a dialogue and a constructive engagement are important means of defending our interests and promoting our values vis-à-vis Russia.

This, in a nutshell, provided the main impetus for our decision to resume the negotiations on the new EU-Russia agreement, despite what happened in Georgia last August. The crisis and its implications continue, certainly, to overshadow our relations. The negotiations in no way legitimise Russia's conduct in Georgia, including in the territories of Abkhazia and South Ossetia, and the EU has its red lines clearly set in this respect. Our support for the territorial integrity of Georgia is clearly one of them.

We continue to expect Russia to behave responsibly and to honour all its commitments. This in particular means that we will pay special attention to our common neighbourhood with Russia throughout the entire negotiation process. The crisis in Georgia has demonstrated how unresolved conflicts can remain volatile even after many years, and that military action is not a solution.

We have to remind Russia that it has much to gain from behaving constructively towards its neighbours, and that it has much to lose if it continues on the path of confrontation. Russia has, after all, already proved that it knows how to behave towards central European neighbours that are now part of both the EU and NATO.

We will continue to insist that Russia must abide by its international commitments and respect the territorial integrity and sovereignty of Georgia and other eastern European countries that make up its common neighbourhood with the EU. Full cooperation will also be expected from Russia as much as from Georgia at the Geneva talks.

I do not intend to set out in detail the current state of negotiations with Russia on the new agreement. The Commission as the negotiator for the agreement will certainly be in a better position to update you on the process.

I should also recall that we are only at the beginning of the process, which could take some time. We should not be discouraged if it only moves slowly at first. I am sure, however, that by the end of our Presidency we will have greater clarity on what both sides want the new agreement to cover.

We are grateful to Janusz Onyszkiewicz for his report and the recommendations made in it. In general we share many of your concerns as well as objectives.

I would now like to make a few remarks on the external security part of the new agreement, where the Presidency also plays a role in the negotiations. It is of the utmost importance that the new agreement should contain provision to ensure effective dialogue and cooperation with Russia, and should be based on common values, compliance with the existing international commitments, the rule of law and respect for democracy, human rights and fundamental freedoms. This is particularly important in relation to our common neighbourhood. Indeed, it is essential if we are to see a solution to long-standing conflicts.

Conflict prevention is also an important objective. It needs to be pursued through both political dialogue and joint initiatives.

There is already some movement with Russia on the scope of the political dialogue and external security part of the new agreement. But of course the devil is in the detail. The most interesting and challenging part of the negotiations is now beginning, as we begin to discuss concrete text proposals.

Given that negotiations are ongoing, it would not be appropriate to give you the details here. I can, however, assure you that we will seek to obtain substantial provisions on strengthening dialogue on the international scene, on the fight against terrorism, on arms control, disarmament and non-proliferation, on human rights, democracy and the rule of law, on crisis management and on civil protection.

It was agreed at the EU-Russia summit in Khanty-Mansiysk that our shared aim was to conclude a strategic agreement that will provide a comprehensive framework for EU-Russia relations for the foreseeable future and help to develop the potential of our relationship. This remains our objective and one that the Presidency, as well as the successive Presidencies, will continue to work towards.

We stand ready to keep this Parliament informed of the progress and are grateful for the input which you have provided, in particular through the text of your resolution.

**Benita Ferrero-Waldner**, *Member of the Commission*. – (DE) Mr President, honourable Members, I would like to start by thanking Mr Onyszkiewicz most warmly for this valuable report.

We have consistently emphasised that we value Parliament's opinion, and I am of course happy to provide you with further information on the course of the negotiations.

Mr President, Russia is and will remain an important partner for us. Our shared interests are complex and overlapping, from economic contacts to, for example, our shared work as partners in the Middle East Quartet or, like yesterday, in Afghanistan and Pakistan. Of course, as we are all aware, we also have major differences of opinion, regarding the territorial integrity of Georgia, for example. Time and again tensions have arisen over the strengthening of our role in the neighbourhood we share with Russia. In this context, it is often wrongly asserted that we are dependent on our large neighbour. When it comes to trade and energy, we are, rather, mutually dependent or, to put it another way, we have each become an indispensable partner for the other. These, then, are times in which our relations with Russia are hugely important, and in which a unified, visionary EU strategy is absolutely vital.

Tomorrow, President Obama will meet President Medvedev for the first time, in order to press the reset button, so to speak, for the USA's relationship with Russia. This new approach is certainly to be welcomed, but we must not start again from scratch. We do not need to reset our relations; instead we should constantly fine tune them. This is right at the top of our list of priorities.

As the Commission noted in its communication of 5 November, the complex and extensive nature of our relations and the many areas in which we are mutually dependent mean that we need to engage consistently with Russia, and I would also say that we need to be sober and results-orientated. The negotiations over a new agreement are without doubt the best way of putting forward a unified EU position that defends our interests, with the aim of reaching an agreement on the most important areas. As I am talking to you right now, the fourth round of negotiations is underway in Moscow.

We have now agreed on a general structure for the agreement that should form a legally binding basis for all aspects of our relations in the foreseeable future. At the same time, however, we have not set any artificial deadlines for the negotiations: in my opinion, we should take as much time as is needed to achieve a satisfactory result, because the current agreement will remain in force until that point, and there is therefore no desperate need to proceed with great urgency. We do not therefore need to wait for the new agreement before we can deal with current issues. So far, issues of politics, justice and security have been discussed, such that there is now a better understanding of our respective positions; we have now started to discuss economic issues.

It should, in any event, come as no surprise to us that the two sides have very different approaches in some areas. While Russia has big ambitions for cooperation on foreign and security policy, for example, it is currently less ambitious when it comes to economic matters. Naturally, it is in our interest, in the EU, for our trade and economic relations to include legally binding, enforceable provisions, in order to make sure that Russia accepts a system based on clear rules. This applies in particular to the topic of energy, where we are striving for acceptance of the principles of the Energy Charter, the main ones being transparency, mutuality and non-discrimination.

The gas crisis at the beginning of the year has dented confidence in the reliability of our energy relations, and this must be rectified. We are therefore trying, in parallel to the negotiations, to significantly strengthen the early warning system, which lays down provisions on monitoring and observation in the event of crisis, in order to avoid conflict and facilitate resolution.

The agreement that we are negotiating should, of course, also be based on respect for human rights and democracy, and we believe this should be an essential component. When it comes down to it, Russia and the EU have, as Mr Vondra said, entered into the same commitments in the UN, the Organization for Security and Cooperation in Europe (OSCE) and the Council of Europe. Our treaty should emphasise respect for these shared commitments and interests. Obviously, it cannot resolve the conflicts in Europe all on its own, but it should provide a framework for conflict resolution.

In parallel to our negotiations, we will continue our efforts in existing forums, in the Geneva talks for Georgia, in the 5+2 format for Transnistria and in the Minsk process for Nagorno-Karabakh. Justice and internal affairs are, as I said, of relevance to both parties in the negotiations, and they are areas where I see significant potential for mutually beneficial cooperation, particularly in the fight against organised crime and also in improving conditions for *bona fide* travellers. However, the possibility of abolishing the visa requirement, as Russia has called for, will only be a realistic prospect in conjunction with further improvements in other areas. For example, it would make it easier for us to cooperate effectively in general terms if Russia implemented higher data protection standards; research, education and culture also provide numerous opportunities for cooperation in the interests of our citizens, and should be taken into consideration in the new agreement.

The report we are debating today obviously includes many other proposals on which I have no time to comment right now, but they will of course come up in the debate. I would like to emphasise once again that I especially welcome the line that Mr Onyszkiewicz has taken in the report before us and in the proposed draft resolution. If further information is required following today's debate, I will of course be delighted to give the Committee on Foreign Affairs, for example, a full briefing at any time, as I did last year.

To conclude, I would like to stress that it is an important concern to me that the negotiations should progress successfully, and they have my full support. A good treaty will, I hope, place EU-Russia relations on a solid and predictable footing for the foreseeable future, and thus make an important contribution to the stability and security of our continent.

**Cristina Gutiérrez-Cortines**, *draftsman of the opinion of the Committee on Industry, Research and Energy*. – (ES) Mr President, it is clear to us and to Europe, to the Committee on Industry, Research and Energy and to us in Europe, that energy has become a foreign policy tool, an element of change that is capable of sparking conflicts or uniting us, and this is precisely the subject that concerns us today.

Traditionally, Europe has been united with Russia. Our history shows that in its development Belarus was clearly influenced by the West, and Russian tradition, in terms of religion, all forms of education and most value systems, has followed a European way of thinking that has enriched Russia. Our culture has also been enhanced by the tradition of scientists from Russia, great mathematicians from Kazan and other corners, and the same is true of its literature.

I believe we should think of the tensions of the socialist era as an intermission that should be remembered, but they do not constitute a constant factor. Our constant experience with Russia has been one of unity; that is why I say that in the area of energy, where Europe has deficiencies, we must let Russia know that our friendship should continue, but with clear rules, as gentlemen always had and as we have always had, but now in the form of written rules.

We cannot live in continuous uncertainty as to whether our citizens' supply may be cut off once again, and Russia must also recognise that it cannot use energy as a tool to avoid having to recognise the sovereignty of neighbouring States. The situation at present is one of people who have achieved independence and who are fully exercising democracy, over whom we should keep watch and over whom Russia has a duty to keep watch, just as it has a duty to provide a clear set of rules for energy exchange and unity through energy.

**Josef Zieleniec**, *on behalf of the PPE-DE Group*. – (CS) Mr President, I would like to thank Mr Onyszkiewicz for producing this important, well-written and balanced report. As the shadow rapporteur of the Group of the European People's Party (Christian Democrats) and European Democrats, I am delighted that the report also reflects our main priorities on Russia, such as pragmatic cooperation based on a healthy market environment, an emphasis on human rights, a functioning legal state and democracy, all of which are

fundamental social values for the EU, as well as an emphasis on respect for the sovereignty of all neighbouring states and for the unity of the EU.

The new agreement under negotiation must include all aspects of cooperation, be legally binding, and reflect the quality of our relations with Russia. However, if the discussions are to reflect our positions and our values we must not forget the role played by Russia in the war in Georgia last year or in the January gas crisis. We cannot permit the creation of new spheres of influence in Europe. We cannot accept the *status quo*, or rather the *fait accompli* in the Caucasus. Hence the requirement for unambiguous guarantees that Russia will not use force against any of its neighbours and that it will deal with disputes in our shared neighbourhood together with the EU. In our view it is entirely natural to invite Russia to take the first direct confidence building step.

Many fellow members today rightly emphasise the need for EU unity in relation to Russia. However, we can only achieve a genuinely unified position gradually, hence my proposal to set up a consultation mechanism within a Council framework enabling the Member States to consult each other, well in advance of all bilateral issues involving Russia that have an impact on another Member State or on the EU as a whole. Only in this way will we arrive at a genuinely unified position towards Russia and only like this will we fully exploit our greatest advantage in relation to Russia, which is our own unity.

**Csaba Sándor Tabajdi**, *on behalf of the PSE Group*. – (HU) The Socialist Group in the European Parliament considers Russia a key strategic partner. The European Union and Russia depend on each other, as Commissioner Ferrero-Waldner has also confirmed.

I would like to mention that as far as gas supply is concerned, we depend on each other, because Russia would not be able to sell their gas to anyone else. We should be clear about this. It is very important that a new Partnership and Cooperation Agreement be worked out and concluded. This report should have served that purpose, but it does not.

The Onyszkiewicz report, which has been adopted in the Committee on Foreign Affairs and the tone of which is at times explicitly rude, may cause serious damage to the network of relations between the EU and Russia. The Socialist Group agrees that Parliament should express its rightful criticisms of Russia. The Socialist Group firmly condemns violations of human rights. We demand that democratic rights and fundamental values be respected.

We call upon Russia to respect the principle of the independence of the written and electronic media. We call on the Russian Government to take every possible measure to investigate the attacks and murders perpetrated against journalists. The Russian law on NGOs endangers the independent operation of these organisations.

The Socialist Group views with concern the way in which the most recent Russian Duma elections and presidential elections were conducted. We are critical of the Russian side in the gas dispute between Russia and Ukraine, and in the conflict between those two countries. At the same time, it is nevertheless our conviction that Parliament's recommendations must serve the improvement of EU-Russia relations and the elaboration of a new strategic partnership. This report does not serve that purpose. It was for this reason that we voted against it in the Committee on Foreign Affairs.

The Group of the European People's Party (Christian Democrats) and European Democrats and the Group of the Alliance of Liberals and Democrats for Europe are going against the thinking expressed by the Commission. They run up against the new United States policy, if they consider that the Obama administration, in particular through the statements of Vice-President Joe Biden, has changed its style, then the European Union will fall behind the new American policy, although this would not be in our interest. So our concern is not with the criticism, but with the style.

It is not didacticism that is needed, but justified criticism. It is not for the European Union to be the schoolmaster and give lessons to Russia. Therefore, the Socialist Group will only find this draft report acceptable if all six proposed amendments which we submitted are approved by Parliament; otherwise this will simply be a counterproductive report that does not serve the strategic partnership between EU and Russia. However, it is in the European Union's interest to develop a successful Russia-EU cooperation.

**Graham Watson**, *on behalf of the ALDE Group*. – Mr President, foreign affairs demands diplomacy and principle, and this report on a new EU-Russia agreement provides both. My group commends its content and congratulates Janusz Onyszkiewicz on his work.

History teaches us that nothing riles the Russians more than turning our backs to them, so it is in the interests of both Russia and the European Union to communicate, cooperate and trade in ways that build trust. Equally, it is dishonest to pretend that Russia's conduct is beyond reproach. This is a country that uses energy supplies as a weapon, a country whose cavalier conduct in the Caucasus and the Baltics sets its neighbours' nerves on edge, and a country where the rule of law flexes and bends to accommodate those in favour with the Kremlin, and turns the screws on those who are not, as today's new trial against Mikhail Khodorkovsky confirms.

Elections, as we know, are no exception. Physical abuse, the intimidation of human rights advocates, the murder of independent journalists – Mr Tabajdi, these are the realities of Russia today.

(Applause)

We are saddened that some Members have set their sights on watering down criticism of Russia's human rights record. I am surprised at the insistence of some on defining the new agreement as strategic, simply because Moscow wants it. Yes, we should build bridges, but we must not be uncritical of things that are unspeakable.

There are three reasons to explain why some are prone to pander to Mr Putin. First, there are those who once sympathised with the Soviets and whose sentimental attachment to the Kremlin continues. Second, there are those who think that Russia is somehow different from other countries and the same standards cannot apply and, third, there are those who think that Russia is just too scary to scorn. None of these arguments holds water. Europe's hard Left has a history of wilful ignorance about human rights in the Soviet era. It is not only morally wrong, but politically muddle-headed for them to make excuses for Russia now that she is moving towards the authoritarian right. Moreover, human rights are universal and indivisible, or they mean nothing; so the Union should have the confidence to defend our values within our borders and outwith them.

Lastly, Europe today has a population three and a half times the size of Russia's. We have military spending that is ten times bigger, and an economy fifteen times the size. We have no reason to cower from the Kremlin, and every reason to stand up for our values. We therefore support a new agreement, but let Europe enter that relationship united, strong and with its eyes open.

**Adam Bielan**, *on behalf of the UEN Group*. – (PL) Mr President, the Kremlin is using energy supplies as a political instrument in conjunction with the principle of 'divide and rule' in order to corrupt Europe country by country, from Cyprus to the Netherlands. This approach is proving remarkably successful. By contrast, the European Union remained surprisingly passive during the attack on sovereign Georgia. The EU's leaders were conspicuous by their absence. Mr Solana and Commissioner Ferrero-Waldner were nowhere to be seen. Meanwhile, Mr Sarkozy, the President of France, was thoroughly humiliated as the Russians totally ignored the peace agreement he had negotiated. It follows that Europe's weakness in its relations with Russia is caused by its own naivety and short-sightedness.

Austrian, German and Italian energy firms are doing business with the Kremlin on a bilateral basis. This leads directly to political pressure by Moscow on individual Member States. Germany is building a gas pipeline along the floor of the Baltic Sea in order to avoid Poland, yet Russia has cut energy supplies to Lithuania, the Czech Republic and other EU countries on more than one occasion. If Nord Stream is implemented, the same fate may befall my country, Poland. The EU's policy towards Russia must be based on the principles of unity and solidarity. This is why, if we want our relations with Russia to be effective, it is absolutely essential to consult other Member States that might potentially be affected before entering into bilateral agreements with the Kremlin.

**Marie Anne Isler Béguin**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, I would like also to thank the rapporteur for accepting our amendments and putting the issue of human rights at the centre of negotiations with Russia. I would ask the Council and the Commission not to give way in this area, just as I would ask the rapporteur to support our other amendments on respect for the rights of minorities and of Chechnya, which have been somewhat forgotten in the report.

We also support the critical attitude towards Russia because, even if Russia is now giving some positive signals, notably with regard to its willingness to conclude an international agreement on the reduction of nuclear arsenals, which are no doubt too costly in this time of crisis, it still remains completely uncompromising on other issues, particularly regarding its neighbourhood policy, reproaching the European Union for interfering in its sphere of influence. I would remind you that recently in Brussels Mr Lavrov

criticised the Eastern partnership that we set up at the spring summit, just as Mr Putin reacted negatively to the gas agreement between the European Union and Ukraine.

As you know – and as everyone has stated – the issue of Georgia remains more topical than ever and still remains a bone of contention between us and Russia, which constantly uses its right of veto to prevent any deployment of international peacekeeping forces and even access for our civilian observers to the territories that it occupies and controls. It is therefore in breach of the six points of the agreement that the EU concluded with Russia on 12 August, and fails to stop the daily acts of violence along the Abkhazia-Ossetia administrative border.

Furthermore, no one is fooled by the Member States' dependence, as has been mentioned, on Russia for energy or by the political price that we have to pay.

Finally, Mr President, faced with a global crisis that spares no one, including Russia, I would like unexpected solutions to emerge and to predispose Russia to accept a constructive partnership, and the EU to carry more weight as a united partner.

**Vladimír Remek**, *on behalf of the GUE/NGL Group*. – (CS) Mr President, ladies and gentlemen, we are discussing our recommendations to the Council for the new agreement with Russia. However, the text of the report does not look to me like recommendations for diplomatic negotiations. For the most part the document articulates and emphasises the need to demand, to insist, to stress, to challenge, and so on. This is a lexicon of dictation and I am very pleased not to have the role of the negotiator who is supposed to be guided by such recommendations. At the same time we acknowledge that the EU receives, aside from anything else, a quarter of its supplies of oil and natural gas from Russia. I sometimes think that we are trying to ask for secure, stable supplies of vitally important raw materials while wielding a cudgel. And what do we, the EU, bring to the negotiating table? Where is our position on human rights that we hide behind in relation to, for example, Russian-speaking minorities living within the territory of EU Member States? Where is our opinion on the reunions and actions of former members of SS units in EU countries? Or is it that we do not oppose them but rather support them, in conflict with UN findings for example? Also, how is it that the Committee on Industry, Research and Energy (ITRE) can name both countries, Ukraine and Russia, as responsible for the problems concerning natural gas supplies to the EU, but our recommendations only challenge Russia? All in all it is rather like trying to play football with only one goal. That is not, as you will surely admit, a proper game. So let us not expect any miraculous results.

Personally, I therefore have a problem supporting the document in its current form. Even in the Committee on Foreign Affairs a third of the MEPs were not happy with the draft. Meanwhile, the Committee on International Trade, has taken a far more realistic approach to relations with Russia, taking into account what Europe really needs.

**Bastiaan Belder**, *on behalf of the IND/DEM Group*. – (NL) Mr President, there is no doubt that Russia now has its fair share of the global economic crisis. Just this morning I heard on the radio a penetrating report from St Petersburg on medicines that are unaffordable and thus unattainable for the average Russian citizen. The latest forecasts by the World Bank point to even stormier weather for the Russian economy. What are we to make of the gloomy prediction that, by the end of this year, more than 20 million Russians could fall below the subsistence level of RUB 4 600 (approximately USD 185)?

Indeed, Europe and Russia both face the urgent need for resolute action to tackle the crisis. Priority, therefore, should be given to joint efforts to improve the global economic climate. Yet these require mutual confidence, something I wish to emphasise as, regrettably, the Kremlin's foreign policy stands squarely in the way of this. One example is the crisis in Moldova, which continues and is becoming even more complicated, and is not being helped by Igor Smirnov. Another example is last week's renewed *imbroglio* in Ukraine. In short, the lack of mutual confidence stands in the way of joint efforts.

With its report, Parliament is sending this honest, clear message to the Council and the Commission for the negotiations with Moscow and, I sincerely hope, is facing Russia with its head held high.

**Jana Bobošíková** (NI). – (CS) Ladies and gentlemen, in the draft recommendation of this Parliament to the Council concerning the new EU-Russia agreement, which we are debating today, there are perhaps only two facts that can be agreed with. The first is that Russia has enormous significance for the stability and prosperity of Europe and the world, and the second is that we must achieve a strategic partnership with Russia based on democratic values. Otherwise I must say that the text is written in the language of a victorious power from the Cold War period, contradicting all of the basic rules of diplomacy and international relations. These



rules are more about compromise, politeness, equilibrium and respect for the other side at the negotiating table. They are not about dictatorial demands and harsh condemnations. The terminology and formulation of the report are reminiscent of the letter of the puffed-up sultan to the Zaporozhsky Cossacks, who then gave him an appropriate response. The inappropriate russophobia of the text is partially redeemed by the objective statement of the Committee on Industry, Research and Energy, which should become the guide to formulating a new document. In my view the current report is damaging both to the EU and to the Russian Federation and therefore to the interests of all citizens of the Euro-Asiatic area.

Ladies and gentlemen, I hope that the EU-Russia summit to be held under the Czech Presidency by Czech President Václav Klaus will definitely not use this russophobic rhetoric. Not least because the Czech President does not share the mainstream EU view of the Russia-Georgia conflict. I firmly believe that in the interests of our citizens, the Council should bear in mind that Russia is and will continue to be a necessary, useful and equal partner in our geopolitical area. As has already been mentioned, a quarter of the supplies of oil and natural gas to the EU come from Russia, and half of Russian oil and natural gas goes to the EU. If nothing else then, this fact alone is a sufficient argument for trying to maintain good neighbourly relations between the EU and the Russian Federation.

**Ria Oomen-Ruijten (PPE-DE).** – (NL) Mr President, for the last two-and-a-half years, as Chairman of the Delegation for Relations with Russia, I have been occupying myself very intensively with Russia and Europe. I have not only been working on incidents but also keeping an open mind as regards the long-term strategy. Thus, I am at a loss to understand what Mr Watson, the Chairman of the Group of the Alliance of Liberals and Democrats for Europe, has just said. I have not taken a one-sided view in any of these debates, nor have my fellow Members. We have discussed the many problems involving Russia.

Let us not forget, however, that concluding a partnership agreement also means being partners ourselves. This entails both parties engaging in mutual consultation on difficult issues. Indeed, a partnership agreement can only come about in a spirit of mutual confidence, not if one party only sees problems. The United States has a different strategy at present. Do we really have to revert to cold sentiments, unlike the United States, which is offering openings? That is not a sensible course of action.

We need a partnership agreement, a strategic partnership, as we have just one large neighbour. We are dependent on this neighbour for our energy supply, and it is dependent on us for our funds. Since we in Europe have values to defend, however, we also discuss common values and human rights with this neighbour. Discussing just the negative aspects is not a good start to the new strategy we really need towards our large neighbour. Therefore, I should like to thank the Commissioner for her response, as it contains positive elements to help us really achieve something of benefit to 500 million European citizens.

**Jan Marinus Wiersma (PSE).** – (NL) Mr President, I should like to start by complimenting Mrs Oomen-Ruijten on what she has just said. I wholeheartedly agree with her arguments, and I also hope that they will influence her group tomorrow when it votes on our amendments to this report. I wish her every success in this.

My group has great difficulties with this report by Mr Onyszkiewicz, which is why we voted against it in the Committee on Foreign Affairs. It is comprehensive, and rightly so; the agenda for relations between the EU and Russia is indeed extensive. It is true that the rapporteur has endeavoured to address all these fields in his report, for which I commend him. Yet the report takes the wrong tone. One cannot say that these relations are crucial, as the rapporteur does, and then just include examples of everything that is wrong, or going wrong, in Russia, without also noting the mistakes we ourselves have made in the past – over the last 20 years – in relation to the Russian Federation.

Russia is not a candidate country, but rather a strategic partner that wishes to cooperate in areas of common interest. This necessitates constructive, rational behaviour, and I fully agree with Mr Vondra that this must form the basis of our approach. Contrary to the impression given, the Copenhagen criteria do not apply here. I am in favour of a pragmatic approach based on interdependence. They need us and we need them. Whether it be in the field of trade, energy cooperation, climate or nuclear non-proliferation, we can find solutions only if we work together. That is the strategic interest – we persist in using the word ‘strategic’ in this debate – behind the negotiations on a new agreement. We must conduct these in good faith whilst also respecting Russia’s interests.

Our rapporteur rightly devotes a good deal of attention to the neighbours that the European Union has in common with Russia. Here, too, the principle holds that cooperation is more productive than confrontation. We want to avoid at all costs fighting over spheres of influence. Instead, the European Union should focus on reviving a weakened Organization for Security and Co-operation in Europe (OSCE). Within this framework,

we can then look at improving the approach to the frozen conflicts we still have in Europe, whether they be in Georgia, Azerbaijan or Moldova.

Not everything is hunky-dory in EU-Russia relations, of course. The report rightly discusses this. We have condemned Russia's invasion of Georgia and continue to do so. We are concerned about authoritarian tendencies in Russia. Thus the dialogue cannot only be positive and, as a member of the Council of Europe, Russia can do better. Nevertheless, with all due respect to the rapporteur, he would do well to press the reset button. Persisting with a polarising attitude now the United States Government has chosen a different approach to Russia is counterproductive. Our problems are global, and everyone's involvement is needed to solve them.

**István Szent-Iványi (ALDE).** – (HU) In his inaugural address, President Medvedev stated that his most important task was to protect freedom and restore the rule of law. Unfortunately, he has yet to fulfil this promise. It is our duty to remind him of his promise, and to give more support to the independent media, civil society and the victims of human rights violations.

We are striving for a pragmatic partnership with Russia, and a partnership agreement is in our interest. This can only be realistic, however, if Russia for its part demonstrates a constructive, responsible and cooperative behaviour.

In January, confidence in Russia's reliability as an energy supplier was shaken. Therefore, the core element of the agreement must be energy partnership. It would help build confidence if Russia were at last to ratify the European Energy Charter and the Transit Protocol. We expect the European Union to take unified and decisive action on behalf of those Member States, which depend to a large extent on Russian energy supplies.

**Inese Vaidere (UEN).** – (LV) Thank you, Mr Onyszkiewicz, for your very balanced report. Russia is a very important partner for the European Union. Joint action can have a positive effect in overcoming the economic and financial crisis. This must not, however, permit us to depart from our principles and values. We must demand that Russia restores human rights in Russia, restores freedom of the press, freedom of speech and freedom of association. We must insist that Russia's programme for supporting Russian compatriots should not be misused as an instrument for reinforcing its political influence in certain EU Member States. In order for a new agreement to be signed, Russia must fulfil its commitment on Georgia's territorial integrity. The broad agreement ought to include an energy security strategy, based on ratification of the Energy Charter. We must also demand an adequate assessment of the effect of the northern gas pipeline on the environment. Thank you.

**Milan Horáček (Verts/ALE).** – (DE) Mr President, Commissioner, President-in-Office of the Council, Mr Onyszkiewicz has spoken very lucidly on the importance of human rights in cooperation with Russia, for which I thank him. I think it is particularly important to make it absolutely clear that Europe does not value economic links, that is to say gas connections, over human rights. Normal partnerships are based on two reliable parties that trust each other. Strategic partnerships run the risk of having only limited defensibility and reliability, which is why the EU has to protect itself against unreliability. As long as Russia continues to abuse human rights so seriously and fails to reach a minimum level of democracy and rule of law, as shown, for example, by the cases of Anna Politkovskaya or Mr Khodorkovsky and Mr Lebedev, we cannot have a good, normal partnership.

#### IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

*Vice-President*

**Jiří Maštálka (GUE/NGL).** – (CS) The report from Mr Onyszkiewicz is undoubtedly one of the most important documents to appear at the close of our electoral mandate. I must underline that I am very, very disappointed by what is in the report. One of the minor issues that I can agree with is that we all consider good relations with Russia to be a key question. The concept of the report lacks balance in my opinion and I firmly believe that in this original form it will not help improve our mutual relations. I consider it a misunderstanding, to put it politely, that the report wants to entrust consultation powers to an EU High Representative. If this were to be Mr Solana then, as far as I am concerned, the man who ten years ago unleashed the senseless so-called humanitarian bombing of Yugoslavia and who, in breach of international law, is organising the break-off of part of a sovereign state, does not have my confidence. I also see a lack of balance precisely in the fact that the report criticises Russia for its programme to support Russian citizens living abroad, while at the same time remaining silent on the position of Russian-speaking non-citizens in the EU. In my opinion the report is also deliberately silent on the so-called Pole's Card problem, which breaches international law.

**Francisco José Millán Mon (PPE-DE).** – (ES) Russia is a very important international player, a permanent member of the Security Council and the G8 and a major military power. For these simple reasons the European Union should try to establish a relationship of dialogue and cooperation with Russia. What is more, many Member States depend on Russia for energy and have significant trade with it.

However, the relationship should go further and be more ambitious. Russia is a European country and member of the Council of Europe; it has made commitments in the area of human rights and democratic freedoms and should share a set of values and principles with us, including respect for international law and the sovereignty and territorial integrity of states.

Nevertheless, recent events indicate a worrying trend in Russia; for example, the use of energy resources as a tool for exerting pressure, including cutting off supplies, or the Georgia crisis last summer and subsequent events.

All of this has led to an erosion of trust in Russia as a European partner. We must now try to regain that trust. We want a constructive relationship with Russia as true European partners, but in order for that to happen Russia's behaviour has to change.

In the European Union, for many reasons, some of which are historical, Member States have differing ideas of our relationship with Russia and, therefore, it is not easy to reach a common position. This is one of our weaknesses and one of our problems. However, together with approaches that may be called pragmatic or realistic, in this Parliament there is increasing belief in the idea that those partners, with whom we want very close links, must behave in accordance with international law and with respect for basic rights and freedoms, especially if they are partners who belong to the great European family.

This Parliament was delighted with the commitment President Medvedev made to human rights and the rule of law at the start of his term of office, but his words must be backed up by actions.

Ladies and gentlemen, I would like to believe that, in the future, the European Union will find in Russia a permanent, structural partner that shares our values, but today it seems clear to me that such a future is quite distant.

**Hannes Swoboda (PSE).** – (DE) Madam President, I would like start by thanking Mr Vondra and Commissioner Ferrero-Waldner most warmly for their contributions, which were much more realistic and, in our view, more to the point than Mr Onyszkiewicz's report in its current form, which I find very regrettable, as I hold Mr Onyszkiewicz in very high regard on a personal level. I therefore do not entirely understand why we have a report before us that does not use this common basis – criticism on the one hand and willingness to cooperate on the other – as a denominator, as the Council and the Commission have done.

Let me run through our criticisms once again, by which I mean our criticisms of Russia, just to be clear.

In terms of the neighbourhood, we do not understand, and are critical of, Russia's behaviour towards Georgia, but the world has long been aware that Russia is not the only guilty part here. The only thing is that certain circles here do not want to accept that. We have to see both sides. When I look from Mrs Zourabichvili to Mrs Burjanadze, at how former allies of the President of Georgia are now in opposition to President Saakashvili and how human rights are not exactly prized very highly there either, I do ask myself why it is only Russia that is criticised, and not Georgia as well. As for the energy crisis involving Ukraine, we are now well aware, and you know this as well as we do, that Ukraine, and its internal political situation, has to bear some of the responsibility, but it is always Russia alone that is criticised.

Although Mr Horáček, who now apparently wants to solve the governmental crisis in the Czech Republic, says here that we should not prioritise the energy issue over human rights, nobody is actually doing that. Tell me, specifically, do you now want us to say 'we do not want your gas until you respect human rights'? You must say openly, honestly and clearly what you want, and not just throw soundbites into the discussion.

My third point relates to human rights. We are bitterly disappointed at the attitude to human rights in Russia; certainly, we find it unacceptable. We will never remain silent when human rights are being abused. As I have just said, we must address human rights abuses clearly wherever they occur, be this in Georgia, Russia, or our own Member States. This includes the rights of Russian citizens or non-citizens, some of whom, unfortunately, face problems in certain EU Member States. That goes without saying, but we must do it to the same extent everywhere; to the same extent and with the same criteria.

Fourthly, I am deeply saddened that Russia – and its leadership – is not developing the kind of perspective of its own history that many of our own countries have developed. I am referring here to the debate we have already had, and to tomorrow's vote on the resolution on history. Russia's image would be hugely improved if it took a more critical approach to its own history, in other words if it depicted Stalinism not as a major national achievement, but as a crime that it needs to confront. Of course, there have also been very clear statements on our part, but we have to say, for all countries, for all totalitarian regimes, that we are not prepared to accept totalitarian regimes, and not prepared to accept a lack of engagement with history.

It may therefore still be an option, if at least one or two of our side's proposed amendments are accepted, which attempt to restore the balance and to pursue precisely this dual strategy: major criticism of Russia, but also a willingness to enter into partnership with Russia.

**Henrik Lax (ALDE).** – (SV) Madam President, the rapporteur is quite right to say that the EU must be able to speak with one voice on important matters relating to Russia. Unfortunately, the Russian leaders now seem to view relations with third countries as a zero-sum game. Put simply, if I do not punch you on the chin, you will punch me on the chin. Deeper cooperation between the EU and Russia would actually be a win-win situation, and we need to make Russia's leaders see this. There is a risk that the severe economic crisis in Russia will further exacerbate the attitude of its leadership in relation to close cooperation with the EU. It is therefore particularly important for the EU to speak with one voice. Whenever the EU has spoken clearly and plainly, the Russian leaders have stopped in their tracks. The Georgia conflict, the gas crisis between Russia and Ukraine at the beginning of the year and the provocations surrounding the statue of the bronze soldier in Estonia all show that a united EU can cause the Russian leadership to rethink.

**Hanna Foltyn-Kubicka (UEN).** – (PL) Madam President, the report we are debating contains a fairly detailed account of recent violations of human rights on the territory of the Russian Federation. These cases clearly prove that Russia disregards all the standards that apply throughout the free world. I therefore call on the Council and on the Commission to start to demand that Russia complies with the commitments it has made to respect human rights. This should be a precondition for holding further talks on an agreement.

At joint meetings with the Russian side, I have often heard Members of the Russian *Duma* say something along the lines that no more time should be wasted on human rights and that we should move on to substantive issues, namely trade. We cannot agree to such an approach. There is nothing more important than freedom, health and life itself. These values are often overlooked in Russia, though the value of money is invariably recognised.

**Tunne Kelam (PPE-DE).** - Madam President, I would like to congratulate Mr Onyszkiewicz for his hard work and honourable results.

By the way, this is the last stand by the outgoing European Parliament on relations with Russia, and the strongest message this Parliament has delivered is consistency based on our common European values.

It is therefore opportune for us to remember that the basis for our relations with Russia continues to be our colleague Malmström's report of several years ago; a report whose suggestions have still not been carried out.

In the mean time, we are left in a sort of limbo, repeating again and again how important relations with Russia are. That is true, but there is no need to repeat it. We need to become confident in our own strength, our own values and potential, as Graham Watson has proposed, and to live up to these values.

We also have to conclude that there has been a qualitative change for the worse in Russia. Last August, Russia almost occupied a sovereign neighbouring state. It is not enough just to criticise, or regret, continuing human rights violations in Russia. The question is how to link these human rights and values to our practical behaviour. Otherwise, we will be jointly responsible, at least indirectly, for gassing human rights and democratic values in Russia in exchange for gas from Russian pipelines.

**Ioan Mircea Pașcu (PSE).** - Madam President, obviously there are two schools of thought in this House when it comes to Russia, reflecting the ambivalent attitude of the Member States.

In essence, it is not about Russia – because many agree that this power is inevitably a strategic partner of ours – but about how to respond to her behaviour, which does not always conform to our standards. Thus, while the first school suggests keeping Russia accountable for every departure from those standards – and obviously Mr Onyszkiewicz's report is in this category – the second school is more accommodating, motivated primarily by pragmatism.

The question is, therefore, which of these two attitudes ensures better management of our common issues (economics, trade, energy, security, research and education), satisfying our interests while avoiding abdicating our own standards. Which one will have more impact on Russia's behaviour? Although I personally am sceptical about anybody's capacity to really influence Russia's behaviour one way or another, I still plead for an EU position combining pragmatism with integrity. In the end, although this report is nominally about Russia, in reality it concerns us too.

**Andrzej Tomasz Zapłowski (UEN).** – (PL) Madam President, it is common knowledge that in the long term the content of all agreements with Russia turns out to be more of a wish list than a set of legally binding measures. Nonetheless, it is important to maintain our efforts to regulate our relations with Russia in the best manner possible. Clearly, this cannot be achieved on the basis of current conditions, whereby the European Union's population, numbering almost 500 million individuals, and responsible for over 20% of the world's GDP has to pander to a much weaker and less populous partner. I mention this because often the interests of particular EU Member States conflict with Europe's internal solidarity. Russia has no compunction in exploiting such situations. Of course we need to deepen our economic cooperation with Russia, but we must require our partner to abide by the same standards that are binding for all EU Member States. There can be no question of condoning violations of human rights.

**György Schöpflin (PPE-DE).** – Madam President, my congratulations to the rapporteur. I think this is an extremely important report.

Russia's strategic thinking, it seems to me, is one of the most significant problems facing the European Union at this time. If we do not understand how Russia thinks about itself in the world, we shall not actually make sense of what the Kremlin says and does. There is in fact a logic to Russia's actions, but this is not the same as ours. While the EU has made the peaceful resolution of conflict the centre of its thinking, Russia has no compunction about using force, as we saw in Georgia last year.

So the real key is how Russia sees power. In the European tradition, power should be supervised by democratic institutions. To Russia, power is to be concentrated in the belief that, through such concentration, power will be more effective.

This is very dangerous for states that Russia sees as weak. They automatically become targets for the expansion of Russian power. The recent secretive purchase of a large shareholding in the Hungarian energy company MOL by a Russian enterprise is thus more than a mere commercial transaction; it illustrates how Russia moves into an unoccupied space.

From the perspective of power, the European Union and European integration are inexplicable, meaningless processes for Russia. In Russian eyes, the transfer of sovereignty is an abomination, not a way of securing peace. So – and it is vital that we recognise this – for Russia, the European Union is the problem. Its success is a puzzle and, above all, it is an obstacle to the maximisation of Russia's power. The European Union's future success therefore depends on recognising how Russia thinks about power. Very differently from Europe. And let there be no illusions about this.

**Richard Howitt (PSE).** – Madam President, last month, on behalf of Parliament, I went to the administrative borderline in Georgia, established by the South Ossetian separatists following the Russian military invasion. Looking at the checkpoint, where there was no formal communication on either side, it certainly did look like a scene from the Cold War. If we are not to move backwards, one concrete step the Russians could take is to help instigate full access for the very successful European police mission to both sides of the line so that they can properly fulfil their ceasefire monitoring duties. It would be a small but concrete step to build confidence, and I call on them to do so.

I also share the view expressed by many in this Parliament that, the more European solidarity we have, the better Europe-Russia relations will be. This fact was underlined again this week by Russia's attempt to get separate, not common, agreements with EU countries on the import standards for fruit and vegetables. In this respect, I regret the speech today by the leader of the Liberal Democrats that sought to paint the Socialist position as soft on human rights. Not only will we vote to criticise Russia for breaching international election standards, for undermining freedom of expression, for the incarceration of political prisoners and for the intimidation and harassment of human rights defenders, but the speech simply demonstrates the very same point-scoring on Russia, which is itself an example of the lack of solidarity which holds us back.

