

WEDNESDAY, 17 DECEMBER 2008

IN THE CHAIR: MRS ROURE

Vice-President

1. Opening of the sitting

(The sitting was opened at 9 a.m.)

2. Verification of credentials: see Minutes

3. Draft general budget 2009 as modified by the Council (all sections) (debate)

President. – The next item is the report (A6-0486/2008) by Mrs Haug and Mr Lewandowski, on behalf of the Committee on Budgets, on the draft general budget of the European Union for the financial year 2009 as modified by the Council (all sections) (16257/2008 – C6 0457/2008 – 2008/2026(BUD)).

Jutta Haug, rapporteur. – (DE) Madam President, Commissioner, it seems the President-in-Office of the Council is not quite here yet. In any event, the second reading of the European budget is on tomorrow's agenda. In all probability, the vote will not take much time. The fact that few things remain to be put to the vote and even fewer are in dispute is thanks to the constructive cooperation among all the Members involved – both in the specialist committees and in the Committee on Budgets – for which I should like to express my sincere thanks. I am all the more pleased since I know that this cannot be taken for granted. This also goes for the groundwork done by the entire team on the Committee on Budgets, the work of all the group staff and the support of the personal assistants, so thank you!

I should also like to extend my thanks to the Commission for its willingness to cooperate. Its communications with us may not always have pleased everyone concerned, but it was always helpful and, above all, it spoke to me at the various levels, which cannot be said of the Council Presidency. Thus far, the French Council Presidency has not managed to speak to me, the general rapporteur, on a single occasion. Not one single time! I have not even received a response as yet to a letter I wrote before the trialogue on 13 November – which is very strange, very disconcerting.

What was not at all strange or disconcerting, however, was how the Council team behaved at the conciliation meeting. Its behaviour and attitudes were what we have come to expect. Firstly, there must be no revision, however small, under any circumstances. Secondly, the payments are to be reduced in any event, even if the gap between payments and commitments becomes a ravine. Thirdly, the unspent appropriations from the current financial year should preferably be handed over immediately. In any case, approximately EUR 4.9 billion will be channelled back to the coffers of the national Finance Ministers. We in Parliament are delighted to have been able to persuade the Commission to promise a carry-over of EUR 700 million for rural development. We also think that the binding joint declarations on simplifying the procedure and on accelerating the implementation of the Structural Funds programmes, and also the promise that more funds for payments would be proposed without delay if need be, will be helpful in managing the tasks of the coming financial year.

These tasks will be not exactly trivial. The impact of the financial market crisis and its repercussions on the real economy will be felt in all our Member States. Therefore, Parliament is, by all means, prepared to free up funds for job creation or preservation, funds for providing economic momentum – in addition to the range of instruments already at the disposal of the European Union. We are prepared to do everything necessary at the maximum speed possible – not indiscriminately, of course, but if it is clear what projects the funds are to be provided for and how appropriate they are, not one of us will be left in the lurch.

Parliament is also prepared for a revision of the medium-term financial programme. First of all, however, the Council needs a common position.

We may be voting at second reading tomorrow, but I have the vague feeling that what we are voting on is just a budgetary framework. The additions to it will be demanded of us little by little over the year.

Janusz Lewandowski, *rapporteur*. – (PL) Madam President, the second reading of the budget of the European Institutions will, in principle, be a repeat of the first reading, and it remains for me to explain why this is so.

In the case of the Council, we respect our gentlemen's agreement and appreciate the Council's restraint in terms of budgetary spending for 2009, whilst acknowledging the additional need for resources in relation to the Reflection Group. In the case of the other institutions, it is worth noting that the Court of Auditors' increased need for funding is due to the downpayments on its new headquarters (in the final analysis, this method for funding the new headquarters will be cost-effective for European taxpayers) and, in the case of the European Court of Justice, it will need funding for its new urgency procedure, which requires funding in order to employ additional staff.

As far as the European Parliament is concerned, we tested the pilot project this year. The pilot project has produced encouraging results, thanks to the excellent cooperation of Parliament's administrative services, for which personal thanks must also go to the Secretary-General, Mr Rømer. The test was not insignificant, as this will be a special year for the European Parliament, due to the upcoming elections, the need to fund the election campaign and the completely new regulations concerning the status of MEPs, along with greater transparency in relation to the pension fund and new rules for employing and funding assistants. The fact that the issue of MEPs and their assistants is being addressed is good news in an election year.

Of course, this will involve additional costs in terms of the European Parliament's budget. In spite of this, we have made an effort and have achieved the goal which we had been working towards for a number of years, namely that of ensuring that, notwithstanding the specific needs of the European Parliament, its budget does not exceed 20% of the European Union's administrative spending. Overall, it looks like the vote on Thursday will be brief, thanks to the good cooperation of the coordinators and the excellent cooperation of the European Parliament's Secretariat – and here, I would particularly like to mention Marianna Pari and Richard Wester. These are people who should be mentioned on such an occasion.

Dalia Grybauskaitė, *Member of the Commission*. – Madam President, I would like to stress that the 2009 budget negotiations have been very specific, very important and difficult as never before. The main focus in this budget is on growth and jobs. This year, the budget preparation has also focused on the funding of the food aid facility instrument for development countries. Together, we have been able to find a balanced agreement to secure this EUR 1 billion.

Having a budget is not enough. We need to execute it properly and in timely fashion. In this respect, considering that cohesion is a key factor for stimulating economic growth, Parliament has stressed the importance of effective budget implementation and the need for improvement and simplification. We agreed with that during our negotiations. The Commission shares this objective and, on 26 November, presented proposals for accelerating implementation and simplification of management of the Structural Funds.

Last week, the European Council fully endorsed this approach, and I hope now that the required changes in the relevant legal acts can be agreed smoothly altogether.

Looking forward to the near future, we all have to recognise that we will shortly face other challenges in order to address the financial and economic crisis in Europe. The recovery plan for the European economy presented by the Commission includes elements which will have an impact on the Community budget next year. The European Council last week supported this recovery plan. The Commission therefore presented a proposal to revise the multiannual financial framework in accordance with the interinstitutional agreement.

This has to be approved by both Parliament and the Council in the coming months and I count as usual on cooperation, especially on Parliament's side.

To conclude, I would like to recall that negotiation on the 2009 budget has required compromise on all sides. It has also shown that the best results can be achieved in a spirit of fair cooperation between the institutions. That would not have been possible without the constructive and responsible role of Parliament throughout the whole negotiation process. I also want to stress the crucial role of the presidency tackling the Member States' position.

Finally, let me express my gratitude to Parliament's negotiating team and, in particular, the chairman, Mr Borg, the rapporteurs for 2009, Mrs Haug, with her innovative approach this year, and Mr Lewandowski, and also all the political coordinators of COBU, who gave the Commission and Parliament a lot of help.

I wish us all a positive vote tomorrow, and I wish you all a better than expected New Year.

László Surján, *on behalf of the PPE-DE Group*. – (HU) We have heard about the difficulties that had to be faced. I believe that, under the leadership of Jutta Haug, we have quite successfully resolved these difficulties. She deserves our thanks for her work and for the fact that each political group can feel that it has ownership of this budget.

Drawing up a budget is politics expressed in figures. What is the message, I wonder, that the European People's Party sees in this budget? In our view, we need to give European citizens greater security, and the European Union is ready and able to do so. Around one third of the budget is devoted to items that increase the sense of security. The amendments made by the European People's Party and European Democrats have increased the budget by around EUR 1 billion, thereby raising its profile; I am thinking of funds for supporting small businesses, preserving jobs and creating new ones where possible, developing underdeveloped regions, for energy security and for planning projects such as Nabucco. Food security is also very important, however, especially these days, not to mention defending the borders of the Schengen zone and preventing illegal immigration.

Naturally, no matter how good this budget is, it is far from perfect. Part of the reason for its flaws lies with the Member States. It is unacceptable for Member States not to use the resources which the EU makes available to them, for billions of euros to remain unused in the EU coffers. Certain Member States introduce artificial obstacles, making access to calls for tender even more difficult than we ourselves do. The efforts of the European Commission to simplify these processes are commendable, but we must not allow Member States to create effects or enact changes that run counter to these endeavours.

However, the fault does not lie exclusively with the Member States. The EU is incapable of responding rapidly to the challenges of a changing world. Of course, we have solved the problem of food aid, but at the cost of such vehement debates! And now, when we ought to be moving forward, we face difficulties in handling the economic crisis as well. I think that in the coming period, over the coming year, we will have to implement considerable simplifications both in the existing frameworks and in the interests of greater flexibility. Thank you for your attention and I hope that we will have a good budget.

Catherine Guy-Quint, *on behalf of the PSE Group*. – (FR) Madam President, Commissioner, please allow me to note the Council's absence and the innovation on the part of the French Presidency, honouring us with its absence, which is a first. I would like to say, Jutta, you had thought that it was out of contempt that the French Presidency had not met with you. I believe simply that this absence shows the contempt this Presidency has, or its Ministers have at any rate, for the budget of the European Union.

I will not go back over the proposals of our rapporteurs, but I would like to dwell on just a few thoughts. I shall repeat, once again this year, that the budget is inadequate and the multiannual financial framework is unsuitable. There is a lack of funds for economic recovery policies, research, lifelong learning, networks, and aid for SMEs and micro-enterprises. It is difficult to implement the policy of territorial solidarity and, in particular, the Cohesion Fund, and therefore billions of euros are left in unused payment appropriations. Too much money is earmarked for aid for market agriculture, which leaves margins unused due to legal bases that prohibit new commitments. There are problems in using the sums set aside for rural development and the environment. Money is being scattered on security and justice policies, far removed from the Council's public commitments, and citizenship and information policies are practically bankrupt and do not enable real communication with European citizens.

However, the promises made within the framework of external action are the last straw in terms of the lack of realism. Needs are continually piling up, conflicts and poverty are taking hold all over the world – Somalia, Darfur, Asia, typhoons, cyclones, famine, war in Palestine, Kosovo, now in Georgia – and the allocated resources are not changing. Every year, mission impossible becomes ever more impossible.

Only the creation of a billion-euro fund, which is essential in order to attempt to revive subsistence agriculture in the poorest countries, has provided a faint glimmer of hope. Trusting the financial perspective, we were hoping that we could continue to implement the traditional policies and find, in the margins available, enough money to respond to this different emergency, to which establishing the fight against climate change must be added. That is to overlook the fact that the budgetary agreement is negotiated with the Council and that the Council, rather I should say the 27 governments of the Member States, in addition to their traditional problems, are facing the financial crisis that is threatening the European economy, but which is being experienced as 27 national budgetary crises.

That is why we are forced to adopt a budget that is not in line with Members' expectations, a budget in which the gap between commitments and payments is giving rise to increasing concern with regard to the sincerity

of the budget procedure. The desire to contribute as little as possible to the revenue of the Union leads the Member States to adopt simple and unproductive positions. Firstly, they keep payments to a bare minimum, hence the payment appropriation of less than 0.9% of GDP, with commitment promises that are never monitored, and they do not facilitate the implementation of European policies in their country so as to avoid cofinancing and thus allow unused appropriations to flow back into the coffers of each state.

Admittedly, the Union's usual policies continue to be implemented as well as can be expected. Innovative actions, which are often promoted by our pilot projects, and preparatory actions are being implemented by the Commission. The European budget, however, is characterised by promising everything and not investing sufficient funds in implementation procedures, with the willingness of each of the Member States.

Once again, we have two new urgent challenges to face this year. The first is the fight against climate change, and the Council's conclusions on the subject are modest but at least it has made some conclusions; investments need to be made this year and increased in 2010. The second challenge is the EUR 200 billion economic stimulation that has been announced. Only EUR 5 billion of that amount is needed for new investments. The financial perspective therefore needs to be reviewed somewhat.

Yesterday, the President-in-Office told us that this review had been acknowledged, but the Council tells us that it has been blocked. What, then, is the situation? We in the Socialist Group in the European Parliament are ready.

To conclude, we absolutely cannot continue on this course, since political Europe is falling apart before our eyes. The time has come to review the financial perspective so as to restore balance to Europe's revenue and expenditure, to deconsecrate some immutable policies and to finance dynamic policies to effectively meet the real needs of people around the world.

Lastly, I would like to wish the Commission good luck. It is up to you to implement this budget accurately without wasting a single euro. It is up to you to show sceptical states and convince them of the added value that the Union provides, both politically and in budgetary terms.

(Applause)

Anne E. Jensen, *on behalf of the ALDE Group*. – (DA) Madam President, I would like to begin by thanking the two rapporteurs, Mrs Haug and Mr Lewandowski, for their extremely competent and professional work on the budget. I would also like to thank our chairman, Mr Böge, and Commissioner Grybauskaitė, because they have been so good at finding solutions. The budget is, of course, highly inflexible. The budget framework is inflexible – we are not simply moving unspent money from the agriculture budget framework over to other parts of the budget, and recently the Commission has almost made a habit of challenging this flexibility – challenging this rigidity. We should not be ungrateful to the Commission for this. I think that it is good to try new ways, and I would like to say that we in the Group of the Alliance of Liberals and Democrats for Europe wholeheartedly support this budget and the solution that has been found for the food facility, the one billion that has been found to create more food in developing countries. What we are pleased about is that it was possible to find a solution that did not involve large cuts in other programmes, but that we found the funds in the Flexibility Instrument and the Emergency Aid Reserve.

I am also pleased by the Commissioner's assurances that the Commission does intend to look into the Structural Fund Programmes and that they can be simplified. We have an historic task over the next few years, and that is to ensure that the necessary development takes place in the new Member States. I think that this is certainly the most important aspect of the EU budget.

Of course, along the way, we have complained about the lack of initiatives in the budget relating to energy, and then, at the eleventh hour, a memorandum arrived in the wake of the financial crisis, stating that the EU budget, too, was to be used in an attempt to initiate growth. We have proposed five billion for various initiatives within the energy sector, and I would like to say on behalf of my group that we are prepared to find a solution to this – we are prepared to find funding and also to work quickly, but if we are to look at how the individual programmes are made up – more money for TEN-e, more money for research programmes and more money for the CIP, in other words, programmes we know well – we should also take our time to ensure that we do this in a sound and sensible way. However, I look forward to constructive cooperation on these matters and I would like to thank the Commission for the initiative. It is perhaps a bit of a shame that it has come so late, but we will happily work constructively on these matters.

Helga Trüpel, *on behalf of the Verts/ALE Group*. – (DE) Madam President, Commissioner, ladies and gentlemen, the 2009 budget is no less, but also no more than a compromise. Nor is this any surprise, as we have just heard. The financial perspective does not permit great leaps; the structure of the European budget is much too rigid and inflexible for this as things stand.

Nevertheless, the 2009 budget sends out some important signals. For example, we have succeeded in providing EUR 1 billion more for food aid; that is, for the poorest of the poor, and hopefully for sustainable agricultural policy in the poorest countries. We shall also be spending a little more on small- and medium-sized enterprises – very important to economic development – and a little more on tackling climate change.

New priorities are necessary, however. We need a revision of the European budget, and I should like to address this speech in particular to the Member States, including the government of my home country, Germany. We must respond to the crisis in the short term, but naturally also in the medium and long term. Obviously, the EU budget cannot replace national budgets or national policymaking, but anyone who does not adapt to crises is guaranteed to fail.

Recently, I saw on television the press conference broadcast when the head of General Motors appealed to the United States Congress for further loans. He argued, 'We need to build green cars, we need to invest in green technologies', and he was right. Unfortunately, this manager was rather slow in realising this, and stocks of unsold American trucks are piling up. It is indeed true that our economy needs to be restructured. Europe must manufacture new, environmentally-friendly, high-tech eco-products if we want to see economic success in the next few years, on both the internal and world markets.

We must reduce emissions significantly. We must reduce our dependence on oil. We must invest more in renewable energy and much more in research. This will create opportunities for new products and thus also for new jobs. We must certainly change our agricultural policy; it must be linked to ecological energy generation. That, too, will present Europe's farmers with a new opportunity.

We must also spend more on well-understood development aid – not as charity, but because it is an intelligent, strategic policy to introduce fair trade worldwide and to really develop a strategic approach to narrowing the prosperity gap on a global scale. We must also realise at long last that we have to link growth to environmental protection and the fight against climate change. We need a new model for thinking about growth, and this goes not only for Europe but also for emerging economies such as India and China, and the United States too, of course.

We very much hope that the new Obama administration will bring a change in American thinking and a rethink regarding the successor to the Kyoto Protocol. All this must also be reflected in the European budget, however, which is why new priorities are necessary. We must answer the question as to where the money comes from. My group – the Group of the Greens/European Free Alliance – is of the opinion that more environmental taxes are needed. CO₂ consumption must be taxed, and kerosene taxes must be brought in at long last. This should supply a large proportion of the European budget.

Everything we are hearing from the Commission at present – that is, every couple of months – indicates, however, that internal logic is showing that we need a revision of the European budget to demonstrate to the public that we have indeed understood, that we want to change things, that we need new priorities, that we want to spend more on research and development, and that we need new propulsion technologies.

Of course, we must also carry out more research in this regard; there is no way around this. As we have already discussed, cereals belong on the table and not in the tank – something the European Union must also make clear. During the economic crisis, we must put more money into education: into the Erasmus Mundus Programme for student mobility and university exchanges, and into lifelong learning. This is the only way to give young people in Europe new opportunities on the labour markets of the future and also in their personal lives.

We must invest more in cultural diversity – this is the wealth of the European Union, and citizens will thank us for this when they see that European funds are really reaching their local area. If we wish to behave responsibly, we must also do more in the way of preventive external policy, rather than reacting only when it is too late. That too, falls within our political responsibility. It is important to act in good time; which is why we need more resources for the Instrument for Stability.

