

MONDAY, 20 OCTOBER 2008

IN THE CHAIR: MR PÖTTERING

President

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

1. Resumption of the session

President. – I declare resumed the session of the European Parliament adjourned on Thursday 9 October 2008.

2. Approval of Minutes of previous sitting: see Minutes

3. Composition of Parliament: see Minutes

4. Composition of committees and delegations

President. – I have received a motion from the Independence and Democracy Group to appoint Mr Farage to replace Mr Colman as a member of the Committee on International Trade. Are there any objections to this?

Hannes Swoboda (PSE). – *(DE)* Mr President, is there a minimum period for serving on a committee, or is this just intended for today?

President. – You would need to put that question to the Independence and Democracy Group, of course, but I can assure you that the President of Parliament will support absolute transparency in this matter.

Nigel Farage (IND/DEM). – Mr President, just to reassure my Austrian colleague, I was in fact a member of the Committee on International Trade for the first two and a half years of this parliamentary term. I then gave way to a colleague who retired from Parliament completely two weeks ago. So, contrary to what you may fear, this is not just a last-minute put-up job.

President. – You have not answered the question as to how long you intend to serve on this committee, but I would infer from your remarks that you will continue to do so until the end of this parliamentary term.

5. Signature of acts adopted under codecision: see Minutes

6. Corrigendum to a text adopted (Rule 204a): see Minutes

7. Documents received: see Minutes

8. Oral questions and written statements (submission): see Minutes

9. Lapsed written statements: see Minutes

10. Petitions: see Minutes

11. Order of business

President. – The final version of the draft agenda for this part-session as drawn up by the Conference of Presidents at its meeting of Thursday 16 October 2008 pursuant to Rules 130 and 131 of the Rules of Procedure has been distributed.

Monday, Tuesday and Thursday:

No amendments.

Wednesday:

The Committee on Regional Development has requested that the question for oral answer by the Commission on the European Union Solidarity Fund be postponed until the next part-session.

Lambert van Nistelrooij (PPE-DE). - (NL) Mr President, it is indeed the case that, at the Committee on Regional Development's request, the debate on the issues surrounding the Solidarity Fund has been included on Wednesday's agenda. It now transpires, though, that the competent Commissioner, Mrs Hübner, with whom we would very much like to enter into debate on this issue, will be unable to attend.

This is why both the Commission's Bureau and the coordinators of the different groups would suggest having this debate, which is so important for Parliament, at November's plenary meeting. We would therefore ask to move the debate to November's part-session. This is the request that I should like to express

(Parliament adopted the motion)

(The order of business was adopted)

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Philip Bradbourn (PPE-DE). - Mr President, I just wanted to raise with you the fact that on the eighth floor of the Tower Building, in the period since we were last in Strasbourg, at least two Members' offices have been opened and goods taken. I would like to know whether this is just an off-chance event or whether there is other evidence of Members' offices being entered and, shall we say, 'relieved' of goods during the period when we were not in Strasbourg. I find this very disconcerting. If we cannot ensure that our offices are secure while we are not here, then this is a very poor deal.

President. - Many thanks, Mr Bradbourn. The matter will be looked into; the Secretary-General will take care of it.

12. One-minute speeches on matters of political importance

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

Petya Stavreva (PPE-DE) - (BG) Mr President, fellow Members, one of the greatest challenges facing Bulgaria is the transparent use of resources from the European funds. Our country has shown serious failings in working with the pre-accession programmes, resulting in hundreds of millions of euros being blocked under the PHARE, ISPA and SAPARD programmes. These blocked funds are a serious signal from the European Commission, which the Bulgarian Government must understand correctly and it must put in place the urgent measures it has promised.

Like our European partners, all Bulgarian citizens must show greater resolve and decisiveness in fighting corruption and organised crime, and in securing reliable, effective controls over how European funds are used. We cannot afford to have any false starts when operating with financial resources from Community structural funds, as this will be fatal to the development of Bulgaria's economy, its agriculture, infrastructure, medium and small business sector, and ultimately for the vitally important rise in Bulgarians' living standards. Unfortunately, it is ordinary citizens, and not those running the country, who are the main victims of the errors and deficiencies in our country's use of European funds.

Joining the European Community gave us the opportunity to operate with European money, but we have to do this by European rules. This is also in the national interest. Therefore, we should not delude ourselves into thinking that we can correct our mistakes without reforming the system.

Iliana Malinova Iotova (PSE) - (BG) Ladies and gentlemen, the world is facing a financial crisis whose scale and consequences nobody as yet can accurately predict. It is even being compared with the Great Depression of the 1920s in the US. At the present moment, it is essential that we act together to overcome the crisis. One year prior to elections, in a crisis situation, we are facing a major test. People will either become convinced of the point and role of the European project, or we will have the opposite effect and reinforce their scepticism. At this point we need a signed Treaty of Lisbon more than anything else.

Our common efforts so far are already yielding the first positive results. We should continue these efforts in at least three directions, because although stabilising the banking sector is the prime necessity, it is not enough in itself. At the moment we are just treating the symptoms without addressing the causes. Future European legislation has to strengthen the mechanisms which control and regulate the financial markets. We need a large-scale package of concrete measures which will mitigate the impact of the crisis on the economy, on manufacturing, and in particular on the social sphere.

And last but not least, we need a separate, specific programme of measures for the new Member States, which have yet to reach the level of development of Europe's financial markets, but are threatened by the indirect consequences of the crisis: falling investments, the rising cost of credit and declining exports.

Alexander Alvaro (ALDE). – (DE) Mr President, both before and after the European elections, we shall be hearing the usual regrettable assessment that Europe is too far removed from its citizens. I ask myself what the European Parliament is doing about this.

Some time ago, a colleague and I launched an online petition, which is being dealt with in committee just like other petitions. Approximately one-and-a-half million people have signed this online petition; a figure roughly equivalent to the population of Estonia. Under pressure from the Chairman of the Committee on Petitions, Mr Libicki, this matter was taken to the Conference of Presidents with the request that a debate be permitted in Parliament on how online petitions are to be dealt with in principle. The fact that the petition concerned is about the seat of Parliament should be irrelevant, as we often discuss controversial issues – and I am also aware that not everyone shares my opinion. Yet the failure to permit such a debate and the complaints about how far removed Europe is from its citizens are mutually incompatible.

I should like the Conference of Presidents to do something about this and perhaps bear it in mind when Europe's distance from its citizens is lamented again.

Hanna Foltyn-Kubicka (UEN). – (PL) Mr President, the economic crisis affecting the European and global economies may serve to bring certain over-enthusiastic individuals to their senses. The crisis provides one more reason not to build the Northern gas pipeline. I trust that the economic data will finally convince those who refuse to be swayed by geopolitical arguments, namely that it is unwise to become dependent on a single supplier of energy resources, by the need for internal solidarity between Member States of the Union or by the real threat to the Baltic Sea ecosystem.

It is widely known that the construction and use of a pipeline along the sea bed is significantly more expensive than the proposed land-based alternative. Gazprom has not given any consideration to an alternative route running through politically and economically stable countries that all belong to NATO or to the Union. This suggests that the investors have what can at best be described as dubious intentions. The Moscow stock exchange has been affected particularly badly during the collapse of the world's stock exchanges. Its difficulties may yet achieve more than all the common sense arguments put forward, including the European Parliament's opinion calling for serious consideration of the land-based route for this venture. There is a Polish saying along the lines of 'every cloud has a silver lining' but this cloud is actually very black indeed.

Tunne Kelam (PPE-DE). – Mr President, last week Amnesty International reported on a possible attempt on the life of the Russian lawyer and human rights defender Karina Moskalenko. Small balls of mercury were found in her car. Mrs Moskalenko has won about 30 cases for Russian citizens against the Russian State in the Court of Human Rights in Strasbourg, and it was here in Strasbourg that an attempt to poison her took place. The next day she was to represent the family of the murdered Anna Politkovskaya at a court hearing in Moscow. It now seems that, after the sequence of murders of independent journalists in Russia, it is the turn of independent lawyers. So it is urgent for us to show solidarity in the strongest possible way, in order to defend those people who help those who cannot help themselves.

Ioan Mircea Pașcu (PSE). – Mr President, the real test for any institutional structure, including the EU, is in time of crisis, and we are in a time of crisis. The integration of the so-called new Members is not complete, the Treaty of Lisbon is not yet ratified by all Member States and our dependence on imported energy is increasing.

Unfortunately, although indispensable, common action often comes slowly and with difficulty, because members prefer the individual approach. If we let the latter prevail over the former, our Union is in great danger – irrespective of the moral aspect that those who have benefited most from it have more obligation to see that it gets stronger and not weaker. And the same goes for NATO too. Now, more than ever, we need

common analyses, common perceptions, common positions and common action with regard to the increasing challenges we are confronted with.

Let us do this so we will not be accused of wasting the most remarkable example of successful cooperation on a continent ravaged by wars for too long.

Fiona Hall (ALDE). - Mr President, given that improving energy efficiency is the most effective way of cutting CO₂ emissions, and given that the public sector, according to the 2006 directive, is supposed to play an exemplary role in this matter, I am disappointed that there have been no energy-efficiency improvements in connection with the major repairs carried out on the Strasbourg Parliament building. I would like to know where the building's energy performance certificate is displayed.

Furthermore, it is entirely inconsistent for the authorities to have allowed MEPs, in the corridors of Parliament, to sign a life-size model of a bull in support of the written declaration against bullfighting, but not allowed them to sign a banner in support of the written declaration calling for a single seat for the European Parliament. A single seat is how we could best cut our energy use and save EUR 200 million a year.

Seán Ó Neachtain (UEN). - (GA) Mr President, the European Commission should now review the operation of the Habitats Directive in the European Union. This directive, in my opinion, is being applied too strictly and greater flexibility is now required.

The implementation of the directive is hampering major infrastructural developments in the west of Ireland, and the Galway City outer bypass has borne the consequences of this. This is a road that is urgently needed and the city and population of Galway will suffer if this development cannot go ahead.

It was never intended for this directive to impede major public works. Commissioner Dimas must now act and review this directive in order to ensure that it does not disrupt important developments that could enhance the region's economy.

Brigitte Fouré (PPE-DE). - (FR) Mr President, for several weeks the world has been undergoing a serious financial crisis. It has often been said that it stems from the excesses of unchecked capitalism, the search for profit that is not based on anything concrete, and the failure to regulate our financial system. And, of course, this analysis is quite right! However, less emphasis has been placed on the whirlwind in which our currency would have found itself without the European Union's economic and monetary policy. The euro – as has been pointed out – has withstood the crisis much better than the mark, franc or lira could have withstood it. It is quite clear, too, that the decisions taken eight days ago by Eurogroup, on the initiative of the President-in-Office of the Council of the European Union, have had an immediate effect on the financial markets. Obviously, measures will need to be taken to prevent a further financial crisis from arising in the future. However, if they are to be effective, they will need to be taken at European level. This crisis shows us that the European Union is strong when it speaks with one voice. It demonstrates to us, if demonstration were needed, that the institutional improvements provided for by the Treaty of Lisbon are more necessary than ever. It is therefore more Europe and a better Europe that we need.

Antonio Masip Hidalgo (PSE). - (ES) Atlético Madrid, its fans and even the Spanish police are being mistreated by the Union of European Football Associations. However, the problem is wider than this as these federative bodies tend to increase sanctions when people resort to the ordinary courts.

This mediaeval concept of one law for me and another for you is contrary to our law and the European institutions. We must therefore react. In fact, we will end up having to react as these arbitrary mediaeval tyrants must abide by the law and the ordinary procedural guarantees of our Europe.

Magor Imre Csibi (ALDE). - (RO) The legislative proposal put forward by the European Commission last week concerning illegal logging should have marked a great victory for all those who have actively campaigned over the years against illegal land clearing. However, the Commission has chosen to adopt a minimalist, even idealistic, solution to tackling a very real problem.

There is no standard for certifying the legality of timber. Suppliers are not required to prove the legality of their products. Even the possession and sale of this timber are not recognised directly as criminal offences. If anyone can create standards at will and there is no independent public mechanism for monitoring this activity, all the European Union is doing is encouraging the current illegal practices. It is a disgrace for us to give ourselves a pat on the back and say that we have done a good job when, in actual fact, controls on the legality of timber from the European Union market remain extremely lax.

The European Parliament must adopt a more robust position in its battle to halt uncontrolled land clearing. On this note, I am calling on colleagues from every political group to work together to significantly improve the Commission's proposal. It is only through adopting a clear, effective law that we will be able to issue a strong message to suppliers indicating that we will not tolerate the illegal timber trade in the EU.

Ioannis Varvitsiotis (PPE-DE). – (EL) Mr President, the Prime Minister of the FYROM, Mr Gruevski, tried to stir up a big fuss last week, which he even brought to Brussels. The facts are simple: four journalists from the FYROM, who were trying to record the reactions of a small group to the military exercises being held in the area, were escorted to the police station to have their identities confirmed, because they were not carrying their identity cards. They were kept at the police station for just 20 minutes. I consider Mr Gruevski's action to be totally unacceptable.

I would also like to condemn Mr Gruevski's action because he prevented Greek army units which were part of the NATO military force on its way to Kosovo from passing through Skopje a few days ago. And at the same time, he wants to join NATO.

Evgeni Kirilov (PSE). – Mr President, last week I visited Azerbaijan with the EP delegation to observe the presidential elections, which were held mostly in line with democratic standards. We had a number of meetings with MPs and high-level officials, including the Minister of Foreign Affairs. As a result, I have to say that my initial fears that practically nothing has been done for the Nabucco project deepened. Azerbaijan is not even aware of the framework of this project.

The European Commission has so far done nothing apart from signing a general agreement of cooperation in the energy field. I think it is ridiculous to hear Commissioners speaking all the time in lofty words about how important this project is for the whole of Europe and at the same time leaving it to single EU countries to negotiate conditions. In my country, Bulgaria, we often say that there is no smoke without fire. Well, in this particular case there is too much smoke and no fire, and we all know we face very strong competition. If the Commission does not get active quickly enough, the whole project will end up in smoke.

Eoin Ryan (UEN). – Mr President, I think all of us will welcome the fact that some kind of normalisation is beginning to return to financial markets. However, this is not a one-strand crisis, unfortunately, and there are other areas that need to be looked at. One of those is the whole area of credit cards.

Current credit behaviour has proven to be unsustainable, both on an individual and on a broader level. TV programmes, newspapers and magazines over the last years have highlighted the perils of multiple credit card ownership by people who have trouble paying off even one of these cards. Obviously it is up to the individual to act responsibly in this regard, but it is also up to financial institutions, and increasingly retailers, to act responsibly in offering advertising and granting these cards.

It is up to us as public representatives to ensure our citizens are adequately informed. We can stabilise our markets, try to inject liquidity into markets, but if we do not address the issue of responsible credit activity, not just at national and international level, but at all the levels of the economic system, eventual recovery is likely to be limited and unsustainable. To put this into context, the securitised market for credit cards is about as large as the sub-prime mortgage market.

Livia Járóka (PPE-DE). – Mr President, every year thousands of grandmothers, mothers and daughters fall victim to breast cancer. Europeans in particular are affected by the disease, as the most common cancer of European women is breast cancer, with an estimated 430 000 new cases diagnosed every year.

The first step to combat this terrible disease is awareness. This month, Europeans must focus on early detection as the primary means of prevention. Detection is a very strong, key issue in this, because in America, for example, 41% of American cases are diagnosed at a very early stage, compared to 29-30% in Europe.

However, 1 in 10 women in the EU will develop breast cancer before she reaches 80 years of age; in addition, every two and a half minutes another woman is diagnosed with breast cancer. The harsh reality of breast cancer is that every seven and a half minutes a woman dies of this disease. In Europe, 132 000 women died of breast cancer in 2006. This October the measures to increase breast cancer awareness, early detection and prevention must come from all levels of decision-making.

Richard Corbett (PSE). – Mr President, especially at a time of economic crisis, public opinion in many of our Member States cannot understand how we spend nearly EUR 200 million a year coming here to Strasbourg, especially after we have just had a quarter of a year of not doing so, very successfully having our sessions in Brussels.

Furthermore, it is Parliament that gets the blame very often, although it is of course the Member States, the national governments, who have the power to rectify this situation.

Since the French presidency is here, may I invite the governments to reconsider this issue, and since we all know we will have to have a solution acceptable to France and to Strasbourg, may I suggest that in exchange for the Parliament sessions going to Brussels, maybe the European Council could meet in Strasbourg? That would have a certain institutional logic. The Commission, the Parliament and the ordinary Council of Ministers, which interact daily, should be in the same town, Brussels. The European Council, which is a strategic body, should have a certain distance from the day-to-day activities. That could meet in Strasbourg, which could confer upon Strasbourg just as much prestige as the sessions of the European Parliament.

Philip Bradbourn (PPE-DE). - Mr President, over the years it has become increasingly apparent that EU taxpayers are sick and tired of paying out EUR 200 million every year so that we can work four days a month in Strasbourg. But the environmental impact in particular of these trips in a year equate to, I am told, 13 000 transatlantic jumbo jet journeys – and this at a time when Parliament itself is trying to impose draconian environmental regulation on European business. Surely it is a case of ‘do as I say, not as I do’.

The events of August and September have proved that there is no need to travel here and that the Parliament building in Brussels is more than capable of coping with our official sittings, and that EU citizens would be far happier if we discontinued this monthly commute. I find it rather nonsensical that Parliament has so long been incapable of addressing this issue and putting pressure on the Council to put an end to this flying circus.

President. – Thank you – there are always new arguments.

Glyn Ford (PSE). - Mr President, you will be pleased to know that I am not going to talk about Strasbourg, or even the fact that your eyesight is getting worse as about half the Members you have called appeared not to be in the room.

What I want to talk about is the Penhallow fire – which I have mentioned before in this House – a fire disaster which took place on 17 and 18 August last year in my constituency. A newsletter has recently been produced which suggests that the fire doors were not adequate, that sprinklers would have actually saved the hotel from being burnt down and that, in fact, the fire was arson. These are speculations made by an, admittedly inexperienced, fire officer, but the problem is that neither the fire service nor the police have published the official report.

As Commissioner Kuneva is at the moment in the process of looking at proposals for improving hotel fire safety across Europe, can I ask her to urge the authorities in the United Kingdom to actually publish a report so that we can get to the bottom of this matter?

Anna Záborská (PPE-DE). – (SK) We often hear it said these days that nobody can make a tree grow to the sky. The banks persuaded the weak and needy that with loans at 1% they could live the good life, while failing to point out that this 1% was for a limited period only and would soon shoot up. The pursuit of profit at any price has brought the financial system crashing down. I will leave it to the financial experts to investigate the matter more closely. All I would like to do is to warn against untrammelled freedom in an area which affects me and with which I have been entrusted in this House.

Today, in societies where men and women are counted in their billions, girls are being murdered by the million. Freedom of choice for women, allied with antenatal diagnostics, has become a tool for eliminating womankind. We are all too aware now that profits cannot continue to rise indefinitely, and the same thing can surely be said in the field of morality. Untrammelled freedom turns against us. We should learn to recognise when a tree has reached its natural height and to respect it for what it is.

Csaba Sándor Tabajdi (PSE). - (HU) Mr President, two of Hungary's neighbours, Austria and Slovenia, have held elections and in both countries the Social Democrats have emerged victorious. You mentioned that Mr Borut Pahor, our colleague, has resigned his mandate and will probably be Slovenia's next prime minister. At the same time, and this is why I asked to have the floor, what has happened in Austria is extremely worrisome, namely, the far right has won nearly 30% of the votes in these latest elections. This outcome fills every European citizen with concern. Apart from overcoming the financial crisis, the most important task in Europe is to counter instances of extremism throughout Europe. I welcome that the leader of the Social Democrats and future chancellor, Mr Fayman, firmly insisted that there can be no cooperation with the far right in Austria. In the face of the 'brown' menace, all democratic forces on the right and left must join together in Europe. Thank you for your attention.

Csaba Sógor (PPE-DE). – (HU) Multilingualism and intercultural dialogue does not preclude the possibility for those who belong to the same culture and speak the same language to meet and create international organisations and consultative bodies. The international organisation representing French speakers across five continents and in 55 Member States supports the political, cultural and economic cooperation of nearly 200 million French speakers. The World Jewish Congress has been coordinating the defence of its members' interests since 1936 through 100 countries. There is also an International Council of Jewish Parliamentarians. Romania has a department within its Ministry of Foreign Affairs that looks after the interests of Romanians living abroad. It was for a similar purpose that the Forum of Hungarian MPs from the Carpathian Basin was established. The political representatives of Hungarians scattered across eight countries meet once a year to discuss the concerns and the future of their communities and countries. It is incompatible with European norms for any community – be it French, Jewish, Romanian or Hungarian – to be attacked for its peaceful efforts to defend its interests, as is happening these days in Slovakia. Thank you.

Silvia-Adriana Țicău (PSE). – (RO) The TEN-T network (Trans-European Transport Network) is currently facing a number of major challenges. On the one hand, delays have been noted in the implementation of some of the 30 priority projects due to a lack of finances from the Member States involved, while on the other hand, there has been the desire, ever since 2005, to expand the TEN-T network to integrate Europe's transport system with that of the Union's neighbouring states.

The seminar recently organised by the Commission kicked off a practical series of debates and consultations concerning the review in 2010 of the list of priority TEN-T projects. In my view, we need to have high-speed trains connecting Bucharest, Constanța and Sofia with the other European capitals. In addition, the development of ports and airports in Romania and the implementation of cross-border transport projects at the border between Romania, Moldova and Ukraine need to feature again among the priority TEN-T projects.

Furthermore, the TRAN Commission delegation, which visited Romania in early October, supports the need to give the Danube a higher priority in the development of European transport policy.

Kathy Sinnott (IND/DEM). – Mr President, three weeks ago, the global financial crisis that had threatened America's banking system with meltdown began to take its toll on this side of the Atlantic. For many of my constituents, economic disaster had been theoretical, but since then it has become a hard reality rather than a distant threat, as jobs are lost, house prices plunge and social services are being cut.

I welcome the swift action by the Commission and the Member States in securing deposits and in shoring up the capital of banks, because it does not take long for a global crisis to become a domestic one.

Zita Pleštinská (PPE-DE). – (SK) The communist regimes in Central Europe regarded the church as an internal enemy and began to fear it particularly on 16 October 1978, when Karol Wojtyła of Poland was elected Pope.

I would like to take this opportunity to thank my Polish colleagues for inviting me to join the group organising the event commemorating in the European Parliament the 30th anniversary of the start of John Paul II's papacy and the 20 years since he spoke on the floor of the European Parliament in Strasbourg. His words: 'Be not afraid!' played a key role in inspiring the courage, particularly among Christians, that led to the spiritual revolutions which brought about the collapse of totalitarian communism in Central Europe.

Today, humanity finds itself once again at a crossroads. We shall either transform our world into a blossoming garden or bring about its ruin. I firmly believe that today more than ever we must pay greater heed to the message of John Paul II.

Harlem Désir (PSE). – (FR) Mr President, I should like to respond to the speeches made by Mr Corbett and others concerning our return to Strasbourg and the running costs involved.

It is true that Europe is not just about what is reasonable. Although it tries to be rational, it operates on the basis of symbols, too. It is not a unitary state, and we do not operate with only one capital in which all our institutions are based. Some are here in Strasbourg; the Central Bank is in Frankfurt; I believe that the Medicines Agency is in the United Kingdom.

All this comes at a price. However, we also know the price to be paid for not having a Europe; we have paid it enough throughout our history. Thus EUR 200 million – if that is one of the elements that enable institutions to function properly, and, for example, enable Europe to get a better grasp of the problems of the financial

markets and, perhaps, in the future, to save over EUR 1 000 billion on rescue plans for financial institutions – then I believe that that is a price worth paying to have a properly functioning democracy.

Rareș-Lucian Niculescu (PPE-DE). - (RO) I have asked to be given the floor so that I can draw Parliament's attention to a serious problem with the process for taking up European funds for rural development in Romania. I am sorry to say that the Romanian authorities are systematically violating the principle of providing the potential beneficiaries of these funds with correct, transparent information.

Recently, the applicant's guides for two important measures from Romania's National Programme for Rural Development were published, without even a minimum promotion and information campaign, just a single day before the start date for submitting applications for financing. The red tape involved with granting funds for rural development is completely awful for any citizen. At least a month is needed for some of the documents requested, while the appropriate session for submitting projects is due to finish at the end of that month.

I believe that Community legislation should set out clearer and stricter regulations in order to avoid situations of this kind. Otherwise, the European funds will not be able to achieve the relevant objectives.

Britta Thomsen (PSE). - (DA) Mr President, Commissioner, ladies and gentlemen, I would like to draw Parliament's attention to the fact that the Danish Government has not implemented Directive 2002/73/EC on equal treatment. On 21 March 2007, the Commission sent a letter of formal notice to the Danish Government in which it pointed out, among other things, that Denmark is not complying with the provisions of the directive regarding the appointing of a body for the promotion, analysis, monitoring and support of the equal treatment of women and men. Denmark did have such a body under the previous government, but the present government abolished it the same year as the directive was introduced. The Commission is now having to act and order the Danish Government to establish a body that will ensure that Danish women do not fall further behind with regard to equal treatment and equal pay.

Colm Burke (PPE-DE). - Mr President, the Commission proposal on patients' rights to cross-border health care seeks to broaden the rights of patients to obtain treatment abroad if they experience undue delay in receiving treatment at home.

A chronic example of undue delay has been brought to my attention recently in my own constituency. Children in the HSE Southern Region are being forced to wait up to 48 months for orthodontic treatment. Moreover, waiting times have become even longer over the past three years. It is my sincerest hope that with the cross-border proposal we can work towards shortening such undue delay by making it easier for patients to travel to receive quality treatment on time. Ultimately it should be the right of all patients to receive high-quality treatment close to home, but in the case of blatant gaps in provision we should have the right to travel freely to receive this necessary treatment abroad.

Marie Panayotopoulos-Cassiotou (PPE-DE). - (EL) Mr President, the recent crisis has taught us that we need to rely on solidarity, not individualism, and that we need to change our way of life and, as the European Union, to attach particular significance to how each Member State can deal effectively with its own problems.

This should, however, relate to every form of expression of life and not just to economic problems. It should also relate to respect for national ways of life, and I refer here to Sunday as a day of rest. Sunday was adopted as a day of rest in the fourth century A.D. and we should not fall into a European model that does away with it.

I trust that something of this sort will never happen in Europe.

Pál Schmitt (PPE-DE). - (HU) Thank you, Mr President. It was exactly three years ago that Croatia began accession negotiations with the European Union. At the eighth meeting of the Joint Parliamentary Committee, held a few days ago, we noted that since that time Croatia has achieved considerable progress in all areas. Negotiations have now been opened on 21 of the 35 chapters. Moreover, the country is making enormous efforts to carry out the necessary reforms and fulfil the criteria for membership. I am confident that the European Commission will present, along with the progress report on Croatia due on 5 November, a timetable that gives the Croatian Government a clear roadmap indicating how the accession talks can be concluded by the end of 2009, that is, by the end of the Barroso Commission's term of office. This timetable will be feasible, however, only if we succeed in speeding up the negotiations and if the Council is willing to open up additional chapters by the end of the year. I am convinced that Croatia's accession will serve as an example

to its neighbouring countries and will at the same time serve as an important stabilising factor in the region. Thank you.

James Nicholson (PPE-DE). - Mr President, as one of the three Northern Ireland MEPs involved in securing the original PEACE funding in 1994, which I believe has made an immense contribution to Northern Ireland's social and economic well-being, I would personally like to thank and pay tribute to the hard work of those who, over the years since then, have given freely of their time and put considerable effort into the work of the local strategy partnerships. They have shouldered the burden for the implementation, which I know was a very onerous task.

This December they will be stood down, and they have been given little thanks for what they have achieved. Many have criticised the PEACE programme, accusing it of having non-measurable outcomes. However, I say to the critics that they are wrong: what the programme facilitated was cooperation and partnership at local level, and that would not have happened without PEACE funding. People were brought together to work in partnership who would never have had that opportunity if it had not been for the PEACE programme.

Could I ask you, Mr President, to write to the overall strategy partnerships board expressing the thanks of this Parliament – because we are central to what has been achieved – to those people who have unceremoniously been stood down after all these years of working and giving their contributions freely to the people they hope to help?

Ioannis Gklavakis (PPE-DE). – (EL) Mr President, on 16 October we celebrated World Food Day. When this day was established in 1980, the objective was to reduce hunger. Today, however, we are in the paradoxical position of having to deal with two scourges: hunger and obesity, with hunger hitting the developing world and obesity the developed world.

Today, hunger threatens approximately 850 million people on this planet and approximately 40 million die from hunger every year. It is estimated that 2 billion people are suffering from hunger and that 55% of child deaths in the developing world are due to their poor diet.

On the other hand, the model in the West has given rise to diseases such as obesity, various types of cancer and diabetes: diseases which we estimate will be responsible for 72% of deaths by 2020. I suggest that the European Parliament start a campaign to adopt the Mediterranean diet.

Avril Doyle (PPE-DE). - Mr President, it is imperative that, if approved this week, Commissioner designate Baroness Ashton achieves the right balance between EU food security and food independence on the one hand and helping developing markets in promoting free trade on the other, notwithstanding our existing relationship with ACP nations, which has been extremely important to them and us.

The multilateral trade system has been an important contributor to global prosperity by opening up such markets, and the World Trade Organisation (WTO) has been most effective in providing a more level playing field for poorer nations.

However, any future WTO agreement must not unnecessarily expose vital sectors of our EU economy. On currently available proposals, future EU agricultural production would be threatened. It is predicted that in Ireland alone the value of output from the beef sector could decline by EUR 120 million per year and, overall, the drop in agricultural output value across Ireland could amount to up to EUR 450 million per annum.

We must never agree to threaten the EU's strategic food security, and the Commissioner in her challenging new job would be wise to listen closely to the concerns of this Parliament and observe the mandate she is given by EU governments.

President. – That concludes this item. I would recommend that Members ask for the floor only if they plan to be present.

13. Temporary workers (debate)

President. – The next item is the recommendation for second reading (A6-0373/2008), on behalf of the Committee on Employment and Social Affairs, on the Council common position (10599/2/2008 – C6-0327/2008 – 2002/0072(COD)) for adopting a directive of the European Parliament and of the Council on temporary agency work (Rapporteur: Mr Désir).

Harlem Désir, rapporteur. – (FR) Mr President, Commissioner, ladies and gentlemen – I hope that the Council Presidency is going to join us – it has now been more than six years since the adoption of the Directive on temporary work was postponed, not because of Parliament, which gave its opinion as soon as the Commission's proposal was referred to it in 2002, but precisely because of the deadlock of certain Member States within the Council.

We have the opportunity today, after the adoption of a common position between the Member States, to arrive at this important piece of social legislation at a time when expectations of a social Europe are high, and it is this opportunity that we must seize. Temporary work accounts for more than three million jobs in the Union. Temporary workers are employed by around 20 000 companies, which represent a turnover of EUR 75 billion.

This is a sector that is obviously very liable to fluctuations in growth, and temporary workers are today the first to be affected by the economic slowdown and the rise in unemployment. However, like other types of insecure and atypical employment, temporary work has seen structural growth over the last few years, and this development was estimated at almost 60% over the last five years. It is a development that has continued with particular intensity within the new Member States.

Temporary work concerns a very large number of sectors that vary according to the Member State: industry, in some countries, services, in others, and construction, agriculture and transport, in others still. Its proportion also varies a great deal from one country to another. It may be as much as 5% of all workers in countries such as the United Kingdom. The duration of assignments also varies. In some countries it is short, with assignments lasting around 10 days, in France, for example; less than a week, in Spain; or around 20 days in Finland. However, in other countries, such as Ireland, Belgium and the Netherlands, it may be several months, indeed even a year or more in Austria.

Temporary workers, as we know, are more exposed to physical risks, intensity of work and accidents at work. Their training is often less extensive. Stress linked to the insecurity of their jobs is also extremely common.

The fact is, the laws and the types of legal framework relating to their situation differ greatly within the Member States – so much so that temporary workers are, for example, truly protected by equal treatment, in particular in terms of pay, in just 10 of the 27 countries of the European Union. Their access to training, social protection, maternity leave – these subjects all vary and are absolutely not guaranteed in the same way in all the Member States.

That is why the European Commission, at the request of the social partners, and with the support of the European Parliament, wanted a piece of legislation that could guarantee such equal treatment. Having received an initial draft, in November 2002 the European Parliament, following on from the report by my fellow Member, Mrs van den Burg, who is still here in this House and to whom I should like to pay tribute, strengthened this draft legislation by making it possible to guarantee equal treatment from day one, in particular regarding pay.

When its common position was adopted last June, the Council eventually came round to the European Parliament's position. It therefore believed that equal treatment from day one should be the general rule and that any derogation from this principle needed to be agreed on by the social partners by means of collective negotiations or through agreements concluded with the social partners at national level. The European Parliament's amendments on the definition of the basic working and employment conditions, in particular with the inclusion of pay in Article 3, have also been incorporated in the common position.

Lastly, the Council's common position has retained the amendments on access to employment, collective facilities and vocational training, and on the right of temporary workers to be represented under the same conditions as those of permanent workers employed by the user enterprise.

A debate has taken place within the Committee on Employment and Social Affairs concerning Parliament's initial proposal to amend the Commission's proposal to add elements relating to health, safety and hygiene at work, which have not been adopted by the Council. However, these guarantees exist under the terms of another directive, the Council Directive of 25 June 1991, which supplements the measures to encourage improvements in the health and safety at work of workers with a fixed-duration employment relationship or a temporary employment relationship.