Russia is affected by the economic crisis – like every country – suffering from the plummeting oil price, with a one-third devaluation of the rouble and a 75% drop in their stock market. Today President Medvedev is

playing a full part in the G20 meeting in London. I believe that now the time is right, when Russia does need our cooperation and may be more open to change, if only we have the determination and the unity in the European Union to pursue it.

**Giulietto Chiesa (PSE).** – (IT) Madam President, ladies and gentlemen, on reading the text of this document one gets the impression that whoever wrote it seeks not an improvement but a deterioration of relations between the European Union and Russia. If that is Europe's aim then this is an excellent document; if not then it is terrible. For my part, I think it is a terrible document. How can we picture a future of new tensions with a country we recognise as indispensable as regards our own interests? Over the next 40 years we will have to rely on the traditional energy resources in which Russia is rich. Can we do otherwise? We cannot.

Secondly, the manner and tone. In these pages Europe is speaking an imperial language, not the language of one who respects his interlocutor. This contradicts our neighbourhood policy, and it would not be right to use it even when dealing with a small country, much less so when dealing with a large country that demands respect, and with good reason. It is a question of realism, first and foremost.

The European Parliament is, I fear, about to adopt a document written in the spirit of the Cold War – old-fashioned, pointless, damaging and counterproductive – at the very time when the new US President is opening a new dialogue with Moscow. With this approach, Europe can have no claim to leadership. I hope that the Commission will not accept these recommendations.

**Romana Jordan Cizelj (PPE-DE).** – (SL) You have raised many political problems during this debate, but I would like to draw your attention to another challenge which was not mentioned in our report. This is the area of climate change, one that has so far been tackled mostly by scientists. However, if we want to tackle it successfully, we also need to back up such action with robust and decisive political measures.

This is a global challenge and a challenge which demands mutual responsibility. This is why I think that we ought to avail ourselves of every opportunity to urge Russia to assume its share of responsibility for both mitigating climate change and adapting to it. We also ought to urge Russia to take a more active part in international negotiations, as it is the eve of the Copenhagen conference.

Colleagues, I would also like to remind you that taking appropriate action on climate change is a matter of ensuring human rights.

**Monika Beňová (PSE).** – (SK) I will be very brief because most of what I wanted to say has been said by my colleagues from the party of the European Social Democrats.

In my opinion the report lacks balance and is russophobic. I myself come from a country which lived for many years under a regime that was not easy for most people, but precisely for that reason I do not understand why sensible men and women in this noble Chamber now want to adopt a document through which we will once again be pointing the finger at someone and blaming them for something.

I had assumed that this Parliament was capable of understanding the current situation in the world. I absolutely reject the idea that anyone here wants to trade natural gas and oil for the protection of human rights. The European Social Democrats wants to protect human rights and they have always protected human rights, but on the other hand we can see the obvious reality before us. Before the EU, before the US, before Russia and before the entire world. We will only be able to confront this reality with a foundation of good joint agreements.

**Andrzej Wielowieyski (ALDE).** – (FR) Madam President, Russia is our largest neighbour, a great country that in the last century had illusions of imperialism but also went through some terrible experiences.

To emerge from such a trauma takes time and perseverance, and we too must be patient. Negotiating a new agreement will therefore be difficult and painful. The report is demanding but fair. Consistency between an effective partnership with our six neighbours in the East and good mutual cooperation with Russia constitutes the greatest challenge for European politics. Progress will depend on us genuinely reconciling our ways of life and understanding fundamental values, which must not be betrayed.

**Ewa Tomaszewska (UEN).** – (PL) Madam President, the main obstacles affecting our contacts with Russia are the latter's use of gas supplies as a means of political blackmail, its threat to Georgia's independence, the genocide in Chechnya, and its failure to conduct fair trials concerning the murders of Anna Politkovskaya and Alexander Litvinenko. Unfortunately, Russia has not taken a single step forward towards establishing democracy and respect for human rights, which does not augur well for future negotiations and cooperation.

We must conduct a single common policy of solidarity if we want our negotiations to prove successful. This is very important in the case of such an important neighbour of the European Union.

**Gerard Batten (IND/DEM).** - Madam President, how can Mrs Ferrero-Waldner refer to Russia as a partner and Mr Vondra seek assurances on democracy and human rights?

Russia is a gangster state where troublesome political opponents, dissenters and journalists are simply murdered. The Russians even have a law that allows them to murder anyone – Russian citizen or foreign national – on foreign soil whom they deem to be a threat or a nuisance. Such a murder was carried out on my constituent Alexander Litvinenko in London in 2006 in an act of state-sponsored terrorism. His family are still waiting for justice to be done and his murderers brought to justice or trial in England.

Personally I do not want the European Union to negotiate agreements with anyone on anything. But, if the Commission is serious, why did it not request the extradition of the suspects as a sign of goodwill and a precondition for opening negotiations?

**Alexandru Nazare (PPE-DE).** – (RO) The potential for solid cooperation with the Russian Federation is directly proportional to the challenges and difficulties which we have to face. Russia has chosen for some time a form of discourse and course of action which put the prospects of pragmatic collaboration second and encourage a tough approach to international relations which we cannot agree with in any shape or form.

Since the conflict in Georgia, we have remained at a point where we can see differences between us in the stance we have adopted on crucial subjects. The Russian Federation believes that the presence of its troops in countries in the region is acceptable and that they even have the right to intervene when Moscow considers it necessary. Russia's involvement in unresolved conflicts even makes itself felt at the EU's border, with the impact this has on all of us Europeans.

I must remind you of what I have actually proposed in my amendments. The presence of Russian troops in the separatist region of Transnistria has already affected the Republic of Moldova for almost two decades, as it makes its journey towards progress and the freedom to choose its own future. The Russian Federation must withdraw its troops from Transnistria to provide the foundation for this partnership.

**Alexandr Vondra, President-in-Office of the Council.** – Madam President, I would like to thank you all for this interesting debate. I think it is very necessary regarding our future relations with Russia, and a number of important points have been covered in the debate. I can support much of what has been said here.

For those who speak of the need for engagement, I think it is clear that a new agreement is of great importance for the further development and intensification of cooperation between the EU and Russia. It is also clear that the new agreement must continue to improve on the current partnership and cooperation agreement (PCA). It has to reflect the realities of today's cooperation with Russia. Our relations now are a lot deeper and more wide-ranging than they were only a decade ago.

For those who speak of energy, we must clearly state that the EU wishes to strengthen cooperation with Russia through the instruments we have – the meetings of the Energy Dialogue and the Permanent Partnership Council on Energy. There will be a meeting of the Permanent Partnership Council on Energy during this Presidency. The objective is to promote trust and transparency in EU-Russia energy relations. We cannot afford another disruption of the energy supply. We should also strengthen the early warning mechanism and make it more operative.

To those who speak of human rights, I think that the application of the rule of law, an independent judiciary and full respect for human rights – including free and independent media – are necessary to promote stability and prosperity in Russia. The EU follows the human rights situation in Russia with concern and we raise – and will continue to raise – those concerns at our EU-Russia meetings. For example, the conduct of cases such as the resumption of the Khodorkovsky trial will be a kind of litmus paper for us regarding the rule of law in Russia.

For those who speak of leverage, I agree very much that we have to speak with one voice when talking with Russia, and we need this kind of debate to shape the form of this one voice. Unity and solidarity are essential, and we will work very hard to achieve this. It is important that the Member States inform and consult each other as much as possible about bilateral issues with Russia which could have repercussions on other Member States and the EU as a whole. Parliament's suggestions in this regard are worth considering, although, given the existing Council structures, I am not entirely sure that the creation of a formal consultation mechanism

is the most practical way forward. I strongly feel, however, that some kind of mechanism or common approach is needed to complement the existing framework of EU-Russia relations.

There is definitely some room for improvement in our policy towards Russia, and unity and solidarity are indeed the key words in this context. We already have quite intensive political consultation in the Council when it comes to showing solidarity, but this is also a question of political will. I agree that we need greater trust and understanding between the EU and Russia. We need to overcome the suspicions of the past and build on the real and substantial relationship which has evolved over the years, but this is certainly a two-way process and we need two to tango.

The new agreement is one way to do this. The other is through a better dialogue. Parliament has an important role to play here and I can, therefore, agree with the suggestion that the role of the Parliamentary Cooperation Committee should be strengthened under the new agreement. The parliamentary dimension – like civil society contacts – has much to offer in terms of communicating and promoting the fundamental democratic principles and values on which the EU is founded. We therefore look forward to remaining in a dialogue with you as the negotiations progress.

**Benita Ferrero-Waldner**, *Member of the Commission*. – Madam President, debates on Russia are never easy. Russia, on the one hand, is an important global partner, but, on the other hand, it is also a big neighbour, and there I think you have two sides that do not always easily converge.

On the one hand, being a global partner, we see Russia as a real partner, as I said before. For instance, in the Middle East, in seeking a solution between Israel and Palestine and on many other of these issues. Or on Afghanistan and Pakistan, yesterday in the conference in The Hague, Russia had an important part to play; or on Iran, or on the non-proliferation issues, or on the big global issues like climate change, which was also mentioned, or now the financial and economic crisis. Everybody is being affected by that. This is true for us, but it is also true for Russia and for many other global partners. Therefore I think we have to see this very clearly, but at the same time we also have to see Russia as a great neighbour, where sometimes we do not see eye to eye in the common neighbourhood. And we have a common neighbourhood – some of you have mentioned that, be it Moldova or Nagorno-Karabakh or, of course, Georgia. There we have to make sure we come much closer to each other, but also speak frankly on the difficulties and the differences that exist.

One of these issues is the 'Eastern Partnership', and we discussed the Eastern Partnership only last week in Parliament. The chief goal of the Eastern Partnership, which is concerned with six of our neighbouring countries, is to help those countries who want to come much more into line with the European Union on certain key issues like standards of governments, freer trade and others. In these activities, I think it is important that we have these countries as partners. But at the same time we have also said, on the multilateral platform, that we are, in principle, open to third countries like Russia on an ad hoc basis, as appropriate; certainly Russia is also a full member in the Black Sea Synergy, where regional matters are handled.

So there is also a chance to work together in order to overcome some difficulties that exist. On the other hand, gas. With gas, we know – I said it clearly before and I will repeat it – we are interdependent; we know that. As we also know, the gas crisis has diminished the trust in our partners. It has underlined the importance of energy provisions in the coming EU-Russia and EU-Ukraine agreements, and they will be there.

We must step up the work to create an internal energy market, but also increase efficiency and diversify supplies. The new agreement with Russia should therefore lay down, as we always say, legally binding reciprocal commitments. And, in parallel to the new agreement and for the short term, we are working with Russia to make the early warning mechanism more efficient, as I said before. We should also foresee monitoring and conflict prevention and resolution, and this should also involve Belarus and Ukraine.

We know that Russia is a very important energy partner for us, contributing 40% of the gas we import and 20% of the gas we consume. This is, as I said before, a relationship of interdependence. Since we represent over two thirds of their export revenue – which has made a very significant contribution to Russia's economic development – it is essential that there should be no repeat of the events of last January, and therefore we are working with both the Ukrainians and the Russians to prevent that.

On human rights we do not always see eye to eye. On the one hand, the EU and Russia share common international commitments, as I said, through the instruments that we have signed together at the UN, at the OECD and at the Council of Europe. These commitments reflect values and include the obligation to respect the decisions of the bodies they set up. That is particularly true for the European Court of Human Rights, but it is also evident that the EU and Russia interpret commitments differently.



The European Union and Russia have chosen the path of dialogue on these issues, and this is the right way. This means that we must also listen to the concerns the Russian side expresses sometimes with regard to some developments inside the European Union including, for instance, the issue of Russian-speaking minorities.

But it is also true, as the President-in-Office of the Council said, that there are clear concerns about the failure to respect human rights in the Russian Federation, and continuing cases of attacks on human rights defenders, journalists and others reflect badly on Russia.

We raise these issues regularly with the high authorities: myself with Sergey Lavrov, and President Barroso with his interlocutors. We also use our twice-yearly human rights consultations to do so as well. The discussions in the bilateral meeting between President Barroso and President Medvedev on 6 February also included an exchange on human rights.

President Medvedev himself suggested that these exchanges continue at the 21-22 May summit, and we shall take him up on that. For instance, the attack on human rights activist Lev Ponomarev last night is the latest reminder of how difficult the situation for human rights defenders is in Russia. But let me say that the two strands have clearly been reflected in the mandate that the Council has given the Commission to negotiate. Both are there, and this is the content of our mandate. Therefore, I think the right way is to follow up on this mandate and, as I said, we are always ready to report on the follow up of our negotiations, as we have just been doing.

**Janusz Onyszkiewicz, rapporteur.** – (PL) Madam President, I should like to remind critics of this report that it is not a report on Russia. The purpose of this report is to suggest to the Commission which issues it should raise in bilateral talks and negotiations and which areas it should focus on in particular. That is why there was no reference to the matter of the Organization for Security and Co-operation in Europe (OSCE) and President Medvedev's plan in this report. Any such reference would indeed have been inappropriate. That is quite a different type of issue. It should be considered in the framework of the OSCE together with the United States, but not in the framework of bilateral relations with Russia. In addition, suggestions of this nature cannot encompass our own criticism and assessment of the state of human rights in the European Union, for instance. These issues therefore need to be tabled in talks with the Russians, and they will identify our issues in due course. That is one point I wish to make.

My second point is a general one and relates to the actual nature of the talks. I should like to point out that this report avoids terms such as strategic partnership. There is a good reason for this, namely that the document adopted concerning the European Security and Defence Policy (EDSP) contains the following text in the section relating to Russia: *(the Member then quoted the text in English)*.

'no strategic partnership is possible if the values of democracy, respect for human rights and the rule of law are not fully shared and respected; [therefore] calls on the Council to place those values at the core of the ongoing negotiations for a new Partnership and Cooperation Agreement'.

(PL) The position is therefore quite clear. I believe we should remember what the purpose of this report is and what kind of message it is intended to convey to the Commission. Finally, I would say to Mrs Bobošíková that it was the Cossacks who wrote to the Sultan, not the other way around.

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

The vote will take place tomorrow, Thursday 2 April 2009.

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

**Călin Cătălin Chiriță (PPE-DE), in writing.** – (RO) I welcome Janusz Onyszkiewicz's report on EU-Russia relations. I believe that the EU's relations with Moscow must be established on a pragmatic basis, avoiding any preconceptions.

Firstly, proper cooperation is needed in the area of energy supply, which is of mutual interest. However, to achieve this, it is vital for us to have solidarity among EU Member States so that they can present a united front during the negotiations with Moscow on gas imports. This is the only way in which we can guarantee European citizens gas supply security at affordable prices. We have a responsibility to avoid triggering a new gas crisis.

Secondly, we must cooperate with Moscow in tackling jointly problems concerning our common neighbourhood and relations with the Republic of Moldova, Ukraine, Georgia, Armenia and Azerbaijan. This approach must be based on the norms of international law, with respect for the states' integrity and sovereignty, thereby avoiding any authoritarian trends. We must make progress in settling unresolved conflicts, such as those in Transnistria, Ossetia and Abkhazia.

**Filip Kaczmarek (PPE-DE), in writing.** – (PL) Russia is an important partner for the European Union. The EU expects its partners to cooperate with it in a reliable and honest manner.

Interdependence may be mutually beneficial but it does not have to be so. The opposite can also be the case, and it can prove a source of disquiet and conflict. We should do all we can to ensure that economic cooperation, security, energy security, respect for the principles of human rights and democracy become a positive and constructive feature of our relationship. Whether this actually comes about largely depends on the Russian side. Russia may opt for the West's values and standards. Nobody will force Russia to make such a choice or indeed any other. Russia has to choose for itself. One thing is very clear to me, however, and that is that Europe will not change its values at the request of Russia or any other country. We are being consistent or even stubborn, but not because acting differently would mean abandoning our values.

If Europe departed from its fundamental values, it could no longer be Europe. That is why we will always recognise the territorial integrity of Georgia, for example. We are not acting in this way out of any particular affection for the people of Georgia. Our stance is based on loyalty to the principles on which our world is based. Acting to the detriment of this world would amount to suicide. The EU certainly does not want such an outcome, nor, I suspect, does Russia.

**Marian-Jean Marinescu (PPE-DE), in writing.** – (RO) It can definitely be said that the recent gas crisis and the conflict in Georgia have created new tensions in relations with the Russian Federation.

Russia must stop using situations of this kind in a way which is not in keeping with international procedures and refrain from creating new spheres of influence.

At the same time, the EU must make every effort necessary to reduce its energy dependency on Russia as much as possible.

However, it is equally true that Russia is one of the EU's neighbours and a crucial actor in the international arena. There is major economic potential in the EU's relations with Russia, which the European Union cannot afford not to tap, especially in the current global climate.

This is why we must continue to invest in dialogue and cooperation with the Russian Federation, devising a coherent strategy based on common, mutually beneficial commitments.

The only way in which this cooperation can be successful is for the EU to speak with a single voice and commit to a dialogue which is subject to conditions, but at the same time constructive, based on common values, respect for human rights, fundamental freedoms and current international norms.

**Katrin Saks (PSE), in writing.** – (ET) Relations between the EU and Russia suffered a great blow last year. Today, after the events that took place in Georgia, and after Russia's recognition of the enclaves of Abkhazia and South Ossetia, Russia's preparedness to build a joint security area with the European Union, and the parties' positions in matters concerning Kosovo and the common neighbourhood diverge more than ever. Continuing disputes with gas suppliers and the politicisation of energy resources do not increase trust.

I am glad that my colleague Mr Onyszkiewicz's report calls on Russia to confirm obligations agreed to at international level, especially as a member of the European Council and the Organization for Security and Co-operation in Europe, and expresses to the Russian government concern for the human rights situation and the shrinking civil society in Russia. In its report, Parliament has also drawn attention to the situation of minorities living in the Russian Federation, and calls upon Russian government agencies to ensure the survival and sustainable development of the cultures and languages of the indigenous peoples living in the Russian Federation.

The European Union's relations with Russia must be based on partnership and not confrontation. Our relations with Russia are indeed of decisive importance from the point of view of pragmatic cooperation, and our cooperation has to date benefited international stability. At the same time, that partnership must be based on the following values: democracy, the market economy, the promotion of human rights and

freedom of speech; not only commercial interests and seeing one thing in connection with those interests, while obstinately closing one's eyes to other things.

**Toomas Savi (ALDE), in writing.** – The relations between the Russian Federation and the European Union have seen several challenges in recent years. After the conflict between Russia and Georgia had unleashed in August last year, one might have felt inclined to think that good fences make good neighbours. In this case I am glad that the proverb had it wrong and the past President of the European Council Nicolas Sarkozy successfully mediated the crisis.

After the fall of the Iron curtain the European Union has forged a close interdependence with the Russian Federation that ought to be used to introduce a common understanding of democracy, human rights and the rule of law, while fostering reliable economic relations. Frequent discords in recent years have distracted us from actually progressing towards that goal and the dialogue between the two entities has in fact become rather icy, taking the shape of "pragmatic cooperation."

I very much support the suggestion to the Council and the Commission to continue to insist on an agreement based on a shared commitment to human rights, as stated in the report, because with no common values we are likely to end up with another unexpected crisis that calls for emergency measures.

**Richard Seeber (PPE-DE), in writing.** – (DE) The comprehensive new partnership agreement between the European Union and Russia is, in my view, very welcome.

Russia is the EU's third-largest trading partner, as well as having major strategic importance in terms of Europe's energy supply. The agreement with the Russian Federation lays the groundwork for improved cooperation between the two parties.

In light of how important the EU and Russia are to each other, this agreement must not, however, remain simply an act of political will; we must also be able to ensure that it is implemented. Parliament's recommendation to the European Council primarily emphasises the importance of protecting human rights and the freedom of the media in Russia. As the intention is for us to progressively build on our relationship in economic, security policy and education policy terms, it is extremely important that all our partners respect European values. It is the only way for the partnership between Russia and the European Union to be developed to the satisfaction of both sides.

**Czesław Adam Siekierski (PPE-DE), in writing.** – (PL) Securing a new agreement between the EU and Russia is one of the main challenges facing the European Union's diplomats. The European Parliament's role is to provide active input into the nature and content of the agreement. The report provides a detailed analysis of the main aspects of the relationship between the EU and Russia. In particular, it contains an in-depth study of the problems associated with our current relationship.

I believe that adoption of the report will amount to a significant step forward towards a new partnership agreement between the European Union and Russia. The key elements of such an agreement should be the subject of detailed consultation and also of hard negotiation between both parties to the new agreement. The report refers to a range of problems whose solution is particularly important to individual countries. I should like to recall the difficulties concerning trade exchange between Poland and the Russian Federation. Problems of this nature can only be resolved if the EU adopts a united stance.

The report contains an extensive list of issues that must be settled. It will not be possible to achieve a compromise on all of them in the short term, due in part to cultural and social differences.

**Andrzej Jan Szejna (PSE), in writing.** – (PL) Russia is a country in which the fundamental principles of democracy are often not respected. It is notorious for violating human rights, and restricting freedom of expression, including freedom of opinion. President Medvedev and Prime Minister Putin exert their influence over the Russian media. The latter are therefore unable to serve their fundamental purpose, which is to disseminate information in a reliable manner.

We should nonetheless bear in mind that Russia is one of our main partners. Russia plays a leading role on the international stage. It is also a major energy supplier and an important trading partner.

In my view we should speak out against Russia loudly and clearly. We should criticise it for its shortcomings in terms of democracy, for its failure to respect civic freedoms, and for violating the territorial integrity and sovereignty of other states. We should call on Russia to respect the rights of national minorities and to comply with the international treaties it has signed up to. I refer to the Charter of the United Nations, the European

Convention on Human Rights and the Energy Charter Treaty. At the same time, however, we should remember that partnership with Russia is a very important issue for the European Union and the whole of Europe.

### **13. Opening of international negotiations in view of adopting an international treaty for the protection of the Arctic (debate)**

**President.** - The next item is the Council and the Commission statements on the opening of international negotiations in view of adopting an international Treaty for the protection of the Arctic.

**Alexandr Vondra, President-in-Office of the Council.** – Madam President, as we all know and can read every day, the Arctic is increasing in importance, and it deserves greater attention from the European Union as well.

This was brought out in the resolution Parliament adopted in October. I welcome the opportunity this afternoon to address this issue, which I know is of particular concern for you.

Only three EU Member States have territories within the Arctic region. Nevertheless, the effects of climate change and of human activities in the Arctic region extend far beyond the Arctic itself. What happens in the Arctic has significant implications for the EU as a whole. So far, issues with an Arctic dimension have tended to be addressed by the Union within the context of sectoral policies such as the maritime policy or the fight against climate change. Although cooperation within the framework of the new northern dimension covers European Arctic areas, the Union has not developed a broad Arctic policy bringing together all the relevant individual policy areas.

This is now changing. In March last year, High Representative Solana and Commissioner Ferrero-Waldner submitted to the European Council a joint report on climate change and international security. This report highlighted the new strategic interest in the Arctic region. It drew attention to the far-reaching implications of environmental change for the Arctic and it recognised that these could have consequences for international stability and for European security interests.

The report called for the development of a specific EU Arctic policy based on the growing geostrategic importance of the region and taking into account issues such as access to natural resources and the possible opening-up of new trade routes.

The Commission subsequently presented a communication on the EU and the Arctic region last November. This took up the various strategic challenges of the region and proposed concrete actions in three main areas: the protection and preservation of the Arctic in cooperation with the population; the sustainable use of resources; and strengthening multilateral governance of the Arctic. This last point was covered in last October's resolution.

In its communication, the Commission specifically proposed, as one of its policy objectives, that the EU should work to uphold the further development of a cooperative Arctic governance system based on the UN Convention on the Law of the Sea (UNCLOS), and advocated the full implementation of all existing obligations, rather than proposing new legal instruments. This is one of the key elements in the communication.

In its conclusion last December, the Council gave a clear welcome to the communication and considered that it constituted the first layer of a future EU Arctic policy.

The Council agreed with the Commission that the EU should aim to preserve the Arctic in cooperation with its population and that it should address Arctic challenges in a systematic and coordinated manner. It considered that the goals of the EU could only be achieved in close cooperation with all Arctic partner countries, territories and communities, and also noted the intergovernmental cooperation in the region.

It also welcomed the Commission's intention to apply for permanent observer status to represent the European Community on the Arctic Council. The Council specifically stressed the importance of multilateral cooperation in conformity with the relevant international conventions and highlighted, in particular, the UNCLOS.

In line with the Commission communication, it did not express any support for the specific idea of an international treaty.

On the basis of this position, the Council is now taking forward work on the details of the proposal for action set out in the Commission communication. I hope it is clear from what I have said today that the Council is taking this issue very seriously.

We fully recognise the growing strategic importance of the Arctic region. We agree that the European Union should have a comprehensive and coherent policy. The Council will certainly keep this Parliament fully informed about further developments and is grateful for your continuing interest in this subject.

**Benita Ferrero-Waldner**, *Member of the Commission*. – Madam President, I would like to thank Parliament for its interest in the Arctic and also say how much we appreciated your resolution on Arctic governance last October. It gave political impetus to the Commission's own work on the communication that has already been mentioned, 'The EU and the Arctic region', which was adopted last November.

Now, why is this so important? We share your concern that the Arctic region deserves international attention as never ever before. Scientific evidence shows that climate change is occurring much faster in the Arctic than in the rest of the world. In the past six years alone, the ice cap has lost up to half its thickness near the North Pole and may have passed a tipping point. That is a clear warning sign we would be foolish to ignore. The radical transformation of the Arctic is having an impact on its people, its landscape and its wildlife – on land and at sea.

Therefore, now is the time to act. That is why we adopted the communication, which is the first step towards an EU policy for the Arctic, laying the foundations for a more comprehensive approach. The communication focuses on three broad goals: protecting and preserving the Arctic, in full cooperation with its inhabitants; promoting the sustainable use of resources; and beefing up multilateral governance.

The proposals in the communication are the outcome of a very thorough analysis made by the Commission. This involved consultations with all main Arctic stakeholders, including both EU and non-EU Arctic states. This was all the more necessary because many EU activities and key developments of global scope, such as the integrated maritime policy or climate change, have an effect on the Arctic.

So, based on these discussions and in light of the motion for a resolution tabled for discussion today, let me stress that the Arctic region differs from the Antarctic in a number of key aspects. Unlike the Antarctic, which is a vast, uninhabited continent surrounded by an ocean, the Arctic is a maritime space, surrounded by inhabited land belonging to sovereign countries.

So the idea of establishing a binding legal regime specifically designed for the Arctic is, unfortunately, difficult, because none of the five Arctic Ocean coastal states – Denmark, Norway, Canada, Russia and the United States – is in favour of such a regime. I therefore fear that such a proposal would at this stage not only be ineffective but could prove to be detrimental to the EU's role and credibility in overall Arctic cooperation. Rather than expending efforts on that cause, the EU's interests and objectives are better served by building greater multilateral cooperation and making better use of the existing legal instruments.

Through the UN Convention on the Law of the Sea (UNCLOS) and other general conventions, there is already an extensive international legal framework in place. The UNCLOS is also the basis for settling disputes, including maritime delimitation. We want to see these conventions fully implemented and, very importantly, adapted to the Arctic specificities. For example, we propose a regulatory framework for sustainable fisheries management where areas and species are not yet covered by other instruments.

Secondly, we will work closely with the International Maritime Organisation, developing and enforcing solid international standards for safer Arctic navigation, respecting human safety and environmental sustainability. This means either extending existing legislation or adopting new legislation.

Thirdly, we will also defend the internationally recognised principles of freedom of navigation and the right of innocent passage. Coastal states should avoid discriminatory steps concerning navigational rules. Any measures will have to be applied in full compliance with the International Law of the Sea.

Fourthly, it is not realistic to propose an international moratorium on the extraction of Arctic resources. The bulk of the estimated reserves of minerals, oil and gas are either on the sovereign territory of the Arctic states or in their exclusive economic zones, and some of them have far-reaching plans for further exploration activities. However, we insist that the extraction and use of Arctic resources must always adhere to the highest possible standards for the environment and sustainability.

We share Parliament's concerns about the urgency of action in this region, and our communication puts forward a set of coherent and specific proposals. Based on this, we look forward to continued cooperation with you as we develop an EU Arctic policy.

Let us never lose sight of our common goal, and let us work together with the Arctic states and the international community to find the best and most effective way of preserving and protecting the Arctic for future generations.

**Anders Wijkman**, *on behalf of the PPE-DE Group*. – Madam President, I have participated in a number of meetings in the Arctic region focusing very much on climate change.

Normally the first day in such meetings is devoted to the serious effects for the region, its wildlife, the livelihood of its people, and so on, because of global warming. The second day is very often devoted to opportunities in terms of geological exploitation. Something of a contradiction. I would submit that rapid exploitation of geological resources would, of course, entail very serious risks.

I agree that you cannot draw an exact parallel between the Arctic and the Antarctic – I agree with the Commissioner there. At the same time, since we do not have a careful, sustainable environment framework in place for the kind of activities that are now being explored by the nations in this region, I think this resolution sends a very important signal: be careful. The fact that all political groups are behind it, I think, is significant.

We list three alternative ways forward: one, an international treaty, with, of course, special provisions for this region compared to the Antarctic; two, a moratorium, pending new scientific research and a better understanding of the region and its vulnerability or sensitivity, but also pending the results of many energy alternatives that are now developing very progressively. Maybe in the future we will not need those fossil reserves at all.

So I think that, even if colleagues in this Parliament may differ on the margin about the most responsible way forward, I think it is very significant that we are all behind this resolution. I want to stress that we want to go beyond just enhanced multilateral cooperation and dialogue; we want to ensure that the safety of the environment and the livelihoods of the people are protected.

#### IN THE CHAIR: MR COCILOVO

*Vice-President*

**Véronique De Keyser**, *on behalf of the PSE Group*. – (FR) Mr President, I would like to quickly remind you about what is happening in the Arctic so that everyone understands what is at stake in this debate. At the North Pole global warming is sharpening appetites for control of the area's natural wealth. The melting of the ice will make it easier, as you have said, to exploit the vast oil and gas reserves and to open up a navigable waterway between the East and the West, which will save thousands of kilometres for cargo ships but will unfortunately prove disastrous for the environment.

Claims to sovereignty over the area by the five border countries – Canada, Denmark, Russia, the United States and Norway – leads to obvious tensions. The Canadian Minister for Foreign Affairs announced this week that Canada's sovereignty over the Arctic's lands and waters was long-standing, well-established and based on historic title. He said that the Canadian Government would also promise increased political monitoring and a greater military presence in Canadian Arctic waters.

These words echo the Kremlin's announcement of its intention to deploy military forces in the Arctic in order to protect its interests. Until now, regulation of this strategic area has come from the United Nations Convention on the Law of the Sea, signed by 150 countries on 10 December 1982. It lays down that coastal states exercise control over an area up to 200 miles from their coasts and have economic rights over the resources of the seabeds, but this area can be extended if the states can prove that the continental shelves extend beyond 200 miles. They have until May 2009 – and that is very close – to put a request of this kind to the UN.

Russia took the initiative in 2001, hence the current unrest. As far as my group, and Mr Rocard, who initiated this debate in the Socialist Group in the European Parliament and who has recently been appointed ambassador for the Arctic, are concerned, given the implications for energy, the environment and military security, the Convention on the Law of the Sea is not adequate for the Arctic. The North Pole is a global asset that must

be protected by a binding charter, in which the European Union must play a leading role. We want a North Pole that is clean and above all without troops.

**Diana Wallis, on behalf of the ALDE Group.** – Mr President, this debate clearly follows on from our resolution last October on Arctic governance. Our group has no problem in supporting the wish for an Arctic treaty, but more in the light of a quest for a new mode of governance. The treaty is perhaps more symbolic, but what we do insist upon is working with – and respecting – the nations and, more particularly, the peoples of the Arctic. It is people, as you have already said, that distinguish the Arctic from the Antarctic.

There are already international structures – the International Maritime Organisation (IMO) rules, the International Law of the Sea – but there is a need for something more tailored and more specific. We should build on the work of the Arctic Council. Commissioner, you should join it as soon as possible and you should help build its political capacity. At all costs, we have to avoid a retreat into old-style sovereignty, territorial claims and intergovernmentalism. A new style of governance is needed for this fragile area of our globe in which every citizen of the world feels they have an interest or a stake.

We also have to prove our credentials for Arctic involvement, and our record as Europeans is not good. Our sailors and traders devastated the Arctic environment in the 17th and 18th centuries with the so-called ‘rape of Spitsbergen’. It is our industrial emissions that have led directly to acute climate change in the region, and we now threaten to impose our values and our traditions on the peoples of the Arctic at this very sensitive moment. We have to listen to them and work with them because, quite frankly, their record of protecting their environment is better than ours. Our group will not therefore support the 50-year moratorium.

**Godfrey Bloom, on behalf of the IND/DEM Group.** – Mr President, I live on a lovely island – a beautiful island – which has been systematically destroyed by the European Union over the last 15 years. I have seen the European Union Landfill Directive, which has had industrial waste – laughingly called ‘compost’ – thrown upon the land. I have seen hundreds of thousands of fish dumped in the North Sea. Near my own village, I have seen what used to be wonderful fields of wheat and barley and dairy cattle being turned over to things like miscanthus and all sorts of other biofuels, wrecking our environment and pushing up the cost of food.

The European Union wants us to meet our objectives of renewable energy. Thirty-five thousand wind turbines the size of jumbo jets, the biggest desecration of my beautiful island since the Industrial Revolution. And now you are looking for a remit over one of the last wildernesses in the world, the Arctic. Well, Mr President, colleagues, let me tell you that I agree with Mrs Wallis. Your record is appalling and the answer has got to be, for goodness’ sake, keep your nose out of this.

**Avril Doyle (PPE-DE).** – Mr President, yes, the Commissioner is right. The Arctic is quite different in many ways from the Antarctic, and it was only a few months ago, on 8 October 2008, that I spoke to this House on this very topic.

The Arctic, as I said then, plays an increasingly important geostrategic role in our world, and over the past decade several critical issues have emerged in this region. We are now faced with the opening of hitherto closed seaways, a direct result of climate change. This comes as no surprise, since the Arctic is warming at a much faster rate, with an increase of two degrees in the last hundred years, compared to an average of just 0.6 degrees in the rest of the world.

This highly vulnerable ecosystem is coming under increasing pressure from resource-hungry nations which wish to exploit its potential without having due regard to its fundamental importance as a stabilising force in the world’s climate.

I agree with Mrs Wallis’s point that a call for a 50-year moratorium on any exploitation is neither practical nor reasonable, but I think a limited moratorium on new exploitation – pending fresh scientific studies – is something all civilised nations could perhaps agree to.

Apart from this, the EU counts amongst its Member States no less than three Arctic nations along with two other EEA neighbours, accounting for more than half the numeric membership of the Arctic Council. This is reason enough for us to be able to assert ourselves, in the best sense of that word, on the global stage on this issue.

The Arctic is critical for global climate, and for this reason alone we must be part of a new style of governance for this beautiful and – as the previous speaker said – one of the last wildernesses of our world.

**Martí Grau i Segú (PSE).** – (ES) The Arctic region is one of the most fragile on our planet. The consequences of unrestricted exploitation of its natural resources would be catastrophic, not only for the surrounding area and the indigenous population, but for the world as a whole.

The thawing of large areas has made those risks a reality, creating the need for a new global regulation to protect the Arctic, similar to the existing one for the Antarctic, while bearing in mind the differences that have already been highlighted in the debate.

We need an international treaty between all parties involved, which no doubt includes the European Union, in order to protect the unique Arctic environment, to ensure the full sustainability of all kinds of human activity and to implement multilateral regulation of shipping in new sea lanes that become accessible.

In the years since it was created, the Arctic Council has been a model of cooperation in managing shared problems. In these times of difficulty or uncertainty, we should take that spirit and understanding to a higher level so as to avoid neighbouring States or other international players becoming involved in geostrategic arguments and forgetting what should be our common goal: preserving a great shared heritage.

**Laima Liucija Andrikiienė (PPE-DE).** – Mr President, today we are discussing the protection of the Arctic, which is a very hot topic – not only in the European Union.

Firstly, because the Arctic region is thought to contain huge energy resources – as much as 20% of the world's undiscovered technically recoverable reserves – the temptation to exploit these resources is irresistible. Secondly, the Arctic environment is exceptionally fragile. The whole of the international community stands to be affected by many of the changes that are already taking place. Thirdly, territorial disputes hang over the Arctic. We risk triggering major conflicts between countries wanting to protect – including by military means – what countries in the region consider their national interests.

It is time for the European Parliament to make its position clear, as it has taken almost no part in this debate until now, with the exception of our resolution, passed in October last year, calling for an international treaty for the protection of the Arctic. It is important to mention that EU Member States and the EEA associated countries comprise more than 50% of the membership of the Arctic Council. As it is for the United States, the Arctic should be a strategic priority for the European Union.

I fully support our draft proposal that the Commission and the Council should work towards establishing a moratorium on the exploitation of the geological resources in the Arctic for a period of 50 years, pending fresh scientific studies. We, the European Parliament, should call on the Commission to initiate negotiations with the Russian authorities on a number of important issues which are listed in our draft resolution. It is time to include the Arctic on the agenda for the forthcoming EU-Russia Summit.

**Christian Rovsing (PPE-DE).** – (DA) Mr President, Greenland is part of the Kingdom of Denmark with significant responsibility under Home Rule. The Arctic is not uninhabitable. It is not an unregulated landmass like the Antarctic. On the contrary, the landmasses are part of the Arctic countries and four million people already live there, a third of these being indigenous people. These people and their nations have a legitimate requirement to exploit the resources and the opportunities found in the area. It is only the sea in the middle that has international status and in this regard the United Nations Convention on the Law of the Sea (UNCLOS) forms the relevant legal basis. This approach was also confirmed by the Arctic coastal states in the 2008 Ilulissat Declaration. In addition to UNCLOS, there are a large number of other relevant international and regional instruments. There is scarcely any need for more governance. At most there is a need to adapt the instruments already in place. Denmark has submitted a proposal to the Arctic Council to examine the existing agreements with a view to updating them. This will and should happen in cooperation with the Arctic states and the Arctic peoples.

**Charles Tannock (PPE-DE).** – Mr President, the Antarctic Treaty serves as a shining global example that territorial claims by littoral states can be set aside in the interests of peaceful cooperation and scientific research. As the world confronts the issue of global warming impacting on the melting of the two caps and causing rising sea levels, and as frozen Arctic maritime passages re-open to navigation, it is important that an analogous arrangement be found for the frozen – or should I say thawing – North of the Arctic. The scramble for sovereign claims and Arctic mineral resources, as evidenced by the melodramatic planting of the Russian flag on the sea bed, must be rejected.

The EU should try and convince the five Arctic littoral states – the United States, Canada, Russia, Norway and Denmark – of the wisdom of such an approach.



**Johannes Lebech (ALDE).** – (DA) Mr President, as a Dane involved in tabling this motion for a resolution together with Mrs Wallis in the Group of the Alliance of Liberals and Democrats for Europe, I am not necessarily very popular. However, I think that the main approach taken by the resolution is a good one. It is good that the EU is focussing on the Arctic region. It is also good for the small nations of Denmark and Norway that the EU is involved in this matter, so that we do not only need to play with the big boys of the area, the US and Russia.

However, I would like to say that I am unable to vote in favour of the moratorium that has now been included in the resolution. Firstly, it is quite unrealistic. Russia and the US will not accept it under any circumstances. In addition, however, I also think that we need, as Mr Røvsing said, to take account of the people who live in the region and the people of Greenland naturally expect, and naturally have the right, to be able to utilise the natural resources on their territory, just as every other nation can on its territory.

**Marie Anne Isler Béguin (Verts/ALE).** – (FR) Mr President, Commissioner, I would simply like to remind you that it was the polar bears on the ice floes who showed us how much chemical pollution was affecting the whole of the world. DDT was found in their fat, and we all know very well that that is not a substance that is used on the ice floes.

In any case, I would like to thank the Commission for the proposal it made after the discussion we had here in Parliament, because it is really urgent, on account of climate change, to protect the only area that is sheltered from human predation. We must remember that.