In view of the forthcoming elections in June, we must show the European public that we have understood, that we have courage, and that we are prepared to change European policy, including with all due moderation

with regard to the European budget. I hope and believe that citizens will appreciate this when it comes to the elections.

Wiesław Stefan Kuc, *on behalf of the UEN Group*. – (PL) Madam President, I welcome the fact that only a few amendments to the budget remain. It is difficult to judge who is right and we will not know the truth until the end of 2009. It is fortunate that, following the approval of the budget, we will be able to implement changes at the very start of the year, as we do each year.

Yesterday, the Chairman of the French Presidency, President Sarkozy, said that there is less debate on major issues than minor ones. This might mean the same thing as Commissioner Grybauskaitė's statement that, in the future, we should draw up a completely different budget, and not only change the budget headings, but ensure that they are better integrated.

The current, fragmented budget, which contains many headings, is not very readable. It takes a long time to draw up, and leads to much debate. In fact, it is only up-to-date for a few days, if not a few hours. This was the case with the 2008 budget, where corrections were already introduced at the first meeting of the Committee on Budgets. It would be preferable to introduce broader headings, and define for what purpose the resources could be used. This would make the implementation of the budget significantly more flexible and would provide the European Commission, as well as the European Parliament, with better opportunities, as they could monitor how the funding was spent throughout the whole of the time it was in force, and immediately respond to any needs that might arise.

The recent increase in funding by the Council in 2008, or the increase in budgetary funding for the forthcoming years by EUR 200–250 billion, proves that there is no point to these year-long debates on the details of the budget for the following year.

Esko Seppänen, *on behalf of the GUE/NGL Group*. – (FI) Madam President, Commissioner, the grand total for payment appropriations in next year's draft budget is lower than it has ever been. There will be enough cash for payments if the same payment policy is adhered to as in recent years. The Commission will not be fully implementing the budget.

Yesterday, Parliament decided to repay the Member States almost five of the six billion euros that has not been used for payments this year, although it had been budgeted to be spent. A billion was added to next year's budget for food aid. Since the Commission made this proposal, the price of food has halved, and the EU will soon have to intervene in its own production. There are a million starving people in the world, and aid will of course flow as needed, but the arguments behind the Commission's proposal have become obsolete in six months.

Last week saw the Commission indulge in PR and propaganda in connection with the preparation of the budget in order to promote its programme for the economic recovery of the Member States. This is budgetary acrobatics and a sham. The EU's contribution of five billion means that the money was moved from one Article to another without the Member States committing to new money for the EU's use. These are not genuine recovery measures to put right the damage caused by globalisation. We need robust action as a drug to cure us of the disease of 'funny money', and the EU is simply not delivering. The European Commission and the Council of the European Union are not prepared to decide on action of this sort.

Nils Lundgren, *on behalf of the IND/DEM Group*. – (SV) Madam President, as usual, we have a document here that is an exemplary piece of parliamentary handiwork from those who have prepared the budget. At the same time, we find ourselves in the absurd situation of being in the process of doing something that we should not be doing. We are currently discussing how we are to spend more money. This Parliament does not represent taxpayers, is not seeking to restrain spending, but is instead worried that not enough money is being spent. Not only is more than two thirds of the money spent on things that we should not be getting involved in as a parliament, but it is also used for completely the wrong purposes. The money is still going on agricultural policy, rural development and regional policy, that is to say, all things that are the Member States' own responsibility, and which they should pay for themselves.

A lot has also been said, and quite rightly so, about 2009 being a year of crisis in Europe, the US and, in fact, the whole world, and then we ask ourselves: what should we do? Here? And my answer to that is that we cannot do anything about this here. The EU countries use perhaps 40 to 45% of their money for public expenditure. One percent comes here and is used for the wrong things. We are marginalising ourselves with this approach. Thank you very much.

Sergej Kozlík (NI). – (SK) I would like to express my appreciation for the text of the resolution on the EU general budget for 2009 submitted by the Committee on Budgets and its rapporteur, Jutta Haug. Its wording expresses the risks of next year's EU budget in a thorough and comprehensive manner.

In my view, the main issue which is still open is budgetary provision for the impacts of the EU plan to deal with the consequences of the financial crisis. The extent and direction of the crisis remains open. The most important initiatives will be aimed at sustainable development, employment growth and support for small- and medium-sized businesses, as well as support for cohesion between the regions, which is a key factor for stimulating economic growth in Europe.

In 2009, we can expect to see a more rapid drawing down of resources from the structural and cohesion funds especially in the new states. It is therefore appropriate to emphasise the obligation of the budgetary authorities to provide additional payments on time. A potential source of these payments could be the EUR 7.7 billion reserve against the payment ceiling of the multi-annual financial framework. In this context, it is essential to adopt measures for simplifying the mechanisms of structural and cohesion funds in order to set about improving the ability to draw on them in EU countries.

Salvador Garriga Polledo (PPE-DE). – (ES) Madam President, Commissioner, ladies and gentlemen, I would like to give a special vote of thanks to the representative of the French Presidency, Mr Sorel, who has set a wonderful example of collaboration with the Committee on Budgets by attending all the debates we have held.

Parliament's work on the draft EU budget is once again reaching a satisfactory conclusion this year. We have needed the many years' experience of negotiating between the Commission, the Council and the European Parliament. We know the limits of each institution and we have been able to reach agreement on the basics, so tomorrow's vote may be presented as an institutional success for the European Union.

All these years of mutual familiarity also tell us, however, that the agreement on basics this year falls short of those basics that we ought to be able to demand under normal circumstances.

The problem is that this draft budget was planned many months ago in March or April without taking into account the huge scale of the economic and financial crisis. It is not uncommon, therefore, since some Member States have also done so, not planning far enough in advance.

Our budgetary procedure is essentially very rigid and does not allow for corrections along the way. Parliament made some proposals at first reading that did aim to help with economic revival and provide a safety net for citizens, mainly through amendments tabled by the Group of the European People's Party (Christian Democrats) and European Democrats and also the Group of the Alliance of Liberals and Democrats for Europe. Some of them were adopted by the Council, while others were not.

It is only at the end of the process, once conciliation has already taken place, that the Council and the Commission are finally coming up with great ideas about how to use the EU budget to boost economic growth. When improvisation is combined with urgency, the most likely outcome is disappointment.

In the end, the response to the economic crisis will be made at national rather than Community level, and the EU budget will not, unfortunately, be the powerful economic policy instrument that it should have been.

What I cannot understand is why, in the economic boom years back in 2005-2006, the financial perspectives that were approved were so pared back and limited that the annual budgetary policy could not be used as a countercyclical weapon.

We are hamstrung by the annual ceilings, and the multiannual financial framework is of no use in crisis years.

I have a final thought. The two Community programmes most affected by the 2006 financial perspective agreement – trans-European networks and rural development – are the ones that have now been chosen to boost Europe's economic growth from Brussels.

My question is: who should now be held responsible for having cut them back so hard in 2006?

Göran Färm (PSE). – (SV) Madam President, ladies and gentlemen, as the Committee on Industry, Research and Energy's rapporteur for the budget, I have to say that in the committee, we agreed at a very early stage, even before the crisis began, that we must give higher priority to climate and energy measures and small- and medium-sized companies in particular. We have now come to the same conclusion in the Committee

on Budgets, and I would like to thank the rapporteurs for their exceptionally constructive cooperation in connection with the budget this year. We would also stress the necessity to concentrate on investment in common growth and infrastructures.

I was listening to Mr Lundgren from the Independence and Democracy Group a little while ago. He has, of course, completely misunderstood this. No one believes that we could have so large an EU budget that the EU itself could counteract the efforts to improve the economic situation. The things we should be doing are common things that individual Member States cannot manage, to build the EU into a common market, a real common market. Now that we have removed barriers to trade, we must also acquire a common infrastructure, in particular, a common energy infrastructure, and common research so that we can take the lead worldwide. This is, of course, what it is all about; it is not about taking something away from the Member States.

I spoke for the first time in this budget debate in 1999. What were we talking about then? Well, the same things we are talking about today – jobs, growth, simplification and increased efficiency, increased flexibility in the budget to improve the EU's ability to react quickly to new challenges. However, we are, unfortunately, still going over far too much old ground. The Commission's initiative in conjunction with the recovery plan is therefore welcome, even if it has been put together very quickly.

In any case, I think that the most important thing we can do now is to bring about a more real and stable change in the EU's budget policy. The results of the Commission's open cooperation on the long-term budget demonstrate what this is all about: a stable and long-term investment in growth, environment and climate policy. This also means that we can get away from the current state of affairs with continual ad hoc efforts to revise the budget plan. We now need a new structure for the long-term budget. This is the most important thing that the Commission can do now. Thank you.

Nathalie Griesbeck (ALDE). – (FR) Madam President, Commissioner, ladies and gentlemen, this year, once again, the budgetary procedure has forced our Parliament to negotiate bitterly the total amount of the 2009 budget, as well as the priorities that we have set ourselves in order to achieve targets both in terms of growth and employment, within the framework of a well thought-out economy, but also in the context of a global crisis, and in terms of external policy and the policies referred to under Heading 3: 'Citizenship, freedom, justice'.

As we have always said, and indeed repeated, the multiannual financial framework is tight and absolutely requires this fundamental reform since, in the future, even less than it does today, it will not enable us to meet the many essential needs of an enlarged Europe with 27 Member States.

In this context, the budget that has been proposed to us by the rapporteurs is basically as good as it can be, and I am delighted that the Commissioner announced this morning that it has been agreed to perform a vital review of the multiannual framework. I welcome her constant presence here with us and I too regret the absence of the Minister for the Budget, which was announced briefly on the electronic screen at the start of the session. Apparently, the Minister did not see fit to join us.

I am particularly pleased, in terms of the budget, by the efforts made in favour of lines on the fight against global warming, support of SMEs, tackling energy dependence, as well as measures that were adopted for a more humane, more humanist Europe that is better equipped to meet the fundamental challenges of migratory policies.

I would still like to express my concern regarding the appropriations allocated to rural development and I wish, once again, to condemn the emphasis that is placed on this policy in favour of rural territories.

Many thanks to Mrs Haug, her team, Mr Lewandowski and the Chairman of the Committee on Budgets.

Zbigniew Krzysztof Kuźmiuk (UEN). – (PL) Madam President, I would like to draw attention to three issues in this debate.

In times of a deepening financial and, therefore, economic crisis in the European Union, this budget is exceptionally small. Commitments amounting to just over 1% of gross national income, payments amounting to 0.9%, and especially the margin of EUR 3.2 billion, testify that the largest Member States do not want to fund the European Union's most important objectives.

Secondly, the European Union very easily takes on additional commitments which were not foreseen in the financial perspective. Recently, an additional EUR 1 billion has been earmarked for preventing famine in the

third world, while EUR 0.5 billion has been pledged to help reconstruction efforts in Georgia. This expenditure, which is absolutely justified, will have to be funded at the cost of other important activities, which the Union committed itself to funding much earlier.

Finally, in terms of efforts to overcome the economic crisis, individual Member States, especially the less wealthy ones such as Poland, have pinned their hopes on the initiation of advance funding of projects using structural funds. I hope that this exceptionally modest budget will, nevertheless, allow us to fund large investment projects in this way.

Pedro Guerreiro (GUE/NGL). – (PT) As we underlined in October, what should have marked the EU budget for 2009 was political measures and associated budget lines to effectively respond to the worsening economic crisis.

However, instead of targeting and increasing the funds to promote economic and social cohesion and to enhance the purchasing power of workers, the EU budget proposed for 2009 reduces payments to an unprecedented level (EUR 4 billion less than the amount adopted for the 2008 budget). They even fall short of the amount planned in the Multiannual Financial Framework 2007-2013, which was already totally inadequate. In relative terms, this represents the lowest EU budget since Portugal joined the European Economic Community.

The proposed EU budget for 2009 supposedly supports the European economic recovery plan and what passes for European solidarity. In truth, the motto is every man for himself, in other words, a policy that will further increase the disparities between those countries that are economically more developed and the cohesion countries.

What we urgently need are budgetary measures providing effective support to small-scale and family-based agriculture, fisheries, the textile and clothing industries, the shipbuilding industry, and micro-, small- and medium-sized enterprises. These measures should defend the productive sectors in each Member State, particularly the cohesion countries, employment with rights and decent wages for workers.

Jeffrey Titford (IND/DEM). – Madam President, ‘arrogance’ is the word that springs to mind when reading this lengthy report, because the text is redolent with it. For instance, paragraph 25 laments the fact that the funds available ‘do not, as they stand, allow the Union to assume its role as a global player’. The same paragraph refers to the EU having the ‘capacity to assume its role as a global partner’. Whoever wanted the EU to have such a role? Why does it have such an inflated sense of its own importance? Certainly no one in my country has been given a vote on the development of the EU as a global player. We were told it was a common market, which would provide cheap wine and nice holidays.

I also note that the ‘global player’ wants its trademark for use in all communications with the masses and wants a major information campaign for the 2009 elections. For ‘information’, read ‘brainwashing’, because the EU will no doubt sell itself as the greatest benefit to humanity since penicillin, rather than the grotesque enemy of democracy and freedom of thought that it really represents.

The aforementioned arrogance spills over into everything it touches. There is no better example than the recent disgraceful and disrespectful treatment of President Klaus, a head of state, at a meeting in Prague by Members here. I put it to you that the EU has no democratic mandate whatsoever for the empire-building outlined in this budget.

Jean-Claude Martinez (NI). – (FR) Madam President, at Christmas, little boys receive red cars to play at being firemen, and little girls receive Barbie dolls to play at everything else.

Likewise, the Commission and the Council of Ministers have a small budget with which to play at public finances. We are playing, then, at having a tea party with the budget, dishing out a little for Galileo, a little for Kosovo, or a little for Palestine. There is even a little for fruit in schools.

A financial and economic tsunami is sweeping across the automotive industry, across property, across services, and we are playing around with a budget of EUR 116 billion, which is the total of the Spanish budget for 42 million citizens, or rather 45 million, and we are dealing with 400 million citizens. I am not even going to mention the US budget of EUR 2 000 billion.

A continent is about to go into recession and we are dividing up a few crumbs. We also continue to drone on about the rule of 1% of gross national income and deficits that must not exceed 3%.

There are two lessons in all this. Firstly, when you cannot assess the price of a barrel of oil, falling from 100 to 40, while Goldman Sachs was predicting 200, and when you cannot make forecasts over a few months, how can you have a multiannual financial framework for seven years? That is a scientific absurdity.

The second lesson is this: the entire history of the budget shows that legal ceilings, the Gramm-Rudman-Hollings Act in the US, the rule of 1% of national income, are all, again, foolishness. Public finance is driven by empiricism, and not by dogmatism. We needed to have a budgetary energy plan to change the economic climate. That was called a large European loan. We needed to have the room to change things but, for that, we needed ambition.

President. – I would like to remind all Members to be careful not to speak too quickly as the interpreters cannot keep up.

Reimer Böge (PPE-DE). – (DE) Madam President, ladies and gentlemen, I should like to start by thanking the rapporteurs, Mr Lewandowski and Mrs Haug, and also the coordinators and staff of the Secretariat and the group. The latter, in particular, were, at times, stretched almost beyond their limits with their workload, as is usual for them every year. I also wish to thank the French Presidency for the good, fair negotiations. I realise that the Presidency would have been prepared to go a bit further if the majority in the Council had allowed this. I should also like to emphasise that the Commission engaged extremely constructively in the negotiations. Commissioner – if I may say this openly here – since we have managed to achieve a good working relationship, I would not object to your standing as a candidate again next year.

Ladies and gentlemen, the 2009 budget is divided into three stages. The first stage is to be voted on tomorrow. We are financing the EU's basic needs with EUR 133.7 billion in commitments and EUR 116 billion in payments, and have managed to get the Food Facility on track by means of an emergency operation: by amending the Interinstitutional Agreement, using the flexibility instrument and making a redeployment within Heading 4. It is good that this is on track, but it must also be made clear that a review of the existing development instruments in both the development cooperation section of the budget and the European Development Fund is also part of the package if we are to achieve a better solution and better prospects in the long term, including for the security of food supply in developing countries. It also makes clear the vital importance and urgency of a fundamental revision of Heading 4 – 'The EU as a global partner' – in particular.

Part 2 will need to be discussed when the pecuniary benefit of the declaration adopted takes effect; that is, the acceleration and simplification of the existing rules in respect of the Structural Funds and of the implementation of rural development. If we all do our homework on this in the first quarter, this should and will result in supplementary budgets with increased payments to the Structural Funds and the agricultural funds, which will also support economic development. If we do not then manage to exceed EUR 120 billion in payments during the year, there must be administrative and political consequences. Anything else would be untenable.

The third point concerns the economic recovery package. The figures we are discussing from the European budget of course tend to be downstream, and so I should like to say two things in this regard. The first is that it is right and vital for the European Investment Bank to become involved, but there should be no new shadow budget outside the European budget in the long term – that is unacceptable. The second is that we are prepared to ensure the proposed revision on the basis of the right projects and the necessary procedures, including in conjunction with the priorities of linking up energy networks in the interests of the solidarity laid down in the Treaty of Lisbon in energy policy, and putting broadband connectivity in disadvantaged rural areas on track – as a supplement to all the other necessary measures already on the agenda.

Costas Botopoulos (PSE). – (FR) Madam President, Commissioner, ladies and gentlemen, I should like firstly to say that the absence of the representative of the French Government today shows another side of a Presidency that is otherwise warmly congratulated for its political successes. This other side of the Presidency, which does not play the game with the rest of us, also stands in stark contrast to the reaction of our committee and of the rapporteur, Mrs Haug, who, on the contrary, has very readily taken part in playing the budget game.

(EL) Ladies and gentlemen, may I say that the budget we are debating today and which will be voted on tomorrow includes one success, which just remains to be implemented, and three major problems. The success is, of course, that we have managed, albeit at the last minute, to get food aid into the budget, which was well needed and shows that Europe understands the problems of the times.

