

TUESDAY, 21 APRIL 2009

IN THE CHAIR: MR PÖTTERING

President

(The sitting was opened at 5.05 p.m.)

1. Resumption of the session

President. – I declare resumed the session suspended on Thursday 2 April 2009.

2. Statement by the President

President. – Ladies and gentlemen, in the worst earthquake in Italy in recent decades, 295 people in the region of Abruzzo lost their lives in a most terrible way. Worst hit was the city of L'Aquila. We are all horrified by the violent power of this natural disaster and its tragic consequences. Up to 40 000 people were made homeless by the main quake and numerous aftershocks. It is estimated that one in three houses in the Province of L'Aquila, which was particularly badly affected, has been destroyed or damaged. On behalf of the European Parliament, I would like to take the opportunity at today's plenary session to express our deepest sympathy with all of the victims of this terrible earthquake.

I would also like to offer on behalf of everyone here our deepest sympathy and condolences to the families of those who have died as well as our solidarity with Italy, its citizens and authorities at this sad time. Our thoughts are with those who lost their lives, were injured or made homeless and everyone else affected by this disaster. I would ask you to rise from your seats in silent remembrance.

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

Thank you.

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

4. Verification of credentials: see Minutes

5. The 'Say NO to Violence against Women' campaign (written declaration): see Minutes

6. Signature of acts adopted under codecision: see Minutes

7. Corrigenda (Rule 204a): see Minutes

8. Announcement by the President: see Minutes

9. Documents received: see Minutes

10. Lapsed written declarations: see Minutes

11. Petitions: see Minutes

12. Texts of agreements forwarded by the Council: see Minutes

13. Written declarations (submission): see Minutes

14. Transfers of appropriations: see Minutes

15. Order of business

President. – The final version of the draft agenda, as drawn up by the Conference of Presidents at its meeting of Thursday 16 April pursuant to Rules 130 and 131 of the Rules of Procedure, has been distributed. The following amendments have been proposed:

Tuesday:

The Group of the Greens/European Free Alliance has asked for the report by Mr Hökmark on a Community framework for nuclear safety to be taken off the agenda.

Monica Frassoni (Verts/ALE). – (IT) Mr President, ladies and gentlemen, we should postpone the Hökmark report on a Community framework for nuclear safety for two reasons: the first is that the Committee on Legal Affairs has endorsed the suggestion that there is an essential procedural problem in the Commission's proposal because the Euratom rules stipulate that the Commission must obtain the opinion of a technical committee prior to working on the proposal, and that is something that it has failed to do on two occasions. The Committee on Legal Affairs has held that this is an essential defect: in other words, it is a defect which requires withdrawal of the proposal and its resubmission by the Commission in line with the rules in force. The second reason is that there are no grounds for rushing because these provisions will apply only to power stations that may be constructed after 2015. There is therefore no reason to rush, and we have no need to adopt a text affected by such a significant procedural defect as this.

Gunnar Hökmark (PPE-DE). – (SV) Mr President, I definitely think that we should take a decision on this matter during this part-session. There are many reasons for this. Firstly, this is a proposal that Parliament has debated before and that has now come up again, and the Council has been discussing it since 2003. It is finally time to take a decision. As regards the legal situation, the group of experts to which Mrs Frassoni refers submitted its opinion on this proposal, whereupon adjustments were made. What separates the very large majority in the Committee on Industry, Research and Energy and the representatives of the Group of the Greens/European Free Alliance is the matter of whether this is a new proposal or a proposal that we have been working on since 2003. I think that everyone else agrees that this is a proposal that we have been working on for a long time. At some point we must be able to take a decision, particularly as many countries are actually now planning to build nuclear power plants. I therefore believe that it is extremely important for us to have strong and stable legislation in place for the European Union and so I suggest that, today, we vote in favour of having a vote on the Nuclear Safety Directive this week.

(Parliament rejected the motion)

Wednesday:

President. – The Group of the Alliance of Liberals and Democrats for Europe has requested that the vote on the motion for a resolution on the opening of international negotiations in view of adopting an international Treaty for the protection of the Arctic be postponed.

Diana Wallis (ALDE). – Mr President, we did have a brief discussion about this when we voted during the last plenary session.

The problem is this: when we had the debate with the Commission and Council, it became clear to many of us in the House that it was not appropriate for us to vote on the resolution, and we therefore asked for it, at that stage, to be postponed.

I think our view now is that there is no need for a resolution. Parliament expressed itself on this subject a couple of months ago; that is absolutely sufficient; there is no need to do it again at this stage. The debate that we had with the other institutions was valuable, but there is no need for a resolution.

Véronique De Keyser (PSE). – (FR) Mr President, I admit that I am a little surprised, since no one thought that this resolution was pointless when we debated it. Absolutely no one, and least of all Mrs Wallis.

Moving on, it is true that the Commission referred to the fact that the European Union wished to join the Arctic Council, and so on. For my part, I believe that, in accordance with the wish expressed by the Commission, this new resolution, which states very clearly our desire for a moratorium on drilling and for a demilitarised zone in the Arctic, is indeed a particularly important one, coming as it does at a time when

the border countries are flexing their muscles – including their military muscles – in this zone, in order to claim their property and their drilling opportunities.

Thus, from a political point of view, it is absolutely crucial that we vote for this text, and this about-turn by Mrs Wallis – and by part of the Chamber, too – is completely unjustifiable, given the debates that we have had.

(Parliament approved the motion)

Wednesday:

President. – The Union for Europe of the Nations Group has requested that a Commission statement on the earthquake in the Italian region of Abruzzo be inserted into the agenda.

Roberta Angelilli (UEN). – *(IT)* Mr President, ladies and gentlemen, having consulted the political groups and the heads of the Italian delegations, on behalf of my group, I am asking you to agree to add a debate on the earthquake in Abruzzo to tomorrow's agenda. I believe that the people who have been affected appreciate the solidarity shown by the European institutions and by you in person, with the condolences expressed and the minute of silence, and they will also appreciate any financial and legislative support for reconstruction. For these reasons, a debate in the presence of the European Commission could provide national and local institutions with a lot of useful information about how much the European Union will be able to do.

Gianni Pittella (PSE). – *(IT)* Mr President, ladies and gentlemen, I would like to say that the Socialist Group in the European Parliament agrees with the proposal made by Mrs Angelilli. I would like to thank Mr Pöttering for his words and the House as a whole for having shown the people affected its emotional solidarity. I also believe that tomorrow afternoon's debate could produce not only renewed declarations of solidarity, but also, and above all, specific proposals, because Europe can make a significant contribution to reconstruction, as well as to alleviating the situation of crisis that the citizens of Abruzzo are living through.

(Parliament approved the motion)

Astrid Lulling (PPE-DE). – *(FR)* Mr President, it was with sadness and bitterness that I discovered that the oral question with debate on rosé wines and permitted oenological practices that I and my fellow Members from a large number of political groups submitted within the deadline was not on this week's agenda.

On behalf of all the signatories, I call for this situation to be remedied. I have in fact spoken to some of the political group chairmen, and it seems to me that either they have been misinformed regarding this request, or it has been passed over in silence.

I would therefore kindly ask you to add the oral question, which was submitted within the deadline, to this week's agenda.

President. – Mrs Lulling, I have just been informed that rosé wine is scheduled to be discussed in May. There will be sufficient speaking time then, something which would not be the case today.

Nikolaos Vakalis (PPE-DE). – *(EL)* Mr President, I should like, if I may be so bold, to express my dissatisfaction and curiosity, because I tabled an oral question with debate which was supported by 48 MEPs, whose support – for your information – was mustered in zero time and even now there are members who have stated that they wish to support it, and yet, much to my surprise, no one has replied to me on this issue as to why, when and on the basis of what criteria it was decided not to accept the oral question with debate.

Have I now suddenly come up against another sort of earthquake? Is it a new earthquake, does it have a different cause? I repeat once again, taking as my starting point the last fatal earthquake and the victims you referred to and – I would add – the consequential cultural damage and destruction, that we should highlight the European dimension of this phenomenon. Given that I was also the rapporteur for the only report by a European institution on the subject of earthquakes, I know full well that a great deal can and must be done at European level. I thank you and I await a reply.

President. – Mr Vakalis, that sort of request needs to be made an hour before the start of the sitting. I have been told that this was not the case. It relates to Rule 132. I would recommend that we deal with this in May, otherwise we will not be able to proceed on the basis of the Rules of Procedure.

Astrid Lulling (PPE-DE). – (DE) Mr President, I would request that you ask the House whether that should be placed on the agenda. You cannot simply decide that yourself. At least ask whether the Members agree with that decision.

You can surely find a couple of minutes to discuss this important topic, which greatly affects many regions in our Union, and to discuss it in good time, as in May it will be too late.

President. – Mrs Lulling, the President does not make this decision alone, I follow the Rules of Procedure. The decisive factor is Rule 132, by which we are bound. The request should have been made an hour before the sitting. I will recommend to the Conference of Presidents that we consider this matter in May.

The Group of the Greens/European Free Alliance has requested that a Commission statement on genetically modified maize – MON 810 be inserted into the agenda.

Monica Frassoni (Verts/ALE). – (IT) Mr President, ladies and gentlemen, the situation is really a surreal one, in the sense that we are truly among those who are left hanging: most of the Member States do not want to surrender the ability to declare moratoriums on GMOs, and the Commission, clearly, must take account of this negative outcome, although it may act, if it wishes. This is the point that we have reached!

I believe that on an issue as important as this it would be useful to understand what the Commission wants to do: to continue, to stop, to withdraw or to present a legislative proposal. The only thing we want is for the Commission to tell us what it wants to do, and to say so publicly, in a debate at Parliament.

Lutz Goepel (PPE-DE). – (DE) Mr President, MON 810 was approved in the European Union in 1998. This approval is not mandatory for Member States and each Member State is free to decide whether to accept this approval, to apply it or to issue a ban on the cultivation of this maize.

I assume that this is the basis for the latest ruling in the Federal Republic of Germany on this issue. In this regard, may I say that MON 810 was approved in Germany in 2005, then in 2007 sowing of the seeds was stopped and in December 2007 Monsanto submitted a plan for the general monitoring of its cultivation. It was subsequently approved again in 2008 and then, a few days ago, it was prohibited.

Mrs Frassoni has stated that many Member States have rejected the cultivation of this maize. There are precisely four States – France, Austria, Hungary and Luxembourg – and now Germany has joined them, so there are five out of the 27 Member States. This is purely a national decision on the basis of subsidiarity and therefore we should not burden Parliament with it.

Martin Schulz (PSE). – (DE) Thank you Mr President. We are not in favour of proceeding in the way in which Mrs Frassoni has requested, but for a different reason to that given by Mr Goepel, and therefore I am grateful to you for the opportunity to present it briefly.

We need to have a detailed debate, not only about this point, but also about the issue of how we want to deal with genetically modified food. However, we cannot manage this in the short time we have until the day after tomorrow. I therefore believe that we should ask the new Parliament after the elections to conduct a detailed debate on the use of genetically modified food. Thank you very much.

(Parliament rejected the motion)

(The order of business was adopted)

16. One-minute speeches on matters of political importance

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

Georgios Papastamkos (PPE-DE). – (EL) Mr President, as you know, we are witnessing a worrying decline in international trade. Consequently, an immediate reversal in this situation is a fundamental parameter in the economic recovery which we are seeking. It is estimated that the increased cost of borrowing and the reduction in the flow of credit are responsible for approximately 10-15% of the slowdown in trade. The multilateral trade finance package adopted in London by G20 is without doubt a positive move. In my opinion, the Union is also being called upon to continue to play a leading role in the practical application of the London package in three directions:

- firstly, targeted intervention by multilateral and regional financial institutions;

- secondly, coordinated public intervention at national level; and
- thirdly, adjustment of the relevant multilateral rules.

This message is directed to the European Commission so that it can take the necessary initiatives.

Pierre Pribetich (PSE). – (FR) Mr President, we have whiffs of Islamophobia in the speeches of a populist extreme-right leader in the Netherlands; we have an increase in attacks against the Roma in the Czech Republic; and we have unspeakable, intolerable remarks by the Iranian President concerning the creation of a racist government in Palestine, alluding to the creation of the State of Israel in a UN conference on racism, intended primarily to promote tolerance and diversity.

How could our Parliament, aside from showing indignation, not send a strong and symbolic message to promote that diversity, and the tolerance required in a globalised world, by forcefully condemning such remarks? How could it not call on the European Council and the Commission to send a solemn warning to states that subscribe to this aggressive logic, and even voice it, since history has taught us all too often that actions are unfortunately never far behind such remarks?

How, during this sitting, Mr President, could our Parliament remain silent in the face of such racist, xenophobic attitudes, in a context of economic crisis in which the withdrawal of nations into themselves, protectionism, is sadly sprouting like seeds in spring?

Cristian Silviu Buşoi (ALDE). – (RO) I am extremely concerned by the events which have occurred recently in the Republic of Moldova. The most serious of these include human rights violations, arrests, kidnappings, torture, intimidation and the expulsion of journalists. The will of Moldovan citizens has been undermined by the authorities through the numerous irregularities which can provide arguments to support the assumption that the elections have been rigged. This includes the supplementary lists, the extra vote papers printed, harassment of the opposition, the ban on access to public television stations and the campaign which the state institutions have run for the Communist Party. Although there have been many voices during these weeks which have protested at a European and global level, unfortunately, the situation in the Republic of Moldova has not improved. I hope that during the discussions this week and when the ad-hoc mission goes to the Republic of Moldova, but especially through the resolution which we are expecting at the final session in May, the European Parliament will send out a very clear message that the European Union does not tolerate human rights violations and will openly call for the elections in the Republic of Moldova to be rerun.

Mieczysław Edmund Janowski (UEN). – (PL) Mr President, on the morning of Good Friday, 13 April, before dawn, a huge tragedy occurred in the Polish town of Kamień Pomorski near Szczecin. Over 20 people, including children, were burned alive in a building. This caused and is still causing great anguish throughout Poland.

Today, I would like to appeal from this Chamber to the governments of all the Member States and to local and regional authorities to take urgent steps to check fire safety provisions in all residential buildings, and especially in buildings used by welfare services. I am thinking both about the use of suitable materials in the construction of these buildings and about a rigorous inspection of compliance with fire safety regulations. The drama in Poland is one of many such incidents which, unfortunately, have occurred in Europe. May this fire and its victims be a great cry of warning for the future.

László Tőkés (Verts/ALE). – (HU) In the speech I made on 23 March, I asked the European Parliament and the European Commission to intervene to protect the Romanian town of Verespatak (Roşia Montană) whose vulnerable population, architectural heritage and natural environment are under threat as a result of plans by a Canadian-Romanian joint venture to develop a mine.

The fears we had then have been realised as, after a two-year reprieve, the new Romanian Government finally wants to clear the way for the investment, which will result in the use of production methods based on cyanide technology, in breach of European norms, thereby threatening not only the immediate environment, but also the entire area along the Romanian-Hungarian border with an ecological disaster.

I would like to use this opportunity to join other fellow Members in submitting a request to Commissioner Dimas for cyanide technology to be banned. I call on the European Commission, in keeping with the spirit of Europe's environmental protection policy, to send an inspection body to Romania to ensure in the long term that appropriate EU-level regulations are applied to mining operations.

Vittorio Agnoletto (GUE/NGL). – (IT) Mr President, ladies and gentlemen, I would like to talk about what has happened at Fiat in Brussels. With the sole aim of undermining the trade union, Fiat has falsely accused its workers of having taken its managers hostage – an event that in fact never took place. There was no kidnapping, either on 9 April or ever. The rumour has been deliberately spread by Fiat in an attempt to discredit the workers, who are trying to protect their future in the face of 24 lay-offs. Fiat is refusing to have any meetings, discussions or negotiations with the trade unions representatives. The sole aim is to lay off 24 workers, 12 of whom are trade unions representatives. I think it would be a good idea for Parliament to discuss not only this fact, but also the anti-union conduct by Fiat and a very large number of major European multinationals, which is devoid of respect for workers' rights. While these multinationals benefit from national and European Union rules and, in several cases, also subsidies, they do not respect workers' rights.

Georgios Georgiou (IND/DEM). – (EL) Mr President, a few days ago, a large group of MEPs visited the southeast borders of Europe.

What we saw and experienced in the area we visited gave us no cause for pride whatsoever. I have to tell you that there are European citizens there living on small islands with a population of between 120 and 130, on each of which 150, 200 or 250 illegal immigrants land every day and where they are all living together in miserable conditions because there is no infrastructure.

I keep hearing talk in this House of Darfur, of Southern Sudan, of Myanmar, and rightly so, but be that as it may, at some point we need to look at these European citizens living there, who are just as European as those living in Paris, Madrid or Berlin. I felt it my duty to mention this to you, Mr President, and I trust that you will act.

Slavi Binev (NI). – (BG) Mr President, ladies and gentlemen, at the moment there is a danger hanging over Bulgarian society. Namely, the police force is changing from an organisation intended to protect the public into an agency involved in political racketeering and carrying out gangsters' orders. On the evening before Easter Sunday a councillor from Burgas municipal council, 64-year-old Petko Petkov, was knocked to the ground and beaten by two uniformed policemen before the very eyes of a large number of witnesses in front of a church. In the official police report filed the next day there was no mention at all of the incident. This is another example of police violence against members of the *Attack* party, in the wake of the beating suffered by the MEP, Dimitar Stoyanov, and a municipal councillor from Sofia. Not one of these attacks has come under investigation.

Another example of the deliberate inaction of the police in cases where they are 'under orders' is the fact that not a single case of abduction has been reported in Bulgaria, even though 15 cases have already occurred, the last two again this month. Our society has become gripped by a sense of fear and helplessness. As a result, policemen in Bulgaria have become synonymous with 'money-grabbing' businessmen. When the officers of law and order are criminals, who can we protect ourselves from and who will defend the people? This question remains unanswered.

Richard James Ashworth (PPE-DE). – Mr President, I draw the attention of this House to the impact of the unlawful blockade of the cross-Channel ports of Calais, Boulogne and Dunkirk by members of the French fishing industry last week. This industrial action brought very serious disruptions to flows of freight through this vital trans-European route. It adds enormous cost and delay to industry and severely disrupts and inconveniences the lives of people living in the South East of England.

This has been a frequently recurring problem, and I ask of the Commission that they use their powers to intervene to ensure that this interruption to the free movement of goods and people within the European Union is brought under control. Furthermore, I ask of the Commission: is, in their view, the award of EUR 4 million to the fishermen by the French Government state aid, and would it therefore be anti-competitive and unlawful within the rules of the common fisheries policy?

Ioan Mircea Pașcu (PSE). – Mr President, the recent negative developments in Moldova illustrate a number of issues worth mentioning. The first is our response to the violations of EU core values by the Moldovan authorities during the reprisals against young people and journalists, following the protests against the results of the elections. Any lenience on our part would cast a shadow over EU credibility in this respect.

The second is the EU response to the procedural breach by the Moldovan authorities in implementing their agreements with us and by discriminating against European citizens on nationality grounds. Again, EU credibility and authority are at stake.

The third is EU solidarity in the face of the false accusations against one of its members, a possible pretext for freezing the military situation in the area in breach of important undertakings in the field.

Fourthly, the EU reaction will emphasise once again the difference in status between countries sharing a similar destiny in 1940 and indicate the future direction of EU-Russia relations.

Chris Davies (ALDE). – Mr President, if one of our constituents fraudulently claims welfare benefits, they will be prosecuted and could go to prison.

Sometimes things seem different here. Newspapers reported publicly last November that one of our Members, Den Dover, had paid expenses worth GBP 750 000 intended for the employment of staff to a company owned by his wife and daughter and had used some of this money for the purchase of expensive cars and for other matters of personal gain.

Most people regard Dover as no better than a thief, a crook who should be in jail, and I invite you, Mr President, to tell us how much of that money has now been repaid.

This Parliament should be a shining example of openness, honesty and transparency, and instead there sometimes seems to be a code of secrecy here to keep hidden the true extent of abuse of allowances by some Members. Our refusal to introduce the same sort of principles of financial transparency that we would expect of any other European institution brings shame upon us all.

President. – Mr Davies, you can be sure that in this case, too, the matter will be dealt with in accordance with the law.

Ewa Tomaszewska (UEN). – (PL) Mr President, the month of April brings another opportunity for reflection on the effects of both totalitarian systems. It recalls the Katyń Massacre, the murder of thousands of Polish officers – held as prisoners of war in camps at Ostaszków, Starobielsko and Kozielsko – sentenced to death in March 1940 on the orders of Lavrenty Beria. It recalls, too, the beginning of the Warsaw Ghetto Rising in 1943, in protest against the mass transportation of Jews to extermination camps by occupying German forces.

The tragedy in the ghetto is being overcome in today's March of the Living, which guarantees to commemorate such events and to prevent their repetition. Unfortunately, the Katyń Massacre and its perpetrators have still not been judged and sentenced. Adoption by our Parliament of the written declaration on the proclamation of 23 August as European Day of Remembrance for Victims of Stalinism and Nazism nevertheless inspires hope.

Den Dover (PPE-DE). – Mr President, I understand that Mr Davies may have made a speech about a situation concerning myself, and, therefore, I would like the right of reply on that matter. I only heard the last 10 words. He at least sent me an email in the last 20 minutes saying that he intended to speak on it.

All I would like to say is that the big fuss and bother about my parliamentary assistance expenses, covered by the media over the last nine or twelve months, has been a harrowing experience. I have lodged my papers with the Court of First Instance, so I intend to fight a very robust case. I understand I have a very good case and, along with that, I have gone for interim measures, which means that no money will be payable until the Court has heard all the evidence and made the appropriate decision. I beg leave to delay the House and thank you for this opportunity.

Gerard Batten (IND/DEM). – Mr President, after 36 years of membership, what has the European Union meant for Britain? It means that we no longer govern ourselves. Between 75% and 85% of our laws now come from the EU and not from our own parliament. The EU costs Britain at least GBP 56 billion per annum – or the equivalent of GBP 900 per annum for every man, woman and child. We no longer control our own borders and suffer unlimited and uncontrolled immigration.

EU human rights legislation means that we can no longer effectively protect ourselves from foreign criminals, illegal immigrants and bogus asylum seekers. The European arrest warrant and trials *in absentia* mean that we have lost our most basic protections from unjust arrest and imprisonment.

EU membership is a disaster for Britain. It is a grievous and unnecessary self-inflicted wound. The only solution to the problem is Britain's unconditional withdrawal from the European Union.

Milan Horáček (Verts/ALE). – (DE) Mr President, a few weeks ago, an unholy alliance of pro-European Czech Social Democrats, President Klaus, who opposes the EU, and the Communists brought about the fall of the Topolánek government. Work is now under way to establish the interim government, which is to undertake the governmental work from May until after the new elections in October. I hope that this new cabinet will lead the Czech Presidency, which has so far performed its role very well, to its conclusion and help to enable the necessary ratification of the Treaty of Lisbon in the Czech Republic. This would be an important, positive sign for Europe.

Zsolt László Becsey (PPE-DE). – (HU) During recent months, a climate of fear has reigned again in Vojvodina in northern Serbia among the several nationalities which live there, mainly Hungarians. Although our Parliament adopted in both 2004 and 2005 a resolution in response to the physical and psychological attacks carried out against non-Serb inhabitants of this area and also took the exemplary action of sending a fact-finding delegation to the area in 2005, incidences of violence, intimidation and humiliation against the minorities living there, primarily Hungarians, are not only continuing, but seem to be getting worse.

Since the start of the year, a total of fifteen psychological and five physical attacks have been carried out, two of them serious. Unfortunately, there is little confidence in the police. This is supported by the fact that in the case of ethnic attacks, so far none of the sentences passed have actually been enforced, which indicates the inadequate operation, and, unfortunately, based on many years' experience, the lenient attitude of the judiciary. This is also supported by the fact that the Serbian majority cannot acknowledge even now that we must also remember many tens of thousands of people executed without any verdict and individual guilt.

For how much longer can the European Union put up with indigenous inhabitants speaking a European language being terrorised physically and psychologically by a prospective Member State at the start of the 21st century? Do we not even have the least concern for our reputation?

Jo Leinen (PSE). – (DE) Mr President, yesterday the United Nations' anti-racism conference opened in Geneva. Twenty-two EU countries are participating and five countries have decided not to participate. This shows the unity of the European Union in relation to such an important event in a poor light.

However, I now read that a few countries are still considering travelling to Geneva during the course of the week, and therefore I would ask you to bring your influence to bear on the Czech Presidency so that we, as the EU, can take a united stance on this anti-racism conference.

A dreadful speech by the Iranian President must not be allowed to divide the EU and weaken the UN. That must not be the outcome of this speech, and therefore I believe that we must strive once again – as Secretary-General Ban Ki-moon has also requested – to ensure that all 27 EU Member States and the EU as a unit actually support the final document arrived at there to help the millions of people in the world who are affected by racism and discrimination. Thank you very much.

Marco Cappato (ALDE). – (IT) Mr President, ladies and gentlemen, at the last part-session I asked you to respect Parliament's obligations and to publish data on attendance by MEPs at parliamentary activities. Mr President, you gave me your word that at the next meeting of the Bureau – which is the one to be held in exactly 40 minutes' time – this point would be discussed. However, I now find that this item is not on the agenda for the Bureau meeting to be held at 6.30 p.m. Since there is now only a little more than a month until the elections and since Parliament has made an undertaking to publish data and information on attendance by MEPs at parliamentary activities, and now there will be very few opportunities, I do not know whether a meeting of the Bureau may be held to formally deal with this issue. The Secretary-General had made a commitment to provide a report on the basis of which the Presidency would have been able to take a decision; I therefore ask you, Mr President: will the citizens, the European electorate, be able to have this information, as requested, stipulated and decided by this Parliament, before the European elections in June, or will we have to break our own promise and go against our own decisions?

Etelka Barsi-Pataky (PPE-DE). – (HU) The new Hungarian socialist government was formed yesterday. I do not actually want to talk about the political aspects of this event, but about the fact that the new government does not have a single female member. It certainly is strange that in Europe in 2009 a new government can be formed which does not have a single woman among the 14 ministers making up the administration. In the Scandinavian countries more than half the members of their governments are women. France is also approaching this proportion. More than a third of the members of the German Government are women. This is the generally accepted practice in Europe.

In this House we have adopted 11 reports on the subject of gender equality over the last five years. This is an important objective, based on Europe's values, but is meaningless if it is not put into practice. I therefore call on my fellow Members, in this case from the Socialist group, to exert their influence so that these important and noble aspirations are also put into practice in their countries where this has not yet happened.

Neena Gill (PSE). – Mr President, the other day I was in Birmingham. I was knocking on doors – a particularly British way of campaigning – and, unsurprisingly, not a single person whose doorstep I was on had the slightest clue that there was to be a European election in less than six weeks' time.

I am sure that you know that statistics in the UK show that only 16% of the public know about the elections, but what should be of concern to you is that these statistics are no better across the other Member States. In fact, 30% have no intention of participating in the forthcoming elections. This lack of interest and awareness is as much the responsibility of this Parliament as of anybody else. The millions that have been spent on communications with the citizens have been to no avail.

What is particularly frustrating for me is that the promised election awareness advertisement has spectacularly backfired. A work-life balance advertisement has upset working women and groups trying to encourage breastfeeding. It is yet another own goal. Mr President, you need to deal with this situation urgently, have the offending advertisement withdrawn and make sure that we have a simple message as to why people should participate in the forthcoming elections. This needs to be visible and easily understood.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Mr President, I too should like to speak on the same issue, namely the turnout for the forthcoming European elections, which does not promise to be particularly high. The reasons include the pre-election campaign organised by Parliament, which is not spectacular enough, and, more importantly, the attacks on the achievements of the European Union, the social market economy, the model which we have fought so hard to develop and which is bearing fruit for workers in the European Union. Citizens are looking with a negative eye on developments, which do not promise to be pleasing and satisfactory. It is therefore a pity that we are in confrontation here on issues which should unite us in the interests of the citizens of Europe.

Catherine Guy-Quint (PSE). – (FR) Mr President, on 14 and 15 March I, as a member of the Committee on Budgets, travelled with Mr Botopoulos to the Peloponnese regions worst hit by the floods of summer 2007. We discovered, to our great surprise, that the EUR 89.7 million pledged and due to come from the European Union's Solidarity Fund have still not arrived in those areas.

We therefore formally draw the Commission's attention to this matter and we should like to know where the implementation of the decisions taken by the budgetary authority is being held up. How is it that this aid, which was voted on several months ago, has still not had any significant impact on these regions, where the need for European solidarity is becoming more obvious by the day?

Aside from the retrospective monitoring carried out by the Commission, we should like to receive some explanations from the Greek Government regarding the use of this European aid. This really is a matter of urgency – human and economic urgency. Two years is really far too long to wait.

Călin Cătălin Chiriță (PPE-DE). – (RO) I would like to draw attention to the fact that the increasingly frequent undesirable events which started last year with Armenia and have continued this year with Georgia and Moldova give us food for thought, given that there are two things which they have in common: all three countries are members of the Eastern Partnership and the scenario is identical for each of them. I think we should take this fact into consideration.

Last week President Voronin of Moldova even declared that he wants to withdraw from this Eastern Partnership so that he can push ahead with the unwelcome actions which he is taking against human rights in Moldova. I believe that the European Union should work closely with the Council of Europe and the OSCE.

Jim Allister (NI). – Mr President, glorification of terrorism takes many forms, but when a Member of this House eulogises vile murderers, whose killing careers came to an end when they met their just desserts at the hands of lawful security forces, then that Member has put herself at variance with everything that this House has ever said in condemning terrorism and those who sanitise and justify it. Yet this is exactly what Sinn Féin Member de Brún did on Easter Sunday, when she described IRA terrorists as decent, selfless and honourable. There is nothing decent or honourable about terrorism, past or present. Shame on any Member who proclaims such obscene adulation of men of blood!

Jelko Kacin (ALDE). – (SL) With his populist and hard-line nationalist rhetoric, President Ahmadinejad is causing great damage to Iran's image and reputation. He is also threatening moderate Islam in the West and spreading negative stereotypes about it.

We have to take decisive action against such provocation. In sentencing Roxana Saberi, the Iranian regime has demonstrated that it is essentially weak and cowardly. In its verbal confrontation with the United States, it chooses to take hostages, in this case a woman and a journalist, in order to mobilise its people ideologically. It is making a mockery of all democratic standards.

Fundamental human rights form the bedrock of the European Union, as does the fight for the right to information. The fourth estate, that is the media and the press, are an important tool in restoring democratic standards. Any power which is afraid of the press will first strike against them. Non-democratic regimes remain in perpetual fear, which is why they persecute journalists, imprison and torture them, and even kill them.

Kinga Gál (PPE-DE). – (HU) On 1 May it will be five years since we became members of the European Union, together with numerous other Central and Eastern European countries. It seemed then that each of the new Member States would observe the EU's basic principles and the ban on discrimination, as well as protect and value linguistic diversity and the rights of national minorities.

Even after five years of EU membership, there may still be instances where the majority language is protected in an open, discriminatory manner to the detriment of the use of the indigenous national minorities' languages. This is currently the case in Slovakia, where the language law passed in 1995 and subjected at the time to harsh international criticism has now been revived. This draft language law jeopardises the use of minority languages in every aspect of life, which also affects, for instance, the half a million-strong indigenous Hungarian minority who live there. Instead of promoting linguistic diversity and protecting the minority's identity, it allows language monitors and inspectors to go into minority communities and impose heavy fines if they fail to comply with these regulations, which can only be described as madness from a Brussels perspective. This is why I call on the EU's commissioner for linguistic diversity to intervene and put linguistic diversity into practice in Slovakia too.

Csaba Sándor Tabajdi (PSE). – (HU) The 10 new Member States have been in the European Union for five years. It is time for us to take stock of the situation. Our term is also coming to an end. To begin with, there was distrust among the old Member States, but this gradually disappeared. In fact, after a while it transpired that on many issues, such as the Services Directive or freedom of employment, the new Member States championed EU reform. This is why I believe that we can say that these five years have been a very sharp learning curve. At the same time, we must highlight that new Member States still face discriminatory measures. I only need to mention the fact that farmers from new Member States are receiving yet again this year only 60% of what farmers in the old Member States receive. I should also add that joining the EU was a win-win situation and I would therefore like to thank the European Parliament for welcoming us new Member States. We feel that we have been treated here as full equals during the last five years.

IN THE CHAIR: MRS MORGANTINI

Vice-President

President. – This item is closed.