There is, of course – and here I am taking up what Mrs De Keyser said – political urgency, because, after all, we are forced to do something for the Arctic. Indeed, some of the owners of part of this continent have designs on it. We know very well that Russia, which we spoke about recently, wants to establish its frontiers beyond its maritime area and extend them over the continental shelf. It is therefore an urgent matter for us, because Russia also wants to place its flags there and install military units, just as Canada does.

What is missing from your proposal, perhaps, is what we asked for last time, that is, an international treaty for the protection of the Arctic, which will allow us to ensure its protection once and for all.

**Alojz Peterle (PPE-DE).** – (SL) We are witnessing both natural and human crises taking place in the Arctic. Our efforts should be directed towards ensuring that they are not followed by a political crisis or a crisis of any other sort. The call for a responsible approach towards the Arctic is an SOS and an issue of global governance. I welcome, in particular, any effort which respects the indigenous people of this region.

**Paul Rübzig (PPE-DE).** – (DE) Mr President, Commissioner, ladies and gentlemen, first of all I would like to thank Mrs Ferrero-Waldner, who has cooperated really very closely with the European Parliament and is certainly the hardest-working Commissioner in this field: I really do appreciate it. She was also present at our meeting with the European Economic Area last week: after all, the Nordic dimension is particularly important here, and Diana Wallis, too, has repeatedly stressed that Europe bears a very particular responsibility in this connection.

I think that, particularly in a financial and energy crisis, it is incumbent on us to take an even greater interest in this field and also to respond to the wishes and needs of the population in this regard, because, ultimately, man and nature are not in opposition, but should complement one another. From this point of view, I think we can point to some pleasing successes, particularly in energy policy, and perhaps we will be able to intensify cooperation in this field.

**Alexandr Vondra, President-in-Office of the Council.** – Mr President, I welcome this timely debate. As a result of the quest for resources and climate change, the Arctic region is on the brink of a profound change. It is not only the region itself which is likely to be affected but, as many here today have recognised, also the EU as a whole. Against the background of these developments it is important that the EU approaches the Arctic in a comprehensive and strategic manner covering a whole range of issues, such as environment, transport, biodiversity, climate change, maritime affairs, energy and research, as well as protection of the livelihood of the indigenous peoples.

I consider that the Council is now taking this issue very seriously. It broadly supports the suggestions set out in the Commission's communication. This should constitute the basis for an Arctic policy, which needs to be developed in a comprehensive manner. To those who are talking about the new treaty, there is no Council position at the moment because the Council is only now in the process of examining the Commission proposals. I would just like to recall the Council's conclusions from December. In the conclusion we say that

the objectives of the EU could only be achieved in close cooperation with the Arctic countries, and the EU should enforce its participation in conformity with the current international conventions.

As I mentioned earlier, the Commission proposals are now being studied in much more detail. They will, I believe, facilitate agreement on an overarching response to the many varied challenges which we face in the Arctic region. I welcome the interest of this Parliament and I am ready to come back to you to report once the Council has reached a position.

**Benita Ferrero-Waldner**, *Member of the Commission*. – Mr President, as I underlined at the beginning of this important debate, the European Union has to play an increasing role in protecting the Arctic environment, in promoting sustainable exploitation of natural resources and in enhancing Arctic multilateral governance. We are committed to the preservation of the Arctic and, at the same time, our aim is to contribute to a cooperative system that will guarantee sustainability, as well as free and equitable access. In order to succeed in these important endeavours, we have to cooperate closely with all the Arctic states and Arctic stakeholders, as I have said.

In this regard, the Commission proposes to promote the full implementation and elaboration of existing obligations, rather than proposing new legal instruments in order to enhance security and stability. Strict environmental management and sustainable use of resources, as well as open and equitable access. At the same time, the EU has already highlighted that, for areas beyond national jurisdiction, the provisions on environmental protection under this Convention remain rather general, and we will continue to work within the United Nations towards the further development of some of the frameworks, adapting them to new conditions or Arctic specificities. For example, a new UNCLOS implementation agreement on marine biodiversity beyond the areas of national jurisdiction could take the Arctic into account, and we have also submitted our application to the Norwegian chair of the Arctic Council. The acceptance of the Commission's application requires the unanimous decision of all the members of the Arctic Council. This decision, which is due on 29 April – i.e. very soon – might be negatively affected by an initiative that perhaps proposes an Arctic Treaty, so we should be careful about that.

Finally, let me say that the Arctic coastal states have a clear preference for the UNCLOS as a basis. The European Union has to take this into account when we want to develop even stronger cooperation for the benefit of the Arctic, its inhabitants and its wildlife. In this context, we should not weaken the existing frameworks for cooperation as this would not really serve our objectives and interests. Nor would it correspond to the spirit of your own draft resolution.

In conclusion, I consider that the conditions are not yet right for an international treaty on the Arctic, and that we should rather focus our efforts on ensuring the effective application of the existing legal frameworks, thus filling the gaps that might exist, and adapting the rules to the specificities of the Arctic. This seems much more feasible.

**President**. – I have received six motions for resolutions<sup>(1)</sup> tabled in accordance with Rule 103(2) of the Rules of Procedure.

The debate is closed.

The vote will take place tomorrow, Thursday 2 April 2009.

#### **14. Equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation (debate)**

**President**. – The next item is the report (A6-0149/2009) by Mrs Buitenweg, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426 – C6-0291/2008 – 2008/0140(CNS)).

**Kathalijne Buitenweg**, *rapporteur*. – (NL) Mr President, on Monday, the daughter of a friend of mine received a letter, a rejection letter from university. She had been rejected not on grounds of intellectual ability, but because she has a disability. The letter stated that the university was unable to offer her the care she needs. She got through secondary school fine, so it was no problem there, but now she has been sidelined.

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

The report we are discussing today touches the heart of our society. Do we want people to be considered second-class citizens on grounds of their age, sexual orientation, religion or belief, or disability, or do we prefer a society in which everyone can participate fully? When people are turned down for rented housing or loans on account of who they are, not only are they themselves unfairly treated, but society as a whole also sells itself short by writing people off.

I have looked forward to today with eager anticipation. There is a great deal at stake in tomorrow's vote. The European Parliament has been calling for European directives on equal treatment between persons ever since 1995, and the Treaty of Amsterdam gave us a legal basis for this at long last. In 2000 some important directives resulted from this: the Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, whose scope covers both the labour market and the supply of goods and services, and also the Directive intended to combat discrimination based on religion or belief, disability, age or sexual orientation – although the latter directive is restricted to the labour market.

That began to cause problems, as discrimination is banned in more spheres even in the gender field. Parliament has always opposed the hierarchy of grounds for discrimination that has arisen. After all, why should it be possible to refuse someone a loan for being homosexual, but not for being black? The protection should be equal. We have all argued in favour of this horizontal directive, and there are differences between us, in terms of the tone and sometimes also of the precise substance. Yet up to now the vast majority of Parliament has had the will to put right the current imbalance, and it is this message we must convey to the Council tomorrow, so I hope for as broad a majority as possible.

There are many people I should like to thank for their contribution to the report. First of all, the draftsmen, in particular Mrs Lynne of the Committee on Employment and Social Affairs. Many of her suggestions have been incorporated into the text. I should also like to thank shadow rapporteurs Mr Gaubert, Mrs Bozkurt, Mrs in 't Veld and Mrs Kaufmann. In Dutch we have a saying that translates literally as 'jump over one's own shadow', which means surpassing oneself – looking beyond the point one has always been harping on about – this is a good point for shadow rapporteurs. In my opinion, we have succeeded in doing this. I am really proud of the compromise adopted by a vast majority in the Committee on Civil Liberties, Justice and Home Affairs. It has improved. I also wish to thank many more people who contributed to this, but one in particular: Mr Cashman. I wish to thank him for all the advice he has given me, for all his lobbying activity, and also for his inspiration and friendship over recent years.

Moving on to the content, the report prohibits discrimination on four grounds. We had already regulated this for the labour market, but it now applies also to the supply of goods and services, social protection – including social security and healthcare – and education. Not all distinctions are regarded as discrimination, however. For example, insurance companies are still permitted to differentiate according to age or disability, provided they can give an objective justification for this. Provision must be made for many people with disabilities, but limits have been laid down as to what is considered reasonable. Derogations are permitted under certain conditions, therefore, but equal treatment is the rule, and that is what the vote is about tomorrow. Do we see Europe as nothing more than a market, or do we see it also as a fount of civilisation?

I must say that, in any event, Amendment 81 shows where Mr Weber and 41 others stand. You do not want to see equal treatment legislation full stop. It makes no difference what compromises I attempt to reach, as you simply object in principle to anti-discrimination legislation. Thus you are not making amendments, you are rejecting the whole proposal. This is where our paths diverge – no middle ground is possible. Let us wait and see tomorrow which way the majority in Parliament wishes to go.

**Vladimír Špidla**, *Member of the Commission*. – (CS) Mr President, ladies and gentlemen, I appreciate the great interest in this proposal, the proof of which lies in the large number of amendment proposals it has given rise to. This shows that the fight against discrimination in everyday life is a constant priority for most of us, even during a serious economic crisis. I also welcome the excellent report submitted by Mrs Buitenweg and approved by the Committee on Civil Liberties, Justice and Home Affairs, as well as the remarkable contribution from Mrs Lynne and the Committee on Employment and Social Affairs.

The draft report supports the ambition and the attempts of the draft directive submitted by the Commission. In my opinion the rapporteur has managed to reconcile different viewpoints and to achieve a broad consensus between the various political groups. I would like to applaud the supporting role played by Parliament in submitting the draft directive.

As far as the proposed amendments are concerned, I agree with many of the improvement suggestions contained in the draft report. Nevertheless I would like to say that this draft requires unanimous consent in the Council and we must therefore remain realistic.

I know that the problem of multiple discrimination is fundamental to you. I am fully aware of the fact that people who are victims of multiple discrimination are very seriously affected. However, at the same time I do think that as this directive applies to only four possible causes for discrimination, this problem cannot be definitively resolved at a legal level.

In the Commission Communication on non-discrimination of July 2008 we committed to launching a discussion on this issue among the newly-established groups of government experts. The discussion has been launched. So the question of multiple discrimination is not being neglected.

I could agree to a reference to multiple discrimination in the areas covered by this draft directive. I agree that we must define the division of powers between the EU and the Member States more clearly. The directive will not change the definition as such, but our aim is to achieve the greatest possible degree of legal certainty.

I also accept that freedom of expression must be taken into account when considering cases of alleged victimisation. However, we ought to be aware that the concept of victimisation requires strong proof. Human dignity must be at stake and there must be a hostile or humiliating environment.

I agree to the inclusion of the concept of 'discrimination' by association" in the sense of the recent judgement in the Coleman case, but this concept should be applied only where there is direct discrimination and victimisation.

As far as financial services are concerned, I agree that there is a need for service providers to implement a certain level of transparency, but I have certain doubts about the formulation used in your draft. I fully agree that the directive should not apply to purely private transactions. The positions of the Commission and Parliament are very similar here. As far as the physically disabled are concerned, I can support a reference to the open definition of physical disability used in the UN Convention on the Rights of Persons with Disabilities.

I also agree in essence with some of the comments on the concept of physical disability that are included in your amendment proposals. However, I think it is necessary to point out that the wording of the legal regulation must be very precise. I agree with some of the other ideas that were expressed, but in my opinion it is necessary to ensure that Article 4 is concise and intelligible.

Ladies and gentlemen, I look forward to hearing your opinions, which I will respond to in the debate.

**Elizabeth Lynne**, *rapporteur for the opinion of the Committee on Employment and Social Affairs*. – Mr President, I would like to thank the rapporteur very much for all the hard work which she has put into this report and the close cooperation that we have had on this. We have worked very closely together, not just on this report, but, as she knows, along with other people, we have both been working on this issue for many years now, for the 10 years since I came into the European Parliament. I remember that we sat together on Article 13 hearings all that time ago. Now, eventually, we have got to the situation where we are debating an anti-discrimination directive, a possibility at long last that we might push through anti-discrimination legislation on all grounds not covered – disability, age, religion or belief, and sexual orientation. We have waited many years for this. Let us just hope that we get that large majority.

I have campaigned on disability and age for many years, but I was convinced quite some time ago that we could not leave anybody behind. We could not just go forward with a disability directive, and then an age directive, because I thought sexual orientation and religion would be left behind. That is why, in the own-initiative report last year, I asked for a single directive to cover all areas that were not yet covered. I am delighted that has happened. I am also very pleased we got such a large majority in Parliament for that own-initiative report. I know from the Commission and the Council that this was one of the reasons they thought it was safe to bring this proposal forward. That is why we have to get a very large majority for this report tomorrow.

I would also like to say a very great thank you to Commissioner Špidla. I have thanked him at other times, but I wanted to thank him in the plenary because, without his support and help, I honestly do not believe that we would have this proposal on the table at present. So, Commissioner, a sincere thank you from a lot of us, for pushing this forward. I know you have been doing a lot of work on this yourself.

We got it through the Committee on Employment and Social Affairs and the Committee on Civil Liberties, Justice and Home Affairs. We now need that large majority. Everyone should be treated equally across the EU. A wheelchair user or a guide-dog user should have free access anywhere within the European Union. Somebody of a different sexual orientation should be allowed to use any hotel room that they want to, and stay at any hotel when they go on holiday. All older people should have the right to have access to health care, whatever their age. People of a different religion should not be discriminated against.

I urge all of you who are thinking of voting against this, please do not. This is the bedrock of the European Union. We were founded on human rights and anti-discrimination. Please vote for it.

**Amalia Sartori**, *draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety*. – (IT) Mr President, ladies and gentlemen, in the Committee on the Environment, Public Health and Food Safety we have primarily looked at the need to guarantee equal treatment as regards health. Other areas have been covered very well by other committees, and above all by the rapporteur and the Commissioner, and we therefore decided to clarify the issue of health.

Our first step was to note the great disparities that still exist between Member States in terms of access to healthcare. Access to healthcare is a fundamental right confirmed by Article 35 of the Charter of Fundamental Rights, and it is one of the chief tasks of the public authorities of the Member States to provide equal access for all to a quality healthcare system. Therefore, while we are aware of the different competencies of the European Union and the Member States, it is important for the EU to do all it can in terms of guidelines, but also in terms of directives, which we are gradually tackling and drafting, together with resolutions and regulations. We must pass these on to the Member States, where possible, with this essential objective.

In particular, the amendments that we as the Committee on the Environment, Public Health and Food Safety have highlighted are those on encouraging the promotion of health literacy programmes, continuing to promote action to combat violence against women, fighting the denial of medical treatment on the grounds of old age, but above all – and I come back to this issue – promoting equal access to quality services in all Member States.

**Lissy Gröner**, *draftsman of the opinion of the Committee on Culture and Education*. – (DE) Mr President, as the Committee on Culture and Education's rapporteur for the new anti-discrimination directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, I warmly welcome the Commission's proposal and would specifically like to thank Mr Špidla.

Eurobarometer polls show that approximately three quarters of the population of the EU think that action needs to be taken in this field. The Committee on Culture and Education called for amendments and additions in three areas. Firstly, the inclusion of gender. We agree with the compromises achieved. We wish to guarantee access to media and education, and regulate against multiple discrimination; some good compromises have been achieved here.

The Socialist Group in the European Parliament has supported this comprehensive horizontal directive. If German conservatives and liberals now reject the directive in its entirety, they will be revealing their true colours: they want to continue to discriminate against gay people, and to broadcast propaganda. There is no need to fear extremists such as Scientologists under the new directive: it will still be possible to reject advertisements or refuse to book assembly rooms. The Committee on Culture and Education votes unanimously in favour of the horizontal framework directive.

**Donata Gottardi**, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (IT) Mr President, Commissioner, ladies and gentlemen, I take the floor to report the positive outcome in the Committee on Women's Rights and Gender Equality, and it is not by chance, as our committee is accustomed to conducting in-depth examinations on equal treatment, equal opportunities and prohibiting discrimination.

The opinion we passed in committee sent out several strong messages, which will, I hope, be taken on board when the text is adopted. This directive does not close or complete a cycle. If that were the case, the field of gender discrimination could be weakened as a result. This directive should become an opportunity to revive work on the anti-discrimination directives, beginning with the addition of two new concepts that we all agree on: multiple discrimination, where two or more risk factors are present, and discrimination by association, which concerns those close to or connected with the person directly affected. Both of those are crucial for women, as well as for other groups. This directive should represent an impetus to improve national legislation, above all in countries such as my own, where the tide must be turned.

**Manfred Weber**, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, I hardly dare take the floor here any more; given the overall atmosphere here in plenary, I hardly dare ask questions any more. Of course we are all against discrimination, but one dare not question the route we are taking here for fear of being pushed into a corner.

Ladies and gentlemen, we do all agree on the destination here, and I would appreciate it if we could all refrain from suggesting otherwise. What we are arguing about is the route, and that must be a legitimate subject for discussion, even by the Group of the European People's Party (Christian Democrats) and European Democrats.

First of all, I have something to ask the Commissioner: given that the old directive, the existing anti-discrimination directive, has still not been transposed in ten of the Member States – given that infringement proceedings are underway against ten Member States – we seriously have to ask ourselves why we need to revise this directive when the old one has not even been transposed yet. Is that a serious question that we are allowed to ask? That is why referral back to committee really is an argument that we should be allowed to raise here.

On the second issue, too, we are allowed to talk about the content. For example, there is the question of why the churches, which were close partners of the Left when it comes to the protection of refugees, are now coming to us. The churches, which used to be your partners, are now coming to us and saying that they have difficulties with certain wordings. When media people, newspaper publishers, come and tell us they have questions, we should discuss those questions seriously. When we discuss families, the Commissioner says that he does not want to impose anything on the Member States, but, of course, what we are doing with this directive is harmonisation by the back door. The list goes on. There are various arguments that could be raised that give our group cause for concern, considerable concern. It is possible to raise these things, even if one is committed to fighting discrimination.

The Left in this House today is very pleased with itself, because it is once again creating new legislation on a number of points. We should therefore be allowed to wonder whether, in the end, the legislative approach will actually bring many new benefits for the people we are trying to protect. There are other basic values that are worth taking into account: for example, if we are to include private contracts as the Socialist Group in the European Parliament wishes – not just commercial contracts, but also private ones – we must be allowed to wonder whether contractual freedom is not an important basic value that we in Parliament should be protecting.

The Group of the European People's Party (Christian Democrats) and European Democrats is opposed to discrimination, and will always work to combat it, but we must be allowed to argue in this Parliament about how to do so.

**Emine Bozkurt**, *on behalf of the PSE Group*. – (NL) Tomorrow, we shall have a unique opportunity to take a historic step in the fight against discrimination by saying 'no' to this phenomenon. Indeed, we have rather a strange situation at present, with differences in protection against discrimination. There is no reasonable explanation for the fact that the law against discrimination offers protection beyond the workplace to a black homosexual on grounds of skin colour, but not of sexual orientation.

Tomorrow, we shall be able to show that the European Parliament no longer tolerates discrimination on grounds of age, disability, sexual orientation or religious beliefs. After all, Europe is there for everyone. It is unacceptable that someone wanting to rent a car or a property should be turned down on grounds of his or her religion. In addition, wheelchair users should be able to use cash machines or have access to trains and stations like anyone else. There is no good explanation for a bank allowing someone aged 65+ to be thousands of euro in the red but refusing to grant them a modest loan. We are all growing a little older and if we think about it, these are things that will affect us too before long.

The differences of opinion may not have made for easy negotiations, but we can be proud of the result achieved by the Committee on Civil Liberties, Justice and Home Affairs – to which, what is more, all parties committed themselves at the time. The proposal is reasonable and realistic. Adjustments may be necessary in order to afford people with disabilities access to goods and services, for example, but this does mean they will be able to participate actively in society once more. These adjustments will not impose a disproportionate burden subsequently, and also due account has been taken of a good time limit for implementation. Adjustments do not need to be carried out immediately; we do not expect Member States to adapt railway stations straight away. What we do require of Member States is that they already start taking accessibility for people with disabilities into consideration in future building and transport design.

In addition, I cannot stress enough how important this report will be to European citizens – the people this is all about. We should bear in mind that, according to the Eurobarometer, 87% of Europeans would like to see measures taken on the grounds for discrimination under this Directive. That includes your voters, Mr Weber. Our group, the Socialist Group in the European Parliament, is delighted with the proposals to combat the problem of multiple discrimination that now form part of this report.

Can you imagine that a black female wheelchair user can feel discriminated against? Very few countries are familiar with the concept of multiple discrimination. In most cases, when reporting a case of discrimination, this woman would have to choose from possible grounds for discrimination. It is more likely that the various grounds are interconnected and there is not just one ground for her being discriminated against. This woman must have the opportunity to lodge a complaint and obtain redress and justice. Therefore, we call on Parliament to retain these important provisions.

Ladies and gentlemen, I would ask you to support this Directive. This will enable Parliament to state clearly and unambiguously that discrimination can no longer be tolerated and that Parliament considers the rights of all its citizens equally important. Let us take this step.

**Sophia in 't Veld**, *on behalf of the ALDE Group*. – (NL) Mr President, I should like to start by adding my heartfelt compliments and thanks to the rapporteur, who has done a fantastic job. My group is delighted that, almost five years after Mr Barroso promised to do so, a proposal for a directive is finally on the table. Discrimination runs counter to the European Treaties, the Charter of Fundamental Rights of the European Union, and the European Convention on Human Rights. Yet treaties, conventions and solemn declarations are of little use in court. European citizens must be given an instrument to enforce their rights.

This, not milk quotas or public procurement rules or the Structural Funds, is the *raison d'être* of the European Union, Mr Weber, a European area where everyone is free to arrange their lives at their own discretion. A single European area where everyone is equal before the law, enjoys equal opportunities in society and is treated with respect. A directive alone will not suffice to bring this about, but it is a precondition. This Directive is about Europe as a community of values, and values cannot be negotiated by 27 governments in the course of the usual trade-off of national interests. We determine values together as citizens, in an open debate, and the European Parliament is the appropriate arena for this.

Yes, Mr Weber, some areas are very sensitive, particularly the grounds of sexual orientation and religion. We have a responsibility towards all our European citizens, however, we cannot let Europe turn into *Animal Farm*: 'All Europeans are equal, but some Europeans are more equal than others'. Freedom of religion and of conscience are fundamental rights for which I would fight on the barricades. In a free Europe, everyone must have the freedom to hold their own convictions. This is the cornerstone of democracy. Freedom of religion must not be misused as a licence to discriminate against others, however.

Yesterday, the European Union Agency for Fundamental Rights published its second report on homophobia in Europe. It is a disgrace that, in 2009, millions of people are still having to fear discrimination, hatred, violence and even murder in Europe, merely on account of their sexual orientation. I can reassure Mr Weber that laws on marriage are and remain a national competence; this Directive does not change that. In 21st century Europe, a ban on marriage on grounds of religion, racial origin or sexual orientation is an anomaly, however. Many people think it perfectly acceptable for the government to ban marriages or partnerships between two adults of the same sex. Yet would we consider it acceptable if – as has happened in the past – the government were to ban marriages between Jews and non-Jews, Catholics and Protestants, blacks and whites? This is unacceptable.

Ladies and gentlemen, I urge you to vote in favour of this report, in the interests of the citizens we all represent. Compromises are not ideal for anyone, ourselves included; but let us surpass ourselves, as Mrs Buitenweg says.

Finally, I would urge the Council, too, to follow Parliament's recommendations. It is true that each Member State has its own issues, but the European Parliament has shown that differences can be bridged and that we can agree on rights for all European citizens.

**Konrad Szymański**, *on behalf of the UEN Group*. – (PL) Mr President, the European Commission maintains that this proposal is not aimed at amending matrimonial law and adoption law in the Member States. The Commission claims that it does not wish to change the legal status of the Church and of religious bodies involved in care and education.

The Buitenweg report rides roughshod over these limits in every respect. It overturns guarantees for national family and adoption legislation in Amendment 50. Pursuant to Amendments 12, 29 and 51 the report represents an attack on the freedoms of religious educational institutions. Amendment 52 of the report undermines the guarantee of freedom for religious communities themselves in Member States. It is abundantly clear that the European Left wishes to reduce European integration to a single issue. In effect, it is obsessed with pushing through the latest homosexual demands by any possible means. This amounts to the most serious attack ever perpetrated against the credibility of this House.

### IN THE CHAIR: MR DOS SANTOS

*Vice-President*

**Raül Romeva i Rueda**, *on behalf of the Verts/ALE Group*. – (ES) Mr President, I must insist on one fundamental fact. The European project will only have credibility if Europe is perceived as a place where every kind of discrimination is outlawed. This is the basis for the today's debate.

Therefore, it is a surprise that some of my fellow Members, who are so pro-European in all other debates, turn completely anti-European when it comes to rights and liberties.

This attitude cannot be tolerated. It is unacceptable that anyone should suffer discrimination in the European Union today, on the grounds of a same-sex relationship, disability, age, or for having a non-mainstream belief or religion, as has also been mentioned. This is not the Europe in which I want to live, and is certainly not the Europe that I am working for every day, both inside and outside of this House.

For this reason, I believe the proposal for a directive was necessary. In its conception and principles, it is good. It may not be what I, or many of us here would have done, but it is a good starting point. I hope that the majority will vote for the Buitenweg report tomorrow, as I intend to do, as I believe it to be the correct course of action. I am also very anxious that the other item dealing with the implementation or re-implementation of Article 7(2) will be passed. This guarantees a fundamental issue: that all associations and organisations working in the anti-discrimination field must also be allowed to represent and defend victims of discrimination. We must remember that these persons form part of the most vulnerable groups, and we therefore need to have a guarantee that they can be represented and duly defended.

**Sylvia-Yvonne Kaufmann**, *on behalf of the GUE/NGL Group*. – (DE) Mr President, ladies and gentlemen, first of all I would like to thank our rapporteur, Mrs Buitenweg, for all her work. This matter was particularly safe in her hands.

Parliament has been calling for this directive for years, which does indeed mean that it is of fundamental importance that it be adopted before the end of this parliamentary term. At the same time, it is vitally important for the Commission to table a proposal for combating sex discrimination as soon as possible, so as to put a stop, finally, to the existing hierarchy of forms of discrimination. In other respects, I cannot help but be surprised that, in Amendment 96, the Group of the European People's Party (Christian Democrats) and European Democrats is trying to remove discrimination on the grounds of belief from the scope of the directive. So, ladies and gentlemen of the PPE-DE Group, do we really need to point out to you that the legal basis on which this proposal for a directive rests – namely Article 13 of the EC Treaty – has been in law since the Amsterdam Treaty entered into force in 1999, 10 years ago? Do I need to remind you that all of the grounds for discrimination listed in Article 13 are regarded as equal, without distinction? In addition, ladies and gentlemen of the PPE-DE Group, it cannot have escaped your notice that Article 10 of the EU's Charter of Fundamental Rights treats the religion and beliefs of every single person as equal.

You know, Mr Weber of the CSU, I have certainly heard your arguments, but I really must say that, God knows, they are antediluvian. Your Amendment 81, rejecting the entire directive, comes with a quite frankly cynical justification attached, namely that the transposition of the directive apparently – and I quote – 'entails excessive bureaucracy'. You know, Mr Weber, I simply cannot comprehend these attempts to deny people their rights, particularly with this justification, and I hope that your Amendment 81 will be clearly rejected in tomorrow's vote in plenary. The EU must finally take another step forwards in the fight against discrimination in our society.

**Johannes Blokland**, *on behalf of the IND/DEM Group*. – (NL) Mr President, this House champions civil liberties, one of which is freedom of education. An important freedom is parents' choice of a school for their children. Christian schools and establishments in my country deliberately opt for an admissions policy that is in keeping with the identity of their school.



The Netherlands leaves scope for an admissions policy that is in keeping with a school's fundamental principles. Requirements can be laid down that are necessary for the realisation of the school's purpose and fundamental principles. Parents may choose a school that is conscientious in this regard and takes the Bible seriously. This is an extension of freedom of religion, and respects the convictions of parents with regard to the interests of their child's education.

However, Amendments 29 and 51 restrict the freedom of schools to make these choices on the basis of principle, and furthermore I share the view of Mr Weber and others. This proposal does not comply with the principle of subsidiarity. Aside from the administrative problems, this in itself seems to me sufficient grounds to reject the Commission proposal. I shall be voting against Mrs Buitenweg's report. I hope that other groups, too, can see that this represents a serious infringement of our citizens' freedoms. Anyone valuing freedom of choice for parents will not allow this freedom to be curtailed.

**Frank Vanhecke (NI).** – (NL) Mr President, reports on anti-discrimination directives always bring out the worst in this House; this is particularly regrettable, as they often contain a great deal of good proposals and ideas for helping people with disabilities, for example. This does not change anything in substance, however.

The amendment by Mr Weber, Amendment 81, does indeed state all the essentials; this Commission proposal is not a good one. It has to go, not only because it entails far too much red tape, but also, in particular, because it essentially infringes the principle of subsidiarity. Unfortunately, we all know that this amendment does not stand a chance, as this House never loses an opportunity to show its most politically correct side and always opts for more bureaucracy and more decision-making over the heads of European citizens.

Aside from this, aside from the infringement of the principle of subsidiarity, this report also contains numerous proposals that run directly counter to elementary democratic principles and principles of the rule of law. One example is Amendment 54. While the whole report makes a big hoo-ha about not discriminating against people, this amendment advocates discrimination on grounds of non-politically correct beliefs – but then, at the end of the day, this is what a great many other aspects of this report set out to do.

Hidden in a catalogue of worthy principles and pseudo-good intentions lurks the judicialisation of political correctness. It is not about anti-discrimination measures, then, but very often about genuine muzzling laws to undermine freedom of expression yet more, and strengthen a kind of progressive opinion terrorism still further. The essential question is and remains: what on earth has this got to do with Europe? Leave to Member States what is theirs, for heaven's sake.

**Hubert Pirker (PPE-DE).** – (DE) Mr President, Commissioner, when the European Union is, at times, seen as over-keen on regulation and quite rightly criticised for this, this can be traced back, quite simply, to reports such as the one we are now discussing.

As much as I support realistic measures to combat any form of discrimination, I must also criticise the points being discussed here, because they are simply not justified and will not have the desired effect.

It is unacceptable that, as has already been mentioned, faith schools, for example, can be sued for rejecting teachers of a different faith, or no faith, or that insurance companies can be sued for undertaking a risk assessment if it results in a distinction on the basis of age or sex, or that there is a risk of absolutely all residential buildings having to be constructed to be barrier free. Yes, ladies and gentlemen, that is the direction we are heading in; we will no longer actually be supporting disabled people, but making all housing unaffordable. Housing that nobody can afford, instead of assistance for disabled people – surely that cannot be what we are aiming for here. Then there is the criticism of the reversal of the burden of proof. If I think that, as an MEP with 25 applicants for an assistant's position, I could have a case brought against me just for the appearance of discrimination or a feeling of discrimination, I will simply not be able to work any more, but spend all my time battling with the evidence I need to provide just because the feeling is there, even though I have not discriminated in any way.

On top of that, there is the vagueness of many of the terms. Overall, this factsheet that has been published is a precursor to this directive, which starts to discuss whether we are still allowed to use 'Miss' and 'Mrs', or whether we need to get rid of all words ending in 'man', such as statesman or sportsman, because it could all be discriminatory.

Ladies and gentlemen, some of what is being called for here is quite simply nonsense, and I will therefore be voting against the report.

**Martine Roure (PSE).** – (FR) Mr President, first of all I wish to thank our rapporteur, in particular for the work she has done and the result that has finally been achieved.

Article 13 of the Treaty is our cornerstone, and I must emphasise that Member States can guarantee a higher level of protection. It is only a matter of minimum standards and, let us be clear about this, it is not possible to lower the current level of protection in individual Member States on the basis of this new directive. This is because, to be even more precise, some Member States have a very high level of protection; such cases do exist.

Freedom from discrimination is a fundamental right for everyone living in the European Union. However, whether it is due to a person's appearance or simply their surname, we realise that discrimination does all too often exist.

As regards people with disabilities, we must ensure that they are no longer discriminated against for using a wheelchair, because access to many places is all too often difficult. Improving European legislation is a prerequisite for combating discrimination – I repeat, it is a prerequisite. We need this legislation.

From a very young age our children suffer discrimination that traumatises them, and they carry the burden of this discrimination for the rest of their lives. I must draw your attention in particular to multiple discrimination. The Commission omitted to include this in its proposal. We therefore propose a precise definition of these types of discrimination.

It is absolutely essential that we strengthen legislation in order to make equal treatment effective whatever the differences. In this respect we ask for Member States to take measures to promote equal treatment and equal opportunities regardless of religion, disability, age or sexual orientation.

In conclusion, I must add that we hope that, for 2010, there will be a Commission proposal putting gender discrimination on the same footing, as this would put an end to any hierarchy of rights.

**Gérard Deprez (ALDE).** – (FR) Mr President, ladies and gentlemen, like those who have spoken before me, I would like first of all to thank our two rapporteurs, Mrs Buitenweg and Mrs Lynne, for the outstanding work that they have done in what was, I would point out, a context of enhanced cooperation.

Although I personally feel very much in line with the overall position defended by Mrs Lynne, I want to applaud the intelligence, openness and conciliatory spirit shown by Mrs Buitenweg throughout the discussion in our committee in order to try to end up with a report that is balanced and that would be supported by a large parliamentary majority. I hope she will be successful and that the more radical elements, on one side, I think, and sometimes on the other, will not succeed in affecting the vote.

In this respect – and let me point out that I am not known as a left-wing fanatic – I have to say that I am surprised and dismayed by the amendment tabled by our fellow Member, Mr Weber, whom I respect, and several others. Mr Weber, I listened to your speech, and none of the arguments you used seemed to me to have any intellectual basis. You have stated fantasies, you have not stated reasons.

If one reads the justification for your amendment, one can only be dismayed by its weakness: refusing to combat discrimination because of fear of excessive bureaucracy. When you try to turn this proposal into a conflict between left and right, you are wrong. Combating discrimination is not a matter of right or left, it is a matter of humanism and of respect for fundamental rights.

(Applause)

That is why tomorrow, I hope and believe, you will be defeated.

**Sebastiano (Nello) Musumeci (UEN).** – (IT) Mr President, Commissioner, ladies and gentlemen, any initiative aimed at combating discrimination of any kind must be supported. Recent statistics show that in Europe, where society is so advanced, a minority of citizens say they have suffered discrimination. No one, therefore, can remain indifferent. However, the concept itself remains so wide and abstract that some clarification would be desirable.

Without prejudice to fundamental human rights, which remain unquestionable, we cannot fail to recognise the sovereignty of each Member State to legislate in line with age-old traditions, civilisations and cultures. Intervention of this kind is almost always a case of safeguarding a population's identity. Let me give an example relating to sexual orientation: it is my personal opinion, but I believe that human dignity must be guaranteed irrespective of sexual preference. Homosexuality is a choice that pertains to the private sphere

and must under no circumstance be punished, but nor must it be protected. Freedom of opinion: where does protection against direct and indirect discrimination begin, and where does it end? Freedom of religion: at my niece's school, for the first time this year, there was no nativity play. The head teacher banned it because there were children of other religious faiths present. In my view, since the nativity play is a demonstration of culture more than faith, in order to prevent one form of discrimination, another was created. Having respect for other people's religion does not mean, Mr President, that we should be ashamed of our own!

That is why – I shall finish here – our fear is that this proposal for a directive tends towards unnecessary reverse extremism, and the cure could prove worse than the original problem.

**Elisabeth Schroedter (Verts/ALE).** – (DE) Mr President, Commissioner, ladies and gentlemen, this directive finally closes the gaps in anti-discrimination law, and allows the European Union to meet its international obligations to protect human rights, as well as its obligations under the UN Convention on the Rights of Persons with Disabilities.

Ladies and gentlemen of the Group of the European People's Party (Christian Democrats) and European Democrats, your arguments against the directive are populist and misleading. What right do you have to deny people with disabilities unrestricted access to education, or older people equal treatment regarding insurance and financial services? What concept do you have of humanity?

Unrestricted participation in society is a human right, and for that reason we will fight for this directive and for equal opportunities for all. In my view, it is totally inhumane to require victims of discrimination to provide proof of the discrimination. If you, ladies and gentlemen of the PPE-DE Group, delete the shift in the burden of proof, you will be putting at risk the basic right of some groups to protection of their human dignity, and we find that unacceptable. We want equality for all in protection against discrimination, and we Greens will fight for that. We will not allow human rights to become a plaything for populist scaremongering. I can predict right now that you will lose tomorrow; the majority of this House will vote in favour of the human right of protection from discrimination. Of that I am certain.

**Jim Allister (NI).** – Mr President, I will be voting against this report and this proposed directive for three reasons. First of all, I dissent from the belief that the EU, rather than national governments, should be legislating on these issues, believing every Member State is best placed to decide if it needs to strengthen such legislation. If ever there was a subsidiarity issue, this should be it.

My second reason is that the new offence of harassment has the alarming prospect of, in fact, curbing the rights in respect of freedom of speech and freedom of religion, particularly for those who proclaim a Christian message.

Christians preaching the gospel, particularly in a public place to people of other faiths who take offence and who claim it is an assault on their dignity, could be breaching this law. Likewise, defending and promoting a biblical approach to heterosexual marriage could allow litigious gay rights activists to claim harassment.

The third reason is that the measures within the directive are disproportionate and inadequately balanced. It compels the Christian printer, for example, to accept an order to print material which offends his religious beliefs, whereas he should be free to conduct his business according to his conscience.

Without essential balancing mechanisms, this directive will become an instrument which in fact creates discrimination. Thus, to me, it is an unnecessary directive infringing basic rights, particularly of people of faith and conscience, and illustrates all that is over-reaching, meddling and wrong-headed within the EU.

**Nicolae Vlad Popa (PPE-DE).** – (RO) The Commission's initiative to extend the application of the principle of equality of treatment to other areas of social life as well, using a global directive which bans discrimination outside the workplace, based on disability, age, religion or belief and sexual orientation, is, in principle, necessary to be able to finalise the anti-discrimination legislative package. The introduction of the concept of multiple discrimination and the special attention given to the rights of the disabled mark a step forward.

This proposal for a directive remains, however, a delicate and controversial subject. This legislative text must maintain a balance between the European Union's powers and Member States' powers by clearly defining its scope of application. Aspects of family law, including civil status, reproductive rights and adoption rights must not be included as part of the scope of application of the proposal for a directive, a fact which must doubtlessly be made clear from the legislative text. The use of the institution of marriage cannot be accepted in any way other than in the Christian sense. Another legally accepted designation can be found for other partnerships.

The principle of subsidiarity must also be respected in aspects linked to educational content and organising national education systems, including denominational schools. The European People's Party has always supported the promotion of diversity as an important objective of the European Union and the fight against discrimination. Unfortunately, the text contains provisions which are unacceptable from the perspective of religious doctrine.

Paradoxically, the left intends to discriminate in this way. In fact, it is me being discriminated against simply because I sincerely believe in God.

**Michael Cashman (PSE).** - Mr President, it has been an interesting debate and it would be funny if it was not so tragic. Most of the opposition I have heard this afternoon is, I think, sincerely felt and believed, but it is not based on the facts and it is not based on the text before us. Nothing in this report undermines subsidiarity or proportionality. Indeed, if it did, it would be corrected by the Council of Ministers. So I urge you, even now, to vote in favour and allow the Council of Ministers to do the right thing to make sure that it is absolutely proportionate and subsidiarity is respected.

Mr Weber, Europe was born out of the values of the Second World War – a determination that we would never look away again whilst one group of individuals or other groups were targeted or made a scapegoat and led away to concentration camps and work camps. A determination that there would be no hierarchy of oppression. Yet, sadly, you want to have a Europe that is not based on those decent values, a Europe that believes and respects that all human beings are born equal. Those opposed to this have to answer to their conscience, to their religion and to their voters as to why you believe some people should be treated differently from others, that they should not have equality.