However, there are also three major problems:

Firstly, this budget, at a time of economic crisis, which I would remind the House did not start in September 2008, as many speakers have said, since we saw the omens of it a year ago, does not respond at all to these difficult circumstances; it is cut off from reality. We have very low commitments and commitments which it is not at all certain will be implemented. The second problem (which several speakers mentioned) is the problem that has arisen with the Structural Funds. It is unbelievable that so much money has come back from the Structural Funds from the previous year's budget and that nothing is being done in order to ensure that we shall manage to sort this out for the following year at least. This entire system needs revising. The third problem is the doubts which we have in the face of economic aid, the famous 200 billion, 30 of which are from the Community budget. Again unfortunately, there is nothing to show us that this money will be found, and it must be found, because we need it.

Jan Mulder (ALDE). - (NL) Madam President, I too should like to start by thanking all those involved for the role they have played in this year's budgetary process. We have again managed to prepare a budget for 2009. The usual ritual – taking the form of a day's meeting – has once again come to pass in the Council.

One of the things that struck me when I cast my mind back is the importance some groups attach to a certain percentage of payment credits. I fail to see that it is important whether it is 0.88, 0.92 or indeed 0.9. What is important is that it is adequate. The Gross Domestic Product may, for all we know, drop next year, in which case it would be higher than the 0.9 that has now been agreed. Would this really fill the various Parliament groups with a sense of satisfaction? This is beyond me. Payment percentages thus need to be adequate, not more or less. If the worst came to the worst, an additional budget could be prepared for later on in the year.

There is one trial project I should like to draw to your attention, as part of which a study is being carried out into the justification of extra allowances after 2013. I should like to urge the Commission to take note of it, because if we start the debates on it next year, then it is important, to my mind, that we know why we give these extra allowances. Does this represent actual payments for services rendered, yes or no?

IN THE CHAIR: MR SIWIEC

Vice-President

Seán Ó Neachtain (UEN). – (GA) Mr President, I welcome the recommendations made in the European Union draft budget for next year. I particularly support the recommendation it includes for the Peace Process in Northern Ireland. Financial support is being provided for the programme PEACE III and for the International Fund for Ireland.

I am also happy that the budget is giving financial support to the peace process in the Balkan region and in Palestine. The European Union will also help with the rebuilding of Georgia, showing that it is the largest peace process in the world. It also gives financial support to the poor countries and we are trying to maintain that custom. The European Union must be to the forefront in order to implement the Millennium Development Goals by 2015.

Søren Bo Søndergaard (GUE/NGL). - (DA) Mr President, one of the most elementary tasks of a parliament is to scrutinise the finances. This naturally requires parliament to have the opportunity to inspect the different budget items. It is therefore totally unacceptable for the Council to continue in its closed position towards parliament. We have today heard how the French Presidency has failed to respond to any of the approaches made by Parliament's rapporteurs responsible for the 2009 budget and, as rapporteur for the Committee on Budgetary Control on the granting of discharge to the Council for 2007, I can add that the Council has been equally unwilling to respond to my approaches. Thus, the Council is not only closed with regard to the future, but also with regard to the past. This is not just a problem with the French Presidency; it is a problem with the Council in general. Their argument is to refer to a so-called 'gentlemen's agreement' between the Council and Parliament dating back to 1970. Excuse me? 1970? That was when the EU was called the EC. At that time, the EC consisted of a handful of countries and Parliament was not elected, but appointed. This 'gentlemen's agreement' therefore belongs to the past and has no value today. As Parliament, we must demand openness, full access to information and cooperation from the Council.

Patrick Louis (IND/DEM). – (FR) Mr President, ladies and gentlemen, for the 14th consecutive year, the European Court of Auditors has refused to approve the budget of the European Union.

While the Commission's accounting procedures have been praised by the Court – which is nonetheless the least of things – you will note that only 8% of the European Union's accounts are duly approved. We all understand that at this rate, no private enterprise could survive such criticism. That means that 92% of the

European budget, that is to say, more than EUR 100 billion, remains affected by an excessively high level of discrepancies and irregularities.

I was just quoting from the report. These irregularities are accompanied by many irresponsible acts. When you think, for instance, that a communication agency has a budget of EUR 15.4 million to send a ballot box into space with the slogan 'You can vote anywhere', people may rightly feel that you are mocking them.

In the current climate, where households and Member States are having to tighten their belts, at a time when France is a net contributor of EUR 7 billion, we need to stop taking French and European taxpayers as Santa Claus figures for the European Union, since in June, they will become bogeymen.

Andreas Mölzer (NI). – (DE) Mr President, in constantly repeating the dogma of the self-regulating market, the EU has not only omitted to set clear limits, lay down rules and carry out oversight, but also continuously failed to free itself from the financial markets of the United States. In doing so, it has neglected its duty to protect Europeans from the negative consequences of globalisation.

For years, we have been told there was no money for the social and health fields, and yet millions upon millions of euros have been squandered on prestige projects, for example the EU Agency for Fundamental Rights, whose budget has almost quadrupled despite massive criticism from the Court of Auditors. Now, at a time when citizens are feeling let down once more by the EU in the face of the threat of mass unemployment, Brussels goes and arms itself with a new EUR 200 billion economic recovery package that, in my opinion, is a sham.

In the final analysis, the amount of the resources deployed will probably be less important than the appropriateness of the measures actually pushed through.

Ville Itälä (PPE-DE). – (FI) Mr President, I wish to thank the rapporteurs, Mrs Haug and Mr Lewandowski, as well as the coordinators, for their excellent and very responsible work. I would also like to thank Mr Böge, as Chairman, whose energetic contribution did much to ensure that we achieved such a positive outcome.

We live in momentous times. An economic crisis is at the door and we have to think about how the European Parliament can send the right kind of signal to the public. I want to thank the rapporteur, Mr Lewandowski, for not using up the entire 20% increase. It is an indication of the fact that we acknowledge our responsibility towards the taxpayer. When we consider that next year is election year and that there will be a new Members' Statute, this has been a very challenging task and the end result is excellent.

I would like to raise just one point regarding Mrs Haug's report, which concerns the new budget heading, that of the Baltic Sea Strategy. There has been some discussion on this, and I am pleased that a decision was taken on it, because it represents an opportunity: it is a big step towards improving the state of the Baltic Sea.

While the Commission prepares its Baltic Sea Strategy for next year, it is important that there is also a heading for this in the budget. Strategies mean nothing if they only exist on paper, so we also need to create content for the strategy, and after the Commission has completed its own work, it will obviously be easier for us to create content for the relevant budget heading.

As we also know that Sweden, as the country that will hold the presidency, is making the Baltic Sea Strategy its priority, this is precisely the right time to include it in the budget. That is why I wish to thank everyone for the attention they have given to this issue and to one of the priorities for next year.

Vicente Miguel Garcés Ramón (PSE). – (ES) Mr President, ladies and gentlemen, we have reached the end of the difficult and complex budgetary process. We vote tomorrow, and I trust the outcome will be favourable.

The world is going through a serious crisis, with its epicentre in the financial system, which has already contaminated the real economy. Policy changes are therefore required in order to reorient our economic model, stop the disintegration of our productive structure and prevent any increase in the adverse social and climatic effects that are now occurring.

We must accept our portion of responsibility and ensure that the 2009 budget is a good instrument that can help us get out of the crisis and continue on the road to creating a Europe of its citizens, a social Europe and a Europe of rights that measures up to our history. We want an inclusive Europe, and I give as an example the inclusion in the budget of the pilot project designed to facilitate the integration of the Roma people. We want a Europe of solidarity, both inwardly and outwardly, starting with its southern and eastern neighbours.

I would like to mention the budgetary dimension of the Barcelona Process, now the Union for the Mediterranean, in which we have placed such great hope. We want a Europe that can continue to feed its people and can wage war on the scourge of hunger and social exclusion around the world. The aim of all that is to foster the sustainable, peaceful development of the peoples of the world.

Ladies and gentlemen, if you adopt it tomorrow, the effective life of the Union's budget for 2009 will begin. After that, it must be properly rolled out, implemented and, if necessary, revised. We shall be watching carefully.

I take this opportunity to wish you all the very best for the coming year.

Daniel Dăianu (ALDE). - Mr President, the EU budget is being discussed at a time of rising anxiety regarding the economic crisis which is engulfing its Member States. This crisis prompts the Commission, the Council and the European Parliament to think about how the EU's budgetary resources can combat the economic downturn.

A considerably speedier disbursement of the Structural Funds in the new Member States is essential under the new conditions, and the Commission's intention in this respect is more than welcome. However, this intention has to turn into concrete deeds, and the EU budget has to be ready in case additional payment appropriations are needed, as the report correctly highlights. Incidentally, this hinges precisely on the simplification of procedures.

For the non-euro area new Member States, the leeway for using the budget stimulus out of their own resources is much reduced because of this financial crisis, and the credit crunch is likely to prevail on the international markets in 2009. Therefore, EU funds and other forms of EU assistance within the framework of what I would call 'credit enhancement' are badly needed in order to fight the severe economic slowdown which is to be expected.

Donor countries might relish lower payments from the EU Structural Funds, with a view to the reorientation of these funds for other uses, but let us not deceive ourselves. If new Member States get injured by this crisis more than their intrinsic weaknesses warrant, the effects would be bad for the Union as a whole.

Zdzisław Zbigniew Podkański (UEN). - (PL) Mr President, today's debate on the budget is more significant than it has been in the past. Much depends on the Union's budget, its size, and how it is allocated, especially in these times of serious economic crisis and in view of the looming food crisis.

In addition to the economy, food and energy security, we also have to focus on the development of backward regions, such as the eastern part of the European Union. We must also improve the way in which we manage our resources, including the management of restructuring funds. The budget clearly lacks funding for culture, education, science and the fight against poverty. This is due to the limited resources foreseen in the budget and proves that 1% of GDP is not enough to properly tackle the tasks at hand.

The proposed budget is extensive, detailed and, as a result, not very readable. It is high time that we thought about this problem and, in the future, adopted a different format.

Kyriacos Triantaphyllides (GUE/NGL). - (EL) Mr President, the draft budget 2009 is proof that the conservative political priorities set by the European Union do not respond to the needs of the peoples of Europe. At a time of acute economic crisis, with unemployment rising, payments do not account for even 50% of commitments for the European Union funds. Not only is the development sector not being used as a tool to address the problems but, in certain instances, the funds are operating in pre-crisis conditions. By contrast, in the security sector, FRONTEX, the actions of which, according to independent studies, infringe conventional individual rights and freedoms, there have been no cuts to the budget. In the research sector, there are subsidies for space research, the objective of which is global monitoring while, on the other hand, the overwhelming majority of actions concerning social integration, social exclusion and young people have had their subsidies cut. In agriculture, the 2009 budget follows the agreed financial framework, the main feature of which is expenditure cuts. For agricultural development, payments in 2009 will be equal to or less than the undertakings made in 2007, at a time when small- and medium-sized holdings are shrinking. This fact goes against the very title of the budget, which is to conserve natural resources.

Hans-Peter Martin (NI). - (DE) Mr President, this budget must sadden interested Europeans and will, I hope, outrage them when it comes to the European elections next June, for it is another expression of the simple failure by a Union that is, alas, in a state of paralysis to convey the message: yes, we have understood!

To have understood would have meant finally taking each large block, subjecting it to sober analysis – there are consultants and economic research institutes for this purpose – and reviewing it against the objectives set. This would have led to the conclusion that one third, possibly even half, of the EUR 114 or 116 billion could now usefully be ploughed into this major crisis with absolutely no problem. Instead, the resources continue to be squandered and spent on the wrong areas and, above all, on fattening an unbelievable bureaucracy and political caste. That is tragic for Europe.

Simon Busuttil (PPE-DE). – (MT) To begin with, I would like to congratulate the rapporteurs on their excellent work. I would like to refer to the budgetary area of justice and home affairs, especially that of immigration and here I would like to focus on two points in particular. First of all, we have increased our budget for the FRONTEX Agency for the third consecutive year and this, I believe, is a positive sign. We have increased it not because we are happy with the work that FRONTEX is carrying out but because we are, in fact, dissatisfied. We want this Agency to do more and to be more effective. Therefore, we have allocated enough money so as, for example, to ensure that FRONTEX's maritime missions will be carried out on a permanent basis. Secondly, we have earmarked an additional

EUR 5 000 000 towards the European Refugee Fund in order to set up a European-based programme on internal reallocation between the European Union countries, so that persons who arrive in countries that are already shouldering a large and disproportionate burden can get transferred to another country within the European Union. I am referring here to the resettlement or reallocation programme. This fund and this money will allow us to put this programme into action for the first time, and I hope that this programme will now begin to operate, because it is necessary to help those countries with a disproportionate burden. Therefore, I believe that now that we have invested money in these two areas in next year's budget we will finally be able to make progress.

Brigitte Douay (PSE). – (FR) Mr President, Commissioner, first of all I should like to thank our rapporteurs, who have managed, in difficult circumstances, to put together this 2009 budget, the last before the elections in June.

The cohesion policy, with 36% of this budget allocated to it, is one of the main Community policies, a genuine tool for solidarity and economic and social equity, which we must strengthen, make more effective and better promote. Indeed, it is the tangible expression of solidarity within the European area, which is the most visible on the ground, as close as possible to regions and citizens, in the areas where they live and where the European Union can speak directly to each one. Mrs Guy-Quint has just stressed the problems associated with using annual budgets, particularly those of the Structural Funds.

As far as cohesion is concerned, all those involved know how difficult it is to implement European funds on the ground. Putting together dossiers is a complex and long process, which can lead to errors that are damaging to beneficiaries, the image of the European Union and even the future of this policy. Simplifying procedures, providing better information, improving the training on this new cohesion policy for the national and local operators concerned, and sharing experiences and best practices could certainly promote better use of these appropriations. After all, in this time of crisis and increasing euroscepticism, sound functioning of the cohesion policy and proper use of European funds can enable us to restore confidence and foster the sense of involvement among European citizens if they feel part of the process, provided, however, that we can improve the visibility and better explain the benefits of this policy, where it is implemented. That is the responsibility of all the Union's institutions, in the best possible partnership.

István Szent-Iványi (ALDE). – (HU) Mr President, for years, a serious, recurring problem with our budget has been the significant gap between the funds committed and the actual payments made. This difference has grown this year to an unacceptable degree, thereby endangering the credibility and meaning of the entire budgetary process. In 2009, at a time of economic and financial crisis, we simply cannot allow this to happen. It is the joint responsibility of the Commission and Member States to speed up and simplify payments and thereby restore the credibility of the European Union's budget.

Secondly, I thank my fellow Members for having supported the numerous important recommendations I made to the budget package. This package contained five main priorities: state-of-the-art environmental protection (including a 10% increase for the LIFE programme), innovative business development, the fight against corruption, progressive social policy and a significant expansion of the world's largest student exchange programme, the Erasmus Mundus. Thank you very much for your support in this, as I consider that these are important matters.

Finally, every year I am obliged to draw attention to the fact that the financing of our foreign policy objectives is inadequate. In next year's budget, this is even more obvious. It is only with the help of creative accounting that we were able to secure a source of funds for the most important goals. There is only one reassuring aspect to this unfortunate situation: a proper, comprehensive mid-term review. If we do not do this, it will be difficult to take seriously the European Union's ambition to be a global player.

Paul Rübig (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, the European budget starts with a zero; 0.89% of gross national income is to be spent in the way of payments next year – EUR 116 billion. National budgets generally have two places before the decimal point. I think that we have shown in recent years that a great deal can be achieved with an extremely economical use of taxpayers' money.

However, we are currently experiencing a budgetary crisis, and I do not believe that the EUR 5 billion proposed by the Commission will suffice to provide the necessary momentum. Therefore, together with the Council, we should strive to refrain from passing money back and forth and transferring funds back to Member States this time. This House should adopt unanimously a package covering the trans-European networks, research and development, the European Institute for Technology, Eureka, and the Erasmus programme and education. We should sit down together here to put together, quickly and efficiently, a package that really reaches our small- and medium-sized enterprises.

Indeed, this is also why Parliament is insisting on our introducing a separate budget line for the 'Small Business Act' and, in particular, a budget line for climate change. In the field of energy efficiency, in particular, an intensive programme can be started immediately to enable us to launch a major offensive against the looming, extreme unemployment heading our way next year, and thereby preserve employment.

After all, two thirds of our workers are employed in small- and medium-sized enterprises – generating 50% of our gross national product – and millions of new jobs could be created in these enterprises in connection with this action on energy efficiency.

Vladimír Maňka (PSE). – (SK) I would like to thank Jutta Haug, Mr Lewandowski and the coordinator for their excellent work. They are certainly also aware that there are changes on the way in the 2009 budgetary year and we will have to react flexibly to the developments in the financial crisis.

In the area of cohesion policy, it will be extremely important for us to show flexibility in securing the necessary resources. We must be ready for the early provision of additional payments from budgetary resources, especially in the event of an accelerated implementation of structural policies.

For the national economies of the new Member States with relatively low levels of economic development, the cohesion policy creates the potential for gaining ground on the developed states more rapidly. Especially today, in the current time of financial crisis, it is important for us to use this instrument effectively. Analysts in some Member States have calculated the negative impact of payment delays on employment, on work productivity and on economic growth in these regions. If we had managed to draw down financial resources at the rate expected in the multi-annual financial framework, the new Member States would be seeing work productivity levels over 2% higher than they actually are today, economic growth over 2% higher and employment levels 1% higher. From this perspective, we should consider supporting cohesion as a key factor in stimulating decisive macro-economic indicators in the EU.

The differing levels of bureaucracy in the various Member States has a negative impact on the drawing down of financial resources. It is therefore essential for us in the EU to cut back bureaucracy across the board when drawing down from European funds.