17. Common rules for the internal market in electricity - Agency for the Cooperation of Energy Regulators - Access to the network: cross-border exchanges in electricity - Internal market in natural gas - Conditions for access to the natural gas transmission networks - Fuel efficiency: labelling of tyres - The energy performance of buildings (debate)

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

– the recommendation for second reading (A6-0216/2009) by Mrs Morgan, on behalf of the Committee on Industry, Research and Energy, on the Council common position for adopting a directive of the European Parliament and of the Council concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (14539/2/2008 – C6-0024/2009 – 2007/0195(COD));

- the recommendation for second reading (A6-0235/2009) by Mr Chichester, on behalf of the Committee on Industry, Research and Energy, on the common position adopted by the Council with a view to the adoption of a regulation of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators (14541/1/2008 – C6-0020/2009 – 2007/0197(COD));
- the recommendation for second reading (A6-0213/2009) by Mr Vidal-Quadras, on behalf of the Committee on Industry, Research and Energy, on the Council common position for adopting a regulation of the European Parliament and of the Council on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (14546/2/2008 – C6-0022/2009 – 2007/0198(COD));
- the recommendation for second reading (A6-0238/2009) by Mr Mussa, on behalf of the Committee on Industry, Research and Energy, on the Council common position with a view to the adoption of a directive of the European Parliament and of the Council concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (14540/2/2008 – C6-0021/2009 – 2007/0196(COD));
- the recommendation for second reading (A6-0237/2009) by Mr Paparizov, on behalf of the Committee on Industry, Research and Energy, on the Council common position with a view to the adoption of a regulation of the European Parliament and of the Council on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (14548/2/2008 – C6-0023/2009 – 2007/0199(COD));
- the report (A6-0218/2009) by Mr Belet, on behalf of the Committee on Industry, Research and Energy, on the proposal for a directive of the European Parliament and of the Council on labelling of tyres with respect to fuel efficiency and other essential parameters (COM(2008)0779 – C6-0411/2008 – 2008/0221(COD));
- the report (A6-0254/2009) by Mrs Țicău, on behalf of the Committee on Industry, Research and Energy, on the proposal for a directive of the European Parliament and of the Council on the energy performance of buildings (recast) (COM(2008)0780 – C6-0413/2008 – 2008/0223(COD)).

Eluned Morgan, rapporteur. – Madam President, this energy package is the culmination of years of hard work in which Parliament can be very proud of the changes that will now be put in place. We should, in particular, be proud of the fact that the EU's energy consumers have now been put right at the centre of the energy debate for the first time and the issue of energy poverty has now been recognised at European level. The inherent conflict of interests that arises when a company owns both transmission and generation of electricity has been addressed, and the regulatory regime governing the energy markets has been strengthened.

The Electricity Directive, for which I was rapporteur, is part of a package of five measures which seeks improvements in the way the electricity and gas markets work across the continent, to ensure that the markets are better integrated and operate in a fairer and less discriminatory way.

Let me say how grateful I have been for the enormous cooperation from the other rapporteurs on this package, as well as from the shadows, the Commission and the Czech Presidency, for helping us to come to a conclusion on what was sometimes a very challenging debate.

The legislation has seen a raft of new consumer protection measures set out, including ensuring that customers are able to switch suppliers within three weeks, the provision in each Member State of an independent and robust complaints system, and the right to compensation if service levels are not met. This legislation will also ensure that every household in the EU will be fitted with so-called 'smart meters' by 2022. These smart meters will enable customers to better control their energy use and increase energy efficiency, helping to cut energy costs and reduce carbon emissions.

On the European Parliament's initiative, the new legislation also includes special protection measures for vulnerable energy consumers, and the issue of energy poverty will now have to be taken seriously for the first time.

I would like to ask Commissioner Piebalgs if he will now make a commitment that, in future, the energy framework of the EU, in addition to addressing security of supply, sustainability and competitiveness, will also now add a fourth leg – that of affordability – to all future energy policy proposals. An EU-backed report has recently concluded that up to 125 million citizens are affected by energy poverty. Member States now must take appropriate measures which could lead to the prevention of hundreds – if not thousands – of deaths in the poorest households across the continent. We will also see the end to discriminatory pricing on prepayment meters.

The most controversial part of the package centred on whether there was a need for full ownership unbundling in the energy markets – in other words, a total separation of transmission systems from generation. The market structure in some Member States means that the monopoly enjoyed by transmission system operators, who also own the means of generating electricity, offers no incentive to encourage other players onto the market, thereby undermining competition. Parliament has now accepted a compromise that will allow ownership of both transmission and generation on condition that we see increased checks and balances to ensure the removal of the inherent conflict of interest that arises. Many of us reluctantly accepted the compromise because we believe that the wind is blowing in the direction of wholesale separations, and these integrated companies are likely to separate regardless of this directive.

The Commission's efforts in exposing the abuses of some companies is starting to pay off, with examples of companies like E.ON and RWE agreeing to sell their transmission networks following anti-trust investigations. We are also going to see a strengthening of national regulatory authorities.

I would like to thank everybody for their cooperation, and I think we should be proud of what we have done for the consumers of the EU.

Giles Chichester, *rapporteur*. – Madam President, this package is, I hope, more a case of 'third time lucky' than 'work in progress'. I view the future role of the Agency for the Cooperation of Energy Regulators as crucial in achieving the long-desired internal market in gas and electricity.

During the trialogue negotiations, it became clear to me that the improvements put forward by me on behalf of Parliament are essential for fair and effective energy markets. My objective has been to create an agency with greater independence and decision-making powers. In particular, if it is to contribute effectively to the development of a single, competitive, energy market, the Agency needs more powers to tackle cross-border issues and encourage effective cooperation between transmission system operators (TSOs) and national regulatory authorities (NRAs).

However, with greater power there should be greater accountability and transparency. I have in mind the general principle that we should reinforce the independence of the Agency so as to make it both more effective and more credible by increasing the ways in which the Agency is accountable, in particular to this Parliament. I believe this will happen.

I should say that a number of the roles we have given to the Agency sound more consultative than concrete, but we have tried to create opportunities for innovative regulation by drawing attention to areas where action is needed but the Agency does not have the appropriate powers to act.

Let me first emphasise the increased forms of accountability that we have negotiated. The director will appear before the relevant committee of this House, both prior to appointment and during his or her term of office, to make a statement and answer questions. Likewise, the chairman of the board of regulators can attend the relevant committee and give an account of their work. Parliament has gained the right to nominate two of the members of the administrative board. All of this gives the Agency a forum in the public domain to make its voice heard on issues of its choice.

Turning to the roles I mentioned, I believe that monitoring internal markets in gas and electricity, participating in the development of network codes, contributing to the implementation of the guidelines on trans-European energy networks, monitoring progress on implementation of projects to create new interconnector capacity, having the power to decide on exemptions from requirements for investments in infrastructure, monitoring implementation of the 10-year network investment plans and having powers to issue opinions and recommendations to TSOs – along with other aspects that I do not have the time to enumerate – will all give the Agency ample opportunities to bring about change.

Finally, we have introduced requirements for streamlined decision-taking. I hope that the Agency will rise to the challenges we have posed. We have also created the opportunity for the Commission to come forward with its report on the working of the Agency and to make suggestions as to further tasks and roles that the Agency might fulfil, in the light of experience.

I would like to thank our fellow rapporteurs, the other two institutions and the Commissioner in particular for their hard and constructive work in achieving the final compromise package. I hope the fact that I have been invited to speak second, not fifth, is clear recognition of the true significance and importance of this proposal.

Alejo Vidal-Quadras, rapporteur. – Madam President, I would like to start by sincerely thanking the rapporteurs, the shadow rapporteurs, Commissioner Piebalgs and Ambassador Reinišová for the excellent cooperation during the first three months of this year. That cooperation has been the main engine of the successful outcome we will be voting on this week. Negotiations have been long, complex and sometimes tough, but I think we have managed to get an agreement that is satisfactory to all parties.

Regarding the overall package, as it has been negotiated, Parliament can be proud of the final text. Indeed, our very strong first-reading agreement on ownership unbundling gave the negotiating team a lot of leverage during the talks. This has allowed us to obtain a much tighter regulatory framework, in particular in countries with the ITO model in place, where the competencies of national regulators will be increased, with independence from both governments and industry. This new role will reduce the risk of uncompetitive behaviour, especially in circumstances where vertically integrated companies abuse their position to stop investments in new capacity.

Furthermore, agreement has been reached on the review clause that will allow us to check, in a few years, whether all models satisfy our goals of achieving a fully competitive and legalised market. Moreover, we have substantially increased the provisions on consumer protection with regard to, among other things, billing information and improved conditions for switching suppliers.

Finally, another big success has been the introduction of a new provision in the third-country clause, whereby the certification of a transmission system operator (TSO) from a third country could now also be denied if the security of supply of the Union as a whole, or that of an individual Member State, other than the one where the certification is requested, is threatened.

Concerning the electricity regulation, I would like to make clear that this regulation plays a crucial role, since it gives Member States the tools needed to significantly increase interconnection capacity within the Union by the development and establishment of binding network codes to be applied by all transmission system operators to exchanges, thus removing one of the main physical barriers to the completion of the internal electricity market.

The agreed text also enhances the role of the Agency for the Cooperation of European Regulators in this process, in line with the first reading in the European Parliament. I must admit that Parliament hoped for a much more ambitious agency. However, we understand that this is only the first step in a long process of integration of regulatory frameworks.

We have managed to include a new provision whereby the Agency will be able to propose the basic criteria to be included in the granting of exemptions for new interconnections. This is particularly relevant since it is one of the main obstacles investors in new capacity face when dealing with different Member States. Having to follow several different regulatory procedures can sometimes lead to confusing results and put off investors – take, for example, Nabucco.

This regulation also establishes, and gives a defined role to, the European Network of Transmission System Operators for Electricity (ENTSO), which will be in charge of drafting the network codes to be submitted to the Agency, as well as developing coordinated mechanisms for emergency situations such as the European Union-wide blackouts we have suffered in the recent past.

I would like to finish by thanking all the technical staff, whose work has enabled us to obtain an agreement which, at the very beginning of the negotiations, we at times lost faith in reaching.

Antonio Mussa, rapporteur. – (IT) Madam President, ladies and gentlemen, I would like to thank the Czech Presidency, the Commission, Mrs Niebler, as the Chairman of the Committee on Industry, Research and Energy, my fellow rapporteurs on this energy package, the shadow rapporteurs and the committee's secretariat, including all its officials, for their cooperation and for the skill they have displayed in working on this issue.

We all can and should be proud of the result we have achieved; I certainly am, thinking about the work I did when I inherited the directive on the internal market in gas, with problems that had no easy solutions. I am happy that this, my second term of office as an MEP, has coincided with the concluding stage of this package, which I believe to be one of the most important matters dealt with in this term of office, and one which will benefit our electorate, the citizens of Europe.

The Gas Directive that will enter into force from 2011 brings in significant innovations in the sector: one important result that should be emphasised is that the ITO option has been achieved. This will open up the markets and ensure that real progress is made towards a system that will genuinely allow the European Union

to speak with one voice on energy issues. The ITO system is the true innovation in this package and it is the area where the European Parliament can be said to have achieved the best outcome.

The new Gas Directive attributes much importance to the gas authorities and to the agency. The directive gives legitimacy to the authorities in their role, particularly in those countries where they are to start their activities from scratch. It is therefore a matter of fundamental importance that we have designated the role and responsibilities of these bodies, and have given them broad powers, since the authorities have the difficult task of controlling the common energy market.

Another detail, which was added in at the trilogue stage, is the exemption from the common rules for so-called 'closed' systems, such as airports, hospitals, stations, industrial sites, and so on, which because of their specific individual features are subject to a more favourable system. This is an example of the attention paid by the new directive to the needs of European citizens.

In my view, it is, in fact, European citizens that will really benefit from this directive, since with the use of smart meters they will have access to all the information relating to their bills and will be able to assess the best offer on the market and to choose their supplier on the basis of the best price, because while it is true that it will take some years to see the effects of this liberalisation, nonetheless it cannot be denied that the entry of new operators onto the market will lead to a fall in prices and to more favourable market conditions for EU citizens.

Another important element is the recognition of European transmission network systems that will provide gas supply security to European citizens. All this also hinges on the strengthening and creation of new infrastructure such as regasification facilities and storage facilities, which will be the driving force behind the third package. What is required, therefore, is the opening up of a competitive market, ensuring long-term investment and contracts from firms in the sector, particularly in the new Member States, where the creation of new infrastructure would also make it possible to resolve long-standing problems relating to energy dependence.

The protection of more vulnerable consumers has been taken into account, by giving the national and regional authorities the option to guarantee their gas supplies at the most critical times. The successful outcome on this Gas Directive and the energy package as a whole once more highlights the role of Europe and its institutions in acting for European citizens.

Atanas Papanizov, rapporteur. – (BG) Madam President, Commissioner, I would first of all like to express how pleased I am that agreement was reached between the European Parliament and the Council on the Third Energy Package, including the regulation on conditions for access to the gas transmission networks, for which I am the rapporteur. I would like to mention the contribution made by the Czech Presidency and the active support from the European Commission in finding common solutions.

In terms of access to the gas transmission networks, the Third Energy Package's objectives have been achieved. The foundation has been laid for creating a common European energy market, based on rules set out in detail in the binding network codes. The opportunities have been increased for developing regional cooperation where, alongside the European Network of Transmission System Operators and the national regulators, the Agency for the Cooperation of Energy Regulators will also play a considerable motivating role.

This will significantly boost the security of deliveries and encourage a new infrastructure to be set up through the European operators' network drawing up a 10-year network investment plan whose implementation is controlled by the national regulators and monitored by the Agency. This offers all market participants the opportunity to get involved, on the basis of clearly defined procedures, in drawing up the network codes and proposing changes to them if their practical application shows that this is necessary. The conditions governing competition between suppliers are being tightened through the use of more stringent rules on information and the transparency of transmission operators' actions.

I would especially like to thank those who participated in the negotiations for supporting the proposals which I drew up on the 10-year investment plan and the development of regional cooperation initiatives. In addition, I am pleased that, as a result of the negotiations conducted, a better balance was achieved between the powers of the European Network of Transmission System Operators, the Agency for the Cooperation of Energy Regulators and the European Commission, with a view to creating a smooth-operating, efficient, competitive market.

I would particularly like to emphasise that there was close cooperation while working on the five pieces of legislation from the Third Energy Package. A general framework was also created where individual elements

can complement and reinforce each other. I would like to mention the significant result of the active cooperation with my fellow rapporteurs: Mrs Morgan, Mr Mussa, Mr Vidal-Quadras and Mr Chichester. I also extend my thanks to the shadow rapporteurs who contributed to every stage of the negotiations with constructive and very useful suggestions. I must give a special thanks as well to the chairman of the Committee on Industry, Research and Energy and his secretariat.

Madam President, 2009 started with disruption to gas supplies for Bulgaria and Slovenia, along with a sharp reduction in volumes for other countries in Central and Eastern Europe. I believe that, based on the Third Energy Package, the unexpected proposals from the European Commission on providing new content for the gas supply security directive and the projects for connecting gas transmission networks supported by the Economic Recovery Plan, by the end of 2009, the European Union will be ready to counter any possible disruptions to supplies, thanks to more material resources and greater solidarity. I feel justified, based on the results achieved, in calling on all my fellow Members to support at second reading the common text reached with the Council, which has been presented to you.

Ivo Belet, rapporteur. – (NL) Even though the labelling of tyres with respect to fuel efficiency has today been awkwardly scheduled between electricity and gas, we are discussing important and very tangible measures that are of direct importance to every consumer, every driver, in fact to most of us in Europe.

It is a concrete measure that will cost little or nothing and that will make a considerable contribution to attaining our ambitious climate objectives. The tyre of a car – I am not sure if you are aware of this – accounts for 20% to 30% of a car's total fuel consumption. It is therefore logical that that is where enormous potential for energy efficiency and for savings lies.

What are the specific steps we intend to take? We will try to encourage all car drivers, which is just about everybody, therefore, to monitor the energy efficiency and noise emission of tyres from now on. We will not obligate anyone; we will only inform people, as we are doing today with refrigerators, for example, by means of a clear label or a sticker. Who wants to drive around with B- or C-class tyres if they can also use an environmentally friendly A-class version? Moreover, an A-class tyre is more cost-effective in the long run. This is what is known as pure profit, profit for the consumer and, above all, profit for the environment.

I should like to quote to you one figure: an impact assessment has shown a potential saving of up to one and a half million tonnes of CO₂. This corresponds to removing the CO₂ emission from near enough one million passenger cars on European roads. Once this measure has reached cruising speed, the CO₂ emission of one million passenger cars will have been eliminated, which is quite impressive!

Tyre manufacturers also stand to benefit, of course. Needless to say – and this is only logical – we consulted the sector when we came up with this measure. Surely, it makes no sense to impose new legislation on a sector that is particularly badly affected by the crisis in the car sector if this would involve extra outlay and red tape. These are arguments that hold water and that cannot simply be ignored. This Labelling Directive also benefits the manufacturers of quality car tyres, which is why we attach so much importance to monitoring its implementation, which is essential for creating an equal playing field, except that it is at a high level.

It goes without saying that environmental friendliness should never be at the expense of safety, and this is why we have tabled amendments to this effect. Safety remains our top priority, of course, where car tyres are concerned.

I should like to add a brief comment about the noise emission criterion. This is also included because, as you know, noise pollution is one of the banes of our time. As such, I very much welcome in this connection the fact that we have built in a cautious and viable criterion in order to further reduce noise pollution but, as I already mentioned, never at the expense of the safety of the car and the tyre.

I should like to conclude with a word about the time frame. In my view, we have reached an ambitious, yet reasonable, compromise. We are, of course, counting on car tyre manufacturers, as was the case with the CO₂ emissions of the cars themselves, to introduce products onto the market that will meet the most environmentally friendly standards a lot sooner.

Silvia-Adriana Țicău, rapporteur. – (RO) Commissioner, ladies and gentlemen, buildings are responsible for consuming 40% of primary energy and for creating 40% of greenhouse gas emissions. This is why the urgent implementation of measures to improve the energy performance of buildings is the most reliable, quickest and least costly way to cut greenhouse gas emissions. However, boosting the energy performance of buildings also offers huge potential for the EU's economic recovery through the creation of more than 250 000 new

jobs, through the investments required to promote renewable energy resources and energy-efficient buildings and, last but not least, through improving the quality of life of Europe's citizens by reducing the cost of their utility bills.

The new Commission proposal for amending the existing directive stipulates removing the 1 000 m² limit, setting certain minimum energy performance requirements for buildings and introducing a process for converging the minimum requirements established at national level, promoting buildings which produce locally a quantity of renewable energy equivalent to the primary energy consumed, and only financing from public funds the construction of buildings which comply with the minimum energy performance requirements.

Parliament has introduced the following important amendments: extending the directive's scope to include centralised heating and cooling systems, increasing the role of and standardising the format for energy performance certificates for buildings, devising a common methodology for defining minimum energy performance requirements, implementing in the case of public institutions recommendations contained in the energy performance certificate during its period of validity, new provisions on providing information to consumers and training to auditors and experts, as well as granting from 2019 construction permits for buildings which produce renewable energy locally in a quantity at least equivalent to the energy produced from conventional sources, along with introducing new provisions for inspecting heating or cooling systems.

I invite my fellow Members to visit the exhibition devoted to buildings of this sort – net zero buildings – which is being held in the European Parliament, organised jointly with the WWF.

Although the Energy Performance of Buildings Directive has been in force since 2002, its implementation in the various Member States has not been satisfactory. Member States have identified the lack of funding as being the main barrier to preventing the proper implementation of this directive. This is why the European Parliament proposed the funding of measures for the energy performance of buildings from the European Regional Development Fund, the creation of a European Fund for Energy Performance of buildings and the promotion of renewable energy sources through the contribution of the EIB, the European Commission and Member States, the possibility of using a low VAT rate for services and products relating to the energy performance of buildings, the development of national programmes which help boost the energy efficiency of buildings by adopting financial instruments and certain specific fiscal measures.

Last but not least, I would like to thank the shadow rapporteurs, the technical staff from the Committee on Industry, Research and Energy and the CFSP staff from the latter committee with whom I have worked outstandingly well. I await my fellow Members' comments with interest.

Andris Piebalgs, *Member of the Commission*. – Madam President, it is not easy in five minutes to give the Commission response to seven excellent reports, but I should not miss this opportunity to thank all the rapporteurs – Mrs Morgan, Mrs Țicău, Mr Chichester, Mr Vidal-Quadras, Mr Mussa, Mr Paparizov and Mr Belet – and all the shadows. I also would like to thank Mrs Niebler who worked really hard to let us come to this report in a very limited amount of time.

I will start with the internal energy market because two years ago we started with an ambitious goal: to create a truly competitive and truly European energy market for the benefit of the citizens of the European Union. The tool to achieve this goal is the third internal energy market package for gas and electricity.

Today we are close to the adoption of this package and thus to achieving this goal. The trilogue has now succeeded in agreeing to the compromise. The Commission fully supports this compromise. If adopted tomorrow by plenary, it will give the European Union the clear regulatory framework needed to ensure a properly functioning internal market and to promote much-needed investment.

First, it will facilitate cross-border energy trade with the establishment of an agency for the cooperation of national energy regulators, with binding decision powers, to complement national regulators. This ensures the proper handling of cross-border cases and enables the European Union to develop a real European network.

Secondly, the new legislation will promote cross-border and regional collaboration and investment with a new European network for transmission system operators. EU grid operators will cooperate and develop network codes and security standards, as well as plan and coordinate the investments needed at EU level.

Thirdly, it will provide for more effective regulatory oversight from national regulators that will be much more independent and have all the necessary means.

Fourthly, it will ensure effective unbundling of the generation and transmission of energy so as to eliminate any conflict of interests, promote network investment and prevent discriminatory behaviour.

This legislation will also ensure greater transparency, thereby guaranteeing equal access to information, making pricing more transparent, increasing trust in the market, and helping to avoid any possible manipulation or any sort of manipulation of the market.

This is not just about a properly functioning internal market but more generally about ensuring that the EU can rise to the challenges we are facing in the field of energy: climate change, increased import dependency, security of supply, global competitiveness.

In particular, a functioning internal market is a key element of the EU's effort to tackle climate change. Without a competitive electricity market, an emissions trading scheme will never work properly, and our aims regarding renewable energy will not succeed.

The compromise reached also strikes a good balance between the positions of Parliament and the Council. The rapporteurs have already presented to you the key elements on which the political compromise reached strengthens the common position adopted by the Council in January 2009.

I would like to highlight a few key issues.

Parliament's call for stronger consumer protection and the fight against energy poverty is now enshrined in the legislative texts. Smart meters, allowing for consumers to be precisely informed of their consumption and promoting energy efficiency, are provided with a target of 80% of consumers to be reached by 2020. The powers and independence of national regulators have been strengthened, as well as the powers of the agency, and the rules on effective unbundling have been made more efficient.

Most importantly, we have also seen developments on the ground. A lot of companies have restructured their business and how they deal with networks and consumers. Today at the Hannover Messe, I saw that smart metering is making good progress and companies are taking these decisions on board.

Energy efficiency is definitely one of the key policies of the European energy policy. The building sector still has considerable potential to further improve its energy efficiency, at the same time creating new jobs and stimulating growth.

I warmly thank Parliament for its support for the Commission's proposal on the recast of the Energy Efficiency of Buildings Directive. The discussions and proposals demonstrate that Parliament shares the policy objectives and wishes to vigorously improve current performance. It is not an easy area, as there is a lot of subsidiarity, so we need to strike a good balance. The Directive provides a framework to upgrade the energy performance of the EU's buildings.

There is a lot of clarification, and this reinforces the effect of the directive, like the principles on the 'cost-optimal' method, requirements on control mechanisms and many definitions.

There is the issue of financing instruments that are very important for stimulating energy efficiency measures, but these need to be tackled in the appropriate legislation and initiatives. Consequently, the Buildings Directive is constrained in what it can do with respect to financial and fiscal issues.

Very efficient buildings, whether they are called low- or zero-energy buildings, or next-generation buildings, are a new feature introduced into the Directive by the Commission.

It is essential to make this provision ambitious but realistic, and with some flexibility given the EU's varied climate and economic conditions. Unified requirements like net zero-energy buildings would not exactly fulfil this requirement and would therefore be excessive.

Harmonisation is crucial for the internal market. I fully support Parliament's wish to have a single methodology for calculating cost-optimal levels of requirements. However, prescribing a common methodology for the energy performance calculation itself could be counter-productive, causing delays in the implementation of the Directive by several years due to the complexity of Member States' building codes.

This is therefore very complex and difficult legislation, but I very much rely on Parliament strengthening this legal instrument.

The rapporteur also spoke about tyres that can play a significant part in reducing road transport energy intensity and emissions. The combined impact of this proposal together with the type-approval legislation on tyres should bring around 5% fuel savings on the total EU fleet by 2020. This proposal will provide consumers with standardised information on fuel efficiency. It will also give information on wet grip, which is another essential parameter for tyres, and external rolling noise. By doing so, the label will pull the market towards better-performing tyres while avoiding improvements on one aspect being achieved at the costs of others.

The report which will be put to the vote this week will add some significant improvements to the initial proposal, such as the change from a Directive into a Regulation, which will reduce transposal costs and ensure that the same application date for the label applies to all. The inclusion of snow tyres within the scope of the label, with the adoption of a specific grading as soon as possible, will also benefit those driving in ice or snow conditions.

It is important that we find the best way of displaying the label. There is some discussion on this. We would very much like you to support our proposal to integrate the label on the stickers which are currently delivered with each tyre to indicate their dimension, load index etc.

I believe we have really made remarkable progress on the energy dossier during this legislation and, most importantly, it is supported by our citizens and by industry. Having been at the Hannover Messe, we have seen a huge drive from industry for energy efficiency, not only in the areas we have now legislated on, but also in other branches of industry such as different appliances used for end consumption and to produce tools for different types of industry.

Energy efficiency, energy and Europe: these are the key words for what we have achieved during this legislation. I would like to thank all those involved and particularly all Members of the European Parliament that supported this.

As a final word of apology, I could have another five minutes but I will use only one minute when I am given the floor for the second time. Thank you for letting me finish this speech.

Rebecca Harms, *draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety*. – (DE) Madam President, thank you Mr Piebalgs for your focussed speech. I believe that we can best measure the progress we have made by what we set as the goal at the beginning of the debate. I remember the situation at the start as being one in which Mrs Kroes presented an analysis showing that, despite several liberalisation packages at European level, the market power is held by fewer and fewer players – large energy companies – in ever more EU Member States, in other words the concentration is increasing in the energy sector in relation to electricity just as it is in relation to gas. I was therefore pleased at the start of the debate that both the Commission and then later the European Parliament said that the most effective instrument to combat this concentration – particularly in the electricity sector – is the separation of generation and grid.

I would make a bet with you today that without this separation – as you initially advocated – we will not manage to provide any real protection for consumers from arbitrary prices on the energy market. I am also willing to bet that this Parliament will discuss this instrument again in the foreseeable future, because what we are deciding on now will not be enough to break down this power and the dominant position of some large energy companies. It will not be enough to prevent electricity and gas prices rising ever higher, despite ever increasing profits in the energy sector. It will not be enough actually to provide the transparency and consumer protection promised here by many well-meaning Members of this House.

I have to acknowledge that these Members have fought very hard in this respect. However, I also have to say that it is the large companies and some of the Member States that have succeeded here, and not the far-sighted European politicians. I hope that you will accept the bet and then in four years' time we will discuss the next liberalisation step and we will actually talk about unbundling.

Gunnar Hökmark, *on behalf of the PPE-DE Group*. – Madam President, I would like to thank Mrs Morgan for her report on the electricity markets. As a shadow rapporteur it has been a pleasure to work together with her, and I think it is fair to say that we have been able to achieve a liberalisation of the energy markets. At least, we have made some important steps, and thereby we have opened up the market. I think it is fair to say that the report on electricity also played the lead in the process that we are discussing here today.

I think it is important to state that this is also in contrast to those in different countries who would like to have more protected borders regarding energy markets. We have a debate in Sweden in which there are those

who would like to have some sort of protectionism regarding the export of electricity. But that would hinder and damage all the things that we can achieve by an open electricity market.

It is by opening up the markets that we can do something about climate change and can make the best use of renewables and nuclear power. We can also ensure that we have a good supply of energy all over the Union, binding countries and markets together. I think the steps we are taking with this energy market package should be seen as important ones. Although there are more steps to be taken, we have contributed to the energy security of Europe and to the fight against climate change.

Edit Herczog, *on behalf of the PSE Group*. – Madam President, the third energy package is about harnessing the sector with the aim of providing more security and transparency, as well as sustainable and affordable energy for all European citizens and enterprises. It is about facing the energy challenges in front of us. It is about reducing Member States' dependency on single outsource countries. It is about more customer and consumer satisfaction. It is about avoiding market distortions, especially between those countries which produce cheaply and those countries which wish to buy cheaply, which are not necessarily the same. It is about attracting investors in the field of energy.

The European Agency will have a key role to play and, as my colleague the rapporteur, Mr Chichester, has said, we have achieved a strong and independent agency and we have been able to increase the role of the European Parliament to satisfy those targets which I mentioned above. I think it was wonderful working together. Somehow it is a pity that we are ending this energy package.

Anne Laperrouze, *on behalf of the ALDE Group*. – (FR) Madam President, Commissioner, ladies and gentlemen, in September 2007 the European Commission presented its third energy package in relation to the operation of the internal market. Very quickly, the debates began to focus on the important, though not exclusive, issue of separating the activities of producing and transporting energy.

The issue of network ownership, which in my view was insufficiently dealt with at first reading, seems to have been taken more seriously. The coexistence of different options, including the infamous third way, now enhanced and clarified, strikes me as being a good thing – which is an obvious statement given that I was co-author of this amendment.

Fortunately, however, summing this third package up as ownership unbundling would be a mistake. The progress made is real: more rights for consumers, more powers for regulators, more cooperation among regulators, 10-year investment plans, more transparency to facilitate the development of renewables, more technical cooperation among network operators, and also tools for better consumption, such as smart meters.

This is a further step towards European solidarity. The 'third-country' clause, despite appearing less sensational than that initially drafted by the Commission, does explicitly state that a Member State has the right to refuse to certify an operator if certifying it would jeopardise the security of its energy supply or that of another Member State.

I do perhaps have one regret concerning the Agency for the Cooperation of Energy Regulators: our wish would have been to create a strong, independent agency that is capable of taking decisions without the support of our body. We came up against the infamous Meroni judgment. Let us not delude ourselves: the construction of a true European energy policy will require yet more advances, and institutional ones in particular.

The security of supply, the fight against climate change, the regulation of markets: all of these objectives should be pursued with a pragmatic, not dogmatic, approach.

What European citizens expect is not the application of economic theories, but concrete evidence that the opening up of markets will benefit them, by giving them the freedom to choose their suppliers, and reasonable, stable and predictable prices.

I am grateful to my fellow Members, to our commissioner and to the Council for this constructive effort.

Zbigniew Krzysztof Kuźmiuk, *on behalf of the UEN Group*. – (PL) Madam President, Commissioner, speaking in this debate on behalf of the Union for Europe of the Nations Group, I would like to draw attention to four points.

Firstly, we should assess positively the solutions which aim to separate production and sale of electricity and gas from their transmission. This should allow competition between producers of energy sources and so a reduction in the price of services.

Secondly, it is important that particular Member States which are obliged to introduce separation of energy production from its transmission can adopt one of three models for this: the greatest possible division of ownership, handing over network management to an independent operator, and the option of retaining integration of production and transmission of energy, but only if conditions are met which ensure that these two parts of the business will in practice operate independently.

Thirdly, the solutions regarding strengthening the position of the consumer in the electricity and gas market deserve emphasis, and especially the option to change energy supplier within a maximum of three weeks without incurring any additional charges.

Fourthly and finally, also worthy of special notice are the solutions which have a social dimension, requiring Member States to give assistance to electricity and gas consumers who cannot afford to pay their bills.

Claude Turmes, *on behalf of the Verts/ALE Group*. – Madam President, first, on the Țicău report, the Greens will vote for it: it has a green mark, and I thank all the team who negotiated.

I want to spend the few seconds I have here on internal markets. It is already clear this evening that we need a fourth package on liberalisation, with five items: firstly, ownership unbundling for pipelines and grids; secondly, access to storage of electricity and of gas; thirdly, more power for the EU Agency for the Cooperation of Energy Regulators; fourthly, public ownership of the power exchanges, because otherwise it will never function; and fifthly, we need a specific cartel law for infrastructure-based economies.

Although Eluned Morgan has fought hard for the consumers, consumers can only gain when the wholesale market is functioning. Enel is taking over Endesa, RWE is taking over Nuon and Vattenfall is taking over Essent. We will end up with 10 mega-players who do not have any interest in either an environmental agenda or a consumer agenda. This will be a cartel, and to face this cartel we need stricter laws. In this sense we have a defeat this evening, orchestrated by Mr Reul, Ms Niebler and others of their like. It is a big victory for the energy oligopolies and it is a defeat for consumers in Europe.

Vladimír Remek, *on behalf of the GUE/NGL Group*. – (CS) Ladies and gentlemen, it is not possible to cover the entire energy package in a short space of time. Despite that I would like firstly to thank everyone involved in producing the documents we have on the table. However, let us be realistic. The result is still far from perfect. Nevertheless, I believe it was impossible to achieve more at this point in time. The fact that the current Parliament is approaching the end of its mandate has undoubtedly played a part. Personally, I would like to speak mainly about the document presented by Mr Chichester on establishing an Agency for the Cooperation of Energy Regulators. As the shadow rapporteur I have been advocating, among other things, that the agency should contribute to the setting up of regional markets. In the meantime it has not been possible to fulfil more beneficial plans such as the creation of a supra-national pan-European regulator.