As you know, ladies and gentlemen – I am going to end this first speech on this point – the European Trade Union Confederation, on the one hand, and the professional bodies representing temporary employment

agencies, on the other, want us to adopt this legislation. Adopting this legislation today means ensuring that the European Parliament's positions at first reading henceforth become the law; that this framework for protecting temporary workers can be transposed within the next three years; and that the Pandora's box of uncertain negotiations within the Council cannot be reopened. That is why the Committee on Employment and Social Affairs decided on 7 October to recommend the adoption of the common position, without amendment, in order to protect this, the most insecure employment sector in Europe.

IN THE CHAIR: MRS ROTHE

Vice-President

Vladimír Špidla, *Member of the Commission*. – (CS) Madam President, ladies and gentlemen, first of all I would like to thank the rapporteur, Mr Harlem Désir, for the piece of work he has delivered. I feel I have nothing to add to the general points that have been put forward, but would like just to focus on the results of the political agreement of the 10 June and to point out the successes which have been achieved across a range of key points in the interests of the European Parliament. We now have the direct application of the principle of equal treatment for temporary workers from day one of their assignments, without any exceptions whatsoever for short-term assignments, 'deferral periods', clarification of definitions, consultations with the social partners or involving them in proposing exceptions which would allow certain specific departures from the principle of equal treatment. The Commission is pleased with the consensus on the common position taken by the Council in the Committee on Employment and Social Affairs and I must repeat my congratulations to the rapporteur and the political groups for confirming their willingness to adopt a common position without further amendments.

Ladies and gentlemen, respect for the social partners is a key element in the political idea of the European Union, and I therefore note with great satisfaction the positions taken both by the unions and by the employers. Ladies and gentlemen, I believe that we have the conditions for passing the proposal on first reading.

Xavier Bertrand, *President-in-Office of the Council*. – (FR) Madam President, Commissioner, ladies and gentlemen, although I could not physically hear you, Mr Désir, your remarks have, I believe, been faithfully reported to me, as have yours, Commissioner.

On 9 June, in Luxembourg, the Council reached an agreement on two texts that the Member States of the European Union had been debating for several years. The first, as you know, is a proposal for revision of the Working Time Directive, which has been the subject of negotiations since 2004. This is not the subject of this evening's debate.

The second is a draft directive on the working conditions of temporary workers that has been debated since 2002. The aim of this draft is to enhance the protection received by temporary workers and to improve the quality of temporary work. It is for the purpose of its definitive adoption that we are meeting today.

I should like first of all to say to you that, in my view, the adoption of this text on temporary workers will send out a very strong signal to all Europeans: that 2008 can be the year of the revival of social Europe. For years we waited for substantial legislative progress to be made in the social sphere. With the definitive adoption of the Directive on Temporary Work, we are beginning to move on from those years of deadlock.

The people of Europe were waiting for this signal, that of a more protective Europe. Their expectations, as we know, are even greater in the current context, with the financial crisis and its consequences for the economy. Now more than ever, it is time to give them tangible signs of our ability to reconcile the objective of economic prosperity with that of social cohesion and of our will to defend and promote the European social model.

The draft directive that we are debating this evening is a vitally important text, for a start because of the number of Europeans it will affect. In 2006, there were 3.4 million temporary workers in Europe. However, if we count the number of people who, at one time or another, find themselves on the list of temporary employment agencies, we arrive at 6 million people who are affected.

I would add that, for 20 years, temporary work has been the type of atypical work that has increased the most. Furthermore, according to the Dublin-based European Foundation, it has at least doubled in almost all the Member States, and increased fivefold in Denmark, Italy, Spain and Sweden – there being an increasing number of European businesses that have recourse to it in order to find workers meeting their specific requirements.

Thus, we are talking today about a key sector of the European economy, and for this key sector, you have submitted a key text, Mr Désir, that will offer real additional guarantees to European workers.

The first of these guarantees is the principle of equal treatment from day one between permanent workers and temporary workers. This innovation is a major advance for temporary workers in Europe, those for whom the laws did not previously lay down such protective provisions. Throughout their assignments, these workers will henceforth be covered by the same working conditions as those who are recruited directly by the company to the same post. This will apply with regard to working time, overtime, break times, rest periods, night work, paid leave, the protection of workers' health, the right to non-discrimination and the protection of pregnant women.

This is essential, because we also know, regarding all these subjects, that temporary workers are at present exposed to physical risks at least as significant as those to which permanent workers are exposed, and to a pace of work that is at times faster.

The principle of equal treatment from day one will also apply regarding pay. From the start of their assignments, temporary workers will receive the same pay as people recruited directly by the user enterprise to do the same job.

Derogations from this principle, and in particular the introduction of qualification periods, will be possible only if there is agreement between the social partners, that is to say, compensation for workers.

Lastly, the directive will provide new guarantees in terms of temporary workers' access to permanent jobs, access to collective facilities, catering services, childcare facilities and transport services, and in terms of access to vocational training or representation.

I should like to say to you, as President-in-Office of the Council, that I am delighted to observe that the conditions are in place today for the adoption of this text. It is true, too, that this text incorporates a large number of the amendments adopted by Parliament at first reading in November 2002. This also without doubt explains why the Committee on Employment and Social Affairs – virtually all of its members – decided not to amend it, and I should like once again to thank for their constructive approach the rapporteur of the text and all the Members who worked actively on it.

This virtually unanimous support is also a clear sign of the usefulness and quality of this text, and I should also like to pay tribute in this House to Mr Špidla, who has always supported this initiative and who agreed not to withdraw this text even though the debates seemed to be at a standstill in December 2007, in Brussels for example.

As you know, it was during the Slovenian Presidency that we were able to reach a positive outcome. I should also like to highlight the efforts made in this matter by the United Kingdom, by paying tribute to the agreement reached between the United Kingdom's social partners on 19 May 2008. This was an important element. Lastly, I should like to refer to the support given by the European social partners to the common position adopted on 9 June concerning the strand on temporary work.

We can thus say today that there is agreement between all the players in this matter. This also demonstrates that, with perseverance, creativity and dialogue, we can emerge from situations that are seemingly at a standstill, even on social matters, even in Europe, even in order to adopt directives.

Elisabeth Morin, on behalf of the PPE-DE Group. – (FR) Madam President, Mr Bertrand, Mr Špidla, firstly, we have here the conclusion of an extremely constructive piece of work between the European institutions, on the one hand, and the Member States, on the other, but also between the political groups and the social partners. The text we have arrived at is based on a consensus with the social partners. This draft directive now lays down a general framework for temporary workers in the 27 Member States, and it is an extremely important advance, founded on the principle of non-discrimination between permanent workers and temporary workers.

In it we have included a commitment to transparency – transparency regarding the conditions provided to workers – but also a commitment to confidence between workers and employers. Safety of workers and the flexibility required by businesses are extremely important; that is why, today, the Group of the European People's Party (Christian Democrats) and European Democrats – which is based on these foundations of equal treatment, on access to vocational training, and on the procedures for representing temporary workers in accordance with collective agreements – has sought to make progress with this work, too, and reach a consensus.

Europe, today, is protecting these workers. This framework directive on the protection of temporary workers lays down new working conditions. We firmly believe that we are making progress together on social Europe. That is why we will of course agree to vote in favour of this directive without any amendment, as it has been submitted today.

Ieke van den Burg, *on behalf of the PSE Group*. – Madam President, some things that you have worked hard on never happen, and some things happen only very late. That was the case with this directive. You would not expect any more for it to happen.

In 2002, six years ago, I was working very hard as your rapporteur in first reading on this Commission proposal after the social dialogue negotiations of the social partners' fields.

We managed to convince the Commission and the vast majority of the Council to adopt 95% of our amendments and improvements of the text, only a blocking minority of, at the time, 4 of the 15 Member States did not want to go along with that majority. Several presidencies tried very hard to break the stalemate but, after some years, the proposal was – well, maybe not really dead, but at least in a coma.

That was a shame, since the problems that the directive tackles had not disappeared by far – on the contrary, in the period of enlargement of the EU. Also, with the directive, those problems of exploitation of migrant workers are not fully solved, so we have to continue to work on this, but a temporary agency directive is a first step. It creates clarity about the status and rights of employment of temporary agency workers by reinforcing the principle of equal treatment as the basic principle of labour law but at the same time – and no less importantly – by emphasising the role of collective bargaining and decent industrial relations in a growing and maturing temporary agency sector.

I emphasise this, and this is linked to the negative connotations of exploitation by gang masters from the organised professional temporary agency sector. In the present directive this sector can really prove to be mature and to have a good social dialogue with trade unions, and then help reach very advanced arrangements for flexibility and security in the labour market.

Ona Juknevičienė, *on behalf of the ALDE Group*. – Madam President, I am speaking today on behalf of my colleague, Liz Lynne, who is the shadow rapporteur for the ALDE Group on this directive, since she cannot be with us today due to problems with flights to Strasbourg.

I share her general concerns about this document and, in particular, her belief that this directive is far from ideal, but could be worse. Many temporary agency businesses in the UK do now want to see the adoption of this directive, but only because it is the 'least worst' option. We have always argued that this should not have been done at European level, given the stark differences and the different traditions that exist in each Member State. However, we understand the purpose of temporary work agencies, which is to establish more working places for people and to make the labour market more flexible.

This directive was, of course, tied by the Council to a working-time directive, and the shadow rapporteur of the ALDE Group believes that these two issues will continue to be linked. Therefore, under the given circumstances, the ALDE Group shadow rapporteur would support this document, and our political group will follow her recommendations during the vote.

Jean Lambert, *on behalf of the Verts/ALE Group*. – Madam President, on behalf of my group, I would also like to welcome this agreement. We do not feel that we are going to get any more if it goes to conciliation, so have supported the rapporteur on this.

I admit that, in terms of the presidency looking at this as a step forward to social Europe, we would like to feel that it is a step in that direction. I welcome – certainly as a British Member – some warm words for once about the UK Government position. I hope they are going to be equally constructive on other matters in this field that are before the House at the moment. I think it is very important that in the current climate we are actually making progress on workers' rights, rather than trying to imply that those doing work on a temporary basis are somehow less important as individuals or less important economically. As someone said, while some work this way from choice, others work in this field because they do not have a choice. For example, in a number of rural areas you may find limited employment possibilities, with one employer basically handing out most of the jobs. If you as a temporary worker dare to question the conditions in which you find yourself, you may actually find that you are never employed by that particular company again.

So I think that the legal certainty provided in this agreement is extremely important. It might go some way to help, for example, a person whom I came across in London: the only individual working in a hotel kitchen

who was not on a permanent contract was the one whose job was to clean the ovens and to get inside them using heavy-duty chemicals, with no training or protective clothing, because that worker was only temporary and therefore health and safety did not matter so much. So, for people like that, this legislation will be extremely important, and we look forward to its rapid implementation.

Ewa Tomaszewska, *on behalf of the UEN Group*. – (PL) Madam President, the consistently high unemployment rate in recent years has led to an imbalance in the respective positions of employers and employees on the labour market. Workers found themselves in very difficult positions, and were obliged to accept work of any kind in order to support their families. They therefore agreed to so-called flexible employment conditions that did not guarantee decent working terms and conditions. The majority of employers ruthlessly exploited the situation.

The directive guaranteeing equal pay, health and safety at work, maternity concessions, and opportunities for vocational training for temporary workers represents an important step towards reintroducing civilised conditions in the labour market. It is significant that these equal conditions are to apply from the first day at work. The agreement reached between the social partners confers special value on this directive. Temporary workers must not be deprived of protection.

That is why we consider it essential to adopt this document without any amendments. Legal protection should be put in place at the earliest opportunity.

(Applause)

Pedro Guerreiro, *on behalf of the GUE/NGL Group*. – (PT) Madam President, this new proposal for a directive which we are now debating, despite proclaiming the principle of equal treatment between workers with regard to working conditions, a maximum limit on working time and weekly rest periods, allows a series of derogations which, in practice, may jeopardise these very principles, all the more so as what we really need to do is combat and minimise the proliferation of temporary employment agencies in order to put an end to precarious work and stop workers' rights from constantly being called into question.

Through a series of amendments, we therefore want to ensure that, for example: recourse to temporary contract work is restricted to exceptional situations, such as times of extraordinary activity and periods of temporary impediment of the permanent worker; temporary contract workers can enjoy the labour and social welfare rights granted to other workers, including the rights enshrined in collective labour agreements for the relevant sector; temporary work is not used to put at risk the right to strike, and temporary contract workers are covered by the same provisions on health and safety at work as workers of the user undertaking.

Derek Roland Clark, *on behalf of the IND/DEM Group*. – Madam President, this has been battled to and fro between the Commission and the Council ever since 2002: six years. There has been no common position until June of this year – but now they pass it to Parliament like a hot potato.

Is this sudden change of mind due to the current economic downturn, I wonder? Whether that is so or not, it will not help in these times of rising unemployment, because the report says that temporary workers are to be paid the same as permanent, full-time workers. Wrong! At one end, temporary agencies use this to get young people a start in life, or another go. At the other end, inexperienced workers will be paid the same as experienced, long-time employees, which goes right against established practice. This discourages employee loyalty, which every firm needs. More experience equals more skill, equals more pay. It is a bad move. Reject it.

Roger Helmer (NI). – Madam President, this is a bad piece of legislation – not as bad as it might have been, but nonetheless bad. Like so much employment regulation in this Parliament, it is introduced in the name of workers' rights and yet its main effect will be to deny thousands upon thousands of people the right to work at all. It makes our labour markets less competitive and less flexible. It damages our economies at the very time we can least afford to have them damaged.

Temporary work is widely and correctly recognised as a ladder back into permanent employment for those workers who for some reason have been temporarily out of the labour market.

What we are doing in this House today is kicking away that ladder which helped workers back into employment. The British Government has been resisting this measure for a long time but has finally found itself unable to resist it. You could not ask for a clearer example of the way the EU subverts democracy in Member States.

José Albino Silva Peneda (PPE-DE). – (PT) Madam President, Mr Bertrand, Commissioner, ladies and gentlemen, I am very pleased with this report which concludes an issue pending since 2002. In my opinion, this is a balanced result which protects temporary workers, increases the flexibility of the labour market and respects the principle of subsidiarity.

This proposal generally ensures equal treatment from day one for workers provided through temporary employment agencies. However, it also offers social partners the option to agree otherwise, if they so wish. Bearing in mind the different practices and legislation of the Member States in this area, it is encouraging that Parliament, the Council and the Commission have reached agreement. This agreement will ensure a stable framework for temporary employment agencies whose role in the European labour market is undeniable. The increased regulatory transparency may help to create jobs and allow for new and more flexible forms of working.

I know that economic development requires the labour market to be more flexible, but this flexibility will only be beneficial for all if it is achieved while ensuring respect for workers' rights in all aspects, in particular in relation to health and safety at work. In my opinion, the final text of this directive is a good example of this balance. I hope, Mr Bertrand, that I will be able to say the same next month on the Working Time Directive.

I must thank Mr Désir for his work and also the shadow rapporteur, Mrs Morin, who is from my political family. I congratulate her on having contributed so significantly to this end result.

Richard Falbr (PSE). – (CS) I would like to begin by saying that I will be voting in favour of the proposal since the current version clearly represents the best that we can manage. I feel that the next step is to closely monitor how it is put into practice by the Member States. Some Member States have proper legal arrangements regulating the position of agency workers, but the arrangements for accrediting newly-established agencies are woefully inadequate. In other words, anyone at all can employ people and there are virtually no controls at all over the activities of some dubious employment agencies. I refer to the situation in the Czech Republic, of course. In order to boost their earnings, agencies often employ workers not on the basis of employment contracts but on the basis of work performance agreements so that they can avoid paying social and medical insurance for their employees. As a result, wages can be set at the minimum wage, but the workers are clearly left out of pocket after their contributions have been paid. It is generally suspect that the numbers of agency workers are constantly increasing at the expense of those working under permanent full-time contracts of employment. It is therefore the task of labour inspection bodies and trade unions to draw attention to the crooked practices that go on in some countries and not to allow any restrictions on the right of agency workers to join trade unions. Despite the apparent good intentions in the current version of the draft directive, much remains to be done in terms of putting it into effect. And in response to what has been said here by certain members of the European Parliament, may I say that I would take great pleasure employing them as agency workers so they can see for themselves what fun it is.

Siiri Oviir (ALDE). – (ET) Madam President, ladies and gentlemen. In Estonia we say: 'better late than never', and it is a positive development that we are finally passing the temporary agency worker directive. Temporary agency work is becoming increasingly widespread, and thus it is very important that it be regulated. The directive is also of great significance to those countries that do not yet have access to the labour market of the European Union countries, and whose workers are primarily used for improper purposes, violating their equal rights.

We know today that the protection of temporary agency workers is guaranteed very differently from one Member State to another. There are Member States in which such protection is completely absent. As a result I believe that the draft directive in its present wording will help to ensure throughout Europe at least a minimum level of fundamental protection for temporary agency workers, which will rule out the discrimination of workers who use this form of employment, compared to other forms of employment.

I hope we will pass this directive, and I also hope that we will not give it a very long term of implementation.

Zbigniew Krzysztof Kuźmiuk (UEN). – (PL) Madam President, in the context of the debate on the directive concerning temporary workers, I should like to point out that the number of temporary workers in the European Union has increased significantly, especially in recent years. This increase is often caused by the economic situation, and it is therefore essential to speed up legal regulation of the phenomenon at European level. Another issue I would like to mention is how unfortunate it is that, although the European Commission made proposals on this subject, proposals that were then amended by the European Parliament back in

2002, it was not until June 2008 that the European Council reached a compromise on them. More than six years had elapsed by then.

In particular, we should support the solutions contained in the draft directive concerning equal treatment of temporary workers and other workers regarding status and safety, together with respect for the social standards required of enterprises in the area of equal treatment, in terms of remuneration and working conditions for temporary workers and other employees.

Kyriacos Triantaphyllides (GUE/NGL). - (EL) Madam President, temporary workers suffer exploitation at the hands of employers and they need equal treatment and for their security to be defended. However, the intentions of the European Commission tend towards the deregulation of employment relations and the development of flexible forms of work.

According to the Commission's official statistics, unemployment reached 4.7% in 2007, with long-term unemployment standing at 2.8%. Promoting the flexibility and security model gives employers a strong weapon with which to increase temporary agency work, which results in less favourable working conditions and waters down collective agreements. The aim of abolishing the facility for such matters to be regulated by the Member States and transferring them to the social level is to achieve the financial integration of the European labour market.

We are opposed to the steps constantly being made in this direction, because they are steps which strengthen the facility for the European Union to promote neo-liberal policies at the expense of the workers. Our main objective should be to protect all workers. Temporary workers need to be protected, but the main priorities must be no less than peace and security at work and defence of all the rights acquired by workers.

Philip Bushill-Matthews (PPE-DE). - Madam President, may I start by congratulating the rapporteur on his report, not just for what he said, but also for the length of the report – or, should I say, the shortness of the report? In my nine years as a Member of this Parliament, it is the shortest report I have ever seen from any Socialist in the Committee on Employment and Social Affairs, and I hope he has set a precedent for some of his colleagues to follow – but we shall come back to that later.

I was also glad, and I thank him for this, that he said that the reason for this short report was because, quite correctly, the major stakeholders had both said they were in favour of this common position, leading the Council to support it. The trade union side and the business side – not just the general business side but the specific business side, those responsible for agency workers – all said collectively, for whatever set of reasons, 'yes': they could sign up to it.

I think there is a moral for us as politicians here that, when the stakeholders themselves say that this is what they want, I do think we have a responsibility to try and facilitate that, wherever possible, so I do thank him for using the argument of consensus to get that through.

I would finally thank the Minister for his reminder to those who may need reminding, that, when the Council put together this common position, it was done as part of a package with the working time directive. Indeed, our group briefly considered that maybe in the timing of the parliamentary work we should put both dossiers together and discuss them in December. But, having reflected further and because I know the French presidency was very keen to get this show on the road, we were very happy to go along with that, so that, indeed, we could 'move on'. That, I think, is the message of this dossier: let us move on. When we come to the second part of the package on the working time directive, I hope that from our part we will also show responsibility and move on.

Harald Ettl (PSE). – (DE) Madam President, employers, in particular, are taking every opportunity to call for more and more mobility and flexibility on the European labour market. Equal treatment and minimum social standards are the only way of alleviating the unease on the part of workers about open labour markets and deregulation. The European Union needs preventive measures for the labour market, which is fortunately opening up more and more.

The present draft report on temporary agency work shows how difficult it is to make progress in this field. For six years, this Directive has been blocked in the Council by arguments of widely varying validity. This proposal guarantees that temporary workers receive treatment equal to that of other workers from the first working day onwards, albeit subject to restrictions. The right to benefit from labour law, equal pay for equal work – these are key principles of equal treatment. The regulations in Member States, on very diverse bases,

that are better than the present Directive are not impaired by it, which is crucial. The right course has been taken on this under the French Presidency.

Those who have blocked the Working Time Directive – and this also goes for the Portability Directive – should likewise now correct their flawed thinking on social matters and understand that a social Europe needs minimum standards. This is the only way to improve approval and understanding of, and even identification with, the European Union.

Csaba Öry (PPE-DE). - (HU) Madam President, Minister, Commissioner, fellow Members, from the perspective of creating a single European labour market and guaranteeing equal opportunities to all EU workers, the directive under discussion represents significant progress. Of course, this is not to say that this piece of EU legislation will bring about a harmonised, Community-level framework for the employment of temporary agency workers. Nor is this even necessary or desirable, since, in keeping with the principle of subsidiarity, the fundamental regulation of employment will, in this regard, continue to fall under the competence of the Member States. The effort, however, to introduce clear and unambiguous minimum requirements throughout the territory of the EU, by means of which temporary agency workers will be protected across the Community's territory, is certainly to be welcomed and is a step in the right direction.

It is my view that without any ideological overtones and independently of our party affiliation, we can all agree that the protection of pregnant women, the guarantee of equal treatment for men and women, the combating of all discrimination based on ethnic origin, religion, beliefs, age or membership of a minority group are objectives of fundamental importance. All these considerations justify the effort to regulate these matters in a uniform way throughout the EU. It is with a view to achieving this goal that the EU legislators have worked out this system of minimum requirements. It is important that in addition to fostering individual professional development, the directive also serves Europe's economic interests by ensuring that temporary agency workers will also enjoy equal opportunities in the areas of access to training, child care and other infrastructure programmes. This applies in the times between assignments as well. It is in all our interests that temporary agency workers should not be subjected to discrimination, that they too should be able to increase their knowledge and that achieving a work/life balance should not become an insurmountable problem for them. In this area we definitely need a unified position and therefore, I personally support the approval of this directive. Thank you very much, Madam President.

Dumitru Oprea (PPE-DE). - (RO) Based on what the rapporteur, Mr Désir, has done, we can describe it using the Latin phrase *Multum in parvum* (many in one). This is how we can categorise today's proposal for a directive, as it offers a guarantee of the right to work even when the activity being performed by the employee is temporary due to certain specific aspects of the work being carried out. I believe that, thanks to a measure of this sort, professions which are rare or hardly employed at a particular workplace will be promoted through them being combined by those holding some of these skills and according to market demand. It will provide a professional mosaic offered by people who can be referred to by the description of *homo universale* from the Renaissance period.

Silvia-Adriana Țicău (PSE). - (RO) I would like to thank the rapporteur, Mr Désir. This debate forms part of the measures which we need to take in order to establish a European framework which can guarantee European citizens decent working and living conditions. Guaranteeing a minimum level of protection for temporary agency workers is part of constructing a social Europe. For the European Union to become the most competitive, knowledge-based economy, European companies need to be able to choose the staff and skills they need.

I personally believe that if we guarantee temporary agency workers the same conditions enjoyed by workers from user companies, we are not only protecting temporary agency workers but, above all, local permanent staff. These equal conditions relate to working hours, rest periods, paid leave, salary level, status and safety. Guaranteeing proper working conditions for temporary agency workers will get rid of illegal work and social dumping. In my personal view, social Europe will be enhanced if the trade unions are involved in making the decision to grant certain exemptions through the use of collective labour contracts.

Elisabeth Schroedter (Verts/ALE). - (DE) Madam President, as my colleague Mrs Lambert has already said, this is a very important breakthrough on the road to a social Europe, albeit just an initial step. Citizens expect us to take real steps towards a social Europe, and to ensure that employment rights in the internal market and equal pay for equal work at the same location play a part.

The European Parliament has managed to establish in the Directive this principle of equality, which had been lacking in the original Commission proposal. It is very important that the Council has supported us on this, as it is essential that competition in this internal market be based on quality rather than on wages.

I should like to add one thing by way of conclusion. Just as important as this breakthrough is a breakthrough on the Working Time Directive; not of the kind proposed by Mr Bushill-Matthews, however, but with absolutely no opt-outs, as proposed at Parliament's reading. I can only call on the Council to support us on this, too.

Czesław Adam Siekierski (PPE-DE). – (PL) We are dealing with a particularly important subject. I am aware of the many concerns relating to the status and situation of persons employed on a temporary basis. I have in mind formal and legal issues as well as employment conditions. This is particularly noticeable in relation to the employment of a large number of individuals from the new Member States. These persons are prepared to accept any kind of job offer at home or abroad because of the high unemployment rates. Working terms and conditions cannot be driven by the situation on the labour market, and availability for work. I stress that they must comply with the working standards and requirements currently in force. This applies to safety, social conditions, insurance, and remuneration rates.

Richard Howitt (PSE). – Madam President, I am very proud to have taken part in the vote in committee on this directive and to be participating in the debate today on the vote to deliver the temporary agency workers directive. It was a key priority for the Labour Government in my own country, Britain, part of a deal with our trade unions known as the Warwick Agreement, and today that promise is being delivered.

I am delighted to be supporting it and have campaigned for this directive for three reasons.

One is that temporary agency workers are vulnerable workers – whatever the protestations of some people opposite. Eighty per cent in a British Trades Union Congress (TUC) survey said that they were treated less well in relation to pay, training and paid time off, and they want better.

The second is that the biggest number of migrants from Eastern Europe since the enlargement who have come to work in Britain have come to my own region, the East of England, often through temporary work agencies, which, unregulated, have too often been responsible for abuses. Those abuses will end.

The final reason is that we have a social partnership agreement, rarely seen in Britain, between the British TUC and the Confederation of British Industry (CBI): that agreement is being translated into law in this vote.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Madam President, I too should like to congratulate not only the Presidency and the Commission, but also the rapporteur and everyone who helped to pass the directive and mark a new achievement for the European Union for the benefit of the citizens. I should also like to remind the House that a large proportion of temporary workers are women.

It is especially gratifying to know that female temporary workers will also have vested rights from the very first day, as will parents in general, and will not therefore be at a disadvantage, because the aim of this new proposal by the European Union for citizens, employers and workers alike is to introduce humane treatment, given that a single day's work or several days' work is of equal value and must be shown the same respect.

I hope that it will be possible to apply all that has been agreed, because it is in the application of the law that we fall down. In Greece, for example, the law has entered the statute book and provides for equal treatment for temporary workers and permanent workers. The difficulty, however, is in the application of the law.

Xavier Bertrand, President-in-Office of the Council. – (FR) Madam President, I should like to echo some of the previous speakers in confirming that the adoption of this new directive on temporary work will be a real step forwards. Somebody called it a 'breakthrough', and I think that is just the right word.

The only thing is that, as I am well aware, it does not represent the end of our work. We will have other opportunities, over the weeks to come, to show that we are able to make more progress with a social Europe. I am thinking here, of course, of the Working Time Directive, which is the other strand of the common position adopted in Luxembourg on 9 June.

I am aware of the problems that some of you have with this text, but I would like to remind you this evening that the only way we could get approval from the Council for the text you are about to adopt, strengthening the rights of temporary workers, was by linking it to the Working Time Directive.

I am also thinking of the European Works Councils Directive, which needs to be revised. Fourteen and a half million Europeans work in businesses that have set up such councils; they are waiting for that directive to be revised to improve the protection of their social rights in the future and, to be frank, the current economic climate means that this revision is all the more relevant, all the more necessary, and all the more urgent.

This issue will be our first opportunity to show that the Council and Parliament are willing to take on their role as colegislators. As you know, the European social partners have already demonstrated that they understand what is at stake by presenting, at the end of the summer, eight joint proposals on the basis of which they are prepared – they have said they are prepared – to accept the Commission's proposal, my dear Vladimír. It is now up to us to show that we are equally determined to take action.

Ladies and gentlemen, Mr Désir, Commissioner, up until now, the growth of the temporary work sector in Europe has often taken place in a complete legal void, with no true safeguards for workers. As of the day after tomorrow, we will be able to say that this situation has come to an end. The day after tomorrow, we will also be able to say that, at a time when our continent faces serious economic and financial problems, we as politicians are willing to join forces and take action to restart social Europe.

Vladimír Špidla, *Member of the Commission*. – (CS) Madam President, ladies and gentlemen, the debate has in my view clearly shown the importance of this directive, given the huge number of workers it affects and the great improvements that it will bring about. It has also shown how the directive has attracted a genuinely strong consensus, which has emerged from the far-reaching debates and the agreement and support of the social partners. We have also heard in the debate that the directive is overdue, but as the saying goes in some languages 'Better late than never'. In Czech we have a similar saying and I am sure there are similar sayings in other languages. After a prolonged efforts we have made real progress, because this directive is just as relevant, if not more relevant, today than it was six years ago.

Ladies and gentlemen, there is one more thing I would like to mention which I find worth noting, which is that this directive, this very challenging directive, which genuinely opens the door to a social Europe, has been adopted in a twenty-seven member Europe, after having been bogged down for years in a fifteen-member Europe. In my view this constitutes a clear example of the fact that a twenty-seven member Europe is capable of social progress.

Ladies and gentlemen, many of you have mentioned the other directives which are under debate in this House. I believe that the step we are taking today is a promising sign of how we might also approach future directives. Challenging and complex issues remain of course, but in spite of this I believe that a certain dynamic has now been created and that our chances of achieving positive results are better than ever before.

Harlem Désir, *rapporteur*. – (FR) Madam President, ladies and gentlemen, I should like to start by thanking my fellow Members for their comments, and the shadow rapporteurs, the coordinators and everyone else involved in this debate for the support they have given to me, and equally to the finalisation of this process.

It is true that this report boils down to an explanatory statement and a single request: 'let us say yes'. The imminent adoption, I hope, in two days' time of this directive is a victory for the European Parliament, and a victory for the social partners, and I should like to take this opportunity to respond to the members of the Confederal Group of the European United Left/Nordic Green Left, who tabled a number of amendments. I understand where these amendments are coming from, in essence, but I should nevertheless like to emphasise the fact that the European Trade Union Confederation once again spoke to the chairmen of the political groups, a few days ago, to say that the adoption of this directive, in unamended form, would send a strong signal that social progress at EU level was both necessary and possible, and that social Europe was still alive.

At a time when the temporary work sector is growing, as are other atypical forms of employment contract, we need to have a legal framework, and that is the decision that we are now taking. Europe is an area of justice: it needs to be so in the interests of civil rights, and also in economic and social terms. We have already enshrined in various directives the protections and rights enjoyed by all workers. Now that more and more people are temporary workers, we need to ensure that they have the same rights, and that temporary work cannot be abused as a way to evade either the rights of workers concerned or those of other workers who would consequently suffer from pressures and social dumping.

We also want to show, in adopting this directive, that social Europe can move forwards, and that it can have real substance, contrary to what we have sometimes heard from the Commission – not from Mr Špidla, but from other Commissioners. We can legislate – we can colegislate – on social matters, too, and thus show the members of the Council, who have, for too long, blocked the adoption of this and other legislation, that

they need not be afraid of the progress of social Europe, and that, if we can show that Europe is defending citizens and workers, this may also help to bring about a reconciliation between the citizens and the institutions of the Union and to assuage the concerns expressed in Ireland, the Netherlands and my own country, France.

I believe that further progress with regard to social directives will also help to foster further progress with regard to political Europe, and with regard to people's support for the progress of political Europe.

President. – The debate is closed.

The vote will take place on 22 October 2008.

Written Statements (Rule 142)

Petru Filip (PPE-DE), in writing. – (RO) Using a directive to establish the rights of European citizens involved in temporary employment in EU countries has been a real success for social Europe. The problem is whether the Union's Member States and employers comply with the provisions of this directive, because specific examples from the labour market contradict the theory on many occasions. One specific example of this is the non-recognition of Romanian and Bulgarian citizens' education diplomas after both countries' accession to the EU, while the directive on this matter was enforcing something different. The question is what can be done to stop citizens from the new countries which have joined the EU from losing confidence and saying that one thing is approved in Brussels, while something different is decided by the governments in European capitals. Consideration must also be given to the fact that there is an economic crisis going on, which will, in any case, influence how labour-related directives are applied in the national territories of Europe. The European Commission ought to set up immediately a proper system for monitoring the application of labour-related legislation and apply indiscriminately punitive measures against the relevant countries.

14. Applicable law in matrimonial matters – Amendment of regulation as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (debate)

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

– the report (A6-0361/2008) by Mrs Gebhardt, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (COM(2006)0399 – C6-0305/2006 – 2006/0135(CNS)) and

– the oral question by Mrs Gebhardt and Mr Deprez, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, to the Commission, on the Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters (O-0106/2008 – B6-0477/2008).