Ladies and gentlemen, you undoubtedly wish that we could confront today's global problem from the principles of solidarity and within the framework of the entire Community. We must therefore guarantee the availability of resources needed in future for the cohesion policy.

Jean Marie Beaupuy (ALDE). – (FR) Mr President, Commissioner, many of my fellow Members have pointed out, even just now, the inadequate take-up of budgets, particularly where the Structural Funds are concerned. It is therefore essential that we remedy this situation by taking appropriate, practical measures. I am delighted to see included in this budget the amount of EUR 2 million for the Erasmus pilot project for local and regional elected officials, a project which I personally proposed several months ago.

Indeed, this inclusion in the budget follows on from the specific proposals in my report on governance, which was adopted last October, and by a very large majority in this House.

In order to implement our regional development policies effectively, it is not enough to adopt regulations and budgets. It is vital that elected officials who manage local and regional projects can become real engines for achieving the objectives of Lisbon and Gothenburg, by using their knowledge. With this Erasmus scheme for local and regional elected officials, we can both strengthen human links and, above all, provide the means for more rapid and more effective use of the Structural Funds.

Many associations of elected officials have already informed me that they are enthusiastic about this Erasmus scheme for local elected officials. Furthermore, with the support of the Directorate-General for Regional Policy, we will be able to launch this new instrument and thereby apply the slogan: *'Think global, act local'*.

Valdis Dombrovskis (PPE-DE). - (LV) Mr President, Commissioner, ladies and gentlemen, with regard to the European Union's draft budget for 2009 I would like to stress that the most important thing in this budget is not what has been done but what has not yet been done. The draft EU budget for 2009 had already made provision for an amount of payment appropriations 3% lower than this year and, in addition, the European Commission has come forward with a proposal to reduce the amount of payment appropriations still further – by EUR 3.5 billion this year and by EUR 1.1 billion next year. I doubt that the reduction in the amount of EU budget payments is the most satisfactory response to the financial and economic crisis. In the European economic recovery plan, the Structural Funds and Cohesion Fund measures laid down, the simplification of the rural development fund procedures and the speeding up of fund acquisition, the payment of EU fund advances and the increase in the share of EU co-financing have not yet been reflected in the amount of payment appropriations set out in the European Union's 2009 budget. However, the truth is that whether it is possible to regard next year's budget as a successful response by the European Union to the financial and economic crisis will depend precisely on these measures and on the question of how far they really will increase payment amounts. I hope that the EU institutions will demonstrate their ability to react quickly to challenges, and not be engulfed in the usual bureaucracy. In general, we should welcome the European Commission's proposal to allocate an extra EUR 5 billion to increasing the European Union's competitiveness. However, the source of funding – resources from the common agricultural policy – is difficult to comprehend. If there are EUR 5 billion to spare in the European Union's Common Agricultural Policy, then why is the European Commission doing nothing to ensure fair competition within the internal agricultural market and at least in part to even out the inappropriate differences between the levels of direct payments made to the farmers of various EU Member States? Thank you for your attention.

Marusya Ivanova Lyubcheva (PSE). – (BG) Mr President, Commissioner, I must first of all congratulate the rapporteurs and coordinators and highlight the exceptional efforts they have made in managing the procedure for the adoption of the budget at a very high level.

A very serious attempt was made to attain the maximum level of commitments and settlements, while keeping close to the ceilings allowed by the multiannual financial framework. There is, of course, no shortage of challenges. We could regard this budget as an initial response from the European Union to the international financial and economic crisis. This is what makes it so difficult.

It is only natural for us to look at the budget in terms of the key priorities we have for implementing the European Union's policy. Unfortunately, in the case of priority 1B, which relates to sustainable development, cohesion for growth and employment, there will not be sufficient resources available to address the Member States' major, high-priority projects. It is specifically the Cohesion Fund's role to allow economically weaker Member States to receive support to help them resolve their infrastructure problems, boost their competitiveness and achieve a higher level of regional development.

It is the fund which helps raise living standards, especially in the new Member States. If these countries are not granted any funds, they will make significantly slower progress, especially at a time of crisis. That is why I have some serious criticism of the budget's inability to help in this respect. How the budget is implemented is also important. The initial debate on simplifying the procedures to achieve greater feasibility and minimise the risks of malpractice and abuses needs to be speeded up. We also need to enable the gap to be narrowed and the level of payments to be increased.

The proposal to review the multiannual financial framework is no bad thing and offers additional resources for growth allocated in 2009-2010. The intended purpose associated with attaining the low carbon power generating objectives is good, but it is hardly crucial. We need to show much greater flexibility.

I would like to conclude by saying that we should adopt the budget, but with preventive measures to deal with the financial and economic crisis. Although it is difficult to reach, agreement is important and necessary. We need to give it our support.

Kyösti Virrankoski (ALDE). - (FI) Mr President, first, I wish to thank the rapporteurs, Mrs Haug and Mr Lewandowski, for their excellent work. I would also like to thank Commissioner Grybauskaitė and her closest assistant, Mr Romero, for the excellent cooperation they have shown all year long, as well as the Presidency for its constructive participation in the preparation of the budget.

I only wish to address one issue, which is that of the Structural Funds. This year, we repaid monies to the Member States, in one form or another, as unused appropriations. In Amending Budget Number 2, we reprogrammed EUR 2.8 billion, and in Amending Budget Number 9, we returned EUR 4.5 billion in unused payments.

Against this background, it is astonishing that the Commission is proposing a EUR 5 billion recovery package while, at the same time, it has not even used up the funds budgeted for structural policy. The reason is the control and monitoring system, which is extremely complex. In many countries, it is still unapproved.

The European Parliament proposed a joint resolution in conciliation that would recognise the need for simplification and the existence of structural shortcomings. The Commission and the Council did not want to go along with this resolution. The European Council, however, has just proposed adopting virtually the very same position and, indeed, the very real need for simplification and greater efficiency needs emphasising.

Margaritis Schinas (PPE-DE). - (EL) Mr President, this budget is the last in the current parliamentary term and the first budget we shall have voted on since the financial crisis came knocking at our door. It therefore has a special significance: it is a budget which European citizens will examine closely.

For me personally, this budget has a bittersweet taste, because it includes successes, but it also has shadows. I personally certainly count among the successes the fact that we have managed, albeit marginally, to increase payments in relation to the Council's position, that we have found relatively more resources for competitiveness, the environment and security and that, for the first time, we have a discrete position for dealing with illegal immigration on the southern borders of the European Union, where countries such as mine receive a hundred thousand desperate people every year, who come knocking on the door of Europe via its southern borders. For all these reasons, we have cause to be satisfied.

However, I am very disappointed that this first budget of the crisis was unable to send out a message that Europe is willing and able. Out of two hundred billion, we are still trying to work out how to spend five billion, which some Member States want back instead of putting towards competitiveness. It is a lost opportunity. For this year, I believe that we could have done more. I am still hopeful that in the Council, the usual suspects who like to refund surpluses to the national ministries will make one more effort, so that next year at least, we have a more ambitious approach.

Emanuel Jardim Fernandes (PSE). - (PT) Mr President, I congratulate the rapporteur, Mrs Haug, on her excellent work, and also several colleagues on their contributions. I should like to talk about the fisheries sector and its positive and negative aspects.

The overall appropriations allocated are much the same as in the previous financial year. This is a negative aspect, given that previous budgets already represented the minimum necessary to implement a common fisheries policy and a maritime policy with the requisite resources. The reduction in payment appropriations and the inadequate response to the needs and specific aspects of the outermost regions are also negative.

The increase in external economic pressure due to the current financial crisis and substantial variations in fuel prices is worsening existing pressures resulting from fleet under-capacity and erosion of the resource base.

Although the Commission proposes restructuring the fisheries sector in line with the current macroeconomic situation, concrete measures are needed to help ensure the survival of the European fishing fleet and the subsistence of those who give so much so that we can have access to one of the most basic foodstuffs.

I welcome the adoption, as a preparatory action, of the initiative that I tabled to set up a fish price observatory in the amount of EUR 4 million. I also welcome the increased support for fisheries resource management, the non-compulsory contributions to international projects, the strengthening of dialogue in the vitally important fisheries sector, as we noted during a visit by the Committee on Fisheries to Madeira, a Portuguese outermost region, the pilot project on networking and exchange of best practices, and the conclusion of the Sixth Framework Programme. The maintenance of appropriations for cooperation in the area of bio-economic development, for the Community Fisheries Control Agency and for the preparatory action on the European maritime policy is also positive.

Lastly, I must welcome the creation by the Commission of a budget line, as yet without any appropriations, for an *ad hoc* financial instrument in order to adapt the fishing fleet to the economic consequences of fuel prices. This is one reason ...

(The President cut off the speaker)

Péter Olajos (PPE-DE). – (HU) As I already stated at the time of the first reading in October, as draftsman of the opinion of the Committee on the Environment, Public Health and Food Safety, I welcome the EU budget for 2009 for several reasons. On the one hand, it is already a significant and positive fact that next year, there will be EUR 14 billion available for environmental protection, nature conservation and, among these, first and foremost, for the LIFE+ objectives. On the other hand, it is worth noting that this amount is some 10% higher than last year's, which is a good indication that nowadays no one is calling into question the significance of this area, especially as regards climate change. The latter subject is, moreover, one of the budgetary priorities for next year as well. Of course, all this is closely linked to the vote at noon today, when we will be deciding on the climate package.

Although these draft directives may fall short of our original expectations in several respects, they are ambitious when compared to the proposal published by the Commission in January last year. Achieving the goals set out in them will require money and political will. The amount may be small, but it is important to emphasise that the pilot projects which will be starting next year have a value of EUR 7.5 million. The substantive work, which includes drafting and publishing the tenders, can be expected early next year, but the Commission has indicated on several occasions how important it considers the implementation of these projects and has guaranteed its full cooperation. Since the October plenary, the European Food Safety Agency (EFSA) is the only body that has failed to make any substantive progress. We are therefore obliged to continue to recommend maintaining the 10% reserve, but I hope that this problem, too, will soon be resolved. These are my observations and recommendations, which essentially agree with those made at first reading. I call on my fellow Members to vote in favour at second reading as well. I wish to take this opportunity to congratulate Jutta Haug on the report. Thank you very much.

Maria Martens (PPE-DE). – (NL) Mr President, first of all, I should like to congratulate the rapporteur, Mrs Haug. Our working relationship was very pleasant indeed, and the Committee on Development is satisfied. Three things were important to us. First of all, the food crisis should be addressed, and we are pleased that the Committee's proposal has been adjusted and that a compromise has been struck that found support with Parliament and the Council, as a result of which EUR 1 billion became available for the food crisis.

What matters ultimately is that a sustainable solution be found, which is food safety for the developing countries themselves, and that is what our trial project is about. A major problem in this is that small farmers do not have access to micro-credits. It is difficult for them to get hold of good sowing seed and manure, and to be able to invest in irrigation if they are unable to pay the money up front. We are pleased, therefore, that our proposal for the trial project for micro-credits to small farmers has met with widespread support, and we trust that the Committee is willing to implement this trial project.

Secondly, as for evaluation, we can put up with much criticism about development cooperation these days. In order to gain support, not only do we need to explain what we meant, but especially what we have achieved. It is unfortunate that the Committee's reports are still very much fixated on intentions. This is why we have pleaded for more capacity in the Committee in order to improve the evaluation of results. We welcome Parliament's support for these proposals.

Thirdly, Mr President, we continue to argue in favour of an increase in the budget for Chapter 4, foreign expenses. If we want to realise our ambitions and responsibilities, which are justified where Kosovo, the Middle East and so on are concerned, where the main issue is not just development cooperation but also conflict resolution, then it is obvious that more funds and flexibility are needed.

Mairead McGuinness (PPE-DE). – Mr President, I have two brief comments. I would like to thank the rapporteur for her work.

On development aid, I think it is important to point out that, while the process of finding the EUR 1 billion was fraught, it is positive that Europe is doing something in response to a problem. However, it is worth remembering that commodity prices have actually plummeted, as have energy prices, so this EUR 1 billion should do a great deal more than we had hoped for if it is properly spent. I think we need to have close scrutiny to ensure that this money goes to where it is intended and where the need is greatest, namely on the ground, producing food in places where that food can be produced.

My second comments also relate to the agricultural sector, but concern the future more than this particular budget. I have some concerns about comments made by the Commissioner on the so-called lack of valued added for spending on agriculture. I know we will have time to debate this in the future, but it must be a rigorous and vigorous debate. I believe that European farmers are best served by a common policy, not one where Member States can pick and choose, because citizens will lose out in terms of food quality and safety.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, the approval of the budget always involves a clash between our expectations and reality. The framework of the budget is not very flexible, and it is difficult to reallocate resources. Although this does reflect the stability of funding for specific activities, it also means that it is difficult to respond to a constantly changing reality.

The current budget does not, in view of the current situation, reflect the wishes of many MEPs, such as the need to counteract the growing economic crisis, or to fund new technologies which will be used to improve the environment and combat climate change. The budget does not meet the expectations of young people, schoolchildren or students, with regard to financial support for youth exchanges, access to education and study abroad.

Finally, I would like to say that successive budgets and financial perspectives have been more geared towards continuing previous budget plans and objectives, rather than responding to current and future challenges. That is why we need regular reviews of financial perspectives, as seven years is too long in terms of budgetary planning.

Reinhard Rack (PPE-DE). – (DE) Mr President, I should like to take up a point raised by my Austrian colleague, Mr Rübig, a little while ago. We are spending less than 1% of European Gross Domestic Product on Europe and, at the same time, requiring the EU to cope with more and more tasks for more and more Member States. This does not add up! In the light of this, it is really incredible that we have been on an economy drive for many years, one that has involved not only the economical use of our funds but also, basically, the Finance Ministers reclaiming money and channelling it into their national budgets at the end of the year.

There are enough new tasks we should be spending our money on. There are also tasks to which we have not really been allocating due budgetary funds for years. The expenditure on EU information policy ought to be significantly increased if we really wish to draw European citizens closer to Europe. There are a great many tasks in the field of student and trainee exchanges in which Europe could become involved.

Jutta Haug, rapporteur. – (DE) Mr President, I wish to thank all the Members who have participated in the discussion in this House, who have delivered speeches, even if, in several cases, the 2009 budget was just the occasion for the speech rather than the subject of it. Above all, I wish to thank the Members who have stayed with us from start to finish and joined in the discussion.

The European Economic Recovery Plan presented to us by the Commission has been raised in many speeches, and is preying on many people's minds. I can do no other than reiterate what I have said many times before: the European driving force for Member States' economies is EU cohesion policy. Really implementing this properly and honestly will enable us to get ahead, and will undoubtedly mean that the economy does not cause us such great problems over the next year. Of course, we would not get by on our EUR 116 billion in payments, but the whole of Parliament would be standing by to guarantee the relevant payments in supplementary and amending budgets.

What the Commissioner said is true, of course: a budget is always a compromise. The 2009 budget is no different from its predecessors in that respect. We have had to grant the Council these low payments, the Commission has had to grant us the EUR 700 million redeployment for regional development, and we have had to cut back our priorities. Nevertheless, we have managed to preserve a good many of these priorities: more payments for action to combat climate change, more payments for the social dimension in terms of the creation of more and better jobs, and more for support for SMEs. We have accomplished this, and for this I am grateful to all my fellow Members. Thank you very much!

(Applause)

Janusz Lewandowski, rapporteur. – (PL) Mr President, in the section of the budget for which I am responsible, the only thing that remains unclear is the future of the Lisbon Treaty, which alters the Parliament's competences and may have an impact on the budget. In view of the fact that the other problems have been resolved, I would like to support the previous speakers who have requested a review of the Financial Perspective. This

is something we already clearly needed in the second year of the current perspective if we want to be able to fund the European Union's international objectives and commitments.

It is also unfortunate that the conciliation procedure with the Council entailed negotiations involving millions of euros, at a time when billions had been promised in a nebulous crisis package. In view of this, the budget we will probably approve tomorrow will be more subject to change than it has ever been before.

President. – The debate is closed.

The speakers were so disciplined that we have finished in good time, and this is a good message for budget discipline in the future.

The vote will take place tomorrow, Thursday 18 December 2008.

Written statements (Rule 142)

Gábor Harangozó (PSE), in writing. – We ought to be concerned – in line with our rapporteur – about the negative effects on European citizens that will arise as a consequence of global recession. Our concern should be particularly focused on the most disadvantaged of our citizens, those who will, without any doubt, suffer the most from the effect of the financial turmoil. The Union ought to maximise its efforts in facilitating the access to available resources – within the ceilings of the agreed multiannual financial framework 2007-2013 – for beneficiaries on the ground and we should therefore particularly improve and simplify measures in order to accelerate the implementation of structural and cohesion funds. As a matter of fact, the low levels of payments in the implementation of Cohesion Policy do not reflect the needs on the ground when facing the challenges of the current economic crisis. Cohesion Policy is the greatest instrument of solidarity in the Union and its role in tackling the negative effects of a global crisis of this scale is essential.

(The sitting was suspended at 10.50 a.m. and resumed at 11.30 a.m.)

IN THE CHAIR: MR PÖTTERING

President

4. Fibromyalgia (written declaration): see Minutes

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Hannes Swoboda (PSE). – (DE) Mr President, yesterday, a large number of visitors who had made bookings were unable to enter this House. I should like to express my particular thanks to the House's services, who attempted to admit the visitors in the face of police opposition. The police did not allow this, however, as the visitors were wearing red jackets. I do not know who is afraid of red jackets. One of our fellow Members also had to remove his jacket in order to be let into the House.

I would ask that we complain to the police, telling them that it is forbidden to obstruct visits. I should like to reiterate that the House's services attempted to let visitors with bookings into the House, but the police prevented this, despite peaceful conduct on the part of the visitors. I ask that we inform the police that Parliament should not be shown such opposition.