I have also been urging confirmation of the original Commission proposal to retain the principle of 'one member, one vote' for decision-making in the Council of European Energy Regulators. This is very important for small EU Member States. The attempt mainly of the big States such as France and Germany to push through a so-called weighted ratio of votes would disadvantage small countries. For example, the principle of 'one member, one vote' makes the Czech Republic and other countries better able to oppose efforts made by some large grid operators to dominate the market. In this context I am pleased that my efforts have not been in vain and I consider this a success for the Czech Presidency.

Not everything concerning the Agency for the Cooperation of Energy Regulators was brought to a conclusion. For example, the issue of its headquarters remains open. Personally, I would be delighted if the agency could be located in Slovakia, which is interested in it. However, the least acceptable solution would be the so-called provisional option under which the agency would remain in Brussels, which already has plenty of agencies – including some that were originally supposed to be there only on a temporary basis.

Jim Allister (NI). – Madam President, from time to time I have heard the single electricity market on the island of Ireland held up as an example of such concepts in action. Judged by what matters most to consumers – namely price – I have to say it is not a success. When Minister Dodds launched it, he promised efficiency savings and enhanced competition to help minimise the wholesale costs of electricity, with the vast bulk of

the benefits going to the consumer. This rings rather hollow now, not least to the consumers from Northern Ireland who are in the public gallery listening to this debate.

In my view, part of the problem is an ineffective regulatory process that is too aligned to the industry and too excusing of continuing high prices, even when the price of oil has radically fallen. Forward buying at the top of the market, giving sky-high prices today, barely raises a whimper from the regulator, leaving hard-pressed consumers without the relief that he should be providing.

Herbert Reul (PPE-DE). – (DE) Madam President, Commissioner, ladies and gentlemen, we agreed that we wanted to ensure that citizens got greater security of supply with regard to energy, that they had sufficient energy and that they were able to buy energy at reasonable prices. We did not agree as to the instruments with which we can best achieve this.

However, today we have a result that we can be proud of and that is constructive and discriminating, because the matter is complicated and there is no simple answer to it. The solution is that we must ensure that more money is invested in the energy sector, in grids, in interconnectors and in new power stations. This is a very important consideration and the necessary capital must be made available for it.

On the other hand, we must ensure that those companies providing the energy are monitored and that true competition is created. I believe that it was the right solution to approve different models for the organisation of the enterprises, while at the same time ensuring that we have effective monitoring, a strong agency and solid cooperation between regulatory authorities and making sure that companies cannot simply do whatever they want to. The fact that completely different provisions can be made – including tailored to particular national circumstances – is a clever solution. If used correctly, it may also be a future-proof solution and one that will take us a significant step forward. Moreover – and this is true – during our process and the discussions we had in the Member States, we could already see changes taking place. The situation is no longer the same as it was at the start of the survey carried out by the Commission. The data and facts are now already much more diverse and we have already made significant progress, but what we are about to adopt now will take us another step further.

Norbert Glante (PSE). – (DE) Madam President, Commissioner, ladies and gentlemen, I have already said in a smaller round that this debate on the energy package is not necessarily an issue of black or red, left or right. It is, however, full of ideology. We have seen this again today. I would like to bet my fellow Member from Germany, Mrs Harms, that in four years' time we will not be tabling a fourth package, but will be managing with the instruments that we have: regulating the market, making the grids more accessible – things that have already been successful in the Federal Republic of Germany. It is possible to see positive examples. I am in favour of us simply keeping things as they are and using the instruments that have been given to us, ensuring that they are implemented.

Secondly, I would like to argue in favour of the newly founded Agency for the Cooperation of Energy Regulators receiving and utilising definitive powers and applying best practice from the Member States. If that happens then I have no doubt that we will achieve a good result.

Leopold Józef Rutowicz (UEN). – (PL) Madam President, a debate on the energy package for the internal electricity and gas market is very much needed. In order to function well, the regulations should provide answers to several questions, including the following. In the future will there be one common energy market in the EU, or will we have to coordinate national markets? What form of energy will provide, over the next 30 years, stable and sufficient supplies of energy at relatively low prices, because this is important for the EU economy and its citizens? Which sources of energy will best limit the greenhouse effect and reduce the costs of its control?

Unfortunately, action taken to date in this area has not been transparent and convincing, which may produce unfavourable results for citizens and the economy over the next 15 years.

Jerzy Buzek (PPE-DE). – (PL) Madam President, the third energy package was intended first and foremost to serve customers in our continent, and this has been achieved – the customer is the most important. However, it was also necessary to take account of the fundamental interests of energy producers. We were faced with two important problems.

Firstly, security of supply – and this has been achieved. In my opinion, compared with the first and second packages a significant advance has been made. Creation of a common market for energy is becoming a fact,

and the principle of solidarity is today in evidence. We can also, when this is required by our security needs, invest outside the borders of the EU.

Secondly, the principle of open competition in the European energy market. This has not been fully achieved, and it may be necessary to think of further, more specific solutions. However, from now on we must ensure that conditions in the European market for investors from third countries are the same, and not better, as for investors from Member States, and that our energy concerns can compete on a mutual basis and invest freely outside the European Union.

I would like to stress that the third package is a major political event, not only a technical and economic one, and we really should recognise it as a great success of the European Union.

Hannes Swoboda (PSE). – (DE) Madam President, I believe that in this case – I was shadow rapporteur for my Group for the gas sector – a compromise has been found that we can agree to for the other sectors too, because we did not look to the market in an ideological way, but thought in practical terms. A common European market means, above all, that we give the national regulators more opportunity, more power, and that we establish common European criteria, so that no one regulator makes completely different decisions to the others and we do not have a situation where one is dependent on the government and the others are not and we have a European agency, which, in cooperation with the Commission, can really work towards forming a European market.

The second very important aspect is the fact that the role of the consumer is strengthened, something that in principle is reflected in several provisions, although I would have liked to have seen it in more. It is about consumers having opportunities and rights and finding transparency in this important supply sector. Both of these conditions are met and I am therefore voting in favour of this package.

Inese Vaidere (UEN). – (LV) Commissioner, ladies and gentlemen, last winter strikingly demonstrated the extent to which we are dependent on gas imports and how this dependency is used as a foreign policy instrument. I would therefore like to emphasise, in particular, the need to develop, as quickly as possible, a united, open and effective internal market in natural gas in the European Union, producing a code of regulations for the network in order to ensure transparent cross-border access to supply networks, to enable long-term planning and development. The long-term plan should include both gas supply networks and regional interconnections. Improvements need to be made to the regulations in order to guarantee non-discriminatory access to infrastructure. At the same time, I would like to lay particular stress on the need for the diversification of energy sources, through the development of genuine incentives for the more widespread introduction of renewable energy. Since buildings account for 40% of the European Union's total energy consumption, an emphasis on the use of renewable energy in buildings is of prime importance for their energy efficiency, economy and insulation. European Union, national and local government measures, as well as financial incentives, must be linked together in a single system. Thank you.

Ján Hudacký (PPE-DE). – (SK) Before proceeding to a number of aspects of this report I would like to thank the rapporteur, Mrs Țicău, and the other shadow rapporteurs for their cooperation in compiling the report.

My interest and the interest of my political group was for this report to provide good preconditions for a speedy final agreement between the Commission, the Council and Parliament on practical measures for improving the energy performance of buildings in the various Member States.

In this connection, I must say that I was critical of some of the proposals, which amount to pointless bureaucratic measures and excessively ambitious binding targets for individual Member States and which in the final analysis would seriously hinder the practical implementation of much-needed projects. One significant aspect of this report is the agreement on a single harmonised methodology for calculating the most cost effective energy performance, which forms the basis for Member States to specify their minimum standards and which also respects regional variations in climate.

Finally I would also like to mention the aspect of financial support, which is essential for implementing measures to improve energy performance in the various Member States. I agree with the proposal to establish a European fund in cooperation with the European Investment Bank which would create conditions for generating financial resources to create national or regional funds through the so-called leverage effect. I also applaud the proposal to encourage better use of the Structural Funds for the purpose of improving energy performance in the various Member States.

In conclusion I would like to emphasise a very important fact, which relates to the speedy and careful examination of energy performance improvement measures in the various Member States. The revival of the energy performance of buildings sector, except for a striking reduction....

(The President cut off the speaker)

Reino Paasilinna (PSE). – (FI) Madam President, I would particularly like to thank the rapporteurs, who are talking over there. This is an important stage that we have reached. We are on the right path, although, as has been said, today nothing is enough. We have a lot of work ahead of us.

Smart meters, the need to have a viable and open energy system, the need for genuine competition: these are the words and phrases we think are important, and that is also true of the rights of the consumer. Energy poverty has become a serious issue. The price of energy is rising; it is an expensive commodity, and that is why people's rights have to be guaranteed. For that reason we are making energy a public service with this legislative package. As far as my group, the Socialist Group in the European Parliament, is concerned, it shows that we are defending the interests of consumers and therefore making the market as transparent as possible. Let us make further headway along this route. Thank you.

(Applause)

Neena Gill (PSE). – Madam President, from the beginning of our negotiations on the Belet report we found that all the stakeholders – from the tyre manufacturers to the environmental lobbyists – were broadly in agreement on the need for this legislation. I would like to congratulate the rapporteur on the way he has dealt with this particular report and the way he has worked with the shadows.

I believe this legislation is needed right now. It will give a boost to the car industry at what is a very difficult time. I recently visited Michelin in Stoke and Jaguar Land Rover factories in my constituency, where I saw how research and development into green technology is already very much in place. Any support the industry receives during the downturn must focus on the requirements to adapt to the environmental challenge.

Legislation such as this will ensure our manufacturers become world leaders in the technology we so urgently need. It is a win-win proposal, because it will also help the consumer by providing much-needed clarity. Tyres are not cheap, yet most individual buyers are forced into uniform purchases. This information will help make the move towards goods that reduce emissions as well as noise pollution. Through this proposal we can promote a truly competitive market in greener goods.

Dragoş Florin David (PPE-DE). – (RO) Commissioner, the first benefit which citizens will enjoy in the new free market set-up is rooted in the very essence of the concept of democracy. I am talking about freedom. Efficiently operating markets which offer newcomers the opportunity to provide energy services to citizens will be a beneficial alternative for consumers. In fact, their role will change from being passive beneficiaries of a service to becoming active players in the market. For instance, they will be able to change supplier if the services are of poor quality, if the electricity supply is disrupted or if prices are too high. The freedom of choice will enable consumers to become actively involved in the battle against climate change, as they will be able to choose suppliers which offer renewable energy with low carbon emissions. The new package of measures will entail lower prices, innovative products and an increase in the quality of services. Another way in which citizens will benefit after deregulation of the energy sector is through energy supply security. I welcome the inclusion in the new legislation of special measures for protecting vulnerable consumers.

Romana Jordan Cizelj (PPE-DE). – (SL) The European Parliament has rightly put the consumer at the heart of its negotiations, because what the internal market needs is a consumer with more rights and one with access to clear information. The consumer must have the option of choosing his or her service provider, which is why he or she also needs a smart meter.

I am pleased that we have reached agreement on this extensive and professionally demanding dossier. However, I think that the negotiated compromise on ownership unbundling still permits major organisational differences between electricity and gas markets in the various Member States. I also hope that, with the mechanisms and provisions contained in this package, such as greater independence for national regulators, we will manage to overcome these differences and re-establish a single market for electricity and gas.

Czesław Adam Siekierski (PPE-DE). – (PL) Madam President, for the success of an undertaking like the creation of a uniform energy space, common and coordinated investments in the energy infrastructure are essential. A key task is to increase the generating capacity of European power stations and develop the cross-border network. At the same time the good of the environment and the guidelines of the climate and

energy package should be kept in mind. Another challenge which appears when harmonising the EU energy market is the matter of ensuring security of supplies of energy sources from outside the EU.

For economic reasons as well as for reasons of security it is necessary to strive for diversification of supplies and increase efforts to develop the European energy system. Finally, there is a fear that opening the energy market fully to competition may be a danger to the poorest people of the EU, who often are not able to pay their bills regularly. It is worth considering at this point possible instruments which would guarantee that such people will not have their electricity cut off.

Iliana Malinova Iotova (PSE). – (BG) Madam President, I was the shadow rapporteur for the gas market on behalf of the Committee on the Internal Market and Consumer Protection. I believe you will all agree that the biggest achievement of the Third Energy Package is the protection afforded to Europe's consumers and citizens. This is the first time that such texts have been drafted clearly. I would like to focus particular attention on the definition of fuel poverty and on making it impossible to cut off supplies, as well as on the possibility of switching suppliers free of charge and on easy-to-understand, transparent agreements. However, the future of this legislation lies in providing even stronger guarantees to consumers, protection measures for vulnerable people, as well as in greater transparency and comparability in terms of contractual relations. The next basic question facing us MEPs will be about prices and measures for regulating them at a time when they are steadily rising. I believe that this legislation will continue in this direction in the future.

Paul Rübzig (PPE-DE). – (DE) Madam President, Commissioner, I would like to congratulate you on this package in particular. It represents a major step forward for our citizens in Europe. You will all feel the effects in your own purses and your own accounts. It is also a major step forward for small and medium-sized enterprises, because they need to become more competitive, particularly now during the economic and financial crisis, and this type of energy package is the right approach to dealing with this.

The fact that we will have a European regulator to help each Member State's enterprises to be treated on an equal basis in the other 26 Member States and that the energy suppliers on the other 26 markets will have new opportunities is an important aspect of this regulation, resulting in the creation of completely new opportunities.

With regard to the legislation on passive and active houses I would also like to say that our careful attention to the efficiency of buildings will hopefully result in the creation of new jobs in this area in the future.

President. – Mr Stolojan, since you have been such a presence in this debate, even though I told you that the number has been exceeded, I think that your responsible approach and your presence should be rewarded, and so, as an exception, I am giving you the floor for one minute.

Theodor Dumitru Stolojan (PPE-DE). – (RO) Madam President, I would like to congratulate all the rapporteurs for the excellent job they have done. I am sure that we are all wondering why we still do not have a single market for electricity or a single market for natural gas. This is where I think that every Member State which has not yet fulfilled the provisions of the European directive should do so.

Secondly, I welcome the decision to set up the Agency for the Cooperation of Energy Regulators and I would like to advise the European Parliament that Romania has applied to provide a venue for hosting this agency.

Andris Piebalgs, Member of the Commission. – Madam President, I promise that this will be very short. I am satisfied with the package that is to be adopted. There is no ideal legislation. This is legislation that is being adopted by debate and through compromises. We started very much divided, but at the end of the day the Council adopted the proposal practically with unanimity.

In Parliament's Committee on Industry, Energy and Research there was a huge majority in favour of this compromise. That means that we have got it right.

I know that now there is a lot of work to do in terms of implementation, follow-up and the Agency's needs, but we really have provided the basic instruments for our citizens.

Thank you very much for the work done. We can be really proud of it.

Eluned Morgan, rapporteur. – Madam President, I would like to thank colleagues once again for their cooperation. I would also like to thank Bethan Roberts and René Tammist who have been a great help in preparing this report.

This is my swan song after 15 years in the European Parliament, and I am delighted that we have made such a significant improvement in the energy markets on behalf of the European public. It is far from perfect but it is definitely a step forward.

I think that the energy crisis will become more acute in future years, so getting the right market framework in place, and creating the right kind of incentives for the right kind of investment, is crucial. We need an estimated EUR 1 trillion worth of investment in the markets to stop the lights from going out in future.

But there is a huge amount more to do. You know that there are 12 countries in the European Union where one company dominates 70% of the electricity market. What we have at the moment is the worst of both worlds. We think we have competition, but what we have is the massive power of very large companies dominating certain markets. It will require action on the part of national regulatory authorities and competition authorities to make sure that we do not continue in this way.

The real challenge in future will be implementation. Let us not forget that there are many EU laws that already exist in the energy markets, and it is precisely because these laws were not being respected that the revision of this law needed to take place. Whether we need a fourth package or not will depend on the Commission ensuring implementation and good policing of these new laws by national regulatory authorities and competition authorities. So let us see a bit of action from the Commission, and also from the national regulatory authorities.

Giles Chichester, *rapporteur*. – Madam President, can I first of all say that my colleague Mr Vidal-Quadras sends his apologies? He is not able to take up his slot. He has urgent business elsewhere, but he asked me to say – which was very nice of him – that the two of us agree that I will speak on behalf of our group.

I would like to pick up one or two points that have come up in the debate. The first is the colleague who expressed concern that we will end up with a concentration of power in very few utilities. Should that happen, the Commission possesses powers under the competition rules to address that, and we have precedent in other parts of the world, including the United States, where they have tackled entrenched monopoly or dominant market power. So that is the ultimate resort, should this legislation fail.

Should we come back for a fourth package? I have to remind the Commissioner that I urged upon him caution in embarking upon the third package: that it would be better to wait and see what the second package achieved once it was implemented. I think now we must allow time for this package to be transposed: to implement it and see how it works before deciding whether anything is needed.

I have to say that my disappointment about our lack of success in tackling ownership unbundling is offset by my optimism about the possibility of the Agency imaginatively using the powers that we have given it to deal with the situation, and I would like to thank my other colleague who demands more power for the energy regulators.

Market forces are already moving in this direction. Two German utilities are divesting themselves of their transmission systems because they have realised there is better value in doing that.

Finally, could I restate the case for competition? It means better value and service for consumers, and it means a more efficient use of resources. That is why it is a good thing to do.

Antonio Mussa, *rapporteur*. – (IT) Madam President, ladies and gentlemen, a very strong feeling has emerged from this joint debate: great satisfaction at having created, in the shape of this third package from the Committee on Industry, Research and Energy, a package that is important for European citizens. It will naturally not be the last package, because – as you know – there is a huge impetus towards the use of alternative sources of energy, such as renewables and nuclear energy. Over the next 10, 15 or 20 years, however, it will certainly provide for the demand and need for energy and will provide for, and of course protect, consumers, particularly the most vulnerable ones.

I believe that Mrs Morgan, myself and all the other Members involved have played a significant role in the protection of vulnerable consumers, giving considerable powers to both the national and regional authorities, which can, at times of crisis, make changes – I am not saying that they can give energy for free – but they will certainly be able to make changes and permit a continuous supply of energy.

The other fundamental point is this: that Europe's population is unaware of all that we have done at the Commission, the Council and in Parliament on this package, which is of crucial importance for energy consumers – you saw what happened last winter. I think there is nothing worse than not letting those who

benefit from a major project know about it. I think that the task that should fall to the Commission, the Council and Parliament, even before we concern ourselves with the application of this package, is to let consumers know that the package exists, let them know what has been done for them, on their behalf and, once again, for them.

Atanas Paparizov, *rapporteur*. – Madam President, like my colleagues I would like to say that, although it is not perfect, the third energy package is a very good basis for developing our common market, especially in gas, and for enhancing gas security.

For countries like mine, which is a small country in the European Union, to reach a compromise on ownership unbundling is very important, because it gives us an assurance that we can still ensure our energy security within the context of the whole package of the enhanced rules, transparency, the third-country clause, and all the other components of the package that will give us the opportunity to put the issue of energy security at the forefront.

The package also gives an assurance to consumers that they can pursue their rights, and it creates a better competitive framework for the development of the energy markets and for their efficient functioning. This package depends on implementation, as my colleague Eluned Morgan has just said, and I do not believe that the fourth package is the solution. Rather, the solution is exact implementation and solidarity among Member States in creating the market, especially by developing new initiatives for regional cooperation, especially for countries most vulnerable to energy supplies and to countries that, for the moment, are part of energy islands.

Ivo Belet, *rapporteur*. – (NL) With regard to the labelling of energy-efficient car tyres, a measure that ended up in this package, I should like to add a word about the costs. This is a measure that is of hardly any cost to the tyre industry, and therefore also to the consumer. The cost to the manufacturer has been estimated at less than EUR 0.01 per tyre, which is negligible, in case anyone were to feel inclined to voice any criticism. Any added cost resulting from the purchase of energy-efficient car tyres will, according to calculations, be recovered within eight months. This is when both the car driver and the environment will start feeling the true benefits.

Having said that, I should like to stress the fact that it is essential that this measure be applied equally across all Member States and also to all manufacturers in the EU and beyond. That is why we would prefer to see a regulation instead of a directive.

In conclusion, we realise that, whilst there are still differences of opinion among some groups in this Parliament on a number of aspects, we hope that this measure will be endorsed by a large majority tomorrow. At cruising speed, we will, with this simple measure, be able to save a volume of CO₂ emissions equivalent to removing one million passenger cars. It goes without saying, therefore, that we should introduce this measure sooner rather than later.

I should like to finish off with a word of thanks to the shadow rapporteurs, Mrs Chambris from the European Commission and Mr Sousa de Jesus from the Group of the European People's Party (Christian Democrats) and European Democrats for our excellent working relationship.

Silvia-Adriana Țicău, *rapporteur*. – (RO) Ladies and gentlemen, the proposal amending the Energy Performance of Buildings Directive is one of the most important measures which Parliament has adopted, in terms of both increasing European citizens' quality of life and promoting the EU's economic recovery. Europe's citizens are expecting action and concrete solutions to the problems and very specific needs which they have.

I personally believe that an increase of up to 15% in the European Regional Development Fund rate, which can be used by Member States to fund energy performance in residential buildings, is a necessity. This would offer Member States greater flexibility and the opportunity to use the mid-term review next year on the way the Structural Funds are used so that they can redefine the operational programmes accordingly, with the aim of achieving better absorption of the Structural Funds.

I would like to emphasise that this directive has very great potential for creating new jobs: roughly 500 000 jobs could be created at European level, with major implications for the regional or national labour market.

Commissioner, I hope that you will continue to support this, including the introduction of a minimum rate from the European Regional Development Fund for energy efficiency in buildings, in the future at least. I

would like to thank once again the shadow rapporteurs and staff from the Committee on Industry, Research and Energy and also fellow rapporteurs who have supported us and with whom I have enjoyed excellent cooperation.

President. – The debate is closed.

The vote will take place on Wednesday 22 April 2009.

The vote on the report by Mrs Țicău will take place on Thursday 23 April 2009.

Written statements (Rule 142)

Adam Gierek (PSE), in writing. – (PL) Not very long ago, moving into a home made of prefabricated concrete was seen by many millions of people as a move up the social ladder and an improvement in standard of living. Cheap energy meant that no one worried about heating costs.

Today nearly 100 million people live in prefabricated buildings. I would like to ask the European Commission to give extensive aid from European Union funds to the modernisation of these buildings and entire housing estates, especially in Central and Eastern Europe. Money should be found for this purpose as part of the mid-term review of the 2007-2013 Financial Framework. The existing limit on housing expenditure of 3% of the European Regional Development Fund allocation is decidedly too low.

The large-scale modernisation and revitalisation of prefabricated buildings and housing estates in the EU will reduce expenditure on heating, raise the standard of living, create tens of thousands of jobs and reduce energy consumption. This will translate directly into the kind of reduction in greenhouse gas emissions which will bring us closer to one of the 3x20 objectives.

Support for the modernisation of existing prefabricated buildings should be an assignment for the European Parliament in the new term. Demand for this type of service can play a large part in overcoming the current economic crisis and unemployment, as well as in the fight against poverty.

Louis Grech (PSE), in writing. – Energy costs are growing at an alarming rate, contributing to a substantial increase in energy-related poverty across the EU. However, the market price of energy is only one side of the problem. There is a significant, additional financial burden on consumers due to energy market inefficiencies and distortions. For example, in Malta consumers and businesses saw an exorbitant increase in their energy bills when the price of oil was at its high, but there was no decrease even when the price of oil dropped more than half. What we need is an EU-wide policy to protect consumers and SMEs from pricing malpractices carried out by public utility companies. One solution may be a national independent regulator which would create the necessary checks and balances against any abusive or non transparent conduct by private traders and/or government owned entities in respect of any price increases on public utilities like gas, electricity, water, airport charges and others.

This should be implemented through improving the existing E.U. legislation and directives involving consumer protection especially to ensure:

- Better standard of transparency and rationality governing price increases as well as better access and information regarding consumer rights.
- Less costs and less bureaucracy for the consumer who has a genuine case in order to seek redress.

András Gyürk (PPE-DE), in writing. – (HU) In our view, it is of major significance that the European Parliament can already approve the Third Energy Package at second reading. The new regulation may boost competition in the EU electricity and gas market. However, we cannot proceed with adopting the proposal without mentioning that the final regulation has lost a great deal in terms of its ambition, compared to the Commission's original proposal.

During the package's negotiation, the subject of separating production and system operations generated the most heated debates. The final outcome of this will have a fundamental impact on the EU's energy market structure. In my view, the compromise agreed by the Member States will not result in transparent regulation in this area, given that Member States can also apply three different separation models. This will also result in major differences breaking up the EU energy market.

At the same time, I welcome that the Council's compromise reflects Parliament's numerous consumer protection proposals. Measures such as the option to switch supplier within three weeks, more detailed

billing information and the simplification of compensation procedures will make the benefits of market deregulation feel tangible to a larger number of citizens. Another important development is that the new regulation will make it more difficult for third countries to attempt to purchase energy. Thanks to this fact too, the pending adoption of the energy package will mark an important step along the path towards creating a common EU energy policy.

Zita Pleštinšá (PPE-DE), in writing. – (SK) The cost and reliability of energy supplies are key factors not only for the competitiveness of the EU but particularly for the well-being of its citizens. For this reason the European Parliament has placed the consumer at the centre of its third energy package. In order for consumers to benefit from this important legislation, Parliament has revised and improved the directive on the energy performance of buildings, which accounts for around 40% of EU energy consumption.

Planners and building inspectors will receive appropriate guidance from this directive. I attach great importance to the method for calculating optimal cost and specifying minimum economic efficiency requirements for the structural components of a building's thermal insulation and services, as well as the application of these calculations both to new and existing buildings. The targets for buildings with zero net energy consumption constitute a significant part of the reworked directive.

I welcome the creation of a European fund for energy efficiency and renewable energy to support the implementation of this directive. Up until now, limited use of the Structural Funds has been authorised for the energy performance of buildings only in the new EU-12. That option is now extended to all Member States. At the same time the maximum share of ERDF resources in these projects is increased from 3% to 15%.

In order to ensure successful implementation of the directive it is essential for Member States to consult with representatives of local and regional authorities on all aspects arising from the directive and also with consumer protection groups.

Katrin Saks (PSE), in writing. – (ET) I would like to thank the rapporteurs who worked on the drafts of the energy package, especially Mrs Morgan, who did a great deal of important work in the area of consumer protection. I am particularly glad that the new package also devotes attention to the question of energy poverty. Member States that have not yet done so, including my home country, Estonia, should prepare a state action plan to fight energy poverty, in order to reduce the number of people suffering from energy poverty. This is especially important in the present economic conditions. There is a serious need to deal with this question in Estonia, because heating bills have increased considerably in recent years. Direct support to less well-off consumers, as is provided in the United Kingdom, is one important measure, although the energy efficiency of buildings could also be improved, and that would be particularly effective in Estonia.

Andrzej Jan Szejna (PSE), in writing. – (PL) There are many challenges facing Europe connected with short-, medium- and long-term supply and demand for energy.

We, the European Community, have set ourselves a very ambitious task. By the year 2020 we are going to reduce greenhouse gas emissions by 20% and energy consumption by 20%.

In connection with this I think we should pay particular attention to the matter of the energy performance of buildings, since they account for as much as 40% of our total energy consumption.

In saying this, I would like to express my support for the rapporteur. I think that we should organise an information campaign with the objective of making citizens aware of the possibility of saving money by insulating buildings, and we should also appeal to the governments of all the countries of the Community to make subsidies available for this initiative. We should draw up a list of uniform minimum building insulation standards for the whole EU.

I also support extending use of the Structural Funds to include work connected with the energy efficiency of buildings in all countries of the Community, and increasing the amount which can be allocated from the European Regional Development Fund for projects in this area from 3% to 15%.

18. Amendment of Regulation (EC) No 717/2007 (mobile telephone networks) and Directive 2002/21/EC (electronic communications) (debate)

President. – The next item is the report (A6-0138/2009) by Mrs Vălean, on behalf of the Committee on Industry, Research and Energy, on the proposal for a regulation of the European Parliament and of the Council

amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (COM(2008)0580 – C6-0333/2008 – 2008/0187(COD)).

Adina-Ioana Vălean, *rapporteur*. – (RO) Madam President, Commissioner Reding, ladies and gentlemen, it is rare for a liberal to promote intervention in the market through regulating prices, even if it only involves setting a maximum limit. However, in the case of mobile phone roaming tariffs, this action is necessary, and can only be carried out collectively, at European Union level. It is necessary because excessively high tariffs are raising obstacles preventing the freedom of movement and communication between Europe's citizens. Removing these obstacles is one of the European Union's fundamental objectives and one of my personal objectives as an MEP. This is why I have assumed the responsibility of being the rapporteur for this regulation, as well as for the European Parliament report adopted at the beginning of the month concerning the administrative and legal barriers raised by Member States preventing the freedom of movement of European citizens.

The current regulation is necessary, for instance, for small businessmen on a business trip who need to speak to colleagues at home to resolve a problem. It is important for journalists sending a news report via email directly from the scene of the event. It is also important for young people sending text messages to their boyfriends and girlfriends. Finally, it is important for workers abroad wanting to hear their children's voice on the phone. All these European citizens have paid and are still frequently paying three or four times more to use a mobile phone, simply because they are a couple of miles away from their own country, even though they are within the Community's borders.

Thanks to the regulation which we are going to adopt tomorrow, excessive prices will be eliminated. The maximum limits set by the regulation still allow operators to achieve a considerable profit margin and to compete while offering lower prices. We are faced with a complex problem linked to the fragmentation and operation of the mobile phone market in Europe.

When consumers come to choose a mobile phone operator, they look first and foremost at national charges or the price offered for a new mobile phone make, but scrutinise less the roaming charges. When they cross the border into another EU Member State, they are subject to these roaming charges, even when they are only receiving calls. The only option for consumers is to choose not to communicate by mobile phone. Competition among operators does not work from this perspective. The actual operator from the country of origin must pay the operator from the network being visited for carrying the signal.

Some countries, such as tourist destinations, receive large numbers of visitors during a short period of time, while others have more citizens travelling abroad. This means that there is an imbalance between supply and demand, hence the reason for the high gross tariffs even among operators. Furthermore, in some countries the cost of installing and operating mobile phone networks is higher. In addition, smaller operators or new operators who have joined the market have shown that they are often subject to discriminatory prices from large pan-European operators. Ultimately, it is always the consumer who pays.

The regulation which we are going to adopt tomorrow is a short-term solution. We cannot regulate prices indefinitely, as this affects innovation and may even affect competitiveness. This is why the regulation stipulates that the European Commission must analyse different means of regulating the market. Some of these means are even suggested by the regulation. In two or three years we will be able to debate more options when we have more information available to us. I hope that we will then be able to implement a legislative framework for having competitive roaming tariffs in the long term.

Apart from this aspect, Parliament has improved the regulation, in my view, from many perspectives. We have reduced the maximum gross roaming tariffs for transferring data to 50 cents per megabyte in order to encourage the use of this service and proper competition in the sector. We have made guidelines more transparent on advising customers about roaming mobile Internet access. We have also made the provisions intended to limit monthly bills for roaming data transfer to EUR 50 significantly more flexible for anyone wanting this feature. Text messages charged on a roaming tariff, which are sent once the consumer enters a foreign network, will also include a reference to the unique emergency number 112. We have reduced the maximum tariffs for calls received and made, while maintaining a profit margin for operators. We have also banned operators who continue the practice of charging customers abroad for someone simply leaving a voice mail for them.

I would like to end by thanking for all their efforts during such a short period of time my fellow Members from the other political groups, Commissioner Reding and her staff, Ambassador Reinišová and representatives

of the Czech and French presidencies, the Council, and not forgetting our own staff in the European Parliament, all working together so that millions of citizens can enjoy acceptable roaming tariffs this summer.

Viviane Reding, *Member of the Commission*. – Madam President, I could not agree more with the rapporteur, whom I would like to congratulate on the swift and efficient work done.

We are facing here an obstacle to freedom of movement because, if you punish citizens on their phone bill when they cross a border, that is frankly not the internal market we strive for and that we wish to construct. So in order to give this freedom of movement to our citizens we have to get rid of those obstacles. Those obstacles concern a lot of people. There are roughly 150 million citizens in the European Union who use their mobile phone at least once per year for roaming while they are abroad, and they have to pay the price. It is the students, the travellers and the holidaymakers, but it is also the cross-border workers, the journalists and the businesspeople who are handicapped because of very high charges for communication.

That is why I thank the European Parliament for having so swiftly responded to the Commission's proposal. I think we have managed to get a proposal put into practice in the shortest ever time in the European Union – only seven months from proposal to implementation. That is a first of its kind, and it is a first of its kind in the interests of the European consumers.

I would just like to say a few words about what the first roaming package has achieved. On voice roaming it has achieved a 60% lower price for the citizen and 30% more traffic for the industry. The industry has also – and this is interesting – seen a steady rise in the penetration rate of the mobile phones used by citizens. We now have an average penetration rate in Europe of 119%. That is an absolute world record and, with the prices for roaming going down, that allows freedom to those citizens who utilise their mobile phone. It also gives good money to the industry because their traffic is rising continuously. At the same time, national prices are going down. Since the Barroso Commission took things in hand, domestic prices for mobile communication have decreased by roughly 35%. That is as an answer to those who say that, if we bring down the cost of roaming, national prices go up. That is not the case. The statistics show just the contrary.