I stand here fortunate, as a gay man – and if I chose to be gay, is it not interesting that one obviously therefore chooses to be heterosexual? – fighting for equality, not just for gay men and lesbians and bisexuals and transgender people, but for people on the basis of their age, their religion, their belief, their gender, anything that is perceived to be different that could be used to take equality away from them. I believe the litmus test of any civilised society is not how we treat a majority, which, interestingly, is made up of so many different minorities. The litmus test of any civilised society, as people listening in the visitors' gallery will tell you, is not how we treat the majority, but how we treat the minorities, and, in that instance, some Member States are sadly lacking.

Shakespeare said, rather brilliantly, 'the evil that men do lives on, the good is oft interred with their bones'. Look to yourself, imagine if it were you who was different – who had a different religion, a different belief, a different age, a different sexual orientation – would it be right that you should have your human rights taken away from you? The answer has to be 'no'. Now is the opportunity for the House to do that which is right and just and good.

**President.** – At this point in the debate Mr Špidla will have to speak. He will explain better than I the reasons why he has to do so. I am giving him the floor immediately.

**Vladimír Špidla, Member of the Commission.** – (CS) In a few minutes I will have to attend the negotiation proceedings over the Working Time Directive, and you will surely agree that that is one topic which cannot be avoided.

Ladies and gentlemen, I have listened to the debate on the report and I have to say that I listened with some emotion, because it expresses the essential elements and the enormous depth of this problem. The basic question is what does this directive defend? This directive defends human dignity. We cannot believe that it is any less of an affront to human dignity to be discriminated against on grounds of disability, for example, than on grounds of age. We are talking about human dignity and it is the same for everyone.

I have to say that this directive, as it has been submitted to the Commission, is one which came into being organically, out of a profound debate in Parliament and countless debates at Commission level and therefore it is a directive which is well thought-out and which expresses a firm and clear approach to values.

It was also said in the debate that non-discrimination is based on values which we applied and which we became aware of after the Second World War. Whether or not it is true that we developed a deeper awareness of the significance and constitutive weight of certain values after the Second World War, these values have very deep historical roots. In antiquity there was no fundamental concept of human equality – the concept was first formulated in the Christian religion. I well remember one encyclical or perhaps a papal bull from

the 9<sup>th</sup> century called *Oriente ian sole* which clearly stated, 'is it not true that the sun shines in just the same way on everyone?' From that moment this concept has echoed through the whole of history.

Of course, the debate included many questions of a technical nature or of a seemingly lower order than the questions we have been talking about just now. I would like to touch on them. The first question was about the creation of senseless additional bureaucracy. I think that this can be rejected for one simple reason. The directive does not require new structures or new bureaucratic bodies. The directive only extends the application of that which already exists, so it does not in any way involve more bureaucracy.

There was also the open question of subsidiarity. This question was examined with exceptional care because it is a fundamental question. Article 13 of the Treaty is clear. It provides a firm legal basis and a directive which rests on this legal basis does not conflict with the principle of subsidiarity.

Another fundamental principle of this directive is the question of, for example, transference of the burden of proof. This question has already been resolved in previous directives, so there is no new discovery in this case either. However, I would like to say something about the burden of proof. The aim of this directive is to strengthen the ability of individuals to defend themselves – that is the fundamental aim. This would not be possible without transferring the burden of proof. Irrespective of the fact that in many legal systems the burden of proof is already transferred for far less important reasons or for reasons of comparable importance. A classic example of transferring the burden of proof is the so-called assumption of paternity and there are many more examples.

It was also said in the debate that some of the terms were too open. Ladies and gentlemen, most constitutional terms are open and require interpretation in a given set of circumstances. For example, I remember in the German Constitution there is the formulation 'possession obliges'. This is a typically open formulation which is redefined of course in different specific cases.

Ladies and gentlemen, there was some exaggerated talk of potentially heavy costs, especially in relation to the physically disabled. I can state that the directive does not propose any fixed or concrete matters but speaks about reasonable conformity and I can state again that that if reasonable conformity is applied from the outset there will not for the most part be any excessively high costs. I must say that if we regard potentially higher costs as acceptable in relation to health and safety at work, where we are protecting human life, then in my opinion any higher costs that are involved in protecting human dignity – although I do not believe that they will be substantially higher – also exist in proportion to the interest that is being protected, because equality and human dignity, ladies and gentlemen, are interests that have been woven into the Treaty and they are interests that we must defend with all our might.

In my opinion there is nothing more significant for the European Union than the concept of non-discrimination. Although I am a supporter of the internal market and although I am a supporter of many other areas of European policy, I believe that the concept of equal opportunities and non-discrimination is the deepest bedrock of all.

**Sarah Ludford (ALDE).** – Mr President, it is clearly right that we end the complicated patchwork of laws, with different people protected against discrimination in different situations, in favour of a single equality regime. The woman refused a bank loan, the disabled person refused access to a building, the gay man refused accommodation, a black person barred from a club, and so on, should all be protected on the basis of similar principles.

I just want to mention two issues. One concerns protection from harassment. It is rightly made clear in the text that what is barred is the creation of an intimidating environment for an individual, not perceived offence towards a group. It is important to be very firm about the preservation of freedom of speech, which is usefully stressed through a specific mention which is added by the Parliament.

On faith schools, I fully support the right of parents to have their children educated within the principles of a particular faith, so long as that faith itself does not propagate discriminatory and prejudicial attitudes. But we must not condone the creation of ghettos, where only children of a specified faith are admitted to a school and others are excluded. The Commission text allows discriminatory access and I am not persuaded that Amendment 51 resolves the problem. I will probably vote against both.

**Rihards Pīks (PPE-DE).** – (LV) Mr President, ladies and gentlemen, I do not think anyone in this Chamber is in favour of discrimination. Similarly, I think that people in this Parliament are opposed to discrimination. This document – this proposal for a Council directive – undoubtedly contains many fine proposals, but I

think many of the proposals included here are based on a Christian outlook and the Christian religion. I would like to say that one directive cannot achieve what needs to be achieved during a long process of education, because that is a question of ethics and attitude. Going further, while this directive, or proposal for a directive, includes many good things, there are, however, several places where it goes too far. On these points, in fact, by creating opportunities for one group of people, it restricts the opportunities of another group. Indeed, I would go as far as to say that a series of points create opportunities to meddle in the sphere of private activity, and that is counter to our basic values. In addition, now the elections are approaching, and we are increasingly hearing questions from our voters, as well as criticisms. I think that the same thing will be happening in your countries. The most frequent criticism that we hear is that there is too much regulation from Brussels, too many restrictions and too much red tape. We ought therefore to avoid infringing subsidiarity or creating excessive restrictions. I believe that this document should be reconsidered.

**Inger Segelström (PSE).** – (SV) Mr President, I would like to begin by thanking Mrs Buitenweg, Mrs Bozkurt, Mr Cashman and others for an extremely good report. I, along with many others, am surprised and shocked at the leader of, and speaker for, the Group of the European People's Party (Christian Democrats) and European Democrats, Manfred Weber, who proposed, in Amendment 81, that Parliament reject the proposal for a directive because it violates the principle of subsidiarity and would entail a disproportionate amount of bureaucracy, according to the Swedish translation. Commissioner Špidla has commented on this.

I am sure that all women with disabilities and all of the other groups who had counted on the European Parliament to safeguard the human rights of citizens for their group too are deeply disappointed that the PPE-DE Group's leadership compares human rights with bureaucracy. I therefore urge the whole House to vote against the PPE-DE Group's Amendment 81 tomorrow. I also think it is important that women do not continue to be discriminated against by insurance companies simply because they are women and older, but as a group are healthier and live longer than men. I hope, too, that Parliament will have the courage to clarify that tax-funded education is there for everyone. Religion is certainly important to many Europeans, and I respect that, but we live in a secular society.

No, Mr Weber, your market's freedom of contract is not as important as the fundamental human rights of citizens. Ask the citizens of the EU – they are wiser and more up-to-date than you PPE-DE Group members. The expectations on us are high and I hope that everyone has the courage to vote in favour of this tomorrow and not against it as you have advocated.

**Jeanine Hennis-Plasschaert (ALDE).** – (NL) Mr President, I should like to start by thanking the rapporteur. It cannot be said often enough, she has done an excellent job. It was no easy task. Some fellow Members seem to be particularly quick to take offence.

The starting point of this Directive is crystal clear: equal treatment for absolutely everyone – homosexual or heterosexual, woman or man, old or young, black or white, disabled or otherwise, religious or humanist, and so on. His right is her right, Mr Weber, our rights are their rights and your rights are our rights. This, Mr Vanhecke – who has left the debate yet again – has nothing to do with so-called political correctness.

The shadow rapporteurs and the rapporteur herself have put in a great deal of effort to reach this compromise, a compromise that the Group of the European People's Party (Christian Democrats) and European Democrats, too, would be able to support. No one considers the text flawless, and I can only hope that a substantial majority in the PPE-DE Group will come to their senses by tomorrow's vote.

I am all for freedom of religion but, Mr Weber, you have some cheek setting yourself above others and treating equal opportunities as senseless bureaucracy with your hand on the Bible.

**President.** – Ladies and gentlemen, Mr Barrot will replace Mr Špidla for the final part of this debate.

**Mario Mauro (PPE-DE).** – (IT) Mr President, ladies and gentlemen, the heart of a strategy of non-discrimination boils down to the following assertion: the person always comes first. We consider the person before considering the fact that he or she is in some way different – disabled, for example, or homosexual – and we therefore love, safeguard and defend the person; that is the heart of the strategy of non-discrimination. If this is true, it is true; therefore anyone who has a religious faith is a person, as the fact that he or she is a person comes before the fact that they have a religious faith.

Therefore, we must be careful, because the statement made in Article 3 according to the wording proposed by Amendment 52 of the report by the Committee on Civil Liberties, Justice and Home Affairs introduces a principle diametrically opposed to Declaration 11 in Article 17 of the Treaty on the Functioning of the

European Union. This Amendment 52 negates the concept of preserving the status under national law of churches and organisations based on religious or personal beliefs, and at the same time, Article 3 and the corresponding Recital 18, according to the wording proposed by Amendments 51 and 29 of the aforesaid report, limit – in my view – the scope of the competence of Member States in terms of access to educational institutions based on religion or personal beliefs.

In short, I am convinced that if we want to defend the person from the outset and in their entirety, we must also defend those aspects that characterise the person from a religious point of view. In addition, I think that Amendments 92, 89 and 95 could be a reasonable point of contact for those who want the directive to be adopted, and we could therefore find an effective place for dialogue at that level.

**Claude Moraes (PSE).** – Mr President, the Chair of our Committee, Mr Deprez, spoke for so many of us in this House when he said that this was not a report about sectional interests or a report of the Left, but a report by Mrs Buitenweg, which was full of thoughtfulness, sensitivity and compromise where people were concerned. The rapporteur has created a report which does not bind business or over-regulate business, as we have seen in the long journey of the two previous directives – the Race Equality Directive and the Employment Directive – which, I would say to Mr Weber, has not bound or over-regulated businesses in Germany or in my country.

She has created a directive about fundamental rights, which do not create that bureaucracy which Mr Špidla spoke about. I tabled amendments on strengthening equality bodies, which already exist. In the United Kingdom we have the Equality and Human Rights Commission, who recently supported the case of a European citizen – Sharon Coleman, the mother of a disabled child – who brought a case against her employer for disability discrimination by association, something fundamental to Mrs Buitenweg's report. The European Court of Justice ruled in her favour and, as a result of this judgement, we have extended rights to Britain's carers – people who care for disabled people.

I would say to people in this House that you will grow old, you may be disabled and you may care for somebody with a disability. That is the reality for tens of millions of European citizens. That is what this report is about. It is not about sectional interests or concerns about who is going to dominate one other section of society. I would say that this report is not Left or Right – it is about fundamental rights. As Mr Cashman said in his speech, people out there, before the European elections, will look to see whether we protected fundamental rights without doing anything bad to our businesses and our economy. That is what this report does. Let us support it. It is practical and it is right.

**Marco Cappato (ALDE).** – (IT) Mr President, ladies and gentlemen, I would like to express my support for Mrs Buitenweg's work. As I understand it, what was supposed to be a compromise will not perhaps be a compromise at all, but that is not important. The important thing is that we manage to come to a decision.

If anything, on some points my concerns are the opposite of Mr Mauro's. Religious freedom? Of course, 100%. Freedom for religious educational institutions? Of course, 100%. No religion can ever, under any circumstances, be a reason, an excuse, or cover for carrying out any kind of discrimination. There can be no prospect of tolerating exceptions whereby a church or religious institution can discriminate against teachers or students whose behaviour does not conform to a given faith, because of the risk of intrusion by the ethical state and the many religions that can lay claim to the same legitimacy.

That is not the way forward. After all, our treaties and the European Union already, unfortunately, extend more protection than needed to the national states with their lengthy lists of exceptions to fundamental rights and freedoms. Let us not add further exceptions to those that already exist.

**Carlos Coelho (PPE-DE).** – (PT) Mr President, Mr Barrot, ladies and gentlemen, I, alongside my colleagues from the Group of the European People's Party (Christian Democrats) and European Democrats, voted for this report in the Committee on Civil Liberties, Justice and Home Affairs. That is because of the excellent work by the shadow rapporteur, Mr Gauber, towards trying to find a balanced compromise. I would also congratulate the rapporteur, Mrs Buitenweg, on her work and join her in calling on everyone to avoid a radicalisation of positions and to seek the broadest possible consensus.

As in all compromises, there are points on which we successfully make our opinion prevail and others which we find harder to accept. We are talking about a compromise which has to take into account the legislation, accepted practice and various cultural traditions existing in the 27 Member States. I consider the 10-year period in which buildings can be adapted to enable disabled people to access goods, services and resources

to be positive, as well as the fact that, where difficulties at the structural level that are impossible to overcome persist, it will always be possible to find alternatives.

I also add my voice to those expressing concerns in relation to insurance companies – the fact, for example, that they, as well as medical opinion, have been given consideration. I cannot, however, accept the idea of eliminating the reference – agreed on in committee – to the principle of subsidiarity in topics relating to the law on family, marriage and reproduction. These are exclusive competences of the Member States. The same applies to Article 8, which Amendment 90 of the Group of the European People's Party (Christian Democrats) and European Democrats aims to remove because, given the existing legislative traditions in many Member States, it is not possible to accept the inversion of the burden of proof as that will cause insuperable legal problems.

If these key points are adopted in plenary session, I will be unable to vote for this report. I will never, however, be able with a clear conscience to vote against a directive that prohibits discrimination between people irrespective of their religion or belief, disability, age or sexual orientation. In conclusion, Mr President, it is also a case of defining which Europe we want to help build. I am fully in favour of a Europe that ceaselessly fights all forms of discrimination.

**Iratxe García Pérez (PSE).** – (ES) Mr President, the proposal for a directive which we are debating today projects the principle of equality as a brand mark of the European project. As such, we must approach it with an ambitious focus, with the aim of working towards the inclusion of all citizens of the Community, and we must implement it in both public policy and administrative operations, as well as in relationships between individuals.

We must move forward to allow all citizens to exercise and enjoy their rights to the full, without discrimination on grounds of belief, disability, age or sexual orientation, or of course, multiple discriminations.

We need to emphasise that the principle of equality, and the ban on discrimination, must be respected in the arenas of both Community and national policy, so that we can turn the principal of equality throughout Europe into a reality. We must also achieve an adequate level of protection against all grounds for discrimination listed in Article 13 of the Treaty.

This initiative should arm us with better tools for fighting possible discriminatory behaviour, which to our shame, is still a reality today, as highlighted in yesterday's report on homophobia by the European Union Agency for Fundamental Rights.

Fellow members of the Group of the European People's Party (Christian Democrats) and European Democrats, do not muddy this debate with empty excuses, because a vote against this report is clear evidence of an ideological viewpoint. The fight against discrimination is of crucial importance, and represents the bedrock of the European Union's values.

For this reason, we have both a responsibility and an obligation to take a step forward today, in this Parliament, towards a commitment to, and defence of equality throughout Europe. We cannot give up on our desires and hopes to make progress and simply relinquish such a fundamentally important matter, based on our values, to the category of hopes and dreams. The citizens of Europe, and most importantly, the most vulnerable, would not forgive us.

**Csaba Sógor (PPE-DE).** – (HU) Pursuant to the Universal Declaration of Human Rights and to the Convention on Human Rights and Fundamental Freedoms, every citizen enjoys equal rights and freedoms and equal protection of the law without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

But I would like to emphasise that decisive and effective action is required against every form of discrimination, for discrimination is still strong in Europe and affects many different layers of society. In many cases it is not enough to prohibit all forms of discrimination, the introduction of various positive measures is also essential, such as in the case of people living with disabilities. Many countries – Italy, France, Finland and Spain, to name but a few – have granted autonomy and adopted positive measures in the interest of protecting national minorities.

The European Union and its Member States also have a duty to guarantee equal rights and equal treatment of citizens in institutional form. We need independent institutions working at European level that can monitor and guarantee that States commit themselves to the principle of equal treatment not only in theory, but also adopt concrete steps in order to implement this directive effectively.



**Evangelia Tzampazi (PSE).** – (EL) Mr President, Commissioner, ladies and gentlemen, I want to ask you if you consider the fact that I am talking to you sitting down back here and have not risen like all my other fellow members an insult to this House.

The European Parliament was and must continue to be a supporter of the horizontal directive, which will guarantee equal treatment and protect European citizens from all forms of discrimination. This directive must supplement the existing European legal framework, especially as regards people with disabilities and the obligation to guarantee effective and non-discriminatory access.

We have included important proposals. We have introduced protection against multiple discrimination, by stipulating in the report that effective and non-discriminatory access must be guaranteed. In cases where access cannot be guaranteed on the same terms and conditions as for people without disabilities, we must be given a proper alternative solution. The report sets stricter criteria in order to assess if measures to safeguard effective and non-discriminatory access will involve disproportionate costs. There are some points included in the report which do not satisfy all of us, which is why we shall support certain amendments which have been tabled and which strengthen cohesion.

In any event, I consider that we should support the report, thereby sending the Council a clear message that we must, at long last, have effective European legislation which puts an end to the discrimination which undermines confidence in the fundamental European values of equality and the rule of law.

**Martin Kastler (PPE-DE).** – (DE) Mr President, ladies and gentlemen, as a journalist, I would like to draw attention to a change in this directive that is of great concern to me personally. Specifically, I find it incomprehensible that, when the directive has not yet been transposed in 10 out of 27 Member States, we are going a step further and trying to stick an additional directive on top of it. Opinions may be divided on that, which is fine, but what really disturbs me, as a journalist, is the fact that it is damaging the freedom of the press in the Member States. Let me give you two examples of this. Mr Weber's proposed amendment, which merits our support, means that it will also be possible to limit the freedom of the press, for example, if a publisher is required to accept an advertisement from neo-Nazis or anti-Semites. I think that is totally inappropriate and goes completely against the principles we have in the EU, and I object strongly to it. We cannot allow this to happen. The same applies, of course, if we have anti-discrimination; then people who we do not want to encourage in the EU, but rather need to take action against, will have even more opportunities, for example in the property market. In my homeland, we see neo-Nazis trying to buy property almost on a weekly basis. If property is being rented or sold, we cannot prevent left-wing or right-wing extremists from taking it. They will make use of this new amendment, and I object strongly to this and will vote against it. I am therefore in favour of supporting referral back to committee or, if this is impossible, of voting against it.

**Miroslav Mikolášik (PPE-DE).** - Mr President, over the years Europe and the rest of the world have fought to battle discrimination on all levels. Our progression as decent humans demands that we do just that, respecting perfectly the subsidiarity principle.

As Mrs Buitenweg has stated, the Commission has promised, for over four years now, to pass a broad and inclusive proposal on the human rights of all people. This is now coming, finally, to fruition.

I strongly believe that no person should ever be discriminated against on the basis of his or her religion or belief, disability or age. On the contrary, as a Christian believer I call upon the European Parliament and each individual to not only stop discrimination but to help those who are being discriminated against because of their disability.

This help can come from us in different shapes and forms. Each Member State has constantly persisted in improving equal access to those who need it the most. As Europe continues to integrate, it is paramount that we remember that we are all different yet perfectly equal in all regards.

**Marusya Ivanova Lyubcheva (PSE).** – (BG) Mr President, Commissioner, we are discussing an extremely important directive, which will provide an opportunity to resolve issues which are still controversial in the area of non-discrimination. I feel it is especially important that it reaffirms the right and freedom of religious beliefs and the application of the principle of non-discrimination in this area.

At the same time, the directive explicitly refers to Declaration No 11 on the status of churches and non-confessional organisations, in which the European Union respects and does not prejudice the status under national law of churches and religious communities in Member States.

The right is also recognised of Member States to draft and implement specific provisions in this area. It goes without saying that the European right must be harmonised with the right of Member States to regulate individual areas.

This is a complex subject. Relations must be made clear so as to avoid infringing anyone's rights, including the rights of those who belong to the churches sanctioned by legal regulations.

**Manfred Weber (PPE-DE).** – (DE) Mr President, rapporteur, ladies and gentlemen, since I am the one who has been quoted the most in this debate, I would like the opportunity to respond once again.

I have said that anyone who asks questions is the bad guy in this debate. All the speakers who have vehemently spoken against discrimination have talked about the principle. Once again I would appreciate it if we could not dispute the principle and instead work to combat discrimination. Even when, for example, we discuss environmental issues and we disagree with regard to the prohibition on CO<sub>2</sub> emissions, then we disagree on the means to achieve it, but we all agree on the objective. Why are we not allowed to disagree on the means with regard to discrimination and how we want to combat it? Moreover, if newspaper publishers sit in our offices and express their concerns, we should be allowed to bring up those concerns here.

Mr Cashman, you are not doing the issue and your concerns any favours if you marginalise anyone who simply asks questions. That is purely and simply what we are doing here.

**Richard Howitt (PSE).** – Mr President, as the shadow rapporteur on the Committee on Employment and Social Affairs, on behalf of the Socialist Group, could I commend Mrs Buitenweg and also my colleague Mrs Bozkurt? Thank you for your cooperation.

On behalf the Disability Intergroup, I am delighted that the 1.3 million people who signed the petition calling for an extension of anti-discrimination rights to disabled people have had their call listened to. I am also delighted that we agreed across party lines that there should be a horizontal directive and there should be no hierarchy of discrimination – a promise made to us by the then Portuguese Presidency of the European Union when the Race Directive was passed in 2000. Frankly, this promise has taken too long to be realised.

I condemn the Conservatives who want to make that delay even longer. This debate is not just about showing our support in Parliament, but is also about appealing to the Council to get on and agree to this now. I would ask our German friends not to block it, please. There are issues about private contracts that you are concerned about, but on public duties you are far ahead of the game. Let us actually raise our vision and get this agreed. I am delighted that today the future Swedish Presidency has committed itself to completing this in the EPSCO Council before Christmas. I hope very much you will be able to do that.

**Kathalijne Buitenweg, rapporteur.** – (NL) Mr President, it is incredibly hard for a rapporteur to do a good job when the largest group is conducting a kind of flip-flop policy. In the Committee on Civil Liberties, Justice and Home Affairs, the Group of the European People's Party (Christian Democrats) and European Democrats supported this report, because it represented a reasonable compromise. We worked together with Mr Gaubert, who seems to have disappeared; at least, I have not seen him. In any case, however, we worked together on exactly the same text and now he is opposed to it! It looks as though the coordinator, Mr Weber, is primarily imposing the position of his German national party on the PPE-DE Group.

Mr Weber, you yourself told me personally just last week that it was not about the substance but about sending out a political signal. Is that not true? Is that what you told me? Well then, you cannot now hide behind details – if you wanted to do that you could have simply tabled amendments. You did not do so. What you really want is the rejection of the entire proposal. You simply do not want it, so do not pretend you have the same ultimate objective.

I have heard plenty of things to which a straightforward answer can be given. For example, a great many people have asked what business this is of Europe's. Yet there are already a great many directives that have provided protection on the labour market for a long time now, and protection against discrimination on a great many other grounds is also provided outside the labour market, but the protection for some people lags behind, for example in the case of disability, age, sexual orientation and religion. We are not introducing a whole new invention, therefore, but rather repairing existing legislation. We are not introducing a new competence; we are ensuring that people are simply treated equally and that some categories are not regarded as more important than others.

Mr Pirker spoke about the labour market. That is not what this is about at all; that was a different directive. This is not about the employment of teachers. Let us please stick to the facts. The burden of proof is a tricky

point, as the Commissioner commented before. This, too, is nothing new; it is also contained in the other directives. It is absolutely not true that people will be able to simply accuse you and you will have to defend yourself. Nor are we talking about criminal law here. People must first provide real facts in other fields to back up why they think they are being discriminated against, and then you have to give your reasons for accepting or turning someone down for a property.

With regard to the media, as the text states, provision is already made for rejecting advertisements that are not in line with the identity of a publication: it is all there, in Article 54. As regards the churches, they do not even need to comply with all these requirements in their entirety, although they do need to when performing social tasks. In the Netherlands, for example, they perform some social care services. It is unacceptable for them to be exempt when performing social tasks purely on account of belonging to a church. These are the very specific points that are mentioned in the report.

We have done our best. We have accommodated you throughout. Indeed, your amendments are here in the text, and now you are going to vote against it after all, on account of all kinds of party-political positions. I must say, this is a personal blow to me, as I held out my hand to you. A great deal of your text has been incorporated into the report, and I think it disgraceful that you are now washing your hands of it!

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

The vote will take place on Thursday 2 April 2009.

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

**Carlo Casini (PPE-DE), in writing.** – (IT) Human dignity and equality are the two great values on which the modern culture of human rights is founded. However, it is often the case that grand words are used to disguise their opposites. Equality, for example, means handling identical situations in the same way, but it also means handling different situations in different ways. My reservations regarding the report in question derive from this preliminary consideration. No one can have the slightest doubt that the Group of the European People's Party (Christian Democrats) and European Democrats recognises the full dignity and equality of the disabled, the elderly, the sick, the poor, refugees and immigrants. I have the impression, however, that an attempt is being made to latch on to this established movement in order to impose discrimination against the family founded on marriage between a man and a woman and against religious freedom, especially as concerns religious schools. I will never tire of fighting for equality for the smallest, the poorest and the defenceless. For precisely this reason it pains me to see the Europe of human rights, through its laws and practice, implement discrimination of the harshest kind, between born and unborn babies. We are not discussing this today, but it would be appropriate for it to enter the European consciousness when reflecting on dignity and equality.

**Gabriela Crețu (PSE), in writing.** – (RO) By some fate of the calendar we are discussing this directive today, while we are voting on it tomorrow, which is World Autism Awareness Day. This augurs well.

It is clear to us that in reality there are major discrepancies between Member States' national legislation on the rights and interests of people whose life is affected by autism. The discrepancy is even greater if we compare the everyday lives of the people affected.

There is a long way to go to achieving European standards, but some progress needs to be made. Autism must be recognised as a separate disability among mental disabilities and specific strategies must be devised for it.

This may seem costly to some, but receiving equal treatment is an absolute must, as it is for those suffering from other disabilities, so that we can respect ourselves and the values of European society.

**Bairbre de Brún (GUE/NGL), in writing.** – (GA)

This directive brings to the fore the very important recognition that discrimination is not something which only happens in the workplace. The main aim of the permanent Commission's recommendation is to address discrimination based on religion or belief, on disability, on age or sexual orientation and the implementation of the principle that people be treated equally outside the work environment.

I know, as a result of dealing with disability rights groups and disabled people in Ireland, that this legislation will be warmly welcomed. Mrs Buitenweg is completely correct when she says in her report, 'to guarantee equal treatment of every person with a disability, the prevention of discrimination is not enough. Positive

action is required as well, in relation to measures implemented beforehand and through offering appropriate adjustments.'

I also welcome the firm stand taken by the rapporteur and the Commission to prevent discrimination on the ground of sexual orientation. Discrimination of this kind has no place in a modern society and I reject the efforts of some political groups to weaken the legislation in this regard.

**Proinsias De Rossa (PSE), in writing.** – I am a Socialist, which means I believe that all human beings are equal. We need to fight discrimination wherever it is found not just in the workplace. Indeed, there can be no hierarchy among discriminations. Everybody is different, everybody is equal.

The purpose of the directive is to implement the principle of equal treatment between persons, irrespective of religion or belief, disability, age or sexual orientation outside the labour market. It sets out a framework for the prohibition of discrimination on these grounds and establishes a uniform minimum level of protection within the European Union for people who have suffered such discrimination.

This proposal supplements the existing EC legal framework, under which the prohibition of discrimination on grounds of religion or belief, disability, age or sexual orientation, applies only to employment, occupation and vocational training.

**Lidia Joanna Geringer de Oedenberg (PSE), in writing.** – (PL) Discrimination is a serious problem in Europe and beyond. According to a special survey undertaken by Eurobarometer in 2008, 15% of Europeans claimed to have been victims of discrimination last year.

The European Parliament has waited more than four years for the proposed directive. The latter represents an attempt to implement the principles of equal treatment of individuals regardless of religion, belief, disability, age or sexual orientation. This is to apply not only regarding access to employment, but also in relation to goods, equipment and services, such as banking, housing, education, transport and health care for example.

In addition, the document defines minimum framework standards to ensure protection against discrimination. Member States are free to increase the level of protection offered should they wish to do so. They may not, however, refer to the new directive in order to justify lowering existing standards. The directive grants injured parties the right to compensation. It also states that Member States should not only express the wish to overcome discrimination, but also have a duty to do so.

A significant number of Member States of the Union have already introduced provisions guaranteeing a varying degree of protection beyond the labour market against discrimination on the grounds of religion, belief, disability, age or sexual orientation. The present draft directive will allow the introduction of cohesive European provisions in this area. It will make a strong statement to the effect that Europe as a whole does not condone discrimination. Freedom from discrimination is a fundamental right and should be enjoyed by everyone in the European Union.

**Zita Gurmai (PSE), in writing.** – (HU) Recently, equality of opportunity has been an increasingly strong theme in Community decision-making. The objective of the proposed directive in equal treatment is to apply the principle of equal treatment of persons irrespective of religion or belief, disability, age or sexual orientation.

Freedom from discrimination is a fundamental right and should apply to every citizen of the European Union. I firmly insist that we must combat every form of discrimination. The road we must follow in this regard is a long one, and it is clear as well that we can only move forward one step at a time. This entails, first, supplementing and consolidating legislation, second, transposing the legislation containing new, consistent and unified principles into national law, and finally their implementation in practice. Although these would demand significant work and time if taken individually, our goal is to succeed, within a reasonable timeframe, in showing concrete steps forward and in living in a Europe that is truly free of discrimination.

**Livia Járóka (PPE-DE), in writing.** – (HU) I would like to congratulate my fellow member, Mrs Buitenweg, for her report, which opens up the way to supplementing the legal structure for eliminating all forms of discrimination. Article 13 of the Treaty on European Union sets out the aim of combating discrimination based not only on sex and ethnic origin but also religion, belief, disability, age and sexual orientation.

In spite of the adoption and transposition into national law of directives 2000/43, 2000/78 and 2004/113, there has to date been no common protection against discrimination on the four grounds mentioned above outside the area of employment. The proposed directive is intended to fill this gap and we hope that, in

addition to prohibiting discrimination, it will provide a legal remedy for those suffering disadvantages in all 27 Member States.

The effective implementation of the directive under consideration and the compensation for the deficiencies noted in the course of transposing and applying the earlier directives would supplement the defence available to European Union citizens against discrimination. In addition, adoption of the proposed directive does not require any change to the relevant national laws. Therefore, I sincerely hope that the Council will be able to guarantee the unanimous support required by the Treaties and that each Member State will contribute to enabling the European Union to take an enormous step towards fulfilling our fundamental values and objectives.

**Silvana Koch-Mehrin and Alexander Graf Lambsdorff (ALDE)**, *in writing*. – (DE) The legal basis used, Article 13(1) of the EC Treaty, is not appropriate considering that, in the opinion of the German Free Democratic Party (FDP), the principle of subsidiarity is not being adhered to. It is not within the remit of the EU legislator to lay down the regulations in question, thereby seriously encroaching on the self-determination of the Member States.

Combating discrimination of all kinds and helping the disabled to participate in public life are important tasks. However, proposing to extend the anti-discrimination regulations to practically all areas of life is out of touch with reality. The reversal of the burden of proof laid down in the directive will mean that it is possible to open legal proceedings on the basis of accusations not backed up by sufficient evidence. Those affected would then have to pay compensation even if they have not actually committed any acts of discrimination but are unable to prove their innocence. Defined in this sweeping way, this reversal of the burden of proof is therefore questionable from the point of view of its compatibility with acting as a state under the rule of law. It will create uncertainty and facilitate abuse. That cannot be the *raison d'être* of a progressive anti-discrimination policy.

A further consideration must be that the Commission is currently pursuing infringement proceedings against numerous Member States in relation to inadequate transposal of the existing European directives on anti-discrimination policy. There is as yet, however, no overview of those regulations that have been transposed so as to make it possible to determine the need for new regulations that has been claimed. Germany, in particular, has already gone far beyond previous stipulations from Brussels. We therefore voted against this report.

**Sirpa Pietikäinen (PPE-DE)**, *in writing*. – (FI) When it is implemented, the Equality Directive will be one of the most important steps forward this electoral term for a social Europe and a Europe of the people. When it applies to all groups of people and discrimination criteria, legislation on both active and passive discrimination has an enormous impact on the lives of many EU citizens. In this regard I would like to thank the rapporteur for her excellent work.

Both in Finland and elsewhere in Europe the daily lives of a huge number of people are being made difficult by discrimination in one form or another. This should not be possible in today's society, where there is respect for human rights and equality; everyone should have an equal opportunity to participate in society. Non-discrimination is the hallmark of a civilised society.

It is especially important that the Directive covers all discrimination criteria. Although there are huge differences between groups and individuals that face discrimination, we need to address the problem of discrimination as a phenomenon consistently, without specifying any particular group or groups. A fragmented approach would inevitably make different discrimination criteria unequal in value and would also cause fissures, which people, who encounter discrimination for all the many different reasons, would be in danger of falling into.

**Siiri Oviir (ALDE)**, *in writing*. – (ET) The European Union is based on the joint principles of freedom, democracy and respect for human rights and fundamental freedoms. Article 21 of the European Charter of Fundamental Rights states that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. [this is a direct quotation from the legislation]

The recognition of the uniqueness of each individual and their equal right to the opportunities offered by life is one of the attributes of Europe's united diversity, which is a central element in the union's cultural, political and social integration.

Although the development of many areas in the EU has until now been very successful, it is surprising that we still lack common rules to deal with violence or abuse against the handicapped or concerning sexual abuse, and not all Member States sufficiently recognise those citizens' fundamental rights. We must recognise that the European legal framework for the struggle against discrimination is not yet perfect.

I wholeheartedly welcome the new directive, which creates in the EU a common framework for action in fighting discrimination. The above-mentioned framework will probably lead to the implementation of the principle of equal treatment in Member States more widely than just in the labour market.

Fighting discrimination means investing in the consciousness of a society whose development takes place through integration. In order to achieve integration, however, society must invest in training, awareness and the promotion of good practices, in order to find a fair compromise in the benefit and interests of all of its citizens. Thus a great deal of effort is still required on our part in order to eliminate discrimination in Europe.

**Daciana Octavia Sârbu (PSE), in writing.** – (RO) The right not to be discriminated against is a fundamental right which has never been questioned in terms of its applicability to EU citizens. Equal treatment irrespective of religion or belief, disability, age or sexual orientation is one of the basic principles of European integration.

This long-awaited directive, whose history is just as complicated throughout the consultations in Parliament, is based on Article 13 of the EC Treaty and governs protection against discrimination, emphasising equality of treatment whatever the grounds. There can be no doubt at all about the need for this directive, given the large number of people, roughly 15%, who claim they are discriminated against at EU level.

I would also like to stress the importance of comparing this new directive with those already in force for combating discrimination. This is a task which will be accomplished through cooperation between the Commission and Member States. I am pleased to be able to highlight, in this respect, the progress which has been made in this area in Romania over recent years, as indicated by the European Union Agency for Fundamental Rights.

Last but not least, I believe that this directive will have a significant impact, given the social protection measures, the social benefits and easier access to goods and services, which it will guarantee.

#### IN THE CHAIR: MR SIWIEC

*Vice-President*

### **15. ERDF, ESF and Cohesion Fund: provisions relating to financial management - New types of costs eligible for a contribution from the ESF - Investments in energy efficiency and renewable energy for housing (amendment of Regulation (EC) No 1080/2006 on ERDF) (debate)**

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

- the recommendation (A6-0127/2009), by Mrs García Pérez, on behalf of the Committee on Regional Development, on the proposal for a Council regulation amending Regulation (EC) No 1083/2006 on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management (17575/2008 – C6-0027/2009 – 2008/0233 (AVC))

- the report (A6-0116/2009) by Mrs Jöns, on behalf of the Committee on Employment and Social Affairs, on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1081/2006 on the European Social Fund to extend the types of costs eligible for a contribution from the ESF (COM(2008)0813 – C6-0454/2008 – 2008/0232 (COD)), and

- the report (A6-0134/2009) by Mr Angelakas, on behalf of the Committee on Regional Development, on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1080/2006 on the European Regional Development Fund as regards the eligibility of energy efficiency and renewable energy investments in housing (COM(2008)0838 – C6-0473/2008 – 2008/0245 (COD)).

**Iratxe García Pérez, rapporteur.** – Mr President, firstly I should like to thank all of my fellow Members in the Committee on Regional Development, who have worked hard towards bringing this important agreement to the table today. This agreement concerns the modification of certain rules, in order to allow a series of changes to be immediately implemented.

The European Union is being confronted with an unprecedented economic crisis, which has led to a recession in most of the Member States. Within the framework of the European Economic Recovery Plan, the European Commission has adopted a series of measures to introduce changes in the Structural and Cohesion Fund rules, in order to stimulate investment. These changes contain two clear priorities: an increase in expenditure, to improve liquidity, and the simplification of the rules to allow projects to be approved more quickly.

This package of modifications has been conceived as a temporary response to a critical situation, although in fact it does also answer the European Parliament's call for greater simplicity and flexibility, reiterated on many different occasions.

I should like to make a brief statement concerning the proposed modifications, so that we all understand their importance with regard to achieving the objectives we have set out:

- an increase in aid from the European Investment Bank, and the European Investment Fund, as well as greater financial support for technical activities related to project development and implementation;
- simplification of the eligibility of expenditure;
- an increase in pre-financing for the European Regional Development Fund (ERDF) and the European Social Fund (ESF); the total amount of additional advances through this measure will be EUR 6.25 billion;
- an acceleration in expenditure on major projects by amending the present maximum rate of 35% on advance payments, allowing advance payments of up to 100% for State aid beneficiaries of public benefits.

We in Parliament are aware that these measures must be passed as quickly as possible in order to meet the immediate need for liquidity in the Member States, and we know that these measures will definitely also have positive repercussions throughout all of the regions and municipalities of Europe.

Last week we were debating the future of the Cohesion Policy, and unanimously agreed that it has brought about huge advances in economic and social development in many of our regions.

At this moment of great uncertainty, it is more important than ever to defend these principles of solidarity and cooperation between territories, as the people need to see that we in Europe are capable of helping to find a way out of this crisis which is placing millions of people in situations of real difficulty. Today more than ever, we need strong tools with which to solve these problems.

By putting these modifications in place, we will be facilitating the acceleration of, and investment in projects that will also be important in creating jobs.

Moreover, thanks to the European Social Fund, we can develop training and retraining initiatives in order to bring the most vulnerable sectors of society, and those experiencing the greatest difficulties, into the labour market. This can be the case for women, disabled people, or the long-term unemployed. We must not forget that these sectors are the most vulnerable in times of crisis.

I also want to reiterate here, as we stated in the report's explanatory statement, that despite being aware of the need for urgency that was necessary in tackling this issue, Parliament would like to have had more involvement in developing these proposals, in terms of the quality and quantity of dialogue.

Therefore, being mindful of the problems in Europe at this time, we fully support this proposal for measures to modify the Structural Funds, in order to move forward towards a solution to the present situation.