Evelyne Gebhardt, rapporteur. – (DE) Madam President, ladies and gentlemen, today, we are discussing an issue that is of the utmost importance to citizens. Our Europe is a pleasant place where people enjoy increasing mobility. It is a place where, increasingly, marriages are taking place between nationals of different countries or couples are moving to a different country, and of course this is a good thing and is one of the accomplishments of the European Union. Unfortunately, there is also a drawback to this accomplishment, however, which is that these marriages often end in separation, and then there is the issue of the necessary divorce.

Current law is so unsatisfactory in some respects that a couple may be unable to find a competent judge or law for their divorce. Naturally, this is a very unpleasant situation for these citizens, and we must come up with a solution and an answer. This concerns people's lives, which are of the utmost importance.

I am pleased that the European Commission has tackled the subject, therefore, and I should like to reiterate straight away that there is to be no harmonisation of the law in this matter – indeed this is not permitted, and it is stated quite clearly in the Treaty on European Union and the Treaty establishing the European Community that the law in such matters is the domain of Member States.

Yet we must ensure that there is transparency and that citizens are able to use this law. After all, the legislation is very diverse. There is Malta on the one hand, with no divorce at all, and Sweden on the other, where it is possible to obtain one within six months. There is the Netherlands, where homosexual marriage is permitted,

and Poland, where such a thing would be inconceivable. These are all questions that arise and need to be answered.

We have done good work in the European Parliament and enjoyed constructive cooperation on this with the European Commission and also the Council. The Council is key – it has to decide unanimously what will be done in this field in future. Unfortunately, it is there that the problem now lies, but I shall return to this later. The response that the European Commission has suggested to us is very positive. Firstly, it would like to increase the choice of law under which a couple can divorce, provided both parties are in agreement – although it goes without saying that, if this is to be truly applicable, there must be a connection to the life, place of residence or place of marriage of the couple or to other aspects.

The question also arises as to what happens if a couple or just one of the partners wants a divorce and the couple cannot agree on the law to be applied. In these circumstances, we take the view that there cannot be such great freedom of choice, as we need to ensure that there is a catalogue. We cannot accept 'forum shopping'. We cannot accept a situation in which the stronger partner chooses the law most favourable to him- or herself and the other is disadvantaged. That is unacceptable. This is why we have two different responses in these matters.

One particularly important principle quite clearly applies in both cases: we must ensure that both partners are very well informed about the consequences – both social and legal – of the choice of law. Examples are custody matters, alimony and all such issues that are connected in this case too. The parties concerned must be aware of this before they take a decision. We are asking that judges verify that the partners are really aware of the consequences of their choice.

It is also important that we prevent the application of law from somewhere or other that is unacceptable in accordance with the principles of the European Union – for example Sharia law, Chinese law or whatever. In this regard, too, we have come up with clear wording – particularly in Amendments 25 and 30, which I have attempted to reinforce with my Amendment 36 – namely stating that the respective law must be in keeping with the basic principles of the European Union or it cannot be applied. This goes without saying as far as we are concerned.

The Group of the European People's Party (Christian Democrats) and European Democrats has tabled a number of amendments that I find absolutely impossible to accept. These impose a total limit on what we already have, and in addition would violate existing international law, for example that of the Hague Convention. We cannot accept this. We need further dialogue, and I hope that we do manage to find a solution to the problem by tomorrow. At all events, I am much obliged to Mr Demetriou for his cooperation with me; it has been very constructive.

The Council has a major problem: it has to take a unanimous decision, and there is currently one Member State that is quite simply standing in the way of this unanimity. That is why our committee tabled this oral question to the Council and the European Commission. I consider it very regrettable that the Council is not present at this time to reply to this question. The Minister has just left. It is essential that we know what to do now, for our own sake and that of citizens and the future of the European Union.

The first question to the European Commission – I am pleased that you are here to reply, Mr Barrot – is as follows: do you intend to withdraw your proposal? The second is: do you intend to submit a proposal to the Council to establish an enhanced cooperation procedure according to Article 11 of the EC Treaty and in compliance with Articles 43 and 45 of the Treaty? I should have liked the Council to tell me whether it really intends to take this course, as that is the big question that arises.

IN THE CHAIR: MRS MORGANTINI

Vice-President

Jacques Barrot, *Member of the Commission*. – (FR) Madam President, honourable Members, I will start by trying to respond to Mrs Gebhardt's report, and will then turn to the oral question that you have very opportunely linked to the report. I am glad to see that Mr Deprez is also here.

Many, many thanks, Mrs Gebhardt, for your report, which is quite remarkable, not least for your excellent degree of cooperation with the Commission on such a delicate and sensitive subject.

The Rome III proposal is, indeed, very close to our hearts, and not only for the Commission – I know that it is also of great interest to the European Parliament. I believe that it will be very important in supporting the free movement of people within the European Union.

I should just like, Madam President, to go over some of the data we have available: there are currently 2 200 000 weddings each year in the European Union, 350 000 of which are international marriages. That is already a considerable number and, clearly, it is a phenomenon that will increase. Around 170 000 divorces a year are affected by this proposal, which is around 19% of the total of some 875 000 divorces a year within the European Union. 20% – that is a significant figure!

That is why the Commission broadly shares your view, Mrs Gebhardt, regarding the importance of the Rome III proposal: it provides greater predictability and legal certainty for the couples concerned. As you pointed out, in the absence of a framework, either couples go 'forum shopping' or the dominant partner has the final say.

The Commission therefore broadly supports the European Parliament's report on the initial Rome III proposal, with certain reservations. The Commission supports Parliament's amendments aiming to ensure that spouses can make an enlightened choice. The Commission therefore agrees with Parliament on the need to tighten up the formal conditions for the conclusion of marriage contracts and to protect the weaker spouse, but we also need to take account of the differences in the legal systems of the Member States in this regard: as you have quite rightly emphasised, this is not a matter for harmonisation.

In a similar vein, the Commission welcomes Parliament's proposals aiming to improve the public's awareness of national and European laws concerning marriage and divorce contracts. There is one point on which we disagree: the Commission sees no need to include a new competence criterion based on the place where the marriage was celebrated, as the link between the place where the wedding takes place and the couple's situation when they separate may be very tenuous.

Nevertheless, the Commission endorses Parliament's amendment concerning the spouses' option of going to this court as a last resort, if it proves impossible to obtain a divorce from the court of habitual residence, but we see this more as an exceptional case.

The Commission would also prefer to leave it up to the Court of Justice to interpret the term 'habitual residence'. This term already appears in a number of instruments and has not, to date, been formally defined, but national judges do not seem to have had too many problems in applying it. We feel that, for the sake of respecting the diversity of the Member States' legal systems, we can put our trust in the Court of Justice.

We also do not consider it necessary to restrict Rome III solely to the law of the Member States. This is an important issue, because the Member States will want to continue to apply the divorce laws of third countries that share our democratic values: for example, if a German or French woman marries a Swiss man, it seems reasonable that it should also be possible to apply the rules we have set for ourselves to this marriage, or to this divorce.

Bear in mind, though, that the Commission agrees with Parliament on the need for Rome III to include an antidiscrimination clause, of course, which would allow any European judge to exclude foreign laws that are incompatible with the principle of equality between spouses. No doubt this antidiscrimination clause will still allow us to apply it, for example, to Switzerland/Member State or Norway/Member State marriages.

I will now turn to the question of how we can make Rome III a success, and I should once again like to thank Mrs Gebhardt and Mr Deprez for their oral question, pulling me up on the progress of Rome III. Obviously, I am with you in regretting the deadlock in the Council regarding the negotiations on Rome III. Last July, we had a debate between the justice ministers on the possibility of enhanced cooperation on Rome III and, at the end of July, nine Member States presented the Commission with a request for enhanced cooperation: that is more than a third of the Member States involved in the adoption of Rome III. It is therefore clear that the Commission needs to look into this request for enhanced cooperation, but, as you will understand, if we want this to be a success we will need to pay attention to the whole context.

I should now like to respond to three questions that you have asked the Commission. First of all, I can tell you that there are no plans to withdraw the Commission's initial 'Rome III' proposal. If the Commission agrees to present the Council with a proposal on enhanced cooperation within the sphere of 'Rome III', however, it may, in the interests of legal clarity, withdraw its initial proposal once the decision has been taken, in order to amend it, but that would only be if we really had the possibility of launching enhanced cooperation. In any event, withdrawal is not on the agenda.

I should like to take this opportunity to briefly recap the procedure followed by the enhanced cooperation mechanism. A request must first be submitted to the Commission by at least eight Member States, as occurred in this case. If the request meets the other criteria set out in the Treaty on European Union – if it complies with the rules on the single market – the Commission may submit the request to the Council. If it chooses not to do so, it must provide reasons for this. Enhanced cooperation must then be authorised by the Council, following consultation with or assent from Parliament, depending on the situation.

The request for enhanced cooperation does, of course, raise certain questions, in both legal and political respects. We need to face up to the need to continue with our joint action with regard to family law, as close as possible to the citizens, and to balance this need against the risk of fragmentation of the European area of justice that could result from a series of enhanced cooperation agreements. Before I make a statement, I should of course like to hear the views of the Members of Parliament, and I certainly want the Member States to clarify their position.

At any rate, I should like to assure the European Parliament that it is my intention – and not just my intention but also my desire – to move forwards with judicial cooperation on civil matters in Europe. Family law must not be the poor relation of civil law – that would be rather paradoxical given that the issues it covers are closest to people's daily lives. Fortunately, progress has been made with regard to the circulation of divorce decisions, parental responsibility and rights of access to children.

On that subject, I should also like to say that, now that we have the texts, I as Commissioner will need, with your help, to ensure that the rules are followed. I am thinking in particular of rights of access to children and custody, with regard to which the current situation in Europe is not entirely satisfactory.

In summary, we will indeed be able to come up with a legislative proposal on the applicable law on the subject. I would also add that we are simultaneously drafting a law applicable to matrimonial systems that could be adopted in early 2010.

That, Madam President, is where we stand with this issue. Of course, I cannot anticipate the result of the consultation we will very soon be conducting with the Member States. What I can say, though, is that the Commission wants to make real progress, whilst nevertheless once again ensuring that we can bring along the majority of Member States with us. That, in brief, is my point of view, but I hope, like you and like Parliament – though I will listen to you closely – that things will move forwards.

Carlo Casini, *draftsman of the opinion of the Committee on Legal Affairs*. – (IT) Madam President, Commissioner, ladies and gentlemen, the proposal for a regulation in question was examined in depth by the Committee on Legal Affairs, for which I have the honour of being the draftsman.

The suggestions put forward in the opinion approved unanimously by that committee met with only partial approval, however, within the Committee on Civil Liberties, Justice and Home Affairs. Nonetheless, I have to say that together we have tried to rationalise the Council's initial proposal as far as possible, adding elements of legal certainty.

The compromise amendments approved by the two committees with the help of Mrs Gebhardt, whom I would like to thank, have been welcomed and have bolstered the principles we referred to with the aim of getting this regulation off the ground. In this regard, the authorities of a state which makes no provision for divorce and which does not recognise the type of marriage in question will not be obliged to dissolve that marriage.

On one point, however, there remains a difference of opinion – that mentioned earlier by Mrs Gebhardt. The basic issue is this: the choice of law is entirely new in the legal world, since it is not normally possible to choose the law, only to choose a judge, making this a completely new concept. Given this choice of law, to which law do we want to refer? To the law of one of the 27 states of the European Union, or to the law of any country in the world? It is true that there is a limit. The limit is that already established by public policy and the non-applicability in a given state of any law providing for a type of marriage not considered to exist in that state.

I believe that if we really want legal certainty – my objection is a technical one – if we really want to introduce 'shopping around' with regard to the choice of applicable law, if we really want to abide by the weakest code of law – because let us not forget that to choose a law you need consensus and that consensus can also be subject to considerable pressure – if we really want to construct a European legal area then, in my opinion, it is a good thing for all of these amendments that the choice of law be limited to the laws of the 27 states of the European Union.

In this sense, though we have tabled several amendments, they are in essence one and the same, and since it is a technical amendment that does not alter our overall opinion of the proposal, we appeal to the common sense of all Members in order that this amendment be approved.

Panayiotis Demetriou, *on behalf of the PPE-DE Group*. – (EL) Madam President, first may I thank the rapporteur for the long period of cooperation leading up to the report tabled for debate before us today and remark that we held several meetings at which we discussed all the material.

Family law is a serious matter and the particular aspect which we are examining in connection with divorce, by which I mean jurisdiction and the choice of law, is and always has been one of the most serious aspects of family law.

May I point out that our policy is to support the institution of the family, not to encourage the dissolution of marriage. However, divorce is a social phenomenon nowadays and we must deal with it in reality. We do not wish to make it easier but, when a marriage reaches the point at which it cannot continue, we must be in a position to provide legitimate ways out, so that neither of the parties has to bear all the distress and punishment.

I do not believe that there is an easy way of choosing the applicable law in relation to divorce, but we could be clearer in terms of public policy and human rights in order to give the courts the powers of discretion to reject laws which are not in keeping with European customs, human rights and public policy.

As far as enhanced cooperation is concerned, I take the view that the Commission – and I congratulate you Commissioner on the position which you took today – should advance this matter even further so that we arrive, if possible, at the point at which enhanced cooperation is acceptable.

Inger Segelström, *on behalf of the PSE Group*. – (SV) Madam President, I want to begin by thanking Mrs Gebhardt for the constructive work she has done and to say how sorry I am that it was not possible to come to the same view as Sweden and myself. As a result, I was unable to vote in favour of the report either in committee or in plenary. For me as a Swedish Social Democrat, this proposal is a retrograde step in terms of equality between women and men. These issues should therefore be resolved at national level in the future too.

I think that it would have been enough if divorce were only to have been granted when the parties were in complete agreement. The proposal means that the weaker party, more often than not the woman, can now have solutions forced on her by the man, either because he acts first or uses coercion. The courts can thus be compelled to apply laws of which we are highly critical – laws that are abusive and that take an antiquated and old-fashioned view of women, marriage and divorce. For me, quick divorce settlements are less important than equality and women being able to feel secure. I shall therefore persist in my efforts and go on voting against this proposal until we find another solution.

Sophia in 't Veld, *on behalf of the ALDE Group*. – (NL) Madam President, before I address the matter in hand, I should like to propose that, in future, we ask each Council presidency to bring a wax doll or a blow-up doll to this Chamber, since the Council itself is always absent from debates of this kind and I do like to address somebody. You may be able to pass on this request formally to the presidency. I gather my fellow MEPs are in agreement with me.

First of all, I should like to congratulate and, also on behalf of my group, express my support for the rapporteur, who has done an excellent job over the past year. All credit to her.

Madam President, the EU is not, of course, concerned with conjugal ethics, but with guaranteeing the rights of EU citizens wherever they may be and whomever they decide to marry. Indeed, it is none of our business who they decide to marry, but what we have to do is to safeguard citizens' rights. In this light, it is extremely unfortunate that the Member States have failed to reach agreement.

I should like to say to my very esteemed Swedish fellow MEPs that I have the feeling that there is a huge misunderstanding. I believe human rights, those of women in particular, to be strengthened, not weakened, by this. Indeed, I welcome the fact that, in the 21st century, people can make individual decisions about their own lives – and divorce may be part and parcel of this.

Moreover, like the rapporteur, I should like to say that my group will also be voting against the amendments put forward by the Group of the European People's Party (Christian Democrats) and European Democrats, and I also disagree with Mr Casini's arguments.

It is also a question of principle, because I think we should decide for ourselves what we want for our citizens, and we should not let fear for the sharia get the better of us. There are sufficient guarantees built into the present proposal and in the additional amendment by the Socialist Group in the European Parliament, which we will be backing. This has been the subject of previous discussions.

Furthermore, I should like to say the following – and with this, I am reacting to the comments made by Mr Casini – that it is actually very harsh that the same arguments used to rule out certain systems of law – sharia for example – are also used, or referred to within the European Union, not to recognise totally legal marriages contracted within the EU, purely on account of the couple's sexual orientation. This is, to my mind, a complete anomaly.

I should like to repeat that I find it extremely unfortunate that the Member States have failed to reach agreement.

If I understand it correctly, the Commission is hanging onto a European solution for the time being. This fills me with great pleasure. I realise that it is an extremely difficult thing to do: if this problem, even despite Mr Sarkozy's enormous drive, has not been solved, it must be very difficult indeed.

Finally, I can only express the hope, should closer cooperation be achieved against all odds, that all 26 Member States that had reached agreement, including mine, would conform.

Kathalijne Maria Buitenweg, *on behalf of the Verts/ALE Group.* – (NL) Madam President, according to a study by the Commission that was published this week, long-distance commuters often suffer with headaches, sleep deprivation and poor relationships, and it follows that in all these international environments, including ours, there is probably a very high divorce rate. Anyhow, the figures which Commissioner Barrot quoted a moment ago once again suggest that international relationships are far more likely than national ones to end in divorce.

It is far more difficult, though, to formalise these divorces, while their impact is massive, for one of the partners is invariably based in a foreign country, where they do not have a social safety net or are not sufficiently familiar with the situation in that country, which makes it very difficult to reach a fair settlement.

This is why I should like to express my appreciation for the work of the rapporteur, Mrs Gebhardt: I think she has been very conscientious and has made sure that particularly the rights of weaker or less informed people are enhanced and that all partners are really well informed of their rights and know what is best for them.

What I do find important in this respect is that the website not only contains some kind of summary of the finances and how quickly you can get a divorce, but that, for example, attention is also devoted to the possible parenthood options. I happen to be of the opinion that the rights of the children should be safeguarded, although that is up to the parents. Whilst it is the parents, and not the government, who should determine what is right and in the interest of the child, it should be possible to reach a suitable solution, preferably one where the children are cared for by both parents. An agreement should in any event be on the table. Not everything should land on the woman's shoulders, but there should be an agreement about how both parents deal with the matter.

I too found the comment made by our Swedish fellow MEP puzzling, because, if a woman wants to leave a marriage, surely it is awful if her husband should not be in agreement.

I should like to finish off by saying to the rapporteur that gay marriage does not exist in the Netherlands. We have a marriage that is open to all couples, irrespective of their sex. It is simply one marriage and it is therefore only the European Union, and not the Netherlands, that draws a distinction within our Dutch marriage

Eva-Britt Svensson, *on behalf of the GUE/NGL Group.* – (SV) Madam President, the proposal is intended to ensure that people getting divorced can genuinely enforce their rights and obtain the information they need. However, the right to information and knowledge is not dependent on common regulations. These do not in themselves increase awareness or make people better informed.

The rule in my own county, Sweden, is that, unless they have young children together, it is enough for people merely to give notice of the divorce. There are also examples of other EU countries where divorce is completely prohibited. If anything proves the need for legislation in this area, it is this state of affairs. Certainly, the Treaty of Lisbon puts certain aspects of civil and family law on a supranational basis, but we have no Treaty of Lisbon as matters stand. I question why the Commission is putting forward proposals in a sphere that, to

date, has been an area of national competence. My group will not vote in favour of the proposal. I also thought that an extremely good case was put by my fellow Member from the Socialist Group in the European Parliament, Mrs Segelström.

Johannes Blokland, *on behalf of the IND/DEM Group*. – (NL) Madam President, international private law pertains to two questions. The first question is: which court is authorised? The second question is: which law should the court apply?

It is understandable, in my view, that the first question is dealt with at European level. This guarantees that every European citizen can put their case before a court of law.

The second question relates to an area that is typically dealt with, and indeed should be dealt with, by the Member States themselves. Existing national legislation is subject to many national principles, and these should be observed.

The Commission's proposal also intends to harmonise these collision rules, though. Mrs Gebhardt's report respects most of the Commission's report and does not attempt to remove Chapter IIa from the proposal. For this reason, I shall be voting against the report and against the proposal. I would therefore ask the Council to reject the Commission's proposal too.

Daciana Octavia Sârbu (PSE). – (RO) First of all, I would like to thank the rapporteur, Mrs Gebhardt, for the excellent work that she has put in. Regarding the proposal for a regulation, it is gratifying to see that a clear, complete legal framework is being established covering both rules relating to jurisdiction, the recognition and enforcement of judgements in matrimonial matters and rules relating to the applicable law, by allowing the parties a certain degree of autonomy.

The Commission's proposal offers the parties the opportunity to choose by common agreement the competent jurisdiction and applicable law. The fact that the spouses enjoy this right in the divorce procedure increases the parties' degree of autonomy and enables them to choose freely, in accordance with certain optional criteria. We must ensure that the choice made by the parties is an enlightened one. In other words, both spouses have been duly informed of the practical implications of their choice. In this respect, it is important for us to consider the best way of ensuring that comprehensive information is made available before the act is signed. Similarly, access to information must be provided, irrespective of each spouse's financial situation.

Gerard Batten (IND/DEM). – Madam President, Dr Johnson was once asked what advice he would give to a young couple contemplating marriage. His reply was 'don't'. He also described second marriages as 'the triumph of hope over experience'.

This report must elicit similar responses. What advice should be given to nations contemplating having their divorce laws made by the European Union? The answer is obviously 'don't'. To do so, given all the precedents of incompetent and damaging EU legislation, is surely the triumph of hope over experience, to say the least. Amazingly, that also seems to be the conclusion of the Council in this case. The Council does not want the proposals made by the Commission. The Council seems to be very sensibly pulling back from the brink and listening to that old adage, 'marry in haste, repent at leisure'. What fun it is going to be when the Commission comes up with proposals to harmonise gay marriage and sharia law!

Czesław Adam Siekierski (PPE-DE). – (PL) We are living at a time when borders are disappearing, and our citizens can move and marry freely. Nonetheless, we have so far been unable to make things easier for those who have decided to go their separate ways. One example of the problems relating to the lack of uniform divorce law in Europe is the case of marriages between Poles and Germans. Some 100 000 such couples have registered since 1990. Many of them failed to stand the test of time.

Last year, the European Parliament hosted several Polish people who have lost contact with their children as a result of rulings by the German authorities responsible for children and young people. Allegations of kidnap and a ban on using the Polish language are just two examples of the humiliating treatment meted out to these parents and their children. In response to the violations of human rights perpetrated by the aforementioned institution, a Polish association of parents opposed to discrimination of children in Germany was formed. If we succeed in introducing the proposed changes to divorce law we would be helping many of our citizens to bring a particular stage of their life to a civilised end. Most importantly, we would not have to allow children to be separated from one of their parents.

Carlos Coelho (PPE-DE). – (PT) Madam President, Mr Barrot, in the Committee on Civil Liberties, Justice and Home Affairs I witnessed the work carried out on this report by Mrs Gebhardt and also my colleague,

Mr Demetriou. Mrs Gebhardt has already pointed out that increased mobility is resulting in increasing numbers of marriages, but also in increasing numbers of divorces. The differences in national legislation result in legal uncertainty and, in particular, in unfair opportunities given that the better-informed spouse can resort to the courts governed by the law which best serves his or her interests. I therefore support this initiative which is, in my opinion, extremely important as it provides a clear and complete legal framework on the jurisdiction, recognition and enforcement of these judgments.

I must say that, in my opinion, anything which reduces unnecessary conflict not only ensures more justice for the people, but also, in particular, creates more confidence between those involved in the legal process. It also establishes the area of freedom, security and justice that we all desire.

Konrad Szymański (UEN). – (PL) As far as I am aware, there is no provision anywhere in the treaties for matrimonial law, that is to say, family law, to be dealt with at Union level. I therefore believe that the Commission's proposal is a typical case of a certain hyperactivity that is totally unnecessary and will only serve to generate confusion as to the nature of the European Union's real competences.

I think this represents a deliberate intrusion into the field, in order to undertake further work on matrimonial law and its harmonisation. Such activity is quite unnecessary, as existing private international law copes very well with matrimonial problems, and also with divorces at an international level.

Ljudmila Novak (PPE-DE). – (SL) I would like to be able to say that the number of divorces in Europe is declining. Regrettably this is not the case, so we need to address the question of how we can improve the position of those who represent the most vulnerable link in the chain, namely children.

Unfortunately children are the principal victims, particularly in countries where major delays in judicial proceedings occur. My own country, Slovenia, is an example of a country where children suffer greatly before the courts can decide with which parent the children will live. This also leads to major family tragedies and has severe psychological effects on many children.

I know of a number of such cases and I hope that this common directive will also contribute to an improvement in the situation in individual Member States.

Dumitru Oprea (PPE-DE). – (RO) In the case of the former Communist countries, one way for girls from this region to escape from the state of oppression they were subjected to was to get married, sometimes actually for love, but in most cases for gain. This has resulted, however, in a series of kidnappings, incidents involving psychological and physical torture and in the destruction of human beings. As a consequence of this whole saga, the children who resulted from these marriages have the most to suffer. Ignorance of the law is used as an excuse, but this is totally wrong. Let us consider, in cases of this kind, recommending that, once the marriage is over, when an atmosphere of love, understanding and friendliness prevails, very clear divorce terms should be drawn up, taking into consideration the children resulting from the marriage.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I am grateful to all the speakers. I should like to confirm to Mrs Segelström that I certainly have begun discussions with the Swedish authorities. Nevertheless, we are having a great deal of difficulty in understanding your country's position. As Mrs Gebhardt said, Rome III really has at its heart the intention of protecting the weaker spouse at the point when marriage contracts are being concluded. It is truly in this spirit, and it is quite true – perhaps we must continue our dialogue – that we have failed to understand that, in the case of a couple one of whom is Swedish, we also have to take account of the fact that in the absence of any rules, well, it is the 'might is right' principle that prevails. That is where our difficulty in understanding stems from. However, once again, we take note of your position and of that of your Swedish colleague.

In passing, I should also like to correct certain misapprehensions. It is not within our competence, some have said, these questions are exclusively a national competence. Look, there is a paradox here. A Member State cannot exercise a national competence over questions involving two individuals, where one of them is a national of that Member State and the other is not. It is logical that the European Union should surely try to organise matters a little, especially as, contrary to what has been said, international private law has no real answer to this type of problem, and in view of the fact that we have a space in which there is freedom of movement and that space is naturally going to pose more and more problems. If this concern preoccupies the Commission, as it does Parliament, it is not a form of delusion to grapple with the whole problem; it is instead a response to the expectations of a growing number of couples who want to avoid finding themselves in a very confrontational situation in cases of disagreement or break-up. That is where the problem lies! To be sure, I must not let it be said that the Council has said no. It has not said no, it has issued differing opinions!

However, for all that, there are nine Member States that are asking for enhanced cooperation. Here is what I wanted to say in conclusion. I remind you that Rome III contains an anti-discrimination clause that allows foreign laws that would not guarantee equality of the spouses to be sidestepped. That much is clear. We are not talking here of sharia, it is a question of this principle of the equality of men and women, and the text enhances the integration of women who are living on our common European soil by giving priority to the law of the country of habitual residence. These women will be able to ask a judge to apply European law in their case if it conforms more closely to the equality of rights. I believe it is this that we should bear in mind.

That being so, this debate has been interesting and I am grateful to all the speakers. I should also like to thank Mrs Gebhardt and Mr Deprez for having willingly taken this opportunity to find out whether, on the eve of a new round of consultations with Member States, we are committing ourselves to an enhanced cooperation exercise. This debate is drawing to a close and I thank the European Parliament very much, for I believe that a great majority of Members really do want us to go down this road, while taking all the care necessary to arrive at the greatest possible consensus. My thanks to Parliament.

IN THE CHAIR: MR SIWIEC

Vice-President

Evelyne Gebhardt, rapporteur. – (DE) Mr President, I should like to thank all the speakers. I wish to make it clear once more that we have further reinforced the provisions which the Commission has proposed and which are already laid down in Rome III, by stating quite clearly the following, for example, in Amendment 25: Should the law indicated [...] not recognise legal separation or divorce or do so in a form that is discriminatory as regards one of the spouses, the *lex fori* shall apply.

This means that, in such cases, in Sweden, for example, the jurisdiction is located in Sweden. We have stated quite clearly that, if such cases should arise, there is a clear answer. Indeed, this could not possibly be laid down any more clearly in a text – which is why I do not understand what the problem is. However, we should endeavour to understand what it is – and I am obliged to Mr Barrot for expressing his views so clearly and for his willingness to speak to our fellow politicians in Sweden once again – as I am still at a loss.

After all, this regulation is intended to further improve all the existing provisions. Finding a positive answer is very important to me as a woman who has always played a role in shaping women's policy, as the weaker partner tends to be the woman. We must pay particular attention to ensuring that a good position is established.

I also hope that, in the spirit of the compromise for which we have been striving time and again – I am much obliged to Mr Demetriou in this regard – we shall yet succeed in convincing Mr Casini that we have a good position on this. A basis for this is also found in Amendment 38, where we make clear once more – even though this is already stated in the text – that, naturally, only law that is really in keeping with the principles of the European Union and of the Charter of Fundamental Rights should be applied in the Member States, as that goes without saying as far as we are concerned. Anything else would be out of the question; no court in the Union would apply in any way law that was not. I find this utterly inconceivable – which is made clear, of course.

President. – The debate is closed.

The vote will take place on Tuesday.

Written statements (Rule 142)

Lidia Joanna Geringer de Oedenberg (PSE), in writing. – (PL) Increased social mobility has led to a higher number of mixed marriages and also of divorces. Difficulties have often arisen concerning the choice of law to apply when each member of a couple hails from a different EU Member State or when one partner is a EU national and the other is not. That is why harmonisation of the provisions on mixed marriages is urgently needed, so as to pre-empt discrimination during the divorce proceedings.

The choice of jurisdiction should be made on the basis of access by both members of the couple to comprehensive information on the most important aspects of national and Community law. They should also be informed about the procedures relating to divorce and separation. The opportunity to choose the appropriate jurisdiction and law should not infringe the rights and equal opportunities of each of the spouses. Consequently, the choice of the law of a particular country must be a choice between the law of the state in

which the marriage took place, or the law of the state in which the spouses have had their habitual residence for the last three years or the law of the country of origin.

In addition, it seems appropriate to apply the so-called principle of the law of the state in which the court is located when there is a danger of discriminating against one of the spouses. One example could be the case of women from third countries where divorce is not recognised, but who are resident in the EU and apply for divorce or separation. In such situations, the benefits to the individual of obtaining a divorce or separation, as an expression of their independence as a person, should outweigh arguments for implementation of national law.

Gyula Hegyi (PSE), *in writing*. – (HU) Hungarian popular opinion is stirred up from time to time by cases in which children of a Hungarian parent are taken abroad by a foreign spouse. Popular opinion sympathises in the first instance with the mother whose child has been taken away, but also feels sorry for the father who has been deprived of his child, if the child ends up in alien and unfavourable circumstances. There are increasing numbers of 'mixed' marriages within the European Union, yet the rules governing the dissolution of marriage and child custody are often chaotic and ambiguous. Community law has hitherto regulated only the framework for disputes, such as the question of jurisdiction, that is, which court is competent to hear divorce or child custody cases. It has not, however, provided solutions with regard to the applicable law in matrimonial matters, in other words, to determining which state's law the courts should apply in legal proceedings. The great divergence between the legislation of Member States thus gave rise to legal uncertainty, often compelling the parties to initiate proceedings as quickly as possible so that the most favourable legal rules might be applicable. The Regulation now in preparation aims to remedy this situation, first of all, by favouring an agreement between the parties. This may be suitable in the case of divorce by mutual consent, but knowing how things often are in practice, I am afraid that this will resolve few legal disputes. The correct solution would be if, over the longer term, we succeeded in developing a unified set of European child custody regulations.

Antonio Masip Hidalgo (PSE), *in writing*. – (ES) We support the increased cooperation mechanism in this case as it will ensure greater legal certainty and stability, avoid 'forum shopping' and take European integration forward.

In addition, the new system is beneficial as it sets the law of the spouses' common habitual residence as the first applicable law. In the case of Spain, this will replace the criterion of the law of their common nationality, which, bearing in mind the number of immigrant couples living in Spain, is very practical for the courts and citizens seeking justice.

15. Evaluation of the Australia-EU PNR agreement – EU PNR (debate)

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

– the report (A6-0403/2008) by Mrs in't Veld, on behalf of the Committee on Civil Liberties, Justice and Home Affairs concerning the conclusion of an agreement between the European Union and Australia on the processing and transfer of EU-sourced passenger name record data (PNR) by air carriers to the Australian customs service [2008/2187(INI)] and

– the oral question – (B6-0476/2008) to the Commission concerning the European Union and PNR data by Mrs in't Veld, Mrs Roure, Mr Bradbourn, and Mrs Kaufmann on behalf of the Committee on Civil Liberties, Justice and Home Affairs (O-0100/2008).

Sophia in 't Veld, *rapporteur*. – Mr President, I will start with another remark on the absence of the Council, because in my speaking notes I had some remarks about good cooperation between the European Parliament and the Council, dialogue, spirit of the Treaty of Lisbon etc., but the Council is absent for this debate as well. I think that is absolutely disgraceful, because it is the Council that is hammering out a PNR policy and is required to reply to questions, and it is not here. The Council has publicly made solemn pledges to involve the European Parliament, but now we see what the pledges of the Council are worth – nothing. I think this is an affront not to the European Parliament but to the citizens who are entitled to answers and transparent decision-making. So please, Mr President, pass on my discontent to the representatives of the presidency.

It is a joint debate on, the one hand, the proposals for an EU PNR and, on the other hand, the agreement on PNR between the EU and Australia. They are essentially the same problems, and the problems have already been raised in the context of the agreement with the US and, later on, with Canada.