Now we are going a step further: firstly, of course, on voice roaming. I think it is very good that we are continuing to bring down the caps so that the competition of the offers can take place under the caps. It is very important that we add to this SMS roaming, because every year in the European Union 2.5 billion text messages are sent. The value of the revenue from this for the industry is roughly EUR 800 million. Now, who is sending the SMSs? Mainly our young people: 77% of young people up to the age of 24 use text messages when they are abroad because it is easier and cheaper for them. So they are punished when they have to pay an extraordinarily high price with regard to the cost to the operator when they are roaming. Good: we are bringing those prices down so that text messaging will become a normal thing if you are at home or if you are in a neighbouring country. So consumers will greatly benefit from this. The reduction – which will be voted by Parliament tomorrow – means 60% for text messaging. Concerning the per-second billing for roaming calls: simply said, do not make the people pay for what they have not utilised, only make them pay for what they have really utilised. We will also bring today's hidden charge of 24% down, so that you pay only for what you have really consumed. And for data roaming, where we believe that this is a future development.

But, whilst we want to have a future development so that you can download, wherever you are, a film, a newspaper article or a photograph to send to your friends, today you have shocking bills. I have received copies of bills where people have been in another country for three or four days and have to pay several thousands of euros just because they have downloaded their favourite television show or newspaper articles, which they are used to utilising. This will stop now, also because in the new regulation there will be a cut-off limit facility which, on 1 July 2010, will become a default limit to apply automatically in order to protect our consumers.

So it is a great day for Europe and a great day for European consumers. Thank you to Parliament, which has acted very swiftly. I think the people outside will understand that this Parliament works for the citizen.

IN THE CHAIR: MR SIWIEC

Vice-President

Syed Kamall, *draftsman of the opinion of the Committee on the Internal Market and Consumer Protection*. – Mr President, can I start off by first of all thanking the Committee on the Internal Market's shadow rapporteurs from all the groups, their staff and advisers? I think that in the Internal Market Committee we can all be proud

that we have reached a consensus on increased transparency and ways to finally eliminate the problem of bill shock. Bill shock was not good for the reputation of the mobile operators but more importantly, bill shock was not good for consumers.

However, when it comes to price capping, I still have some concerns. We need to ask which consumers will benefit from the Soviet economics of price caps. Given that at most only 35% of consumers actually roam and that the figure for regular roamers is much lower and, as the Commissioner herself admitted, given that this legislation will mostly benefit a narrow group of privileged consumers such as Commission officials, MEPs, lobbyists and businessmen, let us hope that we are not robbing the poor to pay for cheaper phone calls for the rich.

Manolis Mavrommatis, *draftsman of the opinion of the Committee on Culture and Education*. – (EL) Mr President, Commissioner, ladies and gentlemen, I should like to start by congratulating both the rapporteur, Mrs Vălean, and the rapporteur for the first regulation on roaming, Mr Rübzig, on the excellent cooperation which we had in the Committee on Culture and Education, for which I acted as draftsman, on a matter which is naturally of interest to 150 million consumers and to the telecommunications industry.

Following the successful application of the first regulation two years ago, the European Parliament is being called upon to adopt a revised regulation covering the prices of text messages and data.

I personally should like to comment on the benefits of the new regulation, especially for business travellers. Media professionals, for example, make a great deal of use of the function for downloading files to their mobile telephone.

The revised regulation will act as a safety valve against the excessive and uncontrolled charges imposed to date by mobile telephone companies, as the commissioner said. That is why I consider that a vote in favour of the report will be yet another victory for Parliament in the fight to protect consumers and yet another big step which will breathe new life into the internal market.

Finally, with consent between the institutions, I trust and hope that this regulation will enter into force in the summer, so that travellers will be protected from any obscure charges and overcharging by mobile telephone companies.

Paul Rübzig, *on behalf of the PPE-DE Group*. – (DE) Thank you, Mr President. I would like to congratulate the rapporteur, Mrs Vălean, in particular, but also Commissioner Reding, who showed great commitment in the negotiations for the Roaming II Regulation. I believe that these negotiations and, of course, also the objective of bringing the national prices and the prices that we pay in the other European countries onto the same level, are an important step forward.

It is also good that the national regulatory authorities are now also responsible for roaming and will therefore take over the control and monitoring roles, which will quite simply provide us with more transparency. Transparency is vital to the functioning of a market. Up to now there has been a lack of transparency in several areas, but there has also been blatant market abuse.

It is not right for up to a thousand times the amount to be demanded for data roaming, as is often the case. The per second-based billing for inbound calls will in future also bring definite progress and result in cost benefits for European citizens.

David Hammerstein, *on behalf of the Verts/ALE Group*. – (ES) Mr President, it is necessary to intervene when the market is not functioning. We have broken a taboo once again: the free market is not sacred and is even less so in times of crisis, when the pockets of European consumers are emptier than ever.

This agreement, intended to set limits on the excessive costs of calls and text messages when roaming, benefits the consumer, benefits communication between European countries and benefits a useful and positive Europe.

Millions of European citizens' telephone bills could go down, or, on the other hand, just the opposite may happen: given that a text message would only cost 11 cents, people could be texting all day long and end up spending the same amount.

The transfer measures that achieve a charge per second after the first thirty seconds are particularly positive. The maximum costs for text messages and for sending data could have been somewhat lower but we have made this compromise for the sake of reaching an agreement.

I would like to say thank you to Commissioner Reding, to Mrs Vălean, and to the rapporteurs of all the groups, because we have provided a fine example of European Union action in times of crisis.

President. – So we can end on a happy note, which is very important, especially before the elections. Now I call Mrs Țicău to speak under the catch-the-eye procedure.

Silvia-Adriana Țicău (PSE). – (RO) Mr President, Commissioner, I would like to congratulate my fellow Members on the work they have done and the report they have compiled. The European Parliament is definitely working in the interest of Europe's citizens. I also recall that during the previous debate two years ago on reducing mobile phone roaming tariffs we had a very wide-ranging discussion. I am pleased that we did not have any differing points of view on this occasion. In fact, we have all quickly adopted this tariff reduction. I would like to say that I feel it is very important to continue reducing existing mobile phone charges and by larger amounts, for both outgoing and incoming calls. However, reducing text message charges is especially important.

In fact, we are not doing this only for the younger generation, but for anyone who travels in the European Union. This measure is actually, on the one hand, a means of protection for consumers, but at the same time, it is a good example of the way in which the market can be regulated for the benefit of Europe's citizens.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, Commissioner, the mobile telephone and the Internet have become symbols of mobility and innovation. Citizens should, therefore, have extensive and easy access to telecommunications services. Despite the many appeals from the commissioner, prices of SMS roaming services are still on average significantly higher and significantly exceed domestic prices for those services. We must strive to change this situation. In this regard I value highly the work of the Commission and the commissioner.

The situation with the Internet is similar. Why does using the Internet from a mobile phone have to be a luxury? We are all in favour of ensuring the widest possible access to the Internet. A reduction in the price of data roaming services would certainly help in this regard. This is important, because this matter in large measure concerns the youngest group in our society.

Bogusław Liberadzki (PSE). – (PL) Mr President, Commissioner, I am pleased with the direction in which we are moving. I am referring to the radical price reductions in voice roaming calls and Internet access. This is the first step, and I think that others will follow. These are factors which may accelerate realisation of the Lisbon Strategy. This is important for the education process and for the young generation. It is important that Internet facilities be accessible to people who are relatively poor and those with low incomes. We are moving in the right direction. This news will certainly be received gladly. I would like to thank the Commission.

Alojz Peterle (PPE-DE). – (SL) I should like to extend my sincere congratulations to the rapporteur and the commissioner. Commissioner, a few years ago I told you that I did not like being punished for making calls abroad. I did not expect to see improvements to my status as a consumer so soon and from this directive, in particular.

This directive is evidence that the European Union is able to use its common policies to forge a closer relationship with its citizens by benefiting them in the place where they feel it the most – in their pockets. This directive means more Europe, greater competitiveness and a single economy and, for me, it is one of the key achievements of the Commission's and Parliament's current mandates. The only thing I want now is for us to act in the same spirit and pay as much attention to the consumer in the next mandate, too. My congratulations once again and thank you very much.

Viviane Reding, Member of the Commission. – Mr President, I should like principally to thank the Members who have done a wonderful job. First, of course, the rapporteur, Mrs Vălean, but also the rapporteurs of the other committees, the shadow rapporteurs and the spokespersons of the groups. They have made it possible, in just seven months, for a very important proposal for the free movement of citizens and the bringing down of excessive charges to become a reality. I think it is a great moment for the internal market. It is a great moment which shows to citizens that MEPs are taking them seriously.

If you would just permit, I would like nevertheless to say – with all due respect to Mr Kamall, for example – that when the market does not function, it is for the political leadership to intervene. I would like somebody here in this House to explain to me how the market can be said to be functioning when the cost to operators for transferring a text message from one country to another is less than 11 cents, while the average consumer has to pay more than 28 cents. Then something is not going well.

So if we now fix a cap of 11 cents I think there is ample room for manoeuvre; there is ample room for competition to develop. Like most of you in this Chamber I would have wished the market to have functioned, so that we did not need to do this. Well let us hope that we will not need to do so again in the future, and let us hope that after this decision the market really will function in the interests of the industry, in the interests of the citizen, in the interests of free movement, and in the interests of the internal market where every citizen can travel without being punished by a telephone bill.

Adina-Ioana Vălean, rapporteur. – (RO) Reducing roaming charges is an absolute necessity. We would all agree that the market is not working. How we should regulate it is a matter which we can still discuss.

The Commission's proposal to set some maximum tariffs is the matter we are discussing now. Is this the best instrument available? We do not know, but it is the only option available to us at the moment. I hope that we can find alternative methods in the future.

I would like to say a final word to this industry as a whole. We must not allow the perception to be conveyed that the mobile phone sector ruthlessly exploits consumers. This kind of idea could be dangerous because this industry is successful, which is reflected in the creation of jobs, significant contributions to budgets and technological innovation. This is why I believe it is important for those of us regulating the market not to feel completely satisfied with the job we have done and to aim at making further improvements in order to achieve a long-term beneficial impact.

I would like to thank all those involved in this report and I hope that we will discuss the same topic on another occasion.

President. – The debate is closed.

The vote will take place on Wednesday 22 April 2009.

19. Budget discharges 2007, (Vote will be held on Thursday) (debate)

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

- A6-0168/2009 by Mr Audy, on behalf of the Committee on Budgetary Control, on the discharge for implementation of the European Union general budget for the financial year 2007 (SEC(2008)2359 – C6-0415/2008 – 2008/2186(DEC)),

- A6-0159/2009 by Mr Liberadzki, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Seventh, Eighth and Ninth European Development Funds for the financial year 2007 (COM(2008)0490 – C6-0296/2008 – 2008/2109(DEC)),

- A6-0184/2009 by Mr Casaca, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section I: European Parliament (C6-0416/2008 – 2008/2276(DEC)),

- A6-0151/2009 by Mr Sørensgaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section IV: Court of Justice (C6-0418/2008 – 2008/2278(DEC)),

- A6-0152/2009 by Mr Sørensgaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section V: Court of Auditors (C6-0419/2008 – 2008/2279(DEC)),

- A6-0155/2009 by Mr Sørensgaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section VI: European Economic and Social Committee (C6-0420/2008 – 2008/2280(DEC)),

- A6-0153/2009 by Mr Sørensgaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section VII: Committee of the Regions (C6-0421/2008 – 2008/2281(DEC)),

- A6-0156/2009 by Mr Sørensgaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section VIII: European Ombudsman (C6-0423/2008 – 2008/2282(DEC)),

- A6-0154/2009 by Mr Søndergaard, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section IX: European Data Protection Supervisor (C6-0424/2008 – 2008/2283(DEC)),
- A6-0157/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Training Foundation for the financial year 2007 (C6-0437/2008 – 2008/2264(DEC)),
- A6-0158/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Network and Information Security Agency for the financial year 2007 (C6-0442/2008 – 2008/2269(DEC)),
- A6-0160/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Police College for the financial year 2007 (C6-0444/2008 – 2008/2271(DEC)),
- A6-0161/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of Eurojust for the financial year 2007 (C6-0436/2008 – 2008/2263(DEC)),
- A6-0162/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Medicines Agency for the financial year 2007 (C6-0435/2008 – 2008/2262(DEC)),
- A6-0163/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Aviation Safety Agency for the financial year 2007 (C6-0439/2008 – 2008/2266(DEC)),
- A6-0164/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European GNSS Supervisory Authority for the financial year 2007 (C6-0446/2008 – 2008/2273(DEC)),
- A6-0165/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Railway Agency for the financial year 2007 (C6-0443/2008 – 2008/2270(DEC)),
- A6-0166/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union for the financial year 2007 (C6-0445/2008 – 2008/2272(DEC)),
- A6-0167/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2007 (C6-0438/2008 – 2008/2265(DEC)),
- A6-0169/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for Reconstruction for the financial year 2007 (C6-0429/2008 – 2008/2256(DEC)),
- A6-0170/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Centre for Disease Prevention and Control for the financial year 2007 (C6-0441/2008 – 2008/2268(DEC)),
- A6-0171/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Environment Agency for the financial year 2007 (C6-0432/2008 – 2008/2259(DEC)),
- A6-0172/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Food Safety Authority for the financial year 2007 (C6-0440/2008 – 2008/2267(DEC)),
- A6-0173/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Foundation for the Improvement of Living and Working Conditions for the financial year 2007 (C6-0428/2008 – 2008/2255(DEC)),

- A6-0174/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Agency for Safety and Health at Work for the financial year 2007 (C6-0433/2008 – 2008/2260(DEC)),

- A6-0175/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Monitoring Centre for Drugs and Drug Addiction for the financial year 2007 (C6-0431/2008 – 2008/2258(DEC)),

- A6-0176/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Union Agency for Fundamental Rights for the financial year 2007 (C6-0430/2008 – 2008/2257(DEC)),

- A6-0177/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the European Centre for the Development of Vocational Training for the financial year 2007 (C6-0427/2008 – 2008/2254(DEC)),

- A6-0178/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Translation Centre for the Bodies of the European Union for the financial year 2007 (C6-0434/2008 – 2008/2261(DEC)),

- A6-0179/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on discharge in respect of the implementation of the budget of the Community Fisheries Control Agency for the financial year 2007 (C6-0447/2008 – 2008/2274(DEC)), and

- A6-0148/2009 by Mr Fjellner, on behalf of the Committee on Budgetary Control, on financial management and control of EU agencies (2008/2207(INI)).

Jean-Pierre Audy, *rapporteur*. – (FR) Mr President, Mr Kallas, ladies and gentlemen, my first words will be to thank you, Mr Kallas, and your colleagues at the Commission, for the attention you have paid to the parliamentary work linked to the discharge procedure for implementation of the budget of the European Commission and of the executive agencies for 2007. I extend these thanks to the administrative services.

I should also like to pay tribute to the huge effort made by the European Court of Auditors under the leadership of its president, Vítor Caldeira. It had limited resources with which to tackle the scale of the task to be accomplished.

I would like to say a few words about the context of this discharge. 2007 was the first year of the new 2007-2013 multiannual financial framework in which a number of new rules were implemented. 2007 was also the year of the last discharge procedure of the current Commission, which, at the start of its mandate, had promised – you will recall, Commissioner, it was through your president – to obtain a positive statement of assurance from the European Court of Auditors.

However, for 14 years the Court has issued a negative statement on the legality and regularity of underlying transactions for the vast majority of spending areas, regarding them, to varying degrees, as being significantly affected by errors, even though – and we should be pleased about this – administrative expenditure and the consolidated accounts are the subject of a positive statement of assurance.

Lastly, 2007 was the year of the last discharge vote before the European Parliament elections. In this particular context, and aside from the numerous reservations that appear in the draft resolution concerning the management of Community funds, my aim, in my report, was to try to analyse the discharge procedure and to make a contribution on this difficult path that must lead us to a positive statement of assurance, whilst being fully aware of the limits of the exercise. That is why I am eager to find out what stance the Commission, the political groups and my fellow Members who are due to speak take on this issue.

With the work on this matter now completed, I have mixed feelings: on the one hand, I firmly believe that things are improving, but not enough and too slowly, and, on the other, there is the fact that, at the same time, it is untenable to remain in a situation where the European Court of Auditors has not issued a positive statement of assurance for 14 years and where the European Parliament votes on discharge regardless.

Europeans are going to end up thinking that Parliament is not performing its monitoring role correctly. That is why I propose that, given the seriousness of the situation, an interinstitutional conference be organised without delay. The latter would involve all those who play a part in the management and monitoring of Community funds, and would be used to start off a comprehensive discussion enabling us to envisage the

reforms needed to obtain a positive statement of assurance as soon as possible. I am keen to hear the reasons that are prompting certain political groups to oppose this discussion.

Special attention must also be paid to the role of Member States that manage approximately 80% of the Union's budget. The fact is, it is in this context of shared management that we have the largest number of problems. While I am on this subject, I regret that the Council's bench is empty; the Czech Republic's current political difficulties are not enough to explain the Council's inconsistent political presence, unless we are to interpret this absence and this silence as indifference or, worse still, disinterest.

In relation to the report on shared management by the Member States, I would emphasise the role not only of national management declarations, but also of annual summaries, which are so many elements enabling us to progress towards a positive DAS.

Furthermore, and pursuant to Article 248 of the Treaty, I propose that cooperation between national audit bodies and the European Court of Auditors be stepped up as regards shared-management controls.

I suggest that we examine the possibility of national audit bodies, in their capacity as independent external auditors, and with due regard for international audit standards, issuing national audit certificates for the management of Community funds. These certificates would be submitted to Member States' governments with a view to being produced during the discharge process in accordance with an appropriate interinstitutional procedure to be introduced.

Lastly, Mr President, I should like to point out my astonishment that the consolidated annual accounts were presented with net assets in the region of EUR 58 billion, and I propose that consideration be given to establishing a pension fund in order to externalise the EUR 33.5 billion in commitments to staff.

To conclude, I feel that it is time to reform our system, and I sincerely believe that this reform should hinge on an in-depth and sincere dialogue among all those involved with the budget.

Bogusław Liberadzki, rapporteur. – (PL) Mr President, Commissioner, we are talking about the European Development Fund, which concerns African, Caribbean and Pacific States. From our point of view these countries are not standard regions, they are not conventional states and they do not present typical problems. In terms of implementation of the fund, in 2007 we saw an increase in payments and in commitments, which also means an increase in efficiency. This is undoubtedly a positive point, and I would like to start with this.

The fund consisted of two parts: the part managed by the European Commission and the part which was under the control of the European Investment Bank. The part managed by the European Commission is the part which is the subject of this debate on discharge, whereas the part managed by the EIB is for the time being excluded from the discharge, and I would like to come back to this matter later.

Our debate is based on the position of the European Court of Auditors. The Tribunal stated clearly that the transactions underlying the revenue and commitments for the year 2007 are, taken as a whole, legal and regular, but drew attention to the high fiduciary risk with regard to budget support resulting from the Commission's 'dynamic interpretation' of the eligibility criteria. The audit revealed, however, a material level of errors and found – and here we are in agreement – that a rapid improvement in the area of supervision and control is essential. Such possibilities exist, and we share this point of view.

The sample taken for the audit included six states and 250 transactions. A very important finding was made, namely that the Commission is still not able to give full accounting information. We welcome the declaration that a new system will be functioning as of February 2009. I hope that the commissioner will confirm this fact.

Another very important matter is the difference between words and deeds when preparing agreements. Drawing up and signing cause a great deal of ambiguity. The Commission must clarify this, especially because the ACP countries also have different approaches to this. A very important matter from our point of view as the European Parliament is that the assessment of regularity should not only be carried out after the fact, but that it should take the form of supervision and control to prevent irregularities. Preventing irregularities also helps in assessing the benefits we achieve from allocating funds. This is not only a matter of showing regularity in the accounts, but is also about showing the degree to which the objective is achieved, and in this respect we would like to draw attention to the need for cooperation from national parliaments, because they should to a large extent understand this matter. This is a matter of cooperation with authorities and governments, and also with civil society.

One aspect which would appear to be of particular importance is the question of supervision of funds managed by the EIB. The EIB continues to be, from our perspective, an institution which it is not possible to supervise. We confirm very clearly in the report that the EIB had a sum of EUR 2.2 billion at its disposal. This was public money – it did not come from the financial markets. The EIB would, therefore, appear to be a most undemocratic institution which nevertheless has public money at its disposal.

Finally, I would like to thank the commissioner for his cooperation during this term of office. I would like Mr Łuckiewicz to accept our thanks on behalf of the Court of Auditors. I would also like to thank my colleagues from the Committee on Development, and also from the Committee on Budgetary Control, which was efficiently led by Mr Bösch.

Paulo Casaca, rapporteur. – (PT) Mr President, Mr Kallas, Mr Bösch, ladies and gentlemen, we are about to complete the most in-depth reform ever of the European Parliament. This reform includes the creation of statutes for both MEPs and assistants, an end to the unacceptable salary discrimination between MEPs, an end to the opaque system for paying our travel allowances and an end to the discriminatory pension system.

As rapporteur for the discharge of Parliament's accounts, as a member for 10 years of the Committee on Budgetary Control and as spokesman for the Socialist Group in the European Parliament, I am very proud of what we have achieved and I feel that it would not be asking too much for the public to register these changes, which they themselves have insistently demanded.

Having said this, I am today, as always, absolutely in favour of total transparency in the use of public funds. I fully agree with the opinions of the European Ombudsman in this respect. I am today, as always, opposed to using public funds to deal with the results of private risk-taking. I am today, as always, against voluntary pension funds that ignore salary differences, leading to unfair treatment.

I find it unacceptable when generalisations are made that are completely wrong, such as maintaining that all MEPs are entitled to two pensions.

As the author of this report, I should like to emphasise that, after 10 years as an MEP, and having spent shorter periods in the Portuguese parliament and the regional parliament of the Azores, I am now leaving parliamentary office without strictly being entitled to any pension, whether national, regional or European.

In this respect, I must say that those who believe that denying the rights of their representatives, which are the same throughout our societies, helps to improve Europe are absolutely mistaken.

On the contrary, I am convinced that the only way to overcome anyone's lack of trust in their representatives is to minimise the laying down of specific rules for parliamentarians, seeing as they are responsible for the adoption of these rules. I even believe that the only issue on which Parliament should have decided was the relative position of MEPs in the European administration framework.

While regretting the lack of clarity that existed in the past between public duty and private interest in the pension system, I should appreciate some recognition of the work done by all those who, particularly on our Committee on Budgetary Control, have fought tirelessly for rigour and transparency in the European accounts.

Here in this House I want to pay a heartfelt tribute to everyone and express my wish that the work carried out by our committee to date should be continued in the next parliamentary term, with the same vigour and commitment that has been shown so far in order to bring about a stricter and fairer Europe that offers greater solidarity.

The Parliament to be elected in June will operate under much more transparent and fairer rules, and that is something that everyone here today has cause to celebrate.

President. – The next speaker will be Mr Fjellner. The rapporteur, Mr Søndergaard, will be with us later due to a flight delay, so I will call on him to speak later.

Christofer Fjellner, rapporteur. – (SV) Mr President, I am impressed that you at least attempted to list all of these decentralised agencies. There are, of course, a very large number of them. I would maintain that discharge has become even more important for the EU agencies precisely because they have increased in number. The budget and the number of staff have also increased.

The number of agencies has increased from 11 in 1995 to a total of 27 today. In 2007, the budget for all the agencies was EUR 1 243 500 000. In 1995, the average budget for one agency was EUR 7 million, whereas

now it is over EUR 22 million. Staff numbers have increased just as dramatically. In 1995, 38 people, on average, worked in each agency. Today, that figure is 155. In my opinion, this increase is remarkable in itself and something we need to reflect on, namely the question of whether this is an appropriate instrument and whether this type of increase is reasonable. It also places higher demands on us when discussing discharge, requiring us to spend more time and energy on it.

We have therefore chosen to deal with 21 of these agencies that we are responsible for in separate reports and also to draw up a horizontal report dealing with the problems that are common to most of the agencies.

I am pleased to be able to say that the majority of the agencies have received clear statements of assurance from the Court of Auditors. They have therefore been properly managed. At the same time, many of them – almost all of them, in fact – still have major surplus problems and problems complying with the Financial Regulation and the Staff Regulations year after year. This is something we need to think about, namely the fact that we repeat the same criticism of certain points year after year and yet nothing ever changes. This means that we must think more about how we enforce responsibility on the part of these agencies and how we actually govern them. In the horizontal report, I therefore propose, among other things, that we make fixed reductions when the agencies do not use a sufficient proportion of a budget or when they are unable to fill all positions. It is also proposed that we should have a common support service to help the small agencies with burdensome administrative tasks. I believe this to be extremely important.

This year, we chose to look specifically at four agencies which received poor statements of assurance from the Court of Auditors and which have particularly major issues. These were the European Police College, the European GNSS Supervisory Authority – GNSS being what we usually refer to as Galileo – the European Railway Agency and Frontex. I am pleased to be able to state that it has been possible to grant discharge to three of these, Galileo, the European Railway Agency and Frontex, after examining all of the information they provided us with.

Unfortunately, Cepol, that is, the European Police Academy, has submitted a lot of information, but nowhere near all of it. Therefore we are not yet able to grant it discharge. The remaining problem is the issue of the private use of EU taxpayers' money, such as private use to pay for furniture, private mobile telephone calls and private travel. We have requested information on this, but have not received all of it. The committee and I therefore propose that we postpone the granting of discharge until Cepol has provided a full declaration in this regard. There is, of course, also an ongoing fraud investigation in Olaf regarding this agency. This is serious and we need to demonstrate that we take it seriously and we must get to the bottom of it. This is why we are postponing the granting of discharge. This is not something I do gladly, but I would maintain that it is the only responsible thing to do. We need to have all the information on the table before we can grant discharge.

Siim Kallas, Vice-President of the Commission. – Mr President, this is the fifth time I have stood before you as you prepare to vote on a Commission discharge resolution. And, for the fifth time, I must admit that – despite unquestionable progress in budget execution – we still do not have a positive DAS.

In the draft resolution before you (paragraph 58), the rapporteur...

(FR) 'calls on the Commission without delay [*sans délai*] to submit its proposals for achieving the objective of a positive DAS'.

So I will do this, '*sans délai*'.

I will give the three main reasons why, in my view, we did not achieve a positive DAS, although this was the objective set at the beginning of the current Commission mandate.

We probably relied too much at the beginning on Member States sharing our concern about the negative public and political impact of the negative DAS when, in fact, our call for action only really became effective when backed up by the policy of 'warn, solve or suspend payments'. So there was too much carrot and too little stick initially.

We have also pursued evolution rather than revolution. We put aside more radical solutions, for instance on simplification, in our pioneering attempt to fix the DAS.

Obviously, five years for our Action Plan was not enough. Some results of our Action Plan are only now starting to show their impact. The next Commission will reap the benefits, which without the Action Plan could not be expected.

But your question is, 'how and when can you guarantee a positive DAS?' First, I should remind honourable Members what the so-called 'negative DAS' is.

Article 248 of the Treaty gives the Court of Auditors the task of providing a Statement of Assurance 'as to the reliability of the accounts and the legality and regularity of the underlying transactions'. It was inserted into the Maastricht Treaty at the last moment without any real discussion about the implications. This has proven highly problematic since.

The so-called negative DAS is part of the Court of Auditors' opinion. It says that certain areas of expenditure are still materially affected by errors, although to different levels. The Court also states that our annual accounts are reliable and gives many positive and adequate comments about our financial management. As such, the DAS does not sound at all special, compared to how audit opinions are generally phrased.

But we face a highly politicised and often deliberate misinterpretation of this sentence. So I must confess that it has surprised me how difficult it is to convince elected politicians and public opinion that budget management in the European Union is much better than what is reflected in this sentence. So we must do something to end this damaging political assessment of the use of European funds.

For urgent, more guaranteed results, one could imagine three options:

Option one: change the Treaty. The way the current Treaty is phrased, the reasonable public expectation for sound financial management has been undermined – automatically and almost inevitably – every year since the Maastricht Treaty entered into force.

During the Intergovernmental Conference on the Lisbon Treaty, I looked at whether one could fix Article 248 of the Treaty. Together with the Court, we looked at what could be a more realistic task for the Court, perhaps covering the budget over a three-year cycle, rather than annually, and asking the Court to take into account that most Commission control systems are multi-annual, ensuring that errors are corrected over time. We contacted several national delegations: they all agreed; nobody acted.

Option two: I now come to the second option and the most radical short cut to the positive DAS. Under the current Treaty we should perhaps stop allocating funds to management schemes so complex that we cannot meet the current low thresholds for error.

If we cannot collectively handle the current sophistication, then we must simplify. 'Simplify' is a nice word which everybody likes. There are millions of transactions to check. How could 480 auditors, based in Luxembourg, however competent, working with a very complex legislative environment, in 27 Member States with 23 official languages, possibly have the basis for issuing a statement each year on the legality and regularity of all underlying transactions in all spending areas?

If you wish simplification to have a quick and effective impact on the error rate, my view is that it means abandoning shared management in some areas. It means reducing the number of transactions from millions to a few thousand.

Taking the example of the Structural Funds, it would mean clearly defining the responsibilities that are currently shared. To achieve that, the Structural Funds could be turned into budget support to the poorer regions. An eligible region or Member State would see EU funds channelled into the state budget, to be spent via national systems, under the exclusive accountability of the minister of finance, and audited by the supreme audit institutions of Member States.

A Member State would get one annual tranche from the EU budget, and would be accountable to its own citizens and other Member States based on results. Eligibility rules, procurement procedures and absorption rates would no longer be a European problem.

In this radical scenario, we would drop the millions of projects too small and sophisticated to be under arms-length oversight from Brussels. No more small, creative projects ending up being ridiculed in the Euro-sceptic press!

Option three: If you cannot change the Treaty or its interpretation, we could perhaps discuss what it means for a given type of transaction to be 'OK'. We could set realistic and cost-effective thresholds for what 'legal and regular' is.

This is the discussion about tolerable risk. For the moment, the Court applies a uniform 2% materiality threshold across the board. The Court itself has asked for better risk analysis and political agreement on the tolerable risk in various budget areas.

To move this discussion forward, you now have a communication from the Commission on the table. Your rapporteur is suggesting welcoming this communication as a 'solid methodological basis' and calls for further analysis, data collection, dialogue and concrete proposals. I would be grateful for this support and suggest we move ahead as quickly as possible. The Council also now seems ready to engage.

Based on your overall political support, the Commission would like to proceed with proposals to set specific tolerable risk levels, budget heading by budget heading. For each future spending proposal, you would be asked to 'tolerate' a carefully calculated level of risk, so that the Court – hopefully – would adjust its materiality threshold on that basis.

We must start now. If we wait for a revised Financial Regulation, or indeed the next Financial Perspectives after 2013, this would not be reflected in the discharge procedure for the next five years.

Ladies and gentlemen, today you are preparing to vote on whether to grant discharge for 2007, a year for which the auditors now say that for all budget areas except that the Structural Funds, as much as 95% or more of the payments are free from serious financial error.

This is the best DAS ever, an improvement over last year, for a year with higher payment levels, in an increased number of Member States, the EU-27. Our financial management is steadily improving and it is certainly good enough to deserve discharge. But it cannot stand the test of perfection.

The EU was created to bring peace and prosperity. It has delivered so far. Obviously, looking at the EU's institutional set-up, it is possible that no auditor was present at its creation and so it is not perfect. But audit perfection is a rare phenomenon anywhere in the world.

Thank you for your attention and please vote in favour of discharge. You will see no complacency from the Commission.

Luca Romagnoli, *draftsman of the opinion of the Committee on Transport and Tourism*. – (IT) Mr President, ladies and gentlemen, the Committee on Transport and Tourism welcomes the fact that utilisation rates for commitment and payment appropriations for TEN-T projects continue to be high, reaching nearly 100%, and calls on the Member States to ensure that adequate funding is made available from national budgets to match this EU commitment.

It is concerned by the low utilisation rate of commitment appropriations for transport safety and for the Galileo Supervisory Authority, and of payment appropriations for the internal market and optimisation of transport systems, and for passenger rights.

It notes with satisfaction that the maximum rate of financial aid for cross-border projects has increased to 30% and the minimum funding threshold to EUR 1.5 billion. I would also like to remind you that the evaluation procedure for the selection of projects has been improved together with the relevant monitoring, but at the same time, the committee regrets the fact that the structure for the description of works has not been harmonised and technical and financial monitoring has not been standardised.

Jan Andersson, *draftsman of the opinion of the Committee on Employment and Social Affairs*. – (SV) Mr President, employment policy is included within cohesion policy. There are still a number of flaws and shortcomings in this area and a number of things about which we have reservations. Around 27% of cohesion policy falls within the remit of the Committee on Employment and Social Affairs. As regards the payments, most of them originate from the period between 2000 and 2006. It is gratifying to see that 100% of the payment appropriations were used during this period.

What is sometimes problematic is the lack of evidence for the indirect costs and personnel costs, and the overestimation of such costs. We have therefore also expressed our support for a more standard way of indicating this, combined with better checks at Member State level, which we will have during the next period and which may result in improvements in this area in the future.

Péter Olajos, *draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety*. – (HU) After 2006 I was given the honour of drafting the opinion of the Committee on the Environment, Public

Health and Food Safety regarding the implementation of the budget of the five European agencies coming under our jurisdiction for the 2007 financial year.