President. – Many thanks, Mr Swoboda; we shall look into the matter. I thank you for your speech.

Monica Frassoni (Verts/ALE). – (IT) Mr President, thank you for giving me the floor. I would simply like to extend a very warm welcome to Mr Mohamed Abdelaziz, President of the Sahrawi Arab Democratic Republic and Secretary General of the Polisario Front, and the delegation accompanying him. They have returned to Parliament to remind us of the importance of safeguarding the rights and self-determination of their people.

Jens Holm, on behalf of the GUE/NGL Group. – (SV) Mr President, I am speaking on behalf of my group as a whole. We are opposed to the procedure that has now been proposed. Our rapporteur, Mr Wurtz, has already said in the meeting between group rapporteurs that this is wholly unacceptable. The vote on the climate package, one of the most important votes this year, should proceed in the same way as all of the other votes. It is undemocratic and appalling that we are not voting on each report separately. We have to be able to vote on each individual report and we have to have the right to table amendments that we then vote on.

Tear up this proposal and allow us to vote on each report separately and to vote on the amendments tabled. Thank you.

President. – Everyone is entitled to express his or her opinion in this House, and the majority decides.

Chris Davies (ALDE). – Mr President, at the end of the five-hour debate on the climate and energy package yesterday, the House was given a considered response on behalf of the Presidency by Minister Borloo and on behalf of the Commission by Commissioner Dimas and Commissioner Piebalgs. Despite the fact that 50 or 60 Members had taken part in the debate, they spoke to a House containing just four Members.

I believe that this shows a certain discourtesy both to the Commission and to the Presidency, and reduces the influence this House possesses. I would ask you to take up with party leaders the question of whether we should consider sanctions on Members who take part in debates but cannot be bothered to be here to hear the response from the Commission and Presidency.

(Applause)

President. – Mr Davies, I fully agree with you in substance, but do make sure, including by checking with your group, that Members' presence can be guaranteed.

Reinhard Rack (PPE-DE). – *(DE)* Mr President, I should like to make a request further to yesterday's debate with the French Presidency. There are group chairmen with important things to say in this important debate, which is only right and proper. Yet there are also group chairmen, always the same ones, who overrun by one or two minutes as a general rule.

Perhaps this time could simply be deducted from their group time, as it does not involve subsequently altering what was actually the correct allocation?

5. Voting time

President. – The next item is voting time.

(For results and other details of the vote: see Minutes)

5.1. Promotion of the use of energy from renewable sources (A6-0369/2008, Claude Turmes) (vote)

5.2. Greenhouse gas emission allowance trading system (A6-0406/2008, Avril Doyle) (vote)

– Before the vote:

Markus Pieper (PPE-DE). – *(DE)* Mr President, my justification is as follows. Unfortunately, no plenary debate, the result of which we could have taken to the trialogue, was held on ETS. Trialogue negotiations merely on the basis of the opinion of the Committee on the Environment, Public Health and Food Safety are not representative of Parliament. Now, we are supposed to endorse the amendments to the Commission's proposal; but what we are supposed to be deciding on today matches the Council paper one-to-one. There is not a single alteration by Parliament, even so much as a comma. What is the reason for this time pressure? After all, we are talking about a period from 2013 onwards.

With the ETS proposal in its current form, inconsistencies and ballooning costs will catch up with us. The subject of emissions trading is the most important industrial policy decision for years, if not decades, to come. We are not prepared to hand in our democratic right of codecision at the Parliament cloakroom. After all, what is it that many Members have successfully fought for in this House for almost 30 years? Have they fought to see climate policy left almost entirely to the Council through a simplified procedure? As an elected parliament, we wish to engage in democratic debate and to do so specifically in view of the consequences of our actions. Thank you very much.

(The motion was rejected)

5.3. Shared effort to reduce greenhouse gas emissions (A6-0411/2008, Satu Hassi) (vote)

5.4. Geological storage of carbon dioxide (A6-0414/2008, Chris Davies) (vote)

5.5. Monitoring and reduction of greenhouse gas emissions from fuels (road transport and inland waterway vessels) (A6-0496/2007, Dorette Corbey) (vote)

5.6. Emission performance standards for new passenger cars (A6-0419/2008, Guido Sacconi) (vote)

– *After the vote:*

Avril Doyle, *rapporteur*. – Mr President, as rapporteur, I had wanted to speak before my report, but I thank you for the opportunity to speak now, because it is important for all our sakes that a couple of things are put on the record.

There is probably one issue that would unite all of us in this Chamber here this morning, and that is that first-reading agreements do justice neither to respecting parliamentary procedure nor to the substance of the legislation, especially when the issue is very complex and technical.

(Applause)

First-reading agreements must, therefore, be rare and the exception, and only exceptional circumstances deserve such an exceptional response.

My second procedural point is that there is no legal provision for the involvement of Heads of State in the codecision process.

(Applause)

While aspects of the climate package were on the agenda at last week's summit meeting, and a requirement from that summit that any future revisions on amendments to aspects of EU ETS be available to be considered by future summits, at the subsequent trilogue on Saturday morning in Brussels, I added, with the full support of all the shadow rapporteurs, a new recital to my report – subsequent to the summit – which was then accepted by COREPER on Saturday afternoon. That recital emphasised the unique and transformative nature of EU ETS legislation, but stated that this consultation with Heads of State and Government must in no way be taken as a precedent for any other legislation.

It has been an epic legislative journey. I should like to thank Commissioner Dimas and his team, Minister Borloo and his team, with particular thanks to Ambassador L glise-Costa for his enormous body of work. I should like to thank the staff of the Committee on the Environment, Public Health and Food Safety – and allow me to single out Virpi K ykk  for her Trojan work – all our group staff, my personal assistant, Kavi, for her untiring work but, above all, my fellow shadow rapporteurs and their staff for a very good cooperative body of work.

(Applause)

Miroslav Ouzk , *spokesman of the Committee on the Environment, Public Health and Food Safety*. – (CS) I would like to take this opportunity at the end of nearly a year's work to add my thanks to all participants. I would especially like to thank the rapporteurs and shadow rapporteurs. I will not repeat what has been said by the rapporteur Avril Doyle. A truly exceptional situation requires exceptional measures and the French Presidency has made a truly exceptional effort towards achieving a compromise. I firmly believe that the fact that the climate package is disliked by both the more ambitious and the less ambitious proves that a compromise has truly been achieved.

President. – Thank you very much. Ladies and gentlemen, I hope I speak on behalf of everyone here when I say that the European Parliament has been extremely cooperative with the Council, and also when I state officially that the way in which we have reached a decision on this must be the exception rather than the rule, and that, in future, we must insist on a first reading here in principle, in order to make Parliament's position clear.

(Applause)

5.7. Organisation of working time (A6-0440/2008, Alejandro Cercas) (vote)

– After the vote:

Alejandro Cercas, rapporteur. – (ES) Very briefly, Mr President, I would first like to thank all my fellow Members and congratulate them on this triumph, which belongs to all the groups in this House. This is a victory for Parliament as a whole.

(Applause)

I must thank two million European doctors and a million medical students for the work they have done, and I must also thank the European Trade Union Confederation and all the national trade unions, who have worked so hard.

Mr President, it is important to remind the Council that this is not a setback, but rather an opportunity to rectify a wrong decision. It should see it as an opportunity to bring our agenda closer to that of the citizens. We must ask the Commission to don its referee's outfit and take off the Council shirt that it has been wearing these last three years. Once it has its referee's shirt on, let us go to conciliation, so that reconciling work and family life can become a reality, together with the social Europe.

(Loud applause)

Jan Andersson (PSE). – (SV) I would like to say a sincere thank you to Alejandro and everyone else who has worked on this issue. I do not see the Council here today. We have tried to get negotiations with the Council under way, but they have been unwilling to come to the negotiating table. Now we see a large majority here in Parliament. Let us now come to the table so that we can produce a good Working Time Directive. Now we will know the opinion of Parliament with a large majority.

5.8. Cross-border enforcement in the field of road safety (A6-0371/2008, Inés Ayala Sender) (vote)

6. Welcome

President. – Ladies and gentlemen, I would ask that you also participate in the formal ceremony in a minute, as is right and proper in view of our guests, the Sakharov Prize laureates. Before suspending the sitting for a couple of minutes until the arrival of our guests, I wish to welcome a delegation from the Syrian Parliament, led by Mr Suleiman Haddad, Chairman of the Foreign Affairs Committee of the Syrian People's Assembly, which is here as part of our 10th EP/Syria Interparliamentary Meeting. I wish our Syrian guests a very warm welcome!

I must say that this visit takes place under favourable circumstances. The Syria-EU Association Agreement was recently initialled and is to be submitted to the European Parliament for approval as soon as possible.

The European Parliament is convinced that Syria can play a positive role in the Middle East, and particularly in the Mediterranean Union. I wish the delegation a pleasant stay in Strasbourg and a fruitful exchange of views, which can do nothing but good for our relations. Once again, I wish you a very warm welcome.

I hereby suspend the sitting for a few minutes, and we shall reconvene in a moment for the formal sitting.

(The sitting was suspended at 12.05 p.m. and resumed at 12.15 p.m.)

7. Award of the Sakharov Prize - 20th Anniversary (Formal sitting)

President. – Ladies and gentlemen, the formal sitting is open.

Ladies and Gentlemen, please welcome the following Sakharov Prize laureates:

1990: Aung San Suu Kyi, represented by Zoya Phan

1991: Adem Demaçi

1992: Las Madres de la Plaza de Mayo, represented by Hebe Pastor de Bonafini

1993: Oslobodenje, represented by Lidija Korać

1994: Taslima Nasreen

1995: Leyla Zana

1996: Wei Jingsheng

2000: ¡BASTA YA!, represented by José María Alemán Amundarain

2001: Dom Zacarias Kamwenho

2002: Oswaldo José Payá Sardiñas, represented by Adam Mascaró Payá

2004: The Belarusian Association of Journalists, represented by Zhanna Litvina

2005: Ladies in White, represented by Blanca Reyes, also

Hauwa Ibrahim, and also

Reporters Without Borders, represented by Jean-François Julliard

2006: Aliaksandr Milinkevich

2007: Salih Mahmoud Mohamed Osman.

Please welcome, representing the late Dr Andrei Sakharov, Elena Bonner.

(Sustained applause)

President. – Ms Bonner, laureates of the European Parliament's Sakharov Prize for Freedom of Thought, Commissioner Ferrero-Waldner, ladies and gentlemen – may I say today, 'dear friends'! Today is no ordinary day for the European Parliament: it is a day when we call to mind a fundamental concern of the European Union: the work towards peace, progress and human rights exemplified by the Sakharov Prize laureates. In the words of Andrei Sakharov, 'it is impossible to achieve one of these goals [peace, progress and human rights] if the other two are ignored'.

We have gathered here today, 20 years after the Sakharov Prize was first awarded and a few days after the 60th anniversary of the Universal Declaration of Human Rights, to honour a number of men and women of particular courage – human rights campaigners, lawyers, journalists, religious leaders, organisations – who fight for human rights with courage, commitment and passion. We also pay tribute to the women, mothers and families fighting for the rights of loved ones.

I should like to extend a particular welcome to all the Sakharov Prize laureates from previous years who have graced us with their presence today. We look forward to working together with you all even more closely within the framework of the Sakharov Network, which we signed and adopted yesterday. There are some laureates who would have liked to be with us today but, to my great regret, are unable to do so owing to the dictatorial regimes in their countries. Aung San Suu Kyi is still ...

(Applause)

... under house arrest in Burma/Myanmar. Oswaldo Payá and the representatives of the Ladies in White, Laura Pollán and Berta Soler, were prohibited from leaving their country by the Cuban authorities even though all the necessary procedures were set in motion more than two months ago. This prohibition is a clear demonstration of the circumstances under which the democratic forces in Cuba are forced to work. I should like to say in this regard that this corresponds to neither the spirit of the political dialogue recently resumed nor the cooperation between Cuba and the European Union.

(Applause)

Andrei Sakharov did the European Parliament a particular honour when, more than 20 years ago, he acknowledged this House for its decision to name this prize after him and gave his assent. Andrei Sakharov

was right in seeing this prize as an encouragement to all those who have committed themselves to the cause of human rights worldwide.

I also wish now to welcome Elena Bonner's daughter Tatiana most warmly to this House: we are happy to have you here, Tatiana!

In 1988, when the prize was awarded for the first time, the laureate Nelson Mandela was in prison. The same year, an empty chair was set out here for Andrei Sakharov, just as an empty chair has been set out for Hu Jia today. Now, as then, we pay tribute to these people for their heroic commitment despite their enforced absence. Now, as then, authoritarian regimes abuse their power and attempt to silence those seeking to exercise their fundamental right of freedom of thought and expression. Now, as then, the oppressors fail in their attempts to silence these courageous voices.

Today, we shall be hearing from two extremely courageous women, both of whom are wives and mothers, who have devoted their lives to freedom in their country and thus carry the hopes of millions of people in their home country and worldwide.

Ms Bonner, your work for the freedom of your husband Andrei Sakharov and of your country contributed to the historic changes in Europe that were the precondition for endeavours to reunite our continent. I shall never forget how you received me in your Moscow flat after my visit to your husband's grave in February 1990; it was a moving experience. It is wonderful to see you here in the European Parliament today.

We know the efforts you have gone to in order to be with us today. I am sure you are aware how much my fellow Members appreciate your presence. Once again, we also welcome your daughter Tatiana, who has done a great deal to help you and us to carry on the deeply humane and dignified legacy of your husband. I should like to invite you to speak to us after the next part of this award ceremony.

Ladies and gentlemen, courage and self-sacrifice have always been decisive for the development of human rights over the centuries. The decision by Hu Jia to address a few words to the participants in a meeting of our Subcommittee on Human Rights was an example of this great courage. The message he will be conveying to us today via his wife Zeng Jinyan is a similarly selfless act. Today's cyber-dissidents – of whom Zeng Jinyan is one – can be likened to the Soviet dissidents who, in their time, communicated and gained a hearing for their ideas via samizdat literature.

The laureate of the 2008 Sakharov Prize, Hu Jia, was nominated as the representative of the silenced voices in China and Tibet, but today we shall hear one of those voices. I am sure that, one day, we shall also be able to hear the voice of Hu Jia himself in the Hemicycle of the European Parliament.

(Applause)

I should now like to request that the message received a couple of days ago from Hu Jia's wife, Zeng Jinyan, be played.

Zeng Jinyan, wife of Hu Jia. – Dear friends, I am Hu Jia's wife, Zeng Jinyan. Hu Jia is currently in prison and so is unable to come to the ceremony to receive his Sakharov Prize.

I do not have a passport so I cannot come to Europe either to attend the ceremony for the Sakharov Prize's 20th anniversary. We are deeply sorry about this.

The good news is that Hu Jia was transferred on 10 October 2008 from Chaobai prison in Tianjin to the Beijing municipal prison, and that the conditions in which he is being held have improved. As for his health, he is looking a little better. He seems to be in slightly better shape than he was in Chaobai prison.

However, he had two blood tests in the space of a month and we do not know what the results were. Although we asked for them, the results of the tests have not been given to the family. This behaviour worries us. It makes us fear that his cirrhosis has got worse.

I visited Hu Jia in the Beijing municipal prison on 21 November 2008. Before our meeting, we were both warned separately by the prison authorities that we were forbidden to talk about the fact that he had been awarded the Sakharov Prize.

So, during my visit, neither of us was able to talk about the prize. We were not able to discuss it by letter either, as all our correspondence is inspected. Even if all we do is express a view about social phenomena or if Hu Jia talks about the prison, when the prison authorities are not happy with it, our letters are confiscated

or Hu Jia's letters are returned to him. We very much hope to be able to communicate more normally, but for the time being, it is very hard.

At the end of October 2008 or beginning of November, I am not exactly sure which, State Security police officers told Hu Jia he had won the Sakharov Prize.

And when I saw him on 21 November, I could sense that he was very happy about it. I know that Hu Jia spoke to his mother and to the policemen about it. These are more or less his words:

'Perhaps the European Parliament was thinking of the work I did in the areas of AIDS and the environment, because what I did in terms of human rights was very far from sufficient and I will need to redouble my efforts.'

He also said this Sakharov Prize was very important for China and he was confident that the future would prove him right. Obviously, from my personal viewpoint, I hope he comes home as soon as possible. Hu Jia said one day that he hoped to be China's last prisoner of conscience but the reality is very different. Since the day of his trial, on 3 April, there have been others such as Huang Qi, Zeng Honglin and Chen Daojun who have been arrested by the authorities because they expressed their views publicly. And some of them have been tried and given prison sentences.

This shows that the situation of freedom of opinion is still absolutely appalling and that there is no reason for optimism.

Even in these circumstances, however, there are now a great many exceptional people and people of goodwill in Chinese society who are going to great lengths to find ways to make the real situation in China known, and to express deeply-felt views, and the internet is providing them with a very interesting platform. But unfortunately, there is sometimes a very high price to be paid for this.

If the truth be told, sometimes one's courage is not enough. Sometimes the price to be paid is very, very high. There have been cases in which, after human rights activists, writers and others have used their freedom of thought, their relatives have also been harassed by the police, have lost their jobs or have been put under house arrest. And more serious still, some have even been tried and convicted.

Hu Jia had himself been illegally kidnapped several times by the police since 2004, without any form of legal procedure. He was constantly followed and, in the end, he was given a prison sentence. And I, who am his wife, I am often harassed by the police.

Others are in the same situation, such as Chen Guangchen and his wife, Guo Feixiong and his wife, and even their child, who has been denied his right to education. Thanks to many appeals from different quarters, Guo Feixiong's children were later able to go back to school although in circumstances that are not very satisfactory.