One of the main issues is that of purpose limitation, because everything else follows on from that – purpose limitation or, in other words, the justification for the proposal to begin with. Now, everything is wrong with the justification, everything is wrong with the purpose limitation. I shall describe this to you.

To start with, subsidiarity: the Commission and the Council state that the aim of the proposal is harmonisation of national schemes. However, only a few Member States – I think it is three so far – have either a PNR system in place or plans for such a scheme. Therefore, the proposal cannot possibly harmonise national systems, because they are non-existent. It merely creates the obligation for all Member States to set up such a system for the collection of PNR data. I would call this ‘policy laundering’, because whatever we cannot achieve at national level we try to achieve via the back door of the EU. I am very pro-European, but I do not like this.

Moreover, the Commission has proposed a decentralised scheme so that the European added value is even less clear, and it creates an unworkable patchwork of rules and systems for the carriers and a very intransparent system for citizens.

The stated purpose in the proposal of the Commission is to identify persons who are, or may be, involved in a terrorist or organised crime event, as well as their associates, create and update risk indicators, to provide intelligence on travel patterns and other trends relating to terrorist offences to be used in criminal investigations and the prosecution of terrorist offences and organised crime.

The Commission, in its proposal, claims that the EU has been able to assess the value of PNR data and to realise its potential for law enforcement purposes. However, to date we have not seen any concrete evidence to substantiate this claim. Any evidence so far provided by the US is anecdotal and, to be honest, the information that we got from various US government agencies over the last year or so only seems to demonstrate that the mass collection and processing of PNR is not useful at all.

There has only been a single evaluation of the US PNR scheme, which did not assess the results. As a matter of fact, a recent DHS-funded report raises substantial doubts over the usefulness of behavioural surveillance as a tool to identify potential terrorists. This is easy to understand, because how are you going to develop risk profiles of potential terrorists on the basis of PNR data? It is blatant nonsense. How are you going to determine if anybody has bad intentions on the basis of his telephone number or his credit card number? In other words, the purpose stated in the Commission proposal is demonstrably invalid and unfounded, and yet that is the basis on which the Council is working.

The Commission and Council seem to be confused as to what can and cannot be done with PNR data. PNR records tend to contain very summary data and, on average, no more than 10 fields, with very basic information. So it is totally unclear how this data could serve to identify high-risk persons.

Law enforcement authorities already have the necessary powers to obtain PNR data on a case-by-case basis in the context of an investigation or prosecution into known suspects and possible associates. So the Commission proposal would merely remove the obligation of getting a warrant and due cause. So if law enforcement authorities need new powers, it is for them to demonstrate when and how the existing powers were insufficient. So far we have never had an answer to that question.

We already have a directive on API data, and they can indeed be used for the identification of persons and they can be used to run persons against a watch list. This is not possible with PNR data. So if we have a directive on API data, then why do we need more? That has not been demonstrated.

Automated systematic analysis of PNR of all passengers can be useful for other purposes, for example combating drug trafficking or illegal immigration. They may be very legitimate and valid purposes, but let us have it on the table and let us not talk about the prevention of terrorist attacks, because that is something completely different.

If the Commission and the Council intend to expand the scope of the proposal to cover other purposes, as I have just said, they should clarify in detail, for each stated purpose, what use will be made of the PNR data. In other words, you can use PNR data in a targeted manner in the context of a specific ongoing, concrete investigation. You can use PNR data for automated systematic analysis, for example against drug trafficking, but in that case you do not need to store the data. So we need to know exactly what the purpose is.

That brings me to the issue of, let us say, the legal base, because if you read the small print of the EU-Australia PNR – and this also applies to the EU-US PNR – it is not only about the fight against terrorism and crime but also about immigration, public health risks, administrative purposes, customs, immigration, supervision and accountability of public administration. That has nothing to do with the fight against terrorism.

The Commission and the Council have chosen a third-pillar instrument for the PNR proposal and also for the agreements with other countries, but the third pillar is about police and justice cooperation within the European Union. It is not about security in other countries.

The Commission may argue that, indirectly, if we provide data to the Americans, the Australians and to South Korea, for example, we will benefit from it in terms of security. That may well be true, but then I would like to understand where public health comes in. Where does immigration come in? Where does the supervision and accountability of public administration come in? It has nothing to do with it.

I will not go into all the other details of the implementation, but the question of purpose and justification needs to be answered before anything else, because the claim that it has been so useful in the fight against terrorism has not been substantiated to date: we are still waiting for evidence, and I would very much like to have that. And, if there is no evidence, then we should look at the proposal again.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, honourable Members, we have heard a lively speech for the prosecution. I do not know if I shall reply to all these questions, but I shall begin by thanking you, Mrs in't Veld, for the opportunity you have given us first of all of discussing the PNR agreement concluded between Australia and the European Union on 30 June.

This agreement is the fruit of negotiations that began in March this year and which have been conducted by the Slovenian Presidency, assisted by the Commission. This agreement is valid for seven years. It is intended to provide legal protection to air carriers and reservation systems within the European Union with regard to PNR data transfer to the Australian Customs Service, while remaining compliant with EU data protection legislation.

The agreement contains important undertakings taking account of concerns in the data protection field, of individuals' rights to have access to personal information stored as a result of the agreement, and of the rights of individuals, regardless of their nationality, to lodge complaints with the Australian Privacy Commissioner regarding the manner in which their data have been processed.

Parliament has always been in favour of PNR data transfer based on what is known as the 'push system'. After a transitional period, PNR data will be transferred to Australian Customs using only this 'push system'. In other words, the Australian Customs Service will not have authorised access to these data directly from databases. Equally, the agreement contains important safeguards concerning the storage of PNR data, the transfer of such data to other agencies or third countries, as well as a clear reference to the purposes for which the data may be used.

As far as the purpose of the PNR data is concerned, the draft recommendation asserts that this is not compliant with Article 8 of the European Convention on Human Rights. In reply, I should say that the agreement provides that PNR data may be used for three purposes, which are specified. These are for combating terrorism and related crimes, combating serious crime – including organised crime – of a transnational nature, and third, combating the flight of persons from warrants and provisional custodial measures for the same crimes. If you so wish, I believe you can say in this case that the purposes have been defined.

For the sake of clarity, the agreement also provides that PNR data may be processed on a case-by-case basis where necessary for the protection of the vital interests of the person concerned. For the sake of clarity, the agreement provides that PNR data may be processed on a case-by-case basis where this is required by court order, for example in a case where the processing should be carried out in order to verify that the PNR data are being processed in accordance with Australian human rights law.

I should like to tell you that in future I shall take great care that Parliament play its part in such negotiations. I am completely cognisant of the need to keep you well informed. That being so, it seems to me that a certain number of guarantees have been obtained on the purpose of the data, on the use to which the data may be put and on the storage of the data. That being so, I have tried to be objective and I do nevertheless think that this agreement was necessary. Given that we have a willing partner, one with an institution charged with data protection, I really believe we have reasons for hoping that this agreement will be applied with complete respect for data protection.

I turn now most importantly, if I may say so, to the oral question that you put and which clearly poses the whole problem of PNR. International terrorism and crime constitute a serious threat, and it is true that the collection and analysis of PNR data appear to be an effective tool in the fight against terrorism and crime. PNR data are effectively commercial information provided by the passenger to the carrier on a voluntary basis. This is the information that is collected by carriers to operate their reservation systems.

Recently, some countries have begun to require carriers to transfer their PNR data to them as a means of preventing and combating terrorism and serious crime, such as human trafficking and drug trafficking. These countries include the United States, Canada, the United Kingdom, Australia, New Zealand and South Korea. Those are a certain number of third countries, not the United Kingdom, who have begun to require carriers to transfer PNR data to them.

Certain Member States – France, Denmark, Sweden and Belgium – have embarked upon legislative processes towards the same end or are considering the possibility of commencing a legislative process. Several other countries have begun to consider the idea of using PNR data. However, we are in the initial stages only.

We should take account of the fact that PNR data are simply a tool that can be used by the law enforcement authorities along with other tools and information, because the question you have raised, to find out what the usefulness of such a use really is, cannot be appreciated except in a context in which police authorities use PNR data in conjunction with other instruments.

Clearly, it is much more difficult to grasp exactly what the usefulness of PNR data is. Nevertheless, it appears to be the case that, in certain countries that have used PNR data, they have genuinely proved to be a useful weapon in the fight against terrorism and crime. PNR systems have been evaluated by the authorities in each country. The results of these evaluations are on the whole positive and confirm that recourse to PNR systems has been effective.

While preparing its proposal for European PNR, the Commission was in close contact with Member State police authorities. The Commission was clearly quite satisfied by the evidence offered by the Member States. The majority of evidence was based on confidential information and could not be shared in an open forum. Parliament held a hearing on PNR, at which four Member States and three third countries made presentations on their use of PNR and testified to their success. Given the confidential and sensitive nature of this information, however, the hearing was held *in camera*.

I should like to say a few words on automated analysis methods, as this is a real issue. It is true that PNR are normally analysed automatically on the basis of risk indicators, but I must emphasise this: the Commission wants a guarantee that this sort of automated analysis will never lead to a decision directly affecting an individual. The results of automated analysis should always be analysed afresh manually by a specialist officer.

The Commission's proposal suggests that PNR data should be used to prevent and combat terrorism and organised crime, and particularly drug trafficking and human trafficking, something you have certainly been prepared to recognise. I should add that PNR may be useful in combating other kinds of serious crime that are nothing to do with the world of organised crime. Despite that, we have limited the proposal to organised crime for reasons of proportionality.

Some Member States consider that PNR data could be of general use in combating illegal immigration, in safeguarding public health and for air safety. In the fight against illegal immigration, PNRs would be useful, since it is true that they make data available more quickly than Advance Passenger Information data. In the field of air safety, PNRs could be useful if the PNR system offered the possibility of refusing criminals or potential terrorists permission to board an aircraft, but the Commission's proposal does not incorporate these powers.

As far as issues of public health are concerned, PNRs could be useful in preventing potential epidemics. If a passenger were to discover that he or she was suffering from a disease that had the potential to cause an epidemic, PNRs could be used to communicate with other passengers on the same aircraft and to offer them advice accordingly. Here too, however, the Commission's proposal does not go this far, as proof of proportionality was lacking. I am sorry that I am unable to agree with you completely, but it seems to me that the purposes specified in the proposal are sufficiently precise to provide the legal safeguards that we should all wish to see.

You also raised the question of subsidiarity, and wondered whether a European initiative was needed. The Commission considers this European Union proposal to be necessary. Three Member States have already enacted domestic legislation on PNR data; several other Member States already make use of PNR data in other ways. A comparison of these systems reveals many differences with respect to both the duties placed on carriers and the purposes.

Such differences make passengers' lives more complicated and certainly cause problems for carriers. The proposal is therefore intended to harmonise carriers' responsibilities and to provide uniform rules for Member

States making use of PNR data. At the same time, it also requires them to comply with our data protection mechanisms.

Besides, this proposal will allow for more effective cooperation between police forces. Above all, the Commission believes that, in these times in which we find ourselves, international terrorism and crime pose serious threats, and that these measures must be taken to deal with these problems, while remaining completely respectful of human rights and fundamental rights.

You also raised the question of our choice of a decentralised framework for data collection, by saying: 'Is it not the case, really, that in choosing a decentralised system, we lose the power of oversight?' The Commission examined the alternatives of a centralised system as opposed to a decentralised framework, and, during our consultations with Member States, it became obvious that the processing of PNR data requires the use of information the source of which is extremely sensitive. For this reason, therefore, Member States were unwilling to share such information with a centralised European PNR entity.

It is true that a centralised system would be less expensive and would have certain advantages, but for reasons of practical politics we have chosen the alternative of a decentralised framework. From a data protection point of view, the decentralised option also allows each Member State to establish its own safeguards for access to and exchange of data.

By way of conclusion, Mr President, I apologise for taking a long time, but this is an important matter touching on the exercise of democratic control by the European Parliament and national parliaments. The Commission is certainly aware that its proposal will be adopted according to a process of consultation. The Commission wants to be in close contact with you, with Parliament. National parliaments will be widely involved in the procedure, since the proposal is being or will be considered by most national parliaments. Data protection authorities will be involved in the PNR system and will be responsible for independent supervision of these systems.

That is why, Mrs in't Veld, I recognise that your objections are serious. I have done my best to reply to them honestly. Nevertheless, I do think that this European framework is useful if we do not want each Member State to embark upon and commit to a completely divergent PNR initiative, carrying with it the definite risk of failure to observe a certain number of data protection rules.

As to usefulness, it is true that we must define usage and that we must pay close attention to proper use of these data, but it is also true that, in the fight against organised crime, we have such a need to become more efficient that I am inclined to think that an extra resource does not deserve to be overlooked. That is what I have to say quite simply in reply to your objections, to which I have listened with great care.

President. – I should like to thank the rapporteur very much for her introduction and detailed explanation. I also wish to inform the rapporteur that, although the agenda is decided by the European Parliament, it is proposed by the Conference of Presidents. The decision as to where on the agenda each item is placed determines whether or not a representative of the Council will be present. At the Conference of Presidents there was no suggestion that this item should be placed on a day other than Monday. As a rule, representatives of the Council do not attend our Monday debates. I therefore suggest that, if the rapporteur has any comments to make on the subject, she should address them to the leader of her group, who could have intervened but failed to do so. Accordingly, no Council representative is present today but that is not indicative of disregard of the European Parliament. The reasons for this absence are procedural ones.

Sophia in't Veld (ALDE). – Mr President, I would just briefly like to reply to that because I think it is a matter of courtesy as well as political interest for the Council to be here and I am sure they can spare one minister to be present. We have had previous debates in the past two months where the Council was present but left the debate half-way through.

I think that is unacceptable and it is not for me to report that to my group. It is for the presidency of this House to transmit our discontent to the presidency of the European Union.

President. – Thank you very much. I have taken note of your dissatisfaction, but please address any complaints to your group leader, who could have acted to ensure this item was discussed when a Council representative was present, but who failed to do so. I did not put any questions to the rapporteur, but I understand she has expressed her concerns.

Philip Bradbourn, *on behalf of the PPE-DE Group*. – Mr President, of course, passenger name records are not a new concept for aviation security. This House has debated both shortcomings and merits on many previous occasions.

In general, my concerns are – regardless of whether the system is between the US, Canada, Australia or in a general EU framework – who will use the data, what will it be used for and how will it be protected? In my opinion, PNR systems are a valuable tool in the fight against terrorism, but we must ensure that the system does not just become another tool to keep data on citizens. The purpose of PNR should be to combat terrorism, and I have to say – I am very sorry to say this – that the Commissioner, in his opening statement, did not give me the confidence that that would be the purpose limitation which we all seek. It should be purpose-limited to the organisations whose remit is to fight against terror. Counterterrorism measures must not be made an excuse for a catch-all system for personal data. In essence, we must ensure that such systems stick to what they are designed for, which is an aid to the security services to identify and target the people who are the biggest threat.

I welcome PNR systems as one part of our approach to counterterrorism but, to the same degree, believe that we must be flexible in our approach when negotiating with third countries. We must approach the important issue of data protection on EU citizens and whether – and in which way – this data is passed to others.

Thus I urge this House to take PNR seriously as part of a global tool to make our skies safer. As long as we approach the issue in a proportionate manner and reduce the potential for misuse, PNR could serve as a vital tool to protect the innocent traveller and disrupt the potential terrorist. In conclusion, I have always said that, personally, these systems would make me feel safer at 35 000 feet.

Roselyne Lefrançois, *on behalf of the PSE Group*. – (FR) Mr President, today we are debating two related issues: the Australia-European Union agreement on the transfer of passenger name record data – PNR – and the setting up of a European PNR system. The agreement entered into with Australia seems to us far more acceptable than other agreements entered into with countries outside the EU. Thus, it is particularly welcome that data has been made anonymous and that limits have been placed on the transfer and further use of data.

We are also particularly pleased that the Australian authorities have confirmed that it is not worth collecting sensitive data such as food preferences. We do, however, still have some concerns, since the purpose for which the data can be used is not very well defined. Additionally, the length of time for which the data is kept and the number of items of data requested seem to us excessive.

Finally, I believe it is vital to have a clearer definition of the data protection that will cover European citizens. We also call upon the Council and the Member States to step up democratic control by involving the European Parliament before agreements are finalised.

The issues raised by the agreement with Australia show the problems that are posed by the setting up of a European PNR system. We must not be satisfied with merely responding to requests by countries outside the EU. The European Union ought to set an example by continuing its traditional protection of citizens' private lives. We refuse to simply adopt an identical copy of the PNR agreement entered into with the United States for the European Union. We need to have an open debate to ascertain whether the use of PNR data is genuinely useful and, if so, under what conditions.

Sarah Ludford, *on behalf of the ALDE Group*. – Mr President, I gather there is a new rule, at least for the Council presidency, that they do not turn up on Mondays! As someone who comes to Strasbourg only under protest, I would quite like that rule to apply to me.

As the rapporteur said, the schemes for using PNR data are unclear and legally insecure and risk looking like a surveillance state for its own sake. My particular concern is the practice of data mining, and behavioural and identity profiling. Apart from the questions of legitimacy and effectiveness, I worry about what happens to a person singled out for attention.

This could be because they had an associate of interest to the police. Vice-President Barrot says that enforcement action cannot be taken solely on the basis of automated processing, but what happens to the original singling out of someone as being of possible interest? We need to have an absolute assurance that that trace is deleted.

If data are shared and stored, the dangers of a nasty fate, as happened to Maher Arrar, rendered to torture for seven months after being picked up at JFK Airport, cannot be regarded as fanciful.

Kathalijne Maria Buitenweg, *on behalf of the Verts/ALE Group*. – (NL) Mr President, I would like to react to what Mr Bradbourn had to say. I too am not against passenger name records (PNR) per se, even though that impression is being conveyed to some extent. What matters is, and in that respect I totally agree with the rapporteur, that you have to look very carefully at how this instrument can be best used and when usefulness and need are really defined.

I would in this context like to make another proposal to the Commission. Commissioner Barrot stated that he would very much like to work with the European Parliament, and I appreciate this, but when it comes to usefulness and need, then we still have some loose ends to tie up, and these, I believe, are at the very centre of the debate between the Commission, Council and Parliament on this topic.

Commissioner, you say that you have a whole ream of assessments that demonstrate a high level of usefulness. To my knowledge, based on what I have read on the subject, it mainly provides information about migration, and it solves a number of issues, but, as far as I am aware, it has not really done anything to benefit the fight against terror. I am quite happy, though, to look into this with you at some stage.

I would therefore suggest that an inquiry be carried out and that you and we sit down to determine the research question, that we have an enquiry carried out and that we then discuss this at length. We have nothing against PNRs in principle, but we do want the records to be handled with care, in line with the principles of our privacy policy. I hope that you are willing to back this up. Could you respond to this?

As for your agreement with Australia, it may well be a cut above other agreements, for example with the United States, but my question is: which other agreements are still in the pipeline? You said a moment ago that, whatever happens, none of this should fall into the hands of repressive authorities. I can, in this light, assume that we will never negotiate with Russia or China. Could you in any event confirm this, and maybe provide us with a list of the countries with which negotiations are already underway, of which we will not learn until a few months down the line?

Giusto Catania, *on behalf of the GUE/NGL Group*. – (IT) Mr President, ladies and gentlemen, what Commissioner Barrot has said does not convince me that there is any real benefit to be gained from using this PNR data. There is still no clear evidence that this data can make a genuine contribution to the fight against terrorism and organised crime.

The fact is, in this frenzy to identify alleged terrorists, everyone has become a suspect. I believe that certain points need to be clarified with regard to the use of the data that will be collected and the way in which it is to be handled. By contrast, we are often witness – from the information at our disposal – to arbitrary and indiscriminate activity where data is frequently passed from hand to hand and is not always transferred correctly.

In my opinion, this eagerness to extort information does not help the defence of our personal protection. The undue precedence of security over freedom has often resulted in the removal of safeguards of our rights.

Carlos Coelho (PPE-DE). – (PT) Mr President, I particularly want to talk about the agreement with Australia and to congratulate Mrs in 't Veld on her excellent work on this report. I also want to congratulate Mr Barrot on the successful negotiations carried out by the European Commission. The agreement with Australia is generally positive. It is a good example of the long road travelled since the start of the initial discussions on the PNR issue. At the time the European Parliament felt that it was unacceptable for PNR data to be transferred unless guarantees were given that they would be appropriately protected and that current Community rules would be observed.

This agreement responds to most of the concerns that we raised and guarantees adequate data protection: firstly, because Australian law will protect the privacy of Union citizens; secondly, because a system is planned which will guarantee that individuals, regardless of their nationality or country of residence, can exercise their rights and have access to a conflict resolution mechanism, even including the possibility of suspending data flows in the event of infringement of the agreement by the data protection authorities; thirdly, because of the obligation for a joint review involving the data protection authorities, and, fourthly, because, on the issue of sensitive data, I am delighted and welcome the fact that Customs have specifically stated that they do not want or need sensitive data. I agree with Mrs in 't Veld that this is a good example for other countries.

However, Mr Barrot, I can only regret that neither the Council nor the Commission has kept the promise made in this plenary to strictly cooperate with the European Parliament on this matter. I note Mr Barrot's statement that this will not happen again in the future, but the truth is that yet another agreement has been

reached without Parliament having at any time been informed, either on the adoption of the mandate or on the conclusion of the agreement. It is vital that, in an agreement so directly affecting the fundamental rights of citizens, there is democratic legitimacy. This cannot be achieved through an *a posteriori* evaluation and national parliamentary approval given that, as the Commissioner knows, this national oversight is only provided for in 10 out of the 27 Member States.

Until the Treaty of Lisbon enters into force and the European Parliament can be fairly associated with the process of reviewing the PNR agreements, we hope that at least the principle of fair cooperation between the institutions can be respected. This is my plea.

Stavros Lambrinidis (PSE). - (EL) Mr President, as far as European PNR are concerned, you made a shocking statement, Commissioner: you said in your proposal that you refuse to request information on foreign passengers travelling to Europe in matters such as illegal immigration or in matters such as diseases, because you consider that something of the sort would not be proportionate.

So why did you sign an agreement with the United States allowing precisely this information on European citizens to be given to the US administration? In essence, you have admitted that the Euro-American agreement is an agreement which breaches the European law of proportionality.

You said something else that was inaccurate: you repeated several times in your address that PNR data are useful without demonstrating how. However, the European law requires these data to be necessary, not just useful. If the European law has changed, please tell us and, if it has not changed, you are obliged to prove that PNR are necessary, and not just useful.

As far as Australia is concerned, what point is there in our debating today a PNR agreement with Australia which has been signed and sealed? This is not a theoretical question. As you know, in the case of the United States, before the ink had even dried on the PNR agreement, the United States had started putting pressure on individual European countries and haggling for even more information than that provided for in the PNR agreement, in return for their inclusion in the famous visa waiver programme. This information and these personal data were demanded outside the framework of the limitations laid down in the PNR agreement which, although very feeble, at least exist.

President Bush admitted six European countries to the programme at a lavish ceremony two days ago, but stated that he would not admit a further six, including Greece. The clear pressure being exerted on certain European countries to accept terms which conflict with their constitution and legislation or, worse still, to adapt their foreign policy to the wishes of a third country – as we have heard in the case of Greece – requires immediate investigation by the Commission and intervention and denunciation by the Council which, unfortunately and to its shame, is not here today.

Dumitru Oprea (PPE-DE). – (RO) The way in which attempts are being made to gather personal data with a view to preventing potential problems or personal incidents (as Mr Barrot actually said: 'the fight against terrorists, serious crimes... things which will happen, not things which have already occurred') represents a blatant violation of human rights, not to mention an infringement of the legislation in this area concerning the protection of personal data and the free circulation of this data.

We believe that when anyone makes decisions for a person, either this should be recognised from the outset as a violation of human rights or it must be agreed that the actual person must give their consent, and then only on the assumption that there will be no risk to the safety of others. This medieval castle type strategy being put forward during our discussion contradicts the strategy used at airports, where open, secure systems are applied.

Silvia-Adriana Țicău (PSE). - (RO) The decision about establishing a register containing passenger data mentions that this data will be passed on in the case of flights from the EU to third countries with which the European Union has signed agreements on the protection of personal data. Commissioner, you mentioned the fact that some Member States have already implemented the specific legislation nationally. It is important to adopt this legislation in a democratic manner, which means involving the national parliaments.

I would like to draw your attention to the fact that the legislation in one Member State does, in this respect, affect the citizens of other Member States. For example, if a Romanian citizen, in order to fly to Australia, needs to take an international route which departs from another Member State, the Romanian citizen should be familiar with the legislation in that Member State and, in particular, should give his or her consent to his or her personal data being collected and processed. As far as I know, the European Parliament should be

involved, through the comitology procedure, in the agreements which the Community signs with third countries in this area.

Manfred Weber (PPE-DE). – (DE) Mr President, I should like to make just two brief comments. Firstly, I would ask our Commissioner to convey the concern resounding today to the Ministers for the Interior. We have been told that PNR data offer opportunities for fighting crime. Indeed, many here in Parliament have affirmed this. The issue that preoccupies us, however, is whether this is proportionate. We are storing millions, even billions of data for 10 years for perhaps a handful of cases. Is that proportionate? This is the concern preoccupying us all.

The second thing I want to say is that I do not understand why we are talking of a European PNR system. The proposal on the table involves the development of 27 national PNR systems, not a European PNR system. If Member States have such a pressing need for this tool in order to fight crime, we would suggest that the Ministers for the Interior go to their national parliaments and discuss and implement it there. Discussing common data standards is one thing – but making it a mandatory objective for the Justice and Home Affairs Council is another. Personally, I sense that the Ministers for the Interior have been unable to push this through at home, at national level, and are consequently seeking to do so via the Council. Therefore, we must say ‘no’.

Bogusław Liberadzki (PSE). – (PL) Commissioner Barrot, I am delighted to have the opportunity to discuss matters with you, even if you are no longer Transport Commissioner. Nonetheless, I have many happy memories of working with you during that period. Regarding the exchange of data, however, I recall our discussions at the Committee on Transport and Tourism, when we dealt with issues such as the safety of travellers, and the protection of personal data to prevent it from falling into unsuitable hands. These are crucial issues. That is why I believe that dissemination of data, the circumstances and recipients of the data, the principle of accessibility and the aims should all be vital to this agreement.

We are sensitive when working with the United States. We know how important that country is. I would urge you, however, to bear in mind that we Europeans are often made to feel uncomfortable at airports. We must not forget that. Thank you.

Luis de Grandes Pascual (PPE-DE). – (ES) Mr President, Commissioner, terrorism and serious organised crime are global phenomena. The means for fighting these must therefore be proportional and effective.

I took due note of the answers given to the questions. These answers were quite correct: it is true that guarantees must be demanded and that this is a delicate issue. However, it is also true that it is absolutely inexcusable to provide a globalised and harmonised response.

Those people who are somewhat detached from terrorism are more concerned about individual guarantees. My concern is for both individual and collective guarantees. It is absolutely vital that we start where we can. If we have to start with air transport, given that air carriers already have this data, then that is where we must start.

We will demand guarantees, we will assess the scope and we will start with international transport. However, it should be noted that we will then move on to domestic transport because terrorists very often do not come from outside, but are home-grown. Ask the United States and everyone else, because that is how it is and that is how we will have to address it in the future.

Jacques Barrot, Member of the Commission. – (FR) Mr President, I would like to thank all the MEPs who have spoken and I can assure you that I will certainly be present at the Council that is to take place this week, where I will report on the comments that have been made.

I would first of all like to remind you that we think the usefulness of the PNR system cannot be ignored in the context of combating terrorism and organised crime. Several of you acknowledged this frankly. Thus, we cannot do without this PNR system, and I must tell you that the Commissioner responsible for combating organised crime is not willing to abandon useful resources. We must, however, also use the system properly, and here I am in agreement with you: purpose and proportionality are vital. We must keep to the purpose and – as Mrs In ‘t Veld said – the purpose must be stated precisely and proportionality must be guaranteed. I must reply on one specific point to Mr Lambrinidis, who was rather vehement: in the agreement between the United States and Europe, the purpose is terrorism and crime, full stop. Firstly, then, we need to ensure proportionality and purpose.

Mrs Ludford, I was very sympathetic to what many of you said about the need to ensure data is not kept once it has been used for the purpose for which it was collected. You are right to say that we must avoid any kind of storage that might subsequently lead to uses that are unacceptable in terms of our fundamental rights.

Now I would like to turn to democratic control, firstly with regard to negotiations with countries outside the EU. We should be very clear that Articles 24 and 38 of the Treaty on European Union state that, in international negotiations, the Presidency will conduct the negotiations assisted, where necessary, by the Commission. Article 24 does not oblige the Presidency to inform or consult Parliament, and so it is for the Presidency, where applicable, to inform Parliament of the state of negotiations. That said, the Commission may, having consulted the Presidency and if an appropriate opportunity presents itself, keep Parliament informed of developments on such issues. I would like to assure you that at present no other non-EU country has requested a PNR negotiation, and so matters are clear. If this were to arise, when opening new negotiations as a new Commissioner in this sphere I would be certain to ask the Presidency to authorise me to keep the relevant committee at Parliament informed about the state of negotiations. I would like to make that commitment to you.

Thirdly – and Mr Weber has just referred to this – yes, there are 27 national systems, but these systems are not too diverse, and the national parliaments have been consulted on this point. To the best of my knowledge, the national parliaments have had the opportunity to express their opinions and to send us their comments. Mr President, I am well aware that I have not responded to all of the comments, but several well-founded remarks will be taken into consideration. What I believe, if you will, is that we cannot – and I am truly interpreting the spirit of the debate – deprive ourselves of a resource if that resource could be useful. It has been said that this effectiveness has not been demonstrated. While that is true, nonetheless some evidence has been given and, as I said a little while ago, in the information given in camera there were a number of witnesses who reported that the PNR system could be useful. I remain convinced that in the fight against organised crime it can be very useful.

That being the case, the purposes must be abided by. We must avoid data being stored and therefore we need a rather rigorous level of control. That is why in my view we need to involve – as I said at the end – all data protection bodies. On Thursday I attended a meeting on the subject of data protection organised by the majority of bodies responsible for data protection in Europe and I had the impression that now, in the Member States, there really is an increasing desire to entrust the task of data protection to independent authorities whose voices are truly likely to be heard.

That is what I wanted to say at the end of a debate that has been very interesting and useful for me and on which I will report to the Member States and their ministers. I undertake to do so.

Sophia in 't Veld, rapporteur. – Mr President, I would like to thank the Commissioner for his reply, and I will be very happy to sit down with him and talk through all the details. I shall come back briefly to purpose, because there are many misunderstandings about what can and cannot be done with PNR data. PNR data are already available now, today, without an EU PNR scheme, simply with a warrant and due cause. But the need for further, unlimited powers has not been proven. So I do not dispute the usefulness of PNR data in themselves: I dispute the usefulness of this mass collection and automated analysis.

I am not the only one who is of this view; I am in good company. The data protection authorities have the same view, but they are being ignored. The air carriers are telling us the same. Security experts from airport security tell us the same, and I will give you a quote from a report that was commissioned by the Department of Homeland Security – I will be very happy to give it to you. It says: 'automated identification of terrorists through data mining or any other known methodology is not feasible as an objective'. I did not make this up. These are security experts commissioned by the Department of Homeland Security.

There is evidence for the usefulness, as you said, Commissioner, but usefulness in combating drugs trafficking or illegal immigration or other purposes. This may surprise you, but I am not even opposed in principle to using PNR data for those purposes. But we must be very precise in defining the purposes so as to ensure proportionality and to ensure adequate legal safeguards.

I would like to conclude on a very personal note. I am very unhappy about the way that we have been arguing about PNR for five years now, and the Council and the Commission just charge ahead like a runaway train. I would like to say to my fellow Irish EU citizens that, if you share my desire to end this kind of undemocratic and untransparent decision-making, then please say 'yes' to the new EU Treaty.

President. – The debate is closed.

The vote will take place on Wednesday.

16. Erasmus Mundus programme (2009-2013) (debate)

President. – The next item is the report (A6-0294/2008) by Mrs De Sarnez on behalf of the Committee on Culture and Education, on the proposal for a decision of the European Parliament and of the Council establishing an action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2009-2013. [COM(2007)0395 – C6-0228/2007 – 2007/0145)COD])

Marielle De Sarnez, rapporteur. – (FR) Mr President, this evening we are debating the Erasmus Mundus 2009-2013 programme, on which we have finally come to an agreement with the Council. It will therefore be possible for this programme to enter into force in January 2009 and thus to benefit students starting from the beginning of the academic year in September. Here I would like to thank all my fellow Members who were draftsmen of opinions at the Committee on Employment and Social Affairs, the Committee on Women's Rights and Gender Equality, the Committee on Budgets, the Committee on Development and the Committee on Foreign Affairs, as well as my fellow Members on the Committee on Culture and Education. I would, of course, like to thank the European Commission. I would also like to thank the president of the Erasmus Mundus Association and the executive agencies that have been able to help us with their expert knowledge and, above all, their experience.

Five years after the adoption of Erasmus Mundus, almost to the day, I am happy to be presenting to you this second-generation programme whose objective remains the promotion of excellence in European higher education, enabling the most talented students from non-EU countries and from Europe to follow high-level joint programmes in at least three universities and to benefit from a high-quality welcome and significant scholarships.

The previous programme's figures speak for themselves: between 2004 and 2008, 103 Master's courses were selected and approved, over 6 000 students received Erasmus Mundus scholarships, over a thousand teachers from countries outside the EU came to European universities and over 400 higher education establishments from Europe and outside Europe were involved.