**Karin Jöns, rapporteur.** – (DE) Mr President, Commissioner, ladies and gentlemen, this is a rare event – so much so, in fact, that it highlights the importance of the discussions, the current revisions and the urgent need for action – as this is the very first time that we will have adopted a proposal for a regulation from the European Commission on the structural funds for which there are almost no amendments.

I am relieved to find that we are so unanimous in our discussion of this proposal for a regulation from the Commission regarding the European Social Fund, and I would like to thank you all for following my recommendation not to table any amendments in respect of the European Social Fund. It is very clear that the financial and economic crisis demands that we all take responsibility, once again, for the optimum and, above all, rapid qualification of our workers, especially now. More and more people are suffering from the effects that this international financial crisis is having on the labour market. They expect answers from us, they expect protection and, above all, they need answers now and not in a few months' time.

The revision of the European Social Fund Regulation that we will adopt tomorrow will therefore enter into force immediately. This will make a significant contribution to reducing the bureaucracy associated with the European Social Fund. The allocation of funds has been made simpler and this will also speed up the disbursement of funds. Application procedures that drag on for months and complicated methods of calculation, which until now were required to prove scheme participants' eligibility for individual bus and tram tickets, will be a thing of the past.

However, sometimes I ask myself why it has taken such a dramatic crisis for us to take this step. Of course, it is never too late and with this revision we are at least ensuring that the funds can be used to the full and hopefully will also very quickly reach those who are most affected in the best possible way. We must enable these people to be reintegrated into the labour market as quickly as possible. They must absolutely not be allowed to slip into a longer period of unemployment, because at the present time it is easy to fall from there into a precarious situation or into poverty.

What has changed? Or should I say what will change when we adopt this tomorrow? In future, project applicants will be able to use flat rates in their calculations and also be able to apply for lump sums up to EUR 50 000 for each measure. As for all of you sceptics, I would like to reiterate that checks on the correct allocation of funds will remain in place, as, firstly, both flat rates and lump sums will be determined by the Member States themselves and, secondly, the Commission will examine in advance whether these – and I quote – are fair, equitable and verifiable. The procedure does actually appear to be in order, as, surprisingly enough, our budget controllers had no objections to this regulation.

Thus, we are simplifying the procedure. However, we are not changing the main priorities of the European Social Fund. There is no reason at the moment for us to do this, as the project applicants are given sufficient scope to be able to react appropriately themselves to the specific needs of the labour market.

Finally, I would like to say that we are also making available to the Member States an increase in advance funds for this year of a further EUR 1.8 billion for training and further training measures and I think that this is a clear signal from this House that we are acting quickly in this crisis and are showing solidarity here.

I would like to apologise for the fact that I am unable to stay with this debate to its conclusion, as I now have to attend the Conciliation Committee for the Working Time Directive.

**Emmanouil Angelas**, *rapporteur*. – (EL) Mr President, Commissioner, I too want to take my turn in thanking my fellow Members in the Committee on Regional Development for the spirit of cooperation in which we worked.

Following the credit crunch which hit us several months ago, we all know that the Commission issued a communication on 26 November 2008 on a European Economic Recovery Plan for the Member States and their regions, based on strengthening the European economy and reinforcing the core values of the Lisbon Strategy for Growth and Jobs.

Among other things, this programme urges the Member States to re-programme their operational programmes for their structural funds and the energy sector, paying particular attention to improving the energy efficiency of buildings, given that the construction sector is one of the industrial sectors which creates large numbers of jobs.

As such, it has become necessary to recast the general Regulation (EC) No 1083/2006 on the Structural Funds. Within these frameworks, and more specifically as regards the energy efficiency of buildings, I undertook to recast the regulation in question as the rapporteur for the European Parliament.

As rapporteur, therefore, I should like to point out the following. To date the European Regional Development Fund (ERDF) has only considered expenditure incurred by Member States which joined the European Union after May 2004 as eligible expenditure for housing, especially for energy efficiency and renewable energy in housing.

Firstly, I considered it useful in my report to focus the framework of the review of the regulation on facilitating energy efficiency and renewable sources of energy in the housing sector on all 27 Member States. I believe that this proposal is of major importance, given that it is based on the economic situation of a state or region rather than on the accession date. I should like here to point out that there are major problems in accessing housing in numerous towns and regions in Europe, which are not necessarily on the territory of a new Member State.



I then considered it useful to support a spending limit for the investments in question of 4% of the total ERDF budget and to delete the reference relating to low-income households, a recommendation that was included in the Commission's initial proposal, leaving it to the discretion of the Member States to determine the categories of households that will be eligible. On this basis, I considered it to be of decisive importance to leave the category of eligible households in the hands of the Member States, with the facility for the Member States to lay down specific criteria of interest, such as the financial standing of owners and the geographical areas (island, mountainous, non-mountainous and so on). Finally, the increase in the lump sums to EUR 50 000 is important, because it mirrors current costs.

I wanted in this report to express the European Parliament's positions on this issue, thereby also representing the compromise achieved with the Council within the framework of the codecision procedure on the changes which we made to the initial proposal.

The review of the regulation in question does not affect eligible expenditure in housing and strengthens the activity of important sectors of the economy such as the construction industry and the sectors which build energy systems and renewable energy systems.

On a more general note, it is in keeping with the principle of subsidiarity, in that it provides support to the Member States; it is in keeping with the principle of proportionality, because it applies to all the Member States; it promotes the objectives of cohesion policy, as set out in Article 158 of the EC Treaty, and it does not increase the Community budget for the period 2007-2013, but does speed up payments of advances and interim payments.

I should like here to clarify how important it is that we have added three additional forms of eligible costs: indirect costs, flat-rate costs and lump sums.

To close, I should like to say that Commissioner Barrot is here with us today, representing the Commissioner for Regional Policy, Mrs Hübner, and, as agreed, will make a binding statement by the Commission on the evaluation of the new measures for 2010 in connection with all three regulations.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, I should like to thank Mrs García Pérez, Mrs Jöns and Mr Angelakas. You have prepared three high-quality reports on the proposals for revision of the Structural Funds and Cohesion Fund regulations, submitted by the Commission to the Council and to the European Parliament within the context of the European Economic Recovery Plan adopted in November.

These three reports – relating to the general regulation, the regulation on the European Social Fund and the regulation on the European Regional Development Fund – testify to Parliament's concern to see the European Union provide itself with resources that will enable it swiftly and effectively to combat the effects of the crisis in terms of growth and employment.

Cohesion policy is a powerful lever for stimulating the real economy. EUR 347 billion in appropriations for 2007-2013: that is how to create a solid foundation for budget stability and public investment in the Member States and the regions of the European Union.

It is for this very reason that cohesion policy plays such a large part in the EERP. Indeed, in this recovery plan, the Commission has recommended actions falling under the four priority areas of the Lisbon Strategy: individuals, businesses, infrastructure and energy, and research and innovation.

The Commission has also suggested that a judicious combination, linking strategy and human resources, may act as a catalyst for key investments, which will enable the European Union to restore lasting prosperity. As regards cohesion policy, the major objective of this strategy is to speed up both the implementation of the programmes and investment in projects benefiting EU citizens and economic activity.

The rapporteurs have just gone over the details of the regulatory amendments submitted to you. I shall focus on one or two of them.

Firstly, to improve the management of the funds, facilities are being offered to the Member States, not least additional advances of 2% or 2.5%, amounting to a total of EUR 6.25 billion in 2009. It is vital that this money is channelled quickly to beneficiaries, so that more finance is available for priority projects.

In terms of energy efficiency and renewable energies, the amendment made to the ERDF regulation will mean that up to 4% of the total amount of the ERDF contribution can be invested in housing. This equates to a total available envelope of EUR 8 billion for all the Member States. This will increase the contribution made by cohesion policy to combating climate change.

With regard to major projects, the amendment tabled in the general regulation is aimed at relaxing the financial management rules, allowing the management authority to include in expenditure declarations to the Commission expenditure linked to major projects that have not yet been the subject of a Commission decision.

The financial and economic crisis also has a particular impact on small and medium-sized enterprises (SMEs). It was therefore crucial, within the context of the recovery plan, to facilitate their use of financial engineering instruments so that they can carry out their projects, in particular thanks to JEREMIE (Joint European Resources for Micro to Medium Enterprises). The other proposals for revision of the general regulation are also along these lines: direct contracts with the European Investment Bank, greater recourse to technical assistance for major projects, and eligibility of in-kind contributions in the case of financial engineering.

In its proposals the Commission has also sought to simplify the criteria for allocating aid from the ERDF and the European Social Fund. Thanks to the convergent amendments tabled by Parliament and the Council, the regulations specific to the ERDF and the ESF will be changed in an identical fashion, so that new types of eligible costs, calculated on the basis of flat rates, will be added to Community cofinancing.

These changes will simplify the expenditure justification procedure. They will reduce the workload and the number of supporting documents to be provided, without distorting the principles of sound financial management. Such rationalisation will facilitate absorption of ERDF and ESF appropriations without undermining the principles of these two funds, which remain relevant in these times of crisis. This is therefore more than just a timely response to the crisis; this is a response to the repeated calls for simplification of the Structural Funds made by the European Parliament and the Court of Auditors.

Mr President, I am grateful to the three rapporteurs for their support for these series of measures, which are going to enable us to speed up the implementation of the projects on the ground. These legislative measures are going to be accompanied by recommendations to the Member States. These recommendations were the subject of a Commission communication adopted on 16 December. The Commission has emphasised that the operational programmes may be reoriented so as to focus support on priorities resulting from the crisis.

The European Parliament has also expressed its concern to respond to the urgency of the situation by ensuring that these three regulations are adopted as quickly as possible and that the measures are applied promptly in the Member States. I am grateful to Parliament for sharing this ambition, as it will mean, in particular, that advances are paid to the Member States for May.

The Commission has taken account of Parliament's call. It has made sure that the measures adopted under the recovery plan will be rigorously monitored and that a report on the implementation of the measures and their actual results will be presented to the European Parliament.

Thus, during the second half of 2010, the Commission will draft a report on the implementation of the measures adopted within the framework of the recovery plan in the area of cohesion policy within the Union. This report, which will be drafted – I repeat – during the second half of 2010, will be based on the annual implementation reports drafted by the Member States in June 2010. The latter will then be invited to present in these reports a review of the implementation of the measures adopted under the recovery plan, showing the results obtained in the context of cohesion policy.

So, Mr President, the Commission has adopted a declaration along these lines, and I shall convey it to the European Parliament. I am grateful to all the Members, and especially to our three rapporteurs, for their attention. Looking ahead as I am to a fruitful debate, I am at your disposal to listen to your comments on the proposals for revision of the regulations that have been submitted to you.

– (FR)

### **Commission statement**

#### *Angelakas report*

The Commission welcomes the efforts made in a very short space of time to adopt the amendments to the Regulations on the Structural Funds and the Cohesion Fund tabled within the framework of the European Economic Recovery Plan.

This result is the product of fruitful and effective cooperation between the Council, the European Parliament and the Commission, with the support of the Committee of the Regions and the European Economic and Social Committee, for the benefit of the national and regional economies of the European Union.

The legislative package will help to facilitate the implementation of the operational programmes and to accelerate investments for the benefit of the European economy, in particular through several simplification measures.

During the second half of 2010, the Commission will draft a report on the implementation of the measures adopted within the framework of the recovery plan in the area of cohesion policy within the European Union. This report will be based in particular on the annual implementation reports drafted by the Member States in June 2010. The Member States are therefore invited to present in these reports a review of the implementation of the measures adopted under the recovery plan, showing the results obtained in the context of cohesion policy.

**Nathalie Griesbeck**, *draftsman of the opinion of the Committee on Budgets*. – (FR) Mr President, as the permanent rapporteur for the Structural Funds within the Committee on Budgets, I have two reasons for welcoming these reports this evening.

The first reason is that the Structural Funds represent the main heading in the European Union's budget, and the second reason, which I along with my colleagues would emphasise this evening, is the speed with which we have worked to provide practical and prompt solutions to the economic crisis, despite having a tight budget, which we will of course have to renegotiate with the Member States when the time comes.

Moreover, in this regard, I would also repeat that we have to be genuinely willing to take out a European loan to support these measures. Facilities for improving cash flow, for speeding up the use of the funds and the emergency measures, which we have been looking forward to for a long time, are what is needed to revive our European economy at this time of great uncertainty.

This is what European action stands for, this is what our Europe stands for: boosting high added-value sectors and anticipating, now more than ever before, the end of the crisis by investing in traditional areas, but above all in all those sectors that can help to eliminate the risk of unemployment for our fellow citizens.

However, and this is my message this evening, although Parliament has been able to react quickly and well, it is important now for the Member States to organise themselves so that they can rise to the challenges, as delays, representing billions in aid, can be seen in the administrative inertia of the Member States themselves, in their difficulty in deciding on their strategic objectives and in their refusal to cofinance projects.

Thus all is set in Europe and, as we say in my country, 'a word to the wise is enough' – that is addressed to the Member States.

**Gabriela Crețu**, *Rapporteur for the opinion of the Committee on Employment and Social Affairs*. – (RO) The financial crisis has imposed much more prudent credit policies, which are necessary for the banks, but harsh for the economy. The adverse effects are being felt in the real economy, especially by small and medium-sized enterprises (SMEs) and public authorities. They have projects intended to improve social and regional cohesion, create jobs, use local resources and facilitate entry or a return to the labour market.

The common budget, which is usually important, is nowadays a crucial source of funding for stopping the accumulation of adverse effects. For this reason, the Committee on Employment and Social Affairs supports the simplification of the rules and quicker access to the Structural Funds and European Social Fund. This offers a two-fold benefit for those countries with less experience in accessing these funds.

We think that it is necessary and welcome for European financial institutions to be involved in funding arrangements, amending the structure of eligible costs, eliminating ceilings for advance payments or prior notice. However, accessing the funds is not an end in itself. The financial impact extends beyond EUR 6.3 billion. This is indeed a considerable sum.

As representatives of our citizens, we are interested in the funds being used to achieve the objectives for which they have been created. We are issuing a blank cheque today and we require the necessary transparency in how this money is being spent. We also hope to create a positive precedent. In the past, numerous initiatives, especially social, were rejected on the grounds of having no legal basis. Amending this regulation proves, if there ever was any need to, that where there is a political will there is also a legal basis. Let us not forget this fact.

**Jamila Madeira**, *draftsman of the opinion of the Committee on Regional Development*. – (PT) Mr President, ladies and gentlemen, in response to the global financial crisis, the European Economic Recovery Plan states that cohesion policy is contributing significantly to public investment by the Member States and the regions and

should act as a means of recovering from the current crisis. It suggests, specifically, the adoption of action in areas prioritised by the Lisbon Strategy in order to achieve growth and employment. All the instruments set in motion aim to accomplish this purpose and obtain faster results.

To this end, the main aim of broadening the scope of the European Globalisation Adjustment Fund and streamlining the European Social Fund is to respond to the many situations of social and economic emergency that require support. I am sure, now as in the past, that the more complementary their activities and scopes are, the more effective they will be. However, as there was no provision for making new funds available or for new courses of action on the ground, it is particularly important for the European Social Fund to be used to its full potential in the fight against unemployment and the rapid increase in competitive pressure on the European economy that have resulted from the current financial crisis and economic slowdown.

I would like to stress that the Committee on Regional Development has repeatedly identified the simplification that the European Commission is proposing as essential to improving the management and implementation of the Structural Funds. We were asked to deal with this as a matter of urgency, however, and we took that into account when adopting this regulation package; this House has never ducked its political responsibilities. For this reason, although the peculiarity of the moment has brought many views to the surface, we shall refrain, for now, from submitting further amendments for the sake of the swift procedure and real benefits to the public intended by the proposal. However, we point out the need to launch an assessment of this fund straight away, with a view to carrying out an additional review as soon as possible.

**Iosif Matula**, *on behalf of the PPE-DE Group*. – (RO) Mr President, ladies and gentlemen, first of all, I would like to welcome Mrs García Pérez's report.

As part of cohesion policy, the reforms are very important and are aimed at alleviating the adverse effects caused by the financial crisis. The flexibility allowed in distributing Community funds will provide national economies with immediate cash flow, which will enable them to invest in the real economy. This will have an immediate effect and we will definitely see the initial results in the following months.

The European Commission is supporting Member States' economies based on four major priorities, the most important of these being increasing the pre-financing from the European Regional Development Fund (ERDF) and European Social Fund and increasing the support from the European Investment Bank and European Investment Fund. In fact, in 2009 the pre-financing which the new Member States in particular receive may help to overcome the crisis, as well as establish social and territorial cohesion.

Great importance must also be attached to the report on the eligibility of investments in energy efficiency and renewable energy for housing. The renovation of residential heating systems must feature on the European Union's agenda of priorities, bearing in mind the added value generated by this measure.

At a time when heating costs are constantly on the rise, Member States must also include in their programmes to combat the financial crisis projects which take into account energy efficiency. They offer the following important benefits to the economy and population: a cash flow injection into the economy, along with job creation, a reduction in heating costs, protection of the environment through cutting greenhouse gas emissions, the provision of social cohesion and support for low-income families.

In Romania 1.4 million flats urgently require investment for renovation.

**Constanze Angela Krehl**, *on behalf of the PSE Group*. – (DE) Mr President, ladies and gentlemen, we are discussing these three reports in the face of the largest and most difficult economic and financial crisis that has so far been experienced in the history of the European Union. It is, of course, right that cohesion policy has to play a part in assuaging the consequences of this economic crisis. However, I would like to take this opportunity to stress once again that, although it is correct that the cohesion policy budget is the largest individual budget in the European Union, it is, unfortunately, also correct that the Member States contribute slightly over 1% of their GDP to the European Union's budget. This means that, even if we spend over EUR 6.25 billion on funding interim payments and advance payments, it is merely a drop in the ocean and it is just not enough. It will mitigate the consequences, it will enable leverage, but national efforts, too, will continue to be necessary. Perhaps we should bear that in mind in connection with the next debate on the Financial Perspective.

Our Group has discussed the three reports very intensively and could have brought a number of other good ideas to the debate. In many instances – as Mrs Jöns has already said – we were surprised that it has taken an economic crisis to actually make a reduction in bureaucracy possible in the Commission. We will not table

any amendments because we know that rapid action is now needed in the regions and because we also know that we will have to talk about changes to structural policy elsewhere.

We are therefore supporting the entire package proposed by the Commission and we hope that it will reach the regions as quickly as possible and that the money can indeed help to combat the financial crisis.

**Jean Marie Beaupuy**, *on behalf of the ALDE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, my colleagues from the Group of the Alliance of Liberals and Democrats for Europe and I shall of course vote in favour of these three reports. We shall vote for them not because they are totally satisfactory – as my colleagues said, we would have liked to have tabled a number of amendments – but because swift action is required. Mrs Krehl made this point just now.

Forgive me for wondering though, Mr President, Commissioner, ladies and gentlemen, whether we simply do not have a clue. We are here in comfortably heated and well lit surroundings. Do you know that, right now in Europe, there are 30 million homes with leaking roofs and damp in the walls?

Of course, with the 4% from the European Regional Development Fund (ERDF) we are going to be able to remedy this situation for around 1 million homes. This work, if we oversee it, Commissioner – as I am going to put a request to you in a moment – will create 250 000 jobs and improve the situation in 1 million homes. This will save 40 million tonnes of CO<sub>2</sub> and reduce the energy bill of each family by EUR 450 per year. Those are the figures that I place at your disposal and that have been finalised by an important European organisation known in particular for its serious approach.

This therefore means that the importance of the decision that we are going to take not only to guarantee a recovery but also for the well-being of our fellow citizens, comes down to one major condition: that the decisions taken by Parliament today, in concert with the Commission, take practical effect in the coming weeks and months.

Commissioner, we listened to you carefully just now. You told us – and we believe you – that, by 30 June 2010, you will have asked each Member State to submit a report to the Commission. I and my colleagues, of all political persuasions, from the Committee on Regional Development are game for a bet. In all the countries, the operational programmes have just been adopted, and we know that the majority of the management authorities in these countries will not want them to be changed.

In 15 months' time, on 30 June, Commissioner, do not employ too many staff to draft the reports, the analysis of what will be done, as you will not achieve a great deal if you wait for the Member States, the management authorities and partners to set to work.

We therefore have EUR 8 billion available on the one hand, and 30 million particularly deficient houses on the other. What needs to be done?

Commissioner, I along with my colleagues am going to make a proposal to you along these lines. The European Commission should go beyond its rights and act firmly – I was almost going to say violently – towards the governments and the management authorities to instruct them to apply these provisions as quickly as possible. MEPs love voting for texts. That is our job. However, we especially love it when these texts are applied. We need the Commission, we hope that the Commission will listen to us.

**Mieczysław Edmund Janowski**, *on behalf of the UEN Group*. – (PL) Mr President, we are today considering reports on regional policy that introduce beneficial changes and simplification. We can only regret that it is the crisis that has forced us to respond swiftly and hopefully effectively to the current state of affairs. I welcome the opportunity to introduce greater flexibility, because there is no question of increasing the European Union's budget. I would like to make that quite clear. We have heard references to quotas today. This represents a mere drop in the ocean, as the European Union's budget amounts to around 1% of the GDP of the Member States. We can but hope that the little drop will be a revitalising one. We need it to be!

I also welcome the increased flexibility made possible by support from the European Investment Bank and the European Investment Fund. I am glad simplification of eligibility for expenditure is to be introduced with retroactive effect. It is good that we are increasing payments in instalments and speeding up expenditure on large projects submitted in advance, and that it will be possible for payments to be made prior to confirmation. I can but reiterate my hope that all this will prove revitalising.

**Elisabeth Schroedter**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, we, the Group of the Greens/European Free Alliance, view the financial crisis and the climate

crisis in relation to each other, as the adverse effects of climate change on the regions are long-lasting and give rise to enormous costs. They cause a strain on economic, social and territorial cohesion. Therefore, we must take action now.

Building insulation and the use of renewable energy in housing under the European Regional Development Fund (ERDF) are an initial step in this regard. However, what use is this progress if, at the same time, Member States are permitted to invest ERDF funds in road planning and colossal waste-incineration plants, the use of which aggravates climate change anew and harms the environment? This is half-hearted and inconsistent.

Nor does your dynamic speech, Commissioner, answer the question as to why the Commission is rejecting our proposal to orient regional policy as a whole more strongly towards environmental and climate protection. Does the Commission lack the courage to assert against Member States a revision of the ERDF Regulation that is oriented towards climate objectives? Why is there no Commission action plan on regional policy? The reservations about climate protection on the part of the Directorate-General for Regional Policy have prevented our amendments receiving majority support in committee. However, we shall be re-tableting them and requesting a roll-call vote. Then we shall see whether voters can trust you, too, to support climate protection.

**Bairbre de Brún**, *on behalf of the GUE/NGL Group*. – (GA)

Mr President, I would like to welcome Mr Angelakas' report today. In his report Mr Angelakas supports the European Commission's proposals to provide funding material for the Member States from the European Regional Development Fund for energy efficiency and for renewable energy in relation to housing.

We are struggling with an economic emergency. People who work in the construction industry – in my own country, in Ireland, for example – have been left in particular difficulty. I hope we will be able to provide part-funding for a renovation programme for energy efficiency as a result of this decision of the EU. Such a programme will improve the construction industry in Ireland – North and South – which will assist in keeping jobs as well as fulfilling our duties in relation to climate change, and, as was previously said in this debate, regarding the tackling of fuel poverty. That is, assisting people who are spending a high proportion of their income on fuel costs.

In my opinion, it is fitting that the Commission focussed on housing for people on low incomes as a target for this change in the criteria. It is mostly these people on low incomes who will suffer as our economy worsens. At the same time, these people will be unable to renovate their homes for energy efficiency without financial assistance. This scheme would succeed, therefore, in addressing the worst consequences of fuel poverty which are having an extremely negative effect on many people – if this scheme were to be used properly.

I hope that the local, regional and national authorities would take this opportunity and would not deny the provision of those relevant resources which they already have to bring the proposal into effect.

**Fernand Le Rachinel (NI)**. – (FR) Mr President, Commissioner, between 2007 and 2013 regional policy will become the main heading in the European Union's budget with EUR 347 billion allocated to the Structural Funds.

Will this development help to protect our economies from the effects of the global economic crisis, as the Commission is claiming it will? Forgive me for having my doubts about this.

Firstly, the increase in regional expenditure is penalising some Member States, and France in particular. This increase comes at the cost of the common agricultural policy (CAP), thus at the cost of French agriculture which, until recent years, was the main beneficiary of the CAP.

Moreover, the proportion of the Structural Funds paid to French regions keeps on falling, the vast majority being given to Eastern Europe, destroyed by more than 40 years of communism.

Thus France, which contributes 16% of European budget revenue, is giving more and more money to Brussels but getting less and less of it back. Above all, European regional policy, far from protecting its beneficiaries from the economic crisis, is making it worse, as it forms part of the ultra-free market logic of the Lisbon Strategy.

The Commission's proposed changes to the management of the Structural Funds will therefore not enable our nations to tackle this crisis, which is the consequence of the ill-considered opening up of borders and the deregulation of the financial markets.

Now more than ever we need to build a new Europe, a Europe of sovereign nations founded on the following three principles: economic and social patriotism, European protectionism and Community preference.

**Richard Howitt (PSE).** – Mr President, the world economic downturn is hitting each of our countries and each of our regions. It is right that tonight we agree emergency action to speed up European funds to people in need, at a time of need. In particular, I welcome the cutting of paperwork by allowing flat and lump-sum payments, allowing spending on energy efficiency in housing, bringing forward some GBP 6 billion of spending to start this year, and making it easier to work with the European Investment Bank loans. Already, when a building society call centre in Hertfordshire, in my constituency, shed jobs, within 24 hours we were able to call in European-funded response to redundancy aid, showing how Europe can give real help to our local communities.

With respect to the changes we are agreeing tonight, the East of England Development Agency is welcoming the fact that more business-led, bite-sized and bespoke training provision is to be allowed, and says it will help us more quickly to meet our region's commitment to help 124 000 people through European social funding alone.

Finally, I was very proud that Commissioner Hübner came personally to Lowestoft, in my constituency, to launch our GBP 100 million European regional development programme and its emphasis on helping business in our communities adapt to low-carbon growth. The economic crisis must not deflect any of us from meeting the long-term challenge of climate change. Indeed, investment in environmental technologies in management should lead recovery efforts. The East of England intends to stand firm to this objective.

**Marian Harkin (ALDE).** – Mr President, I too welcome this proposal because it is a direct and tangible response from the EU to the current economic crisis. We are responding using the instruments at our disposal, but I strongly agree with my colleague Mr Beaupuy when he says that we need to get our act together and do something quickly for families and communities.

Secondly, I welcome the simplification and flexibility introduced in this proposal. This is badly needed anyway. Time and time again I hear from groups who access funding who are complaining about the red tape and the bureaucracy. While this package will not solve all their problems, it will help.

Thirdly, I am particularly pleased that the in-kind contributions are now recognised as eligible expenditure. In my report on the contribution of volunteering to economic and social cohesion, which was endorsed by this Parliament, I called for this very measure to be put in place. This means that the contributions of volunteers and others will now be taken as contributing to the various projects and, while it has taken the current economic crisis to move us fully in this direction, nonetheless, it is most welcome.

This measure will recognise in a practical way the contribution of volunteers and voluntary time and how it, too, can be part of our response to the current crisis. In this way we are working together with our citizens as partners. We know from the satellite accounts published by various Member States that the non-profit sector accounts for between five and seven per cent of GDP. We are now recognising and valuing this and saying to our citizens: your efforts, your time, your commitment are important, and we are working with you.

**Guntars Krasts (UEN).** – (LV) Thank you, Mr President. I support the changes proposed by the committee responsible to the Commission's proposal on energy efficiency and investment in renewable energy in housing. The committee's proposal will encourage a growth in demand and a faster flow of money into measures to increase energy efficiency. Member States are now being given opportunities to direct these resources so as to achieve the maximum effect in increasing energy efficiency. The most comprehensive results would be produced by use of these resources on objectives that would give free rein to consumers' initiatives to increase energy efficiency, and the most encouraging measures would be those that reduce the risks for those who are themselves thinking about investments in energy efficiency. I concede that the committee ought, however, to give some guidelines on this matter for further activity by the Member States. Such an approach would not only have a multiplier effect for the stimulation of the economy, but would also foster more rapid dissemination of an understanding of energy saving in the Member States. The amount of resources available will, however, require the Member States to restrict the number of recipients of

assistance, and in that sense it would be sensible to be guided by the Commission's proposal, by directing these resources, first of all, to lower-income households. Thank you.

**Jan Olbrycht (PPE-DE).** – (PL) Mr President, we are today discussing particularly important changes. They are important not only in terms of a response to the difficulties related to the financial crisis, but also because they may affect the nature of political cohesion in the period after 2013. Clearly, the introduction of such significant changes cannot be perceived solely as a temporary measure.

For the first time ever we have witnessed how the European Commission, acting in agreement with Parliament and the Council, has taken action that had long been the subject of debate and which had appeared very difficult. Essentially we have witnessed genuine simplification, genuine acceleration and of course a change of strategy through the inclusion of investment action in the area of energy saving measures. This sends out a very positive signal to the effect that we are able to react to the situation at the programming stage and not adhere dogmatically to principles laid down earlier.

The European Parliament tends to be perceived as a rather junior partner of the Council and the Commission. Nonetheless, this House is determined that its actions will demonstrate our readiness to cooperate in a swift response to the new challenges before us.

**Gábor Harangozó (PSE).** – (HU) I think we should actually be celebrating today. Parliament has for many years been advocating that we should not only provide financing for sham measures in the area of housing but that we should resolve to undertake genuine measures.

A significant proportion of the EU population lives in tower block apartments. By developing these housing projects, we can tangibly improve the material circumstances of their residents and reduce the buildings' energy consumption as well as creating and preserving jobs. The current changes are making it possible in my country to renovate 90% of the tower blocks, and this is at any rate an enormous step.

However, as the funds will only continue to finance such renovations in urban areas, we cannot rejoice unreservedly. The impoverished population of rural areas, who are in greatest need of funding, are once again left to their own devices. As we do not wish in any way to jeopardise the tower block programme, which is important to us all, we have agreed not to submit amendments at this time after all. In return, however, we expect the Commission to include our recommendation in its package before the summer recess.

The first and most important step towards effective and sustainable social integration of the most disadvantaged areas is to put an end once and for all to exclusion and ghettos. Renovating settlements that have been set apart is simply pointless. Instead of renovation, reconstruction supported by complex programmes that create social employment is the solution.

Dear colleagues, we will truly have cause to celebrate when, in the place of uprooted rural ghettos, people working in newly created social cooperatives will, upon returning to their new homes, tell their children to study and strive because they can become anything they wish.

**Samuli Pohjamo (ALDE).** – (FI) Mr President, Commissioner, ladies and gentlemen, first I wish to thank the rapporteurs for their excellent preparatory work. The proposed amendments to the Structural Funds Regulations will expedite the use of funds and simplify the rules, and so they are really worthy of support. This way we can ensure that Structural Fund money can be spent on recovery and can prevent the adverse impact of the recession on the economy and employment. This is also a good start to the reform of the EU's structural and regional policy, whose aim must be to simplify and expedite procedures and give a boost to flexibility and the achievement of results.

While we cut bureaucracy with regard to European Union regulations and focus on getting better results, we need to make sure that the Member States are also heading in the same direction. More power needs to be given to the regions and local actors, and central government needs to relax its tight control.

#### IN THE CHAIR: MRS ROURE

*Vice-President*

**Ewa Tomaszewska (UEN).** – (PL) Madam President, the current crisis calls for stimulation of economic activity, support for job protection and protection of those who become unemployed. The Commission's proposal to broaden the scope of costs covered by the European Social Fund is a step in the right direction.



The inclusion of funding for lump sum payments, and also for direct costs and mixed costs, and not setting an upper limit for payments are all particularly helpful measures in terms of making better use of European Social Fund resources. The introduction of lump sum payments for direct costs and for indirect costs up to EUR 50 000 will simplify administrative procedures. It will eliminate the delays in implementing the Fund's aims. In view of the urgency of introducing these measures, I support adoption of the proposal without amendment. I should like to thank Mrs Harkin for drawing attention to recognition of the value of voluntary work.

**Maria Petre (PPE-DE).** – (RO) I would like to begin my speech by welcoming the idea of these coordinated measures. I would also like to give a special thanks to the rapporteurs for the work they have done.

We are all aware of what the effects of the crisis are in each of our countries, ranging from a fall in economic growth and job prospects to a rise in the budget deficit and recession. The EU's Cohesion Policy can be an equally credible and effective instrument in this context as well. As we are very well aware, Europe has been severely affected by this crisis and the fact that the EU has managed to respond so quickly in finding solutions is encouraging.

The decision to modify the regulations for the existing funds which have already demonstrated efficiency is the most appropriate one. The procedure for creating a specific crisis fund would have been far too long. Simplifying the cost eligibility criteria, increasing pre-financing from the European Regional Development Fund (ERDF) and the European Social Fund and speeding up the expenses for major projects are measures which, I hope, will help Member States to get out of the economic and financial crisis.

While Europe is going through the current economic crisis, we are aware that it is experiencing an energy crisis too. The measure allowing the ERDF to be used to invest in energy efficiency and the use of renewable energy for housing should have a major impact, in my view. Romania, like the other countries in Central and Eastern Europe, has many problems with multi-storey residential blocks. The old buildings are extremely poorly insulated and a large number of residents are unable to pay to have their homes insulated out of their own pocket.

We hope that this measure will help Europe's citizens to make energy savings, so that they both end up with more money in their pocket and help the situation with global warming. The current Romanian Government has stipulated that this is a zero priority measure and the facilities which have been approved mean that this priority is already guaranteed.

**Stavros Arnautakis (PSE).** – (EL) Madam President, ladies and gentlemen, today's package of amendments to the provisions of the Structural Fund regulations is an important step towards simplifying and directly activating resources, both at European and at national and local level.

It is an important step in invigorating the European economy in the middle of an unprecedented crisis which is harming the real economy at all levels more and more every day. It is a step which corresponds to the European Parliament's long-standing demand for even simpler procedures and greater flexibility in the application of the rules of the Structural Funds.

What is the response of today's leaders to the massive crisis we are currently experiencing? Where are the European policies? To ensure that the required liquidity reaches its recipients and the implementation of projects starts immediately, the Member States need to respond to the circumstances. Cohesion policy resources must be made available immediately and promptly to the real beneficiaries at regional and local level. The purpose of activating operational programmes should be to safeguard jobs, entrepreneurship and competitiveness and make use of the natural, cultural and human resources of each region.

Only the immediate activation of programmes will help to protect cohesion and prevent the creation of new divergences.

May today's crisis be an opportunity for us to unite our voice, so that there is a European voice in solving all the problems we are experiencing.

**Toomas Savi (ALDE).** – Madam President, accession to the EU provided access to the European Union's structural and cohesion funds, from which the Republic of Estonia benefitted by around EUR 800 million in 2004-2006, while another EUR 3.4 billion have been allocated within the financial perspective 2007-2013.

Despite the gravity of the economic crisis, the objective of the European Union funds, which is to level out the differences in development within the Union, is closer to being achieved.

I very much welcome the Commission proposal to the Council to commit an additional EUR 6.3 billion to counteract the negative effects of the economic crisis, which is to say to accelerate implementation of the funds for the benefit of the real economy.

However, I agree with the rapporteur, Mrs García Pérez, that a uniform approach is needed in all the Member States in order to avoid increasing disparities within the European Union and misuse of European taxpayers' money.

**Rolf Berend (PPE-DE).** – (DE) Madam President, ladies and gentlemen, there are many ways of tackling the lasting effects of the unforeseen financial and economic crisis. This revision package, this legislative measure within the European Economic Recovery Plan, was conceived as a good – albeit not quite sufficient – response to this temporary, though exceptionally critical, situation.

It responds, amongst other things, to the request for greater simplification of procedures and increased flexibility in the application of the existing rules under the Structural Funds Regulation that has been repeatedly put forward by the European Parliament in recent years. I should like to emphasise that it is also to be welcomed that an amendment to Article 7 – ‘Eligibility of Expenditure’ – is to enable EU Member States and regions to invest in energy-efficiency and renewable-energy measures in housing with the support of the EU Structural Funds, and that this measure is not only intended for low-income households. The relevant amendment rightly eliminates the reference to ‘low-income households’, therefore, and instead imposes a ceiling of 4% of the total European Regional Development Fund (ERDF) allocation for each Member State for such expenditure. This is just one of the many improvements proposed.

In short, bringing this overall package to fruition would accelerate expenditure and thus make available further liquidity from the ERDF, European Social Fund (ESF), Cohesion Fund and Structural Funds for the implementation of the necessary objectives, and would simplify rules allowing for a speedy implementation of programmes.

In my opinion, this represents an effective, albeit as yet insufficient, contribution to dealing with the current crisis.

**Lidia Joanna Geringer de Oedenberg (PSE).** – (PL) Madam President, the European Union is faced with a widespread crisis whose effects are currently impossible to anticipate. We have noted a reduction in the pace of growth, increased budget deficits and a dramatic increase in unemployment. European cohesion policy with a budget of EUR 347 billion for the years 2007-2013 seems to be one of the most effective instruments with which to stimulate investment again and provide additional public funding for national economies.

The Commission has already adopted a series of measures aimed at introducing changes to the existing package of regulations concerning the Structural Funds. The changes are aimed at accelerating expenditure, increasing liquidity in relation to the implementation of projects and simplifying measures facilitating swift implementation of projects in the regions. The main areas of action concern increasing support from the European Investment Bank (EIB), the European Investment Fund (EIF) and simplifying eligibility of expenditure. Lump sum payments and speeding up expenditure on large projects are also advocated.

I welcome the swift action taken by the European Commission and the proposed legislative changes. A further important change has so far been overlooked and is called for, however. That would be to create a management and control system guaranteeing genuine liquidity across the European Union's entire economic system.

**Oldřich Vlasák (PPE-DE).** – (CS) Madam President, ladies and gentlemen, the European Commission proposal has opened the opportunity for all Member States to invest Structural Fund resources in converting and repairing tower blocks and other buildings. This is particularly important for the Czech Republic because up to 26% of Czech citizens live in aging tower blocks. If the proposal is passed tomorrow and also formally approved by the Council of Ministers in April, it will open up the possibility of investing a further CZK 16 billion in heating systems for flats and houses, and not only in the Czech Republic. I also personally welcome the elimination of the requirement to use the funds only for low-income households, which I consider problematic because internal domestic rules define these in different ways.

In my opinion the Member States should have the opportunity to decide which categories of building are eligible for financing in accordance with their rules and to determine their own criteria according to their needs. We must enable better quality and cheaper housing for everyone, not just for those living in social housing. It is regrettable that it took the financial crisis to push us into supporting more investment in housing

and the introduction of these measures throughout the EU. However, I wholeheartedly welcome this decision, because people have to spend their money very carefully today and in this way we will help them to save on their heating and hot water bills, and thus to reduce the cost of housing. According to an estimate from the CECODHAS organisation, European households can save an average of EUR 450 a year on these expenses, and that is tangible assistance.

**James Nicholson (PPE-DE).** – Madam President, first of all I would like to congratulate the rapporteurs on the good work that they have done on these reports, which I commend to the House. I think this support should be very warmly welcomed.

If Member States take this opportunity to use up the 4% of European Regional Development Fund (ERDF) funding to facilitate investment in energy efficiency in the housing sector, this will make a positive contribution both to our economies and to the environment. It is good to see a proposal such as this, which tackles problems of the economic crisis and the environment simultaneously, coming from the Commission.

The report is especially good news for many of the old Member States, and I am glad to see that old EU Member States will now be allowed to utilise a proportion of ERDF funds for interventions which promote energy efficiency in the housing sector. I am glad to see that the criteria for eligibility have been widened and will not be limited to low-income housing.

However, we must also be aware that this does not represent any increase in funding. It is now up to the national and regional authorities to make use of this opportunity to redirect the percentage of their ERDF funds for funding towards these projects. This may entail reprioritising parts of their operational programmes. I feel that, in the long run, this will be well worth it.