I feel that the general level of budget line implementation in this area, which is 94.6%, is satisfactory overall. The implementation rate of the commitment appropriations for the LIFE+ programme was excellent at 98.87%. Other outstanding agencies included the European Environment Agency, which achieved 100% in terms of both commitments and payments, as well as the European Centre for Disease Prevention and Control. However, there is still some room for improvement in terms of budget management for the European Medicines Agency, the European Food Safety Authority and the European Chemicals Agency. In the case of the latter, 2007 was actually its first year of operation. As draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety, I propose that the Commission's agencies be given discharge for 2007 in the areas of environmental policy, public health and food safety with regard to the budget's implementation.

Jan Olbrycht, *draftsman of the opinion of the Committee on Regional Development*. – (PL) Mr President, Commissioner, the Committee on Regional Development has thoroughly analysed the results of the Court of Auditors' work, but has also actively participated in the exceptionally penetrating work conducted by the Committee on Budgetary Control. Comparison of these results with those which were the subject of the previous discharge reveals a fundamental advance in the work of the Commission in terms of the level of supervision. However, we are aware that the first visible effects of introducing the plan of action will appear only in the next few years.

For our committee it is important that the results which appear in the Court of Auditors' report should not interfere with understanding of the importance of cohesion policy in EU policies and that they should not undermine the objectives of that policy. We also would like to draw attention to the fact that errors highlighted in the report should not be mistakenly understood as irregularities or possibly even abuses. In general we think that there is visible progress and we are going to support granting the Commission discharge.

Marusya Ivanova Lyubcheva, *draftsman of the opinion of the Committee on Women's Rights and Gender Equality*. – (BG) The report on the European Commission's discharge for 2007 shows some progress, even though we still need to properly harmonise actions and control mechanisms in order to achieve a more efficient use of resources, reduce the number and severity of the infringements and offer greater transparency and determination, especially on gender budgeting.

The Commission's responsibility to cooperate with Member States and institutions must not be ignored. Cooperation and communication are important tools and we often witness the results of omissions in this respect. Without making light of some of the infringements in the newest Member States, Bulgaria and Romania, I think that it is necessary to guarantee equal treatment for all Member States.

A special cooperation mechanism is being applied to both these countries, which must not be made complicated. Some of the texts in the report are unacceptable, in particular, suggestions for a mechanism for drafting quarterly reports for Bulgaria and Romania, as well as special reports on the use of Structural Funds. I urge these texts to be dropped. This will offer the countries the chance to focus on overcoming the problems which have arisen.

President. – I would like to say that we have not heard the opinions of the Committee on Development, the Committee on the Internal Market and Consumer Protection, the Committee on Transport and Tourism or the Committee on Culture and Education, because the rapporteurs did not come to the debate on time, and so there has been a change in the order of speakers. We will continue the discussion. Mr Ferber will now speak on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats – one and a half minutes.

Markus Ferber, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, I think that, during this parliamentary term, we have together made some progress with regard to the discharge procedure for the European institutions. However, I regret that it has taken so long, because in principle we have only now finished what was outlined at the time of the resignation of the Commission in 1999 – in other words 10 years ago. This shows that we quite definitely need to make improvements to our procedures and methods of working and to ensure that the necessary transparency appears quicker when it comes to citizens discovering what their taxes are used for.

I would particularly like to thank Mr Casaca, with whom I had the honour of working on the discharge of Parliament for the Group of the European People's Party (Christian Democrats) and European Democrats. I

very much regret that a fellow Member who has made very many comments in the press on various matters relating to the European Parliament is not participating either in the debates or the votes in committee nor in the debate here in plenary. This is something I want to say very clearly at this point, so that it is retained and remains for posterity!

We know very well that there have been and still are a number of problems here, and it is the MEPs who are here now who over the last five years have ensured that the necessary reforms are made in numerous places in the interests of the MEPs. For this, I offer my very sincere thanks to everyone. We have done what we needed to do and we have not released all of the information widely via the media and then not participated. Thank you for your positive cooperation.

Costas Botopoulos, *on behalf of the PSE Group*. – (EL) Mr President, ladies and gentlemen, I shall start by saying what I always say when we debate budgetary issues and budget control, namely that we are dealing here not with a technical, but with a deeply political procedure.

The image conveyed to citizens by our Parliament and by the European Union in general is very important. In other words, how much of European taxpayers' money we are using and how and what image we are conveying about the transparency of this management to European citizens. It is therefore a political process and it is very important that we examine the outlines, the impression we give as the European Union, and not just certain details relating to specific countries, not that this means that we should not talk about every country.

This observation compels me to say that our reports are also very important. One example raised is the example of the improvement which we have finally made in the area of the status of parliamentarians and parliamentary assistants, after many years of endeavour, and at this point I too should like to take my turn in welcoming the efforts made by my colleague Mr Casaca. We have a very good result today and that shows that our reports are important and have results and we must take care with them.

I should like to add a couple of words about the results of our efforts this year. I shall say the same as the rapporteur, Mr Audy, that of course we have made progress, but that it is not yet enough. The major issue is the problem of the scope of cohesion, but here I want to say that we socialists are calling for improvement, credibility, efficacy and simplification, as the commissioner also said. I believe here, Commissioner, that we need to pass from evolution to revolution in the field of simplification; all this is not so that we can abolish cohesion, which is a basic policy of the European Union, but so that we can improve it and make it more effective.

Finally, one important issue which is also raised in the report is the issue of the ability of the European Union to manage crises. We need to manage crises on our own and not to transfer this ability to other bodies.

Jan Mulder, *on behalf of the ALDE Group*. – (NL) I should first of all like to thank the rapporteurs, and also Mr Audy, who, in my opinion, delivered an excellent speech. I am also indebted to the commissioner and to the services of the Commission. They have always been amenable to Parliament, which is something that I greatly appreciate. There was the odd bit of discord here and there, but where does that not happen?

The Commission should, in my view, be assessed on what it said at the beginning of the period and on the current outcome. Well, as the commissioner has already said, the Commission has not – not by a long shot – achieved what it had set out to achieve, namely a positive statement of assurance (DAS). It did not even come anywhere near to the hoped-for result, which is a problem, although the commissioner did make a number of very interesting suggestions. It is unfortunate that these came at the end of the period. It may have been possible – I do not know – if we had been able to discuss these three years into his term of office, because many interesting suggestions were made.

As far as I can see – and the commissioner also made reference to this – what is still of the essence is joint management. Can we leave this to the Member States or not, and how can we better monitor the Member States? We stated in the interinstitutional agreement that we want declarations at a certain political level, which has been translated into the Financial Rules and Regulations. The big question has always been, for me, whether or not this is sufficient. I do not have enough insight into this at the moment. I thank the commissioner for the extensive report he sent, although, for me, it lacks clarity in places. Where are the carrots for those Member States that do well and the sticks for those Member States that do not? It is not entirely clear to me, and this should be explained in the policy.

I think that the discussion about a positive DAS should be continued without let-up. It is very harmful to public opinion if the situation of a negative DAS is sustained year after year.

Mogens Camre, on behalf of the UEN Group. – (DA) Mr President, our review of the accounts for 2007 shows that this year, yet again, we quite simply are not sufficiently able to manage the large resources provided to the EU by the Member States. The committee's excellent reports clearly reveal the serious shortcomings that exist. Allow me to quote from one of these reports. With regard to cohesion, the committee states that it notes with great concern the ECA's estimate that at least 11% of the total amount reimbursed in connection with structural policy projects should not have been reimbursed.

I acknowledge that all of the EU's enormous network of legislation and administrative bodies, combined with poor administration and blatant corruption in some Member States, make responsible financial management difficult, but this is, and will remain, unacceptable. There is only one solution and that is to stop paying the large sums of money to the EU, thereby putting a stop to the whole EU redistribution circus.

My little country, Denmark, will be paying almost DKK 20 billion to the EU this year. We would never contemplate using this money for the purposes to which the EU is putting it. Even sending the Member States' money for redistribution via Brussels involves a reduction in the net value of this money and contributes to an increase in the unlawful use of citizens' money. The EU Member States must finance themselves and not tax their neighbours.

Finally, I would like to thank the Chairman of the Committee on Budgetary Control, Mr Bösch, for his outstanding management of its work, and I would also like to thank the rapporteur, my fellow Members, the committee's secretariat and everyone involved for their exceptional commitment and very constructive cooperation.

Bart Staes, on behalf of the Verts/ALE Group. – (NL) This time, I shall confine myself to Parliament's budget and should like to express my delight at Mr Casaca's report, particularly the chapter about the voluntary pension fund, in which we approved 10 paragraphs or so. A number of these were originally amendments which I had tabled and which, I believed, were necessary at this point.

What is now happening to this voluntary pension fund has been thrown out by the eurosceptics. Rightly so, because it is a disgrace! What is happening is unethical and we have to take action against it. We cannot accept that, in times like these, MEPs would sooner consider their own income than that of the citizens. Together with Mr Ferber, I should like to say to the eurosceptics sitting there that they have not, in any way, made an attempt to make any constructive contribution towards rectifying the shortcomings during this part-session.

I should specifically like to ask my fellow MEPs to endorse paragraph 105, which relates to the voluntary pension fund. This will ensure that this Parliament's Bureau is prevented from using taxpayers' money to plug the enormous gaps, because that is not justifiable. I therefore call on all my fellow Members to give a large measure of backing and approve the Casaca report. I have applied for a roll-call vote, as everyone should nail their colours to the mast on this issue!

Véronique Mathieu (PPE-DE). – (FR) Mr President, in this period of economic recession, it was important for the European Union to continue to show solidarity towards developing countries. Let us recall that, in 2007, the European Community and the Member States together contributed 60% of all development aid, making the European Union the world's leading donor.

The European Development Fund enables us to combat poverty, while promoting economic development and democracy. I am therefore delighted that a budget of EUR 23 billion has been allocated to the ACP countries for the period 2008-2013 under the 10th EDF. This figure is almost double the amount allocated under the 9th EDF.

In its report the Court of Auditors concludes that the accounts for the 7th, 8th and 9th EDFs are, in general, reliable, legal and regular. We can only be delighted at the record levels of implementation of contracts and payments under the EDFs.

However, I also note that there is still progress to be made in terms of strengthening the monitoring and control system, since there is still a significant level of errors affecting certain transactions.

Equally, an all too often high risk exists in the area of budgetary support, and I believe that such risks should be assessed better. In this connection, I share the view that budgetary support should be granted only if the beneficiary country has the capacity to manage the funds transparently, responsibly and effectively.

Of the priorities that we shall have to work on in the future, I should like to mention the integration of the EDF into the Community's general budget, since this would increase the effectiveness and the transparency of development aid.

To conclude, Mr President, I should like to thank the rapporteur for his excellent report, the representatives of the Court, and also all of the Commission staff who have done an excellent job on the ground. Needless to say, I regret the absence of the Council, and of the Czech Presidency in particular.

Edit Herczog (PSE). – (HU) During this cycle the European Parliament has had the task of exercising control over the administration of an ever-increasing number of agencies, a fact also mentioned by my fellow Member, Mr Fjellner. The constructive dialogue which evolved during the monitoring process between Parliament, the agencies and the European Court of Auditors has resulted in increasing transparency and tighter management discipline. In the current difficult economic and financial climate, the significance of monitoring has become more important than ever before.

Looking back on the past period, what is gratifying is that during budget monitoring we have not only established conformity or lack of it, but we have also been able to make forward-looking recommendations to the institutions that have been audited, which have attempted to successfully implement them. I believe that it is important, and I support this, that agencies are not only subject to totally objective scrutiny, but also that we should examine their own individual development. I am particularly in favour of agencies also being set up in new Member States so as to bring the European Union's work closer to the people living there. We almost entirely agree with Mr Fjellner and the final verdict will be delivered tomorrow.

Ingeborg Gräßle (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, the Audy report – my sincere thanks to the rapporteur – really takes us a step further forward, because it contains innovative elements such as naming and shaming – a milestone in budgetary control. This means targeted criticism instead of general complaints. The fact that the Socialist Group is now backing down and would rather sweep the truth under the carpet is scandalous and does a disservice to our control activities. The credibility of Parliament is on the line and I appeal to my fellow Members not to allow that to happen.

I would like to say something about our biggest problems, Romania and Bulgaria. The failure of the Commission in connection with the preparation for the accessions of these countries is most evident here. We have lost a lot of money. The Commission sat back and watched for a long time and did not freeze the funds until 2008. In the meantime, however, over EUR 1 billion was lost in connection with Bulgaria and around EUR 142 million in connection with Romania. Freezing funds is no solution to the problems, however. The cooperation and verification mechanism, for which the President of the Commission himself is responsible, is a paper tiger, and the progress reports are not worthy of the name. The Audy report makes suggestions as to how this could be improved. The European Commission deceived Parliament about the readiness of these countries for accession and the Commissioner for Enlargement should in fact learn a lesson from this. We are interested in the management of future accessions, however, and therefore this topic remains on the agenda.

Our Group will grant discharge to the Commission, but, personally, I will refuse to grant it discharge. Unfortunately, the Commission's zeal for reform, a tiny spark of which we were once again able to detect over the last year, has already been extinguished again. There is a standstill in connection with combating fraud, nothing is happening with regard to prevention and there is no desire for more ethical behaviour, among other things. One thing the Commission, and Commissioner Kallas in particular, should be clear about is that whoever wishes to be in the new Commission is dependent on the support of Parliament.

Siim Kallas, Vice-President of the Commission. – Mr President, I thank honourable Members for their remarks. I can only say that during these five discharge procedures I have enjoyed and been very happy with our cooperation. The process has always been complicated, but always constructive and very professional. So thank you all for this contribution to the complicated discharge machinery.

Just two remarks. To Mr Liberadzki I would say that the EDF accounts were successfully transferred to ABAC in February 2009. We raised the issue, but these are now merged.

Jan Mulder's question as to why these radical proposals come so late was very good. Four years to see this kind of proposal maturing is not too long. In Europe things take time, and in this case we are trying to use all possibilities in the framework of our Action Plan since we see that something really serious must be done to get rid of this problem.

So I do not think this is too late, but I regret of course that this has taken so much time.

Dragoş Florin David (PPE-DE). – (RO) Mr President, Commissioner, my speech will be brief. Among the main conclusions on the European Commission's discharge, paragraph 4 in Mr Audy's report states that he is of the opinion that the accession of Romania and Bulgaria was not treated by the Commission with the necessary seriousness, that at the time of the two candidates' accession, reports for both candidate countries were misleading and that it is regrettable that this misinformation has led to the current situation where Cohesion Funds were released for Member States with non-functioning administrative and legal systems, and that this action misled public opinion and Parliament to the detriment of the EU's reputation.

I would sincerely like my fellow Members Mr Jørgensen and Mr Casaca, who tabled this amendment, and the other fellow Members who approved it in the Committee on Budgets to explain these arguments because I think that both Romania and Bulgaria do have functioning administrative and legal systems, perhaps not based on the parameters they should have, but they function all the same. I also do not think that anyone has taken the liberty to mislead public opinion and, least of all, Parliament and the Commission.

Jean-Pierre Audy, rapporteur. – (FR) Mr President, I believe that the case of Romania and of Bulgaria is worthy of debate, but we really are in an extremely serious situation here.

As regards the conclusions, I should like to thank the rapporteurs from the political groups and all of the speakers, especially the Committee on Budgetary Control. I should like to conclude on several issues.

Firstly, there is no fraud where the budget is concerned. Secondly, we have many errors, and this is for two reasons. The first is that our regulations are too complex, and so final beneficiaries find it difficult to apply them and commit errors, which are not too serious. The second reason is that the European Court of Auditors applies too low a materiality threshold: 2% to all sectors; as audit methods go, these ones must be re-examined.

Thus, it is said that things are going badly, but because we are all responsible. The Commission is responsible because it has not kept its promise, and thank you, Commissioner, for examining the proposals for the next mandate. The Council is responsible because it is losing interest: it is not here. The Member States are responsible because they are not applying the regulations with enough rigour. The European Court of Auditors is responsible because it must reflect on its audit methods, and in particular on the materiality levels; it is the responsibility of the Court, not of the Commission or Parliament, to lay down the materiality thresholds. Parliament is responsible because it must be clear about the current imperfections and must accept the reforms.

In short, I believe that we have a series of joint responsibilities. The summary is done at the end of this mandate. Well, we hope and pray that this reform will take place so that we will at last have a positive statement of assurance, in forthcoming financial perspectives. We hope too that if we have a negative statement of assurance, we will have a negative vote from Parliament, so that there is political consistency between the bodies that have to take budgetary control decisions.

IN THE CHAIR: MR ONESTA

Vice-President

Herbert Bösch, draftsman of the opinion of the Committee on Budgetary Control. – (DE) Mr President, ladies and gentlemen, I have the honourable task of offering my thanks, firstly to the rapporteurs, who have done a great job and have tabled constructive reports, one of which we still have to debate tomorrow. Secondly, I would like to thank the excellent secretariat that has supported us in recent years. With regard to those who succeed us, I can only hope that they have such an excellent staff working for them.

However, there is something, Mr President, that I do not understand. Looking at the press preview – the preview of the plenary sitting of 21 to 24 April – I can read about the important reports on the immunity of MEPs, but there is nothing about the discharges for the 2007 financial year. If we do not recognise the rights of Parliament, who then in the general public will recognise us, take us seriously and vote on 7 June if this is what we do with the most powerful right that Parliament has? This right is to control how over EUR 100 billion was spent during 2007.

If we do not discuss facts then we will have to discuss rumours. Mr Ferber has already mentioned this point. We have to build this Europe on facts. We need the cooperation and constructive ideas that we have developed over recent years. It is not surprising that, at the end of this period, we have actually created the greatest productive power and the greatest degree of clarity in this period. This is partly due to the people involved, whom I would like to congratulate, but it is also due to the fact that we have ourselves become clear about various things, one of which being what control ultimately means to European taxpayers.

We ought to know that we also go beyond this single year of 2007. Of course, we know that some wrong turns were taken and we have rectified these to some extent. I am very grateful to Mr Costas for what he said. During this period, we have established a Statute for Assistants. This is something that we were criticised for a few years ago. We established a Statute for Assistants and we were also criticised for this. Some people may not be one hundred percent convinced about this, but let us not forget, as members of the Committee on Budgetary Control, that things cannot always be done according to the German, Portuguese, Austrian or Spanish model. We need a European model. That is sometimes rather difficult and, particularly during election time, occasionally hard to represent. I am very grateful to everyone who has resisted the temptations of the forthcoming election campaign and said: we will stick to the facts, and we are also prepared to explain these facts to our fellow Members and also to the voters.

Mr Kallas, I would like to add one more point, as we will also talk about this in connection with the Audy discharge, which I very much welcome. It relates to an alleged bank fee. For many years the Commission has been tardy in its calculation of the gross domestic product of the European Union in order to get the GNI, which is actually stipulated, onto a proper footing. That costs various Member States several million euros, which we have talked about. I hope that you or your successor will clear this up accordingly.

Mr President, I am very thankful for this excellent piece of work produced by my committee and, as you know, tomorrow we will recommend that the discharge not be granted. I am very pleased to be chairman of this committee. Thank you very much.

Christofer Fjellner, rapporteur. – (SV) Mr President, there are a lot of ‘thank yous’ being said, but I would nevertheless like to take the opportunity to thank our eminent Chairman, Mr Bösch. I think that he has done a splendid job in chairing the committee over the last two and half years.

Although there was not very much debate on my reports on discharge for the agencies, I hope that all of my fellow Members will choose to support them, irrespective of how they voted in the committee or of what they have previously indicated. It is important for Parliament to be united on these issues.

As this is a joint debate for all of the reports, I would like to comment on a report that is not one of mine. I feel very strongly about Mr Casaca’s report, which I think is an extremely good one, particularly paragraph 105, in which we note the fact that Parliament will not provide extra money from the budget to cover the voluntary pension fund’s deficit for us MEPs. I know that many of you think that these points are very controversial, but in my opinion at least they are a given. A lot of people have been criticising this fund for many years. I would like to say that I think that the fund itself is something of a scandal. We are all being affected by the global financial crisis at the moment. At a time when ordinary people are seeing their pensions reduced, politicians must not save their own skins by using more of taxpayers’ money for their own pensions.

I hope that this is a message that those running this Parliament will really take on board and that they will refrain from topping up the fund using yet more taxpayers’ money. On the contrary, we must put a stop to this and we must do so as soon as possible.

President. – The joint debate is closed.

The vote will take place on Thursday 23 April 2009.

Written statements (Rule 142)

Bárbara Dührkop Dührkop (PSE), in writing. – (ES) The Committee on Civil Liberties, Justice and Home Affairs has asked that discharge be granted to the Commission, as well as to the five Community agencies that lie within its competencies.

Even so, our committee is concerned by the low implementation rate of payment appropriations in the area of freedom, security and justice compared with 2006 (60.41% in 2007 and 86.26% in 2006).

Nevertheless, we are aware that responsibility does not so much lie with the Commission as with Member States, and that the low implementation is particularly due to the approval, in May and June 2007, of funds included in the solidarity framework and management of migration flows, and to delays in the implementation of other specific programmes (such as those relating to civil justice and information, and drugs prevention).

As I was saying, the Committee on Civil Liberties, Justice and Home Affairs has recommended that discharge be granted to:

- the Agency for Fundamental Rights,
- the European Monitoring Centre for Drugs and Drug Addiction in Lisbon,
- Frontex,
- Eurojust, and
- CEPOL.

I would like to make the following points on the latter two agencies:

- we hope that Eurojust will reduce the excessively high carryovers and that it will standardise the way in which it awards contracts, as stated by the Agency;
- bearing in mind the criticism addressed to CEPOL by our committee, it is our view that discharge for the Agency should not be postponed. As far as we are aware, the Director of CEPOL has worked closely with the Committee on Budgetary Control and is doing what is needed to correct the management errors that were detected.

Silvana Koch-Mehrin (ALDE), in writing. – (DE) Around 80% of EU funds are still being managed and spent by the Member States and there are still open questions and irregularities in connection with the handling of European Union money. The European Court of Auditors has now failed to confirm the legality and regularity of the EU's financial transactions in its annual audit reports 14 times in succession. Complete disclosure and inspection of EU expenditure is essential. It is necessary for the Member States' finance ministers to submit a national statement of assurance for all of the EU funds used.

20. Community framework for nuclear safety (debate)

President. – The next item is the report (A6-0236/2009) by Mr Hökmark, on behalf of the Committee on Industry, Research and Energy, on the proposal for a Council directive (Euratom) setting up a Community framework for nuclear safety (COM(2008)0790 – C6-0026/2009 – 2008/0231(CNS)).

Gunnar Hökmark, rapporteur. – Mr President, I think it is fair to say that we are now in a new era of energy policy, where there is a need for energy policy to be consistent with a policy for stopping climate change, and at the same time to be combined with a policy for energy security. Those three legs – energy policy, climate policy and energy security – must function together.

From my perspective this highlights the importance of nuclear power. It is important that the existing nuclear power plants are managed in as safe and secure a way as possible, but it is also important that we have clear rules to ensure that the future power plants of the European Union are as secure and safe as possible.

This is not only a matter of preparing the ground for more nuclear power. I think that there is rather large support for such a policy in the European Union, that it is growing and that we need to live up to the responsibilities that this gives us all. I respect those who are hesitant about or are against the use of nuclear power, but whatever opinion and whatever view we have on nuclear power, there can be no disagreement on the need for the rules to be as safe and secure as possible for the nuclear power we have.

It is from this perspective that I would like to present this report on the Community framework for nuclear safety. There is a legal basis for this and there has been a debate in committee on whether all the procedures have been fulfilled. A letter has been sent from the Committee on Legal Affairs to the Committee on Industry, Research and Energy saying that if it is a new proposal then there is a need for a new opinion from the group of experts. My view, and the view of the majority of the committee, is that this is a revised proposal which we have been working on in the European Union for nearly seven years. It has been changed because of an

opinion from the group of experts and because of the opinion given by Parliament and I must say that now is the time to reach a decision. I hope that Council will be able to take this decision this spring.

If we do not and if we delay this process, we will see in reality that new nuclear power plants will be planned and constructed without this Community framework. So this is the time for action. Those who are trying to hinder this because of their attitude to nuclear power are in reality preventing the European Union from having a Community framework establishing as safe and secure rules as possible.

I have tried to position my report in three ways. First of all to give a clear structure on the responsibilities of Member States and governments, licence holders and national regulators. Secondly, I have been very clear about the independence that the national regulators will have and I am strengthening the requirements on national regulators, meaning that they must be able to act when they see any risk of a nuclear power plant not fulfilling the security rules.

Thirdly, we are including in an annex the rules of the IAEA as binding rules, thereby making this Community framework clear, strict and firm, and that is the note on which I end.

Andris Piebalgs, *Member of the Commission*. – Mr President, nuclear safety is an absolute priority for the European Union, as the rapporteur said, and I would like to thank the rapporteur for a very strong, clear and comprehensive report.

As the use of nuclear energy in the European Union is a reality and will be a reality, and nuclear safety is not constrained by national borders, we need a Community-wide framework aiming at achieving, maintaining and continuously improving nuclear safety in the European Union.

This is the objective of the revised proposal for a directive that sets up a Community framework for nuclear safety. The fundamental goal of the proposal is to establish binding legislation, the only solution that offers guarantees that political and industrial commitments to continuously improve nuclear safety are followed by concrete measures. These International Atomic Energy Agency (IAEA) Safety Fundamentals and the obligations of the Convention of Nuclear Safety constitute the core of the directive. De facto, their transposition into binding Community legislation would bring legal certainty.

The proposal also aims at ensuring that national regulatory authorities in charge of nuclear safety are independent from any governmental decision-making body and any other organisation that would have an interest in nuclear matters. They can, therefore, preoccupy themselves solely with the safety of installations.

The proposal aims to enhance the role of regulatory authorities by ensuring that the Member States provide them with adequate authority, competence and human and financial resources to fulfil their responsibilities.

The revised proposal takes into account the outcome of a consultation process that started in 2004 with the Council's Working Party on Nuclear Safety. It was discussed, before adoption, with the European Nuclear Safety Regulators Group, as well as in other fora. It also reflects the substance of the opinion given by the Scientific Group of Experts, referred to in Article 31 of the Euratom Treaty, and the current nuclear safety proposal is a second revision of the regional proposal in the area of nuclear safety. Article 31 of the Euratom Treaty does not require a resubmission of the revised proposal to the Scientific Group of Experts. Moreover, close cooperation with the International Atomic Energy Agency has ensured consistency with international practices.

The Commission agrees with most of the proposed amendments that reinforce the line taken. The report clearly recognises the obligation of the Member States to respect the Safety Fundamentals stemming from the IAEA and the provisions of the Convention on Nuclear Safety, as well as seeking to reinforce the role of nuclear regulatory authorities and ensure their independent decision-making role.

I am, therefore, confident that the Council will take into consideration Parliament's position whenever it contributes to improving and clarifying the objectives of the directive.

Rebecca Harms, *draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety*. – (DE) Mr President, ladies and gentlemen, Parliament does not really have anything to say on this matter. It has been consulted and it is being used for the preparation of a directive which will serve to maintain uncertainty rather than help to increase safety in the nuclear sector. The directive is irrelevant to all existing nuclear power stations in the European Union. It is also irrelevant to high risk projects, such as those currently planned in Bulgaria, Slovakia and Romania. It has absolutely nothing to deliver in this regard.

Moreover, if it survives, namely in connection with future planning that has not even begun yet, it will not lay down the current highest available scientific and technological standards, but will recommend compliance with principles.

I ask myself why we as Parliament are allowing ourselves to be used in this way with this token gesture, which will not serve to ensure the safety of citizens.

Herbert Reul, *on behalf of the PPE-DE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, the decision we have taken is a smart one and it has been cleverly presented. It is also a smart decision for Parliament to contribute to harmonisation in Europe and to establishing more security rules. We have a duty to do that.

Mrs Harms, I think you are quite wrong on the one hand to demand more and more safety in the nuclear sector and to complain that nuclear technologies do not have sufficient guarantees of safety while at the same time using every opportunity to obstruct such decisions here in this House. You cannot complain about the European Parliament concerning itself with this matter and then be dissatisfied that nuclear technology is not safe enough.

We have fulfilled our duty today. We are attempting to contribute to providing a minimum level of safety for nuclear technology throughout Europe while, of course, also – as we have jointly established with a large majority in other decisions in this House – stabilising and supporting nuclear technology as one of several options in the energy mix. In this connection it is also relevant to ask how things stand with regard to safety. The answer must be given, we cannot simply keep asking for it.

This proposal is on the table today and I hope that it will receive a majority vote tomorrow.

Edit Herczog, *on behalf of the PSE Group*. – (HU) We will close a very important debate tomorrow with a vote on this proposal, which will undoubtedly increase the security of Europe's citizens and their sense of security. The aim of this is not for us to find a solution, but for us to make progress in relation to the current situation. I feel, at any rate, that drafting a Community regulation marks a serious step forward for national regulation. This is why we give our absolutely unreserved support to the directive put forward by the Commission and to Mr Hökmark's report. We have tried to make further improvements through our proposed amendments. I believe that Europe's citizens deserve for us to make progress on nuclear energy, which actually accounts for 32% of our electricity supply. Let us do it together then!

Anne Laperrouze, *on behalf of the ALDE Group*. – (FR) Mr President, my group fully supports the aim of this directive, which is to establish a Community framework to ensure and maintain the continuous improvement of safety in nuclear installations within the European Union.

Our Parliament has always stressed the urgent need to implement clear and rigorous legislation and to adopt practical measures at Community level in areas relating to nuclear safety, radioactive waste management and the decommissioning of nuclear installations.

Our debates have raised the issue, among others, of training and knowledge. It is vital for Europe, which has nuclear expertise, to preserve this knowledge, not least by ensuring that safety inspectors within nuclear installations are trained and qualified.

Finally, I am satisfied that the Committee on Industry, Research and Energy has accepted an amendment to the legislative resolution calling on the European Commission to consult the group of experts, in accordance with Article 31 of the Treaty.

I repeat: we demand transparency, and we want clear and rigorous legislation. I am grateful to our rapporteur, Mr Hökmark.

Paul Rübig (PPE-DE). – (DE) Mr President, ladies and gentlemen, the proposal currently on the table is to be welcomed. I would like to thank Commissioner Piebalgs, and your predecessor, Commissioner Palacio, who had already realised that it is important to think about safety. I also believe that it is important to improve the independence of national regulatory bodies.

If regulatory bodies in all of the other countries were as independent as the regulatory body in France we would already have made a great deal of progress. It would, of course, be even better if we had an EU-wide regulatory body with the ability to remove dangerous nuclear power stations from the grid in the peer review

process. It is also important to have strict mandatory safety standards and to ensure, through the European regulator, that shutdown is carried out.

Safety and protection are extremely important for public health and receive our full support. More must be done in relation to this in future.

Atanas Papanizov (PSE). – (BG) I too would like to take the opportunity to mention how important the Commission's proposal is for a framework directive for nuclear safety. I believe that this document provides a good basis for producing binding regulations in the European Union on this issue and for providing reassurance to all countries, including those which do not use nuclear energy, that the nuclear energy produced in the European Union is safe.

I want to emphasise that I am pleased with the amendments which have been adopted and which I tabled with regard to defining specifically the directive's scope, ensuring a regular exchange of best practice between Member States and more clearly assigning liability between countries, licence holders and the regulatory body.

I would like to emphasise that this directive once again highlights the right of any country to choose its energy mix, even if it wants this to include nuclear energy, which saves on carbon dioxide and is beneficial to the environment.

Andris Piebalgs, Member of the Commission. – Mr President, as has been rightly said the aim of this proposal is to create a Community-wide framework. It was not easy to achieve this. We based our work on the Western European Nuclear Regulators' Association (WENRA) and on experience in the High Level Group on Nuclear Safety and Waste Management. We also worked together with the Council, which had discussed more or less the same proposals in 2003.

I believe that it strikes the right balance at this stage; I believe it gives European citizens a clear understanding that there is a Community-wide framework. I am confident this framework will evolve with time, but I very much welcome Mr Hökmark's report because it strengthens the proposal while keeping the balance we need. It is the national regulators who are responsible for the safety of the installations running in their countries. These issues are so sensitive that we cannot, and should not, sidestep them, but we do need constantly to improve nuclear safety standards. I believe this directive gives us that opportunity.

Gunnar Hökmark, rapporteur. – Mr President, first of all I think it is important to say that no one should be against increasing the level of safety and strengthening the safety rules. There must be no tendency, just because one dislikes nuclear power and is against its use, to underplay the importance of the rules we need.

In that sense, I think it is a step forward that we have a common Community framework because it creates a consistency, a transparency and an opportunity to ensure our common development towards higher standards. This directive really does apply to existing power plants because it increases the importance and the independence of national regulators – which is crucial – and it paves the way for us to secure higher and higher requirements in order to have, as it were, a 'race to the top' regarding safety.

Let us be very frank about this. We will have nuclear power in the future, whatever all of us here today agree about on this issue. In my view, it is important that we can lay the ground for having more nuclear power plants. They must be credible and there must exist a credibility in public opinion, but – even more importantly – there must be a substantial, real safety in managing nuclear power, as there should be in every other thing we do.