The new programme comprises three actions. The first opens up the programme to doctorates and will enable European students also to receive scholarships, although at a lower level. The second is exclusively devoted to partnerships with higher education institutions in non-EU countries, and the third covers the information campaign to be conducted on the international stage. The budget is EUR 950 million. By way of comparison, the first programme had a budget of only EUR 230 million.

There have been some extremely significant improvements made by Parliament to the programme, and I would like to point them out to you in order to pay tribute, in a certain sense, to you. The first improvement is that now, the criteria for selecting students are academic excellence criteria, and this also holds true within the context of the partnerships. Secondly, the geographical distribution criteria will be respected in order to achieve as balanced a representation as possible. Thirdly, the principles of equality between men and women and non-discrimination will be abided by. Fourthly, administrative obstacles and procedures, in particular in connection with visas, will need to be removed. The Member States will have to take the necessary steps to facilitate the issuing of visas to students from non-EU countries moving round a number of Member States. We attach particular importance to this point, even though it was a little difficult to resolve it in our negotiations with the Council.

Next, the learning of foreign languages in the host universities will be encouraged. Doctorates will involve establishments from at least three different European countries. This will make a great diversity of research subjects and theses possible, and will provide much more varied mobility opportunities. The scholarships will be better tailored and will take into account the tuition fees as well as the estimated amount of expenditure for students' studies. Work has been done in close collaboration with the Danish permanent representation and an expert from the Danish ministry of education on tuition fees, and this has enabled us to reach a compromise that is acceptable to all. Public-private partnerships with the universities will be encouraged, and special attention will be paid to the brain drain issue. Within the framework of action 2, funds will be targeted and used in accordance with the objectives of the development and external relations instruments. The information available in the universities will be clearer. Finally, the evaluation report that is to be completed two years from now will be more detailed, and will be broken down by actions and by geographical areas.

Ladies and gentlemen, to conclude: Erasmus Mundus is a fine programme and in these difficult times it gives a positive image of Europe. I therefore hope that Parliament will adopt it, fulfilling the wishes of many students, academics and researchers in Europe and throughout the world.

Ján Figel, *Member of the Commission*. – Mr President, I am happy to be here and again express gratitude for the very strong political support of the educational agenda, namely for the Erasmus Mundus second programme for the next five years. I think that to reach a first-reading agreement is really a good confirmation of this support.

I would especially like to thank the rapporteur, Mrs Mariella De Sarnez, but also the Committee on Culture and Education and other committees, specifically the Committee on Foreign Affairs and the Committee on Development as the partners in enforced cooperation.

As the rapporteur said, this is a programme with world-class quality. It promotes intercultural understanding, but also people-to-people contacts and, since the establishment of the programme, we have more than a hundred European joint master programmes. More than 7 000 scholarships to students and academics have been given. And I think, with the increased budget, as was mentioned – particular thanks again to Parliament and to the Council – we will be able to meet the growing demand and enthusiasm for this programme. The second phase of the programme will provide for the continuation of the existing actions, but also innovation. There are new elements, because it means the extension of the scope of the programme to the doctoral level; it means third-country universities are enabled to participate in the joint programmes; it will provide full study scholarships to European students to follow joint master and doctorate courses.

As we said already, the 'Erasmus Mundus External Windows' or cooperation windows, come into one house or under one roof. Partnerships funded under this action will continue: they will allow the transfer of know-how and exchanges of students and professors at all levels of higher education. Of course, they will continue to respect the needs and priorities of countries concerned, in this way contributing to their development.

To conclude, really I am pleased that Parliament and the Council have been able to support the programme structure as we proposed, and also I welcome the valuable contributions on issues like visas or disadvantaged groups or minimal requirements for the new doctoral courses.

Let me finish by congratulating the Parliament for the work done, because it was not easy. We, as the Commission, fully share the agreement achieved, which is reflected in the compromise amendments tabled by Ms De Sarnez, Ms Pack, Ms Novak, Ms Prets and Ms Trüpel. As soon as the formal legislative procedure is finalised, we will launch our call for proposals, in order to ensure the smooth continuation of existing courses and the selection of new programmes.

Samuli Pohjamo, *draftsman of the opinion of the Committee on Foreign Affairs*. – (FI) Mr President, as rapporteur for the opinion of the Committee on Foreign Affairs, I wish to focus on the programme's foreign policy dimension. Funds for this are being taken from the European Neighbourhood and Partnership Instrument and the Instrument for Pre-Accession Assistance.

The amendments tabled by the Committee on Foreign Affairs were an attempt to ensure that the programme's aims reflect these policy priorities. The Committee also reminded everyone of Parliament's right to monitor the implementation of joint assistance and called for improvements to visa policies. Many of the Committee's amendments have been taken on board, for which I would like to thank the rapporteur Mrs De Sarnez and the Committee on Culture and Education. I wish, moreover, to stress the importance of the Interinstitutional Agreement on sound financial management and Decision 1999/468/EC, and in particular Article 8, by virtue of which the Commission must consult the European Parliament.

Finally, I would like to remind everyone again of the EU's values and its foreign policy aims in the implementation of the programme and of the need for better information regarding the programme in third countries.

Alessandro Battilocchio, *draftsman of the opinion of the Committee on Development*. – (IT) Mr President, ladies and gentlemen, first of all I would like to thank the rapporteur, Mrs De Sarnez, who has put together an excellent summary report despite circumstances in which the Commission, and above all the Council, have not always shown themselves to be open to appeals from this Parliament.

The Committee on Development approved my report unanimously. Some of our comments have been accepted; on other points we are still not entirely satisfied. Out of a sense of responsibility, however, we have

chosen to take a step back, because we believe the most important thing is that the whole package be approved at first reading, in order to guarantee that the programme can begin on 1 January next year.

It is excellent to have quadrupled the funding for students, but I would like to point out that a considerable amount is taken from resources intended for development: the Development Cooperation Instrument (DCI) and the Cotonou Agreement. We will therefore take care to require absolute compliance with the overall legislative framework, in particular relating to the DCI. For the moment, I would like to wish the very best of luck to the many young people from Europe and from all over the world who, in a spirit of friendship and sharing and a desire to learn and to grow, will take part in this extraordinary educational experience.

Teresa Riera Madurell, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (ES) Mr President, Commissioner, we in the Committee on Women's Rights and Gender Equality believe that the success of the first phase of the programme was less encouraging in terms of the participation of women: female students did account for 44%, but participation differed greatly depending on the country, and female academics only accounted for 22%, which, in our view, is unacceptable.

In this second phase, our aim is therefore twofold: firstly, to once again defend an equal right to education to ensure just and democratic societies and, secondly, to increase the participation of women in order to prevent talent being wasted in science and culture. This can all be achieved through gender-sensitive selection criteria, gender-balanced representation on the programme's committees and gender-based data in the evaluation reports.

We are aware that the situation of women in many countries is hindering greater gender equality, but we feel an additional effort by the Commission is necessary in this respect.

I congratulate the rapporteur.

Ljudmila Novak, *in the name of the PPE-DE Group*. – (SL) A large number of committees were involved in discussing the Erasmus Mundus programme so it was no easy task for the rapporteur to find compromise solutions. In the Group of the European People's Party (Christian Democrats) and European Democrats, we are strongly in favour of the programme being adopted as early as possible, in its first reading, so that we can begin to implement it in the new year.

Global development requires the exchange of different expertise and scientific achievement as well as the encouragement of young researchers to take an active role. This programme promotes excellence and the equal representation of the sexes and also enables people with special needs to participate on an equal footing.

Although we wish to attract young researchers from third countries, we should not in so doing encourage a brain drain from countries which are already suffering from a lack of trained personnel for their own needs in the struggle to reduce poverty. It happens all too often that we give aid with one hand and take back even more than we have given with the other.

With this programme as in other cases, the Group of the European People's Party (Christian Democrats) and European Democrats is strongly in favour of a reduction in administrative barriers and an improvement in the system for granting visas, so that the very best students and research workers will be able to devote themselves to their studies and research in their particular field and will not have to concern themselves with administrative barriers that prevent them from beginning their studies.

Lissy Gröner, *on behalf of the PSE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, by supporting the Erasmus Mundus programme, the European Parliament is sending the right signal in times of crisis. Moving closer together through education and developing the EU as a centre of excellence in learning around the world are among the traditional demands of social democracy.

However, the budget of EUR 950 million for this period seems modest, especially in comparison with the hundreds of billions now being spent as a result of the failures of bank managers.

The objective of excellence that lay behind the first stage of the programme should be pursued further. The new programme also seeks to promote intercultural understanding and cooperation with third countries and boost their development in the field of higher education. The most important new points in comparison with the first initiative are the inclusion of joint doctoral programmes, increased grants and more intensive structural cooperation with universities in third countries.

There has been progress in all three areas. Masters and doctoral programmes aim to promote the excellence of European higher education in the world. There has been progress on this, too. The increased expenditure on students from third countries has been taken into account and, thanks to our rapporteur's negotiating skills, key criteria that Parliament wanted introduced into Erasmus Mundus III have been improved.

Our aims – geographical balance, gender balance, removal of visa barriers – have won the support of the Council. We succeeded in this with the 'Youth' programme, and we must also do so here with Erasmus.

IN THE CHAIR: MR BIELAN

Vice-President

Hannu Takkula, *on behalf of the ALDE Group.* – (FI) Mr President, Commissioner Figel', I would like to begin by thanking our excellent rapporteur, Mrs De Sarnez, for this Erasmus Mundus programme. It is very true, just as the Commissioner pointed out here, that this is an important programme: it is an exemplary one. It is one of those success stories that we in the European Union have been able to create, see and implement, and I believe that the programme in this new format will expand and become an even greater success.

Now we are also giving students in third countries the opportunity to join this programme, use it to enhance their knowledge and skills, and go back to their own countries to build prosperity there too. It is important that development cooperation and the social aspect are made vital ingredients, because the European approach must be such that we are also prepared to give of ourselves to other continents, thereby building not just Europe but the whole world we share.

Young researchers, young students and teachers will be in the vanguard when we build Europe in accordance with the objectives of the Lisbon Strategy. Innovation, research, generating added value – that is what we need if we are going to ensure that economic growth is sustainable in the decades to come.

This programme has given special attention to the issue of equality. It is important that we ensure equality is preserved, and it is likewise important to ensure that the disabled can also fully participate in these programmes. One worry that has been expressed in many speeches is the earlier problems connected with bureaucracy and visa policies, and hopefully we will also be able to eliminate them for our part and thereby ensure that this programme produces results very rapidly. This way we will get to see the success stories that result from it.

Thank you, Mr President and Mrs De Sarnez. This is excellent work, and it is well worth going forward from here.

Mikel Irujo Amezaga, *on behalf of the Verts/ALE Group.* – (ES) Commissioner, Mrs De Sarnez, I believe that your readiness to reach a consensus on the amendments received virtually unanimous thanks and recognition in committee, and the same is happening here.

As you said in your speech, one of the many aims of this programme is to convey a positive image. In our opinion, the positive outcome of this report has been the successful search for a balance between what the initial proposal termed excellence and what development cooperation really means. The need for this excellence to avoid producing a brain drain has, I feel, been clearly reflected in the amendments. We have managed to reach an overall consensus on this, which we regard as a clearly positive result of this report. Another positive point is having argued for greater control throughout the paragraph on the awarding of scholarships, which was initially also an amendment by our group that was accepted. I therefore repeat my thanks to Mrs De Sarnez and also congratulate the committee on the report.

Koenraad Dillen (NI). – (NL) Mr President, I will be emphatically voting against this report tomorrow, because the Erasmus Mundus programme, in its current form, is totally unacceptable to me. It is unacceptable because the scale at which it gives undue preference to students from outside the EU compared to European students is too great.

The numbers, after all, speak for themselves. Since the beginning of the programme in 2004, some 4 150 students from outside the Union have taken part. The grant for a one-year course is EUR 21 000, and EUR 42 000 for two years. This means that the total cost of students from outside the Union taking part is no less than EUR 161 850 000.

The 200 or so EU students who took part in the programme received, on average, a grant of only EUR 3 100 to study outside of Europe. This translates into a total cost of only EUR 620 000.

Well, discrimination of this kind is unacceptable to me and extending this programme is therefore altogether wrong.

Manolis Mavrommatis (PPE-DE). - (EL) Mr President, Commissioner, I should like to start by congratulating the rapporteur on her excellent work and for successfully coordinating the work of the other committees. 4 424 scholarships were awarded to third country students and 323 universities participated in this programme between 2004 and 2008. That gives us an idea of its size.

The new Erasmus Mundus programme will need to adapt to the increased demand for mobility, while at the same time maintaining its standards. I think it is absolutely vital for scholarships to be awarded to European post-graduate and doctoral students, in order to increase mobility in Europe and in third countries, given that their movements have, in the past, been subject to time limitations.

I also agree with the rapporteur that consideration must be given when determining scholarships to the level of tuition fees, expenditure for studies in general and costs relating to the student's stay in the destination country. Finally, the Commission should discuss the possibility of granting special incentives to countries such as Greece, Austria, Slovakia and the new Member States of the European Union in general who are under-represented in Erasmus Mundus associations. This will make for a more harmonious policy to strengthen educational mobility in the European Union.

Christa Prets (PSE). - (DE) Mr President, Commissioner, it is to be warmly welcomed that, after five years – the duration of the programme – we can already see an improvement and thus are able to take it a stage further in both substantive and financial terms.

Parliament is not normally so enthusiastic as to adopt a report as early as first reading; but, I believe, the report is so well written and we can support the content so strongly that it is more important to wrap up at this first reading than to block the project. None of the students would understand why we still needed a second reading. I think it is very important that we promote intercultural understanding and cooperation with third countries and not, as some of our fellow Members in this House have just noted, fastidiously enumerate figures on what this or that does for us. Exchange has always brought benefits, and we have always been able to gain from it. It is a win-win situation. Looking at this any other way is narrow-minded and a little petty.

It is also important that we improve the promotion of this programme, that we advertise even more in the countries with too little involvement, that we simplify various things. Agreement on the visa issue is very important and fundamental, as is uniformity across all countries of enrolment fees, for example. More comparators and more simplification are needed in order to advance the project even further. The geographical presence of all countries should be as great as possible, of course, to make the project even more successful.

We can indeed be very proud of these five years, and we shall certainly make even greater progress on this in future. This is in keeping with the subjects of exchange and the European Year of Intercultural Dialogue 2008, which must not be limited to various discussions, but also put into practice.

Ramona Nicole Mănescu (ALDE). - Mr President, I would like to congratulate Mrs De Sarnez on this very comprehensive report and its generous objectives. It is very important that this programme will help highly qualified students and academics to obtain qualifications and experience inside the European Union in order to be able to satisfy the requirements of the labour market, and within the specific framework of partnership, encourage them to share their experience or qualifications upon their return to their country of origin.

I want to stress that Erasmus Mundus will ensure a more structured international cooperation between higher-education institutes – thanks to greater mobility between the European Union and third countries – improving both the accessibility and the visibility of European higher education in the world. I emphasise the fact that this programme should be implemented in line with the objectives for academic excellence and with a balanced geographical representation, avoiding certain European countries being underrepresented as well as avoiding an overrepresentation of Asian students to the detriment, for instance, of students from Mediterranean or ACP countries.

Rodi Kratsa-Tsagaropoulou (PPE-DE). - (EL) Mr President, Commissioner, I should like to start by congratulating you on your assiduity and on the new programme which you have presented. I should also like to congratulate the rapporteur, Mrs De Sarnez, and my colleagues who worked to achieve a better proposal and a good agreement. Allow me to highlight the significance of this programme to mobility in

Europe, in allowing Europeans to familiarise themselves with the outside world and in contributing to the role of Europe in the development of and in the dialogue between cultures in the modern world.

May I also remind the House that this programme can function as a complement – and we must make use here of all the opportunities without any overlaps – to two important new instruments at our disposal: the Euro-Mediterranean University and the European Institute of Innovation and Technology.

I should also like to point out that we must consider the qualitative evaluation and analysis as well as the figures, which are sometimes positive and sometimes negative. We need to look at the countries which do not participate and why they do not participate, because the methods used to apply, approach and evaluate Erasmus really do differ from one university to another.

It is a pity, therefore, that these opportunities are being lost as a result of distortions or the wrong approach by education establishments or bureaucratic problems in the various countries.

Silvia-Adriana Țicău (PSE). - (RO) In 2004, 2.5 million students studied in other countries, but 70% of them actually studied in just six countries. In 2007, 1.84% of the European Union's GNP was spent on research and innovation. I would like to give you a few more figures: 81% of the funds allocated to research and development were used in the industrial sector, but only 42% of industrial companies are involved in innovation activities. This means that if we want to have a competitive economy, we need researchers and people with masters and doctoral degrees.

We need to continue the Erasmus programme. We need to extend the programme to include doctorates too. We also have to allocate more funds to the European participants in the programme. I would like to stress the importance attached to studying foreign languages in the new Erasmus Mundus programme. Finally, I would like to say that more funds should be allocated as well to the Erasmus section devoted to young entrepreneurs.

Zita Pleštinská (PPE-DE). – (SK) Commissioner, the fall of the Iron Curtain has brought enormous opportunities for young people in the Europe of 27 states, especially in the area of education. Exchange visits and PhD courses at renowned European universities are eliminating barriers to communication, and I therefore listened with interest to the detailed information from the rapporteur and Commissioner Figel'.

I remember my own student years when, as a Slovak, I was given the opportunity to study at the architecture faculty of Budapest university. I gazed with envy at my fellow students who were able to go to Paris for work experience. I was not able to get a French visa. Thank heavens our children no longer have these problems.

I would like to therefore add my voice to those colleagues who have spoken of the need to simplify the visa regime for students from third countries – students from Ukraine, Belarus, Georgia and Moldova who wish to learn how life is for their counterparts in the EU. This would give a clear signal to those countries we want to see drawing closer to the EU.

Marusya Ivanova Lyubcheva (PSE) - (BG) Mr President, Commissioner, it is particularly important for us to broaden the scope of the Erasmus Mundus programme by trying to turn it into an effective tool for improving the standard of higher education in Member States and in the other countries within its geographical scope. If it is particularly important for the labour market to provide mobility for human resources, a single educational and economic area must then provide mobility for acquiring qualifications.

I would like to congratulate the Commission and the rapporteur on their efforts to get results in the implementation of the extended programme. The programme is one of the reasons for and an opportunity to create educational programmes of similar content, which will not only facilitate the process, but will also contribute to producing graduates and PhD students in the future, and will meet the requirements of an education that conforms with the EU's economic priorities. Integration in education will be a guarantee of overall development. The programme is all the more timely because of the recent decline in interest in doctoral programmes in many countries and the changed environment for obtaining and providing higher education.

Thank you.

Mihaela Popa (PPE-DE). - (RO) When we talk about Erasmus Mundus, we are talking about exchanging mindsets, an exchange which is specifically achieved through mobility and the exchange of opinions and through promoting multilingualism and, as the Commissioner was saying, interpersonal relations.

Erasmus Mundus is so important to students, doctoral post-graduates and lecturers because we are living in a mobile Europe where every country is maintaining its own identity, but at the same time, is making an effort to get to know and understand those around them. Being able to access information in good time, in an appropriate and professional manner, is extremely important if students are to be able to benefit from all the opportunities offered within the European Union.

This is why I have tabled an amendment to this draft report, requesting a mobility scheme to be set up for masters programmes, to include an Erasmus Mundus European information portal. This programme is important primarily for promoting publicly the values which the European Union is based on. By this I am referring to respect for human rights, social diversity, tolerance and, last but not least, peace, which we are in such great need of on this planet.

Dumitru Oprea (PPE-DE). – (RO) On the subject of mobility under the Erasmus programme, this morning radio stations in the Romanian city of Iași were publicising extraordinary events due to take place on Wednesday. More than 100 young people from over 17 countries will be fêted in the university's lecture hall as they are welcomed in the traditional manner with bread and salt by the university's management body and all the young people from the community. What more could you want than events of this kind involving young people from the whole of Europe gathered in the name of multiculturalism and multilingualism? I believe that an extension of the programme for the best students with a knowledge of the most foreign languages would be welcome, something which Europe could not fail to benefit from.

Czesław Adam Siekierski (PPE-DE). – (PL) Young people's exchange visits are one of the Union's flagship projects. They are the best way we could use our resources, as these exchanges make an invaluable contribution to the development of genuine unity and cooperation the world over.

As we discuss the second edition of the Erasmus Mundus programme, I should like to raise the subject of destinations. I have in mind Europeans travelling to developing countries or to the Balkan states. I believe that, in addition to the bursary increases proposed, efforts should be made to encourage Europeans to travel to those countries. Participants in exchanges with those less popular countries would be better able to appreciate local traditions, culture and politics. They would gain an understanding of distant countries and peoples. Our knowledge of the latter tends to be fragmented and based on often negative stereotypes.

In my view, we should promote youth exchanges with Belarus, Ukraine and Georgia. Attendance at our institutions of higher education would be an excellent opportunity for students from those countries to develop according to Western standards. They would be able to absorb the principles governing the working of our democracy. The latter could serve as a model for them.

The European Union is strongly committed to supporting pro-Western politicians in those countries. Today's students could be tomorrow's elite. They could draw on what they learnt during their stay at our institutions of higher education as they seek to influence the movement for change within their home countries.

Tadeusz Zwiefka (PPE-DE). – (PL) Mr President, Europe is sorely in need of outstanding craftspeople, scientists, and highly skilled experts. I therefore warmly welcome the next stage of the Erasmus Mundus programme aimed at producing such individuals. The programme comes at a very apposite moment, if we consider the current world ranking of European higher education institutions. Unfortunately they are not faring too well at present and are not highly ranked, in contrast with the situation just a few decades ago.

I wish to highlight certain legal issues relating to the Erasmus Mundus programme, however. Dual certificates are not accorded legal recognition in all Member States. National legislation must therefore be adjusted to enable individuals to conduct the activities in question. Another very important issue I wish to raise is that I think we should monitor the beneficiaries of this programme. Students from third countries are coming to us, yet some of their countries of origin are still not democratic, unfortunately. I have been informed that Belarus is not sending us its best people, but only those supported by Mr Lukashenko's dictatorship and by the local KGB.

Jamila Madeira (PSE). – (PT) Mr President, ladies and gentlemen, I must once again beg forgiveness for my lateness. This year we are celebrating the European Year of Intercultural Dialogue. The need for everyone to be involved and the perception that education, knowledge and the interaction of different cultures are crucial are already well-established facts. For this very reason, many initiatives associated with this Year have been carried out in various areas of action and intervention.

The Erasmus Mundus programme also has a role to play in this context and, within this new perspective, is already included in the new regulation. The Erasmus Mundus programme makes an important contribution to the creation of centres of excellence in the EU which will, to a certain extent, limit the brain drain from the European Union. It also plays a vital role in promoting European values among third-country nationals who come here to study and who find, on the old continent, an unparalleled cultural and linguistic diversity which represents a real attraction and which sets us apart from models existing in the rest of the world.

However, dialogue and intercultural understanding have faced some problems. The issue of visas for Erasmus Mundus students and the frequent difficulties encountered in obtaining and renewing these visas often lead to students living in situations of semi-clandestinity in the European Union, as they attend the same courses but on tourist visas which have sometimes expired.

In my opinion, it is absolutely vital and urgent to find a solution allowing speed, transparency and efficiency in the issue of visas for these students. Language knowledge is also vital as this allows cultural understanding and mutual coexistence beyond the strictly academic sphere. As a result, we must absolutely guarantee this premise. Finally, I must thank Mrs De Sarnez for the way in which she has conducted this whole process and for the balanced report that she has produced.

Ján Figel', Member of the Commission. – (SK) I would like to express my thanks mainly for the very lively debate, which has served to emphasise the consensus for greater and better mobility, in other words for a Europe which, through education, specifically prepares not only its own students but also students from abroad for a more open international environment and greater responsibility. I would like to add just a few comments on this theme.

I wholly agree that Erasmus Mundus is a very important instrument, not only for mobility but also for the entire process of, for example, making European universities more attractive and creating a European space for higher education, that is, the Bologna process. And after a few years, the results are evident from the fact that not only does it cover the entire continent of Europe, but also countries outside Europe are getting involved in the process, and that Europe is playing a greater role in international mobility in today's world. It is, for example, partly thanks to Erasmus Mundus that we can now state – based on Chinese official statistics – that more Chinese students are now heading to Europe than to the United States at a university level.

Out of the top-rated universities in the Shanghai Ranking, 75% are participating in the Erasmus Mundus programme. This is a magnificent result after just four years. Concerning the quality of selection, the very fact, for example, that for each place covered by the programme over the past four years there have been eight applicants, or a ratio of 8:1, constitutes an excellent precondition for selection, and is also confirmation of the high demand for and quality of the programme. One university or consortium out of seven is given a chance. So one consortium is selected out of seven tenders. The fact that 15% succeed again confirms the level of excellence.

On the question of information, we will take every effort to ensure that it reaches the places where it is lacking, to make the distribution of and participation in the programme more balanced. This applies in particular to the new Member States, but also to the international arena. As you know, we are now launching a very important website called study-in-europe.org, which will be useful to anyone who is interested in obtaining specific information. We will, in addition, be organising special targeted and focused information campaigns.

That is why the programme is being adapted, to enable two-way mobility, not only into but also out of the EU Member States, which in my view is a very important qualitative change which will bring results. Our interest was and is for the joint diplomas and joint study programmes to assist in the process of reform and to assist in making study in Europe more attractive. In conclusion, just as I can say today that after four years Erasmus Mundus is one of the highest quality top ranking international programmes, so I believe that over time it will make a contribution to the standing of European universities, so that they will no longer languish in the second division, but will take their place among the world's best. That is the point of our cooperation.

Thank you very much, and my best wishes for the implementation of the programme.

Marielle De Sarnez, rapporteur. – (FR) Mr President, I would like to thank all my many fellow Members who have spoken. I endorse everything that they have said on the substance of the issue, and am very pleased with the extremely broad consensus that unites us this evening.

Many thanks to the European Commission for all its assistance on this work. Many thanks to the Committee on Culture and Education, its chairman and the committee's secretariat, which has been very active. Many

thanks to all the members of the Committee on Culture. Many thanks also to those who have spoken from the Committee on Development, the Committee on Foreign Affairs and the Committee on Women's Rights and Gender Equality.

Briefly, I would like to say that I completely agree with your objectives. We must improve participation by women in the programme and we must ensure that the funds used are used in accordance with development and external relations objectives. On this point, Parliament must and will remain vigilant in the years ahead.

If we are approaching an agreement at first reading, which will, I believe, become a reality tomorrow morning, it is because each one of us has played his part fully and positively. Our contacts with the European Commission, the amendments of our fellow Members, our discussions within the Committee on Culture, the work of the committees who produced opinions – all this has, in the end, resulted in the high quality of this programme. I am most sincerely grateful to you for this. I believe that in this way we will have accomplished a useful task by showing that Europe can, simultaneously, have demanding values and also be generous.

President. – The debate is closed.

The vote will take place on Tuesday.

Written statements (Rule 142)

Alessandro Battilocchio (PSE), in writing. – (IT) Thank you, Mr President; as I already pointed out in my earlier speech, the Committee on Development endorses the aims of the 'Erasmus Mundus' programme and supports this proposal. My report contained suggestions that were taken on board by the rapporteur. However, I would like to appeal to the Commission: let us not repeat the mistakes of the past. Only a few months ago we had to resort to the European Court of Justice to ensure compliance with the legislative provisions contained in the DCI. The principle we want to uphold is simple and straightforward: resources intended for development must actually be used, in their entirety, for development. We note the commitment of Commissioner Figel' to this matter and will watch closely to ensure that the reference legislative framework is complied with in full.

Genowefa Grabowska (PSE), in writing. – (PL) As a Member of the European Parliament and a long-serving teacher of higher education, I have often witnessed the benefits of contacts between institutions of higher education and between students. I therefore fully support the report before us and endorse the rapporteur's proposals. The student exchange initiated by the EU is now highly developed and has become a shining example of supranational and extraordinarily effective cooperation. Over one million students have already benefited from the opportunity to study in another European country. Erasmus Mundus is a newer programme for student mobility and academic cooperation. It will continue to offer individuals from outside the EU the opportunity to study in European countries. In addition, thanks to this programme, European students will also be able to benefit from the experience of partner institutions the world over.

The European Parliament is the only democratically-elected EU institution. I believe that its commitment to this programme enhances the latter's standing and ensures that it is given more prominence in the Member States, university towns and interested institutions of higher education.

That is why I support all the proposals and ideas on removing obstacles and administrative barriers that make the programme less accessible and may deter potential participants. In particular, I appeal for maximum visa facilitation for participants in the programme. I am sure it is worth achieving this. Enabling a wide range of students to be covered by the programme is the best investment we could make. It will result in latent intellectual capital that Europe will always be able to rely on.

Maria Petre (PPE-DE), in writing. – (RO) Let us all acknowledge the success of the Erasmus programme's first phase of operation. The amendments made to it for the second phase of operation are excellent, and the inclusion of third countries is a good idea. At the same time, we notice a drop in the percentage of young women taking part in the programme.

I think that the objectives of providing top quality education, promoting the personal development of European university lecturers, contributing to social cohesion and promoting active citizenship and equality by eliminating social gender stereotypes must be pursued as part of the cooperation programme. I also believe that the programme needs to facilitate access for young women living in rural areas and in economically less favoured regions and for those with learning difficulties.

This is the only way in which we can combat every form of discrimination in the long term and boost the active participation of young people and women in the social, economic and political life of their countries. This will then allow us to provide real, useful content for this programme, aimed at all young people from schools in Europe and third countries.

17. Protecting children using the Internet and other communication technologies (debate)

President. - The next item is the report (A6-0404/2008) by Mrs Angelilli, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the proposal for a decision of the European Parliament and of the Council establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (COM(2008)0106 – C6-0092/2008 – 2008/0047(COD)).

Roberta Angelilli, rapporteur. – (IT) Mr President, ladies and gentlemen, I would like to thank the Commission, the French Presidency and my fellow MEPs, first and foremost the draftsmen of the opinions, for their hard work in drafting a compromise text at first reading that will enable the ‘Safer Internet’ programme to enter into force at the planned time, that is from 1 January 2009.

The new programme for children using the Internet and other communication technologies, as we know, will be based on four main lines of action: reducing illegal or harmful content and combating harmful online behaviour; promoting a safer online environment, including through *ad hoc* technological instruments; information, participation and prevention to raise public awareness of the opportunities and risks associated with the use of online technologies; and, lastly, establishing a knowledge base to encourage cooperation and exchanges of good practice and information at international level.

The statistics speak for themselves, as Commissioner Reding is well aware: the age at which children access the Internet has dropped considerably. From as early as the age of 9 or 10, children are going online several times a week, and 75% of 12- to 15-year-olds in Europe use the Internet for roughly three hours a day, communicating through chat services, messaging and social networking sites.

The aim of the programme is not, of course, to criminalise the Internet in a catastrophic vision of new technologies; quite the contrary. Our objective is to provide suitable tools to better understand and navigate the world of new technologies, to grasp fully their positive potential, the opportunities they offer in terms of information, education and socialisation, while at the same time learning to protect oneself against abuse. For we cannot ignore the latest figures showing that 30% of young people have had at least one distasteful encounter online, at least one unpleasant experience in which the child has come across pornographic content, offensive or violent messages of various kinds or sexual advances or even content inciting violence or self-harm, suicide, anorexia or bulimia.

We cannot ignore the exponential increase in sites with child pornography material. We cannot fail to consider the data supplied by Interpol reporting that at least 500 000 new original child pornography images are put online each year. The Committee has also done well to highlight, among other things, three new trends: ‘grooming’, that is, the online soliciting of children through psychological manipulation aimed at contact in real life. ‘Grooming’ is particularly insidious because the advances appear to be ‘softer’. No explicit sexual demands are made at first. The child is led on by the affectionate and confidential behaviour; not understanding the danger, they enjoy the exclusive relationship that develops, and so do not discuss it with anyone, least of all with their parents. It is therefore a highly dangerous situation because it is not perceived as such, and often ends in a meeting in person and in real abuse.

Another priority is ‘cyberbullying’, a form of bullying using the new technologies, in which the persecution of the victim is extended as they risk being tormented 24 hours a day via the web and mobile phones. And there is yet another problem: the technological gap between the generations. We have a generation of children born in the digital era – children who at five years old are competent users of videogames and can surf the Internet easily – and adults, their parents and teachers, many of whom do not even know how to turn on a computer or send a text message, or who use new technologies warily and with reluctance. It is therefore absolutely essential to narrow this gap.

The programme’s objectives are ambitious, perhaps too ambitious given the available budget of EUR 55 million, but it is nonetheless a good starting point. As usual, Parliament has sought to provide a stimulus, with pioneering proposals that I will not go into now as they are in my report and I am almost out

of time. I would like to conclude, Mr President, by emphasising that our obligation, both Parliament's and – I am convinced of this – the Commission's obligation, is never to let down our guard on these matters.

Viviane Reding, *Member of the Commission*. – Mr President, I would firstly like to thank the Parliament for addressing the Commission's proposal very promptly, allowing the programme to start as early as possible.

Secondly, I would like to thank the rapporteur, who has underlined the very important questions we have to tackle here. The uses and applications of the internet and mobile phones have multiplied greatly since they were first introduced. We now have interactive markets, and very young children – not only young adults – spend a large portion of their time online, sometimes even more than in front of the television. We have a situation where the parents do not know how to operate these new technologies or what their functions are.