**Luca Romagnoli (NI).** – (IT) Madam President, ladies and gentlemen, these measures from the Commission appear to be sound, more or less. Directly awarding contracts to the European Investment Bank and the European Investment Fund seems a good idea, as does simplifying procedures and speeding up payments.

However, above all there is one fundamental recommendation: national and regional transparency regarding the use of funds, which is lacking in some cases, in my opinion. Checks should be carried out promptly, just as payments should be made promptly. In Italy, in certain regions, such as Lazio, farmers' funds are paid out months or, in some cases, years after being transferred from the European Union, and I do not have time now to give other examples. Let us therefore ease the crisis by considering not only different kinds of intervention, but also the effective, timely and efficient use of funds.

**Zita Pleštinová (PPE-DE).** – (SK) The Structural Funds are also helping us to come to terms with the new economic reality. They enable Member States to optimise EU investments as an effective remedy against the ongoing economic crisis.

The European Parliament, through the Committee on Regional Development, is constantly calling for greater simplification of administrative rules. I am delighted that the Commission finally took note and that it has found common ground with the Council.

Costly administration, delayed payments and complicated verification of the eligibility of payments are creating financial difficulties for final recipients. Many officials in my own country, Slovakia, frequently blame Brussels for placing enormous emphasis on bureaucracy and checking accounts to the nth degree. They forget that the important issue is to choose the correct activity, project content and quality, efficient implementation and project benefits.

People in the project teams must concentrate on high quality projects which bring benefits in terms of creating a competitive environment, and not to sit for hours at a time in accounts offices wasting precious time and energy, not to mention the mountains of paperwork required for statements. Checking negligible items often costs much more than the items themselves are worth.

I therefore agree with expanding the use of one-off sums and across-the-board rates in European Regional Development Fund regulations and introducing three new forms of eligible payments: indirect costs of up to 20% of the level of direct costs, one-off sums of up to EUR 50,000 and across-the-board standard scales for individual costs.

For this reason I consider the package of decisions adopted by the European Commission with the aim of boosting flexibility in drawdowns from the Structural Funds by Member States to be a positive response to the ongoing economic crisis.

I believe that simplification of the rules and flexible financing will help Member States to prepare good projects targeted on sectors that will bring a high return. We must direct investments towards energy efficiency and renewable energy in the area of housing, with the aim of creating new jobs and saving energy. By supporting clean technologies we can contribute to the recovery of both the automobile and construction industries.

**Avril Doyle (PPE-DE).** – Madam President, I welcome the proposal for an amendment to the European Regional Development Fund (ERDF) Regulation to claim ERDF funding for energy efficiency and renewable energy investments in housing. I would also like to welcome the amendment made to the original Commission proposal eliminating the restriction of eligibility to low-income households, instead restricting eligibility to interventions that support social cohesion, leaving it to the discretion of the Member State to determine the exact categories of eligible housing.

However, I have a specific question, if I may, to the Commission. What do we mean by energy efficiency (and we are talking about it under the ERDF funding)? Will there be a harmonised method of calculating energy efficiency across the EU-27, or will there be different calculations and different considerations in the different Member States? When we are talking energy efficiency and investment in energy efficiency in private housing, for example, will that mean what it means under the Energy Performance of Buildings Directive, which is currently under discussion at the moment and where there is a debate around a need for harmonised – or a single basis of – calculation, running the numbers, in fact, on energy efficiency, to be sure that the investment is being spent on real energy efficiency or increasing energy efficiency or reducing CO<sub>2</sub> emissions issues?

This is part of the debate that we had this morning at an Small and Medium-sized Entrepreneurs (SME) Union breakfast hosted by my colleague Mr Rübig, when we were told very clearly that there are bottlenecks in getting spending on energy efficiency throughout buildings: bottlenecks in finance due to the credit crunch for loans. We need to look at subsidies and various tax incentives. We need simple administration, so we encourage ordinary householders to avail themselves of these funds, whether ERDF or Member State funds. Actually, as we speak, I must put on record that our Government has recently launched the Home Energy Saving Retrofit grant scheme.

But we need simple administration. We need promotion so that the investment will not only reduce the import of fossil fuels and reduce carbon dioxide emissions, but so that the household will realise the reduction in energy costs to them also.

**Ljudmila Novak (PPE-DE).** – (SL) I fully support the proposed amendments to the regulation which will extend flat-rate financing and enable the use of a flat-rate payment system. This is an appropriate measure, which could mitigate the difficulties faced by the unemployed, given the right economic circumstances.

However, before we adopt these amendments, I would like to point out that three out of four European Union citizens are of the view that Parliament plays an important role in the joint shaping of European policies. The same poll also found that Parliament inspired the most confidence in the respondents. Fifty-one per cent of the respondents said that they had confidence in the European Parliament, while only 47% expressed confidence in the Commission and 42% expressed confidence in the Council. In addition, this House inspired more confidence than the European Central Bank.

Why am I enumerating this statistical data? The European Parliament ascertained as early as 2005 that the need for greater simplification is crucial to the European Structural Funds, in general, and to the European Social Fund, in particular. However, the Commission has only just started implementing our recommendations for improving the conditions under which our citizens and companies do business, now that we are facing a crisis.

Although I will be pleased if our findings and recommendations are at least partially realised, I am saddened to note that a fire-fighting approach is being taken to tackle these difficulties. I hope, however, that this experience will encourage the Commission to take more rapid action in the future and that Parliament's many substantial and legitimate comments and proposals will be put into practice sooner.

**Colm Burke (PPE-DE).** – Madam President, I welcome these new proposals. We are now living through times of crisis. We see huge job losses across the EU.

Today the latest unemployment figures were announced in Ireland. The rate now stands at 11% – up from 5.4% only a year ago – more than a doubling of the rate in real terms. These figures are shocking and

frightening. However, faced with this bleak vista, we must seek to find creative solutions to give those unemployed the skills, the prospects and the hope for a better future.

The European Social Fund (ESF), the European Regional Development Fund (ERDF) and the Cohesion Fund can play a crucial role in this. By targeting this funding, we can retool our economies to drive out of recession. It behoves us all – as MEPs and as citizens – to bring this to the attention of the public, who are so fearful right now. It behoves us all to drive this message home to our national governments: that this funding be matched and deployed as quickly and efficiently as possible. I also welcome the reduction in the paperwork. It is a step in the right direction.

**Silvia-Adriana Țicău (PSE).** – (RO) 2010 is the year when we will carry out a mid-term review of the way in which the Structural Funds are being used, and I think that priority must be given to energy efficiency. I am sorry that amendments to these reports were not approved.

As rapporteur for the Directive on the Energy Performance of Buildings, I proposed an increase of up to 15% in the European Regional Development Fund (ERDF) rate which can be used for improving energy efficiency in buildings. It is actually about providing greater flexibility and it is up to Member States to decide whether and how much they want to allocate to this area.

I understand the urgency. The EU-15 states must be able to use the Structural Funds for energy efficiency. I think that this will allow an exchange of good practice and enable new Member States to be supported. I urge the Commission to come up with a new legislative proposal by 30 June 2010 so that the maximum ceiling can be increased to 15% or to set a minimum 10% threshold of the ERDF rate for energy efficiency in buildings.

**Fiona Hall (ALDE).** – Madam President, time and time again discussion on energy efficiency has focused on the fact that much more could be achieved – and quickly – if only up-front funding was available. That is why it is so important to allow European Regional Development Fund (ERDF) funding to be spent on energy efficiency, not only in the EU-12 but also in the EU-15.

Despite considerable progress, the UK Housing Minister has admitted that only 1% of the current housing stock is energy-efficient enough to prevent fuel poverty. In my own region, north-east England, one in ten homes has been labelled a category one health hazard because they are so cold and draughty.

So I welcome this change and urge all Member States and regions to take full advantage of the new flexibility. In the interests of tackling climate change, fuel poverty, unemployment and energy security, and like Mrs Țicău, I urge the Commission to raise the current percentage limits considerably higher in due course, as the Committee on Industry, Research and Energy called for in its vote on the recast on Tuesday.

**Catherine Stihler (PSE).** – Madam President, I would like to thank the rapporteurs. Looking at ways we can use European Structural Funds more effectively to help those affected by the global economic crisis is one of the many actions Member States need to take to help those who lose their jobs get back into employment as quickly as possible.

It is interesting that we are debating this subject on the eve of the G20. The G20 has the potential to start the process of creating global rules on finance, which we require to prevent such an economic calamity happening again.

We need to make jobs and the social agenda key issues for the European elections. The 25 million people across the EU who will find themselves out of work by the end of the year should be the focus of our work in this House to get the economy moving again and help people back into work.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Madam President, first of all, I would like to thank Mrs García Pérez, Mrs Jöns and Mr Angelaka, who have submitted excellent reports, and all the Members who have spoken.

The vast majority of these speeches have given their support to the measures proposed by the Commission, by emphasising their relevance to an effective fight against the effects of the crisis on the European economy. On behalf of the Commission, I would like to thank you for that.

Your speeches have highlighted the European Parliament's desire to provide the European Union with the resources to counteract the effects of the crisis on the ground. You have insisted on the need to act quickly,

and this is our objective. The Czech Presidency, which I would like to thank here for its support, is also committed to allowing the final adoption of the regulations as quickly as possible.

If we make a reasonably optimistic assumption, the new regulations could enter into force in the coming weeks and therefore make a swift impression on the operational programmes. The advances, in particular, could be paid out in full at the start of May.

Moreover, other speeches have insisted on the introduction of rigorous monitoring of the application of these measures and on the presentation of a report in 2010, showing the results obtained. The Commission has made this commitment and it is included in the statement that I have submitted to the Presidency.

It will have therefore taken the European institutions barely four months to prepare and approve this legislative package. I would like to give some mention to the issue of energy efficiency, which has been raised in many speeches.

I would like to point out to Parliament that a workshop on this subject will take place in June, in the course of a seminar with the management authorities of the Member States. We are asking the Member States to describe to us their intentions as regards turn around time in the strategic reports that they have to draw up for the end of 2009.

Obviously, given the current state of affairs, it is up to the Member States to define the energy efficiency criteria and eligible measures. This is what subsidiarity is about. However, it is true that a directive on energy efficiency is under consideration and, once this directive has been adopted, it will of course have to be applied. Moreover, I will gladly add my voice to those Members who have emphasised how research into the energy efficiency of buildings has the twin advantage of creating jobs and subsequently allowing us to prepare for the future and of helping us to solve the problems of global warming.

I would also like to say that, aside from this crisis, which has in a way created very close cooperation between the institutions, it is obviously increasingly important to be able to establish a partnership between the Commission and Parliament that is based on a high degree of confidence. The Commission has sought to rise effectively to the challenge posed by the economic and financial crisis and, at the same time, it wanted to take advantage of this interactive discussion with the Member States and the European Parliament to respond to the calls for simplification of these procedures and these policies.

Of course, additional proposals could have been included in the framework of the recovery plan. They have not all been included, but they will contribute to the discussion the Commission is to initiate to strengthen the effects of the recovery plan and offer additional facilities to the national authorities managing the projects. The Commission therefore set up a working group on simplification in November. Its work has already led to a draft revision of the Commission's implementing regulation. Other proposals to amend the general regulation and regulations specific to each fund may follow.

Madam President, ladies and gentlemen, obviously, all the observations made in the course of this debate will be very useful and others will also be welcomed. I would particularly like to thank the European Parliament for its commitment to resolve the serious problems posed by the crisis more quickly.

On the issue of the amendments to the draft European Regional Development Fund Regulation tabled by Mrs Schroedter, three relate to the recitals and one to the substance. As regards the recitals – Amendments 8 to 10 – their inclusion would not have changed the general tenor of the proposals presented by the Commission, but it would have prolonged the procedure for adopting the regulation.

As regards the amendment to the substance, the Commission is not opposed to the principle. However, it aims to adopt a mechanism that was not included in the compromise text from the Council, as the text caused difficulties with implementation in the Member States.

I had to make these clarifications, and I have done so at the end of my speech. Once again, I would like to thank Parliament for enabling us to act more quickly to limit the painful effects of the crisis, which some of you have pointed out and described so well.

**Iratxe García Pérez, rapporteur.** – (ES) Commissioner, I would like to thank you for your explanations about today's debate. I imagine you must be aware that the almost total unanimity in this House today with respect to the proposal just debated, is not merely a coincidence.

In fact, as our colleague Mrs Crețu commented, this has demonstrated political will, showing that we can do our bit in searching for solutions to the present crisis. This crisis is actually causing genuinely difficult situations and poverty for European citizens.

It has also been an exercise in responsibility, however, as you yourself have pointed out; and I repeat, an exercise in responsibility, since we were aware that this proposal put to us today could perhaps have been better. We could have incorporated other elements into the proposal, to speed up or simplify procedures, but we were aware that in order for these measures to be implemented as quickly as possible, it was necessary for the reports to stay as they are at present.

Therefore, I should simply like to make a request to the Commission: now that we have a revised plan to simplify the formalities, as has been announced, I hope that Parliament will have a greater role in the debate and planning of these new initiatives. I am making this demand on behalf of both this House, and of local administrations, which are involved in these projects at ground level, and understand their own particular needs as regards the implementation of the different initiatives.

**Emmanouil Angelakas**, *rapporteur*. – (EL) Madam President, Commissioner, thank you. I have a few comments to make on what we have just heard.

I was delighted, Commissioner, with your statement that advances will probably start to be paid at the beginning of May and I therefore assume that these amendments will be published in the Official Journal within a reasonable period of time of two, three or four weeks from tomorrow, so that they can be applied as you said. That is my first comment.

As a second comment, I wish to say that you must proceed apace in the new term with amending and simplifying other regulations, as other Members have already said, and that the European Parliament wishes to make an active contribution to the study, evaluation and drafting of these regulations.

I have to say that we had a number of proposals and thoughts but, bearing in mind the urgency of the matter, most of us in committee and in Parliament felt that it would not be a good idea to proceed with such amendments.

As we have heard that the take-up rate for renewable energy sources in dwellings will increase, I have to say that, according to the figures at our disposal, the new Member States are at present only using 1% to 1.5%, meaning that perhaps there are a number of difficulties. I consider that 4%, which represents the maximum amount earmarked by the European Regional Development Fund (ERDF), is satisfactory and I hope that things will improve.

I also welcome your statement that you will table a report on the recovery plans in the second half of 2010, based on the programmes submitted to you by the Member States.

Finally, I should like to close by emphasising, Commissioner, that the complexity of the procedures is the first problem faced by the Member States and regions in applying these procedures. They urgently need to be simplified. I believe that you too will help in this direction and the European Parliament will be standing by you.

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

The vote will take place tomorrow.

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

**Šarūnas Birutis** (ALDE), *in writing*. – (LT) The current financial crisis and economic recession are having a negative impact on public budgets. In most Member States economic growth has decreased significantly, and some are even experiencing economic stagnation. Unemployment indicators have begun to worsen. When such a situation as the economic recession occurs, it is very important that the European Social Fund is used comprehensively to solve problems of the unemployed, in particular of those worst affected.

It is very important that the four main areas of the European Social Fund's activities remain the same:

- an increase in the adaptability of workers and enterprises;
- the creation of better conditions for employment, unemployment prevention, the lengthening of working activities and the promotion of more active participation in the labour market;

- the improvement of social integration by promoting the integration of people receiving social support into work and the fight against discrimination;
- the promotion of partnership in implementing reform of the areas of employment and integration.

**Sebastian Valentin Bodu (PPE-DE), in writing.** – (RO) The expanded European Economic Recovery Plan, or the review of the Regulation on the European Regional Development Fund (ERDF) to be more precise, offers a number of opportunities for EU Member States, all the more so as the global economic crisis is leading to a slowdown in national economies. The new measure proposed in the report on the review of the ERDF Regulation, concerning investments in energy efficiency and in the use of renewable energy for housing for all Member States, is conducive to both creating new jobs and improving energy efficiency in housing. Meeting the objectives of the Community's energy and climate strategy is a very serious matter which should not take into account the economic crisis or other considerations. In this respect, the proposals from the ERDF review effectively combine the measures for combating the effects of the economic crisis (by creating new jobs, increasing investment, and so on) with measures for protecting the environment (through thermal insulation in residential buildings and investments in renewable energy). For these reasons, I believe that the Report on 'Investments in energy efficiency and renewable energy for housing' is an important step that the EU is taking and I am confident that Member States will be able to make the most of this opportunity.

**Corina Crețu (PSE), in writing.** – (RO) The painful social consequences of the crisis are being increasingly felt in all Member States. Particularly where jobs are concerned, we are faced with a situation which is deteriorating fast in every Member State. The Secretary-General of the Organisation for Economic Co-operation and Development highlights the fact that the estimated unemployment rate in the EU and US could reach 10% this year. This is a worrying increase at a time when, in January, the average rate in the EU was 8%.

In Romania, although the official rate is below the European average, a 1% increase in the unemployment rate was recorded last year, reaching 5.3%. However, we are expecting this rate to grow faster as increasing numbers of companies will be forced to resort to redundancies and as our compatriots who are working abroad will be coming back home as a result of losing their jobs.

This is why, as the situation threatens to degenerate into a surge in social inequalities, which we are at risk of no longer being able to control, I want to emphasise the need to focus greater attention on the problems of the unemployed who are the most affected and vulnerable among us in the current crisis.

**Dragoș Florin David (PPE-DE), in writing.** – (RO) I welcome the Commission's proposal to amend the Regulation on the European Regional and Development Fund (ERDF) so that all Member States and regions in the European Union can invest in measures relating to energy efficiency and renewable energy for housing, with the help of the Structural Funds.

On the basis of the current regulation, the ERDF already supports intervention in the housing sector, which also covers energy efficiency, but only for the new Member States (EU-12) and in certain conditions.

It is important for Member States to be allowed to amend their priorities and reschedule their operational programmes in order to finance measures in this area, if they so wish.

Bearing in mind that a ceiling has been imposed of 4% of the total ERDF funds allocated to each Member State for the costs relating to improving energy efficiency and using renewable energy for existing housing, this ceiling must be raised to 15% so that the investments in this area have the biggest possible impact on the European Union's citizens.

I must conclude by congratulating the rapporteur, Mr Angelakas, for his contribution to this report.

**Rumiana Jeleva (PPE-DE), in writing.** – (BG) Together we ended up in this crisis and together we must overcome it. This means that we must work together both in Europe and the rest of the world. However, we must finish our work here first, in the European Union, in the European Parliament to be more exact, where the interests of all European citizens are represented.

The proposals from the European Commission which we are examining today are aimed at giving a new impetus to Europe's economies, as well as helping them to get out of the recession. The amendments to the Structural Funds Regulation to take account of cohesion policy will enable us to provide a new impetus for investment and help restore confidence in the economies.



These amendments are particularly appropriate for countries where the rate of use of European resources is low. However, this will be possible to achieve only if the corresponding national administrations also apply the general standards of good governance and partnership. We must put an end to inefficient working methods and corrupt practices which are, unfortunately, still being used.

We must respond now, together. As the PPE-DE rapporteur, I call on you to support the European Commission's proposal to amend the Regulation on the European Regional Development Fund, the European Social Fund and the Cohesion Fund concerning certain provisions relating to financial management.

**Zbigniew Krzysztof Kuźmiuk (UEN), in writing. – (PL)** In relation to the debate on European funds I should like to draw attention to four proposals by the Commission aimed at accelerating use of financial resources and the Structural Funds by the beneficiaries.

1. Increasing support from the European Investment Bank (EIB) and the European Investment Fund (EIF) for projects cofinanced from the Structural Funds.
2. Simplifying procedures concerning eligibility of expenditure retroactively as far back as 1 August 2006, involving for instance inclusion of a beneficiary's contribution in-kind in eligible expenditure.
3. Increasing payments in instalments from the Structural Funds by 2%, thus allowing for the payment of additional instalments amounting to EUR 6.25 billion in 2009.
4. Accelerating expenditure on major projects amongst other measures by enabling beneficiaries to submit requests for payments prior to approval of projects by the European Commission.

All the aforementioned changes involve increasing the liquidity of beneficiaries. They deserve wholehearted support and should be implemented as soon as possible. The same applies to the simplifying provisions.

**Adrian Manole (PPE-DE), in writing. – (RO)** According to research, Romania has one of the highest consumptions of electricity in Central and Eastern Europe. Improving energy management could be a direct factor influencing economic growth, reducing pollution and saving resources, so that they are used in a more productive manner.

To achieve this situation in Romania, the population needs to be informed about the economic benefits which can be gained through energy efficiency management practices, providing, with this purpose in mind, consultancy to all those who are interested in accessing ERDF funds for the latest energy-saving methods.

This will help make life easier for domestic consumers, while at the same time reducing energy bills, boosting efficient energy use throughout the energy chain, as well as verifying compliance with current energy efficiency legislation. This is what will crucially determine the redirection of energy policy based on energy production towards an active energy policy based on saving energy, with the aim of saving resources through conserving energy.

**Alexandru Nazare (PPE-DE), in writing. – (RO)** I am pleased that we are finally taking concrete steps to reduce the bureaucracy involved in accessing European funds. However, it is a pity that it is only when there is a crisis that proposals are tabled for simpler and more flexible regulations governing European funds.

I would like to highlight one important aspect of these regulations: increasing the threshold for investments in energy efficiency in buildings. In countries which have gone through the experience of systematic urbanisation and forced industrialisation, the problem of energy efficiency in buildings is one which affects millions of citizens. Very little from these funds has been used so far, but I believe that only two years into the current financial programming period is too early for us to have a precise idea of the absorption rate. For this reason, raising this threshold was necessary, given the large number of beneficiaries and the opportunity to create jobs. However, this will remain a problem for Romania as long as, at the Commission's request, these actions are eligible only for those towns selected as growth poles. I hope that the Commission will also keep its pledge to renegotiate certain operational programme axes already approved so that the funds can be reallocated for those measures offering a greater potential for economic growth.

**Rareș-Lucian Niculescu (PPE-DE), in writing. – (RO)** The proposal for a regulation which is the subject of this report is an example of the way in which European money can be 'made to work' to bring greater benefits to European citizens.

This is how significant results can be achieved, without increasing the allocated funds or without measures being taken which have implications for the Community budget, in other words, simply by improving the rules of the game.

I would like to highlight that for the country which I represent, Romania, these amendments will help double the Community funds which can be invested in renovating the heating systems in residential blocks.

These funds will supplement the highly ambitious programme launched by the Romanian Government for renovating the heating systems in residential blocks.

What does all this mean? Firstly, a reduction in wasted energy. Secondly, by implication, a reduction in energy imports. Lastly, again by implication, a reduction in the cost of residential heating to be paid by citizens.

I hope that this is only the beginning and that the European Union will encourage even more investments in energy efficiency.

I have supported this idea right from the very beginning of my mandate as an MEP. This is why I will vote tomorrow in favour of the Angelakas report and in favour of the proposal for the regulation initiated by the Commission.

**Nicolae Vlad Popa (PPE-DE), in writing.** – (RO) The Angelakas report offers a welcome simplification of the eligibility conditions for investments in energy efficiency and renewable energy for housing. Extending the use of fixed rates and flat-rate sums will have a positive impact on the day-to-day management of the Structural Funds.

The amendment to Article 7 of the ERDF Regulation, which enables all EU Member States to invest in measures relating to energy efficiency and renewable energy for housing, with the help of the Structural Funds, is a welcome move not only in the context of the current economic crisis. Facilitating EU-27's access to the ERDF marks another step towards achieving the 20% target for Europe's energy coming from renewable sources by 2020.

Since joining the EU, renewable energy and energy efficiency have become mandatory targets in Romania as well. As a result, the legislation for renovating residential heating systems will be amended so that 50% of the funds required will be covered by the state, the owners will pay only 20% of the costs and the local authorities 30%. To give you some figures, by the end of 2008, heating systems in 1 900 flats had been renovated. For 2009, the Romanian Ministry of Regional Development and Housing will allocate EUR 130 million for renovating heating systems, with nurseries, schools and retirement homes among the beneficiaries.

**Theodor Dumitru Stolojan (PPE-DE), in writing.** – (RO) I welcome the initiative from the European Commission to amend some of the financial conditions for the Structural and Cohesion Funds so that more cash can reach Member States more quickly. I believe that this effort by the European Commission must continue by also increasing the financial resources allocated to the JASPER, JEREMIE, JESSICA and JASMINE facilities, which are proving to be effective in speeding up new Member States' access to European funds.

**Margie Sudre (PPE-DE), in writing.** – (FR) The revision of the three regulations governing the Structural Funds will give the European Union's regions more flexibility in the management and programming of the budgets provided to them under European economic and social cohesion policy.

These provisions, without increasing the funding capacity offered to the regions, will allow them to redirect their priorities, in order to concentrate European contributions on projects that offer the greatest potential for growth and employment.

The regions can henceforth take advantage of European Regional and Development Fund (ERDF) cofinancing to invest in energy efficiency for all categories of housing, in order to develop programmes to provide homes with insulation or solar panels.

Faced with the slowdown in the European economy, I welcome the new possibility of speeding up the payment of regional aid funds, and of simplifying the rules on their use, with the aim of freeing up liquidity to allow the swift implementation of new projects in the real economy.

It is imperative that the *États généraux de l'Outre-mer*, which is responsible for exploring new indigenous development opportunities in the French overseas departments (DOM), encourages the local authorities in

our outermost regions to seize these opportunities to maximise the impact of Community policies on their territories without delay.

**Csaba Sándor Tabajdi (PSE), in writing. – (HU)** As a result of the economic crisis, several hundred thousand people in the European Union, and more than twenty thousand in Hungary, have lost their jobs. In every country in Europe, unemployment has grown by leaps and bounds. The economic crisis is increasingly turning into an employment crisis, and according to surveys, the danger of losing one's job is now the greatest worry among European citizens. The most effective tool of the European Union to combat unemployment is the European Social Fund, the rules of which we are now considerably simplifying in order to speed up payments.

The amendments being proposed by the European Commission reduce the bureaucracy involved in drawing on this source of funding and facilitate and speeding up of payments. The ceiling of EUR 50 000, the previously agreed flat-rate payments and strict ex-post verification reduce the chances of abuse to a minimum. With this measure, the European Commission has once again demonstrated that although it has limited financial resources, it is creative.

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

**President.** – The next item is one-minute speeches on matters of political importance.

**Colm Burke (PPE-DE).** – Madam President, infrastructural development is crucial to our economic recovery. Whereas in the past it was the construction of road and rail that helped stimulate economies in recession and lead the way to future prosperity, nowadays we must focus on our information and communications technology infrastructure as a driver of future growth.

In this context, I wish to draw attention to the appalling situation in Ireland of the so-called 'digital divide'. Due to years of government neglect in boom times, we are now left with broad areas of rural Ireland with sub-standard, slow connections and, worst of all, in 28% of cases, without any access to broadband. How are we to bring prosperity and opportunity to our rural communities without bringing them the means of achieving these goals? How can we tell our young farmers that they cannot benefit from ICT to develop their agri-business industries because we have not provided them with the connectivity?

I welcome recent statements by the Commission which detail the disbursement of EU funds to address this huge challenge. To conclude, we must not lose sight of eliminating the digital divide, even in the midst of economic crisis.

**Justas Vincas Paleckis (PSE).** – (LT) The crisis must force each one of us to change our behaviour and thinking. Lithuanian, Latvian and Irish Members of Parliament have reduced their own salaries, which also means a trimming of the salaries of those countries' MEPs. The incomes of Presidents, Ministers and other state officials are being cut, and this is right, as we need solidarity; the burden of the crisis must not be shouldered by those who are weakest. After the compromise, which took more than a decade to reach, it would be difficult to reduce MEPs' salaries straight away; however, I would urge fellow Members of the European Parliament to donate part of their salaries to charity. During the crisis we should cut the allowances allocated to MEPs. I trust the majority of fellow Members would support a reduction in the number of translations into all 23 official languages, which would allow us to save hundreds of millions of Euro. Now journeys from Brussels to Strasbourg for plenary sessions, which cost EUR 200 million each year, seem particularly absurd. In order to economise and save the environment, we should stop wasting a thousand tonnes of paper and switch to using electronic documents in our meetings.

**Marco Pannella (ALDE).** – (FR) Madam President, today we have devoted one minute, at the start of our work, and we thank the President for allowing us to do so, to paying tribute to the memory of the daily victims of a system that is now causing a tragedy at a level that has never been seen before, a continuous tragedy of the poor against the poor, seeking work and food. We also learned, a moment ago, that 94 women and 7 children had been found.

The problem, Madam President, as we have been saying here for eight years, is as follows: is it possible for there to be no follow-up, for it to be impossible to know the reasons why, when we can see the flowers on our balconies from space? The reasons are not known, the consequences are criminal...

*(The President cut off the speaker)*

**Sylwester Chruszcz (UEN).** – (PL) Madam President, I was saddened to hear the news concerning the outcome of the vote of no confidence in Prime Minister Topolánek in Prague last week. The Czech Republic has led the Union since 1 January, and I believe that its Presidency has proved very successful to date. I trust this success will be maintained during the remaining three months. I am keeping my fingers crossed for our Czech friends and for all the projects the Czech Presidency hopes to implement. The latter include the very important matter of the Eastern neighbourhood policy and measures relating to Europe's energy security.

**Athanasios Pafilis (GUE/NGL).** – (EL) Madam President, the European Court of Justice recently published its ruling against Greece which sets the same retirement age for men and women in the public sector, with the result that the retirement age for women has increased by between 5 and 17 years.

This development, which has been decisively condemned by the workers, has been systematically supported since the beginning of the 1990s and bears the stamp of the European Union and Greek governments. It is damaging to working women and is a step towards increasing the retirement age to 65 for both men and women, as already stipulated in the anti-insurance laws passed by New Democracy and PASOK for persons insured after 1993, in application of Community legislation.

This unacceptable decision totally undermines the public, social character of social insurance in the public and private sectors. It views the national insurance and pension system as a system of occupational rather than social insurance. This means that there is no guarantee in terms of age limits, pension amounts and benefits in general.

The only way forward for working men and women is disobedience and insubordination towards the decisions by the European Union and its institutions.

**Bernard Wojciechowski (IND/DEM).** – (PL) Madam President, according to data on the portal *eudebate2009*, only 52% of Europeans trust the European Parliament as an institution. This is a 3% reduction compared to the figures for last year. The proportion of voters that still have not decided whether to vote in this year's elections to the European Parliament is as high as 50%. Only 30% of those surveyed stated that they intended to vote in the elections. The percentage of voters who will not turn out because they feel their vote will not make a difference is as high as 68%.

I therefore wish to pose a question. Is the European Parliament planning some spectacular last-minute action to persuade people to vote? Are we somehow going to extend the remit of information channels for Europe? In my country, no debate whatsoever on Europe is taking place. The Prime Minister is doing nothing about it. Is everyone else simply to stand and watch?

**Livia Járóka (PPE-DE).** – (HU) Next week International Roma Day will be celebrated worldwide, symbolising the Roma's hope of recognition and acceptance. Recently, horrible deeds have ratcheted up the emotions of public opinion, and the uncertainties caused by the economic crisis are further aggravating the situation. Therefore our responsibility to find a solution to the problems of extreme poverty has increased exponentially.

It is unacceptable for anyone to use the situation of the Roma to make party political attacks and to arouse hysteria instead of taking effective action. Scapegoating and labelling of an entire group makes vocational training impossible, and is a serious violation of the interests of both the Roma and the majority. As a Roma, after centuries of exclusion suffered by our communities I reject every form of collective guilt, whether we are talking about labelling the Roma or the majority society.

To accuse entire communities of a criminal lifestyle or of racism is a grave error, and entirely undermines the dignity of EU institutions if they base their communications on unverified reports or false allegations. It is unacceptable for certain political forces to seek to justify themselves by appealing to historical grievances of persecuted groups.

The problems of Roma ghettos can only be resolved by a European action plan ensuring complex reintegration and immediate development of the excluded regions.

**Vasileica Viorica Dăncilă (PSE).** – (RO) The assessments made by experts about possible problems in the global food market and about providing the necessary amount for the entire global population is one reason for rethinking the way in which agricultural land is used in Europe, especially in the new Member States, which also includes Romania.

In this respect, a realistic evaluation needs to be made of the opportunities which Romania offers to investors interested in investing in the agricultural sector, which seem, during the current crisis, to be most in demand.

This is at least what is indicated by a study published in Bucharest, which mentions a significant growth in investment in Romania in the agricultural and forest land sector. The explanation given for this by those who carried out the study is that these property segments are the least affected by the difficult economic situation which is currently a main feature of the market.

On the other hand, we must not forget that Romania was at one time the bread basket of Europe, but regaining this status requires policies which will support farmers, while also using, at the same time, the Community funds which Romania can benefit from as a Member State.

**Marco Cappato (ALDE).** – (IT) Mr President, ladies and gentlemen, Gaddafi, the Libyan dictator, has defined the International Criminal Court as a ‘new form of world terrorism’. I would like to remind the Presidency of this Parliament that this House was instrumental in advancing the fight – we did this in the non-violent Radical Party – for the creation of the International Criminal Court.

I believe we cannot let the words of the Libyan dictator pass without harshly condemning them as Parliament and as European institutions. Our struggle must be to subjugate national sovereignty, the sovereignty of states, to the binding power of international law against genocide, war crimes, crimes against humanity; international and supranational law against absolute sovereignties. Our friends in the Tibetan Government in exile asked us to do this same thing at our hearing in the Committee on Foreign Affairs yesterday, as did the Congress of Nationalities for a Federal Iran at today’s hearing: absolute sovereignty is the enemy of freedom and justice.

**Andrzej Tomasz Zapałowski (UEN).** – (PL) Madam President, at the most recent meeting of the Committee on Agriculture, Commissioner Mrs Fischer-Boel referred to reform of the sugar sector as one of the greatest successes of the common agricultural policy. I should like to inform the House that following this reform, Poland has ceased to be a sugar exporting country and is instead now obliged to import around 20% of its sugar. A 60% increase in the price of sugar has taken place in just two years. The question arises as to whether the Commissioner and her fellow workers were seriously mistaken, or whether this was a planned strategy aimed at ensuring that certain countries became more profitable. I should like to state unequivocally that, as it has been experienced by Polish voters, the common agricultural policy is exceedingly unbalanced and favours the old EU Member States.

**Petya Stavreva (PPE-DE).** – (BG) Madam President, ladies and gentlemen, we are living in a fast-moving, stressful time of changes and new challenges and, over the last few months, in a global economic crisis.

Yesterday the European Parliament’s Committee on Agriculture and Rural Development adopted a report on allocating additional resources to farmers and rural areas in Member States to help cope with the consequences of the crisis. EUR 1.02 billion will support the European Union’s agricultural sector during this difficult time. I believe that the Community’s farmers and rural inhabitants will understand this important message for a united Europe.

Investments in Internet infrastructure, restructuring the dairy sector, renewable energy sources, protecting biodiversity and water resources are key to resolving a large percentage of the problems in these regions, providing alternative options to the people who live there. The possibility of part of the resources being targeted at credit and guarantee funds will facilitate in practical terms the projects’ implementation.

I am expecting the Council and Commission to back the European Parliament’s efforts to ensure necessary support for the millions of agricultural producers in the Community.

**Marusya Ivanova Lyubcheva (PSE).** – Madam President, in the current climate, with the economic crisis and job losses in European Union Member States, there is a serious risk of an increase in the exploitation of child labour. Unfortunately, in such a crisis situation women and children are the worst affected by it. Regardless of the sound legislative basis at European level and good solutions at national level, including in the country which I represent, Bulgaria, what goes on in practice does not, in many cases, comply with the law. The problem affects migrant groups particularly severely and the Roma community. Preventive measures are required at every level, along with the tightening of controls on complying with the legislation across the whole of the European Union. Many companies use child labour in spite of the relevant legal restrictions. There are thousands of breaches of labour legislation in Member States. The European Commission must organise targeted initiatives linked to the fight against the exploitation of child labour and call for the control mechanisms to be tightened up during this process. If we are looking to protect children’s interests as part of our European policy, this is an absolute must.

**Ewa Tomaszewska (UEN).** – (PL) Madam President, issues such as genocide in Chechnya, the murder of Chechens so as to use their organs in transplants, and the rape of Chechen women have been raised in this House on many occasions. A premeditated attack on Chechnya's material culture is currently taking place, damaging Chechen culture, which is hundreds of years older than Russia's. I have in mind not only writings and objects in daily use that could be in museums, but also residential towers. These are special structures, the like of which is not found anywhere else in Europe. We have often emphasised how our culture is enriched by its diversity. One branch of our culture is now disappearing before our very eyes and we are witnessing the obliteration of one of its sources.

**András Gyürk (PPE-DE).** – (HU) After the January gas crisis, the common European energy policy has in recent days once again received a slap in the face. The Austrian OMV company sold its significant share in the Hungarian MOL company to a Russian oil company whose ownership is unknown and which according to news reports in no way satisfies EU expectations with regard to transparency.

At the same time, it is hardly imaginable that this deal could have been concluded without the knowledge of the governments concerned. Therefore, we can say that the unexpected transaction is clear proof of ambivalence among Member States, and is at the same time a new warning. There is no point in the European Union talking about the need for a common energy policy if the Member States' actions contradict each other.

If the EU is unable to strike a unified chord on the essential matters of energy policy, it will continue to be the victim of efforts to sow division. As a result, the vulnerability of European consumers will continue to grow.

**Catherine Stihler (PSE).** – Madam President, I wanted to inform Parliament that on Saturday a special memorial will be laid in Zillhausen in Germany to commemorate the lives of seven British servicemen who lost their lives in the Second World War. Their plane was shot down between 15 and 16 March 1944. They were part of 97 Squadron based at RAF Bourn in Cambridgeshire. Their names were William Meyer, Bernard Starie, Reginald Pike, Thomas Shaw, James McLeish, Archibald Barrowman and Albert Roberts, who will all be honoured on Saturday.

They made the ultimate sacrifice so that we can enjoy the freedoms that we often take for granted today, and their lives should never be forgotten.

I wanted to put on record my thanks to the Mayor of Balingen, Dr Reitemann, and the local council for allowing the memorial to be laid in honour of the lives of these young men. I would also like to thank Brett and Luella Langevad, who are paying for the memorial to be laid, and RAF 9 Squadron for sending two crews to the ceremony on Saturday.

On a personal note, James McLeish was my great-uncle, and representatives of my family will be present at the service.

**Marian-Jean Marinescu (PPE-DE).** – (RO) Elections are taking place in the Republic of Moldova on 5 April. This morning there was an explosion at the Ananiev-Tiraspol-Ismail gas pipeline in Transnistria. The cause of this accident is still unknown, but it has resulted in disruption to gas deliveries from Russia to the Balkans.

I hope that this accident will not have any impact on the outcome of the elections. At the same time, I believe that it is linked to two particularly important factors. It is absolutely paramount that efforts are made to settle the unresolved conflicts in the region, especially in Transnistria. The European Union must also find specific, viable solutions for the development of alternative energy supply routes to the Black Sea. Unfortunately, the agreement signed at the end of last week between Gazprom and the State Oil Company of Azerbaijan may jeopardise the Nabucco project.

This is why attention must be focused urgently on all aspects linked to consolidating the European Union's energy security. Thank you.

**Silvia-Adriana Țicău (PSE).** – (RO) The Danube plays a very important role in economic and social cohesion, as well as in Europe's cultural development. The European Danube Commission was founded on 30 March 1856 in the wake of the Paris Conference, with its headquarters in Galați, in Romania. It was one of the first European institutions and its aim was to establish an international system for free navigation on the Danube.

TEN-T priority axis 18 formed by the Danube and the Main-Rhein Canal provides the connection between the Black Sea and North Sea, cutting the distance between the sea ports of Rotterdam and Constanța by

4 000 kilometres. The Danube must be given a higher priority within the Community's policies. I propose setting up at the start of the next term of the European Parliament an intergroup for promoting the Danube.

In the years to come, we will need to join efforts and adopt a common approach for dealing with the development initiatives affecting the Danube region. We need an integrated European development strategy for the Danube River Basin to promote economic development, the development of the transport infrastructure and environmental protection.