For all these reasons, I would like to respect the desire that Hu Jia has expressed on many occasions. He has often said he would like to set up a support network to help the families of human rights activists. To provide moral support for the families, to ease their mental and life pressure to which they are subjected. So that they can be strong enough to face the pressure of the authorities in a more active and optimistic manner, and to discourage cruel revenge-taking on families.

I cannot at the moment do very much but I would like to use the EUR 50 000 of Hu Jia's Sakharov Prize as start-up money, to establish a foundation to support the families of human rights activists and to finally realise what Hu Jia had always wanted.

Why is the human rights work done by Hu Jia so difficult?

I think this is mainly because China's legal system is not satisfactory. There are laws, there are all sorts of articles and regulations, some are well written, but they are not applied.

In reality, the situation of the rule of law is disastrous. The judicial system has no independence. Until 2004, Hu Jia devoted most of his activity to the problems of AIDS and the environment. He spent a lot of the time in the field, on campaigns, where people needed him to take concrete action.

Then, from 2004 onwards, the police regularly denied him his freedom of movement and he had no other choice but to participate in human rights movements from his home, writing articles and publishing reports from the field.

I think that during all these years, the most important and most interesting thing he did was to have constantly persisted in saying the truth. He never stopped writing about the phenomena he observed. He never stopped describing, one by one, all the realities that the Chinese media cannot say. He never stopped publishing all this on websites so that the public could learn about the reality of China and understand it.

In my view, this has been his greatest contribution.

If you look at China now, you see everyone talking, but lying is very widespread. Nonetheless, there are people who continue their quest for the truth. Because the school textbooks our children study, our newspapers and broadcast media, our libraries and all these documents and files, they all resemble what you find in the novel *Nineteen Eighty-Four*. They are written in another language to describe a fictitious reality.

What is the real situation, the real China? We do not know.

That is why there is a group of thinking people, like Hu Jia, in China who have never abandoned their quest for the truth. But Hu Jia has paid a very heavy price.

Our child is now just one year old. This is a key period in her life but Hu Jia is not able to be at her side. It is very difficult for me to talk about this, but I think...

And then Hu Jia has also always been very optimistic. He said he thought China was experiencing the most open period of its history, that you had to seize the opportunity to more effectively promote a fairer, freer and more democratic society in China.

We can indeed see this in our daily life, although the Government still has very tight control over the media and over freedom of association, and perhaps even tighter control with the use of new technology. On the other hand, however, civil society also uses the new technology and the platform that the internet provides to actively promote a fairer judicial system and a more just society, and to investigate and expose the real China.

And to carry out citizen education, to educate citizens about human rights. It is a real hope: whether the Government wants it or not, and whether leading figures inside or outside China recognise it or not, China is moving at great speed towards an open and democratic society.

I would finally like to say that, whatever happens, we must maintain an active and optimistic attitude and pursue our efforts to promote the rule of law in China, to promote democracy and freedom in China.

We are full of hope of soon being able to hail the arrival of an open China. We are full of energy for China to become a country at peace.

I would like to thank our European Parliament friends from the bottom of my heart. The European Parliament has, from the outset, taken an interest in Hu Jia's case and has deployed considerable efforts on behalf of freedom for Hu Jia and other Chinese human rights activists, efforts that demand respect.

It has also never stopped drawing attention to the need for freedom to become a reality for the people of China. Thank you; thank you very much.

I would also like to take this opportunity to thank all those friends whom I have never seen. If you had not supported us for so long, if you had not taken an interest in our fate, if you had not constantly encouraged us, I think we would never have found the courage to confront such a difficult social reality.

It helps us to keep hope and to continue our efforts.

I thank you. Thank you for all the efforts you have undertaken for Hu Jia, for me and for our family. Thank you for your efforts on behalf of human rights activists and your contribution to the progress of Chinese society.

Thank you.

(The House accorded the speaker a standing ovation.)

President. – Ladies and gentlemen, the moving message from Zeng Jinyan, who delivered it on behalf of her husband, Hu Jia, prompted a standing ovation. Let us allow the moving discussion Zeng Jinyan has just had with us to sink in deeply.

Before I invite Elena Bonner to speak, I should like to state the following on behalf of the European Parliament. We in Parliament desire good relations with China and attach the highest priority to these relations. China is a large nation. Europe needs China, and China needs Europe. We express our views on human rights as friends of the Chinese people and are well aware of how much we can do together for peace and for progress in the world. Human rights must never be regarded as a threat to any nation, but rather as individual, collective and universal rights of each people; indeed, of all peoples.

Ms Bonner, may I now invite you to take the floor.

(Applause)

Elena Bonner, widow of Dr Andrei Sakharov (*transcription based on the French interpretation*) – (FR) Mr President, thank you for giving me the floor. It is very difficult for me to take the floor and to speak after hearing the words of this wonderful young woman. There are many threats to her life and to her future, and I think, we think, all of us gathered in this Chamber for the awarding of the Sakharov Prize by the European Parliament, that you have done everything in your power and everything you could have to defend at least Hu Jia, her husband, but also her child, against everything that hangs over them.

We are aware of how big China is and of all the power it now wields. As a matter of principle, however, we should never make concessions when human rights are in danger. We should never make the slightest concession or give in no matter what, whether facing crises such as the financial crisis and the economic crisis that we have been through recently, since that forms the same foundation for our future and our civilisation, as the defence of human rights and therefore of humanity as a whole.

It is the same foundation for our future and, I must be honest, despite the feelings of friendship we may feel, despite the closeness that I feel towards all the people here, the European Parliament's position, the position of the Parliamentary Assembly of the Council of Europe and the positions of principle adopted by these assemblies, I must say that this prize, the Sakharov Prize, and comments such as those that have been made, are a kind of recurrent leitmotiv, but it also calls for other, pragmatic decisions.

It is essential that the principles mentioned form the basis of any activity, whether economic or otherwise. Any economic decision, for example, or even decisions on the use of natural resources, must be based on principles. Without these principles, society cannot prevail. That is a primary article, a primary declaration of faith by Andrei Sakharov, who proclaimed that you must do what your conscience tells you and take action accordingly.

I would now like to turn to a different subject. Today, we are celebrating an anniversary: the 20th anniversary of this prize. In some countries, people become an adult at 18 years of age, while in others, you become an adult at 21, and when people celebrate this birthday, they are generally given presents. As for me, I have a gift for you, which I wrapped myself. In fact, it is something from Russia. I wanted to make sure that it can be returned in the form of a small present.

It is a kind of papyrus that I am unrolling in front of you. It is also a little like the scroll on which the text of the Torah is written. You can see that there is a list on it, with 97 entries. It is, in fact, a list of all the honours awarded to the Sakharov Prize winners and I think that, when you want to explain to children who Andrei Sakharov was, well, you can show them this scroll with all the information that appears on it, and what it represents through the prize winners who have been honoured with the recognition of the prize that bears his name.

(Applause)

President. – You have our heartfelt thanks for your message, Ms Bonner, which you delivered so wonderfully. Ladies and gentlemen, before I close this sitting – and we are pleased to see not only Commissioner Ferrero-Waldner but also Commissioner Figel' here – I would ask you to rise as a token of our solidarity with all the absent laureates who are still having to fight for their rights and have been deprived of their freedom as a result. Let us show our support not with a minute's silence, but with a minute's applause for peace, progress and human rights, the legacy left to us all by Andrei Sakharov.

(The Members rose and gave a standing ovation as a token of their solidarity)

I am much obliged to all my fellow Members.

That concludes this item.

(The sitting was suspended for a few moments)

IN THE CHAIR: MR DOS SANTOS

Vice-President

8. Explanations of vote

Oral explanations of vote:

- Report: Claude Turmes (A6-0369/2008)

Mairead McGuinness (PPE-DE). - Mr President, my apologies, I did not hear you. I think the last award was so moving that we are still a little in awe of what has happened.

I welcome the Turmes report. Renewable energy is, of course, central to efforts to reduce our dependency on fossil fuels, but sometimes, as we have discovered, solutions can lead to other problems, and that has certainly been the case in relation to the debate about food versus fuel production. We need to look for strict sustainability criteria, and in this context we need to look, in particular, at the production of wood and timber, which is a very much renewable source.

I would like us to look in the widest possible context at an effective land-use policy. It is very important, here in the European Union, that we marry agriculture and energy with concerns about climate change, but also we need to do this, equally, at global level. Nevertheless, I very much welcome and support this report.

Jim Allister (NI). - Mr President, I am not one to be carried away by much of the hysteria over energy and climate change, but pursuing renewable energy has to be eminently sensible. However, it must be economically sustainable. On that basis, I am far from convinced about the rush to wind energy through unachievable targets. But my primary observation on this report is to support the move away from agro-fuel and the focus of biomass on waste streams, not food. Turning agricultural, domestic and industrial waste into energy has always seemed to me to be the most sensible of all the renewable options. Thus, development of the third generation of energy from biomass and biogas has my full support.

Zuzana Roithová (PPE-DE). - (CS) The climate package is a realistic compromise which accords both with my vision of sustainable management for the resources of this planet and with my support for European industrial competitiveness and employment. It is another gradual step forwards, definitely not backwards. It is not revolutionary but, in spite of that, it sets an example for the rest of the world. It is through this report that the Europe of today, despite the incipient economic crisis, votes again to take responsibility for what sort of Earth we will bestow to future generations. I agree that it is necessary to move away from badly conceived agro-fuels to policies of sustainable energy use from biogas and biomass and that it is necessary to motivate conservation technology innovation so that it can be as efficient as possible as well as of the highest possible quality. Biomass sources should mainly comprise effluents, organic waste from households and industry and residues from agriculture, fishing and forestry. We should make use of degraded soil as well as new non-food and non-animal food raw materials such as algae.

- Reports: Avril Doyle (A6-0406/2008), Satu Hassi (A6-0411/2008), Chris Davies (A6-0414/2008), Dorette Corbey (A6-0496/2008)

Oldřich Vlasák (PPE-DE). - (CS) I would like to explain why I have supported the legislative proposal within the framework of the climate package, i.e. the reports of Doyle, Davies, Hassi and Corbey. These proposals have been the subject of very lengthy discussions, negotiations between the Council, represented by the French Presidency, and the European Parliament, represented by the rapporteurs and shadow rapporteurs from most of the political groups. The original proposal, for example, was wholly destructive to both the Czech and the European chemical industries. An agreement was reached last weekend thanks to concessions both from Member States and MEPs. Clear criteria were established for the various sectors of industry and for a gradual introduction of the various measures. In this way, it was possible to reach a compromise which retains the original ambitious goals for protecting the environment while setting out conditions which will not restrict the activities of industry and which are not hostile to industry.

- Report: Avril Doyle (A6-0406/2008)

Gyula Hegyi (PSE). – (HU) The reason I voted for the compromise version of the Doyle report is that it incorporates important amending letters into the directive. I was the one who submitted the amending letter that would give district heating a free allowance, exempting it from climate tax. This is an important result, since it is, first and foremost, lower income families who use district heating, a system which is also more environmentally friendly than an individual boiler. I am also pleased that the production of heat and cooling by cogeneration plants has also been given a free allowance. This move also indicates an environmentally friendly way of thinking. There are many other forms of activity that are likewise exempt from the payment of climate tax that ought not to be. For my part, I would have been pleased to see a greener directive, but this compromise is better than nothing.

Mairead McGuinness (PPE-DE). – Mr President, I also support and welcome very much this report, which refines the ETS system – and, yes, it does address the concerns about carbon leakage, particularly if there is no agreement in 2009 at a global level.

Again, I want to mention the issue of forestry in this whole climate change era. We need a very strong voice at European level so that global deforestation is tackled. I welcome the fact that funds will be targeted at this, because at the moment, it is not being addressed: we are all concerned about it, but there is no coordinated action to address the issue. I have been to Brazil; I know what is happening there and in other countries, and if we do not address this, all our efforts here at EU level will be in vain.

Leopold Józef Rutowicz (UEN). – (PL) Mr President, the document on the system for trading greenhouse gas emissions provides support for the necessary technical measures which, ultimately, aim to reduce greenhouse gas emissions.

The proposed trading system might encourage speculation, which could have a negative impact on resources earmarked for technical activities. For example, in Poland, a cheap energy-saving light bulb used to cost around 5 zlotys. Following a campaign to save energy and encourage people to buy these bulbs, the price has now risen to over 10 zlotys. That is why the trading system needs to be drawn up and supervised in greater detail. I do not support the Directive in its present form.

Zuzana Roithová (PPE-DE). – (CS) I support the gradual elimination of cost-free permits to emit greenhouse gases for a broad spectrum of industries. I am sorry that the Council has objected to the transfer of revenues from their sale to pay for heating for homes. I appreciate that the French Presidency has managed to bring about an agreement between the old and the new Member States and has made concessions in the reference year or up to 2007. I gladly supported a compromise which enables the aims of the Kyoto Protocol to be achieved, while taking account of the economic situation. I would like it to go on record that I request a correction of the vote on the final legislative resolution since, although I voted for the resolution, the monitoring light incorrectly shone red.

Bogdan Pęk (UEN). – (PL) Mr President, I voted against this Directive, as I believe that it is one of the greatest frauds in the history of mankind. It is a ridiculous decision, based on completely falsified data, with no rational scientific basis, and which will cost at least a billion dollars in the European Union alone.

This money, rather than being spent in a stupid, even idiotic manner, could be used as part of the real fight to achieve a clean, decent environment and clean, dust-free air, as well as getting rid of poisonous gases and ensuring clean water supplies, something that Europe lacks and which will become increasingly scarce in the future. A billion dollars spent on the aforementioned project will only reduce the temperature by 0.12 degrees, which will not have the slightest effect on climate change. It is an utterly ridiculous scheme, of which Parliament should be ashamed.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, the emissions trading system will play a key role in reducing carbon dioxide emissions. It remains a particularly controversial subject in the new Member States, including Poland, which believe that the basis used to calculate the achieved result is incorrect. In fact, it is not just the 20% indicator that matters, but the reference year used to interpret it. In the package, this year is set at 2005, but the countries who oppose this choice argue that that correct reference year would be 1990.

Carbon dioxide emissions have already been considerably reduced in these countries following the economic changes they have implemented. The measures taken during this period involved significant effort and high economic cost. Thus, the proposed package of solutions is still considered as lacking objectivity, and that it

fails to take into account the cuts that have been made up to this point and the economic potential of individual countries, while promoting certain of the old EU Member States.

Daniel Caspary (PPE-DE). – (DE) Mr President, ladies and gentlemen, I wish to give the following explanation of vote on behalf of the *Land* group of Christian Democratic Union of Germany (CDU) MEPs from Baden-Württemberg, Germany. We fully support the efforts to reduce significantly the contribution to climate change that is most probably made by human beings. Nevertheless, we did not support the compromise on the EU Emissions Trading Scheme negotiated between the Heads of State or Government at the weekend.

Legislating in a great hurry – for that is exactly the point – is unacceptable and undemocratic, and the extremely fast legislative procedure and the fact that the Council documents were presented only a few days ago meant that, in our opinion, a professional examination and a study of the documents, and thus proper legislation, was impossible.

This is all the more unacceptable considering that this legislation imposes a particularly high financial burden on the European public. According to several studies, the climate action and renewable energy package costs the European economy and the European public approximately EUR 70 to 100 billion, and there is the threat of whole industries moving to other parts of the world through carbon leakage. We could not approve a package of this scope in a fast-tracked procedure. Legislative proposals as important as this must evolve in the course of a well-ordered procedure with several readings.

- Report: Satu Hassi (A6-0411/2008)

Péter Olajos (PPE-DE). – (HU) I voted in support of the climate package, although it is difficult to see it as being completely positive. Undoubtedly, this legislation is forward-looking, fills a gap and is unparalleled anywhere in the world. At the same time, the objectives set out in it do not reflect the goals that our scientists have set out in order to put a halt to climate change, which is the greatest challenge facing humanity. Europe's task is to construct a social and economic model that produces low carbon dioxide emissions, as Europe is among those with the greatest potential to develop the necessary technologies. However, this requires money and binding legislation. With this decision, the bulk of the money goes outside the European Union in the form of CDMs, while our legislation contains too many exceptions, too many flexibility mechanisms and too little compulsion. All in all, it can be said that given our awareness of our responsibility and our understanding of the magnitude of the tasks before us, we are moving in the right direction, but not at a sufficient pace, and so my vote was in acknowledgment of us moving in the right direction and not of the speed of our progress towards our goal.

Gyula Hegyi (PSE). – (HU) The basic problem with this legislation is that certain Central and Eastern European states already significantly reduced their greenhouse gas emissions at the end of the 1980s. Certain Western European countries, however, have, to a large extent, increased these emissions even in the early 2000s. This is why we have asked for decent treatment and the recognition of our earlier efforts. We did get something, but it should be realised that the European Union's climate balance would be far worse without the efforts of the new Member States. It would be important, therefore, for the old Member States to take part in the allowance trading scheme. First of all, they should transfer part of their industry to the EU's less developed countries or buy up allowances from them. We accepted the compromise in the interests of climate protection and in order to adopt a common European approach. At the same time, I understand the concerns of environmentalists and hope that later on, we will be able to tighten up the legislation.

Mairead McGuinness (PPE-DE). – Mr President, as we know, only half of the CO₂ emissions are covered by the ETS. I supported this particular report because other sectors need to get involved and share the efforts. I want to focus in particular, though, on agriculture, which has several problems, but I think we need to remember that agriculture is about food production and we need to take that into account in what we are asking this sector to do.

I also think that farmers need to be brought into the information process because system changes are being required of them and they are not being properly briefed or led on this issue. We need greater research – and it is going on in Member States – into how to reduce emissions from agriculture with the cooperation of farmers. I would, however, just give a warning that whatever we do in the European Union, it should not lead to a reduction in our food production, because that space will be filled by imports, over whose emissions we have little control.