I do not think we should be negative. The internet and mobile phones are a wonderful, exciting opportunity. However, having said this, we must not ignore the other side of the coin. In the real world there are risks associated with the use of the internet and mobile phones, in particular for the more vulnerable part of our population – our children. These dangers – as the rapporteur has rightly underlined – range from harmful viewing content to harassment and bullying, all of which have become easier and more commonplace. Even worse, the internet has become a channel for sexual abuse. Despite joint efforts to fight the production and distribution of such terrible material, its volume is on the rise. That is why there is an urgent need to fight these negative and unacceptable practices.

The protection of children must be a shared responsibility. Of course, it starts in the family, but we have to enable families to help their children. It involves governments, industry, non-profit organisations and schools. This is precisely the goal of this new, safer internet programme. It will maintain what has been done in previous years regarding current internet protection but build on these successful activities and enhance the safety of children in the online environment of today. We know that these joint actions by governments, private organisations and the industry are a very good example of how Europe can have a direct impact on citizens' daily lives. More children use the internet at home or at school but parents and teachers are not necessarily well informed about the opportunities and the risks. That is why we will actively pursue our efforts towards creating a safer online environment for children by informing parents, empowering teachers and asking for coordinated action by national governments and educational societies.

We will, of course, retain the substance of the Commission's proposals, but Parliament has presented a whole series of amendments which provide a fuller description of one or more of the basic objectives and which seem to reflect the broad consensus within the Parliament. That is why the Commission can support the amendments put forward in Mrs Angelilli's report. They will then pave the way for a successful first-reading agreement with the Council. I am very confident that the compromise text for the programme, as submitted to you today, will be largely supported by Parliament and hopefully also by the second legislator.

Christopher Heaton-Harris, *rapporteur for the opinion of the Committee on Culture and Education*. – Mr President, it was a pleasure to work on this document. It is the first time I can honestly, genuinely say it was a pleasure to work with every single person on this dossier, especially the rapporteur, Mrs Angelilli, in this subject area.

I also took the liberty of consulting my constituents through newspaper ads about this particular dossier and so some of the comments I am going to make are based on what my constituents have said about this.

In the Committee on Culture we had a genuinely pleasurable debate about a serious subject with some quite well-informed contributions. We all realised that we did not need to reinvent the wheel. There is a lot of good practice already happening out there as regards self-regulation: mobile telephone companies like T-Mobile are leading the way in this area with the various checks and balances they put in before a child can access any content online, let alone dubious content. The ISPs and organisations such as the Internet Watch Foundation in the UK and INHOPE on a European basis are really working well together to fight the problems that exist with some of the online content and how minors across Europe are getting on to it.

There are problems, though. Grooming was mentioned by the rapporteur. There is no common definition of this even across Europe and it is not illegal in all Member States yet to groom a child in the way that Mrs Angelilli said. That is something that we should be looking at. Possibly Mrs Reding could suggest this at a Council meeting or two to some of the countries that are slacking in this area.

For me it was a pleasure to work on this in my committee; some great experiences were shared, and it is the first time I can welcome a budgetary measure in this House.

Titus Corlăţean, *draftsman of the opinion of the Committee on Legal Affairs*. – (RO) In view of the ever-changing audio-visual sector, we need not only to educate children, but also appropriately to inform parents and educators about the risks to children and to involve them in creating a situation where online information services can be used in a safe environment.

Based on the opinion of the Committee on Legal Affairs, our aim has been to devise a European strategy for combating online grooming and protecting the physical, mental and moral integrity of children which might be affected by their accessing inappropriate content via new communication media. We have requested the adoption of a quality label for online service providers so that users can easily check whether or not a certain provider subscribes to a code of conduct, as well as the creation of filters and effective age verification systems.

Crime in this area is not restricted by national borders. I believe that we need a coordinated approach with regard to the various national databases and need to connect them to Europol. At the moment, we cannot disregard, either, the economic risks involved in children using the Internet, which is why we requested mobile telephone services too to be mentioned explicitly as an area in which children need to be protected from abusive or harmful conduct. I would like to conclude by saying that we support the adoption of the report and congratulate the rapporteur.

Marie Panayotopoulos-Cassiotou, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (EL) Mr President, Commissioner, I think that the multiannual programme on protecting children using the Internet and other communication technologies is the European Union's head start in the global field of child protection. It is therefore an opportunity for us to congratulate the rapporteur of the European Parliament, because we too are part of this and are demonstrating our awareness.

In particular, as the Committee on Women's Rights and Gender Equality, we stress in our opinion that consideration must always be given to the peculiarities of each gender, the participation of each gender, the knowledge and use of new technologies and the special protection which each gender needs separately and the protection from dangers which differ from one gender to another, from boys to girls, and which must be stated and analysed separately.

We also refer to protection for vulnerable groups, for vulnerable children exposed to the dangers of sexual abuse, harassment and bullying.

Another sector which we highlight is information for parents, carers and educators, whoever they may be. We also stress the need for research into greater child protection. We do, of course, know that you have carried out an impact assessment and held a public consultation on this. However, research must continue and must refer in particular to gender differences.

We also wish to emphasise the need to develop entrepreneurship, which must overcome the obstacles and dangers, address the dangers and continue, so that we have a Europe which is strong in development and in protecting its citizens.

Csaba Sógor, *on behalf of the PPE-DE Group*. – (HU) Thank you, Mr President. This report was tailor-made for me, since all four of my children surf the Net, and I am confronted with these worries on a daily basis. EU Member States are doing a great deal to make the World Wide Web more child-friendly, and we must not forget that as early as 1999 the Commission launched a 'Safer Internet+' programme that is still in force today. As we have heard, the programme is aimed at fighting against harmful and illegal content, and places great emphasis on increasing awareness about the use of the Internet, as well as on promoting the development of a safe online environment. To what has already been said I would like to add only that between 2001 and 2007, 20 000 children disappeared, 500 of whom were found.

Among the tasks listed, I would like to emphasise the fight against illegal content and combating harmful conduct online. In this area there are great deficiencies: not every EU Member State has a hotline where you can immediately report any illegal content you have come across or if you discover sites which try to groom children.

The other important thing we must not forget is that establishing a knowledge base will require greater and more effective cooperation among Member States. It is no accident that this programme devotes almost half of the EUR 55 million in funding to raising public awareness, since prevention is the best cure. In any case law enforcement agencies spend all their time tracking criminals, whether we are talking about software-related or any other type of crime. It is precisely for this reason that we would like to draw the attention of Member States to the fact that they could set aside funds of their own, in addition to the European Union's EUR 55

million, and could cooperate more effectively in implementing the programme laid out in this report. The Group of the European People's Party (Christian Democrats) and European Democrats supports the approval of the report. Thank you very much.

Iliana Malinova Iotova, *on behalf of the PSE Group – (BG)* Thank you, Mr President. ladies and gentlemen. Mrs Angelilli, please allow me to extend to you my thanks and my heartfelt congratulations on your report. Now with the world financial crisis as the main issue, it is right that we are focusing all our attention on it. But somehow the issue of computer crime against children has been sidelined, even though we are aware that we may at any moment face a major threat in the form of a real pandemic of illegal web content. Just today the BBC broadcast a study, a survey it had conducted, which showed that three out of four children have come across websites with harmful content. This report does not just sound the alarm, but also offers a real raft of ideas on how to combat illegal web content. I worked on the issue as a shadow rapporteur. Last week I organised a round-table meeting back home in Bulgaria. It was attended by representatives of the police services, the non-governmental sector, the Child Protection Agency and mobile phone operators and suppliers. The theme of the meeting was this report.

We had an earnest, detailed discussion which reached a number of conclusions. Firstly, a lot of work needs to be done to raise awareness of the gravity and reality of this problem throughout European society. Unfortunately it is a problem that is frequently off our radar. Secondly, the upbringing of children should start with the family and the school, which in turn brings about the need for specialised instruction for parents and teachers. Individual efforts are doomed. What is very important is coordinated action, information exchange, the creation of a database and international cooperation. Many of the institutions I mentioned urged the European Commission to recommend that Member States increase penalties under national legislation for distributing, creating and trading in harmful and illegal content. They also recommended setting up a European legal framework for conducting criminal proceedings.

From now on there should be greater awareness of the programme among European institutions and citizens. Continuing to set up hotlines is also extremely important. It is also very important for us to cooperate with the police authorities and set up this database. A 'child-friendly' common label is needed to help parents and children recognise safe sites. I am convinced that the programme will continue after 2013 and that there will be further programmes in the European Union.

Ewa Tomaszewska, *on behalf of the UEN Group. – (PL)* Mr President, freedom of use of the Internet, mobile telephones and other kinds of communication technology is very valuable for adults, but may prove harmful to children, because the latter are not fully mature and lack the necessary experience. The Internet is an extremely useful tool for us all, yet it has been exploited to set up sites for the exchange of paedophile and pornographic material, and also used to attempt to contact minors. The same is true of mobile telephony.

Other less extreme activities may also be harmful. Advertising of unhealthy foodstuffs on television and the Internet targeted at children impacts negatively on their health. It may also lead to family disputes and result in inappropriate eating habits within peer groups. The House recently debated issues relating to obesity and overweight in children. Spending many hours a day in front of a computer monitor or television screen reduces a child's physical activity and is detrimental to his or her proper physical development. On average children spend three hours a day in this way, but many actually spend much longer in front of a screen. The aggressive behaviour presented in television programmes has a negative psychological effect on children.

It is therefore very important to implement the programme aimed at ensuring responsible use of new communication technologies by children and young people. I congratulate the rapporteur and the European Commission on tackling this issue.

Irena Belohorská (NI). – (SK) As one of the co-authors of the report on the strategy on children's rights I am delighted that we are now debating in this House a bill on the protection of children who use the Internet and other communications technologies. The Internet is a classic example of something which is can greatly benefit people, but which can be harmful to society when exploited by criminals.

Every day we hear how children are lured and abused through the Internet and led into prostitution, paedophilia and pornography. It is therefore the duty of everyone, starting with parents of course, to explain to children the rules for using and not abusing the Internet, as well as the risks it brings. Children are attracted by computers from a very young age. We adults often envy them their technical skills, but in their childish naivety they can easily be abused.

I am thankful that this House is prioritising activities of this kind, and I support accelerating the proposed programme so that implementation can get under way by January 2009.

Inger Segelström (PSE). - (SV) Mr President, I want to begin by thanking Mrs Angelilli for a constructive report in which she followed up the decisions from the children's strategy. Last week I presented a report on young people and the media - a major investigation into young people's media habits, in which we also discuss parents' views. What is new is that a majority of young people in Sweden have their own computers in their rooms and that TV sets have been thrown out.

There is a big difference between girls and boys when it comes to what they use the Internet for. Girls chat, socialise and send text messages, while boys play computer games. Girls are contacted for sex contacts. Fewer girls come in contact with porn sites than they once did, and they take a dim view of porn on the Net. In reality, very few meet strangers off the Internet.

Today's young people have a healthy view of the media, but high consumption on the part of some of them is a matter of concern both to parents and to ourselves as politicians. That particular group of young people needs to be involved in future Community programmes. We have defined a high consumer as someone who uses a particular medium for more than three hours a day. That applies to approximately eight to nine per cent of young people as a whole. In today's Sweden, however, 96% of all young people and 70% of younger children have mobile phones, so matters are developing at a record rate. Our task as MEPs is to address the downside.

Mieczysław Edmund Janowski (UEN). - (PL) Mr President, I should like to thank Mrs Angelilli for tackling this very important issue. The report before us is excellent. It would be far better, however, if we did not have to debate this matter. It would be so much better if we did not have to deal with people wishing to deprave and exploit children for reprehensible purposes. I have no compunction in referring to such people as evil.

We tend to say that our children are our treasure. All treasures have to be protected against burglars. That is how I perceive action to protect children using modern technologies, notably the Internet. There are children who spend several hours a day surfing the Internet. These technologies are part of everyday life in the contemporary world. They enable individuals to communicate more effectively and are very helpful in our daily lives. For example, they facilitate matters in the areas of administration, science, access to culture and knowledge. That is the positive side, which should be supported and developed. Unfortunately, there is also a negative side that involves exploiting the Internet and modern communication technologies to disseminate harmful content, such as pornography, drug addiction, Satanism, gaming and inappropriate lifestyles.

Paedophiles use the Internet to seek out their victims. The Internet may be likened to a knife that is useful for cutting bread, but it may also be used to inflict grievous psychological harm on children through evil content. Several important measures are called for in my view. Firstly, a system should be created enabling the perpetrators of such action to be detected and dealt with severely under the law. Secondly, all those concerned should be made more aware of the dangers posed by the Internet, mobile telephony, television, and video games. I refer to children, parents, educators, Sunday School teachers, and young people's organisations such as the Scout Movement. Thirdly, better cooperation is needed between supervisory and follow-up bodies in the area, both in the European Union and the world over. After all, servers putting out harmful material may be located in any country. Finally, our actions should be of a preventive and systematic nature, and offenders should be dealt with severely.

Richard Howitt (PSE). - Mr President, can I use my speech tonight to appeal to all EU countries to follow the practice in Britain for hotlines to be given notice and take-down powers, namely that when online images of child sexual abuse are discovered and reported, the hotline can immediately order the content to be removed by the service provider or host company. This proposal is being championed by the Internet Watch Foundation based in Oakington in Cambridgeshire in my constituency. Indeed, I want to thank Commissioner Reding for the EU-wide remit she has given to them.

Our parliamentary Amendment 25 calling for the establishment of these hotlines and their close liaison with the police can advance this aim. Speedy enforcement action is needed to stop sites simply hopping servers between countries in order to avoid detection, as well as to stop the further child abuse which is perpetuated not just when the images are formed but also every time they are viewed.

Manolis Mavrommatis (PPE-DE). - (EL) Mr President, Commissioner, the Commission proposal to establish a European programme on protecting children using the Internet has been made against the background of

European action to promote greater safety for minors using new technologies. This is an important step by the Commission.

The increase in knowledge in the IT sector has resulted in greater exposure of children to the danger of illegal and harmful online content. I too therefore welcome the efforts which everyone has made to achieve the Commission's objective, which is none other than maximum safety in the use of the Internet, especially by children.

I too support the proposal by the rapporteur, whom I congratulate, for immediate approval of the programme, so that it can come into force from 1 January 2009. I also hope that a suitable financing framework will be put in place for the period from 2009 to 2013, given that the increasing frequency of child pornography on the Internet is sounding the alarm and calling us to immediate action.

Anna Záborská (PPE-DE). – (SK) I congratulate the rapporteur. Water is good, but when it is not clean we must filter it. The same thing applies to the Internet. The Davide filter allows access to the Internet via a secure and controlled network and protects young users in particular from unsuitable websites. It employs the most advanced technology and is constantly updated. It is very effective. Access is blocked to websites containing pornography, paedophilia, rape, Satanism, black magic etc. At the same time, it signals the reason for the block.

The filter is also effective against firms using telephone numbers which charge very high call rates. Davide is aimed at everyone who wishes to protect their computer against unsafe websites. The code of practice which we are voting on requires that young people should be guaranteed safe access to the Internet. All it takes to use the filter is to register at www.davide.it.

Pál Schmitt (PPE-DE). – (HU) Thank you, Mr President, Commissioner. The Internet, games consoles and computer games contain a great deal of violent, brutal and erotic content, and can also cause dependency, insomnia, agitation and eating disorders. Most children are not yet prepared for this type of content and there is the risk that they will grow up to be psychologically disturbed, deviant adults. Modern technology undoubtedly makes it possible to filter out undesirable content by means of software applications, just as we are able to do with spam – unsolicited email – and to block harmful webpages on computers used by children. Information about this facility should be made widely known among parents and computer manufacturers should be urged to make such programs available as part of the mandatory content of new computers. What is needed is a sort of digital environmental protection. It is obvious that some people interpret this as an attempt to curtail the freedom of the Internet, but in my opinion, protecting the mental health and dignity of our children is a higher value. Thank you.

Zuzana Roithová (PPE-DE). – (CS) Mr President, the number of Europeans connected to the Internet is growing exponentially. Children are spending ever more time on the web and criminal activities on websites which are easily accessible to young people are mushrooming at a similar rate. In the current situation, where the Interpol database has registered more than five hundred thousand images involving child pornography – half of children have already accessed pornographic websites at some time while only 4% of parents even concede the possibility of their children doing such a thing – I am concerned that the budget for Internet safety is too small. There is a need to invest in the development of computer systems which will effectively nip such things in the bud. The European Union must join forces on this front with the USA and Japan. The disparate projects we have seen to date must be replaced with measures aimed at children, parents, schools, telecoms operators, government bodies and non-governmental organisations alike. On the other hand, I value the network of hotlines where both concerned citizens and parents can report harmful Internet content. The Czech Republic, for example, has a hotline of this kind, run by the non-governmental organisation Naše dítě.

Jim Allister (NI). – Mr President, it is an unfortunate reality that the wonderful opportunities the internet presents to us all have, in direct proportion, increased the moral, physical and social danger to our children and young people throughout the world.

This report is therefore right to focus on what we can do to thwart abuse of the internet, particularly with regard to child pornography, online grooming and incitement to self-harm, one of the most chilling aspects of which is sites which actually encourage suicide.

I trust that the Safer Internet programme will indeed successfully tackle these problems. For me there are three key issues. Firstly, improving the facility for effective police cooperation and I think that the European child pornography images database must be encouraged. Secondly, better traceability of the financial

movements which are linked to child pornography, and thirdly, a properly advanced common kite safety mark, so that parents can know with confidence what is safe for their children to look at.

Miroslav Mikolášik (PPE-DE). – (SK) There are a couple of things I would like to say about the report. It mentions dangers such as intimidation, child pornography, Internet grooming, bullying, spreading racist content and incitement to self-harm. I am quite sure that the Internet is one of the greatest technical achievements of the 20th century, but it can equally deprive children of the joy of knowing pure and sincere love and of creating natural relationships. In Internet chatrooms, those who do not use vulgar expressions and who do not boast of their sexual exploits are definitely 'out'.

I will dwell on the horrifying statistics on child abuse via the Internet. As an MEP for whom family values are all the more important, I would like to point out that the Internet is one of the ways in which this society can rob children of their innocence. I would like to emphasise the need for greater responsibility, and responsibility is the key word, which both ISPs, and parents have to take to protect children from accessing content which could harm their natural development.

Viviane Reding, Member of the Commission. – Mr President, I fully agree with everything that has been said in the House and I thank the parliamentarians not only for having this debate but also for taking this debate to their voters and to the people in the areas where they are active, because I believe that the basic problem is that adults do not know enough.

Children often know how to handle the new technologies very well, and it is the first time in the history of mankind that children know more than parents, educators and adults. So here we really have to empower parents, educators and adults and I believe that this is a shared responsibility of all parts of society, not only of politicians but also of the NGOs, and the ISPs most of all. I am also grateful that, for instance, the mobile phone industry has signed a memorandum of understanding in order themselves to inform parents and to prevent harmful content from being on the 3G phones.

The network of hotlines, which we have established by our Safer Internet programme, is very important and it is working perfectly well in most Member States. In reply to the question from a Hungarian parliamentarian, the Hungarian hotline will restart in 2009. There are only two Member States that do not yet have a hotline and one Member State that leaves these problems to the police forces. Therefore, we can already say that today the Safer Internet programme has had a very positive effect. Personally, I would wish that the hotlines were better known: they are well known in some countries but not in all. So, as Members of Parliament, you could help to make those hotlines more known through all kinds of activities. I would really thank you for this and I think that both parents and children would also thank you for this.

There were some questions on the EU criminal procedures. Here I have to tell you that it would be very good if the Convention on Cybercrime were ratified by all Member States. I can also tell you that the interior and justice ministers under the leadership of my friend, Commissioner Barrot, are working on all these questions, including the issue of grooming, on which Mr Barrot will present a proposal shortly. I can also assure you that the international cooperation of police and law enforcement is well under way. So things are moving in the right direction here.

Concerning the question about filters for unwanted content, here again it is a question of informing parents. Most parents do not know that filters exist and that they have the possibility to use these filters. That is why I have asked the ISPs when making contracts with parents to really inform them about the possibilities they have for preventing this content from reaching their children.

That concerns very young children. In the case of adolescents, of course we have to empower the children themselves, and that is why I believe that informing them that they can stop themselves falling into the trap is the best way, because we cannot put a policeman behind each child – that is really not possible. But children are very capable of understanding what is positive content and what is non-positive content. So I believe that with the Safer Internet programme we have to empower the children themselves, beyond empowering the parents and the educators. That will be our duty during the next months and years and, if everybody participates in that, it would be the solution to the problem.

I thank the rapporteur and all the parliamentarians who are helping to make the internet a safe place for our children.

Roberta Angelilli, rapporteur. – (IT) Mr President, ladies and gentlemen, I would like to thank the Commissioner; she has given us important assurances, including the fact that the Commission and

Commissioner Barrot intend to find a legally binding definition for 'grooming', a common definition for all Member States. In my view this is undoubtedly a very important objective.

I believe that this programme, clearly, cannot solve all the problems, not least because it is just a programme, it has legal limitations and budgetary restrictions, obviously. That said, it is evident from the debate that the European Parliament wishes to be active in combating harmful online content. The aim for the future is also to improve the coordination of action against this content at European level, making available best practices, measures that have enjoyed the most success, and sharing information and methods. In my opinion, international cooperation must be continually increased in this sector that, as other Members have said, is a sector that knows no borders. We therefore need to move towards sharing data and information in real time.

Parliament wants to remain at the forefront in this area. We have many proposals, some of which have been mentioned by my fellow Members: the idea of a 'child-friendly' mark, the role of 'hotlines' and of police forces working to prevent and combat online abuse, but also the need to implement initiatives in the area of self-regulation by mobile phone operators and service providers. In addition, I believe that we need to work towards tracing financial transactions linked to the exchange of images of child pornography.

I share the Commissioner's view: information and education campaigns involving not only children but also adults, parents and teachers, not for the purpose of criminalising new technologies – because they are vitally important – are essential for European children.

President. – The debate is closed.

The vote will take place on Wednesday.

Written statements (Rule 142)

Cristian Silviu Buşoi (ALDE), in writing. – (RO) I welcome this initiative which focuses on educating both parents and children about the use of the Internet to ensure that the latter ultimately become less vulnerable to abuse online. I think that it is a good idea to produce educational material in schools, but I feel that it would be useful to provide programmes that are adapted to the various age groups. After all, you cannot explain things from the same perspective to a six or seven-year-old child and to a 16-year-old teenager.

I also feel that it is necessary to develop more effective filtering technologies, as it is a fairly frequent occurrence for a mailbox to receive spam messages containing pornographic material which is easily accessible to children with an email account. Additional efforts also need to be made with regard to verifying the age of the persons accessing sites containing pornographic material, as it is very easy for minors to access sites of this kind.

Finally, I support the initiative encouraging international cooperation on this matter. It would be preferable still to reach a global agreement, particularly with regard to labelling sites with the statement 'content safe for children', given that a huge number of sites which are harmful to children are hosted by domains which are not administered by organisations from the EU.

Zita Gurmai (PSE), in writing. – (HU) Establishing a multi-annual Community programme for protecting children using the Internet and other modern communication technologies is, in my view, of crucial importance and absolutely indispensable, since it is in our common social interest to use all available means to safeguard our children from harmful and dangerous content.

The initiatives – apart from the fact that they are intended above all to protect children – will have a multiplier effect, since they will also promote increased Internet security. Attaining the objectives will require cooperation from parents, schools, service providers, public authorities and associations, for it is only if we all work together that we will be able to take effective action to protect our children.

In the battle against harmful content, measures adopted by Member States are also of great importance, such as the creation of national contact points and their effective cooperation. I consider it important to create effective methods and mechanisms, which include information, assistance via a hotline, immediate action, prevention, the creation of a database of experience and best practice, as well as ongoing monitoring.

Edit Herczog (PSE), in writing. – (HU) Mr President, ladies and gentlemen, we are about to adopt a new resolution on child protection. As a mother, I too welcome the initiative and agree that children need to be

protected against illegal content on the Internet and other forums targeting them, as well as against content that otherwise endangers their development.

Beyond the above-mentioned aims, I am convinced that we will not succeed if we try to protect children exclusively by trying to shut out pornographic or illegal content from their surroundings. Although it would be ideal if we could do so, it is impossible. This is why I consider it important that in addition to prevention, children should be taught what to do if they receive this type of request or if they are exposed to such influences.

We need to make them aware that they can seek help – and this help must really be real and accessible. We need to prepare every child in advance for such an occurrence, just as we teach them not to get into an unfamiliar car or accept sweets from strangers. This type of preparation is the primary responsibility of the immediate environment: parents, the family, the school. The proposal we are to vote on now is of particular importance, but it can only be effective if it goes hand in hand with efforts to protect the child's environment.

Livia Járóka (PPE-DE), in writing. – (HU) I would like to congratulate my fellow Member Roberta Angelilli on her report on the protection of children using the Internet and other communication technologies, which draws attention to a rather serious and growing danger. By means of the ever more widely accessible new technologies and computer skills, our children are increasingly exposed to the dangers of harassment, child pornography, bullying and incitement to racism. We hear of a growing number of cases in which criminals take advantage of the World Wide Web's chat portals to catch their underage victims off guard and gain their trust with a view to sexually abusing them.

The frightening data indicates that the new dangers brought about by the technological revolution need to be addressed by a harmonised EU action plan that is able to address the problem in all its complexity, with the involvement of children, families, schools and teachers, as well as with the cooperation of the operators in the communications industry and law enforcement agencies. The multi-annual Community programme initiated by the Commission must include measures to combat the unfortunately increasingly widespread illegal and harmful content on the web, on the one hand, by raising awareness and on the other, by more effective and coordinated use of the instruments of criminal law available in each Member State. Furthermore, teachers, caregivers and, first and foremost, parents must be made aware of the hidden dangers of the new communication technologies. I am confident that Parliament – in accordance with the intention of my fellow Member – will approve this proposal as soon as possible and that the new programme can get under way starting in January.

Katalin Lévai (PSE), in writing. – (HU) According to Eurobarometer, 74% of 12 to 15-year-olds use the Internet on a daily basis, with many of them exposed to pornographic images. According to the Internet Watch Foundation's survey, the incidence of Internet child abuse has risen by 16% in recent years. This data clearly indicates that online child safety can be achieved only through a multilevel approach, which extends to children, families, schools, operators in the telecommunication sector, and within these, to Internet service providers and judicial bodies.

I think that with regard to protecting children on the Internet, prevention must play the key role. I consider it important for a special permit to be required to operate and access sites with pornography, violence and other content harmful to children's development. Given that in certain countries it is well-established practice, with the consent of the judicial authorities, to block web pages with paedophile content on domestic and foreign servers, and since on the whole the countries' current legal framework makes it possible to remove such content, I call upon the judicial authorities of the Member States to take the necessary steps to block such sites. It would be worth reflecting as well on whether not only creating such web sites, but even viewing them ought to be considered a criminal offence.

For prevention purposes, suitable education and wide-ranging information are required. Children need to be prepared with appropriate knowledge so that they will be able to use a variety of tools to identify potential abusers and defend themselves against them.

Rovana Plumb (PSE), in writing. – (RO) Nowadays the Internet offers a world full of information and entertainment, but also an environment which is extremely dangerous for children. This is why I consider it absolutely necessary to launch the 'Safer Internet' programme in order to protect children who are using the Internet and new technologies.

The success of this programme will lie in the way that the EUR 55 million in funding are used, but it also depends on how successful we are at combining the technical and educational aspects. Studies show that

using a software application to filter the dangers which children are exposed to protects 90% of children, while parents and immediate guardians are responsible for protecting the remaining 10%. They need to explain to these minors about not agreeing to meet any stranger from the Internet, not replying to messages with obscene content and not providing strangers with information and photographs of a personal nature.

The model used in the visual mass media sector, where TV channels mention the minimum age at which the relevant film or programme is allowed to be watched, needs to be adapted too for online media. A first step towards protecting children from illegal online content would be to label sites explicitly as 'suitable for children'.

Bogusław Rogalski (UEN), in writing. – (PL) The programme to protect children using the Internet and new technologies is one of the basic forms of protecting children, both in terms of dissemination of technology and of increased familiarity with the use of computers. The result is that children are currently at risk because of illegal content, and inappropriate behaviour such as child pornography, harassment, grooming, and seduction through the Internet.

According to the statistics, more than 70% of young people aged between 12 and 15 use the Internet for approximately three hours each day. Sadly, most of these young people have viewed images of a pornographic nature. The growing number of Internet sites containing pornography, and the ever lower average age of children falling prey to this process is also cause for alarm.

A multi-pronged approach is the only way to increase child safety in the context of the Internet. This broadly based programme must involve children, their families, schools, communications operators, suppliers of Internet services and other institutions. An important role in combating harmful behaviour on the Internet should be played by hotlines serving to gather information on illegal content. Children should be taught how to avoid dangerous behaviour on the Internet. For their part, parents and teachers should participate in learning campaigns on computer use, so as to reduce the generation gap in the area of new technologies and ensure that dangers can be combated more effectively.

Katrin Saks (PSE), in writing. – (ET) As the Internet becomes an increasingly everyday part of our lives, today's children are at ever greater risk of falling victim to abuse, contact for sexual purposes or harassment, etc. in a web environment.

According to the recently published EU Kids Online report, 68% of children in my country, Estonia, have access to the Internet from home. This is one of the highest figures in Europe and similar to that of Denmark, Belgium, Sweden and the United Kingdom.

High Internet availability should not automatically imply that there is a higher threat of encountering harassment or materials of an unpleasant nature, but Estonia is, of the countries that have been studied, in the group with the highest Internet availability, alongside the Netherlands and the United Kingdom.

There are many similarities throughout Europe – half of all children reveal information about themselves, four out of ten come into contact with pornographic materials, one third encounter violent materials, many receive unsolicited comments of a sexual nature, and a full nine per cent meet people they have encountered on the Internet in real life. 15-20% of European young people have suffered harassment on the Internet. In Estonia this number is even higher, 31% (between the ages of 6 and 14).

I think we should direct more attention to such issues. Especially in Member States like Estonia, where children increasingly use the Internet in everyday life. Internet usage naturally has its positive aspects. We must, however, devote increasing attention to the dangers that accompany it.

Toomas Savi (ALDE), in writing. – Mr President, the report of Roberta Angelilli is very much focused on pornography on the internet that is accessible for children, yet there is another matter of even graver concern. It is violence. When pornographic material can be just disturbing then viewing very vivid images of violence against others or even self-harm is something that really might provoke youths for thoughtless acts. Just think of all the discrimination and aggression against minority youngsters or school shootings.

Only recently two school shootings occurred in Finland – very close to my constituency, Estonia. It was noted that the shooter uploaded violent material on the internet just before committing the horrid act. That material was accessible for other troubled youngsters and we have got no idea, what might follow next.

I find that the European Union ought to take serious steps to stop such advocating for violence, while not limiting people's freedom of expression. Every human life must be treasured and when our youths need help

or guidance, it should be provided. We cannot afford ruining or wasting the lives of the youngsters, who are the future of Europe.

Czesław Adam Siekierski (PPE-DE), in writing. – (PL) The current situation is that young people tend to be more adept at the use of new technologies than the older generation. The Internet holds no secrets for children and young people, who are generally better informed than their parents about how it works. At the same time, however, it is children and young people who are most at risk from psychological violence on the Internet.

According to data gathered in a campaign on children's use of the Internet, half of all Poles using the Internet have been the victims of insults, humiliation and threats on the Internet.

The situation is even more serious where children are concerned. More than 70% of young Internet users have accessed pornographic or erotic material, and more than half of them have viewed cruel and violent scenes.

It should be emphasised, however, that a large majority of these young people came across this material by chance, and did not access it deliberately. Only 12% of children admitted to searching for sites of this sort.

I am quoting these statistics in the Chamber to impress upon Members the gravity of the danger to which our youngest citizens are exposed, using my country as an example.

I therefore believe that the planned programme for the protection of children absolutely must be implemented.

Silvia-Adriana Țicău (PSE), in writing. – (RO) Children are increasingly using the Internet to communicate, find out information, access knowledge and spend their free time. Children and their families need to be aware of the risks associated with this and, above all, they need to observe certain rules which can ensure their protection while using the Internet.

The Internet must remain an open medium, but safe at the same time. The programme for a safer Internet is continuing and enhances previous programmes: 'Safer Internet' and 'Safer Internet Plus'. However, I would like to draw your attention to the fact that its effectiveness depends on raising the population's awareness and on the way in which specific legislation is enforced at a national level. Any incident where a child or young person is confronted on the Internet with unwanted requests or even bullying must be taken seriously, reported and handled in an appropriate manner.

A recent report states that two thirds of young people have received unwanted requests while using the Internet and 25% have viewed material with indecent content. Unfortunately, many parents and teachers are still out of touch with digital media and do not take the necessary steps to protect children on the Internet. I would call on the Commission to join forces with Member States in promoting the setting up of, and establishment of cooperation between, centres for reporting and responding to incidents relating to Internet safety.