**Anna Záborská (PPE-DE).** – (SK) Three years ago the European Parliament awarded the Sakharov Prize to the wives of political prisoners detained in Cuba in March 2003. These women in white fearlessly drew attention to human rights abuses in their country.

The European Council has repeatedly adopted conclusions on continuing in open dialogue with the Cuban authorities, while at the same time insisting on compliance with fundamental human rights and freedoms. However, it has also taken the decision that these rights must always be raised during official visits, and whenever possible, meetings should be set up with the democratic opposition.

I have to report that during the official visit of Mr Michel, the Commissioner for Development, no such meetings took place, despite the fact that a request was put forward. This is all the more incomprehensible and shocking due to the fact that the European Commission's visit to Cuba took place on the date of the sixth anniversary of the arrest of the Castro regime opponents. It concerns me that the Vice-President of our Parliament was also a member of the delegation.

**Bogusław Liberadzki (PSE).** – (PL) Madam President, in November of last year we debated the situation of the Polish shipbuilding industry at the request of the Socialist Group in the European Parliament. Despite our differences, we were all agreed in calling on the Commission and on Commissioner Kroes to devise solutions aimed at improving the situation of shipyards rather than closing them down.

Four months later, the situation is as follows: the Polish Government has given in far too easily to pressure from the Commission, accepting the latter's solution which involves selling off individual parts of the shipyards' assets according to the principle that the highest bidder will be able to obtain the desired assets. Currently, the production of ships has ceased and most of the workers have already lost their jobs, having received only token compensation. As for the competitiveness of the European shipbuilding industry, it is no better than it used to be.

**Maria Petre (PPE-DE).** – (RO) Madam President, ladies and gentlemen, at the end of last week several hundred Romanian citizens were prevented from entering the territory of the Republic of Moldova. In most cases, no explanation was given; otherwise, the strangest excuses were used, such as they did not have documents to show that they were not infected by the HIV virus.

This is an unprecedented abuse. No other European citizens have ever had their right of free movement so grossly violated. I strongly support the European journey being made by the Republic of Moldova and its citizens, but I protest against this gross abuse and ask the European Commission and Council to request explanations from the authorities in Chişinău, just as Romania has already requested through the Minister of Foreign Affairs. Thank you.

**Zita Pleštinská (PPE-DE).** – (SK) In my speech I would like to applaud the Commission's initiative relating to the European Citizens Consultation 2009 project. This project brings together citizens from the 27 EU Member States ahead of the European Parliament elections in order to discuss responses to the question, 'what can the European Union do to influence our economic and social future in a globalised world?'

National consultations with Slovak citizens took place on 28–29 March. The European Citizens' Summit will take place on 10–11 May 2009 in Brussels, where 150 participants from the 27 national consultations will draft a final version of the European recommendations which MEPs will be able to use in the coming election period as a basis for creating European legislation.

I firmly believe that only through discussions with citizens will we renew their faith in the uniqueness of the European project. At the same time I call on the media to be more objective and more active in presenting information on the European Parliament as this will be important in influencing voter turnout.

**Csaba Sógor (PPE-DE).** – (HU) A conference with a strange title was held at the European Parliament today on the defeat of the so-called Hungarian Soviet Republic. No such country name or event ever existed.

I reject any political attitude that subordinates, for nationalist motives, to the nation state's interests the historical questions that are connected to the retrospective justification of a state's ambitions to gain territory.

It is unacceptable for the invasion of Hungary, the Romanian military occupation and the plundering of the country from November 1918 to be interpreted as a factor in regional stabilisation at an event organised here in Brussels, at the heart of Europe, under the aegis of Members of European Parliament.

On behalf of the Hungarian community in Romania as well, I firmly protest against the cynical behaviour of our Romanian socialist colleagues and against their misleading public relations manoeuvre and attempt to shape opinion guided by nationalist motives.

**Miroslav Mikolášik (PPE-DE).** – (SK) On 18 and 19 March 2009 the Commissioner for Development and Humanitarian Aid Louis Michel visited Cuba. This was during the sixth anniversary of the imprisonment of 75 opposition representatives. During this visit Commissioner Michel did not meet with the Damas de Blanco or any other opposition representatives.

According to information from European diplomats, Commission Michel did not take the opportunity to mention human rights or the anniversary. On Cuban opposition radio Mr Michel said that the date was an official error and that he did not know that the Damas de Blanco wanted to meet him.

I have to say that Deputy President Martinez of the European Parliament, who was an official member of the delegation representing the European Parliament, also failed to meet with the opposition, although he did meet with the families of Cuban spies arrested in the US. Martinez thus allowed the Castro regime to exploit his visit and the meeting he attended in order to distract media attention away from the activities of Damas de Blanco relating to the anniversary, as media coverage concentrated on the visit of the Commissioner and this meeting.

**President.** – This item is now closed.

## 17. Loss at sea of migrants' boats off the Libyan coast (debate)

**President.** – The next item is the Commission statement on the loss at sea of migrants' boats off the Libyan coast.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Madam President, the European Commission was dismayed to learn of the loss, on Sunday evening in the Mediterranean, off the coast of Libya, of a ship carrying migrants bound for Europe. According to some sources, this ship had 257 people on board, the vast majority of whom are missing.

The Commission wishes to express its compassion for the victims of this human disaster and its anger in the face of this tragedy. It was doubtless caused by many factors, but the primary responsibility must lie with those criminal organisations that are directing this deadly illegal traffic from the coasts of Libya and who are growing rich at the cost of human misery. The Commission finds it intolerable that this phenomenon, which seems to be intensifying over the course of the years, continues to grow. It invites all the parties concerned to mobilise their efforts to bring it to an end.

Libya has an essential role to play here. It must make a more determined and effective commitment to the fight against the traffickers operating on its territory, to the prevention of illegal departures from its coasts, to the search and rescue of ships in distress in the waters under its control, and to the offer of international protection to those migrants who require it, in accordance with its obligations under the 1969 OAU convention on the protection of refugees, to which it is a signatory.

Over the last few years, the European Commission has asked the Libyan authorities several times to assume their responsibilities and to introduce effective measures, in cooperation with the European Union and its Member States. I have to say that we have offered increased financial assistance to Libya, and it is evident that the Libyan authorities need to use this assistance to improve the fight against the trafficking of migrants and others on their territory and to strengthen the controls at their southern border. The Libyan authorities must also develop a system for receiving migrants that complies with international law.



It is true that the European Union is ready to cooperate and to contribute to the interception and, if necessary, to the rescue of ships in the Mediterranean. The launch, in the coming months, of Nautilus and Hermes, the two naval operations organised and financed by Frontex, the European external borders agency, will cost around EUR 24 million. The Commission invites all the Member States of the European Union to cooperate in the implementation of these two actions. The Member States must also show solidarity in practice with Italy and Malta, which are very exposed to the flow of migrants from Libya. Furthermore, Libya must assume its responsibilities as regards the readmission of illegal migrants who have crossed its territory.

We have noted that the Italian authorities believe it will be possible, from 15 May, to begin joint patrols with the Libyan navy in Libyan territorial waters with the aim of intercepting or assisting illegal vessels. We welcome the support given by the Italian authorities to the development of Libyan naval capacities for this purpose.

However, in addition to these emergency measures, the Commission believes that a priority action must be applied to the whole human dimension of these problems. Migrants who entrust their lives to unscrupulous traffickers are, in the vast majority of cases, people fleeing war or persecution. We hope that the events of recent days will create an awareness, in all of our Member States, of how serious this problem is, and that, together with the Member States and with the support of the European Parliament, we can thus prepare a Stockholm Programme that dedicates a large part of its priorities to this global approach to migration. The global approach is necessary for drawing up a long-term strategy for managing migratory flows that will take greater account of the circumstances and requirements of countries of origin.

In addition, this strategy must allow us to go further in the dialogue with the African partners, especially in the framework of the Rabat Process, in the framework of the relationship between the European Union and the African Union. Together we must identify joint responses to this challenge and also seize the opportunities offered by legal migration, which could, in fact, be an opportunity both for Europe and for countries of origin. This strategy must also mobilise additional resources by increasing cooperation with countries of origin and of transit in order to strengthen their capacity for dismantling human trafficking organisations and for dealing with migrants in a dignified way in which their rights are respected.

Finally this strategy must allow us to manage and organise the arrival of legitimate asylum seekers on Member States' territory more effectively by further integrating the development of refugee protection capacities in our cooperation with third countries.

Madam President, ladies and gentlemen, two weeks ago I went to Lampedusa and Malta. I must say that I was able to see and hear for myself the tragedies of those people who are encouraged in this way by unscrupulous smugglers to risk their lives by crossing maritime areas. I think I can say that we must, in the light of this latest incident, take these problems very seriously and awaken an essential awareness in each of our Member States of the gravity, and growth too, of these phenomena, which are putting people's lives at risk in appalling conditions.

This is why I would like to thank the European Parliament for having requested this statement from the Commission. I have made it to the best of my knowledge and belief, and I repeat before Parliament my personal commitment in the coming months to avoiding a repeat of such tragedies.

**Agustín Díaz de Mera García Consuegra**, *on behalf of the PPE-DE Group – (ES)* Madam President, today we feel collective grief and sorrow for the death of so many immigrants who were hopeful, desperate, and also perhaps deceived. They are innocent victims of a situation that they did not choose, of circumstances that were imposed upon them. I know the problem well. The Mediterranean and the Atlantic Canary seaboard have become pathways towards a non-existent 'El Dorado' for many people who have nothing, full of risks in transit, and frustrations and penalties upon arrival.

The European Union and the Member States have to be more sensitive to avoid such tragedies. We do a lot but it achieves nothing. The results are extremely harsh, as we have seen on the coasts of Libya, and must make us consider the limited effectiveness of our policies.

There are no magic recipes for finding absolutely effective solutions to such tragedies, but there are persistent and determined policies. We have to encourage solid policies of cooperation with countries of origin and of transit; cooperation and collaboration must be two sides of the same coin. We need to better organise and publicise the benefits of legal immigration in a concerted way, even in times of crisis. We must collaborate and cooperate with the countries of origin and transit regarding the control of their borders, on the basis of detailed agreements. We must also hunt out traffickers from their networks with intelligence and specialised

forces, and at the same time toughen up criminal laws in the destination countries. We need to better equip the External Borders Fund; EUR 1 820 million over seven years is clearly an insufficient amount by any stretch of the imagination.

We must also successfully strengthen Frontex, and ensure that the catalogue of equipment, CRATE (Centralised Record of Available Technical Equipment), is not a statement of intention, but rather an efficient tool for the coordinated control and surveillance of the critical pressure points of clandestine activity.

Commissioner, Nautilus, *Hermes* and EUR 24 million mean more commitment and more equipment. We should stop saying 'we must', and so take on this tough responsibility, with or without global agreement.

**Pasqualina Napoletano**, *on behalf of the PSE Group*. – (IT) Madam President, ladies and gentlemen, we are talking about a loss of more than 500 lives: the greatest tragedy at sea since the Second World War. The numbers are shocking, and yet Europe and its governments seem distracted. Some countries, including Italy, thought they had protected themselves by signing bilateral agreements such as the recent treaty with Libya; that is not so. The agreement in question brings together very diverse issues, such as the recognition of crimes perpetrated during the colonial era, with promises of investment, in exchange for commitments to control migration. Today, it seems the very mirage of Italian investments in Libya is attracting thousands of young people from West Africa. It is easy to predict that if the promised USD 5 billion does not arrive, then it is people who will arrive.

What can we say then about French interests in Niger, linked to the stockpiling of uranium, which is stirring up a war among the Tuareg and thus favouring the people traffickers? What is more, all this is taking place in broad daylight, documented by journalists.

What this means is that certain European governments are playing with fire. If all this does not change, and fast, if Europe does not decide to act with positive policies in keeping with our values, it will not be enough to mute the news as we are doing at present. The Mediterranean is becoming a mass grave, far from the rhetorical images that describe it. Let us remember though that this sea is linked to the fate of Europe itself.

#### IN THE CHAIR: MR VIDAL-QUADRAS

*Vice-President*

**Gérard Deprez**, *on behalf of the ALDE Group*. – (FR) Mr President, ladies and gentlemen, on behalf of my group I would also like to pay my respects to these latest victims of poverty, criminal exploitation and state cynicism. However, compassion is not enough. We need to see things as they really are.

The reality, Mr President, is that the real southern borders of the European Union are no longer truly in Europe, they are now on the African continent. Once the boats have left African shores, the unfortunate passengers no longer have a choice, dare I say it, between death, if the conditions are adverse, or having the status of illegal immigrants, with the poverty that comes with it, if by chance they do reach European shores, before, in the majority of cases, being deported.

These repeated tragedies will not stop until the European Union has the power and the will to negotiate real partnership agreements with the countries of origin and transit that include at least three elements: reliable border controls, but also, and above all, a significant supply of legal immigration and a substantial co-development section. Without these agreements, Mr President, the cemeteries of the sea are going to keep filling up for a long time to come, despite our flimsy and powerless bursts of compassion.

**Hélène Flautre**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, who were they? How many were there? Where had they come from? Were there children, women, refugees? Did coastguards hamper the boats' journey? Did fishermen cross their path? So many unanswered questions. The human cost of the tragedy is not known, but hundreds perished, joining the thousands of migrants who have drowned in the Mediterranean.

Let us have the decency, as we do tonight, not to blame the weather. Hundreds of migrants have taken the route to exile in inhuman and highly dangerous conditions. Why is that? It is because they are fleeing devastated regions, because the less dangerous routes are closed to them and because they have not given up hope for life.

Yes, it is indeed the anti-immigration mechanisms that encourage migrants to take increasingly risky routes to flee the desolation of their countries that are the cause. Was it not the forthcoming announcement of joint patrols in Italy and Libya that hastened the departure of boats to Europe in recent weeks?

Yes, Europe's obsession with shoring up its borders and its determination to focus the weight of its administration on third countries that destroy freedom, are lethal. The overemphasis on law and order, the patrols and the barbed wired fences will not overcome their desire to escape.

So the question is this: is Europe ready to take responsibility for the consequences of such a choice? No, it is not, and this is why I am asking the Commission and the Member States:

- firstly, to do everything in their power to find and, if possible, rescue the people who have disappeared at sea, and to investigate the circumstances of this wreck;
- secondly, to reaffirm international maritime law, which makes it mandatory to provide assistance to anyone in distress, while the seven Tunisian fishermen are still on trial;
- thirdly, to halt all negotiations on migration issues with countries that do not provide any guarantees of respect for human rights;
- fourthly, to respect the right of every human being to leave any country and ask for international protection in any country. You are right, the people who disappeared at sea are not illegal migrants;
- fifthly, to put an end to the restrictive visa policy, which is often arbitrary and unfair;
- and lastly, to closely examine, from the point of view of development in third countries, all the European Union's policies, including the predation of mining resources, agricultural dumping, free-trade agreements, trade in weapons and indulgent cooperation with autocrats.

**Giusto Catania**, *on behalf of the GUE/NGL Group*. – (IT) Mr President, ladies and gentlemen, what happened the other day is just the latest in a long line of shameful tragedies that have assumed mammoth dimensions. The death at sea of emigrants trying to reach our shores is without a shadow of a doubt the greatest violation of life wrought in civilised Europe. These tragedies demonstrate the terrible face of our fortress. Perhaps we ought to begin to think about our responsibility for the deaths of men and women whose sole ambition was to find a better life and escape hunger and war.

Therefore, we should probably analyse the fact that those shipwrecked in the Mediterranean are not an anomaly of a mechanism that creates illegal immigration; rather they are a foreseeable consequence of the immigration policy of the European Union and its Member States. The slaughter in the Mediterranean is caused by the philosophy of repression, by the policies of turning people back at sea, by the virtual barbed wire along our coasts, by the prohibitionist practices implemented in the immigration policy of the European Union and its Member States, including Italy and Malta. There is no other way to enter Europe; there are no legal channels for accessing the European labour market or finding recognition of the sacrosanct right of asylum. Hope is consigned to the stormy waves of the Mediterranean Sea; rights are delivered into the hands of unscrupulous boatmen, who have become the only means, or at least the most accessible means, to enter the European Union. That is the real cause of the deaths off the coast of Libya a few days ago. That is the reason why, in the last 20 years, tens of thousands of migrants have died in an attempt to reach Europe; faceless, nameless men and women reduced to food for the fishes.

I asked President Pötinger to open today's session with a minute's silence, as a sign of mourning in recognition of these victims. I thank him for granting my request. I think we had a duty to do this, but clearly it is not enough. It demonstrates our indignation, but we must try to produce a policy in this House, a concrete policy, that begins to say never again, never again must there be deaths in the Mediterranean.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, I will be brief. What is important is to take action, and I echo what Mr Deprez said. We do need to move towards this global approach, towards partnership agreements, because we will not succeed in solving the problems unilaterally. I am quite happy to admit, as you pointed out, that as Europeans we have responsibilities. Also, on the issue of legal migration, we need to demonstrate a spirit of openness. We also need to fulfil our duty to receive people who are fleeing persecution and war.

However, having said that, allow me to say, and to remind Parliament quite truthfully that the responsibility also lies with a number of third countries with which negotiation is very difficult. Does that mean that we should give up on negotiating? No! For example, we need to ensure that Libya finally has an asylum system. We need to ensure that Libya can help us to stop a number of the smugglers, who force these poor people to take unnecessary risks. I have personally heard the Maltese authorities saying that Libya allowed a number of boats to depart in awful conditions and that subsequently the Maltese navy was forced to go out and find

and save the poor people who were being exploited by the smugglers. So we do need to take responsibility, but at the same time we need to demonstrate a degree of firmness in our negotiations with a number of states that are not fulfilling their international obligations.

I think that is enough to get us all working together to prevent such tragic incidents from reoccurring.

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

## 18. Community Code on Visas (debate)

**President.** – The next item is the report (A6-0161/2008) by Henrik Lax, 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 establishing a Community Code on Visas (COM(2006)0403 - C6-0254/2006 - 2006/0142(COD)).

**Henrik Lax, rapporteur.** – (SV) Mr President, the Community Code on Visas seeks to harmonise and clarify the visa procedure throughout the Schengen area. Everyone applying for a visa should be treated equally, irrespective of the Schengen consulate he or she turns to. Good administrative practice and a dignified reception should be guaranteed and the entry of genuine travellers should be facilitated.

Rules concerning the introduction of the requirement for holders of visas to give their fingerprints and the option of relocating the reception and processing of visa applicants were already approved on a previous occasion in a separate report tabled by Baroness Ludford. These rules have been included in the Community Code as an integral part of this Code.

Thank you, Sarah, for your close cooperation.

(SV) This proposed regulation should be established by means of the codecision procedure between Parliament and the Council. After work that has taken nearly three years and that has required intensive negotiations with the Council, I am pleased, as rapporteur, to now be able to table a compromise proposal, which the Council has approved and which I hope will win the approval of Parliament.

I would like to say a special thank you to the shadow rapporteurs Mrs Klamt, Mr Cashman, Mrs Ždanoka and Mrs Kaufmann for their very constructive cooperation and strong support in the negotiations. Without the support of a unanimous committee, Parliament would not have achieved such a good result in the negotiations. I would also like to extend my thanks to the Commission, which tabled a sound initial proposal that was gratifying to develop further. My thanks also go to the French and Czech Presidencies, both of which demonstrated the will to recognise the problems that Parliament wished to address and the ability to meet Parliament half way.

With the Commission's proposal as a starting point, all of the compromises represented improvements on the current situation and it proved possible to resolve the most difficult issues with the French Presidency even before Christmas. Of course, the whole preparation and negotiation process would never have succeeded without the splendid work carried out by my own able staff and that of my colleagues, the committee secretariat and the officials from the political groups. I would like to extend a particularly warm thank you to them.

The three most important results that we have achieved are: firstly, that a multiple-entry visa not only can, but must, be issued when certain agreed criteria are met; secondly, that the Member States have undertaken to enter into an agreement to represent each other, so that no one applying for a visa need make disproportionately difficult journeys in order to reach a competent Schengen consulate; and, thirdly, that a common website is to be set up to provide a unified picture of the Schengen area and to provide information regarding the rules applying to the granting of visas.

The fact that the visa fee could not be reduced from EUR 60 to EUR 35 is disappointing. However, this disappointment is assuaged by the fact, for example, that children under the age of six and persons under the age of 25 representing organisations in seminars, sports activities or cultural events will receive their visa free of charge.

I would like to finish by saying that this reform introduces two instruments that will be very important factors in the uniform application of the Schengen rules actually becoming a reality, namely the visa information system, which is a database covering all of the Schengen countries and which will provide the consulates with information in real time on who has applied for a visa, who has been granted a visa, who has had his

or her application for a visa rejected and which visas have been withdrawn, and renewed local institutional cooperation between the Schengen consulates in different countries.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, the Commission welcomes the considerable efforts made by Parliament and also, to some extent, by the Council. These efforts should enable us to reach an agreement at first reading. Given the consensus confirmed by the Committee on Civil Liberties, Justice and Home Affairs in mid-March and COREPER a few days before, I think that this agreement has now been definitively reached.

Although the text is not perfect and does not meet with all of our initial ambitions, the Commission unreservedly supports the compromise. We need to acknowledge and commend the efforts made by the European Parliament to reach an agreement on this proposal at first reading and before the end of the current legislature.

This regulation will make the rules on issuing visas clearer, not only for applicants but also for the Member States. These rules will also be applied in a more harmonised way.

The Commission is pleased that the obligation to give reasons for decisions to refuse visas and grant the right of appeal to refused applicants has remained practically unchanged from the text of the initial proposal, thanks to the support of the European Parliament.

These procedural guarantees will prevent decisions to refuse visas from being seen as arbitrary. If this agreement were called into question, we would have to continue to live with the deficiencies, such as the inconsistencies in the current rules, to the great dissatisfaction of everyone.

I would like to express my satisfaction with the compromise that has been negotiated, which is going to remedy the deficiencies and inconsistencies of the current rules. I would of course like to thank Mr Henrik Lax and Parliament. I am convinced that this new code on visas will greatly benefit those who are travelling in good faith.

**Ewa Klamt**, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, the adoption of the Community Code on Visas will mean that, in future, Schengen visas – visas for stays of up to three months – will be issued according to established uniform criteria in the Schengen area. This step is urgently needed in a European Union with open borders. At the same time, Member States' responsibility for processing visa applications is clarified. As a rule, applicants must contact the Member State in which their main destination is located. My group welcomes the fact that the requirement and the procedure for issuing entry visas will speed up entry for large numbers of people. This way, business travellers entering the EU will be treated fairly and, moreover, holidaymakers from all round the world – by far the largest group of travellers to the EU – will benefit.

Thus we have not only made it possible to process visa applications quickly but also ensured that security screening prevents abuses. With its balance between security and facilitating entry, the Visa Information System affords Member States instant, direct access to all the relevant data in connection with the issuing of visas. Thus the examination of applications is being simplified while, at the same time, the issuing of visas will provide greater security in future thanks to the use of biometric identifiers; that is, photograph and fingerprints. The compromise struck between rapporteur Mr Lax and the Council takes account of Parliament's original position and also has the support of the broad majority of my group.

I should like to take this opportunity to reiterate my sincere thanks to Mr Lax for his commitment and his excellent cooperation over the last three years on this very complex dossier, which puts European visa policy on a new footing.

**Michael Cashman**, *on behalf of the PSE Group*. – Mr President, I would like to thank Mr Lax for the exceptional work that he has undertaken. I am pleased to say that, on behalf of the Socialist Group, we will be supporting his report in its entirety. We are also pleased that we have achieved most of our objectives.

I am also pleased that, working with you, Henrik, you have shown the imagination that is absolutely necessary for a brilliant legislator, which is to put yourself in the position of the person seeking to use the service. That is the way you have approached this in its entirety. It is why you looked at the one-stop shop, the Internet, the multi-entry visas and the reduction on visas for people under 25 – I only wish I could avail myself of that privilege – and approached it by asking how we can make this work for the citizen. This is a brilliant example for the rest of the House. We often approach things by putting forward amendments, which may improve the text and may have coherence, but does it serve the citizen? That has always been your approach.

I am pleased to say that we have the multiple-entry visas. We also have the whole issue of appeal. I worked with – to name a member of the DG – Jan on this very important principle, namely that, if you are refused a visa, or you are refused entry into the Schengen area, your appeal may not be suspensive, but the authority that refuses must make itself accountable.

I wish to thank the rapporteur once again, and to thank the Commission for making sure that we have that principle enshrined here. I have nothing more to say other than to thank my staff and to thank your staff – and particularly Renaud, who is in the public gallery. Without our staff, we could never do the job that we do so well. It has been a brilliant three-year love affair and, like most short-term love affairs, I am pleased to see it coming to an end.

**Sarah Ludford**, *on behalf of the ALDE Group*. – Mr President, my regulation on biometric visas is now being incorporated in this new visa code, so I feel I have a little bit of ownership of it. It will work with the Visa Information System, for which I was the rapporteur.

The whole result not only improves the security of visas, but, as others have said, also convenience for visa applicants. That was Mr Cashman's aim for the Borders Code. So I feel that MEPs have delivered on those two aims.

I hope that biometrics improving the reliability of the link between the applicant and the document will mean that fewer people get turned away unjustifiably. Mr Lax has worked strongly, as Mr Cashman said, on improving service for applicants, and thus the image of the EU. Ninety-nine point nine per cent of people who want to come to the EU want to do so for trade, travel and tourism, and we want them to, as it is good for business, but, if they get a poor service and are handled badly, then they will not feel warmly about the EU.

Mr Lax has done a great job.

**Tatjana Ždanoka**, *on behalf of the Verts/ALE Group*. – Mr President, we are grateful to Mr Lax for his best efforts to achieve a compromise in such an ambitious project.

The Greens/EFA Group still believes that the amendment suggested by Parliament would be the best solution. For example, there could be – and there will be – practical problems while dealing with the main destination, instead of our proposal to provide free choice when applying for visas.

The Council has agreed to the obligation of the Member States to cooperate only. Unfortunately, the visa fee will be EUR 60 instead of the EUR 35 suggested by Parliament. Hopefully there are a number of waivers and reductions for children, students and active youth.

Although it was not possible to achieve a compromise on issuance of multiple-entry visas by default, at least we have now an obligation to issue such visas in certain cases.

The right to appeal against a negative decision is also a big step forward. Now, in many Member States, such a right does not exist. As a human rights activist in my previous life I especially thank Mr Lax for this provision.

Of course, for my group, incorporation in the report on visas of the report on biometrics looked like a fly in the ointment. We are against such a wide introduction of biometrics.

Still, we see some improvements in the visa policy, and therefore we will support this report.

**Sylvia-Yvonne Kaufmann**, *on behalf of the GUE/NGL Group*. – (DE) Mr President, I should like to start by offering my sincere thanks to our rapporteur, Mr Lax, for his work. From the outset, he worked very closely with all the shadow rapporteurs and, thanks to his commitment, undoubtedly obtained the best possible result from the Council.

The Community Code on Visas is necessary to render more uniform the processing of short-stay Schengen visas and, above all, to improve visa-issuing service and thus the perception of the European Union in third countries. Following more than three years' work on the Community Code on Visas and complicated negotiations with the Council, it has finally proved possible to reach a compromise. Although, unfortunately, some of Parliament's demands could not be pushed through, the Community Code on Visas still contains numerous improvements, for example with regard to cooperation between Member States. Above all, it makes things easier for applicants, providing them with more legal certainty and creating transparency.

It is particularly important that any rejection of a visa application must be justified in future, and that all applicants will have the right to appeal against the rejection of their application. Regrettably, however, the visa fee is unchanged at EUR 60. Even if, in future, a larger number of people are exempted from the visa fee, this EUR 60 fee is likely to be unaffordable for a significant number of third-country nationals and thus, unfortunately, to mean that people are unable to travel to the European Union.

Finally, I should like to reiterate my thanks to the rapporteur and all my fellow Members for their excellent cooperation over the last few years and to congratulate Mr Lax on his report.

**Marian-Jean Marinescu (PPE-DE).** – (RO) The Community Code on Visas incorporates the procedures and conditions for issuing Schengen visas to Member States and harmonises the existing provisions concerning decisions to refuse, extend or annul these visas.

It is important that Member States which do not have their own consulate in a third country are represented by another Member State which has diplomatic or consular representation in the relevant third country. The code must take into account bilateral agreements signed by the Community, especially with countries involved in the European Union's neighbourhood and partnership policy in order to facilitate the processing of visa applications and apply simplified procedures.

I believe that the right of Member States to cooperate with commercial intermediaries will not be of any great help in simplifying the procedures for handling visa applications. The reason for this is that according to the code, visa applicants must present themselves in person when they submit their first application so that their biometric data can be registered. There is also the possibility that any visa applicant can be called for an interview when considering granting a Schengen visa.

The purpose of the Schengen visa code is for the European Union to present a united external front, to treat visa applicants equally and set out clear exemption criteria and rules for a number of third countries. In this context, I think that it is appropriate for me to remind you that the European Union must do its utmost to ensure that its Member States are treated equally by third countries which apply visa exemptions only for certain Member States. We simply cannot have two classes of European citizens when they want to travel, for instance, to Australia or the United States.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Mr President, I would like to respond to Mr Marinescu that I am of course working to secure reciprocity from third countries, and that my recent trip to Washington was partly related to this issue.

As for the rest, I am very happy because I believe that Mr Lax has done a very good job and that he has been rewarded with very broad approval. I would like to add that obviously we also have a strategy aimed at facilitating the obtaining of visas with a number of countries, and I am placing a great deal of hope in the development of this strategy in order to facilitate the granting of visas as far as possible, in particular to young people from third countries, because I think that we have every interest in facilitating the entry of young people into Europe.

Thank you for this good approach, which has enabled us to conclude this text and thus to bring a new quality to visa policy that will be very much appreciated.

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

The vote will take place on Thursday, 2 April 2009.

## 19. Evaluation of the driving hours and rest periods (debate)

**President.** – The next item is the statement by the Commission with regard to the evaluation of driving hours and rest periods.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Mr President, I am going to read the Commission's statement on the evaluation of driving hours and rest periods.

Regulation (EC) No 561/2006 entered into force on 11 April 2007, about two years ago, replacing the rules on driving hours and rest periods that had remained unchanged for more than twenty years.

Since it was adopted, the Commission has been actively monitoring its application, including through several meetings with the Member States, industry and unions, in the committee and in various working groups created by the committee.

Soon the Commission is going to publish the biannual report on the implementation of social rules. One of the preliminary conclusions is that the efforts and investment made by the Member States in terms of monitoring should be increased in order to reach the levels required by European legislation.

The initiatives taken by the Commission include the guidelines, which will be published in agreement with the Member States and aim to ensure harmonised application of the rules on driving hours and rest periods, for example in cases in which a driver has to interrupt his rest period due to an emergency.

The Commission is also working actively on improving the digital tachograph. In January, a package of measures to increase the safety of the system was adopted. The Member States must therefore develop specific equipment to monitor the tachograph.

A second package of measures to adapt the technical specifications for the tachograph is currently being discussed in committee procedure. These measures will make it easier for drivers to use tachographs by simplifying the manual entries.

The Commission concludes from this observation of the application of the Regulation that, over the last two years, the new legislation on driving hours and rest periods has been a success. Therefore, the Commission, in agreement with the Member States, has just convinced the countries that are signed up to the AETR (international road transport) Agreement to take on these new rules from 2010. However, the Member States do of course have to ensure that these social rules are applied in a harmonised way in Europe.

This is what I had to say to Parliament on behalf of the Commission, and I am going to listen closely to the comments from the various MEPs.

**Corien Wortmann-Kool**, *on behalf of the PPE-DE Group*. – (NL) Mr President, there was some confusion today about this Commission statement, but it is clear that the oral questions tabled by the Group of the European People's Party (Christian Democrats) and European Democrats formed the basis for today's statement. The oral questions stemmed from the great concern that exists, despite the Commission's efforts, about the practical implementation of this Regulation.

If I drive for one more minute in a country because I need to move my car, I could be faced with sky-high fines in a different country weeks later. This is one example of the problems encountered by drivers and transport companies. It can cause enormous problems, for example, if you drive just a couple of kilometres further to reach a safe car park (as all car parks are overflowing in Europe) or to reach a good car park for the night.

I am pleased that you have launched a number of actions and also that you are going to present your report. I would request that, in this report, you look not only at the introduction of the provisions but also at the Regulation itself, and that you proceed to a wide-ranging evaluation that gives the sector the opportunity to raise with you the concerns I have just discussed. A wide-ranging evaluation is what is required, therefore, so that we can look at where improvements can be made.

Indeed, the disadvantage of these guidelines as I understand it is that, thus far, they have no legal force in the Member States. If drivers rely on these guidelines they could be left empty-handed, as these are not legally valid – and that is a problem. Commissioner Barrot, given your knowledge of the matter, I am pleased that you are replacing Commissioner Tajani today, and I sincerely hope that you are able to promise us this wide-ranging evaluation.

**Silvia-Adriana Țicău**, *on behalf of the PSE Group*. – (RO) The European regulations governing working time, driving time and rest periods for transport operators refer not only to social conditions in the road transport sector, but especially to road safety as well.

Unfortunately, the European Union has not managed to do enough to reduce traffic accidents. Member States admittedly need to improve the controls which they apply to transport in transit. As rapporteur for social conditions, I have examined the first report compiled by the European Commission, which ought to have been produced twice yearly. It was unfortunately delayed, but I noticed from that report that some Member States have exceeded in practice the minimum rate of checks they had to carry out, while other Member States have not fulfilled these obligations.



I am pleased that in Mr Grosch's report on market access we have managed, along with the Council of the European Union, to produce a compromise text, namely, we have requested for all traffic checks not to be discriminatory, based either on the nationality or country of residence of the transport operator.

Commissioner, we certainly need safe parking areas. There was a draft report for the construction of safe parking areas at the border between the European Union and Russia but, unfortunately, these parking areas are not sufficient. Member States must invest more in safe parking areas as, regrettably, 40% of robberies carried out on transport operators take place in parking areas.

We have also made an amendment to the budget so that we can allocate money for the construction of safe parking areas. I believe that the conditions governing driving time and rest periods can only be met if we create conditions for transport operators which allow these provisions to be fulfilled.

**Eva Lichtenberger**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, my colleague from the Group of the European People's Party (Christian Democrats) and European Democrats said that the sector is very concerned that, if someone drives for just one minute too long, he or she may have to pay up weeks later.

Regrettably – from my point of view – I can put her mind at rest. Firstly, checks in the Member States are very permeable, with most Member States taking lightly or disregarding their monitoring obligation. Secondly, criminal prosecution in this field is still in its infancy even though the state of affairs is disastrous. When, for example, a driver who has been working for 38 hours without a break is stopped on the Inntal motorway, no one can tell me he has failed to find a car park; instead, there is often pressure from employers for drivers to keep going until they are ready to drop. This is dangerous for all the other road users. I need not go into detail about the gravity of accidents involving heavy goods vehicles.

This is also a concern for local residents, of course, as some of these vehicles may also be carrying dangerous goods, which then cause damage. Therefore, I think it extremely necessary and important that there be proper monitoring in this area – it is essential!

Secondly, I think that particularly with the introduction of digital tachographs, there is now such a long history of implementation in the Member States that the time is coming, slowly but surely, to enable those wishing to perform monitoring – for the benefit of drivers, local residents, other road users and road safety in general – to do so more effectively at long last.

**Johannes Blokland**, *on behalf of the IND/DEM Group*. – (NL) Mr President, the functioning of the Regulation on driving time and rest periods is on the plenary agenda at long last. Since the Regulation entered into force, complaints have been pouring in about the application of this Regulation – 'unclear' and 'unreasonable' are words often heard. Action must be taken on this score. The Regulation must be reviewed, and quickly. What needs to be improved? The legislation must be predictable.

I am not advocating the harmonisation of all the sanctions. This must remain a competence of the Member States. What I am advocating, however, is a clear, predictable, reasonable system. This is the only way to get away from fines that are absurdly high and unreasonable, and involve extremely lengthy settlement procedures. There is evidently scope under the current legislation for a discriminatory approach to foreign lorry drivers, in particular, on Europe's roads, which is unacceptable. This problem quite simply represents a serious distortion of the internal market.

Finally, a brief example of the absurdity of the current Regulation on driving time and rest periods. A driver travelling through France was fined EUR 750 for falling 15 minutes short of his full rest period. What is more, it took six hours to settle the fine. This meant that the driver was unable to load and unload that day, with all the associated consequences. This brought the real loss suffered as a result of the fine for the 15-minute violation to approximately EUR 1 750.

The Commission must take a much firmer line against Member States guilty of such distortions of the internal market. As a Dutchman, I am thinking primarily in a southerly direction.

**Marian-Jean Marinescu (PPE-DE)**. – (RO) It is vital for car drivers to comply with regulations on driving hours and rest periods in order to maintain a high level of safety on Europe's roads and protect passengers.

The European Commission adopted a package of measures in January 2009 to prevent tachograph misuse and reinforce Member States' options for verifying compliance with the regulations on driving time and rest periods. These measures are welcome given the numerous problems which have arisen over time with

systems for registering working time, primarily to do with digital tachographs, as well as due to the fact that existing legislative provisions have been regarded as inflexible and difficult to enforce.

I believe that one of the most important aspects which the Commission must bear in mind is the value of transposing Directive No 22/2006 into Member States' national legislations and the harmonisation of national provisions drafted as a result of Article 19 of Regulation No 561/2006. Romania has fulfilled its obligations on these counts, but there are still Member States which have not completed this process, thereby resulting in problems in enforcing sanctions properly, on a cross-border basis, and in collecting fines arising from law infringements.

Bearing in mind the six-monthly reports from Member States during this last reference period and the numerous difficulties indicated by carriers, I call on the European Commission to examine the possibility of revising Regulation No 561/2006.

**Bogusław Liberadzki (PSE).** – (PL) Mr President, we are discussing rest periods and working hours for road transport drivers in the midst of an economic crisis. Thousands of vehicles are standing idle because there are no jobs for them. The same applies to drivers. In addition, a great many firms are on the point of becoming financially unviable. Mr Jarzembowski, Mrs Wortmann-Kool and the other Members responsible for this question were quite right to raise the following three issues, namely the complexity of the system, its reliability or otherwise, and the practice of imposing the restrictions that has applied to date.

There is no scientific evidence to suggest that more flexible implementation, which in specific circumstances could even permit extending working time in a particular week, would impact negatively on road safety, especially when traffic is decreasing. By contrast, it is more than likely that the future of this sector will be threatened by strict implementation of the restrictions, and also by the imposition of the accompanying new burdens on road transport. I should like to refer in particular to the Eurovignette and to the internalisation of external costs. The subject is indeed worthy of debate and I would welcome the Commission's views on it.

**Jacques Barrot, Vice-President of the Commission.** – (FR) Mr President, ladies and gentlemen, I have listened carefully to what everyone has said.

I would say that this regulation is in its 'running in' period – since we are talking about transport – and that it is obviously very important for road safety and for social reasons too. I would like to give a little reassurance to those who have expressed the concerns of the profession. The Commission is aware of the gradual implementation of the regulation adopted by the European Parliament and the Council. It is in contact with the social partners, the experts in the Member States, so that the regulation can gradually be harmonised in accordance with the need for interpretation.

It is true that the Commission adopted, on 30 January 2009, a directive harmonising the definitions of infringement, and that, with regard to penalties, it intends to publish a report on this subject, as required by Article 10 of Directive 2006/22. This report will show that fines are different in different Member States, but also in relation to the way infringements are categorised.

That, then, is the first point.

In answer to Mrs Wortmann-Kool, who mentioned the need for drivers to find a safe place to park and fought for more such places, I would say that the regulation makes it possible to drive for a longer period in order to find a safe place to park.

It is true that Mr Liberadzki has just said that we should not place too many constraints on the sector, but you know too that the purpose is to allow this sector to avoid safety risks, and this is a way of giving drivers some protection against certain risks that they take. Mrs Lichtenberger reminded us of the importance of these provisions for road safety.