Syed Kamall (PPE-DE). - Mr President, I think all of us in this House agree on the need to reduce harmful gases, whether you believe in the concept of global warming and the threat to the Earth or whether you just want to reduce pollution.

However, let us remember that 12 times a year, we move this House from Brussels to Strasbourg, not to mention the extra buildings we have in Luxembourg. Not only does that cost the taxpayers of Europe EUR 200 million a year, but it also emits 192 000 tonnes of CO₂ – equivalent to 49 000 hot-air balloons. It really is time for the European Parliament to stop emitting all its hot air in these debates and to take the lead by ending the farce of Brussels, Strasbourg and Luxembourg. It is time to end the hypocrisy.

- Report: Chris Davies (A6-0414/2008)

Mairead McGuinness (PPE-DE). - Mr President, I support this report, although it is the one where we perhaps have some concern because it is not actually a solution. It is a temporary measure, although there is no other option than development of storage of CO₂ because we are going to be producing CO₂ into the future.

What will happen beyond that depends on how much we invest in further research in this area. I know there is a view that, with the economic downturn, investments in the whole energy issue and climate change will actually yield dividends, results and jobs. I think it is in this particular area that we need to focus. So, while it is not an absolutely green solution, it is certainly part of the solution.

Leopold Józef Rutowicz (UEN). – (PL) Mr President, from a technical point of view, the geological storage and capture of carbon dioxide certainly presents a very interesting challenge.

However, technical success will have to be achieved at a high cost and by using a large amount of energy. At the moment, while companies are experiencing great difficulties as a result of the economic crisis, it seems that all our resources should be focused on saving energy and the modernisation and construction of clean power stations which, instead of storing carbon, will dramatically reduce CO₂ emissions without incurring additional costs. This kind of technology has already been tried and tested in Europe. In view of the current situation, I do not support expenditure on the geological storage of carbon.

- Report: Dorette Corbey (A6-0496/2007)

Mairead McGuinness (PPE-DE). - Mr President, I shall be brief and I shall take this opportunity to say that the reason I am making an explanation of vote on these reports is that there were many of us in the Chamber who were denied the opportunity of speaking on the climate change/energy package. Our only opportunity to be heard in this House was to remain here and make an explanation of vote, so I beg your indulgence on that basis.

To stick within my time on this particular issue: we know that we have to reduce the emissions from the road transport sector. I think a great deal has already been done, because public awareness of this issue is growing. Incentives to encourage more efficient use of fuel and less emissions from road transport include the 'disincentive' of higher taxation on cars with higher emissions and less efficiency. These measures are already in place in some Member States. That is, perhaps, the route to success.

Leopold Józef Rutowicz (UEN). – (PL) Mr President, Mrs Corbey's report on the introduction of a mechanism to monitor and reduce greenhouse gas emissions is important in developing a policy for reducing the greenhouse effect. These gases cause most harm in large urban areas, where 80% of the population live.

One solution would be to switch to clean forms of transport, namely electrical, hydrogen-powered or hybrid vehicles. The automobile sector, which is currently going through a difficult period, should receive support to start mass production of these kinds of vehicles. Such a solution would drastically reduce carbon emissions.

- Report: Guido Sacconi (A6-0419/2008)

Mairead McGuinness (PPE-DE). - Mr President, we know that road transport accounts for 12% of CO₂ emissions, so obviously I support this particular report, which deals very clearly with the issue.

I want to repeat my point and stress that, while overall, we have supported this energy and climate change package, I think its adoption in a single reading should be regarded as a one-off.

There is a lot of detail here which would have benefited from greater discussion, in committee, in the groups and in this House. I certainly would have preferred that option.

However, I understand that time is of the essence and that we needed to have the European Union's position cast in stone for 2009. However, let us agree that, procedurally, it was not the best one to follow but that, from a practical point of view, we had little choice. Let us hope it works.

Zuzana Roithová (PPE-DE). – (CS) I have supported the regulation on vehicle CO₂ emissions in the version which has resulted from the complex dialogue negotiations. Through improvements in production technology for engines and also by using more environmentally-friendly tyres, lights and designs, a gradual reduction in emissions will be achieved from today's level of 160 g to 130 g of CO₂ per kilometre. The regulation allows minor variations for small vehicle producers within the framework of the set aims. At the same time, Parliament is insisting on a rigorous application of fines for violations of the commonly agreed rules. I would like to say that I agree with Mrs Kamall. It is a pity that Member States are refusing to bring to a permanent end the superfluous and therefore environmentally-unfriendly migrations of the European Parliament twelve times a year from Brussels to Strasbourg.

Albert Deß (PPE-DE). – (DE) Mr President, I too support the production of cars that run on less and less fuel. I also support the stipulation of consumption limits – but these must be realistic limits. I abstained from voting on this report as I do not think it is right to lay down fines of up to EUR 475 per tonne of CO₂ for exceeding these low limit values.

There are many possibilities for saving CO₂ at significantly lower cost. This is a case of unilateral discrimination against high-quality cars in particular, which are manufactured in my home *Land* of Bavaria. CO₂ can be saved at significantly lower cost by insulating buildings. I have fitted my house with full thermal insulation, thus saving 7 000 litres of fuel oil per year – it is not possible to make such savings on my car. We should be taking the right course, therefore, and that is why I abstained.

- Recommendation for second reading: Alejandro Cercas (A6-0440/2008)

Hubert Pirker (PPE-DE). – (DE) Mr President, I find it particularly regrettable that, despite broad support by Members, my own-initiative motion on keeping Sunday as the non-working day has not been included in the vote in this House. Europe is based on Christian values: the protection of the family is of particular concern to us, and Sunday is the special day for practising these values. This Directive would have been exactly the right place to give Sunday a real footing as the non-working day throughout Europe, and that is why I find this regrettable.

Secondly, I wish to say that I rejected the Council's positions on the Working Time Directive as working hours would have been extended and on-call time discounted as working time, and also the European rules would have been undermined by a whole host of opt-outs. I am pleased that Parliament has managed to secure negotiations with the Council.

Kristian Vigenin (PSE). – (BG) I would like to express my satisfaction that the European Parliament is voting to drop the opt-out clause, which allows Member States to derogate from the 48 hour working week rule at their own discretion.

The opt-out clause is detrimental to workers and employees, opening the door to unfair treatment, exploitation and harm to people's health. We are members of one union and the rules need to apply equally to everyone. We cannot boost our competitiveness at the expense of the health and lives of workers. Parliament should send the Council a very clear signal telling it what Europe's citizens want.

I did, however, also support the Council's proposals on active and inactive on-call time. The specific situations differ from one country to another. This means that the implementation of the provisions adopted today by the European Parliament would cause my country significant difficulties, also affecting medical workers. It could go on from there to cause problems in whole sectors. This is why I hope that the Conciliation Committee will reach sensible compromises.

I would like to end by calling on European governments, especially those from Central and Eastern European countries, to tighten controls over compliance with labour legislation. After all, it is no secret that even nowadays, hundreds of thousands of Europeans are working in abject conditions and for far longer than specified in the statutory working time regulations.

Aurelio Juri (PSE). - (SL) Thank you for the floor. Not many of you in the House know me, as I only became a member in November and today is the first time that I have addressed the House. I asked for the floor in order to greet you and to say that I look forward to our working together but, above all, to salute the achievement we have accomplished today with the vote on rapporteur Mr Cercas's report.

We have defended the dignity of the working person, we have defended a socially-committed Europe and a Europe of solidarity. Let us adapt work to man, not man to work, as the trade unions say. As far as working hours are concerned, we have been successful today.

Thank you, therefore, to rapporteur Cercas and all of you for voting as you did, and thank you also on behalf of Slovenian workers. Thank you.

Simon Busuttil (PPE-DE). - (MT) I voted in favour of keeping the opt-out and I am obviously not happy or satisfied with the result of today's vote. I have to say that I cannot accept the accusation that those who are in favour of retaining the opt-out are discriminating against workers, or that it reflects an anti-social agenda. What am I saying here? Why is one considered to be against workers when believing in the workers' right to decide on how many hours they want to work? How can one be against workers when you simply want to see those who wish to work more in order to earn more be allowed to do so? There are those who need to make more money in order to pay off a mortgage and, thanks to today's vote, cannot do so. I voted in favour of retaining this opt-out because I am in favour of leaving the decision in the hands of the workers.

Zita Pleštinšá (PPE-DE). - (SK) In the vote I supported the common position adopted by the Council with regard to the package of two directives – the Working Time Directive and the Temporary Workers' Directive, because this compromise has secured greater flexibility on the labour market.

According to the opt-out clause, individual EU Member States would be able to allow employees working within their territory to work more than 48 hours a week provided that the employee has agreed to the longer working time which, under the terms of the compromise, could be up to a limit of 60 or 65 hours a week, in accordance with the established conditions.

Today's vote on the compromise position of the Council follows a five-year effort of the Member States to achieve a compromise. Working in the European Parliament has taught me how difficult it is to achieve a compromise, and I therefore regret the fact that the European Parliament has rejected the Council's common position.

Antonio Masip Hidalgo (PSE). - (ES) Mr President, today has been a very emotional day with the Sakharov prizes and also, for me, with the presence in the gallery of the President of the Saharawi Arab Democratic Republic, which is fighting for the self-determination – the rightful self-determination – of its people.

Moreover, it is an historic day because this Parliament has placed itself on the side of its sovereign people, the people who voted us all into this House.

I congratulate my colleague Alejandro Cercas on his report. He has fought hard all these years to achieve this position, which is important politically, socially, for the trade unions and for all European workers. I call on those governments that have not yet done so and on the Commission to follow our path and listen to the voice of the people, just as the European Parliament has listened to it this time.

Zuzana Roithová (PPE-DE). - (CS) Today, I have not supported the proposal for working time changes, as put forward by both the Council and our committee. It is essential for the directive to be discussed again calmly with the Council. On the one hand, we must allow flexibility in working time agreements, especially for employees of small- and medium-sized companies, and we must also protect Sunday as a day of rest. On the other hand, it is essential to amend the regime for operating on-call services in view of the varied nature of these services. While the opt-out is a solution which MEPs have unfortunately rejected and which would be appropriate for on-call services such as porters, firemen and other professions, it will be necessary to find specific and varying solutions for doctors while taking into account patient safety. Another option would be to exclude healthcare from the scope of this directive, since the organisation of healthcare has wisely not been included among the policies of the European Union.

Mairead McGuinness (PPE-DE). - Mr President, I think the outcome of this vote is the best all round because it allows for more consideration to be given to a very complex subject on which there are many different views. On behalf of the Fine Gael members of the PPE-DE Group, we supported Amendment 9 and we abstained on the votes on the opt-out because Ireland does not use the opt-out, nor does it intend to.

On the issue of Sundays and a day of rest, I do hanker back to those lovely days and therefore supported the idea, mainly to raise the debate. I know the vote was lost, but perhaps we could reflect on the need for a little time out.

I would like to amend my vote on Amendments 13 and 14 – it should have been a minus not a plus.

Could I suggest that Members of this House obey the rules we are trying to impose on everyone else? We have absolutely no regard for family life or working hours. We work relentlessly – I am not so sure if it is always effectively, but we are at it night and day – so if we are imposing these rules on others, maybe we should adopt them ourselves.

Kathy Sinnott (IND/DEM). - Mr President, I would like to have voted with the junior hospital doctors of Europe in their call in relation to inactive on-call time.

However, I had to abstain. I am only too aware of the effect which the counting of all on-call time as working time will have on services, especially care services to the elderly, people with disabilities, children and other vulnerable groups.

The effect on some services, especially in a time of budget constraints, will be to double the costs and therefore halve the service and make other services impossible to deliver. Think, for example, of house parents in group homes, or weekend in-house respite for carers.

In focusing on doctors, who have a valid complaint, we have missed some of the situations where continuity of personnel – as with foster parents – is the most important factor in the job. We need to find a way to protect workers and to protect the vulnerable as well.

Zsolt László Becsey (PPE-DE). - (HU) I am very upset that at second reading, we were unable to accept the Council's position. The reason for this is that we must be in favour of competitiveness. This is not a question of slave labour; even if someone wanted to, they could only work a maximum of 60-65 hours a week. Instead, we have opted for the path of complete inflexibility, with immediately claimable compensatory rest time, which puts employers of seasonal workers, for instance, in a completely untenable position. I would like to draw the attention of my fellow Members to the fact that a person who is hired by an employer and given the option to choose the conditions under which he or she will work is in a far better situation than the highly protected employee who is unemployed. For this reason, I am very upset about the opt-out. As regards on-call time, in the end, I voted for the ninth amendment, since it was clear that we were going for reconciliation, notably because this can be settled at national level on the basis of the amendment.

Frank Vanhecke (NI). - (NL) Mr President, as far as I am concerned, I have, for a long time, held the view that Europe should not be about boring uniformity, and in this Parliament too, we should start learning to accept that not everything should be regulated at European level and that there are a raft of local and national rules and customs that we would do well to respect, not least those concerning the protection of employees and legislation covering health and safety at work and working hours.

What is important, as far as I am concerned, is that it is the Member States that should be able to decide, and that labour law, in all its facets, should, in my view, remain an exclusive preserve of the Member States. The Commission and the European Court of Justice would do well to keep their hands off it. This is what subsidiarity is, and surely we are all in favour of it?

In this light, I am firmly opposed to the abolition of the opt-outs and, in my view, it is up to the Member States, and even the federal states within the Member States, to determine for themselves whether people are allowed to work on Sundays.

Daniel Hannan (NI). - Mr President, the author of this report, Alejandro Cercas, is as engaging and intelligent a socialist as you could ask to meet, and there is a measure of reason in his assertion that there is an asymmetry caused by some derogations and opt-outs. In a perfect world, no country would order its workers to stop after a certain amount of time arbitrarily decreed. It is morally wrong. If I want to work for you, Mr President, and you want to employ me and both of us are satisfied with the terms of our contracts, then neither our government nor the European Union should have the right to come between us and declare that contract illegal. Quite apart from the ethical arguments, however, it is also economically insane at a time like this to be imposing additional costs on Europe's economies. Still, I am a *souverainiste*, and if other countries want to impose these restrictions on their own people, who are also their voters, that is for them to decide. What is outrageous is to impose these rules at European level on the United Kingdom, whether through directives

like this or through the judicial activism opened by the Charter of Fundamental Rights. If we want that, we should have a referendum on it. *Pactio Olisipiensis censenda est!*

Syed Kamall (PPE-DE). - Mr President, you know how Socialists claim to speak up for working men and women but there is a saying about socialist politicians. Most of them are middle class intellectuals and the rest have forgotten where they came from.

Let me tell you a story. My father was a bus driver and whenever we got an unexpected bill, whenever there was a school trip that he wanted to send me on, he would put in a few hours' extra overtime just so he could pay that extra bill or he could send me on a school trip.

If the Working Time Directive had been around, none of this would have been possible. No one should be forced into working extra hours against their will. I think we all agree on that, no matter where we sit in this Parliament, but if you look at the impact of what we voted on today, this is a kick in the teeth for working men and women who wish to work a few extra hours to give their families a better life. Shame on the Socialists!

Siiri Oviir (ALDE). - (ET) I would like to make a statement concerning my vote on the Working Time Directive. It has to do with the fact that my voting machine malfunctioned in the vote on amendment motions 34 and 35. I voted in favour of those motions, but the machine showed a red light.

I continue to hold the opinion that all on-call time, including inactive time at certain points, is working time.

Why do I think this? It does not depend on the doctor or the fire fighter (who is required to be at work by his or her employer, who specifically requires a service to be provided), whether a patient needs a doctor or whether a fire breaks out. That does not depend on those people. They are at their workplace, this is working time, and I would request that my voting status on these issues be corrected in the minutes.

- Report: Inés Ayala Sender (A6-0371/2008)

Mairead McGuinness (PPE-DE). - Mr President, this is a very good report and we need to look at road safety in the cross-border dimension. However, I want to use these 90 seconds to raise a serious issue.

There are websites advertising driving licences for sale. They suggest that what they are doing is not illegal although it may be sneaky, and they operate on the basis that there are over 100 different driving licences in the European Union and that there is very little coordination between authorities who issue licences. There is thus a possibility that somebody who does not have a licence, or who has failed a driving test or lost a licence, can obtain a licence through this rather dubious route. At the very least, this is a scam to collect money, at worst, a way of allowing people who should not be on the road to continue driving. I have raised this matter with the Commission and Council. It needs action at EU level.

Written explanations of vote:

- Report: Claude Turmes (A6-0369/2008)

Alessandro Battilocchio (PSE), in writing. - (IT) Mr President, ladies and gentlemen, I have voted in favour of the directive on the promotion of the use of energy from renewable sources, the text of which was coordinated by Mr Turmes.

This directive is a fundamental opportunity for the future of the European Union, as it represents the way into the third Industrial Revolution and a chance to create millions of jobs, making environmental protection a reality and, at the same time, promoting economic growth and competitiveness. As far as biofuels are concerned, I hope that the Commission will be able to enforce the sustainability criteria in Europe and in the rest of the world, while encouraging international trade in the cleanest and most competitive biofuels.

Adam Bielan (UEN), in writing. - (PL) I voted in favour of Mr Turmes' report. One of the European Union's objectives, in terms of renewable energy, is the regeneration of towns in Central and Eastern Europe by increasing their energy efficiency. It is important, not only from the point of view of the energy sector, but also for environmental reasons, to modernise public transport, as well as local heating systems, by switching to alternative sources of energy.

Moreover, institutions and companies can receive a large amount of funding from the EU budget for this purpose. For example, over EUR 720 million have been earmarked for the Intelligent Energy programme, which promotes energy diversification and the use of renewable energy.