The existing rules are good and strong, but we are making them more consistent, and that is a step forward. I would like to thank you for your cooperation and for the discussion. I think that we have achieved a better result, and I hope that the Council will listen to this opinion.

President. – The debate is closed.

The vote will take place on Wednesday 22 April 2009.

Written statements (Rule 142)

John Attard-Montalto (PSE), in writing. – I would like to draw my attention to the environmental situation of Marsaxloqq Bay. The most picturesque bay in Malta was destroyed when a power station was built. This has had a health impact on the residents in its region especially those of Marsaxloqq. Now an incineration

plant is being planned in this bay and once again the inhabitants of this region are going to be subject to environmental nightmare. In addition, there is a health hazard which cannot be estimated.

When I was the lawyer in a case trying to prevent the construction of a power station in the bay I was able to prove that discharges were not all being absorbed by the atmosphere. Some discharges were found too heavy to evaporate and would find themselves falling in the vicinity of the station. Tiles in open places were visibly stained by a rust-coloured substance. It resulted that those stains were a result of discharges. What is the situation going to be when increased discharges from the incineration plant will be allowed into the atmosphere?

Vladimir Urutchev (PPE-DE), in writing. – (BG) Following a delay of almost six years, the EU is today close to adopting a nuclear safety directive, an important political document for nuclear energy in Europe, which is used to produce almost one third of the EU's electricity.

Member States have the exclusive right to decide themselves whether to rely on nuclear energy. For countries both accepting and rejecting this form of energy, it is just as important that the highest safety standards in nuclear energy apply.

I welcome the inclusion of the IAEA's basic safety principles as an annex to the directive. This will ensure that the best developments in nuclear safety standards become an integral part of European legislation, which Member States are accordingly bound to comply with.

The lack of generally approved nuclear safety requirements in the EU allowed, in the not too distant past, some of the countries joining the EU to have political solutions imposed on their nuclear energy, which are not in line nowadays with the EU's objectives for limiting climate change and for energy supply security.

At a time when a number of new nuclear power plants are under construction in the EU or in the pipeline, the timely adoption of the nuclear safety directive is not only justified, but is mandatory because of the guarantees it offers for the population's safety and peace of mind.

21. Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss - Timber and timber products (debate)

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

- the Commission statement – Addressing the challenges of deforestation and forest degradation to tackle climate change and biodiversity loss, and

- the report (A6-0115/2009) by Mrs Lucas, on behalf of the Committee on the Environment, Public Health and Food Safety, on the proposal for a regulation of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market (COM(2008)0644 – C6-0373/2008 – 2008/0198(COD)).

Stavros Dimas, Member of the Commission. – (EL) Mr President, deforestation is responsible for approximately 20% of greenhouse gas emissions at global level. Consequently, from the point of view of climate change, addressing deforestation is an important priority. At the same time, addressing deforestation helps to achieve other important objectives, such as eradicating poverty and reversing the loss of biodiversity, which is another major environmental threat to our planet.

Deforestation has now become a major issue at international negotiations, on both climate change and biodiversity. In order to promote a policy to address this issue, the European Commission issued a communication in October 2008, which the Council accepted in full last December. This communication refers to the question of deforestation and the deterioration in forests in developing countries and proposes, among other things, the development of a financing mechanism in the aim of providing incentives to maintain existing forests.

This proposal is already being discussed and processed at the international negotiations on climate change currently under way. In its communication, the Commission also acknowledges that various European policies, at both internal level and internationally, may have an indirect impact on global forest resources. As such, the Commission has made specific undertakings in the aim of strengthening the cohesion of European policies.

The proposed measures include the following:

- an impact assessment on the consumption of imported goods in the European Union which may contribute towards deforestation;
- continuing the procedure to review the cohesion of our development policy, which is needed to support developing countries in their efforts to achieve the Millennium Development Goals.

These undertakings will also be implemented through the European Commission's policy on sustainable consumption and production. The aim of this policy is to stimulate growth and the demand for sustainable goods and services, including timber and timber-based products which come from forests to which sustainable management methods are applied.

Allow me now to refer to one of the main factors of deforestation: illegal logging. Illegal logging is very often the first step towards the general exploitation of natural forests. Consequently, addressing illegal logging and improving forest management in general are of fundamental importance if we want efforts to limit deforestation and the deterioration of forests to succeed. In accordance with the European Union's 2003 Action Plan on Forest Law Enforcement, Governance and Trade, the Commission proposed a series of measures to address the problem of illegal logging and the trade associated with it.

The core element of the above action plan was the conclusion of voluntary partnership agreements with third-country timber producers. We believe that the agreements in question may help to address the basic causes of illegal logging. At the same time, however, the Commission has acknowledged that these agreements alone may not suffice to address the problem and other possibilities therefore need to be investigated.

Based on the results of the impact assessment, the Commission submitted a policy proposal last year based on the 'principle of due diligence'. According to the proposed regulation, operators must minimise the risk of placing illegally logged timber and related products on the market by demonstrating due diligence, when they place these products on the European Union market, in obtaining information on the provenance and legality of the products in question.

I should like to extend my especial thanks to the rapporteur, Mrs Lucas, to the shadow rapporteurs and to the draftsman of the opinion, Mr Ford, on their exceptionally diligent work. The Commission has examined the amendments to its draft regulation proposed by the European Parliament and I should like to comment briefly on them:

The amendment banning the trade in illegally logged timber and related products is very important. This ban was included in the options examined by the Commission when it drafted its proposal. However, while this approach is quite attractive at first sight, it presents important practical and political difficulties. That is precisely why we adopted a proposal based on the principle of due diligence. This proposal will achieve the best possible balance between an effective approach to illegal practices, the facility to apply these measures without encumbering operators unnecessarily and, finally, their compatibility with the rules of the World Trade Organization.

The amendments requiring all manner of operators to exercise due diligence at all stages of the supply chain do not appear to follow the principle of proportionality. If the legality of the timber is checked when it is first placed on the market, it would not appear to be necessary for checks to continue at all subsequent stages of the supply chain.

I should also like to comment on Parliament's amendment proposing a broader definition of 'legal timber'. This definition is the epicentre of the proposal and will doubtless be a matter for discussion with the Council. The Commission will examine carefully the consequences of adopting any such broader definition.

As regards the amendments relating to the recognition of monitoring and control authorities, we believe that, by making the Member States responsible for recognising these authorities, our initial proposal is more in keeping with the principle of subsidiarity.

The reasons why it was proposed to set up an advisory group are absolutely understandable. The Commission has always been prepared to consult the stakeholders involved, as it remarked, moreover, in its statement of reasons. However, although the Commission has the right of initiative to set up such advisory groups, it is not necessary for any such provision to be included in the regulation.

Finally, we also understand why it has been proposed to standardise the application of the law in the Member States. For our part, however, we consider that the amendments in question should, as a matter of principle, be in keeping with the principle of subsidiarity.

That brings me to the end of my statement and I shall follow the debate with interest.

Caroline Lucas, rapporteur. – Mr President, I should like to start by saying how relieved I am that, at long last, we finally have before us a proposal for legislation to tackle the problem of illegal logging. Parliament has been waiting for this for an enormous amount of time and I warmly thank my colleagues for their persistent efforts to see it brought forward. I would also like to thank my colleagues for their outstanding cooperation in bringing us to the point of tomorrow's vote; shadows and staff have truly pulled out all the stops so that we could complete Parliament's first reading in the shortest possible time, so as to be in a position to seek a first-reading agreement and thus to avoid any further delays.

Sadly, however, the painfully slow rate of progress in the Council has put paid to that idea. So it seems that we will have to be content with concluding this work in the autumn, following political agreement by the Council in June, and that is very disappointing both to myself and to many colleagues who have worked so hard. Had the Council been here I would have liked to have asked them for a guarantee tonight that they will do everything possible to reach a common position before the summer, because this situation is incredibly urgent.

Illegal logging is a hugely serious problem, against which the EU has preached for many years, yet all the while continuing to provide one of the world's biggest markets for illegally logged timber and timber products. Between 20% and 40% of global industrial wood production is estimated to come from illegal sources, and up to 20% of that finds its way into the EU. That depresses timber prices, it strips natural resources and tax revenue, and it increases the poverty of forest-dependent peoples. The longer-term effects are even more serious, as Commissioner Dimas indicated, since deforestation, of which illegal logging is a major driver, accounts for nearly one fifth of global greenhouse gas emissions.

With the Copenhagen Climate Conference now on the horizon, credible EU action on illegal logging is ever more important. But credible action means effective, binding legislation. While the voluntary partnership agreements conceived under the 2003 FLEGT Action Plan have the potential to drive positive change, to date only one has been signed and, as long as their coverage is not universal, the risks of money-laundering and circumvention are just too high.

The good news is that we do finally have EU legislation; the bad news is that the Commission proposal is distressingly weak and will need comprehensive improvement in order to become meaningful and effective.

In spite of Commissioner Dimas' good words about the importance of tackling illegal logging, the Commission proposal as it stands simply is not up to the job. The preamble to the proposal states that 'weak rules to prevent trade in illegally harvested timber' are at the root of the prevalence of illegal logging, but what the Commission has come up with, I am afraid, will do nothing to change that. Quite simply, the Commission proposal as it stands will not achieve our aim of ensuring that the EU no longer provides a market for illegally logged timber.

The most glaring, gaping hole in the proposal is that it does not actually prohibit the import and sale of illegally logged timber – perverse as that sounds. It requires only that operators at one particular point in the supply chain put in place a due-diligence system while everyone else is immune from any obligation as to the legality of the timber or the timber products that they trade.

Now that stands in stark contrast to the revised US Lacey Act adopted in May 2008, which does enact an explicit prohibition on the import and sale of illegally logged timber, and there is absolutely no good reason why the EU cannot emulate this. So, while my report maintains the Commission's suggestion that only operators who place timber and timber products on the EU market for the first time should be required to put in place a full due-diligence system – since they are clearly the actors with the most influence – it makes clear that all operators in the market share responsibility for trading only legally sourced wood and that failing to do that may constitute an offence.

I should like to say to Commissioner Dimas that I really do believe that our proposals are supplementing due diligence: they are making it more effective, they are making it operational and there is no problem at all with WTO rules. If the US can do it, we should do it, and that is why Parliament is seeking to amend this proposal.

Péter Olajos, *on behalf of the PPE-DE Group.* – (HU) As spokesman for the Group of the European People's Party (Christian Democrats) and European Democrats, I regard the two items before us as being equally important: the Commission statement and Mrs Lucas's report. In our view, we very much need both of these to halt deforestation, forest degradation and the decline in biodiversity. At present, almost 13 million hectares of forest, an area the size of Greece, disappear every year. In addition, deforestation is responsible for almost 20% of global carbon dioxide emissions, which is more than the European Union's entire greenhouse gas emissions. Deforestation is responsible for the significant decline in biodiversity and for the extinction of certain species, not to mention for the deterioration of the Earth's ecosystem. There is no question therefore that we need to act now. This means that the European Union must assume a leading role in formulating a global political response.

Tropical forests aside, I feel it is particularly important to halt the deforestation occurring in Central and Eastern Europe, as well as to create a set of strict sustainability criteria for timber and timber products. Green public procurement and sustainability criteria are required for timber and other forms of biomass used for renewable energy production. Part of the auction revenues resulting from the reduction in carbon dioxide emissions must be earmarked for halting deforestation. I welcome the aspiration expressed in Mrs Lucas's report aimed at tightening controls and creating an effective sanction system. Finally, I believe that it is particularly important to set up monitoring bodies and impose financial penalties which reflect proper compensation for environmental damage.

Riitta Myller, *on behalf of the PSE Group.* – (FI) Mr President, the report on the prohibition of illegal logging, which was adopted by a large majority in the Committee on the Environment, Public Health and Food Safety, is a balanced one. While it is sufficiently ambitious in the prohibition of illegal logging and the import of, and trade in, products that result from it, it does not create additional bureaucracy for the operators that now behave irreproachably.

It is vitally important to control illegal logging, which is a major reason for global deforestation, which itself, as someone said here, causes 20% of global greenhouse gas emissions and is a major cause of the decline in biodiversity. In addition to environmental problems, illegal logging impairs the competitiveness of legal operators in the forestry sector and causes countries to lose huge amounts in income.

I would like to express my sincere thanks to the rapporteur, Mrs Lucas, for her work, thanks to which tomorrow we can vote on a good basic proposal.

Magor Imre Csibi, *on behalf of the ALDE Group.* – Mr President, by the time allocated to this debate, one might say that Parliament attaches little importance to saving forests. This stops the disappointment of discovering the shy Commission approach to addressing illegal logging, but what disappointed me the most was the repetition of the argument that we should not punish the good-faith EU operators in order to solve an external problem.

Part of solving a problem is also creating awareness about the problem, and it is high time we acknowledged that some European regions – like mine – are also confronted with rampant deforestation. The illegal logging regulation does not aim to punish or to hinder trade but rather to better control trade. It is true that the Commission proposals were not really clear on how the system should work in practice.

I am pleased that the EP managed to strengthen and clarify the proposal by covering all timber products and requiring all operators to exercise some sort of due diligence by introducing a new baseline for financial penalties and providing clear criteria for a credible and independent monitoring system. Now our challenge is to have this system adopted and implemented sooner rather than later. We need to give consumers the guarantee that they are not fuelling the environmental degradation by accidentally buying illegally harvested timber products.

Stavros Dimas, *Member of the Commission.* – Mr President, I wish to thank all the speakers in tonight's debate for their constructive contributions. It is important to underline that tackling global deforestation and forest degradation is a complex issue. Solving it requires real political will and actions on the demand side.

We should keep in mind that patterns of tropical deforestation are the result of the interaction of a number of different factors which vary in importance in different locations. Forest cover is not only affected by forest policies, but also by other policies such as taxation policy, land tenure and rights.

In the European Union we understand that working on the coherence of our policies must go hand in hand with supporting countries in their efforts to strengthen national and local institutions and make progress

towards effective governance and use of forest resources. I wish to thank again Ms Lucas, Mr Ford and the shadow rapporteurs for their excellent work. I am encouraged that Parliament, while endorsing the approach of the Commission, wants to reinforce it further and has made amendments to this end.

Let me assure you that I fully share Parliament's objective of putting in place an ambitious regulation to address illegal logging and its associated trade. I also want to assure you that the Commission will give careful consideration to the amendments of the proposed regulation.

To conclude, I would like in particular to comment on two of the issues addressed tonight. Firstly I would like to refer to the due-diligence approach, which is more comprehensive than just a certificate of legality. The principle of due diligence reflects the legal obligation of a proactive behaviour to a certain legality and needs to be demonstrated on a basis of comprehensive measures which will enable legality to be reasonably assured.

In some cases a certificate of legality will only be a starting point, the first measure included in the due diligence procedure. Where the risk assessment has shown that the country of origin presents a higher risk of administrative corruption, or in countries where enforcement of national laws is weak, additional guarantees are necessary to underpin the certified legality.

The other issue I would like to address is the proposed extension of the scope to cover downstream operators. According to the principles of better regulation and a reduction of administrative burden, requiring distributors and retailers to demand proof of the due diligence from the proceeding market obligators appears to be excessive. If timber was made subject to due-diligence enquires when first placed on the market, why unduly burden downstream operators?

In summary, out of the 75 proposed amendments, the Commission can support fully, in part, or in principle, 37. I will provide Parliament's secretariat with a list detailing the Commission's position on the amendments.

Caroline Lucas, rapporteur. – Mr President, I should like to thank my colleagues, and Commissioner Dimas, very much for their comments.

One important point I would like to make is that great care has been taken in our amendments not to reinvent the wheel. I have learnt from meetings with numerous industry representatives and other stakeholders that many countries, and also many companies, already have in place excellent systems which would fulfil most, if not all, requirements of the due-diligence system.

It makes sense, then, that all the work that has gone into establishing those systems does not go to waste and that we do not create unnecessary extra administrative burdens; that is far from being our intention.

That being so, we have been very careful and have made use of good advice on including wording which would enable good existing systems to qualify under the regulation without the need to establish whole new structures.

So we have taken very seriously the message that we should not be disproportionate, that we should not be putting too much burden on the different players in the trading system, and that is exactly what our report aims to do: to make sure that all players in the trading system have a responsibility, that we do not put everything onto those who first put the products onto the market. That is what seems disproportionate. I think it is much more sensible that everybody has a role to play.

I would also add that many elements of our proposals are actually supported by industry. It is rather ironic that in many senses industry seems to be far more ambitious in this area than even the Commission itself.

I have heard directly from industry how much they appreciate not only the fact that the Committee on the Environment's report provides them with much greater clarity on what will be expected of them, but also precisely this fairer and more effective sharing of responsibility across the different parts of the supply chain which I have just described.

As far as European operators are concerned, I would like to say very clearly that the regulation as we have amended it should do nothing but benefit responsible European operators, since the vast majority of them already do most of what is being asked, and the existence of the regulation will prevent them from being undercut by other, less scrupulous, operators.

So we should be very clear that there is nothing in this report that makes life difficult for European operators. We have also got some special measures for smaller operators, so we have taken very seriously the risk of

being disproportionate; I think we have addressed that very sensibly in the report that we have put before you.

Having heard again your comments, Commissioner, on the Environment Committee's report, I am afraid I do maintain my view that the Commission's proposal as it stands is disappointing and weak and simply will not do what it claims to do. I fail to see how you can have legislation aimed at preventing the sale of illegally logged timber which does not actually make doing so an offence. The way in which the whole Commission proposal is written is very patchy and it is very timid.

I think most European consumers would be genuinely shocked to realise that the EU does not already have in place legislation against illegal logging, and I suspect that all those who concluded, in response to the Commission's own consultation, that legislation was the only way to really address the problem would not see the particular proposals by the Commission, the due-diligence system on its own, as sufficient to be able to address the problems that we face.

I will end my comments tonight by seeking – maybe via your good offices, Commissioner – to put some pressure behind the Council to speed up their work, because we really do want to make sure we get a common position from the Council before the summer so that we can move swiftly on with this in the autumn.

As I said earlier, we had really hoped to get a first-reading agreement. Parliament did everything it could to enable that to happen. It is, frankly, deeply disappointing that the Council has not acted with equivalent seriousness and speed, but I hope I can ask you once again, Commissioner, to do all you can to ensure that the Council does move swiftly on this.

President. – The joint debate is closed.

In accordance with Rule 103(2), I have received one motion for a resolution, on behalf of the Committee on the Environment, Public Health and Food Safety⁽¹⁾.

The vote on this motion for a resolution will take place on Thursday 23 April 2009.

The vote on the report by Mrs Lucas will take place on Wednesday 22 April 2009.

Written statements (Rule 142)

Véronique Mathieu (PPE-DE), in writing. – (FR) Combating the trade in illegally harvested timber clearly has to be a priority, given its consequences for ecosystems and the unfair competition to which it subjects 'legal' operators in the forest-timber-paper sector.

However, if we impose disproportionate constraints – particularly in relation to traceability – on operators who place timber on the market, this will result in our businesses becoming less competitive without for all that reducing instances of illegal logging, which will be redirected to other markets. Indeed, we would be unrealistic in thinking that very binding European legislation alone would solve corruption- or State deficit-related problems, which often exist in countries that practise this illegal activity.

Similarly, I believe that this report goes too far in calling into question the Commission's initial proposal, which is acceptable to operators. Thus I do not think it appropriate to call into question the certification systems implemented by professionals, to exclude professional organisations and monitoring organisations financed by operators from the sector, or to do away with the national authority responsible for designating monitoring organisations. I believe that the sector's professionals must remain at the heart of the system and should not have overly burdensome administrative measures imposed on them.

22. Community control system for ensuring compliance with the rules of the Common Fisheries Policy (debate)

President. – The next item is the report (A6-0253/2009) by Mr Romeva i Rueda, on behalf of the Committee on Fisheries, on the proposal for a Council regulation establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (COM(2008)0721 – C6-0510/2008 – 2008/0216(CNS)).

⁽¹⁾ See Minutes.

Raül Romeva i Rueda, rapporteur. – (ES) Mr President, I would like to begin by reminding us all that a few weeks ago Greenpeace reported a Galician company, *Armadores Vidal*, to the Spanish public prosecutor's office for receiving subsidies to the value of EUR 3.6 million from the Spanish Government, between 2003 and 2005, despite the fact that, since 1999, the company has accrued numerous sanctions in several countries for illegal fishing around the world.

In fact, the Commission has condemned this situation recently.

Last week the bluefin tuna fishing season began. Scientists tell us that we have already gone beyond the acceptable limits of sustainable fishing of this species, which is clearly at risk of extinction.

The Spanish defence minister is currently in Somalia leading the operation to protect the tuna fishing boats deployed in the Indian Ocean against pirate attacks.

If European tuna vessels have to stray so far from home in order to work, it is because, firstly, the closest stocks are on the point of collapse and, secondly, we have an oversubsidised and clearly oversized fleet that seeks profitability even at the expense of using up the main element that sustains its activity: the fish.

Once again, the common factors in all these cases – and in many others – are overfishing, the excessively large European fleet and, most importantly, the lack of control and capacity to impose sanctions.

That is why our report maintains that applying the rules in a non-discriminatory and effective manner should be one of the basic pillars of the Common Fisheries Policy.

We therefore ask, for example, that it be explicitly forbidden to give public subsidies to anyone acting illegally, as in the case of *Armadores Vidal*.

Complying with the rules and adopting a coherent approach are the best ways to protect the interests of the fishing industry in the long term.

Such a policy is destined to fail if those people working in the fishing industry, from the fishermen to the traders who sell fish to consumers, do not comply with the rules. Fish stocks are fated to disappear along with those who depend on them for survival.

On a number of occasions, the Commission and the European Parliament have lamented the low level of compliance and we have requested, among other things, that Member States increase controls, harmonise inspection criteria and sanctions, and that inspection results be more transparent. In addition, we have requested that Community inspection systems be strengthened.

The proposed regulation that has given rise to this report tackles the much-needed reform of the existing control system and puts forward a series of recommendations to be added to existing ones following the adoption of the regulation on illegal, undeclared and unregulated fishing – 'yo-yo' fishing – or the regulation concerning the authorisation of fishing activity.

The most important factor of a control system applied to 27 Member States is probably that all stakeholders should be treated equally and, in particular, that everyone along the production chain – fishermen, middlemen, buyers, people who have links to recreational fishing and others – should feel that they are not being discriminated against but also that they have their share of the responsibility on this matter.

Therefore, we must ensure that conditions are equal across the Community and also along the entire chain of custody.

While we also mostly support the Commission's original proposal, the proposal we are tabling includes a series of aspects allowing us to make considerable progress in that direction.

I would just like to highlight one aspect by mentioning the need for the Community Fisheries Control Agency to play a particularly important role, given its Community nature and its impartiality order.

I therefore hope that the amendments we have tabled at the last minute, so as to finalise the report, will be accepted by my fellow Members as has already been the case in our committee debate, and I hope, indeed, that it will prove a useful tool to save those who are in need of saving: not just the stocks but the communities that make a living from them.

Joe Borg, Member of the Commission. – Mr President, first of all allow me to thank the rapporteur, Mr Romeva i Rueda, who has undertaken some impressive work on this report. What is even more noteworthy is the

fact that the rapporteur has undertaken to meet with numerous international and Community stakeholders in several capitals. This file was complex and delicate. The Commission would like to thank Mr Romeva i Rueda for his work on this report.

As you know, the current regulation on fisheries control dates back to 1993. It has since been amended a dozen times, in particular in 1998, to include the control of fishing effort, and in 2002 on the occasion of the last reform of the common fisheries policy (CFP). However, the resulting system has serious shortcomings that prevent it from being as effective as it should be. As both the European Commission and the European Court of Auditors have highlighted, the current system is inefficient, expensive, complex, and it does not produce the desired results. This in turn undermines conservation and effort management initiatives. Control failures thus contribute to the negative performance of the common fisheries policy.

The main aim of the control reform is to ensure the respect of the CFP rules by building a new standard framework which will enable the Member States and the Commission to fully assume their responsibilities. It establishes a global and integrated approach to control, focusing on all aspects of the CFP and covering the whole chain of catch, landing, transport, processing and marketing – ‘from catch to consumer’. In order to achieve this, the reform is built on three axes.

Axis 1: the creation of a culture of compliance and responsibility of the sector. The aim of this objective is to influence the behaviour of all stakeholders involved in the wide range of fishing activities in order to achieve compliance through not only monitoring and control activities, but as a result of an overall culture of compliance where all parts of the industry understand and accept that playing by the rules is in their own long-term interest.

Axis 2: instituting a global and integrated approach to control and inspection. The proposal ensures uniformity in the implementation of the control policy, while respecting the diversity and the specific characteristics of different fleets. It establishes a level playing field for the industry by covering all aspects from capture through to the market.

Axis 3: the effective application of CFP rules. The reform also aims to clearly define the roles and responsibilities of Member States, the Commission and the Community Fisheries Control Agency. Under the CFP, control and enforcement are the exclusive competence of the Member States. The role of the Commission is to control and verify that the Member States are implementing the CFP rules correctly and effectively. The current proposal does *not* try to change this allocation of responsibilities. However, it is important to rationalise procedures, and to ensure that the Commission has the means to actually see to it that the Member States equally implement CFP rules.

I would also like to emphasise the fact that the proposal will reduce administrative burdens and make the system less bureaucratic. The Commission’s impact assessment found that if the reform is adopted, the total administrative costs for operators could be reduced by 51% – from EUR 78 to EUR 38 million – largely through the use of more modern technologies, such as the extension of the use of ERS, VMS and AIS.

Existing paper-based tools will be replaced at all stages of the fisheries chain – i.e. logbook, landing declarations and sales notes – except for vessels below 10 metres overall length. For fishermen, the electronic system will make it easier to record and communicate data. Once the system has been introduced, a number of reporting requirements will be removed.

The system will be quicker, more accurate, less expensive and will allow for the automated processing of data. It will also facilitate cross-checking of data and information, and the identification of risks. The result will be a more rational and risk-based approach to control actions at sea and on land, the latter being inherently more cost-effective.

The proposal will also remove the current obligation on Member States to transmit lists of fishing licenses or fishing permits to the Commission, which will instead be made accessible by electronic means to the national control services, to those of other Member States, and to the Commission.

Now turning to the report, I would like to comment on the amendments proposed.

The Commission welcomes the fact that the European Parliament supports the legislation in principle and considers that a new control regulation is necessary. Whilst the Commission can go along with certain amendments that are in line with the discussion within the Council working group, it considers it fundamental to retain certain key elements of the proposal.

The Commission can agree with an important number of amendments, in particular Amendments 3, 6, 9, 10, 11, 13 to 18, 26 to 28, 30, 31, 36, 44, 45, 51 to 55, 57, 58, 62, 63, 66 to 69, 82, 84, 85, and 92 to 98.

The Commission cannot, however, accept the following amendments, which could be summarised as follows:

Concerning the monitoring of fishing activities: Amendment 23 modifies the margin of tolerance to be applied to logbook catch entries to 10%, instead of 5% as in the proposal. This will seriously affect the accuracy of the logbook data that is essential when using such data for cross-checks. Since such cross-checks will be used to identify data inconsistencies as indicators of illegal behaviour on which Member States should concentrate their scarce control resources, this amendment would also negatively affect the operation of the computerised validation system foreseen in Article 102(1) of the proposal which is considered to be the backbone of the new control system. The most important argument is, however, that fishermen can indeed estimate their catches within an accuracy level of 3%. After all, fish is stored and transported in boxes and they know how much weight of fish a box can hold.

Regarding Amendment 29 on prior notifications, the Commission believes that the idea to reserve the granting of exemptions to the Council would complicate enormously the procedure and would not allow for timely reactions to developments on the ground.

The Commission also finds that the reallocation of unused quotas is a management matter that should be dealt with in the context of the CFP reform. Thus, Amendment 41 on corrective measures cannot be accepted.

On transshipments of stocks subject to multiannual plans, Amendment 42 deletes the entire Article 33. This is not acceptable because, as you know, transshipments have been used in the past to conceal illegal catches. For that reason it is essential to maintain Article 33 and that quantities to be transhipped are weighed by an independent body before they are taken on the transport vessel.

Amendment 47 deletes the entire section on real-time closure of fisheries. By accepting this, the Commission would lose a very important instrument for the protection of stocks. Real time closures are directly linked to control issues. Therefore, this amendment cannot be accepted.

Amendment 102 is not acceptable since it deletes the article on the ability for the Commission to close fisheries if so required by the Commission. A similar provision exists already in the current control regulation, and it is a necessary tool to ensure that, if a Member State fails to close a fishery, then the Commission is entitled to close that fishery in order to ensure the respect of quotas – and this we did last year for the bluefin tuna and the year before for cod in the Baltic Sea.

Similarly, the Commission cannot accept Amendment 103, which deletes the provisions on corrective measures. This would weaken the role of the Commission as the guardian of EU law ensuring that all Member States are able to take full advantage of their fishing opportunities. Moreover, this provision already exists in current legislation.

As regards new technologies: concerning the Vessel Monitoring System (VMS) and the Vessel Detection System (VDS), Amendment 19 foresees the entry into force of these electronic devices for vessels between 10 and 15 metres as of 1 July 2013, instead of 1 January 2012, as laid down in the proposal. Amendment 20 foresees that the installation of VMS devices and electronic logbooks is eligible for funding, with 80% cofinancing from the EU budget.

Regarding Amendment 19, the proposal already provides for a transition period, as this obligation would only apply as of 1 January 2012, whereas the entry into force of the regulation is foreseen for 1 January 2010. Since the new control system intends to make the best possible use of modern technologies, in order to develop an efficient automated and systematic system of cross-checking, it is important that these provisions apply on the date foreseen in the proposal, so as not to further delay the implementation of the new approach to control.

Regarding the concerns on the cost of introducing these new technologies, the cofinancing by the Commission is already available under Council Regulation (EC) No 861/2006, which establishes cofinancing rates, and in the framework of this Regulation the Commission will consider increasing such rates. It would, however, go against the budgetary rules to lay down in another legislative act the rates for cofinancing.

Concerning recreational fisheries: on this controversial subject, I would like to indicate that, in contrast to what has been widely reported, the draft regulation does not aim to place a disproportionate burden upon individual anglers or on the leisure fishing industry. What is proposed is to subject certain recreational

fisheries on certain specific stocks, namely those subject to a recovery plan, to certain basic conditions on permits and catch reporting. These requirements will also help to obtain information allowing the public authorities to evaluate the biological impact of such activities and, where necessary, to prepare the measures needed.

Concerning the EP report, the Commission welcomes the fact that a definition of 'recreational fisheries' is provided for in Amendment 11, and that Parliament foresees that, where a recreational fishery is found to have a significant impact, catches should count against the quotas. It also welcomes the fact that the EP agrees that the marketing of catches from recreational fishing shall be prohibited except for philanthropic purposes. However, I would like to stress that it is important to maintain an obligation for Member States to evaluate the impact of recreational fisheries as set out in Amendment 93, and not just the possibility to do so as contemplated in Amendments 48, 49 and 50.

The Commission, of course, wants to ensure that the final regulation adopted by the Council achieves a fair balance between, on the one hand, obtaining accurate information on the impact of recreational fisheries on recovery stocks – following a case by case analysis – and, on the other, ensuring that recreational fishers, whose catches clearly have a negligible biological impact, are not burdened with disproportionate requirements.

Concerning sanctions and enforcement: Amendment 64 inserts a new Article 84(2a) indicating that as long as a holder of a fishing authorisation has been given 'penalty points' the holder should be excluded from receiving EU subsidies or national public aid during that time. The Commission cannot accept this amendment. In the same vein, Amendment 61 cannot be accepted.

In fact Article 45, point 7, of Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing already provides the possibility to ban offenders temporarily or permanently from access to public assistance or subsidies. To introduce such a rule additionally in the context of the penalty point system would be disproportionate.

Amendment 107 deletes the minimum and maximum levels of sanctions proposed by the Commission. This is not acceptable, since comparable sanctions in all Member States is an important element to achieve the same degree of deterrence in all Community waters and thus create a level playing field through the establishment of a common framework at the Community level. The provision does not affect the discretion of Member States to determine which infringements are to be characterised as serious.

Concerning the powers of the Commission: Amendment 71 imposes the presence of an official of a Member State during inspections carried out by the Commission, and in the same vein, Amendment 108 limits the possibility for the Commission to carry out inquiries and inspections only in cases where a Member State has been previously informed. The capacity of the Commission to undertake autonomous inspections would be seriously affected when officials of the Member State concerned have to be always present during inspections. By not providing an official, the Member State concerned could even prevent an autonomous inspection from taking place.

Amendments 104, 108, 109 and 110 are also problematic since they restrict the competencies of Community inspectors, restrict their ability to perform autonomous verifications and autonomous inspections. Without such competencies for Community inspectors, the Commission cannot ensure the same quality of application of CFP rules in all Member States.

Amendment 72 takes away the basis according to which Community financial assistance can be suspended or cancelled when there is evidence that provisions of the regulation have not been complied with. The Commission cannot accept this amendment. With this amendment the simple conclusion by the Commission that the Member State concerned has not taken adequate measures would be sufficient to take measures against that Member State.

On the other hand, Amendments 111 and 112 limit the competence of the Commission to suspend Community financial assistance. This would seriously undermine the capacity of the Commission to apply this measure. Furthermore, the amendment does not clarify who, instead of the Commission, is supposed to take such a decision.