18. Recovery of cod stocks (debate)

President. – The next item is the report (A6-0340/2008) by Mr Busk, on behalf of the Committee on Fisheries, on the proposal for a Council regulation amending Regulation (EC) No 423/2004 as regards the recovery of cod stocks and amending Regulation (EEC) No 2847/93 (COM(2008)0162 – C6-0183/2008 – 2008/0063(CNS))

Niels Busk, rapporteur. – (DA) Mr President, Commissioner, ladies and gentlemen, the Commission has presented a good, constructive proposal for amending the existing recovery plan for cod in, for example, the North Sea, Skagerrak and Kattegat. Despite the existence of the present recovery plan, far more cod are continuing to be caught than are generated through reproduction. The Celtic Sea has been included in the recovery plan because new evaluations indicate that cod stocks are also being overexploited there and are in a poor state.

The object of these amendments is to ensure the recovery of cod stocks within the next five to ten years. This objective is intended to be achieved by reducing fishing mortality by between 10% and 25%, depending on the state of the stock. This is to be supplemented by regulation of the fishing effort as well as provisions relating to monitoring and control. The objectives are to be revised in order to obtain the highest sustainable yield even if oceanic conditions change as a result of global warming. The effort management system is to

be simplified. It has progressively become so complex that a new system is needed, based on effort ceilings to be managed by Member States, which will have greater flexibility and therefore achieve more efficient implementation.

The plan is to be adapted to different levels of recovery and it therefore incorporates a modular strategy where the adjustment of fishing mortality is a function of the level of recovery achieved. Clear rules are introduced that are applied when scientists cannot provide precise estimates of stock status. There is a need to reduce discards by introducing new mechanisms to encourage fishermen to engage in cod-avoidance programmes. Overall, the Commission wishes to amend the existing cod recovery plan in order to make it more complete, updated to recent developments, simpler, more efficient and easier to implement, monitor and control.

TACs: New rules are being introduced to establish the total allowable catches, where the size of the stocks is measured in relation to either the minimum quantity or the target quantity. When setting the TAC, the Council is also to deduct a quantity of cod corresponding to the size of the expected discard, calculated on the basis of the total amount of cod caught. Other factors contributing to fishing mortality will also result in a revolution in the total cod caught when the TAC is established.

Every three years the Commission's Scientific, Technical and Economic Committee for Fisheries will evaluate the recovery of the cod stocks. If the trends in the stocks do not prove satisfactory, the Council shall set a lower TAC than that specified in the aforementioned rules, together with a lower fishing effort.

As rapporteur, I have tabled a number of amendments to the Commission's proposal, and my colleagues have also tabled some amendments. The most important amendment is to change the reference years from 2005-2007 to 2004-2006, as the data for 2007 are so new that we cannot be certain of them, and it is therefore better to use the data that we are sure of.

Account is taken of the fact that cod stocks at a particular point in time are being rebuilt, which is why we cannot simply make reductions, but rather changes are needed. The system of transferring from one type of gear to another is made more flexible so that it is possible to respond to external circumstances, such as rising fuel prices, which, even after the fall over the last few weeks, are at a particularly high level. The Regional Advisory Councils are to be involved as much as possible. Both fishermen and Member States are to be encouraged to introduce measures to reduce fishing mortality and discards.

Finally, I would like to thank the French Presidency and the Commission for their particularly constructive cooperation.

Joe Borg, *Member of the Commission*. – Mr President, I would like to thank the Committee on Fisheries and especially its rapporteur Mr Busk for his thorough and well-considered report.

I am pleased that Parliament shares the Commission's views on cod recovery. Fishing mortality is too high. The abundance of cod is too low. Even though in some areas there are more young fish in the sea than in past years, this is still an opportunity rather than a recovery.

I am also pleased that Parliament agrees on the need for recruiting the Celtic Sea as well as on the need for important cuts in fishing mortality through TAC and effort reductions. I agree with many of Parliament's proposed amendments, but I cannot agree directly with Parliament's texts. This is only because similar legal texts already exist or are being developed in consultation with Member States, and I do not want to pre-empt the results of technical discussions being undertaken.

Now to specifics. I accept your Amendments 1, 4, 5, 6, 7, 9, 13, 14 and 16. On Amendment 2, I agree with the principle, but the powers of the Commission and Council are already established in the EC Treaty, and the role of the regional advisory councils is set out in Article 31 of the basic regulation.

On Amendment 3 regarding discard reduction, I have been working on a separate initiative. You will be aware of the Commission's communication of spring 2007 concerning discarding. This will shortly be followed up with a proposal for a regulation.

On Amendment 7, I accept that, for stocks in very high-risk situations, a limit of 15% on TAC increases should apply. But Council should keep the option of a decrease that is larger than 15%.

On Amendment 8, I accept the inclusion of a reference to seal mortality as an example, and of considerations of climate change on cod when a review of the plan is made.

On Amendment 10, the chapter rightly refers to a limitation of fishing effort. Reference to determination would imply that fishing effort would only be measured, not managed. Therefore I cannot accept this amendment.

On Amendment 11, I can reconsider the base line for the calculation of kilowatt days. However, Member States need to be involved in this discussion.

On Amendment 12, the text of the proposed Article 8a, paragraph 3, was indeed confusing, and we will be redrafting it to make it clearer.

On Amendment 15, the proposal concerning ring-fencing of capacity was too restrictive and could prevent reorganisation of the activities of fishing fleets. I am still discussing with Member States how to provide a suitable degree of flexibility while still ensuring that the fishing effort does not increase. Therefore, my preference is to improve the existing text rather than delete it.

On Amendment 17, I can accept the principle of effort transfers, subject to a correction factor reflecting the importance of cod catches in different sectors. But the subject is complicated and needs to be looked into further.

On Amendment 18, for legal reasons I cannot accept the deletion of the reference to the decision-making procedure. The procedure referred to is that required by the EC Treaty.

I thank you for your attention and for your constructive contributions on this file.

Cornelis Visser, *on behalf of the PPE-DE Group*. – (NL) Mr President, this evening, we are discussing the Busk report on the Commission proposals for a quicker recovery of cod stocks in European waters. I should like to congratulate the rapporteur, Mr Busk, on his report.

Cod is an important fish species for the EU. While in the past it used to be part of people's staple diet, and cod was eaten as a replacement for more expensive meat, these days cod is a luxury fish species that is only available at high cost. Ever since the late 80s and the early 90s, the supply of cod has been dropping steadily. Apart from all kinds of natural causes, like the North Sea warming up and the virtual absence of hard winters, this is also attributable to intensive cod fishing. It is particularly this cause which the Commission would like to address with the new cod recovery plan.

I can identify with the Commission's wish to simplify the regulations that aim to restrict cod fishing. The current regulation is too complex and leads to many differences in interpretation among both fishermen and inspectors. Simplification would at least address this problem. It is necessary, also on behalf of Dutch fishing, for us at European level to maintain the recovery of cod stocks.

The proposed measures have needed time to take effect. For more than 18 months, cod stocks in the North Sea have been enjoying a remarkable recovery. Parliament – myself included – would like to involve the fishing industry and regional advisory councils more in measures to be taken. This will improve support within the industry. The new rules, as far as I can see, are a step in the right direction. The Member States can regulate cod fishing more effectively, while the fishermen know far better what is, and is not, allowed.

It will not be evident until four to six years down the line whether the measures we are now taking are effective. I would therefore urge the Commissioner to take his time in assessing the measures taken, before producing new measures. If not, fishermen will face an unworkable situation.

Ole Christensen, *on behalf of the PSE Group*. – (DA) Mr President, I would like to start by thanking the rapporteur, Mr Busk, for his constructive cooperation in connection with preparing this report. I think we have achieved a satisfactory result. As a result of our amendments, the system will be simpler, more flexible, more efficient and less bureaucratic. In the revision of the Commission's proposal we claim, for example, that the success of the cod recovery plan is to a large degree dependent on not landing fish caught through illegal, unreported and unregulated fishing. Monitoring and control are important instruments to ensure the enforcement of the fishing regulations. Moreover, the fishing industry and the relevant Regional Advisory Councils in the Member States should be more involved in the evaluation and decision-making process so that account is taken of special regional characteristics and needs in the future development and extension of the management mechanisms. Effective implementation of the recovery plan requires the involvement of all parties concerned to ensure legitimacy and compliance with the regulations at regional level. In the report we also emphasise the fact that the recovery plan will have important consequences for the fishing

industry as well as the economic and social development of local communities, and this is why the Commission should reconsider the fishing effort system once cod stocks have significantly improved.

Jim Allister (NI). - Mr President, the constant refrain of the Commission – and, indeed, of this report – is ever-declining cod stocks. Yet this year, within the EU, we will dump EUR 50 million worth of dead cod back into the sea. Why? Because of our crazy policy on discards. The TACs have been driven so low that massive discards are being produced. Probably one discard for every cod retained. Year on year, we drive down TACs and push up the discards as a result, and so perpetuate this self-defeating eco-crazy policy.

Whether a cod is retained or discarded, it reduces the biomass. Increase the TACs, and I believe you will correspondingly reduce the discards and swell the food supply, without depleting the biomass more than we do at present through discards. That, I believe, is the way to go, along with cod avoidance plans, and then some sense might come to this policy.

Struan Stevenson (PPE-DE). - Mr President, I have to commend my good friend Niels Busk for his brave attempt at yet another cod recovery plan. Ever since I was elected in 1999, we have had a cod recovery plan every year.

Every cod recovery plan introduces even tougher regulations and even tougher draconian measures. Because we are dealing with a mixed fishery where the cod is caught together with prawns, whiting and haddock, we have all these discard problems that we have just heard Jim Allister talking about. I am afraid that I feel in this case that Mr Busk is emulating his famous Danish forbear, King Canute, who was King of Denmark and England in the 10th century and famously sat on his throne at the seaside and ordered the tide not to come in. Of course, history records that he got very wet and narrowly avoided drowning. Trying to introduce a cod recovery plan – a management plan that will help cod recover – is, in fact, trying to defy nature in the same way. We know that climate change has caused the North Sea to warm up by one and a half degrees and the fighter plankton that the cod larvae feed on have moved hundreds of miles north, which is why most of the big mature cod that we buy in the shops anywhere in Europe comes from around Norway, the Faroes and Iceland. So until the North Sea cools down again, you are not going to see the cod recovering, and all the tough management plans that we want to introduce will not make any difference.

I am delighted, in that case, that I have heard the Commissioner this evening say that he accepts my amendment that will at least look at the impact of climate change on cod recovery, as well as looking at the impact on cod predation by seals. We now have 170 000 grey seals in the North Sea, each one eating two tons of fish a year – including a lot of cod – and previously it was not PC to speak about seals in any shape or form. So at least looking at the impact seals have on the cod population is, I think, a very important step this evening. I commend King Canute to the House and hope that his report is accepted.

Zdzisław Kazimierz Chmielewski (PPE-DE). – (PL) Mr President, the Council regulation represents a further attempt to achieve a balance between the current state of knowledge concerning the actual state of resources and the natural desire to discharge the obligations relating to the stewardship and management of European fisheries. The rapporteur has clearly identified the new manifestation of this age-old dilemma. He has pointed to a clear contradiction between the noble intention of protecting resources and the actual possibilities of establishing their state.

On this occasion, the authors of the regulation agree as never before with the Scientific, Technical and Economic Committee for Fisheries that there is still a lack of sufficiently reliable information to be passed to fishermen in the form of comprehensible opinions on the TAC. At the same time, however, the Union's institutions, doubtless not wishing to be seen as inactive, are recommending development of provisions ensuring consistent implementation of the TAC, even when, as stated, the data is known to be inadequate. Fishermen expecting verification of fishing effort perceive this approach as being unduly cautious and as inappropriate in terms of a rational fisheries policy. I have endeavoured to try and understand the peculiar methodology adopted by those in authority in this area. Nonetheless, I feel it incumbent upon me to caution the rapporteur regarding the social and economic consequences of a proliferation of limitations on catches, and of irritating and bureaucratic restrictions on the activities of fishermen. Increasingly, the latter are supporting scientists as regards establishing the true state of the marine biomass. Polish fishermen have joined the increasing criticism of the archaic data base that is too heavily based on estimates. Now is perhaps the time to take greater heed of fishermen's opinions, based on centuries of knowledge and an awareness that fishermen can only survive if they respect the interests of the marine environment.

Avril Doyle (PPE-DE). - Mr President, while any cod recovery plan would need first of all to incentivise those Member States and fishermen who contribute to a reduction in cod mortality, and also secondly to

reduce by-catch and eliminate discards – eliminate, not reduce, discards – no cod recovery plan has any credibility unless it factors in the whole climate change point in relation to the cod feeding and breeding grounds, as so eloquently put on the record a few moments ago by my colleague, Mr Stevenson, and that must play a large part in any cod recovery plan if it is to have credibility in this day and age.

I agree that reducing by-catch through cod avoidance programmes is of paramount importance. However, we should refer to the need to reduce by-catch and eliminate discards. That is to say, the reduction of cod caught in the net (the by-catch), and not landed (the discard), is crucial. Without it, fishing is not sustainable ecologically or economically. While Ireland has proposed a pilot project for 2009 to reduce cod discards in our Nephrops fishery in part of the Celtic Sea, hopefully with incentives for fishermen and a major role for them in monitoring and control which will be key to successful enforcement of the project, I must however ask the Commissioner a question in the light of what our rapporteur referred to as 'new evaluations suggesting the Celtic Sea is over-exploited and so needs to be controlled', according to ICES a 2009 TAC for the Celtic Sea area was recommended which indicates that the stock is stronger there than in other areas covered by the recovery plan. Is or is not the Celtic Sea to be included in a recovery plan? Does it or does it not need to be? Who do we listen to on the scientific front?

Kathy Sinnott (IND/DEM). - Mr President, I would like to inform the Commissioner that cod was once one of the most common fish in Irish waters and on Irish tables. For my fishermen, fishing is more than a job, it is a way of life, a tradition, even a vocation. Many of my fishermen are doing mixed fishing, and for them, discards are more than a waste and a contradiction: they are an abomination.

We have to help equip fishermen to fish more selectively in order to protect the cod and, at the same time as we hopefully reduce discards, we must start using them and putting them to good purpose, land them and give them to hospitals. We must not only end the discard of cod and other fish, but we have to end the scandal of the discard of cod and other fish.

Czesław Adam Siekierski (PPE-DE). – (PL) I believe the amendments tabled by Mr Busk concerning the so-called cod stock recovery plan are vital for restoring stocks of this species to what they were years ago. Protection of cod stocks is the greatest challenge to which our common fisheries policy must rise. It should be remembered that, along with sprat and mackerel, cod is one of the species most commonly fished by the European Union's fishing fleets. At global level, cod is the second most popular species.

In addition to being a key catch, cod is also vital to the proper functioning of the ecosystem. Cod naturally controls the spread of algae, notably in the Baltic Sea. Together with climate change, the reduction of the stocks of this important species is therefore a significant factor in the changes affecting North Atlantic marine ecosystems.

Finally, I should like to present the stance of Polish fishermen, who have become the main victims of the mistaken and unfair cod fishing policy. As Members will be aware, initially, catch restrictions were imposed on vessels flying the Polish flag. These were followed by a ban on fishing for cod. Not only did this have a negative impact on the fishermen's livelihoods, but it also led to the emergence of the spectre of bankruptcy looming over the Polish processing industry. That is why, amongst the amendments tabled, particular emphasis should be placed on research. The latter will allow us to establish the actual state of cod stocks, which will in turn allow us to conduct a realistic fisheries policy. Thank you, ladies and gentlemen.

Joe Borg, Member of the Commission. – Mr President, first of all I would like to thank the honourable Members for the interesting debate which demonstrates the commitment of Parliament to the recovery of cod.

Indeed, Parliament's report largely concurs with and supports the Commission proposal to make our current plan more flexible and effective and at the same time more comprehensive. As many of you have pointed out, cod has started to show some signs of improvement, and fishers will tell you that cod has returned to our seas.

However, it is a fact that this is attributable to one particular year class – the 2005 year class – now that the cod has matured to sizes whereby it is caught within our nets. We therefore need to be careful how to manage this, because if we reward this one particular year prematurely we will end up in a situation where the possible recovery of this stock will be lost. This has already happened twice in the last 15 years – once in the Irish Sea and once in the North Sea – where we took premature action rewarding a particular year class and ended up with a situation where we had to start again from scratch. It is therefore crucial that we act in a way whereby responsible management will tell us that we should do our utmost in order to reduce effort by various measures and various means, and at the same time see to it that discards of cod are reduced.

This can be done by means of results-based management which the cod recovery plan introduces, and I would encourage Member States to also work with us so that we will be able to have a cod recovery plan which will in time bring about a complete recovery of cod.

Having said that, I would like to say a word on discards in general because discards is not an issue which relates only to cod. Obviously we speak of cod because that is of particular relevance to the North Sea, but we have various other stocks of fish that are discarded, and this is a very sensitive issue around the European Union where public opinion is mounting in a very negative way. I am determined to tackle it, and I intend to revisit the whole issue because so far progress has been very slow. I think that we need to look at the picture in a much more general way so that we immediately begin with significant measures to curb discarding, and later on I will come back to you with proposals as to how we can effectively curb discarding in the North Sea. We are also discussing this with partners like Norway to see how we can take effective measures to reduce cod fishery effort, but at the same time introduce measures to reduce cod discards in particular, as well as tackling the problem of discards of other fish stocks.

Concerning the Celtic Sea, to which Mrs Doyle made reference, it is true that ICES says that the state of the stock is somewhat better than in the other seas. Having said that, however, they still maintain that the stock is in bad shape and needs to be recovered, which is why we have included it as part of the new cod recovery plan. It is nonetheless still in very bad shape. The fact that a TAC is set does not mean that the stock is in good shape because most of our fisheries are regarded as being fished above sustainable levels, and you set TACs which would be on a diminishing scale. When it is really bad then it would be a zero TAC. In the case of the Celtic Sea, the situation is somewhat better but still the state of this stock is far from good.

Concerning the point made on cod in the Baltic Sea, although this is not part of this cod recovery plan we did introduce a cod recovery plan in the Baltic Sea in 2007. This year, on the basis of ICES advice and probably not so much a result of the cod recovery plan itself but of the significant efforts made by Poland and by Polish fishers, the very bad situation for eastern cod has improved but the situation for western cod in the western Baltic has got worse. We will therefore have to take tougher measures for western Baltic cod, but can maybe take somewhat less tough measures for eastern cod.

Niels Busk, *rapporteur*. – (DA) Mr President, I would like to thank the Commissioner and my fellow Members for their enormous effort and extremely constructive amendments, which were absolutely necessary to make this recovery plan as complete as possible.

I would like to point out that it is now extremely important for the recovery plan to succeed. We owe it to the fishermen, but it is also correct, as has been mentioned here this evening, that we have talked about the recovery of cod and other species as well. We have talked about it for the last ten years without achieving the objective. It is therefore important that we achieve it now.)

I would like to say something about illegal, unreported and unregulated fishing. Of course, we do not know the extent of this, but I do not doubt that it has had extremely negative consequences for the recovery plans that we have implemented in recent years. It is a disgrace where fish stocks are concerned and a disgrace to the fishing industry and to society as a whole, and the European Parliament has drawn attention to this time and time again. Much better and more effective control needs to be introduced so that we can put a stop to illegal fishing. I would also like to mention that we must also include and measure the amount of fish that seals, cormorants and other predatory birds and fish are taking, is of course an area where there is in fact no-one taking account of what the quotas are, as the situation is of course almost the same as it is where unreported fishing is concerned.

The matter of discards is another issue that we have talked about for ten years. Discards naturally have unavoidable consequences for the quota policy but, just as importantly, we are discarding perfectly edible fish. Commissioner, I am, of course, happy that you have this evening said that you have a plan in place, but it is totally unsatisfactory that we have talked about this matter for ten years without achieving a single objective. This is a sad state of affairs, and we must do something about it, otherwise this recovery plan will be doomed to failure too.

President. – The debate is closed.

The vote will take place on Tuesday.

Written statements (Rule 142)

Bogdan Golik (PSE), in writing. – (PL) It is entirely reasonable for the European Commission and the governments of the Member States to be concerned about the critical state of cod stocks in the European Union's seas. I am concerned, however, that when it comes to their legislative proposals and decisions, the European Union's institutions are basing themselves on research undertaken by various research institutes financed by the European Commission. Research by independent scientists is rarely referred to.

There is also controversy concerning Council regulations (EC) No 812/2004 and No 2187/2005 introducing a ban on the use of drift nets in the EU. At a meeting with DG MARE I organised a month ago, it became evident that the European Commission is determined to avoid all questions put to it on this matter. It is failing to provide specific answers and is not meeting its obligations pursuant to the provisions of the aforementioned regulations concerning research to confirm the appropriateness of implementing bans.

Where cod is concerned, there is, for example, a lack of detailed statistics concerning catches from vessels less than 8 metres in length. No comparison has been made either of the quantities of processed fish products as compared to the size of the catches declared in individual Member States of the Union. The institutions have failed to provide specific information and plans. In addition, undue generalisation in research has contributed to heightening the controversy.

In view of its social and economic base, fishing is increasingly becoming a motive for demonstrations and protests by fishermen in Poland amongst other countries. Many families are being deprived of their livelihood through cuts in fishing quotas and the ban on the use of drifts nets, for example.

19. Management of fishing fleets registered in the Community outermost regions (debate)

President. – The next item is the report (A6-0388/2008) by Mr Guerreiro, on behalf of the Committee on Fisheries, on the proposal for a Council regulation amending Regulation (EC) No 639/2004 on the management of fishing fleets registered in the Community's outermost regions (COM(2008)0444 - C6-0298/2008 - 2008/0138(CNS))

Pedro Guerreiro, rapporteur. – (PT) In view of the permanent structural disadvantages and conditioning factors affecting the outermost regions, specific measures to promote their socioeconomic development must be adopted. These should not be based on transitional criteria or circumstantial or artificial wealth trends.

The fishing sector is strategic for these regions, in terms of both supplying fish to their populations and ensuring employment in and the economic sustainability of their fishing communities. However, despite the improvements observed, their fishing fleets consist for the most part of ageing vessels which, on average, are more than 30 or 40 years old, particularly the small-scale fleets.

New financial support to renew and modernise the fishing fleets of these regions is vital and it is incomprehensible that this support is being blocked by the European Union. Continued support for the renewal and modernisation of the fishing fleets is a *sine qua non* for improving the working and safety conditions of fishermen and the conditions of conservation of fish stocks.

The European Parliament's Committee on Fisheries only proposes extending public aid for the renewal of fleets in the outermost regions until 2009 and allowing these vessels to be registered until 2011. Despite going beyond what the European Commission proposes, we feel that these proposals are still insufficient as they fail to respond to the real needs of fishermen in these regions, particularly the small-scale fleets. That is why we have tabled amendments which aim to ensure public aid for the renewal and modernisation of fishing fleets without any time limits and in line with the needs of the sector in these regions.

Although it is not strictly necessary, we can say that this measure will not add any costs to the Community budget and will not increase the fleet capacity. In fact, these are proposals previously adopted by the European Parliament itself which reiterated, in 2005, the need for future support for the renewal and modernisation of the fishing fleets, in the interests of the profitability and competitiveness of the sector in these regions. These proposals have also been agreed by this Parliament's Committee on Fisheries which, earlier this year, indicated the need for new support for the renewal and modernisation of the fleets in the outermost regions, given that the elimination of Community aid for fleet renewal would make it difficult to remedy a situation in which they are lagging behind the fleets from the European mainland. As a result, when the crucial moment comes for a decision to be made, we simply call on this Parliament to remain consistent with its own positions.

Joe Borg, *Member of the Commission*. – Mr President, I would firstly like to extend my gratitude to the Fisheries Committee and especially its rapporteur, Mr Guerreiro, for his report.

The Commission understands the difficulties encountered in outermost regions in executing the decisions on fleet modernisation taken in 2006. It cannot, however, accept the continuation of granting public aid to renewal and modernisation of the fleet, since this leads to fleet overcapacity and low economic efficiency in the medium-to-long term. However, we understand the point raised by the rapporteur that, in certain cases, the decisions we have already taken have led to a backlog in shipyards which cannot cope with the work foreseen before a given deadline. Therefore we are ready to accept the extension of the deadline for the entry into the fleet up to 2011, as suggested by the rapporteur. Thus I am willing to accept Amendments 2 and 7.

However, the Commission also believes that the basic rules of fleet management – that is, an entry and exit regime guaranteeing no increases in capacity and the withdrawal of public subsidy to such capacity increases – must be safeguarded. Otherwise outermost regions would be at risk of generating – as happened with the metropolitan fleets – an excess of fishing capacity that ultimately would undermine their economy.

Let me also mention in this connection the fuel package that was adopted in July of this year in the context of the economic crisis driven by high fuel prices. I would like to invite all actors concerned in the outermost regions to make best use of this package in order to improve the energy efficiency of their fleets and to make the fleets more economically viable through schemes offered in the package, such as restructuring and partial decommissioning. This is why the Commission, on the basis of what I said before, is not ready to accept Amendments 1, 3, 4, 5, 6, 9, 10 and 11. Finally, Amendment 8 could be accepted as long as it is understood that the Commission report should be delayed until all information is available on the utilisation of the derogations provided for in the regulation.

Regarding the call made to the Commission to eventually propose new measures, may I emphasise that this lies within the right of initiative of the Commission, which will in any case propose new measures if it is felt that it is necessary and appropriate to do so.

Emanuel Jardim Fernandes, *on behalf of the PSE Group*. – (PT) Mr President, Commissioner, ladies and gentlemen, with regard to this report I must firstly highlight the necessity of taking into account the needs of the fishing sector in the outermost regions. Secondly, I must highlight the extension of the derogation from the general fleet entry/exit regime in favour of the outermost regions.

This extension agreed in the Committee on Fisheries means that fishing vessels having benefited from state aid can, under the respective derogation, enter the fishing fleet of these regions until 2011 without the entry of new capacity having to be offset by the exit of equivalent capacity. This amendment proposed by the Committee on Fisheries was the result of an agreement between the Socialist Party and the PPE-DE Group and involved Members from these two groups who originate from the outermost regions and also the rapporteur, Mr Guerreiro, who, as we have just heard, wanted to go further. As shadow rapporteur for the PSE Group, I am committed to this objective and therefore urge Members to vote in favour of this report tomorrow. I call on the Commission, the Commissioner and the Council to take account of the European Parliament's legislative resolution which I hope will be adopted tomorrow.

Kathy Sinnott, *on behalf of the IND/DEM Group*. – Mr President, the critical issues that affect fishing in the outermost regions seem to be the same as those that all fishermen face, only they are more amplified. There is a very real threat to the future of these fisheries – piracy, discards, dwindling stocks etc., ageing vessels and fleets – but for them these problems are even more of a burden, because they are already very vulnerable.

We need to help our most remote fishing communities to maintain not just their livelihood but their skills, which they have honed over generations and which, without protection, are in danger of being lost – not just to them but to us.

We must all take heed of the changing socioeconomic needs of these outermost regions, taking into account the impact which they are experiencing in their sector. In order to help them survive, we must allow them more participation in their management, as well as specific measures like the extension of time for fleet renewal.

Paulo Casaca (PSE). – (PT) Mr President, I believe that the work carried out in the Committee on Fisheries involving our rapporteur, the various political groups and the European Commission was extremely fruitful. It has resulted in a conclusion, on which almost all are agreed, including the European Commission, that the

extension of the deadline until 2011, together with the preparation of a report assessing the possible need for a further extension of this measure, is the most appropriate way of tackling this problem.

I must thank all our colleagues from the PPE-DE Group who agreed on this position with us and also the European Commission for their efforts in reaching this conclusion. All we now have to do is hope that the Council will also be sensitive to what we have decided and that it will understand the need to allow the outermost regions longer to meet this requirement.

Sérgio Marques (PPE-DE). – (PT) Mr President, Commissioner, ladies and gentlemen, should authorisation for state aid to be granted for the renewal and modernisation of fishing fleets in the outermost regions be given only until the end of 2009 or should it continue indefinitely? The particular nature of the fishing industry in these regions justifies this aid being granted beyond 2009, without the marine environment being harmed in any way.

Indefinite state aid for the renewal and modernisation of fleets in the outermost regions does not mean permanent and eternal aid. This will be immediately halted if the studies and evaluations of the Scientific Council and the Regional Advisory Councils indicate this need. This is the solution which is best suited to the very specific situation of the fishing industry in the outermost regions. The same reasons which justify why fishermen from each outermost region enjoy an exclusive fishing reserve up to 100 miles also justify different treatment with regard to aid for renewing and modernising the fleet. I am delighted that the Committee on Fisheries has found the best solutions to meet the particular needs of the fishing sector in the outermost regions.

Avril Doyle (PPE-DE). – Mr President, I would just like to show some solidarity, coming from an island nation where, in our peripheral regions, the fishing community is extremely important – the culture, the traditions and skills – and where in these regions, alternative industry and alternative ways of life or occupations are extremely difficult to attract. If we can show that solidarity towards the peripheral regions in Europe, what must we show to the outermost regions, which are at the extreme edge of peripherality, if you like? I would like to support the case made here to support the skills, traditions and culture of the fishing communities in these outermost regions and in very isolated, often very small island communities in the peripheral areas of the EU.

I would like to support what colleagues have said, and I would urge Commissioner Borg to ensure that, if it is a question of an extension of state aid in terms of timelines for renewal of fishing fleets, whatever needs to be done, let us be as generous as we possibly can.

Manuel Medina Ortega (PSE). – (ES) Mr President, the Commissioner spoke about an excess of fishing capacity, or fleet overcapacity, in the outermost regions.

I agree with him. My question to the Commissioner is as follows: Is the Commission aware that the outermost regions – the Canaries, Azores and Madeira in the Central Atlantic; Guadalupe, Martinique and Guyana in the Caribbean, and Reunion in the Indian Ocean – are surrounded by vast maritime areas in which, as a result of overfishing, fishery resources are gradually declining? Does the Commission have any data on this? Does the Commission believe that it could assist the fishing fleet in these regions by helping to preserve fish stocks in these areas?

Joe Borg, Member of the Commission. – Thank you very much for your comments. I can assure you of my commitment to assisting the fleets of the outermost regions as far as I can and as far as this is possible.

However, let me stress that maintaining or even increasing capacity of these fleets is not the solution and can indeed be part of the problem. As I stated in my opening remarks, if there needs to be a measure of restructuring of these fleets, I would urge you to consider the recently adopted fuel package that provides for a number of possibilities that may be beneficial to the fleets of the outermost regions. Again, as I said, I can accept the extension of the deadline for entry into the fleet register in view of the backlog problems faced by shipyards, but I cannot accept the further extension for the granting of public aid for construction and for the entry-exit regime beyond what had already been granted under the European Fisheries Fund, where special consideration was made for the outermost regions, since this will not solve any problems but will only serve to generate more problems.

We accept that there is overfishing and we acknowledge that this is due to overcapacity. The Commission does not want to contribute to overcapacity in peripheral regions as well, because this will only cause problems for the future. With regard to the possibility of overfishing around the peripheral regions, we have been

looking into this and the Council has just adopted a regulation on IUU fishing, with the European Parliament's blessing. As from 1 January 2010, no fish that are not certified as having been legally caught can enter the European market. We are also taking the lead in regional fisheries organisations in order to propose sustainable fishing in the oceans wherever we have a voice, and that is in virtually all regional fisheries organisations. We intend to persevere with this effort so that in this way we can guarantee sustainable fishing, not only in our waters but in international waters, which are so crucial for our outermost regions.

Pedro Guerreiro, rapporteur. – (PT) While thanking you for your words, I would also point out that, according to the provisions of the Treaties, measures to support the outermost regions are possible and desirable. This possibility must therefore result in specific action. The fishing sector is strategic for these regions. It needs support for its renewal and modernisation which is why this is a perfectly natural issue. Community funds exist and, as proven by this debate, there is not a single valid argument for continuing to prevent public aid from being granted for the renewal and modernisation of the fishing fleets in these regions. Contrary to what has been said, the renewal and modernisation of these fleets will not necessarily lead to overcapacity or increased overcapacity.

The question must therefore be asked as to why measures are not being taken to support this sector? Following this debate, we are more convinced than ever that not only is it necessary to extend the deadline for the entry of vessels having benefited from state aid for modernisation, as proposed by the European Commission and the Committee on Fisheries, but it is also necessary to ensure the possibility of public aid for the renewal and modernisation of the fleets in these regions, particularly the small-scale fleets, without being subject to time limits, as we have once again coherently argued.

We therefore want the amendments that we have tabled in this respect to be adopted tomorrow. The situation demands it, and time will prove us right.

President. – The debate is closed.

The vote will take place on Tuesday.

Written statements (Rule 142)

Margie Sudre (PPE-DE), in writing. – (FR) I am delighted that the European Parliament has authorised the construction of fishing vessels until 31 December 2011, for fleets registered in the outermost regions and in receipt of State aid for renewal.

I would like to thank those fellow Members who took action with me during the fierce negotiations with the Commission, in order to obtain two years more than the initial proposal. In fact, the late adoption of the law authorising the Member States to grant this aid and the limited capacity of shipyards would not have allowed these new vessels to be built in time. I am happy that the European Commission has listened to the fishermen's demands, although I regret the fact that the Communist Group decided not to support us.

This agreement demonstrates that the European Union is continuing to take into consideration the specific circumstances of the outermost regions, and is in fact doing so more than ever, by agreeing to extend their exemption system. Let us not forget that State aid for the construction of new vessels has been prohibited in the rest of the European Union since 2005.

I call upon the fisheries ministers to issue this decision very quickly, so that the fishermen in the outermost regions can acquire modern vessels that provide optimum safety conditions.