Mr Marinescu, I think we are constantly trying to evaluate implementation, but it is true that, for the time being, we cannot discuss legislative provisions again. We have to allow time for these regulations to create new habits, habits which, I am convinced, will be beneficial for the whole sector, insofar as they will harmonise working conditions a little better, by ensuring both respect for drivers' private lives and better safety.

That is all I have to say. I shall, of course, pass on your comments to my friend, Mr Tajani, so that he can ensure that this evaluation continues at grass-roots level and in the light of all the observations that have

been made and, in particular, Mr President, of the pertinent remarks made this evening by the different MEPs who have spoken.

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

## IN THE CHAIR: MR ONESTA

*Vice-President*

### 20. Establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin (debate)

**President.** – The next item is the recommendation for second reading by the Committee on the Environment, Public Health and Food Safety on the Council common position for adopting a regulation of the European Parliament and of the Council laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (15079/2/2008 – C6-0005/0009 – 2007/0064(COD)) (Rapporteur: Avril Doyle) (A6-0048/2009).

**Avril Doyle, rapporteur.** – Mr President, could I start by thanking all my shadow rapporteurs, and indeed the French Presidency for facilitating an early second-reading agreement?

This is a rather technical proposal as it aims to update the existing EU regime, the main purpose of which is to protect public health by limiting the exposure of consumers of food of animal origin to residues of pharmacologically active substances present in veterinary medicines and biocidal products. This is achieved by setting safety thresholds or maximum residue levels (MRLs) for approved substances and by banning substances which are either found to be unsafe or in respect of which a safety profile cannot be scientifically established.

MRLs alone do not protect consumers. Consumers are directly protected by setting an appropriate withdrawal period before slaughter and by having controls in place to monitor it. In practice the withdrawal periods are set using a high safety factor which will reflect the amount of data available at the current stage of product development.

We have reached an agreement on the key issues. First of all, extrapolation of MRLs set for one species to another; secondly, adopting within the EU MRLs set internationally within the Codex Alimentarius; and, thirdly, creating a framework setting MRLs for food imported from third countries.

We managed to clarify the measures which need to be taken when unauthorised substances are found either in EU-produced food or in food imported from third countries, as well as clarifying the basis for reviewing these reference points for action (RPAs); that is, the maximum level established for control purposes for any unauthorised substance in the light of any new data.

The question of setting MRLs for certain biocidal products such as disinfectants used in the animal environment was also agreed on, particularly in regard to the financing aspects of their authorisation and their dossiers.

The establishing of an MRL for a pharmacologically active substance requires an expensive data package of toxicology and metabolism studies. This is too costly for certain less common food species, so-called 'minor species', as the market for veterinary medicines for these is small – so-called 'minor uses'. Setting an MRL is the first step that must be accomplished before an application can be submitted to the regulatory authorities for authorisation of a veterinary medicine for a food-producing species containing a pharmacologically active substance.

So this Minor Use/Minor Species (MUMS) issue is a problem urgently in need of resolution as it creates potential animal welfare and food safety issues. Vets have a duty of care and will always try to treat a sick animal. Under present legislation they are often forced to resort to unlicensed medicines.

The lack of an MRL also prevents authorities from being able to establish a proper withdrawal period for a medicine. The current MRL Regulation does not require MRLs to be set for individual species. The European Medicines Agency's Committee for Veterinary Medicinal Products (CVMP) sets MRLs for individual species, following an initial cautious approach. In 1997 and following five years' experience, the CVMP reviewed all

the MRLs that had been set and concluded that it was not necessary to set MRLs for individual species as the MRLs for a particular substance are nearly always similar or identical. That same year, the CVMP issued a guideline on the establishment of MRLs for minor species. It defined minor food-producing species as all species except cattle, pigs and poultry, and they included salmonidae.

It allowed the extrapolation from a major species to a minor species of the same family, ruminant to ruminant, fish to fish, chicken to other poultry. In 2008, after eight years' experience, the CVMP issued a new guideline. The Risk Analysis approach for residues of veterinary medicinal products in food of animal origin. This describes a risk-based approach of extrapolation of an MRL for a substance from one or more species to additional species. This guideline allows the extrapolation of MRLs from data on the three major species to all species, provided the MRLs set for the three major species are similar or identical.

The text of this review before us simply provides a legal basis for the current practice of extrapolation in the interests of veterinary medicines availability and animal welfare.

Two amendments specifically target the lack of availability of species-specific medicines for equidae (I must declare an interest) across a range of therapeutic and welfare needs, including the concept of 'clinical benefit' and not just the requirement that it is 'essential' to have a medicinal product added to the positive list of substance for equidae referred to in the Veterinary Medicines Directive. In clearly defined circumstances, certain products used for equidae will not have to have MRLs but will have to respect a six-month withdrawal period.

Perhaps there is a declaration – may I ask through the Chair – that the Commissioner is going to put on the record: I recall a discussion in relation to this issue some months ago concerning a review of the Veterinary Medicines Directive.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr President, honourable Members, the revision of the legislation on residue limits of pharmacologically active substances in foodstuffs of animal origin is an important initiative for the European Commission. Its aim is to protect consumers against residues of medicinal products in foodstuffs whilst also improving the availability of veterinary medicinal products in the Community. It is also an important component of the Commission's legislative simplification programme.

On 21 October of last year, the Council and Parliament concluded an agreement that is reflected in the present common position. Therefore, we now have a common position of not only the Council and Parliament but also the Commission. I am delighted that the Commission was able to incorporate the amendments from both the European Parliament and the Council, as they retain both the spirit and the substance of the original Commission proposal.

Thus, the Commission expressed its full support for the common position in its communication to the European Parliament of 8 January of this year. The adoption of the common position will now make it possible to bring this dossier to a successful conclusion before the end of this parliamentary term.

Concluding it on the basis of the present common position will enable those involved with food controls and veterinary medicinal products on a daily basis to do a better job in the interests of animal health and consumer protection in the Community. These people have been waiting for the revision of the legislation on residue limits very impatiently for a very long time, and I think they really have waited long enough now, and can all be pleased that a solution has now been found.

I am very much aware of the particular importance of the availability of veterinary medicinal products. Therefore, irrespective of the progress that the present Regulation on residue limits of pharmacologically active substances already represents in this regard, the Commission will present an assessment of the problems entailed in the application of the Directive on veterinary medicinal products in 2010 and, where appropriate, will also present new legislative proposals on this.

I should like to take this opportunity to express my special thanks to the rapporteur, Mrs Doyle, whose truly tireless efforts have enabled us to reach agreement on this important matter. Sincere thanks once again for your excellent work, Mrs Doyle.

#### *Doyle report*

The Commission is aware of concerns expressed by citizens, veterinarians, Member States and the animal health industry as regards the directive laying down the rules for the authorisation of veterinary medicinal products, in particular the importance of addressing existing problems linked to the availability of veterinary

medicines and the use of medicinal products in species for which they are not authorised and any disproportionate regulatory burden hampering innovation, whilst ensuring a high level of consumer safety with respect to food of animal origin. The Commission points out that positive steps are being taken in this direction such as the simplification of the rules on variations of veterinary medicinal products and this review of the legislation on maximum residue limits in food.

In addition, in order to address the objectives of consumer safety and animal health protection, competitiveness of the veterinary industry including SMEs and reduction of administrative burden, the Commission will present in 2010 an assessment of the problems in the application of the veterinary medicinal products directive with a view to making, where appropriate, legal proposals.

**Avril Doyle, rapporteur.** – Mr President, I would like just to put on the record that there is one amendment which I cannot support as it would, in fact, create a legal impasse. If you cannot administer a drug under test to animals unless it already has an MRL, then you cannot carry out tests that are necessary to obtain the data to establish MRLs and the withdrawal period in the first place.

I would like to thank the Commissioner for his cooperation in this area and put on the record the urgent need for review of the Veterinary Medicines Directive. In a sense we are using this MRL review as a bit of a 'patch and mend' for a major problem that is under the radar but which we are all very aware of. The availability of an adequate range of veterinary medicines to treat the wide variety of animal species in the European Community has been a growing challenge over the last two decades. During this period, considerable efforts have been made by various stakeholders, including regulators, industry and veterinarians, to address the problems of the availability of medicines.

Despite these efforts, the situation has continued to deteriorate. The lack of authorised medicines poses a real threat to animal health and welfare and the safety of consumers. It also raises significant problems for animal owners, farmers, veterinarians and governments if animals are untreated, or treated with an unauthorised or an unsuitable product – including the risk of zoonotic disease implications from untreated or inappropriately treated animals for the animal owners, consumers and citizens.

There are also financial, legal and trade implications for the various stakeholders involved, whilst the lack of medicines may have negative effects on rural economies and agriculture generally. An example – and a most important point – is the effect on pollination as a consequence of reduced numbers of bee colonies. Bees are a very important Minor Use/Minor Species (MUMS) issue.

However, not only does the current availability problem in the EU have implications across the board for the health and welfare of animals, the security of the Community's food supply and public health, it also undermines the ability of the EU to meet the Lisbon Agenda and to reap the enormous potential for European agriculture and offshore aquaculture to attract research and development in the veterinary pharmaceutical field.

Thank you again to all colleagues and the Commissioner for cooperation on this report.

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

The vote will take place tomorrow.

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

**Péter Olajos (PPE-DE), – in writing. (HU)** We often hear the complaint that the EU tries to regulate everything while at the same time failing to address important questions.

Many of us may think that this report is also of this nature. This would be a mistake, however. For in this case, we are talking about 'foodstuffs' consumed by human beings – this is what we would like to render more secure in the interests of our citizens.

The existing regulations are out of date, and make it problematic for veterinarians to restock their store of medicines. For this reason, appropriate regulation for the distinctive features of this branch is needed.

Nowadays more and more pharmaceutical companies have a division dealing with animal products, which generate considerable revenue. The demand is growing steadily, as animals also fall ill, and now, when food is increasingly valuable, it is worth preventing this.

Yet in recent times, several pieces of information have come to our attention to the effect that certain companies are working on how to 'obtain' more from animals. Rapidly growing chickens, pigs that are fattened to enormous size in a matter of months. All this is done with (medicinal) products which are often harmful to human beings.

This is why every single preparation that is given to animals must be tested, in collaboration with the European Agency for the Evaluation of Medicinal Products (EMA), to determine whether or not residues of such products that remain in the animals and are later consumed by human beings present any danger.

The testing is paid for by the company. We also need to emphasise the possibility of a fast-track procedure, which reduces the time needed for administration, and it is also important that veterinarians thus have much more rapid access to the medicinal products.

Nothing is more important than human health, and therefore we need to erect a barrier to 'animal doping' motivated by monetary gain.

## 21. Educating the children of migrants (short presentation)

**President.** – The next item is a short presentation of the report (A6-0125/2009) by Mr Takkula, on behalf of the Committee on Culture and Education, on educating the children of migrants (2008/2328(INI)).

**Hannu Takkula, rapporteur.** – (FI) Mr President, it is the ethical obligation of the European Union to ensure that everyone, including the children of migrants, has the right to a good education. Each child must have the right to receive an education, which must be free and compulsory, at least at basic level. Children should be able to receive a general education that fosters equal opportunities to develop their abilities – their individual power of discernment and sense of moral and social responsibility – so that they might grow as well-balanced, responsible members of society.

Those responsible for the education and supervision of children should regard what is best for the child as their guiding principle. This of course starts in the home and with the parents, but schools and society also need to be in a supporting role in children's upbringing, thereby allowing pupils to develop their personalities more wholly.

I have been concerned about the studies that have been recently published on the children of migrants. They suggest that in some places it has been very difficult for them to go to school and that in some societies efforts have been made to establish schools that cater exclusively for the children of migrants. The result has been, of course, that families have moved their children from the local school so that they would not need to be in the same school as the children of migrants. This is a regrettable situation and has led to very poor educational standards and school results among the children of migrants. Another outcome has been the very fast turnover of teaching staff in those schools with a high concentration of migrant children.

This is not the development we had hoped for, and we must establish conditions where the children of migrants can integrate into society in the best possible way. We should also ensure that schools have adequate resources, by which I mean quantitative resources in terms of teaching staff and also financial resources, and we need to take responsibility for the development of teacher training and, furthermore, in-service teacher training. To be able to take care of migrant children in an integrated, sustainable way we need a comprehensive approach. We also need special investment and additional resources for teacher training and the entire educational system.

I know that this is an issue that falls within the competence of each Member State, but it is also through transparent coordination on the part of the European Parliament and the European Union that we should encourage the Member States to act, because I believe that we all want migrant children to have a good education and be able to integrate into society. This way we can avoid the regrettable trend in social exclusion that we are witnessing today in the case of many migrant children. The fact is that this often leads to unemployment and, moreover, crime, as well as a lot of other unwanted consequences.

It is also a matter of concern from the point of view of the free movement of labour within the European Union that people residing in the Member States of the EU will not want to move to another country or work abroad because it is impossible to arrange good, proper schooling and good quality teaching for their children there. That is why we need to focus attention on this issue and ensure that there is an adequate system of high-level, good quality education for every child and young person in each of the Member States of the European Union.

Children and young people are our future – the most valuable asset we have. Their name is ‘Today’, not ‘Tomorrow’, and so I hope that we in the European Union will be able to share the common principle whereby every child has the right to an integrated, secure tomorrow and a good education.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Mr President, honourable Members, I welcome this own-initiative report and, above all, on my own behalf and that of my colleague Commissioner Figel', wish to thank Mr Takkula, the rapporteur, and the Committee on Culture and Education for the work they have put in.

The European Commission shares the honourable Member's belief that the growing number of children with a migrant background presents the education systems of the majority of our Member States with considerable challenges.

Education is the key issue in the integration process. The acquisition of qualifications is indispensable if we want to ensure the future of our citizens in a knowledge-based society, a society increasingly subject to competition. Yet it is equally important that schools, as a social experiment, provide the basis for mutual knowledge and mutual understanding, which is crucial to improving our coexistence.

Currently, however, pupils with a migrant background in Europe face great problems. Migrant children are often confronted with a twofold challenge: on the one hand, insufficient knowledge of the language of the host country and, on the other, a low socio-economic status. Compared to native pupils, many migrant children perform poorly at school and have higher school drop-out rates and lower rates of enrolment in higher education.

Therefore, the report rightly emphasises the importance of giving migrant children proper help in learning the language of the host country, whilst also promoting their native languages and cultures. Participation in pre-primary education is also important, in order to achieve successful integration into education systems at an early stage and eliminate socio-economic and linguistic disadvantages. Teachers should, at all events, have the necessary qualifications, which are so important for a multicultural environment. Mobility should also be a key component of teacher training and professional development.

I am delighted that there is such a broad consensus on these issues. I believe that we are also agreed that we now need to put our good intentions into practice and really improve the educational opportunities of migrant children. Thus we should support the Member States so as to ensure a high quality of education for all and, at the same time, actively prevent the socio-economic segregation of pupils. We should assist Member States in enabling schools to master the diverse requirements so as to turn the original challenge of the multicultural society and multilingualism into an advantage for these schools.

Of course, the substance and organisation of school systems are purely national competences, and the Commission does not intend to encroach on these competences in any way. I must say, though, that the successful integration of migrant children is something that concerns Europe as a whole. We have a great deal to learn from one another, and we can learn a great deal from one another. We are sure that your report represents an important step towards showing what specific action can be taken to help the Member States in this field.

**President**. – The item is closed.

The vote will take place tomorrow.

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

**Nicodim Bulzesc (PPE-DE)**, *in writing*. – The topics of education and migration are closely related because both migration within the European Union and immigration into the EU have considerably increased over recent years and there are a number of issues that we should observe more carefully in the future.

I also support the idea that the Directive 77/486/EC is outdated. Let us remember that this Directive dates from 1977 and the European Union has been changing ever since. To give just an example, my country (Romania) joined the EU over 20 years later, and I feel that this Directive does not offer a solution to our problems. The migration related issues have dramatically increased over recent years, and I support Mr Takkula's idea to amend this Directive. I would even go one step further and suggest there be a new Directive dealing with the education of the children of migrants.

**Corina Crețu (PSE), in writing.** – (RO) The growing rate of migration in the EU, including internally, has a number of important repercussions from a cultural, economic and social perspective. In this respect, it is vitally important to guarantee migrants equal opportunities and to focus greater attention on combating discrimination against them. On this point, the situation of the Roma, whose issues represent a special case and a degree of difficulty in a league of their own, speaks for itself.

I also want to draw attention to the repercussions on labour force mobility from the difficulties experienced by the children of those working abroad in integrating into a foreign educational environment.

For this reason, supporting the children's quickest possible integration may play an important role in preventing migrants becoming ghettoised, especially as it has been observed that the education level and social and economic situation of migrants' children are worse than those of the other children, hence the need for some impetus in this area. The better the conditions provided for them to integrate as quickly as possible into the foreign education environment, the greater their chances of success in their education and in the labour market.

At the same time, however, learning the language of the host country and becoming locally assimilated must not mean abandoning their own cultural heritage.

**Gabriela Crețu (PSE), in writing.** – (RO) One of the European Union's basic principles is the freedom of movement, which allows citizens to work, study and travel to another country. It is important for us to consider the social integration of internal migrants as a responsibility for the whole of society. The education of migrants' children is a step in this direction.

The education of migrants' children must be looked at from the perspective of improving how European society operates on a day-to-day basis and as cultural enrichment. With this in mind, I think that cooperation must be established between the host country and country of origin, whereby the country of origin is actively involved in preserving its language and culture.

We support the introduction of immigrants' native language as a second foreign language into the host country's school curriculum where there are large immigrant communities. The recruitment of teaching staff from the relevant communities is one way for us to ensure that these children have contact with the culture of their country of origin and that the experiences derived from immigration are shared.

**Ioan Lucian Hămbășan (PPE-DE), in writing.** – (RO) The Commission's Green Paper raises a number of questions about one of the major issues which Member States are faced with at the moment: the education of migrants' children. There are a huge number of Romanian children who live with their families in other Member States and it is important for them to preserve their identity and to be offered the chance to study both the language of the country they are living in and their mother tongue. We must support tolerance and understanding and jointly find solutions to ensure education is provided in migrants' mother tongues. These children must have the same rights as other children. It is well known that their precarious economic situation can lead to isolation, dropping out of school and violence. This is precisely why we need to support Member States in finding solutions. Children are the most precious resource we have. They represent the future of our society, no matter what background they come from.

## **22. Application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States (short presentation)**

**President.** – The next item is a short presentation of the report (A6-0186/2009) by Mrs Vălean, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States (2008/2184(INI)).

**Adina-Ioana Vălean, rapporteur.** – Mr President, of all the fundamental rights granted to EU citizens, the one that helps unite all of us the most is the right of freedom of movement in the European Union.

That right, provided for in the Treaties, is implemented by Directive 2004/38/EC, which lays down both the conditions and the restrictions for EU citizens and their family members to move and reside freely within the territory of the EU.



As of 1 January 2006, over 8 million EU citizens have exercised this right to reside in another Member State, and millions more have used it to travel through the EU.

As the European Parliament rapporteur on the evaluation of this Directive, I must say that the concrete application of the right of free movement for our citizens is seriously undermined by Member States which erect dams in breach of the Treaties and of the Directive.

First, talking about the transposition by Member States, we can say it has been poor at best. The Commission, along with two separate studies commissioned by Parliament, points to a series of problems, some of them being breaches of the core rights of EU citizens. These problems are highlighted in my report.

There are many unjustified administrative burdens, particularly for third-country-national family members, which include: entry requirements and lengthy procedural delays; a lack of recognition of free movement rights for certain registered partners, including those in same-sex relationships; public policy exceptions to serve economic or security aims which ignore the principle of proportionality, resulting in abuses of expulsion orders; and discrimination against certain nationals and ethnic communities in relation to the rights they should be granted by the Directive.

Second, to those who chose to focus solely on abuses and misuses of this right, I agree that these issues are important, but I say that Article 35 of the Directive already provides Member States with the possibility to fight against those abuses, such as marriages of convenience or fraud – one just has to implement it.

I also want to mention that I have constructively cooperated with national parliaments, the Commission and the Committee on Legal Affairs rapporteur, Mrs Frassoni, who all share my concern over the aforementioned transposition problems and the need for all parties to help to resolve them immediately.

My report also calls for a number of measures aimed at providing solutions. One of the most important and immediate steps that must be taken is the creation by the Commission of comprehensive transposition guidelines. Those guidelines would serve to provide clarity in the interpretation of such notions as 'sufficient resources' and 'public security'. Once this has been done, it will be up to the Member States to implement those guidelines, preferably by the end of 2009.

Discriminatory transitional agreements that restrict the movement of workers from Member States that joined the EU after 2004 must finally be repealed or revised.

More funding must be allocated to help local integration measures for EU citizens residing in other Member States and, finally, the Commission must not hesitate to open infringement proceedings against Member States who are not complying with the Directive.

We have to recognise that Member States need finally to correctly apply and transpose the Directive so that these and other problems are resolved expediently. They should not try to escape their duties in ensuring free movement by asking for a revision to water down the Directive. The European Parliament firmly opposes such revision and thanks the Commission for doing the same.

It is time for the Member States and the Council to ensure that Europe is a place where not only capital, services and goods, but also our citizens, can circulate. Without free movement, there is no Europe.

Let me conclude by saying that I shall move a revised oral amendment to a footnote in my report in order to take away any excuse for those who oppose free movement on a nationalistic, racist or xenophobic basis, but who do not dare to declare it openly, to vote against my report.

With the roll-call vote tomorrow, we will see who supports Europe and European citizenship, free movement and citizens' rights without discrimination, and who does not.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr President, honourable Members, I should like to offer the rapporteur my most sincere thanks for what is a remarkable report, and also thank her for her excellent, constructive cooperation in a very difficult and sensitive field.

The free movement of persons is one of the most fundamental freedoms of the European internal market. This freedom lies behind the functioning of the internal market and thus also behind the competitiveness of the European economy. We must recognise quite clearly that shortcomings in the implementation of Community law in this field are indeed contrary to the fundamental principles constituting the foundation of Europe. This is an absolutely crucial issue, therefore.

Thus I welcome this report, which supplements the Commission report adopted on 10 December 2008 on the application of Directive 2004/38/EC. I am pleased that virtually all the results of the EP report tally with those of the Commission report.

I believe we now have a complete picture of the Member States' transposition and application of the Directive on the ground, and I think that the time has now come for real action. The report emphasises – quite rightly – that responsibility for the proper transposition and application of the Directive lies with the Member States. It does call on the Commission to take action in certain fields, however. Allow me to explain, therefore, where the Commission's immediate priorities lie in this connection.

The Commission sets great store by the complete, correct application of the Directive. This is one of the priorities of the 25th annual report from the Commission on monitoring the application of Community law (2009).

The Commission will continue to make efforts to ensure that the Directive is properly transposed and applied throughout the European Union. In the coming months, we shall be holding bilateral meetings with Member States to discuss the extremely numerous cases of faulty transposition and application. If no satisfactory progress can be achieved, the Commission will not hesitate to open infringement proceedings against the Member States concerned immediately.

The Commission intends to offer information and assistance to both Member States and the citizens themselves. One way in which this is to be done is by issuing guidelines on a series of issues that have proved problematic in relation to the transposition or application of the Directive, for example those of expulsion and tackling abuses. The guidelines will also deal with issues recognised as problematic in Parliament's report.

The Commission will continue to work together with Member States at the technical level in the experts' groups to define difficulties and clarify interpretation issues in relation to the Directive.

Nevertheless, I must say at this point, Mrs Vălean, that the Commission cannot endorse proposal No 23. This proposal envisages on-the-spot visits by teams of experts and the introduction of a mutual evaluation system based on these visits. I must draw your attention to the fact that such peer reviews are usually carried out under the third pillar but not within Community law. Legal and administrative traditions and the solutions chosen by Member States for the transposition of the Directive mean that the anticipated added value of such reviews would be fairly limited. After all, as you know, Member States are free to choose the form and methods for the transposition of directives.

However, the Commission will continue to pay particular attention to the dissemination of information on the Directive, will distribute updated, simplified guidance to EU citizens and will use the Internet to disseminate information. It will also call on and help Member States to inform citizens about their rights by means of awareness-raising campaigns.

Let me say that the Commission is prepared to comply with the vast majority of the proposals contained in Parliament's report. I should like to thank the European Parliament for its support and suggestions as to how to ensure correct application of this important Directive, one that is about nothing less than the proper connection of one of the four fundamental freedoms in European integration.

**President.** – The item is closed.

The vote will take place tomorrow.

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

**Alin Lucian Antochi (PSE), in writing.** – (RO) I give my full support to Mrs Vălean's report on the application of Directive 2004/38/EC, all the more so as the recent events which have occurred in some Member States have highlighted the blatant violation of one of the four fundamental freedoms, namely, the right of citizens to move and reside freely within the territory of the Member States.

Furthermore, the ineffective transposition or even no transposition at all of this directive into Member States' national legislations has resulted in a number of abuses involving administrative formalities and the restrictive interpretation of the legislative provisions on the idea of 'residing without authorisation', culminating in the unfair detention and expulsion of European citizens. However, the solution is not to close borders, but to look instead for concrete measures to facilitate citizens' integration into the diversity of European societies.

I believe that the report being discussed will make a significant contribution to the monitoring of the transposition of the regulations stipulated by this directive if Member States and the Commission can successfully cooperate in this respect.

At present, it is every European citizen's wish to live in a European Union where fundamental values, such as the free movement of persons, are respected. However, we must not forget that to attain this goal, we all need to make our own contribution.

### 23. Health concerns associated with electromagnetic fields (short presentation)

**President.** – The next item is a short presentation of the report (A6-0089/2009) by Mrs Ries, on behalf of the Committee on the Environment, Public Health and Food Safety, on health concerns associated with electromagnetic fields (2008/2211(INI)).

**Frédérique Ries, rapporteur.** – (FR) Mr President, before coming to the substance, I would like to say a word, if you would allow me, on the form. I am not the first and I shall certainly not be the last to speak out against Rule 45 of the Rules of Procedure, which prevents debate this evening on what is nonetheless a most important issue for the people of Europe.

No debate, no speakers on behalf of the groups, nothing. I would therefore like to thank, in spite of everything, and even though, I am sorry to say, they are not here, Mrs Ayala, Mrs Lucas, Mr Adamou, Mrs Sinnott, Mrs Ferreira and even Mr van Nistelrooij, who are without a Chamber, a virtually empty Chamber, at almost 11 p.m. Not bad either is the 11 p.m. slot for an issue that is of great interest and concerns millions of citizens in Europe.

I come now to the substance. For ten years our Parliament had not taken up this issue. It was time, therefore, because 10 years is an age, or almost an age, when it comes to new technology: a boom in wireless devices, mobile phones, wifi, bluetooth, base stations, high-voltage power lines. These waves are all around us, bringing undeniable benefits, which I do not for a moment question in this report, but also, it has to be said, giving rise to serious questions with regard to their impact on our health.

Therefore, let us be clear, it is in a somewhat sensitive area that I have had to prepare this report, with ever increasing controversy about the health risks of these low frequency waves and the inability of the scientific community, also, to reach an agreement.

Here are a few examples of the ambitious proposals which, I hope, will be supported tomorrow: protection for areas that are at risk and vulnerable people, that is, schools, crèches, retirement homes, convalescent homes and health care establishments, of course.

Ethical considerations also are essential with regard to this issue, and we must lay down procedures to ensure independence of scientific research and expertise. We must also call for a change in behaviour with regard to mobile phones by encouraging the use of ear pieces, limiting mobile phone use among children and young people, educating them in safer techniques, monitoring certain marketing campaigns, and having operators and electricity companies share base stations and masts.

I do have one regret, however, and it is important because it concerns the initial paragraph of my report, calling for a review of the limits on emissions. Unfortunately, I was not supported by my colleagues in the Committee on the Environment, Public Health and Food Safety, even though – I must point this out – word for word, the same text received virtually unanimous support in our plenary session of 2 September last year, in the context of another report on the European environment and health action plan for 2004-2010.

The Commission's current policy of burying its head in the sand – I apologise for using that turn of phrase, Commissioner – certainly does not help to provide the clarity European citizens are waiting for, and, on the contrary, the experts continue to disagree, and court actions are on the increase, with judgments being in favour sometimes of operators and sometimes of local residents' associations.

In conclusion, it is a status quo approach that is being advocated by the World Health Organization and also by the Commission, with the rendez-vous clause for 2015 – virtually another decade – to review whether continual exposure to this cocktail of low frequency waves could cause cancerous tumours. This approach, therefore, is not the right one. It seems lightweight to me, and I hope with all my heart that, when faced with potential health issues in the future, we will not be told that it was responsible.

The precautionary principle that underpins our proposal is not a principle of inaction, but a principle of action and expertise to reduce uncertainty. It is this dynamic and progressive definition that we are defending today in this sensitive area of electromagnetic waves. That is why the alternative resolution tabled by the Group of the Greens/European Free Alliance has my full support – I must make that clear. It comes back, I might add, to my original proposal of reducing the emission thresholds, as nine Member States and a whole series of regions, two of which are very close to me – Wallonia and the Brussels region – are already doing, that is, they are using three volts per metre instead of the 41 volts per metre authorised at present by the 1999 recommendation.

Nevertheless, I am rapporteur for the European Parliament on this issue, and I want above all to retain the other advances in this report, as adopted in committee. It is the latter, of course, that I shall be asking you to vote for tomorrow.

In conclusion, Mr President, Commissioner, I want to deliver two messages. The issue of electromagnetic waves and their impact remains open, and I am convinced that the next European Parliament will take up this matter again. Europe must reassure its citizens and take over this debate, which at present is being conducted only in the courts.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Mr President, honourable Members, I should like to express my sincere thanks to the European Parliament and particularly to Mrs Ries, the rapporteur for this own-initiative report on electromagnetic fields (EMFs).

This issue – EMFs – is indeed very controversial in the eyes of many European citizens, although many others, us included, also see it as being most important.

The complexity of this issue and the strength of feeling surrounding it mean that it is particularly important to gather very precise facts and to evaluate them carefully, adequately and objectively.

Therefore, the Commission is following this issue continuously and very attentively, as indeed it is required to do in accordance with Council Recommendation 1999/519.

For this reason, the Commission regularly obtains information from the independent scientific committees in order to stay up to date on the possible risks of EMFs. The recent 'SCENIHR opinion' – the opinion of the competent scientific committee – on this subject was only adopted in January of this year.

I should like to add here that the Commission is following the developments in the Member States and the latest court rulings against mobile phone companies in France with great attention and observing very closely the lowering of exposure limits for base stations in the Brussels Capital Region.

I can assure Parliament that the Commission will attend to the demands made in the resolution with great care.

Let me just examine a few points briefly.

Firstly, there is already a framework at EU level laying down exposure limits and production standards and also a defined level of protection in terms of known effects.

Secondly, the independent scientific studies to date do not justify amending the scientific basis for these exposure limits.

The Commission will also continue to follow scientific progress in this field closely in order to establish whether the exposure limits need to be adjusted.

Thirdly, the Commission is committed to stepping up the dialogue with stakeholders on the potential health effects of EMFs. In addition, the Commission wishes to cooperate with the main actors to make it possible to react adequately to public concerns.

I should like to emphasise quite clearly our endeavours to also promote research in this field to clarify the remaining uncertainties.

**President**. – The item is closed.

The vote will take place tomorrow.

**Written statements (Rule 142)**

**Véronique Mathieu (PPE-DE), in writing.** – (FR) We have to recognise that at present there are few reliable and accepted scientific data on the effects of magnetic fields on the human body. They are nonetheless part of our everyday lives (mobile phones, wireless technology), and 80 % of citizens consider that they do not have enough information about the possible effects, and 50 % of them say they are worried.

Until now, the scientific community could only issue divided, and sometimes contradictory, opinions, and public authorities have not really given attention to this problem. I therefore give my full support to this report, which calls on States to regularly update the threshold values for these fields and recommends, in accordance with the precautionary principle, prohibiting the installation of antennas in vulnerable areas (schools, health care establishments).

I am also in favour of the European Commission launching a scientific study in order to better assess the effects of exposure to electromagnetic fields. Public authorities, manufacturers and consumers must obtain accurate information so as to measure these risks and, if necessary, take appropriate protection measures. It is also important to make recommendations, based on good practices, to better protect the health of citizens, whether they are users of appliances or residents living near to base stations or high-voltage power lines.

## **24. Problems and prospects concerning European citizenship (short presentation)**

**President.** – The next item is a short presentation of the report (A6-0182/2009) by Mrs Gacek, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on problems and prospects concerning European Citizenship (2008/2234(INI)).

**Urszula Gacek, rapporteur.** – Mr President, it is my pleasure to present the report on the problems and perspectives concerning European citizenship, which was adopted unanimously by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) last month.

European citizenship does not replace national citizenship. It is an added bonus, giving EU citizens unique rights, notably the right to the freedom of movement, the right to consular protection and the right to petition Parliament and the European Ombudsman. Parliament's report takes into consideration the Commission's fifth report on European citizenship, covering the period from 1 May 2004 to 30 June 2007. This is a unique period. Five years ago, on 1 May 2004, 10 new Member States joined the European Union. The result of that accession, especially of states from Central and Eastern Europe, was a hitherto unseen scale of inter-Union migration. The new citizens of the European Union embraced the rights granted to them, especially the right to free movement. They benefited from the opportunity to be educated abroad and, in those countries which opened their labour markets, they undertook legal work.

The scale of migration, however, poses many challenges for the host countries. These are challenges for both the central and local authorities. Local authorities, particularly, where they are responsible for the provision of services such as housing, health care and primary and secondary education, are often confronted with the day-to-day problems of the new immigrants.

Much has been done to aid integration, as well as to help newcomers benefit from the same rights as citizens of their host countries. Nevertheless, instances of discrimination remain. Sometimes these are the result of legal loopholes and sometimes the result of a lack of knowledge of how to apply the law.

The LIBE Committee took a very constructive and practical approach in its work. There was cross-party agreement that our priority was to highlight the problem areas and undertake steps to remedy them by providing central and local government in Member States with the necessary resources and support. Our primary concern was that the individual citizen should not be hindered in any way from benefiting from his or her rights.

The second right I mentioned, that of consular protection, is still, unfortunately, poorly applied. This fact was brought starkly to our attention when our own colleagues found themselves in a dramatic situation during the terrorist attacks in Mumbai. If MEPs had problems exercising their right to consular protection in such an extreme situation, what chance does the average citizen have in more mundane circumstances?

Increasing citizens' awareness of their rights was a key issue raised throughout the report and a number of measures are suggested for greater awareness building. If only 31% of citizens consider themselves to be well-informed about their rights, we still have a lot to do.

I trust the Commission will take into account Parliament's recommendations and will report back in its sixth report on the concrete progress made. Finally, I would like to thank my shadow rapporteurs, the staff of the political groups and the LIBE Committee secretariat for their hard work. A special word of thanks goes to all those who participated in the public hearing on the report, especially the representatives of the NGOs. It is fitting that, in a report on citizenship, the citizen's voice, via the NGOs, was heeded in drawing up the final report.

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Mr President, Mrs Gacek, it seems that we are now quite alone in this House. On behalf of the Commission, I should like to thank you for this very important, impressive report and to extend our congratulations.

The issue here is something very important: European citizenship. Many think 'European citizenship' is a hollow phrase and means nothing, but your report makes quite clear that that is not the case. European citizenship is made a reality by means of rights that are precisely defined in the Treaty, to wit free movement and right of residence, the right to vote and stand for election in local and European elections, the right to consular protection, the right to petition the European Parliament, the right to complain to the European Ombudsman and the right to write to the European institutions.

The Commission takes the view that it is high time there was a specific policy programme on European citizenship. To this end, the Commission intends to carry out a comprehensive consultation process so that specific information can be gathered on the problems of European citizenship. This could lead to new proposals, which would then form the basis of the Sixth Commission Report on Citizenship of the Union, which is scheduled for 2010.

Aside from this, however, the Commission is working and will continue to work day to day to ensure that citizens are indeed able to exercise their civil rights, and are able to do so every day. In a large number of areas where your report, Mrs Gacek, calls on the Commission to act, the Commission is already taking action to ensure that these rights are reinforced and extended. I should like to give the example of the Commission Action Plan on consular protection, and would add that I fully agree with you that this is an area in which something needs to be done. After all, just a few weeks ago, we held an extremely instructive debate on the subject in this House that showed the extent of the gulf between aspiration and reality in the very case of consular rights.

The Commission has arranged for citizens to be informed about their rights by means of information campaigns, and is endeavouring to put in place guarantees that these rights can actually be exercised – particularly by adopting its report on the application by Member States of the Directive on free movement.

The forthcoming European elections are one of the priorities of interinstitutional public relations. The Commission supports and supplements Parliament's campaign to put in place information measures to increase public awareness of these elections and to call on citizens to exercise their electoral rights.

It is fortunate that we are doing so, and I should also like to emphasise that it is not just the Commission that is endeavouring to realise European citizenship in day-to-day life. Other actors, too – this Parliament, all 27 Member States, the regional authorities, the national Parliaments, the local authorities and every municipality in the European Union – play a very important role in the effective development of European citizenship.

I am pleased that the report by Mrs Gacek, published in good time before the 2009 European elections, involves some of these very important actors, who should all take ownership of European citizenship in order to make Europe real for its millions of citizens. I believe we all see it as our shared responsibility to ensure that European citizenship is seen not as a mere symbol but as a specific right to which substance can and must be given in day-to-day life.

**President**. – The item is closed.

The vote will take place tomorrow.

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

**Slavi Binev (NI)**, *in writing*. – (BG) Transparency and democratic relations between citizens and institutions are fundamental principles in Europe and basic rights of European citizens. These are precisely the principles on which the parliamentary elections must take place. However, the problem in Bulgaria of vote buying indicates the exact opposite.

After the previous local elections were repeatedly compromised by the blatant buying of votes of GERB (Citizens for European Development of Bulgaria), DPS (Movement for Rights and Freedoms) and BSP (Bulgarian Socialist Party), ordinary citizens were left feeling that they had no right to choose. As a result, this makes them much less willing to vote again.

In spite of the existing criminal code and the numerous signs of violations of the law, not a single person mentioned in the Commission's report has yet been convicted of these crimes because the relevant law enforcement authorities are clearly unwilling to stop vote buying. In Bulgaria the judiciary still shows a lack of determination and the well-known culprits are again preparing pre-election campaigns, while those who sold their votes are now looking for new buyers offering the best bid.

I want to stress that as long as these violations of the law are allowed in Bulgaria and the state continues not to take any action on the issue, honest voters are in actual fact being deprived of their basic human right – the right to choose! This is unacceptable for European citizens. I urge Parliament not to sit back and do nothing.

**Magda Kósáné Kovács (PSE), in writing. – (HU)** The Treaty on the European Union states that every citizen of the Union is equal. Unfortunately, however, this principle is not always fulfilled in reality. The reason for differences is the spread of extreme poverty, social exclusion or deliberate exclusion, regions with multiple disadvantages that have been left out of the information society, and whose citizens cannot even be expected to have a common European awareness. I welcome the fact that the report specifically mentions the Roma. This minority of 10-12 million lives in segregation and experience their educational disadvantages and hopeless employment situation as a devaluation of their citizenship.

There are indications that this breakdown of society will have an effect on the European Parliamentary elections as well. The willingness of the most disadvantaged to vote is falling, since they lack information and at the margins of society there is less awareness of the significance of the fact that of all the EU institutions, it is only the composition of the European Parliament that they can directly influence. It is unfortunate that indifference is particularly great in Central and Eastern European countries, the roots of which is once again to be sought in the inadequacy of information, but another contributing factor is that the pace of catching up after the great wave of enlargement has slowed down and caused disappointment.

We hope that the free movement of citizens, workers and service providers will break down borders in people's minds and thinking as well. If it becomes natural that moving around within the boundaries of a larger home is the realisation of increased freedom, then the multi-layered and multicoloured European Union can embrace a large number of diverse, yet cohesive and tolerant European citizens.

## **25. Agenda for next sitting: see Minutes**

## **26. Closure of the sitting**

*(The sitting was closed at 11.20 p.m.)*