Concerning the closure of fisheries: Amendment 73 limits considerably the cases in which the Commission will be able to close a fishery for failure to comply with the objectives of the common fisheries policy. 'Evidence' of non-respect will be much harder to prove than 'reason to believe'. In order to ensure that the rules of the CFP are equally applied in all Member States and to avoid a particular threat to sensitive stocks,

it is important that the Commission has the possibility to close a fishery when the relevant Member State fails to do so itself. In the same vein, the Commission cannot accept Amendment 113, which proposes to delete this article.

Amendments 74 to 78 reduce substantially the pressure on Member States to respect national quotas. Acceptance of these amendments would simply mean maintaining the status quo. The amendments reduce substantially the possibility for the Commission to take measures to ensure that Member State fishers do not fish on a regulated stock for which the Member State has no quota or has a small quota. This would be particularly detrimental in cases where such fishing effectively prevents other Member States from fishing their quotas.

Amendments 79 and 80 delete Articles 98 and 100, which give the Commission the possibility of deducting quotas and to refuse quota exchange for failure to comply with the objectives of the CFP. The Commission wishes to maintain this provision, which is an important instrument, to ensure the respect of the CFP rules by Member States. It responds to the recommendation of the Court of Auditors to reinforce the capacity of the Commission to put pressure on Member States. It will also help demonstrate to national fishing industries that the respect of the CFP rules by their national administrations is also in their interest, and they can be expected to exert a positive pressure on their national administrations to that effect.

Amendment 114 proposes the deletion of Article 101 on emergency measures. The Commission cannot accept this amendment since this provision is an important instrument to ensure the respect of the CFP rules by the Member States.

I would once again like to thank Mr Romeva i Rueda for the report and the committee for the attention it has given to this very important issue. This report is a significant contribution to a truly efficient control system. I would like to apologise for taking up so much time.

Carmen Fraga Estévez, *on behalf of the PPE-DE Group*. – (ES) Mr President, Commissioner, there is one initial, major objection that has to be raised against this proposal: that is, its total failure to consult the sector concerned.

It is unacceptable for the Commission to continue stating that its whole fishing policy is to be based on talks with stakeholders, at the exact same time as it is drafting a regulation that is to have the most serious, immediate consequences for the fleet, when the industry is, in fact, deprived of such dialogue or prior consultation.

This is a bad start to an attempt to establish the culture of compliance to which the Commission so often refers. The timing of this is also highly questionable.

While it is true that the control policy is one of the most resounding failures of the Common Fisheries Policy, it is also true that the Commission has maintained it since 1993 and has decided to modify it just as it presents a draft report on the reform of the CFP announcing a complete review of the conservation and management system.

Given that control is a permanent feature of any management system, it would have been much more sensible to coordinate both reforms without running the risk of the 2012 reform leaving this proposal obsolete; some of its measures are not even due to come into effect until 2012 at the earliest.

These two major errors detract from what could have been real successes, such as the attempts to harmonise infringements and sanctions, and the objective of holding Member States definitively responsible for the clear lack of political will to apply control measures.

Mr President, it only remains for me to thank the rapporteur for his work and say that I am sorry we have so little time to deal with such an important matter.

Emanuel Jardim Fernandes, *on behalf of the PSE Group*. – (PT) Mr President, Commissioner, ladies and gentlemen, the report by Mr Romeva i Rueda, who I congratulate on his openness, has the principal objective of ensuring respect for the rules of the common fisheries policy.

Respect for these rules and a European approach to fisheries are the best way of protecting the interests of the fishing sector. If those involved in the sector – from the crews on board to the traders who sell the fish – do not respect the rules, they will be doomed to failure. The attempt to apply European rules without taking account of the diversity of European fleets will also contribute to this failure.

That is why I suggested that the Commission's proposal should be brought more in line with the reality facing small-scale and artisanal fleets – although I wanted to go further – which basically exist throughout the European Union, particularly in the outermost regions, without ever forgetting that a common fisheries policy needs adequate control measures.

On several occasions, as rapporteur for the fisheries budget, I have regretted the inadequate compliance with European rules. I have particularly demanded better control by the Member States, transparency in the results of inspections and strengthening of the Community inspection policy, provided that these are accompanied by financial support measures for the sector.

Clearly we should have liked to have gone further, but I must congratulate the rapporteur on the proposal and the measures that he has presented, and I hope that the commissioner will give an appropriate response on this issue.

Elsbeth Attwooll, *on behalf of the ALDE Group*. – Mr President, beyond congratulating Mr Romeva i Rueda on his report, I would like to address the content in the wider context of the common fisheries policy.

In the last 10 years I have heard many criticisms of it, including the lack of a level playing field, insufficient stakeholder involvement, inadequate balancing of economic, social and environmental imperatives and too much by way of micro-management from the centre.

Recently, though, I have been able to assure people that the policy is undergoing significant change. Of course there is still a long way to go – eliminating discards, for example – and there are times when the Commission still seems to veer towards micro-management. I mention here Article 47 of the control regulation, at least in its original version. I have often said, though, that the common fisheries policy is a bit like an oil tanker: it takes a considerable time to turn round, and I do believe that the control regulation will go a long way to achieving the necessary level playing field where enforcement and sanctions are concerned, just as the development of regional advisory councils shall do much to bring improvements in other respects.

So I would like to finish on a personal note, by expressing my appreciation of the valuable work done by members of the Fisheries Committee throughout and by thanking Commissioner Borg and his team for all that has been achieved in their five years at the helm.

Pedro Guerreiro, *on behalf of the GUE/NGL Group*. – (PT) Mr President, Portugal encompasses the historically defined territory on the European continent and the archipelagos of the Azores and Madeira. The law defines the extent and limit of its territorial waters, its exclusive economic zone, and the rights of Portugal to the adjacent seabed. The State will not transfer any part of the Portuguese territory or the rights of sovereignty that it holds over this.

Article 5 of the Constitution of the Portuguese Republic could not be clearer. As a result, in accordance with and fighting to ensure respect for the provisions enshrined in Portugal's fundamental law, we tabled an amendment stating that this proposal for a regulation should respect and not threaten the competence and responsibility of Member States with regard to inspecting compliance with the rules of the common fisheries policy.

However, the amendments made by the Committee on Fisheries, although in some respects they minimise certain negative aspects of the European Commission's unacceptable proposal, do not safeguard the principles that we regard as central.

In particular, among other worrying and inadequate aspects, it is unacceptable that the Commission should have the competence to independently carry out inspections without prior warning in the exclusive economic zones and territories of the Member States, and that it can, at its discretion, prohibit fishing activities and suspend or cancel payments of the Community financial assistance for a Member State. It is also unacceptable that a Member State can inspect its fishing vessels in the exclusive economic zone of any other Member State, without the latter's authorisation.

I will end by recalling what this Parliament has itself approved: the importance of control in the management of fisheries, which is the competence of Member States. We hope, once again, that Parliament will not go back on its word, as has unfortunately been its custom.

Nigel Farage, *on behalf of the IND/DEM Group*. – Mr President, I must declare an interest in this subject. I am a lifelong keen sea angler, as are most of my family. I enjoy this because it is one of the last basic freedoms that we have. We can go onto the beach or out in our boats, catch a few fish and take them home to eat.

Now, for some years, recreational sea anglers have been lobbying for their sport to be included as part of the CFP. I have said for years, 'be careful what you wish for'. Well, now it has happened and it is called Article 47, and it is called this Maltese Commissioner, Joe Borg. There are over one million of us in Britain: we are conservation-minded; we are sensible. We do not need regulating, Mr Borg, by the likes of you. That is why we need an outright rejection of Article 47 because nothing else will do. If you get this power, you can come back year after year. We may say now that beach angling has been exempted, but once it is under the auspices of people like you, Mr Borg, you can come back next year or the year after and start to regulate it.

As far as boat angling is concerned, the door with all of this is open for everybody being required to have licences and to report. Any mini-victory that we feel that we won at committee stage by changing the words 'Member States shall' to 'Member States may' start to collect this data is lost: I am afraid, with Defra back home, I feel they will take any opportunity to use EU rules to control us in any way that they can.

Sea angling needs encouragement. We should be building offshore reefs. We should be recognising – as the Americans have done – the enormous economic impact that it can have. Instead, we have a common fisheries policy that has been an environmental disaster already. It is prejudiced against the British working fleet and it will now ruin sea angling in Britain if we give this man, and people of his ilk, power. So, Commissioner Borg, my advice is 'sling your hook'!

Jean-Claude Martinez (NI). – (FR) Mr President, thank you for Sète. There are indeed fisheries resources, and a new monitoring system, which we are debating this evening, but above all there are fishermen, their jobs and their livelihoods, and being a fisherman is the hardest job in the world. It is not that of an official or elected representative, and it shapes men who are free, but desperate today, hence the uprisings of the tuna fishermen in the Mediterranean, in Sète, in Le Grau-du-Roi, and the irate fishermen in Boulogne, in France.

We have regulated their fishing since 1983, so for 26 years. However, since the entry into force of the Treaty of Rome, Articles 32 to 39 on the CAP have also related to them, and the very first Community regulation on fishing came into force in 1970. For 39 years we have been legislating: on the shock of the arrival of Spain in 1986, and of Denmark in 1993, on gillnets, driftnets, fishery agents, total allowable catches, quotas, aid, fleet restructuring, and modernisation.

We legislate on sanctions, biological rest periods, stocks, discards, monitoring systems, humans, species, cod, hake, bluefin tuna, and even international agreements, and now, on recreational fishing! What is more, it is still not working. Blue Europe is becoming greyer and greyer.

Why? Because fishing is part of the 21st-century global food challenge; it is at global level that it will have to be managed. Like the financial crisis, pandemics, climate change, immigration and serious crime, fish are alter-globalists.

They respect neither borders nor Community law. Europe is too small to regulate fisheries resources, and, from Peru to Japan, Moscow to Dakar, Ireland and Valencia, we are going to need regulations on the global shared ownership of fisheries resources. That is the path, Mr President, that Brussels must also take.

President. – Well, after that torrent of words, Mr Stevenson has the floor.

Struan Stevenson (PPE-DE). – Mr President, you are probably aware that two fishermen, a father and son, from Northern Ireland, who fish out of Peterhead, have been jailed in Liverpool after being fined GBP 1 million and that the Assets Recovery Agency, which is an agency normally used for measures against drug dealers and gangsters, was utilised to hammer these two working fishermen, who, admittedly, were involved in landing illegal catches, which no one would condone – but to treat working fishermen, even guilty of that offence, as criminals, as gangsters, in the same way as we would treat drug dealers, is appalling. This proves why we definitely need some measure to introduce a level playing field as is contained in Mr Romeva i Rueda's report, because a similar offence in some parts of the EU would probably merit a fine of just EUR 2 000 or EUR 3 000.

I want, however, to use the remainder of my time to talk about Article 47, not surprisingly, because I believe that there is a need to differentiate between the word 'shall' and the word 'may' as contained in Amendments 93, 48, 49 and 50. We won considerable support in committee for my amendment that contained the word 'may', but now you have informed us, Commissioner, that you would reject that in any case, so it seems we have been wasting our time.

I do hope you will consider this again. If a Member State does not think it is necessary to pursue this course of action, I hope you would respect the subsidiarity principle.

Nils Lundgren (IND/DEM). – (SV) Mr President, as a eurosceptic, I often feel a certain Schadenfreude when various EU institutions come up with unreasonable and ridiculous proposals like Article 47. Such proposals help to undermine the unjustified respect that many citizens of EU Member States feel for the EU's efforts – efforts to transfer power from democratic Member States to a bureaucratic Brussels. Such proposals therefore make it easier to fight against centralisation and bureaucracy. At the same time, however, I take my role here in the European Parliament seriously. We must put a stop to this trend, and I hope that the majority of the Members of this House feel the same way. If not, I hope that a majority will at least fear the voters' judgment at the beginning of June and therefore realise that, in their own interests – something that they are fully aware of – they must reject this proposal. If the principle of subsidiarity cannot even enable the EU to keep its paws off recreational fishing in Stockholm's archipelago, then the future is bleak for the European project.

Avril Doyle (PPE-DE). – Mr President, I would like to tell the Commissioner that I too favour 'may' and not 'shall'. I am a co-signatory as well.

The whole culture of compliance with the common fisheries policy will not be established until we have equity and fairness at the centre of the inspection policy and of subsequent proceedings taken against our fishermen. We do need, as this regulation proposes – and as the rapporteur also says – Community-level control and compliance which the needs of this situation reflects, while leaving ultimate responsibility to Member States.

At the moment it is appalling that fines range from EUR 600 to EUR 6 000 for similar offences in different Member States. There is no respect at all for the common fisheries policy, which is commonly agreed to be a flawed instrument. We do not need this at the centre of it.

On Article 47, recreational fishing, I welcome the definition, which was missing in the draft proposal. We need a commonsense reaction. Yes, Member States can evaluate if there is serious impact on quotas of vulnerable stocks, but we should not let it be the rule of thumb. It must be the exception and not the rule. Please move on discards – it is immoral and totally unacceptable that we are criminalising our fishermen. We must not encourage by-catches, but we must not criminalise fishermen for landing them either. Get the balance right, please, Commissioner Borg.

Paulo Casaca (PSE). – (PT) Mr President, Commissioner, your proposal is absolutely fundamental. No one reading the Court of Auditors' report on the state of control over the common fisheries policy can have any doubt that this initiative by the European Commission is absolutely vital.

However, it is also true that our rapporteur has done some absolutely exceptional work in this case, and has managed to take into account many of the specific characteristics, in particular of small-scale fisheries, and has included some of our suggestions. I should like to warmly congratulate him on his exemplary work.

However, I should also like to say that I am in favour of subsidiarity. Yet there can be no subsidiarity in control if there is no subsidiarity in the logic of the common fisheries policy.

That is the challenge facing the commissioner in the reform of the common fisheries policy. I hope that he will be very committed to and successful in meeting this challenge, which is vital to fisheries throughout Europe.

Joe Borg, Member of the Commission. – Mr President, first of all I would like to thank you for this interesting debate. Clearly we are equally strongly aware of the need for a meaningful reform of our control systems.

Let me try to touch on a number of points that have been raised, first of all with regard to the question concerning recreational fisheries. As I said, this is a very contentious topic, probably the most contentious of all the control provisions contained in the proposal.

However, it has given rise to a number of misconceptions as to what the real objective and purpose of the provisions is. I said that we are prepared to accept the definition that is proposed in one of the amendments.

I will be setting out clearly our position on the definition and on the proposed regulation of recreational fisheries in the coming days, including by writing directly to the anglers' representatives in order to spell out the objectives, the parameters and the details concerning recreational fisheries.

Then, I hope, I will be receiving feedback from them and, if necessary, we will look into the provisions in order to make them more finely-tuned to the only objective that we need to target.

We have a significant problem with recovery stock. There are certain recreational activities which impose big pressures on such recovery stock and we need to address this point.

This is only fair for the professional fishermen that we address this. Otherwise we can never hope to turn the situation around if there is pressure from a significant fishing effort, even though it is carried out in a recreational manner and no earnings are derived from it. The stock cannot hope to recover if there is significant effort, as scientific reports have indicated to us.

(Interjection from the floor: 'No science for that at all!')

Concerning the total lack of consultation of the sector, I think that we have consulted the industry. I myself took part in such a conference in Scotland some time ago. All RACs have submitted their opinions and, furthermore, as in any other legislation, we organised a public Internet consultation. The sector was specifically consulted in the framework of the Advisory Committee for Fisheries and Aquaculture in the course of 2008.

Concerning the point made on small-scale vessels, the Commission believes that the small-scale fleet can have a significant impact on resources. This is the reason why there is no general exemption for this fleet in the proposal.

However, the proposal provides specific exemptions for certain categories of vessels, in general those under 10 metres, and in particular on the VMS, on log book, on prior notification and landing declarations. In this regard, the proposal respects the principle of proportionality.

Financial aspects are also taken into account at the level of EU cofinancing of up to 95% of the costs for those electronic devices, to help the stakeholders to use the new technologies. Exemptions will be examined further within the final Presidency compromise.

I would also like to say, with regard to the points made by Mr Guerreiro, that many of the points that he mentioned already exist in the existing control provisions. Therefore, were we to take up the amendments that he suggests, we would actually be moving backwards with regard to control and enforcement, rather than strengthening the provisions that need to be strengthened.

We are seeking a level playing field in the sanctions provisions as contained in the proposed regulation. Obviously we are prepared to look into them further in order to see whether there needs to be further fine-tuning, but the main objective of the provisions on sanctions in the proposed regulation is to ensure that there are no significant discrepancies, such as exist today, between sanctions given by certain Member States, or by the judicial authorities of certain Member States, and sanctions that are given by the judicial authorities of other Member States.

Finally, I would like to thank Mr Farage for his confidence shown in my staying here for a second term!

Raül Romeva i Rueda, *rapporteur*. – (ES) Mr President, I would like to use these last two minutes of time to express my thanks.

Firstly, to the Commission, not only for the work it has carried out and the opportunity it has provided: indeed, I think it is never easy to raise an issue of this nature and this depth, but I feel it was necessary at least to begin the debate. It has done so boldly; naturally, there will always be those who think that the time is never right, but I believe that the debate has at least helped and will continue to help us to clarify some of the difficulties we have in achieving greater and better regulation of this sector.

Secondly, I would like to thank the rest of the rapporteurs and shadow rapporteurs because, indeed, as we have seen during the debate, we have very differing points of view and we have made a considerable effort to find common positions.

May I also acknowledge the effort everyone has made on this. The conclusion we have reached may not be the one that all of us had hoped for. Taking the margin of tolerance as an example, I agree with the Commission that 5% was sufficient. The 10% margin is part of our compromise because there were other Members who wished to go much further.

We are in a similar situation as regards the possibility of extending or, in any case, postponing the period for implementing the electronic system.

I would also like to remind us all that this will not have any additional cost, a detail that sometimes gets forgotten. In any case, special resources are available for this from the Commission.

With regard to the final question of recreational fishing, perhaps the most controversial but not necessarily the most important part of this resolution, I would like to focus on one aspect: that of non-discrimination. If we fail to realise that we all have to play our part in sharing responsibility, it is unlikely that we will achieve the desired result.

The compromise we reached in our negotiations was not easy, of course, but I feel that it is fairly acceptable. Nevertheless, our agreement did not cover the question of whether or not the study of the potential impact of recreational fishing should be carried out voluntarily or mandatorily.

Given that some exceptions for the recreational sector are being proposed, I feel it would at least be good to see Member States commit to providing the necessary information rather than be forced to do so because, I repeat, we either share responsibility or, in the end, we will all – the recreational sector included – find ourselves affected by the lack of regulation.

President. – The debate is closed.

The vote will take place on Wednesday 22 April 2009.

23. Conservation of fisheries resources through technical measures (debate)

President. – The next item is the report (A6-0206/2009) by Mr Visser, on behalf of the Committee on Fisheries, on the proposal for a Council regulation concerning the conservation of fisheries resources through technical measures (COM(2008)0324 – C6-0282/2008 – 2008/0112(CNS)).

Carmen Fraga Estévez, *deputising for the rapporteur*. – (ES) Mr President, I wish to thank the rapporteur for highlighting some of the main concerns raised by the Commission's proposal.

One is the new tendency to regulate individual areas of issues that are pillars of the common policy. While this approach may, in theory, be understandable in the case of technical measures, we must be very careful to make sure that subsequent regional regulations are limited to aspects relating solely to the application and regulation of technical details.

I mention this because drawing up framework regulations containing minimum measures which are then followed by different laws for individual areas is, together with an increasing tendency to turn to comitology, one of the options the Commission is prepared to take if faced with the prospect of a codecision procedure on fisheries, as the Directorate-General for Maritime Affairs and Fisheries itself freely admits in the Green Paper on the reform of the Common Fisheries Policy.

We should also bear in mind that it is not an ordinary policy we are talking about here, but a common policy, which requires total clarity as regards what may be involved in a more or less covert handing-over of control to Member States or an excessive territorialisation of what should be common rules intended not to disrupt competition and to avoid discrimination among fleets.

Therefore, while it may be reasonable for very local species to have their minimum size regulated by regional regulations, those cases should make up the lowest number; minimum sizes in general, like measurements of nets or criteria according to which catches can be unloaded and sold, should be universal and adopted by the Council and Parliament.

Some of the main changes introduced by the Committee on Fisheries also move in that direction, trying to limit any application of the comitology procedure to details alone and insisting that the Council should have rules at its disposal in order to establish seasonal closures, net dimensions and measures to eliminate or reduce discards, for we understand that all Community fisheries have to be bound by certain rules that are the same for everyone.

It should be remembered that the only truly communitised aspect of this policy that we call 'common' is access to markets, while the conservation and management policy – let us stop calling it a control policy – leaves certain room for manoeuvre that Member States generally have no qualms in using to the benefit of their fleets and to the detriment of those of others.

We have just witnessed the Commission's strong commitment to communitising and standardising control, and it would prove difficult to understand the way in which the remaining measures serve, on the contrary, to break up and fragment that control, or the fact that different rules are created for the same activity, depending on where it is carried out.

This jeopardises the entire credibility of the Common Fisheries Policy and its own future as such, something that should not be assumed before the 2012 reform.

Finally, with regard to the controversial 'one net' rule, I believe that Parliament has offered the Commission a good alternative approach, indicating in which cases this may be unviable; it should, therefore, be acceptable to take more than one fishing net on board.

Hence, I hope the Commission can show sensitivity to what are clearly major concerns for the fishing industry and our own Committee on Fisheries.

Joe Borg, *Member of the Commission*. – Mr President, let me express my thanks to the rapporteur, Mr Visser, Ms Fraga and the Fisheries Committee for the draft report on the Commission's proposal for technical measures for the Atlantic and the North Sea.

This is a very technical file and, as you are aware, technical conservation measures in the Atlantic and the North Sea originate to a large extent from existing rules. In Community legislation the measures are spread out in different regulations: the 1998 general technical measures regulation for the Atlantic and the North Sea; the additional technical measures regulation for the recovery of cod and hake; and the annual TAC and quota regulation, which also contains a number of technical conservation measures. Apart from this legal complexity, the present rules are in some cases very complicated and difficult to implement and control.

The Commission adopted the proposal for a new Regulation on technical conservation measures for the Atlantic on 4 June of last year. The proposal was drafted after extensive consultation of stakeholders and Member States during 2006 and 2007. It groups together all the relevant rules into one single legislative act, which will therefore improve legal consistency. Furthermore, the proposal seeks to simplify, clarify and streamline the various rules. Special attention has been paid to simplifying onboard inspections and reducing the costs for fishermen. There are also some additional rules to reduce discards, such as the establishment of a legal framework for real-time closures, already applied in the North Sea.

A new decision-making structure is being proposed, using a Council-level decision for the general and essential provisions and comitology for the more detailed and technical region-specific provisions, thereby avoiding micro-management at a political level. This new approach is not supported in your report, where Amendments 1, 6, 7, 25 and 26 call for Council regulations both for general and for detailed technical rules. The Commission, particularly in the framework of the CFP reform, does not want to continue with micro-management measures at a political level. However, taking into account the point made in the report regarding comitology, the Commission is ready to study any procedure which, while maintaining comitology for regional technical rules, will enable the raising at Council level of any matter which appears to be essential or political.

The Commission can partially accept Amendments 2 and 3, relating to additional illustrations of fishing gears, if needed, and to certain specific market provisions, particularly on the minimum size of species, with the aim of harmonising measures.

In line with discard policy, the Commission is proposing new rules about real-time closures and moving-on provisions for specific fisheries in order to reduce discarding practices. Both measures are considered to be efficient tools and, in order to reduce discards, are important in order to allow for a switch from rules dealing with landings to provisions on real catches. For that reason, the Commission cannot accept Amendments 4, 5, 21, 23 and 24. However, Amendment 20, only in so far as it calls for 'quantity' to be replaced by 'weight' to define the level of by-catch, is acceptable. In addition we can positively consider the second part of the amendment regarding the derogations on distance. The parameters of such a derogation, however, would have to be studied in some detail and will be laid out in the implementing regulation.

The Commission, mainly for inspection purposes, intends to implement the one-net-rule provision, which should be applicable to most European fisheries. The Commission is ready to examine possible derogations for specific fisheries, where these are justified and well argued, and where they take into account the criteria set out in Amendment 11. Such derogations should be part of the regional regulations.

The other aspects of the Commission's proposal are very technical, with many details related to the construction and use of fishing gears in the Atlantic. I note that the rapporteur and the Fisheries Committee also addressed the very technical elements of the proposal and suggested a number of amendments, with the intention of improving the proposal. However, I must express my reservations regarding Amendments 8, 9, 10, 12, 13, 14, 15, 16 and 22. The technical rules proposed on the basis of scientific advice have been simplified in comparison with current legislation, and will facilitate inspection on board and reduce costs for fishermen. The Commission cannot accept Amendments 18 and 19, since the provisions proposed are already in force, subsequent to a political agreement in Council on a proposal from the Commission based on scientific advice, and no new information is available to justify any modification.

I can support the idea set out in Amendment 27, and therefore, when introducing new technical measures, the Commission agrees to delay their entry into force so as to allow fishermen enough time to make the necessary adaptations.

Let me again express my gratitude to the rapporteur and the Committee for their work on this proposal.

Paulo Casaca, *on behalf of the PSE Group*. – (PT) Mr President, I too should like to congratulate the Commission on its legislative initiative, and also our rapporteur who is represented here today by our fellow Member, Mrs Fraga.

I believe that it was indeed vitally urgent to simplify the legislative framework in this respect. However, I also believe that we must go much further, particularly in two fundamental areas, the first of which is discards.

I believe that the planned reform must, in principle, purely and simply prohibit any discards. Discards must be absolutely prohibited. Secondly, I believe that we must establish the principle of respect for stricter rules than the European ones by all vessels in regions in which the regional or national authorities understand it as such.

These are two fundamental principles that are absent here, and I hope that these will be taken into account in the reform of the common fisheries policy.

Avril Doyle (PPE-DE). – Mr President, I welcome these measures to encourage selective fishing practices, which minimise harm to the complex ecosystem in which the resources are found, while enabling responsible fishing to continue, and to maximise returns while minimising by-catches and subsequent discards. We must get to the point of banning discards as soon as possible, Commissioner.

The variety of the fishing grounds found in the EU is part of our strength, but consequently an additional complication when producing legislation that is adequate, responsive and coherent. Each of the seas in Europe has its own specificity, and it is important to recognise the level of knowledge and expertise that can be provided by the stakeholders on the ground and to resist the temptation to micro-manage on an EU level.

As this is our last debate on fisheries in this political mandate, I would like to thank you, Commissioner, and all your staff for your huge commitment and thorough knowledge of your brief and for the time and attention you always gave to the PECH Committee. You were always available for us. It has been much appreciated and noted and the comparison made with other Commissioners' availability.

Joe Borg, *Member of the Commission*. – Mr President, first of all I would like to thank Mrs Davis for her kind words just expressed. I would like to say that with regard to this regulation, as I said in my opening statement, the issue of comitology is aimed at simplifying the currently over-complex system of decision-making on very technical issues.

However, I agree that we have to have a procedure in place that will nevertheless allow an issue to be raised at Council level should any matter appear to be of a significant or political nature.

On the question of discards, we have already started to take measures to reduce discards, in particular within the parameters of the North Sea and of the cod recovery plan. We will continue and we will be coming up with further proposals, for example on the banning of high grading, in a general manner which we will be proposing for 2010, and we hope that we will be dealing with this issue holistically in the discussions on the reform of the common fisheries policy with a view, I hope, to the final result being the total elimination of discards.

I would like myself to thank the Members of Parliament, in particular the members of the Fisheries Committee, for the constant support they have given the Commission in dealing with the sometimes intricate and politically sensitive issue of fisheries.

Carmen Fraga Estévez, *deputising for the rapporteur*. – (ES) Mr President, I am grateful to the commissioner for one comment he made in particular, which is that he is prepared to reconsider the Commission's position on the issue of comitology. I welcome the news because Parliament has clearly shown that, throughout this debate in the Committee on Fisheries, it does not agree with the Commission's keenness – also apparent in the draft Green Paper on the reform of the Common Fisheries Policy – to turn to the subject of comitology excessively and with particular interest.

In addition, the Commission justifies this in the Green Paper, alleging that proceedings may now be delayed, given the codecision procedure that Parliament is going to apply to the area of fisheries for the first time, once the Treaty of Lisbon comes into effect.

I do not believe this to be true; I feel that legislative procedures are often delayed not because of Parliament or the codecision procedure but, rather, because sometimes the Commission is also late in presenting its proposals. In my view, this is a matter of interest and one that should be debated.

I understand the commissioner's point when he says that with a regulation as technical as this one, some aspects have to be decided by comitology and cannot all be dealt with by the Council.

However, I think, Commissioner, that there is a certain difference between what you consider to be 'technical' and what we in Parliament consider to be 'technical'. We are more restrictive than you tend to be.

As a final point – I do not wish to spend too long on a matter for which I am not the rapporteur – I wish to mention the one net rule. Commissioner, during the debates we had in the Committee on Fisheries, it became apparent that the Commission defends this principle chiefly for reasons of control.

We all understand that the issue of control is a great deal simpler with the single net rule, but this matter also poses serious problems for certain fisheries, as you are indeed aware.

Therefore, let us not always use the issue of control in order to be highly restrictive at times, for some decisions do not always need to be made.

President. – The debate is closed.

The vote will take place on Wednesday 22 April 2009.

24. Common Immigration Policy for Europe: Principles, actions and tools (short presentation)

President. – The next item is a short presentation of the report (A6-0251/2009) by Mr Busuttil, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on a Common Immigration Policy for Europe: Principles, actions and tools (2008/2331)(INI).

Simon Busuttil, *rapporteur*. – (MT) If I had to sum up my report in two lines I would say, firstly, the European Parliament is strongly in favour of a common policy on immigration, and secondly, that Parliament does not want a fragmented immigration policy anymore. Rather, it wants a coherent one, because only a coherent policy can be effective.

I say this now with stronger conviction, in light of the recent case that took place these past few days, which saw the ship *Pinar* save 154 immigrants found in international seas. This case highlights the need for a common policy. In fact, this underscores the price that we are being forced to pay because of the lack of a sound common policy. What price? The price being that everyone shrugs off their responsibility and places it on the shoulders of others, and while we are busy pointing fingers at each other, there are people who are drowning and dying every day in front of our very eyes.

It is a disgrace that a country of a population 60 million uses its laws in an attempt at brushing off its responsibility onto a country with a population of less than half a million. I augur that this was simply an isolated case, and that the Italian minister from the *Lega Nord* was playing to his audience a few weeks before the European Parliament elections. These political gimmicks are easy to spot but this does not make them acceptable. I would like to laud the constructive spirit that the Maltese and Italian Prime Ministers favoured

when they intervened to solve the *Pinar* situation. Thanks to their intervention, reason triumphed over dramatic antics. Common sense prevailed over intransigence and respect for the law reigned over the law of the jungle.

I hope that, owing to the *Pinar* incident, we all come to understand that while it is easy to shrug off one's responsibility onto others and to accuse each other of wrong doing, the easy path does not lead to solutions. It is the path to a truly European policy that leads to a solution, even though it may be harder.

There are six main points to my report. Firstly, that we must put a stop once and for all to the human tragedy that we are facing because of illegal immigration; secondly, that the burden sharing mechanism found in the immigration pact has to be implemented without delay and that it must be converted into a binding legal instrument; thirdly, greater emphasis must be placed on the return of immigrants who have no right to remain on European territory; fourthly, that every agreement concluded between the European Union and a third country must also include the issue of immigration; fifth, that the FRONTEX agency must be strengthened, not only financially, but even more importantly in resources; and finally, that we must be tougher in our battle against organised crime.

To conclude, we managed to reach compromises on several points in this report. Unfortunately there is still one pending point that was entered due to a majority formed within the Socialist Group on the immigrants' right to vote. This was not something I could accept. Therefore, I have presented an alternative resolution to the report; that is, to substitute the reference to the right to vote with a compromise that comprises a re-wording.

Joe Borg, *Member of the Commission*. – (MT) On behalf of the European Commission, I would like to congratulate Mr Busuttil on the important report he has drawn up. This report discussed a central issue that is tied to the continuous development of the European Union; that is, a common immigration policy. As the report indicated, the Immigration Pact adopted by the European Council last year served as a launching point towards a common policy in the field of asylum and immigration.

We must now ensure that the commitments stipulated in this Pact are implemented. Next month, the Commission will propose means by which the implementation of this Pact can be monitored. This will take place through an annual report that will be issued by the Commission. These reports will serve as the basis for the annual debate within the European Council on the immigration and asylum policy as of the year 2010.

The definition of the general aims for the common policy as established in this Pact shall also be included in the multiannual programme, that is the Stockholm Programme that is due to be adopted later this year under the Swedish Presidency. The Busuttil report provides the Commission with extremely useful information which will help it to make its planned contribution in the form of a communication, which should be adopted by this summer. I would like to underline the general convergence of our ideas.

In various parts the Busuttil report urges the Commission to take action. Here I would like to reply by saying that the Commission has already actively committed itself. Examples of this can be seen in the development of facilities for temporary and circular immigration, the improvements made in the area of data collection and analysis, the dissemination of information both on the realistic opportunities available to immigrants and the risks involved in illegal immigration, and also in the area of cooperation with third countries.