20. Building a Global Climate Change Alliance (short presentation)

President. – The next item is a brief presentation of the report (A6-0366/2008) by Mr Wijkman, on behalf of the Committee on Development, on building a Global Climate Change Alliance between the European Union and poor developing countries most vulnerable to climate change (2008/2131(INI))

Anders Wijkman, rapporteur. – Mr President, this report is a response to the Global Climate Change Alliance, which was launched by the European Commission towards the end of last year. Basically, the Global Climate Change Alliance is a very good initiative. It is, first and foremost, a recognition that low-income countries will be seriously at risk because of climate change.

It is an irony that, only eight years ago, the Millennium Development Goals were agreed upon in New York. There was hardly any mention of climate change, yet it was obvious – already then – that many low-income countries would suffer badly from the adverse effects of climate change.

The way we are organised, however, in national organisations, in governments etc. – climate change on its track, development cooperation on another track – was already a real impediment or hindrance towards fully recognising the threat of climate change to development and poverty reduction.

The challenge is, of course, great. In order to assist low-income countries in adaptation and risk reduction and in mitigation efforts, and to look for synergies between the two, there must be a special focus on deforestation and then, finally and most importantly, implementing all these concerns in the context of development planning and poverty reduction.

It is crucial that we do not end up with a series of stand-alone adaptation projects. Rather, we have to mainstream adaptation and risk reduction into development cooperation.

The big question when we discussed this in the Committee on Development was how to finance this. The Commission proposal entails only EUR 60 million. It is a drop in the ocean. Nobody knows how much adaptation risk reduction will cost; nobody knows what technological cooperation will cost in terms of mitigation. The World Bank, Oxfam, UNDP and others have come up with estimates ranging between USD 10 billion and, I would say, USD 100 billion yearly. Some measures need not cost more: if you do development planning and poverty reduction strategies taking into account the adverse effects of climate change at the beginning, you may not end up with increased costs. But in many areas we know that there will be additional costs. Farming practices, risk reduction for extreme weather events, sea level rise, health measures: you name it.

The question is: where will the extra or additional funding come from? In the report we make a few suggestions. One of them, quite naturally, is to use some of the revenue from the expected auctioning of emission permits in the future. It is very important to somehow earmark funding for developing countries in this context.

Another suggestion is that Member States should support the Commission initiative and not embark on their own initiatives. This is a new area, where it makes sense to pool resources.

Finally, all that we do in this area must be seen in the context of next year's climate negotiations in Copenhagen. Proactive action from Annex 1 countries – in particular the EU – in this field is crucial for a global deal to be struck.

The Development report deals with the issues mentioned – and many others – in the spirit of supporting the European Commission initiative and with the primary aim of strengthening it, both in terms of substance and finance.

Joe Borg, Member of the Commission. – Mr President, I welcome Mr Wijkman's report and thank him for his continuing support for the Global Climate Change Alliance. Overall we believe that the report highlights the right issues and identifies the key challenges the international community currently faces in providing support to climate change mitigation and adaptation in developing countries. We appreciate, in particular, the report's proposals, firstly to develop the Global Climate Change Alliance into a clearing house for Member State initiatives. We agree that current efforts to assist developing countries in this important area are fragmented and not well coordinated, and do not correspond to the Paris principles on aid effectiveness, to which all EU Member States have signed up.

Secondly, the proposal to set a long-term financing goal for the GCCA. It is pivotal, however, that EU Member States fully align themselves to this initiative and make increased ODA commitments and innovative sources of financing available for the GCCA. The financing goal set by the European Commission alone would be meaningless.

Finally, the proposal to spend part of the expected revenues from auctioning emission rights within the EU emissions trading scheme on funding for the GCCA and other climate change measures in developing countries. We need – particularly in the current context – continued European Parliament support in the realisation of these proposals, in particular through engagement with decision-makers at Member State level.

The report highlights a number of points for further clarification by the Commission, who would respond, in particular, on the distinct added value of the GCCA. Overall the GCCA is intended as a key component of the European Union's climate change policy. Traditionally, this policy has been focused on mitigation inside

and outside the Union. The Green Paper/White Paper process now deals primarily with adaptation inside the Union. The GCCA represents the external dimension of our adaptation efforts. Besides, it is important to underline the fact that the international community needs to arrive at the conclusion of a global climate change agreement at Copenhagen in December 2009, so as to avoid a gap between the Kyoto Protocol and the follow-up agreement. Developing countries will only enter such an agreement if adaptation is specifically considered. The European Union must also assume its leadership role in this context, and the GCCA is a vehicle to demonstrate our commitment.

Mr Wijkman's report could have made stronger reference to this political imperative. Furthermore, the European Union is the largest provider of development assistance. Climate change, clearly, is a threat to development. The GCCA aims at placing climate change adaptation firmly within EU development policy.

Finally, the GCCA would like to employ different means in developing climate-related assistance, away from project funding and towards programme-based approaches. We believe that resilience to climate change can only be built effectively in this way. The Commission has already entered into the initial implementation stage of the Global Climate Change Alliance. In doing so, it is paying due attention to the report's proposals, in particular as regards close involvement of partner country representatives and close coordination with other, related bi- and multiannual, multilateral initiatives.

Finally, the Commission recognises the need for better mainstreaming of climate change into its own aid programmes, in close coordination with the partner countries and development partners at country level. Ongoing work at the OECD on the development of guidelines for mainstreaming adaptation into development cooperation will assist us in these efforts.

President. – That concludes the item.

The vote will take place on Tuesday.

Written statements (Rule 142)

Mihaela Popa (PPE-DE), in writing. – (RO) This initiative is justified in the context of the responsibilities assumed by the European Union towards developing countries and by the fact that the European Union is the world's largest donor of humanitarian aid.

In this respect, it is important for us to avoid duplication of initiatives involving developing countries that we have launched at Community or Member State level.

I believe that it is vital for concern about climate change not to be a one-off commitment, but for us to take into account the importance of preventive action in all the measures adopted by the EU, especially those linked to development aid.

Last but not least, I think that preventive action must be made a priority, more so than actions linked to humanitarian crises, bearing in mind that the costs of reconstruction are much higher in the wake of disasters.

The European Union needs to show not only solidarity but also responsibility towards other regions in the world, which makes the Global Climate Change Alliance an important step in this direction.

Pierre Schapira (PSE), in writing. – (FR) The Global Climate Change Alliance must become an effective instrument enabling the poorest countries to adapt to the consequences of climate change, of which they are the prime victims.

Through the Socialist Group in the European Parliament's amendments tabled in committee, it has been possible to improve on the excellent work done by the rapporteur.

With regard to the funding of the Alliance, the PSE joins with the rapporteur in deploring the low level of the annual amount laid down by the European Commission.

We also deplore the quasi-systematic recourse to the EDF to fund new initiatives such as the Alliance. This use ought to be strictly controlled, to ensure that it actually does finance development actions, and that it is restricted to the first year of the Alliance's operation. The Commission must therefore abide by its undertaking to find additional funds for the Alliance.

The PSE has also voiced its support for the establishment of a close link between climate change and the current food crisis. The Alliance should put forward concrete initiatives on this front, such as the creation of green belts around towns in the global South in order to promote food-producing agriculture.

Finally, we have called for environmental, social and economic criteria to be drawn up relating to the production of biofuels, and for food security to be guaranteed before agriculture for export is promoted.

21. Governance and partnership at a national, regional and project basis in the field of regional policy (short presentation)

President. – The next item is a brief presentation of the report (A6-0356/2008), by Mr Beaupuy, on behalf of the Committee on Regional Development, on governance and partnership at national and regional levels and a basis for projects in the sphere of regional policy.

Jean Marie Beaupuy, rapporteur. – (FR) Mr President, Commissioner, ladies and gentlemen, I must tell you that I had an enormous amount of pleasure in applying, myself, the principles of governance during the preparation of this report with the various stakeholders.

Additionally, this method of working demonstrated its value in the preparation of the report, because it enabled me to take into account almost all the proposals made by my fellow Members, and on 9 September that was reflected in a unanimous vote within the Committee on Regional Development.

This consensus would, however, be worthless had it not found concrete form in a text that is both specific and consistent, as I will demonstrate to you in a moment. I would therefore like to give my very hearty thanks to all my fellow Members who participated in this report, and in particular to the shadow rapporteurs, who would very much have liked to have been here this evening to display their commitment.

Commissioner, all my thanks go, of course, to the Commission departments, and I would be grateful to you if you would pass them on, since this cooperation has been both constructive and pleasant.

I will also thank the European Economic and Social Committee and its rapporteur, Mr van Iersel, the Committee of the Regions, Mr Kisiov, and the many bodies that have played a part.

So, what are governance and partnership about? Well, we need to draw up an own-initiative report on this issue of governance and partnership because 'governance' and 'partnership' are terms that are used every day. You only have to pick up the newspapers or reports and you will always come across those words.

Commissioner, there is a time for words and there is a time for action. There is a time for setting targets and there is a time for giving oneself the means to achieve them. For some years now we have been hearing the constant refrain that governance must be improved. It is incorporated into our regulations, it is discussed in our debates, but not much progress is made. What is really happening, when we see that the integrated approach appears in the many reports issued by the Commission and Parliament?

Do our European policies on transport, the environment and regional development really take account of one another? Where is the integrated approach that we are hoping to see? Each policy has its own budget, its own minister, its own Commissioner and its own timetable. We can also see, just in relation to the Structural Funds, that the ERDF, the ESF and the EAFRD are applied on the ground separately.

Commissioner, in carrying out your duties, with your colleagues, you know that we all consider it very important to attain the Lisbon objectives. If we go on in this way, though, with such a compartmentalised approach on the ground, do you believe that this will be possible? Do you believe that an organisation, regardless of how powerful and how determined it is, can succeed by allowing this 'each for himself' approach to be adopted on the ground?

Today, the time has come for the various private and public stakeholders to bring together our skills and to bring together our budgets and our timetables when we are involved in the same subject in the same geographical area. My report puts forward 37 specific actions intended to achieve this, but I am not going to list them, I am just going to indicate three key points.

The first key point is to give the various stakeholders, whether private, public, individuals or organisations, the means to implement this governance. The first point, and I stressed this to your colleague,

Mrs Danuta Hübner, is to develop a practical guide to governance. No longer are we talking about abstract messages – this must be a practical guide.

The second point is the training of elected representatives within the framework of an Erasmus programme. Our local and regional elected representatives should be the real engines for change in this new governance of the territories. In addition – and this is the second key point – our European and national institutions must set an example. That is why I call in my report for an annual meeting of the ministers responsible for cohesion policies within the Council. Commissioner, as you know yourself, there are also differences between the Commissioners and the various directorates-general. We need to have more effective inter-departmental work. As for the Committee of the Regions, it has anticipated my request because two weeks ago it responded to our proposals.

Thirdly, it will of course be necessary, Commissioner, to have binding procedures. Since my time has run out, I will not be able to go into them in more detail, but please note that we expect the Commission to act now as the spearhead for this revolution in current practices. We must move on from words to actions. I and my fellow Members who have worked on these texts expect the Commission to take decisions that are both swift and effective.

Joe Borg, *Member of the Commission*. – Mr President, on behalf of the Commission I would like to thank Mr Beaupuy for his report on governance and partnership in the fields of regional policy, given that partnership and governance are, indeed, key principles of cohesion policy.

Mr Beaupuy's report makes many recommendations and advocates, in particular, the need to strengthen the integrated approach, the need for more decentralisation of the cohesion policy and the need for full recognition and association of the various partners in the programmes of regional policy, in particular the local and urban authorities.

The report also proposes the development of tools to strengthen partnership and new governance. I can assure Mr Beaupuy that the main messages of his report are in line with what the Commission is defending and promoting. Practice has shown that the ability to establish genuine partnerships is often a condition of the success and effectiveness of the programmes supported by structural and cohesion funds.

That is the reason why this principle has been maintained and strengthened in each programming period by expanding the composition of such a partnership and extending the range of its scope.

Thanks to the combined efforts of the Commission and Parliament and to the pressures of civil society, the 2006 regulations for the current period went a step further and included, explicitly and for the first time, new partners from civil society.

The delivery mechanisms were discussed during the negotiations of each national strategic reference framework and operational programme for the period 2007-2013, and the Commission has tried to improve it in order to make it less institutional. There are still important variations between the Member States and regions, but on the whole there have been real improvements in the application of the partnership principle. In Poland, for instance, the dialogue with civil society and, especially, with NGOs has been pushed forward thanks to the cohesion policy requirements.

Over time, cohesion policy has developed a powerful multilateral governance system involving a large number of partners, both at a vertical and a horizontal level. Since there is no 'one size fits all' recipe, greater involvement of the regional and local authorities – as well as all relevant stakeholders – in the design, implementation and evaluation of the interventions according to a scheme adapted to the team and, of course, to the region is essential to ensure the success of the policy. Nevertheless, it must be acknowledged that there is still a lot to be done in order to have real and active partnership and governance, not only in the preparation and negotiation process but also in the other phases of the life of the operational programmes, that is: implementation, monitoring and evaluation. I can inform Mr Beaupuy that, in order to have a clearer view of the current situation and practices, Commissioner Hübner's services are presently working on a study of regional governance in the context of globalisation. It should provide us with substantial information as to whether a guide, as requested by Mr Beaupuy in his report, would be helpful on the subject.

The Commission is also convinced that cohesion policy must be simplified, must bring added value for regional development and, at the same time, must be closer to the European citizen. The Commission agrees that it is necessary to offer an integrated approach of the different sectoral policies on a given territory so as to achieve better results. We should deepen our reflection on the way the cohesion funds are currently implemented and coordinated on the one hand and, on the other hand, on the way they could be articulated

for the next programming period after 2013 in order to keep a real coherent strategic development at regional level. This is actually a concern expressed in many contributions received in the framework of our public consultations on the future of the policy.

Among the tools mentioned in the report to improve the new governance, there is the suggestion of the creation of an Erasmus of local representatives. The Commission will do its best to implement this interesting idea, although it might be difficult to do so if it is approved as a pilot project by the budget authority.

Beyond the rationale of cohesion policy which is, and should remain, a central pillar for achieving the new sustainable development goals, and in order to help regions to face forthcoming global challenges which will impact more and more on their development, the Commission believes we should all keep on strengthening the delivery mechanisms of cohesion policy built upon the principles of an integrated approach, partnership and multilateral governance.

The Commission is convinced that Mr Beaupuy's report and Parliament's support will help a lot to improve the situation.

President. – This concludes the debate.

The vote will take place on Tuesday.

Written statements (Rule 142)

Bairbre de Brún (GUE/NGL), in writing. – (GA) I wholeheartedly welcome this excellent report from Mr Beaupuy on Governance and Partnership.

It is unfortunate that the partnership principle is not always adhered to in the spending of structural funds. Nevertheless, I have witnessed very good examples in Northern Ireland of how partnership should work and I have seen the benefits of partnership when done correctly.

I also welcome the calls in this report for closer cooperation and contact between local and regional authorities and other levels of governance, especially with the European Commission. The Northern Ireland Assembly must build on the links already established by the European Commission. This is especially true for work of the Task-force which was created by the President of the European Commission, Mr Barroso.

The Northern Ireland Assembly and our local communities are prepared to play a greater role in the implementing of EU programmes at community level. This report sets out how they may be empowered to do so.

Rumiana Jeleva (PPE-DE), in writing. – (BG) First of all, allow me to congratulate Mr Beaupuy on his excellent report. As shadow rapporteur for the PPE-DE Group, I voted in favour of this report, in support of good governance and partnership in regional policy.

I would like to use this occasion to remind you that in July, after the Commission's critical report on Bulgaria, funding under the three pre-accession programmes, PHARE, ISPA and SAPARD, was suspended. At the same time, procedures were put in place to enable the operational programmes for the use of funding from the structural and cohesion funds to start. This placed my country in a very difficult situation. I would like to use the adoption of this report to express my hope that the frozen funds for Bulgaria will be unfrozen and Bulgarian citizens will be able to make full use of the benefits of their country's European membership.

In line with the appeal the report makes to Member States, I would like to call for a strengthening of the decentralisation process for implementing regional policy in Bulgaria, in order to ensure that the system of multilevel governance functions in the most effective way on the basis of the principles of partnership and subsidiarity.

Thank you for your attention.

Grażyna Staniszewska (ALDE), in writing. – (PL) It is essential to abide by the principle of partnership at all levels of management when implementing regional policy. This is particularly important in relation to effectiveness. If they wish to mobilise society fully, national and regional authorities must aim to include and engage local residents, both in planning changes and subsequently in monitoring use of structural funds. Failure to identify with regional objectives always generates controversy and holds up action, causing numerous delays.

Genuine, not superficial partnership is also essential in the context of the European Community, because it is the only way of ensuring that the citizens receive information about the nature of the European Union's activities. Partnership is vital but it also costs money. It is therefore necessary to earmark 2-3% of structural funding for that purpose. The current voluntary principle is not working. If regions are not obliged to spend money on organising meetings, workshops or assessing implementation, they simply do not do so. More often than not the principle of partnership is reduced to sending the plan through the post, allowing as little as a week for comments in some cases.

I believe it would be wise to pay significantly more attention to this problem if we wish to ensure that Europe becomes a community of active, aware and cooperating citizens.

22. Better lawmaking 2006 pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality (short presentation)

President. – The next item is a brief presentation of the report (A6-0355/2008) by Mr Medina Ortega, on behalf of the Committee on Legal Affairs, on better lawmaking 2006 pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality. (2008/2045(INI)).

Manuel Medina Ortega, rapporteur. – (ES) Mr President, I am presenting an own-initiative report on 'Better lawmaking 2006' pursuant to Article 9 of the Protocol on the application of the principles of subsidiarity and proportionality.

The report is rather wide-ranging so I should like to concentrate on two or three aspects. The first aspect is the importance of the legislative process within the European Union. There seems to be a gradual drift towards adopting what is termed 'soft law', whereby certain communications, reports or documents come to be regarded as binding legal rules. The concern expressed in my report is for a clear distinction to be made between simple guidelines issued by administrative institutions and the legislative process.

The legislative process, involving regulations and directives, is currently fully provided for by the Treaties of the European Union and requires an initiative from the Commission which must be approved either by the Council on its own or by the Council in a codecision procedure with Parliament.

In this respect, I believe it is vital to stress the importance of this legislative character, because it is this which takes account of the public interest through the submission of petitions to the bodies having legislative power.

There is a danger, and another potential deviation, in allowing certain bodies or certain sectors to self-regulate. This may be appropriate, for example, for certain associations, professional bodies, corporate bodies and so on but, in my opinion, allowing a given sector to self-regulate is a very serious error. We have recently witnessed the results of deregulation in the United States, which allowed the financial sector to self-regulate, with extremely serious consequences for the whole world economy. In other words, regulation cannot be left in the hands of those who are subject to regulation. Self-regulation is a contradiction in terms and is only appropriate where internal bodies regulate themselves. It should not be considered that a given sector can regulate itself through a system of self-regulation and the same can be said for coregulation.

As far as the European Parliament is concerned, the essential requirement is to establish clear legislative procedures. In other words, Commission proposals must be discussed in Parliament and in the Council and legislative resolutions must be adopted.

The second aspect is the increasing complexity of EU law and the difficulty encountered by the ordinary citizen, including experts in EU law, in understanding what is actually happening. We must make it easier to understand EU law and the only way to do this is through codification, recasting or something similar. We cannot continue developing legal rules as and when necessary and then forget what we have adopted.

It is true that, in recent years, improvements have been made in this respect as, through Parliament, the Commission and the Council working together, the comitology procedures, for example, have been amended. However, in this era of IT, we should ideally have an automatic codification procedure in which any new legal rule adopted is immediately recognised and consolidated through codification procedures.

The report insists on periodic codification. In my opinion, this should be virtually automatic so that, as we adopt legal rules, these are incorporated within the corpus of EU law to form the new EU code. I am not

proposing a kind of Napoleonic code with regard to EU law, but rather permanent codification, which I feel will not be difficult, as I said before, in this era of IT.

Joe Borg, Member of the Commission. – Mr President, better regulation is not an end in itself. It is about benefiting citizens and businesses by simplifying and improving the regulatory environment in Europe.

The Commission therefore welcomes the present report by Mr Medina Ortega on better lawmaking. It maintains the focus on the better regulation agenda in line with previous similar initiatives taken last year by the European Parliament. I have also noted the very insightful observations just made by Mr Medina Ortega.

I would now like to recall the important steps already taken and the work which is ongoing to respond to the requests and concerns that are expressed by the European Parliament on better regulation.

Better regulation is a top priority for this and we have made significant progress in the years of impact assessment, simplification and the reduction of administrative burdens. The Impact Assessment Board that President Barroso put in place at the end of 2006 is having a real impact on the quality of our work. We are nevertheless aware that we must constantly strive to improve the system.

Many of the improvements we want to make will be taken forward on the basis of our revised guidelines on impact assessments. This revision is based on the experience of the IAB, an external evaluation and then a consultation of the institutions, stakeholders and interested parties.

We are reinforcing guidance on issues such as subsidiarity, national and regional impacts and specific impacts such as on SMEs and consumers. We are also reviewing with Council and Parliament the common approach to impact assessment with the aim of identifying where progress can be made. Work at technical level has started, and we hope to achieve some concrete results at least by sharing common experiences within the three institutions by the end of the year.

On simplification, the Commission has adopted 119 proposals out of 162 since the launch of the 2005-2009 programmes. One key challenge is to ensure that simplification proposals pending in Council and Parliament are adopted rapidly. On administrative burdens, the mapping exercise of the main EU information obligations which is being carried out for the Commission by an external consortium has been completed and the costing of these obligations will be finished by the end of the year.

In the January strategic review we intend to report on progress and set out a clear road map on how the ambitious 25% reduction target will be achieved by 2010-2012.

Finally, with regard to interinstitutional cooperation on better law making, we must acknowledge that the Interinstitutional Agreement on Better Lawmaking in force since December 2003 has not been easy to implement. This should not discourage us from continuing our dialogue. On the contrary, the Commission recently expressed the view that it is time to give more political tenor to the discussions on better regulation issues in general. I have encouraged Parliament to convene an interinstitutional exchange of views on better regulation in the near future at the highest political level, be it in the context of the high-level technical group for interinstitutional cooperation, the Conference of Presidents or the Conference of Committee Chairs.

In conclusion, I would like to stress that better regulation is a joint responsibility of all the European institutions and, indeed, of the Member States. We can all do more and do better in improving the quality of our legislative proposals and of our overall regulatory framework.

President. – That concludes the item.

The vote will take place on Tuesday.

Written statements (Rule 142)

Bert Doorn (PPE-DE), in writing. – (NL) The adoption of the Medina report is a sure sign that legislation is set to improve. The report contains the most important of the views held by the Group of the European People's Party (Christian Democrats) and European Democrats, including:

Independent supervision of the implementation of impact assessments by the European Commission;

Timely and extensive consultation of interested parties;

The objective to reduce the administrative burden by 25% must be a net objective. A reduction in burden resulting from existing legislation in certain areas should not be cancelled out by an additional administrative burden from new legislation.

Unfortunately, the following items do not enjoy sufficient support from other groups:

Support for the Commission to consider self-regulation and co-regulation as serious strategic policy options.

A wider application of impact assessment on, among others, comitology regulations and important Council and Parliament amendments to legislative proposals.

Also, the Group of the European People's Party (Christian Democrats) and European Democrats deems it important for the Commission to take the recommendations issued by the High Level Group on Administrative Burden (the Stoiber Group) seriously. A promising sign in this connection is the fact that the Internal Market and Services Directorate General has announced its willingness to exempt small enterprises from having to draft annual accounts, and to amend the 4th and 7th Directives for this purpose.

23. 24th Annual Report from the Commission on monitoring the application of Community law (short presentation)

President. – The next item is a brief presentation of the report (A6-0363/2008) by Mrs Geringer de Oedenberg, on behalf of the Committee on Legal Affairs, on the 24th Annual Report from the Commission on monitoring the application of Community law (2008/2046(INI))

Lidia Joanna Geringer de Oedenberg, rapporteur. – (PL) Mr President, the effectiveness of European Union policies largely depends on their implementation at national, regional and local level. Member States' compliance with Community law must therefore be strictly monitored. As rapporteur for Parliament's 24th Annual Report on this subject, I can say that there has been a slight drop in the number of cases of infringement proceedings initiated by the Commission. Nonetheless, the number of cases continues to exceed 2,500.

A 16% reduction of the number of proceedings relating to failures to comply with the obligation to inform the Commission about transposition proceedings in the enlarged Union of 25 Member States should also be mentioned. This indicates better discipline by Member States where notification is concerned. As in previous years, the vast majority of the charges concerned inappropriate operation of the single market, notably implementation of the principle of free movement of people, goods and services. Many charges also concerned violation of the rights derived from citizenship of the European Union, that guarantee the principle of equal rights and opportunities for all citizens. On 5 September 2007 the Commission proposed amending the working methods used to date. The proposal aimed to ensure more effective management of proceedings, and received the support of the majority of Members of this House. Concern has been expressed, however, that the new procedure may result in the Commission losing institutional responsibility as guardian of the Treaties, as it provides for referring charges received by the Commission back to the Member State responsible *in primis* for incorrect implementation of Community legislation. It is therefore essential for the Commission to submit to Parliament the initial report on the results obtained in the first six months of the pilot project that began on 15 April of this year, and involved 15 Member States. The Commission is often the highest institution to which citizens may refer cases of inappropriate implementation of the law. The Commission should therefore also keep a record of all correspondence that could be deemed to contain information on cases of infringement of Community legislation.

With regard to ongoing infringement procedure, the main problem continues to be the unduly long time taken to consider complaints. The average is 20.5 months, which is excessive. The Commission should make every effort to shorten the lengthy procedures and to find practical solutions. The latter could include recourse to systems such as SOLVIT, which is still not being sufficiently promoted. The substantial increase in cases of infringement resulting from failure to comply with the rulings of the European Court of Justice recorded in 2006. The fact that cooperation between national courts and the Court of Justice is often inadequate is a contributory factor. In addition, the preliminary question mechanism based on Article 234 of the Treaty is not used. This is because there is still insufficient knowledge of Community law at the level of certain Member States.

Turning to interinstitutional cooperation, the agreements on monitoring implementation of Community legislation and close cooperation between the Council, the Commission and the European Ombudsman,

together with the relevant committees of this House, should set the standard for ensuring effective intervention in all cases where the plaintiff submits a justified complaint concerning infringement of Community legislation. The high number of complaints inappropriately lodged has remained high over the years. Some complaints are wrongly lodged with the Committee on Petitions, and others fall outside the competence of the institutions. Such complaints represent as much as 75% of the total complaints received by the Ombudsman in 2006. There is therefore an urgent need to make a greater effort to improve information available to the citizens, providing better guidance to plaintiffs, so that they can approach the body best able to deal with their individual cases at either national or European level. The citizens' complaints are an invaluable indicator of their most urgent needs. The Commission should be guided by this information as it undertakes legislative initiatives.

In the context of the analysis of implementation of Community law in 2006 I would call especially on those Member States who could benefit most from structural funding within the framework of the 2007-2013 Financial Framework to adjust their national law to European law swiftly and appropriately. I have in mind in particular the area of environmental protection, so that effective use is made of available structural resources and the social and economic development of the regions accelerated.

Finally, I should like to express my regret that the Group of the European People's Party (Christian Democrats) and European Democrats, Members of the Committee on Legal Affairs were instrumental in the removal of important provisions from my report. These provisions concerned equal treatment of women and men regarding access to employment, education, promotion and social insurance. Equal treatment is still not the rule in many Member States, in clear contradiction to the principle of equality that should be a priority for us all.

Joe Borg, Member of the Commission. – Mr President, the Commission greatly welcomes the general support from Parliament for the Commission's approach set out in its 2007 Communication 'A Europe of results: Applying Community law' and thanks Mrs Geringer for her informative report.

The Commission attributes high importance to the correct application of Community law. It figures in the priorities of the Barroso Commission and the Commission is vigilant in exercising its role as guardian of the Treaty. This is why the Commission has made a major effort to improve its working methods for the benefit of citizens and businesses, as explained in the 2007 Communication.

These improvements include the introduction this year of more frequent decision-taking on infringement cases to avoid delays in the advancement of cases, and the introduction of the EU pilot project in April this year. Within 15 Member States this pilot project will test an improved method for problem solving and information provision to ensure quicker and better results for citizens and businesses. Up-to-date factual information on the functioning of this EU pilot project will be sent to the rapporteur, but a full report will only be possible, as already promised, after one year, when sufficient experience will have been obtained for first conclusions to be drawn. We are also testing the use of officials in some representation offices in Member States to follow up on questions relating to the application of Community law to see how this might improve efficiency. This reflects the reality that all questions concerning the application of Community law involve actions taken by Member States. This work, therefore, requires the Commission to work closely with Member State authorities to try to find correct and quick solutions. A common interinstitutional understanding can also play a significant role in this important part of the better regulation agenda.

It is in this context that I have offered to coordinate with the rapporteur future reviews of the application of the *acquis* in different areas to ensure up-to-date information. We are working to introduce the initiatives announced in the 2007 Communication on increased transparency. We are finalising this year's annual report in the form of a strategic evaluation of the current position, prioritisation of issues and a programme of actions in order to feed interinstitutional discussion.

In closing, I would like to mention that Mrs Geringer's report also supports common contact points to guide citizens. I can confirm that the Commission is already working to this end. We will come forward with our evaluation and suggestions as soon as possible.

You attach particular importance, Mrs Geringer, to monitoring of the implementation of the directives on equal treatment. I can reassure you that a full assessment has been made of Member State transposition. Over 40 infringement proceedings have been launched which are being actively pursued with a view to early results.

President. – That concludes the item.

The vote will take place on Tuesday.

24. Institutional aspects of Regulatory Agencies (short presentation)

President. – The next item is a brief presentation of the report (A6-0354/2008) by Mr Papastamkos, on behalf of the Committee on Constitutional Affairs, on a strategy for the future settlement of the institutional aspects of Regulatory Agencies (2008/2103(INI)).

Georgios Papastamkos, rapporteur. – (EL) Mr President, the 29 European regulatory agencies constitute what at first sight appear to be micro-institutions but which, in essence, have an obvious macro-impact and which have already become an accepted para-institutional component of the European Union.

The excessive increase in the number of regulatory agencies has undoubtedly resulted in inflated European regulatory intervention, the fragmentation of and a lack of transparency in European policies and, by extension, has made operational coordination more difficult.

For all European agencies, the urgent question arises of the need for an interim review of their work and performance. What is required is a minimum total of common principles and rules relating to the structure, operation and control of the regulatory agencies, so that they integrate harmoniously within the framework of fundamental principles which derive from the Treaties.

Following the Council's refusal to accept a legally binding instrument and the rejection of the proposal to conclude an interinstitutional agreement, the Commission decided to propose the establishment of an interinstitutional working group tasked with drawing up a common framework for the regulatory institutions and defining the competence of each of the European institutions vis-à-vis those agencies.

I consider that this proposal falls short of the European Parliament's expectations of achieving an interinstitutional agreement. The common approach is indeed an interim step towards the adoption of a legally binding text. I do, of course, appreciate the Commission's wish to find a way out of a situation of protracted interinstitutional inertia. The setting up of an interinstitutional working group which will carry out a collective policy review of the experience gained from the activities of the regulatory agencies and whose mandate will be to clarify their position in the multilevel system of European governance is welcome.

The proposed approach – a common approach as far as possible – to the structure and workings of the agencies concerned seeks to restrict bureaucratic rigidity so that they can play their regulatory role correctly and effectively and can be supervised and so that the current requirements for auditing and accountability can, at least partially, be satisfied. The priority of seeking a common framework for an interinstitutional understanding and approach lies in maximising the added value of the regulatory agencies in the European structures of governance in general by creating greater transparency, visible democratic control and improved efficiency.

Finally, I should like to point out that the establishment of parliamentary control over the structure and the work of the regulatory agencies is consistent with the classic democratic principle requiring political responsibility of any body wielding executive power. The possibility of the European Parliament assigning political responsibility to the agencies concerned touches on a core principle of representative democracy, which consists in examining the legality and expediency of the choices made by the executive power.

Joe Borg, Member of the Commission. – Mr President, the Commission welcomes the positive stance taken by the rapporteur, Mr Papastamkos, and the responsible and associated committees towards the key elements put forward in the March Communication, 'European agencies: The way forward'. These are the moratorium on proposing new agencies, the upcoming evaluation of the agency system and the creation of an interinstitutional working group.

As you know, we attach great importance to the relaunch of the interinstitutional dialogue on the role and place of agencies in European governance, a dialogue aimed at developing a coherent vision and a common approach vis-à-vis regulatory agencies

The Commission trusts that Parliament will now be in a position to promptly mandate its representatives to the interinstitutional working group.

We also count on a favourable response from the Council in order to ensure timely progress on the follow-up to the Commission's Communication.

We are confident that the interinstitutional working group will be created before the end of the year. This group will be closely associated in the evaluation process that the Commission is about to launch.

Before concluding, let me say that the Commission has left open the question on the form that will be given to the final outcome of the interinstitutional dialogue in order not to pre-empt the discussions. It is up to the interinstitutional working group to decide what form it wishes to give to its conclusions. The conclusions, on the other hand, can be implemented in different ways – sometimes spreading best practices could be enough, and sometimes amendments to the agencies' basic acts might be necessary.

The cooperation between Parliament and the Commission in this field is exemplary and I am sure we will continue working on that basis.

President. – That concludes the item.

The vote will take place on Tuesday.

25. Agenda for next sitting: see Minutes

26. Closure of the sitting

(The sitting was closed at 11.55 p.m.)