I would like to refer to a particular area where Mr Busuttil voiced his concern, which is solidarity between Member States on immigration issues. As the rapporteur stressed in his speech, the recent events that took place in the Mediterranean have once again accentuated the problems and the serious pressures that certain Member States are facing. I would like to assure you, Mr Busuttil, that the Commission is fully committed to finding solutions to help these Member States that are experiencing particularly intense immigration pressures.

Here I would like to mention three examples of measures that have either already been taken or are due to be taken in this regard. The Dublin Regulation shall be amended in such a way as to allow the suspension of transfers to those Member States that are undergoing particular pressure. The European Asylum Support Office is going to be set up in order to provide support to these same Member States, and funding will be made available to the Member States aiming at internal and voluntary redistribution of immigrants.

President. – The item is closed.

The vote will take place on Wednesday 22 April 2009.

Written statements (Rule 142)

Corina Crețu (PSE), *in writing*. – (RO) The European Commission estimates that by 2050 the EU will need 60 million workers from third countries at a time when the working population will be declining at an accelerated rate. Consequently, in the long term, the Lisbon Strategy's ambitious objectives are subject to the contribution of labour from outside the EU.

However, at the moment, during the economic crisis, the unemployment rate is seeing a significant rise, with many cross-border workers from the new Member States featuring among those affected by job losses. As a result, it is vital to link immigration and employment policies in order to achieve a fair and practical position, while observing the Community preference principle. I feel that it is wrong for us to grant immigrants the right to move around inside the EU, while Romanians and Bulgarians do not enjoy complete freedom of movement in the European labour market.

It is immoral and dangerous for us to encourage the brain drain from developing countries without taking into account the risk of the boomerang effect and without showing any concern for the discrimination taking place, whereby the majority of immigrants are offered jobs below their level of qualifications, especially women, making them all victims of the negative stereotypes and practices in the country of origin and of those in EU Member States.

Jamila Madeira (PSE), *in writing*. – (PT) According to Eurostat, population ageing in the EU will become a reality in the medium term. Immigration could act as an important stimulus to ensure good economic performance in the EU. Against this backdrop, we must recognise the essential nature of immigration to the EU.

Illegal work needs to be tackled given that it fundamentally violates the rights of migrant workers. We must promote a European policy which encourages illegally resident migrant workers to register with the authorities, whilst ensuring that this does not lead to summary procedures of return in violation of their rights. These workers are already in a position of inferiority when they arrive in Europe and it is clear that proper management of migratory flows can benefit the EU and third countries simultaneously.

We must combat the wastage of skills that is being seen repeatedly among migrant workers. These workers, notably women, often end up in jobs for which they are over-qualified.

I feel that the Commission must pay particular attention to the question of skills recognition and the incentive for lifelong training, while also ensuring that immigrants have opportunities to learn the language of the host country in order to ensure their social, professional and cultural integration in the European Union.

Bogusław Rogalski (UEN), *in writing*. – (PL) Migration to Europe is a phenomenon which has been going on constantly for a long time, and is fostered by factors such as significant material differences in standard of living between Europe and other regions of the world.

Europe definitely needs a common approach to immigration in the EU. The failure of one Member State to act may have a direct influence on other States. Bad management of migration may have serious consequences for the countries of origin and for the immigrants themselves.

We should be aware that legal immigration is a beneficial phenomenon which brings opportunities to many different groups. Migrants have played a very significant role in the development of the European Union in recent decades, and the EU still needs their work. In connection with this a common political vision is necessary, which is based on past achievements and also has reference to the future. To achieve that objective, more effective cooperation is needed. There are many people who risk their lives or their health to cross the new southern and eastern borders of the EU in particular. Thousands of them die at sea, while they are looking for a better life.

Immigration is one of the most serious challenges which Europe currently faces, and how we respond to it depends on us. We can turn it into an opportunity, or we can do harm to many people by handling it wrongly.

Daciana Octavia Sârbu (PSE), *in writing*. – (RO) Based on the fact that Europe is the main destination for immigrants, harmonising the immigration legislative framework must be among the EU's priorities.

If we Europeans are not going to take measures now to promote a common immigration policy, we will suffer the consequences later of not having done it on time.

I can envisage the scenario of thousands of illegal immigrants losing their lives at sea. I think that it is our duty to prevent the loss of human life. In this respect, we must totally commit to active cooperation with the countries where the illegal immigrants come from.

I believe that a common European immigration policy must prove to be a policy supporting solidarity with Member States located at the EU's borders, which suffer large influxes of immigrants.

I support the view that the battle against illegal immigration can only be waged through promoting controlled legal immigration. Every Member State must individually make firm commitments to create favourable conditions for legal immigration.

I welcome this report, which has turned out to be fairly ambitious, and I hope that it will get through with flying colours during the plenary session vote.

25. Control of the budgetary implementation of the Instrument for Pre-Accession Assistance (short presentation)

President. – The next item is a short presentation of the report (A6-0181/2009) by Mrs Kratsa-Tsagaropoulou, on behalf of the Committee on Budgetary Control, on Control of the Budgetary Implementation of the Instrument for Pre-Accession Assistance (IPA) in 2007 (2008/2206(INI)).

Rodi Kratsa-Tsagaropoulou, rapporteur. – (EL) Mr President, Commissioner, ladies and gentlemen, allow me first of all to reiterate that the instrument for pre-accession assistance is the Union's new financing instrument for granting pre-accession assistance for the period 2007-2013 and replaces the previous programmes for candidate and potential candidate countries, namely the PHARE, CARDS, ISPA and other programmes.

The new instrument includes five components which cover the priorities defined in accordance with the needs of the beneficiary country, namely transition assistance and institution building, cross-border cooperation, regional development, human resources development and rural development.

This report by Parliament is the first examination of the application of this new instrument and has a twofold objective:

- firstly, to bring the project financed more closely into line with pre-accession priorities, especially for the environment, gender equality, nuclear safety and increased employment;
- secondly, to avoid the mistakes of the past, such as those belatedly identified in the application of the PHARE, SAPARD and ISPA programmes in Bulgaria and Romania.

We believe that this can be better achieved if Parliament closely monitors the application of the new instrument from the outset, which is why we called for this own-initiative report.

Parliament expresses its satisfaction in this motion for a resolution at the high implementation rate of IPA commitments in 2007 and its regret at the considerable delays both in approving the relevant regulations and implementing the programmes which started in 2008. We would also point out that the objective of parliamentary control of pre-accession assistance is not only to examine if the funds available were used legitimately, but also to evaluate if they were actually allocated to accession priorities and if the desired results were achieved.

We call in our report for a better balance between projects earmarked for meeting political criteria and projects earmarked for bringing the country into line with the Community *acquis* and we call for horizontal and regional programmes to be strengthened. We also call for particular emphasis to be placed on combating corruption, organised crime and unemployment, especially unemployment among young people. We call for more funds to strengthen women's rights and equal opportunities in general. We also call for cross-border cooperation to be strengthened, in order to promote reconciliation and good neighbourly relations between beneficiary countries and between them and the Member States of the European Union to a greater degree.

To close, we consider that the instrument for pre-accession assistance is a rational and flexible mechanism for optimising financial assistance to candidate and potential candidate countries. However, in order to get the maximum return, it needs to remain firmly in line with accession priorities and the social and political

conditions peculiar to each country. For this reason, Parliament hopes to play a fundamental role in the application and adaptation of this instrument.

Joe Borg, *Member of the Commission*. – Mr President, on behalf of the Commission I would like to thank Parliament for giving us the opportunity to comment on the report on the control of budgetary implementation of the Instrument for Pre-accession Assistance (IPA) for 2007, and to extend our thanks to the rapporteur, Mrs Kratsa-Tsagaropoulou, for the very valuable report that she initiated and prepared.

We can, overall, concur with the findings and recommendations of the report, which are fully in line with the views of the Commission on how best to use financial assistance for the Western Balkans and for Turkey.

The Commission acknowledges the late launch of IPA 2007 programmes because of the late adoption of the legal framework for IPA. I can assure you, however, that the Commission made all efforts to limit the delay of implementation on the ground, and that preparation of management structures and detailed project design were pushed ahead all through 2008.

Within this framework the Commission will ensure that the impact of IPA will become visible in the beneficiary countries.

Allow me to elaborate on some of the issues raised in the report. As regards the balance between political criteria and transposition of the *acquis communautaire*, the Commission has already increased the allocations for projects in the area of the political criteria in IPA 2008 in all countries, and will continue to do so gradually.

However, in the face of the current financial crisis, we will also need to strike an appropriate balance in the 2009 and 2010 programmes between continued support for political reforms and financial assistance to help the countries mitigate the consequences of the economic downturn.

In this regard the report rightly identifies the challenges generated by the financial crisis and the need for an EC response. To that end, the Commission has put together an IPA crisis response package of about EUR 250 million at the end of 2008 with the aim of leveraging some EUR 600 million in loans from international financial institutions.

Measures will focus on support to private sector SMEs, energy efficiency investments, and support to investments and infrastructure under national IPA programmes in close coordination with international financial institutions.

The Commission also fully concurs with the need to establish the decentralised management system as a step to promoting ownership and responsibility of candidate countries and potential candidates. Guidance and assistance is being given to them in order for these countries to build the required public management structures and public financial control systems.

According to the principles of IPA, environmental protection, good governance, civil society development, gender equality and non-discrimination are all cross-cutting issues and are an integral part of project design.

Civil society organisations are now more actively involved in the development and the initiation of projects. In 2008 the Commission launched the civil society facility as a tool for promoting civil society development and advancement of regional cooperation, for which an indicative budget of EUR 130 million is earmarked for 2008-2010.

The Commission also shares the rapporteur's views as regards the importance of education, regional and cross-border cooperation and gender equality, to name but a few issues.

The services of the Commission have fully taken on board the recommendations of Parliament and we look forward to reviewing progress with you during our regular rendezvous where we have the opportunity to discuss the financial assistance strategies and their implementation.

This will allow the further enhancement of the ongoing dialogue between our respective institutions.

President. – The item is closed.

The vote will take place on Wednesday 22 April 2009.

26. Effective enforcement of judgments in the EU: the transparency of debtors' assets (short presentation)

President. - The next item is a short presentation of the report (A6-0252/2009) by Mrs Gill, on behalf of the Committee on Legal Affairs, on the effective enforcement of judgments in the European Union: the transparency of debtors' assets (2008/2233)(INI).

Neena Gill, rapporteur. – Mr President, behind the Commission consultative paper on debtors' assets is the concern that late payment and non-payment of debts jeopardise the interests of businesses and consumers. This is particularly the case when the creditor and the enforcement authorities have no information about the debtor's whereabouts or his or her assets. The problem can be resolved where the debtor has assets in the EU and it is possible to trace them and bring legal proceedings.

The Commission, in its report, suggested drawing up a manual of national enforcement laws and practices and highlighted the possibility of increasing access to population registers. It also raised questions on whether enforcement authorities should be given better access to social security and tax registers. The proposal suggested that the cooperation between public enforcement bodies might be improved and, lastly, it put forward the idea of a European assets declaration, which would oblige debtors to disclose all their assets in the European judicial area, possibly backed by sanctions.

My report, as voted by the committee, suggested that creditors would benefit from the introduction of a simpler, more flexible procedure, effective throughout the EU, to obtain an order to disclose information about assets which may then be made the subject of a judgement. Such measures could take the form of an interim payment order, giving the creditor immediate payment pending resolution of the underlying dispute. The report also calls for a study into how the present national systems work, with a comparison between common-law countries, such as Britain, and other European jurisdictions, and how existing arrangements could be improved. It also highlights the need to consider areas in which further cooperation with Member States could have a positive effect and how the proposals will work alongside existing data protection and human rights legislation.

We have endeavoured to shape the report along these lines and the compromises arrived at by the committee have already ironed out some of the discrepancies between Member States' legal systems. Many of the additions we have made are designed to make the proposal more transparent and easier to use for the creditor.

It will therefore be imperative to ensure that the proposed manual of national enforcement laws and practices is kept updated and that the information is provided in easy-to-use format and that it should be written in an accessible language. It will also be crucial for the initiative to act in tandem with – rather than replacing the work of – national courts. This will require the legislation to be restricted only to cross-border cases. By bearing this caveat in mind, the enforcement of this legislation will be made to work efficiently and proactively.

Overall the report will do much to help small businesses and enterprising individuals to overcome a significant obstacle to their success because they lack the resources of large enterprises to track down debtors and bring legal action against them. Small businesses are affected disproportionately by people defaulting on payments. If companies are thereby discouraged from trading abroad, this represents a real threat to the very functioning of the common market. It will be vital to protect the activities of small businesses at this difficult time because SMEs make up a large proportion of our economy.

I would like to thank the Legal Affairs Committee secretariat and to praise the excellent support they have given me on this report. Thanks must also go to colleagues from other groups who have made very constructive suggestions.

What is key, I believe, is for this legislation to be brought forward as soon as possible. I call on the Commission to act on Parliament's recommendations with urgency. Much of the good work that the Member States have been doing in responding to the market downturn has to be focused for large-scale enterprises.

Joe Borg, Member of the Commission. – Mr President, I am very pleased to have this opportunity to discuss Parliament's concerns regarding the issue of debt recovery abroad. I would also like to thank Ms Gill for the report.

What is at stake? Both Parliament and the Commission agree that the problems of cross-border debt recovery may constitute a serious obstacle to the free circulation of payment orders within the European Union and

may impede access to justice. Furthermore, this is key for the survival of small businesses in the current economic climate.

Against this background and in accordance with the principles of subsidiarity and proportionality, what should be the Community objectives? The European Union has an impressive set of legal measures to ensure access to justice in cross-border cases and to facilitate the free circulation of civil and commercial decisions within the Union.

However, there is no doubt – as stated in the Hague programme on mutual recognition adopted by the European Council – that it would in fact be much easier to enforce judgments within the European Union if it were possible to obtain accurate information on debtors' financial positions.

The Commission published a green paper on the transparency of debtors' assets in March 2008, and all the replies – including a summary – can now be accessed by consulting the public web site.

Most of the respondents agreed with the need for measures at Community level to increase the transparency of debtors' assets, though views differ as to what can be done in practice.

I am grateful to Parliament for presenting such a detailed response to the green paper. The report is rather sceptical of the ideas put forward in the green paper, believing that the main problem is that of recalcitrant debtors who are unscrupulous.

The report is also very concerned about the data-protection/privacy issues related to obtaining information about people's financial situation. The Commission is also committed to protecting privacy and the personal data of citizens.

The report instead calls for the adoption of national directories of foreign lawyers working in other Member States as a way to help creditors and suggests a Community provisional measure.

I would like to inform Parliament that improving the practical enforcement of judgments will be a high priority of the Commission in the future Stockholm programme in the area of justice, freedom and security for the period 2010-2014 that the Commission will present in 2009.

However, the Commission has not yet programmed any specific legislative measure in terms of follow-up to its green paper.

Finally, in the light of the first results of the consultation, the Commission believes that this proposal – that is, to draw up a manual of national enforcement laws, to increase access to commercial and public registers, to improve cooperation between enforcement authorities and to create a compulsory assets declaration by the debtor – will go some way towards fulfilling our objectives.

In this respect, of course, careful consideration will be given by the Commission to Parliament's resolution on the different issues incorporated in this report.

President. – The item is closed.

The vote will take place on Wednesday 22 April 2009.

27. Annual report on the deliberations of the Petitions Committee 2008 (short presentation)

President. – The next item is a short presentation of the report (A6-0232/2009) by Mrs McGuinness, on behalf of the Committee on Petitions, on the deliberations of the Committee on Petitions during the year 2008 (2008/2301(INI)).

Mairead McGuinness, rapporteur. – Mr President, by its very nature this report contains a great deal of statistics. You can look at, read and analyse those, but obviously the work of the committee throughout the last 12 months is there on view.

This committee that I sit on is a peculiar committee of Parliament. It has very direct links with citizens and it deals with problems raised by individuals and groups. Yes, people come to this committee with problems that we very often cannot solve, but at least they have a port to call on and, where cases are inadmissible, we try to redirect.

We deal with many, many problems from across Member States but, as the statistics show, some countries use the services of the committee more widely than others, perhaps because there are members of the committee who are from those countries and therefore they attract problems from their constituents. I am always fascinated by the reality, particularly in an Irish context, that sometimes people complain that Europe is too powerful and yet, when they have a problem and turn to Europe for help, they sometimes complain that Europe is not powerful enough. I think that is quite significant.

The Petitions Committee works, in my view, on the basis of 'soft power' and I think the work of the last 12 months has been about trying to influence Member States who are not implementing legislation in the manner that they should to change their ways. But we can only work by virtue of the people who come to us with problems and address them and their particular needs.

I want to talk about some of the issues we dealt with, not in detail but just to give a flavour. Obviously, the environment is the major area where complaints come to us from citizens of the European Union. Some of the major ones relate to water quality. The Baltic Sea issue was a very contentious one dealt with by the committee in harmony with other committees of the Parliament. Property rights are a very major concern for citizens and one that I fear will become increasingly so, if I judge by the complaints coming into my own constituency office from citizens who have purchased properties across Member States of the European Union. Our powers in this regard are limited but this does not mean that we cannot speak on these matters and try and make improvements.

In relation to business directories – where companies, individuals, schools, have been trapped into paying money to companies that publish names and then require payment, where people initially did not believe payment was necessary, or indeed required, or worse still, where people did not want the service at all – we are still inundated by individuals who are trapped and feel powerless to resist the pressures of these unscrupulous business directory companies. We have called for the Commission to take action in this regard.

We also stress in this report that we are concerned about the lack of progress on Equitable Life, on which the Petitions Committee did some work in 2007 and on which I chaired the Committee of Inquiry. We would urge the UK authorities to take on board all of our recommendations: apologise, yes, but also compensate those who were so severely affected.

In my final few seconds, let me talk about the committee itself and the procedures under which we work. We would rather only admissible petitions came our way and we need to work very hard with citizens so that they know what we can and cannot deal with. I want the timeframe in which complaints are dealt with to be improved as we go forward. As one who has served on this committee in this parliamentary term, I believe that, because it deals directly with citizens, it has a great role to play in reducing what I discussed in a school in Ireland yesterday, the so-called democratic deficit. At least people come here to the Parliament and they are heard and listened to. I think that is extremely important.

As we move to another year, let me thank the secretariat of the committee, the group staff and my own staff for their assistance in this report.

Joe Borg, Member of the Commission. – Mr President, first of all I would like to express my appreciation for the work of Mrs McGuinness on this report, which I know she did in difficult circumstances. She has succeeded in illustrating the great variety of the work of the Committee on Petitions and I would like to reconfirm, as I have no doubt she expects, the Commission's willingness to cooperate in all ways we can with the work of the committee.

I would just like to pick up on two of the points she makes in the brief presentation of the report. Mrs McGuinness, first of all you underline the importance of direct contact between Parliament and the everyday, very real concerns of citizens who petition you. I agree, and I should know. You have dealt with nearly a hundred petitions coming from Malta since 2004, which is a rather high rate when taken pro rata to the population.

Some of these petitions are common to many other Member States as well, but many were quite specific to Malta. This demonstrates the useful direct contact with the citizen that the committee provides. In addition it is also true to say that a good collaboration with the national authorities and the organisation of fact-finding missions are definitely useful ingredients for your work.

Besides agreeing on the importance of working directly with citizens, the second thing I would like to pick up on is the general issue of fundamental rights. They crop up in many places in your report, whether about nationality and related rights, individual and family rights or the right of property, and as you know it very

often happens that people who petition Parliament about their fundamental rights end up being disappointed. This is because such rights, more often than not, turn out to be outside the scope of Community law, as you have just rightly pointed out.

To use your own words, there is a lot to be done to separate the wheat from the chaff, those concerns which we can work on and those on which we cannot. My wish, my very sincere wish, is that your report will help people to see this clearly and realistically.

With these two comments, which I am sure will be taken in the spirit in which they are intended, I would just like to say that I wish the rapporteur every success and thank her again for this report.

President. – The item is closed.

The vote will take place on Wednesday 22 April 2009.

28. Gender mainstreaming in the work of committees and delegations (short presentation)

President. – The next item is a short presentation of the report (A6-0198/2009) by Mrs Záborská, on behalf of the Committee on Women's Rights and Gender Equality, on gender mainstreaming in the work of its committee and delegations (2008/2245(INI)).

Written statements (Rule 142)

Anna Záborská, rapporteur. – (SK) In recent years women's dignity and calling have taken on a new dimension. This is particularly noticeable within the framework of Community horizontal policies defined in the Lisbon Strategy, demographic challenges and efforts to achieve a work-life balance, as well as moves to combat violence against women and people trafficking.

The report on gender mainstreaming in the work of committees and delegations is one of the regular reports of the Committee on Women's Rights and Gender Equality which I have had the honour to present to Parliament on two occasions during the legislative period. Although some people welcome the growing presence of women in the European Parliament, the Committee on Women's Rights and Gender Equality deplores the fact that women are still insufficiently represented in the senior functional bodies of the Parliament. At the general directorate level the representation of women is still insufficient. We support the creation of networks of officials in secretariats, committees and delegations specially trained in this issue, with the aim of regularly exchanging tried and tested procedures.

The report calls on the general secretariat to continue implementing an integrated work-life strategy and to facilitate the career progress of women officials. The report emphasises that gender mainstreaming is a positive development both for women and for men and that the requirement for gender equality must make itself felt through a practical approach which does not pit women and men against each other.

The Committee on Women's Rights and Gender Equality stresses the need for committees and delegations to have suitable instruments at their disposal for ensuring maximum awareness of gender mainstreaming. We need indicators, data and statistics grouped according to gender, and we also need budgetary resources to be allocated from a gender equality perspective.

We call on political groups to take account of gender balance when nominating persons to senior roles. The gender mainstreaming report is the result of cooperation between parliamentary committees and the Committee on Women's Rights and Gender Equality.

As Chairman of the Committee on Women's Rights and Gender Equality and rapporteur I would like to thank you sincerely for this work. I would especially like to thank my fellow Members on the various committees who were responsible for this work. The work has been unanimously adopted in committee and I value that highly. The committee has created a new methodological model which makes it possible to evaluate the work of every parliamentary committee. The model is described in detail in the explanatory statement. The evaluation would certainly have greater evidential value if all of the committees and delegations of the European Parliament had responded.

Within the framework of the discussions a number of amendment proposals were adopted, increasing the significance of the report. I value the fact that the report was created through pluralistic parliamentary

discussions and has stressed the importance of this topic. In the context of the European elections I would like to stress the importance of voters of both genders making an effort to ensure that women are represented at the European Parliament in the greatest possible numbers.

President. – Women are in the majority, this evening, in Parliament, in the Chamber. I should just like to point that out.

The item is closed.

The vote will take place on Wednesday 22 April 2009.

Written statements (Rule 142)

Gabriela Crețu (PSE), in writing. – (RO) We welcome the fact that some progress has been made with regard to achieving a balanced representation among the administrator and assistant positions at committee secretariat level. We hope that similar measures will be adopted too in relation to senior posts within the political groups and especially at political function level in Parliament. We cannot but fail to note, however, that these changes are only a minor aspect of what is required by gender mainstreaming.

The application of gender mainstreaming would mean that every piece of legislation is accompanied by a preliminary gender-specific impact study. Similarly, awareness of gender issues and a minimum level of expertise would be required in every committee. The reality shows us that during the 2004-2009 parliamentary term, not a single piece of legislation submitted by a committee was rejected for not including this impact study, even though its inclusion would be mandatory since the Treaty of Amsterdam. Unfortunately, we must acknowledge that minor positive results have been achieved and that the objective of gender equality is still far off.

Livia Járóka (PPE-DE), in writing. – (HU) I would like to congratulate Mrs Záborská on her report, which highlights the fact that, although some of the European Parliament's committees have adopted a strategy for promoting gender equality, there are also still obvious deficiencies when it comes to the consistent application of this principle. This report also makes a number of forward-looking recommendations. One such proposal, for instance, is the initiative for officials working in the European Parliament to attend equal opportunity training, since appropriate knowledge is indispensable when putting this principle into practice.

Gender equality is one of the basic principles of Community law. However, the European Parliament can only retain its credibility in the eyes of the public if it insists on the introduction and total implementation of measures promoting gender equality within this institution too, especially with regard to its committees and delegations.

With this aim in mind, we must devise a strategy which sets out concrete objectives for actively promoting equal opportunities and in relation to gender mainstreaming. The regrettable fact is that practically no progress has been made since the report drafted by Mrs Záborská on the same topic in 2007. We hope that this latest position statement will yield more results.

Zita Pleštinská (PPE-DE), in writing. – (SK) Women represent 52% of the European population. The task of women who are active in politics is to convince female voters in particular that the participation of women in European politics is important for future generations and for the proper functioning of democratic systems.

I firmly believe that the representation of women in politics should not be based on the introduction of mandatory quotas, which would establish minimum numbers of female candidates, but on the ability of female politicians to seek, adopt and promote the kind of issues that will help women to solve their actual problems.

As a member of the Committee on Women's Rights and Gender Equality I have spoken in the European Parliament many times about the suggestions I receive in meetings with women. In particular I regard the inclusion of child-rearing in the calculation of pensions and the provision of more crèches and nursery schools as key to achieving a work-life balance. I firmly believe that a politician who acts on the basis of her personal experience of motherhood and family life will best understand women's problems.

The report by Mrs Záborská on gender mainstreaming in the work of committees and delegations testifies to the fact that the Committee on Women's Rights and Gender Equality is working exceptionally actively in the European Parliament. It has adopted many reports and opinions which deserve more attention from the

other committees in Parliament. For this reason too the numbers of women MEPs should increase a one third to a half.

Rovana Plumb (PSE), in writing. – (RO) Nowadays, there is an ever-increasing number of women becoming involved in politics and making major decisions in companies. In 2006, 32.6% of managers in the EU were women. The percentage of women in the European Parliament rose from 16.3% in 1979, when the first European elections took place, to 31% in 2009.

However, it still seems necessary to adopt and apply a gender mainstreaming strategy incorporating specific targets in all Community policies which come under the remit of parliamentary committees and delegations.

I support the need for the parliamentary committees and delegations to have at their disposal appropriate means for gaining a sound understanding of gender mainstreaming, including indicators, data and statistics broken down by gender, and for budgetary resources to be allocated with a view to ensuring gender equality.

All these options must encourage the continual exchange of good practice, with the aim of implementing the integrated strategy for combining family life and work life and facilitating the career development of female employees.

As a social-democrat, I believe that this is an excellent initiative for transferring to national parliaments the positive model offered by the EP on gender equality (11% of the members of the Romanian parliament are women).

29. Green Paper on the future of TEN-T policy (short presentation)

President. – The next item is a short presentation of the report (A6-0224/2009) by Mrs Lichtenberger, on behalf of the Committee on Transport and Tourism, on the Green Paper on the future TEN-T policy (2008/2218(INI)).

Eva Lichtenberger, rapporteur. – (DE) Mr President, ladies and gentlemen, thank you very much for remaining here for this topic, which is actually a lot more important than it would seem from the number of Members present in the House. It relates to the revision of transport policy in respect of the trans-European networks. Firstly, allow me to extend my thanks to my colleagues who have contributed to this, in particular the Commission and the secretariat, which provided excellent support.

The trans-European networks have a long history. For 15 years, projects were presented, lists discussed and decisions deferred. This was and is a reason to look more closely at the whole story, to revise it and to see to what extent the goals have been or can be achieved. The trans-European networks have not always been successful. That – as so often in the European Union – is partly down to funding, and in particular to the lack of funding in Member States which still have the unfortunate habit of demanding a lot of support from the European Union. However, when it comes to payments to the European Union budget, the sack is then firmly drawn shut and very little is given out.

Well, since nothing comes from nothing, many projects did not get off the ground, and we need to look at this more closely once again, particularly in light of the more recent challenges that we are facing with regard to European transport policy as a whole. On the one hand, we are facing new challenges brought about by climate change, and we must respond to these challenges. The question of sustainability with regard to transport and the question of damage to the climate caused by certain means of transport must be asked anew again and again and must also be reflected in the actions of the Member States and the European Union.

The second point that we, of course, need to deal with very decisively is the current financial crisis, which under certain circumstances will restrict still further the ability of some Member States to take action with regard to infrastructures and the associated investments that are needed. However, enlargement has brought us completely new tasks to do in Europe that did not exist when decisions were taken on the list of trans-European networks. Therefore, after long discussions in committee, the decision was taken in favour of an approach that is intended to address these issues in particular.

Firstly, the various modes of transport should be networked considerably better than they have been up to now. This has been ignored in the past. This affects ports and the hinterland in particular, which have been neglected in recent years and now form the main focus of this report. However, this also requires the development of a core network and the network connections on which the whole system is based and with which the whole system is connected, allowing sound development in the transport sector and the continual

improvement of its management. We need not only a geographical network, but also a conceptual network between the modes of transport, better intermodal links and better technical work being carried out on the networks. This relates to software rather than hardware. This is the core of our report and I hope that we can agree on this resolution, which has broad support, and that we do not take a retrograde step, as currently indicated in an alternative resolution.

Joe Borg, *Member of the Commission*. – Mr President, since the trans-European transport network policy was established 15 years ago, it has contributed significantly to the functioning of the internal market and to economic, social and territorial cohesion. It now needs to be adjusted to new challenges.

The green paper on the TEN-T policy review addresses these challenges and proposes measures to tackle them at both the network planning and the project implementation stages.

The Commission appreciates very much that the European Parliament is following this revision process from the outset, as reflected in this resolution. This underlines the determination of both institutions to develop a future-oriented TEN-T policy.

There is a high degree of conformity between our proposals and the objectives and calls set out in Ms Lichtenberger's report as adopted by the Committee on Transport: that is, a more integrated and coherent network approach is necessary, in which intermodal connections such as rail connections to ports and airports and intermodal terminals, the link between long-distance and urban transport systems as well as interoperability must be strengthened so as to improve the basis for efficient, safe and high-quality services for passengers and for freight transport.

The Commission also shares the view set out in the report that – in particular in the freight sector – it is vital to facilitate co-modal chains in which waterborne and rail transport play an important role and intelligent transport systems help to optimise infrastructure use.

In the draft report, the Transport Committee has chosen option three, a dual layer consisting of a core and a comprehensive network. By supporting this option, Parliament confirms the need to combine traditional transport infrastructure policy with an appropriate consideration of new conditions and circumstances; the need for more flexibility and responsiveness to changing situations and more openness for the identification and support of infrastructure measures resulting for transport service requirements; and the economic and environmental challenge to promote a coordinated improvement of transport corridors through a series of small infrastructures and ITS projects.

We note that, after the vote on the draft report by the Transport Committee, an alternative resolution has been proposed which supports option two, a single-layer network with priority projects or a priority network only, and therefore without a comprehensive network. This is, as we see it, in contradiction with some other points of the draft resolution.

I would also like to recall on this occasion the advantages and disadvantages of the comprehensive network. While being too large to allow for clear priority-setting and the focus of Community instruments to stimulate its implementation, it contributes to ensuring the TEN-T access function and to facilitating cohesion. It has also proved to be vital as a reference framework for various transport policy actions and legislation: in particular, interoperability in the railway sector and road safety. Elimination of the comprehensive network would therefore have some perverse effects.

On the network implementation side, we fully agree with the view set out in the report that Member States have a crucial role in deciding, planning and financing transport infrastructure. Sufficient financial resources are needed under the TEN-T budget and coordination of territorial development objectives and TEN-T policy need to be enforced, whereas public/private partnerships have to be further promoted.

The Commission also underlines that TEN-T investment is key to sustainable economic development and thus is an essential way of helping to overcome the current crisis.

To conclude, we are very grateful for the motion for a resolution on the future of the trans-European transport networks policy. We would like to thank the Transport Committee for its constructive debate on it, and in particular Ms Lichtenberger for her comprehensive work. It will constitute a valuable contribution to the next steps of the process in the debates with the other institutions.

President. – The item is closed.

The vote will take place on Wednesday 22 April 2009.

Written statements (Rule 142)

Krzysztof Hołowczyc (PPE-DE), in writing. – (PL) As the current term of the European Parliament draws to a close, we have the opportunity to comment on the changes in approach to the Community's biggest infrastructure project, the trans-European Transport Network, which are being planned by the Commission for the near future.

Currently, sections of the network are being built in Member States. The logical continuation of this, which will also be the final stage, is the integration of individual components in different countries into a cohesive whole to create a trans-European system.

The geography of the European Union is changing. Therefore, the need to introduce changes to the alignment maps of the network appears justified. In connection with this the financial needs of the investment are changing. The final stage of integrating the network should place greater emphasis on the financing of its cross-border elements.

Raising the quality of existing transport connections in Europe and building new ones will help reduce road accidents, which is our constant priority in the fight for better mobility for EU citizens. In addition, introducing all forms of technological innovation, and the recent popularisation of intelligent transport systems, is justified by European infrastructure priorities for the 21st century.

30. Agenda for next sitting: see Minutes

31. Closure of the sitting

President. – All that remains is for me to thank our members of the public, who are few in numbers but attentive, for their presence. It also remains for me to close what is surely my last evening sitting as president.

(The sitting was closed at 11.45 p.m.)