Šarūnas Birutis (ALDE), *in writing*. – (LT) Fossil fuels have long provided society's lifeblood. We know that modernisation would not be possible without abundant reserves of cheap oil, coal and gas. However, this time will soon end. For the sake of energy security and the economy, but above all climate change, we must change our energy and transport systems fundamentally.

For many years, climate change was considered to be first and foremost an environmental matter. Today, however, it is openly accepted that climate change affects all sectors of society and if we fail to solve this question soon, the consequences for society may be disastrous.

Carlos Coelho (PPE-DE), *in writing*. – (PT) Use of renewable energies in transport is one of the most effective tools by which the EU can reduce its dependence on oil. We also know that controlling energy consumption in Europe and using energy from renewable sources constitute important parts of the package of measures needed to combat climate change.

I believe that the most important point in this report is maintaining the final binding target of a 20% share of renewable energies by 2020, including the minimum target of a 10% share of renewable energies in transport.

For Portugal, including wave energy in the definition of energy from renewable sources offers an opportunity to use our energy potential to achieve the targets. The fact that the report contemplates an incentive for second generation biofuels not only makes the document credible, but also guarantees sustainability in the use of renewable energies in the transport sector. To obtain an energy model that supports renewable energies, I regard it as fundamental that the document encourages strategic cooperation mechanisms between the Member States.

This report is essential in itself and as part of an agreement (climate and energy package). At the same time as guaranteeing the preservation of environmental integrity, the agreement will allow the 20/20/20 targets to be met in 2020. These targets set for the Member States are ambitious, but feasible.

Avril Doyle (PPE-DE), *in writing*. – MEP Turmes proposes an important piece of legislation covering the essential promotion of the use of energy from renewable sources. As part of the wide ranging Climate and Energy Package, renewable energy will provide the source of 20% of energy (including electricity, heat and transport) by 2020. This, combined with the other measures included in the Climate and Energy Package, provides a good basis for combating climate change, providing impetus for investment in renewable energy sources and sourcing, a reemphasised direction for research and development and a means towards achieving energy security and independence.

The binding targets will function across each Member State to ensure that the agreed targets are met on an EU level. Cooperation, solidarity and innovation combined will ensure that we meet the targets we no longer have the luxury to miss.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) This issue forms part of the 'climate and energy package'. It concerns promotion of the use of energy from renewable sources, covering the following sectors: electricity, heating and cooling, and transport. The target is for the EU to increase to 20% the share of renewable energies in the energy we consume by 2020. National overall targets are set for each Member State and a target of a 10% share of renewable energies in the transport sector by that same date is also set.

According to information published, the target for Portugal in terms of its share of energy from renewable sources as part of overall energy consumption in 2020 is set at 31%, bearing in mind our starting point (in 2005, this share in Portugal was already 20.5%) and the national potential for renewable energies. The target of a 10% share for renewable energies in transport is, on the other hand, the same as that set for all the Member States.

However, the fact is that, although we voted in favour in the final vote, we have serious doubts about the achievement of these targets, given that it is deceptive to start from the principle that we fully understand the extent of exploitable renewable resources or that we have the technologies to use them. It would have been preferable to set public and private investment amounts and to promote a general surveying and mapping programme to classify and quantify renewable energy resources.

Glyn Ford (PSE), *in writing*. – I welcome the Turmes report on energy produced from renewable sources, yet I realise that to reach the target will be difficult. In my own region, the South West of England, our major contribution to achieving this target will be some version of the Severn Tidal Barrage. This will have a long

lead time and it is therefore essential that some allowance be sought by the British Government for the consequences of 'projects in train' and that the Commission grant this derogation.

Mathieu Grosch (PPE-DE), in writing. – (DE) I voted in favour of the report on the climate action and renewable energy package, as it comprises various directives that are all in line with the EU's target of reducing greenhouse gas emissions by 20% by 2020, and even by 30% if an international agreement is reached. It is the result of long negotiations and of a compromise between the representatives of Parliament and the Council – that is, the 27 Member States.

One of the directives relates to renewable energy. It includes the target of increasing the share of renewable energy sources to 20% and improving energy efficiency by 20%. Also, 10% of the fuel consumed is to originate from renewable sources. Sustainability criteria have been defined and thus usability improved. I welcome these rules, as they not only reduce Europe's energy dependence and create new jobs, but also promote innovation in technology development.

The Directive relating to the EU Emissions Trading Scheme (ETS) updates the existing ETS and stipulates that industries must now buy the emission allowances, which were previously free, at auction. There are derogations in the form of transitional periods for Eastern European Member States, who must purchase allowances for just 30% of their emissions to begin with. In addition, incentives for energy efficiency are laid down as well as, albeit with no purpose specification, an obligation on the part of Member States to invest at least half of the revenues in developing countries and new technologies. I welcome the successful balancing act between taking account of those industries which face difficult tasks and ambitious environmental policy.

A further directive governs effort sharing with regard to the emissions not covered by the ETS. This includes, in particular, heating and air-conditioning systems and many economic sectors (transport, small industrial installations, the services sector and agriculture) that are not covered by the ETS, but which still make a significant contribution to greenhouse gas emissions. In addition, long-term targets are to be introduced in this field, including a 35% reduction in greenhouse gas emissions by 2035 and a 60-80% reduction by 2050.

The Directive on the capture and geological storage of carbon dioxide (Carbon Capture and Storage, CCS) enables CO₂ to be separated from waste gases and then stored underground; 12 CCS power stations are to be financed by 2015. I do recognise CCS as a key transitional technology, but particular importance should be attached to storage safety.

Another directive lays down rules on limit values for CO₂ emissions from new cars. The average upper limit on emissions for all new cars will be 120 grams of CO₂ per kilometre from 2015, and 95 grams per kilometre from 2020. The penalties laid down in the Commission's proposal for non-compliance with the limit values have been reduced owing to the economic crisis, and are now EUR 5 to EUR 95 depending on the amount by which the values are exceeded. From 2019, however, the fine envisaged is EUR 95 from the first gram of CO₂ by which the limit value is exceeded.

I welcome the compromise reached between the European institutions, as it is often easy to criticise but a challenge to reach a compromise. The rules agreed are the successful result of negotiations between countries who may be very different in economic terms but who still pursue a common goal. The fact that the new Member States, in particular, cannot meet all the targets in this short space of time without risking the disintegration of entire branches of economic activity and being faced with social disaster should not be neglected when taking an overall view of the European objectives.

I see the climate action and renewable energy package as not just an important step but even a great leap, which will counteract the advancing climate change and reinforce Europe's pre-eminence on the way to an efficient energy policy. Europe has managed to speak with one voice, which will make it possible to intensify our demands at international level, too. A major challenge in this regard is to prevent environmental dumping at international level. For this reason, countries who fail to abide by the Kyoto Protocol, and thus are not bound by the CO₂ standards, should face an import tax, or similar measures should be taken in order to counteract environmental dumping. This is an aspect that should be taken into consideration when preparing the successor agreement to the Kyoto Protocol at the United Nations Climate Change Conference in December 2009, where the negotiators will include the USA, China and India. The climate action and renewable energy package has created a solid basis for reaching a new international agreement.

Ian Hudghton (Verts/ALE), in writing. – I voted in favour of the Turmes report on renewable energy. My own country, Scotland, is rich in renewable energy sources such as wind and tidal power. It is essential that

Europe takes the lead in promoting renewable energy – and I envisage an independent Scotland being at the very heart of global development of renewable technologies.

Jean Lambert (Verts/ALE), in writing. – I voted for this proposal because I believe it sends an important signal about the need for a transformation of energy production to non-fossil and less polluting fuels within the EU and beyond. The 20% target is binding and a minimum. Energy efficiency must also now be included in the Renewables Action Plans of the Member States. Support schemes at that level have also been safeguarded, which is essential for investor confidence. It is true that the outcome on biofuels is not as positive as I would have wished. We have kept the 10% target, although we have effectively restricted the amount coming from agro-fuels and I welcome those additional measures. Council has not shared Parliament's vision in many respects. They really need to take on board the realities of climate change and use this Directive as a basis for a move towards a low-carbon future.

David Martin (PSE), in writing. – I voted in favour of this report which strengthens our obligations for renewables targets, presenting a major opportunity to boost indigenous sources of energy in the EU, tackle climate change, enhance security of supply and promote competitiveness, growth and jobs. I supported this report because it has a review clause assessing by 2014 the impacts of increased use of renewable transport fuels which ensures that by reducing our CO₂ emissions, we are not having an adverse effect on food prices or land use. The report states a 5% target for renewable transport fuels by 2015, with a sub-target of 20% to promote the use of electric cars. In 2020, the target increases to 10% for renewable transport fuels with a 40% sub-target for the use of electric and hydrogen cars. The report includes strict sustainability criteria so that this report really can produce positive change and reductions in emissions which is why I support it.

Eluned Morgan (PSE), in writing. – This report represents a revolution in the way we produce energy in the EU. The target of 20% renewable energy by 2020 is extremely ambitious but necessary if we are to win the fight against climate change. I hope, however, that the Commission will be flexible in its interpretation of when these targets are met if they are to include large projects such as the Severn Barrage.

The 10% target for road transport fuels is a vital part of this package and of the efforts to achieve the EU's goal of a low carbon economy. This so-called 'biofuels target' has been greatly improved to ensure that only those biofuels which deliver real emission reductions without increasing food prices are allowed in the EU. A strict set of social criteria has also been included which will safeguard people in the developing world who could otherwise have been adversely affected by the rapid development in biofuel production.

Daciana Octavia Sârbu (PSE), in writing. – (RO) The proposal for a directive is one of the most important components in the climate change package, which sets a mandatory target of 20% for the share of energy from renewable resources as part of the EU's total energy consumption by 2020. The directive offers the opportunity to acquire new technologies, create new jobs and reduce dependence on oil.

The European Parliament has played an important role in setting out the sustainability criteria for biofuels and the social criteria which are vitally important to the European Union's citizens in the current economic crisis. Climate change and the lack of energy security mean that we have to promote new methods of creating energy, but without jeopardising the availability of food. We need to ensure that the implementation of this directive will not jeopardise agricultural land and forests. In any case, biofuels originating from raw materials grown on such land will not be taken into account as part of the incentives that are envisaged. The European Union will show, once again, that it is the leading promoter of wind, solar and hydroelectric energy, as well as of energy from other alternative sources.

Lydia Schenardi (NI), in writing. – (FR) We have had the opportunity to state several times here that the simple aim of reducing the European Union's dependence on gas or oil imports could, in itself, justify the promotion of renewable energy sources.

The compromise presented here today, which forms part of the energy and climate change package, is like all compromises: neither all bad, nor entirely satisfactory.

In particular, it is not entirely satisfactory with regard to biofuels, whether second-generation or not. There is an inadequate guarantee with regard to competition with food production, vagueness with regard to any changes to land use, silence on the actual carbon footprint of these energy sources, and so on.

It is not entirely convincing with regard to the 'guarantee of origin', intended to identify green electricity in particular, when we are aware of the reality of electricity supply, dubious advertisements on the subject and the significant additional cost for consumers.

Lastly, it is absolutely unsatisfactory in terms of the social consequences. We would like to be certain, as we would, for that matter, for this whole legislative package, adopted at the start of a global crisis that promises to be profound and long-lasting, that the interests of European citizens and workers will take precedence over any other consideration, should the economic situation so require.

Bart Staes (Verts/ALE), in writing. – (NL) It is with much conviction that I have voted in favour of the compromise achieved in respect of renewable energy sources. My Green colleague and rapporteur, Mr Turmes, has done a sterling job. Thanks to his efforts, and indeed those of the whole of Parliament, a strong legislative framework will be put in place which will ensure that the total share of renewable energy will be no less than 20% by 2020.

This is not hype, but a true energy revolution, set to create a huge number of jobs. Some reports have been known to quote more than 2 million jobs. These include jobs for highly-qualified engineers, designers and boffins, but also a majority of jobs for technicians, people who make cogwheels, install solar panels and build wind farms.

Further to much negotiation, the original proposals on agrofuels and biofuels were also adapted. We, as Greens, are not entirely happy with this technology, though, and we will prescribe strict conditions on the use of fuels of this kind. In the Turmes report, the sustainability criteria have been clearly tightened up, and there is also a reference to social criteria within the framework of the International Labour Organisation. Agrofuels are only acceptable if you get more energy out of them than you put in, and they should in no way compete with food production.

Catherine Stihler (PSE), in writing. – The report is an important step in forcing Member States to meet their renewable targets. Renewable energy is vital to our fight against climate change.

- Report: Avril Doyle (A6-0406/2008)

Adamos Adamou (GUE/NGL), in writing. – (EL) The European Parliament and the Council, in an effort to improve and extend the greenhouse gas emission allowance trading system and achieve the objective of reducing emissions in the EU by 20% by 2020, propose amending Directive 2003/87/EC.

On 17 December 2008, plenary voted in favour of compromise amendments tabled by the shadow rapporteurs of the PPE-DE, PSE, GUE/NGL, ALDE, UEN and Verts/ALE Groups. Although we voted in favour of these amendments, which set higher targets on reductions in greenhouse gas emissions (a measure which was a basic objective of the GUE/NGL Group), we should like to express our opposition to the philosophy of greenhouse gas emission allowance trading. We dare to say that this particular directive achieves nothing other than a slight reduction in greenhouse gas emissions and is a measure which favours developed countries, to the detriment of less developed and developing countries. Finally, the application of certain flexible mechanisms proposed helps monopolies (which are the main parties responsible for climate change) to increase their profitability, instead of radically resolving the problem.

Alexander Alvaro (ALDE), in writing. – (DE) Mr President, the agreement that has been reached on the climate action and renewable energy package is a modest result.

The EU has set itself the target of a 20% reduction below 1990 levels. We have achieved almost half of this already by means of our enlargement to the east, where emissions are lower in absolute terms, and there remains the target of a 12% reduction below 1990 levels.

The EU is permitted to achieve 3-4% of the reduction in the developing world, which means that just under 9% remains. Missing the target by up to 5% is permitted, which leaves 4%.

It could be said at this point that we are lucky that the EU has decided not to export its entire economy to Asia straight away. The compromise is significantly cheaper than the Commission's proposal, which has meant that the German Free Democratic Party can support it.

Instead, the EU is now playing its own Member States off against one another. Some Member States are at an advantage on account of derogations, negotiating skill and their energy mix. German energy providers could soon find it worthwhile generating electricity in Poland instead of at home – if they are not bought up by French providers, that is.

The fact that the EU Member States are engaging in such horse-trading does not bode well for a global agreement. Besides, the issue arises as to the efficiency of the means.

It is now up to governments, the Council and the European Commission to ensure efficiency, both in environmental protection and for the benefit of the economy and growth.

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) We Swedish Social Democrats have decided to vote in favour of this report on reforming the emission allowance trading system although we believe, in principle, that the aims of the climate package, as such, are too low. The EU will need to do more to cope with the challenge posed by climate change. However, we believe that this reformed scheme is capable of forming a very important part of the action that needs to be taken.

We are disappointed that the compromise between the Council and the European Parliament has not provided sufficient guarantees that part of the revenue from auctioning will go towards climate work in developing countries. We also believe that auctioning of emissions allowances should have been more extensive and that the use of the CDM should have been restricted further.

Alessandro Battilocchio (PSE), in writing. – (IT) Mr President, ladies and gentlemen, I welcome the review of the Emissions Trading Scheme and the compromise reached between the objectives of combating climate change and improving the competitiveness of European industries and protecting jobs.

I would like to point out that the codecision procedure, which has been fast-tracked in the interests of achieving agreement at first reading, has not fully respected democratic transparency, and Parliament has found itself voting on a sort of *fait accompli*.

Despite this, I am very pleased with Mrs Doyle's proposal because of the flexibility given to sectors at risk of carbon leakage. We must prevent job losses caused by industries relocating to regions that are less concerned with reducing emissions without, however, undermining the purpose of the directive.

Sylwester Chruszcz (NI), in writing. – (PL) Today, I voted against adoption by Parliament of the proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC so as to improve and extend the greenhouse gas emission allowance trading system within the Community

I completely disagree with the solutions proposed at European level. The Council's commitment to reduce, by 2020, the total Community greenhouse gas emissions by at least 20% in comparison with 1990 levels, or even by 30% if other developed countries commit themselves to similar reductions, is an ill-judged move which will have a negative impact on industry and consumers in Europe, including in Poland.

Marielle De Sarnez (ALDE), in writing. – (FR) The only firm commitment the European Union has made is to reduce its emissions by 20% by 2020, in comparison with 1990. In comparison with today, that means a reduction of around 12%. If we take into account the fact that two thirds of this reduction can be achieved through carbon compensation mechanisms, that is to say by purchasing carbon credits on the international market, the EU has committed to achieving a reduction of only 4% on its territory. That is not enough to move international negotiations forward.

I would like to point out another failing of the compromise. No firm commitment has been made to support developing countries in their efforts to reduce their greenhouse gas emissions. The EU has simply made a voluntary commitment to use half of the revenue from the auctioning of rights to pollute for the climate. This revenue is falling due to the many exemptions granted to manufacturers. The compromise stipulates that some of this money could go to supporting developing countries, for European countries that so wish. This is a purely voluntary commitment. It is a very weak commitment for an issue that is nevertheless crucial in international negotiations.

Konstantinos Droutsas (GUE/NGL), in writing. – (EL) The EU brags about its leading role in environmental protection, but in reality it seeks a leading role in protecting the interests of capital. The decisions by the summit and the package of Council and Commission directives on reducing emissions promote the so-called green economy as a way out of the over-accumulation of capital and the crisis, thereby opening up new prospects of profits for the monopolies and strengthening imperialist expansionism.

They strengthen the trade in emissions, which has proven to multiply monopoly profits without protecting the environment. They allow the automotive industry to not take measures until at least 2019. They exempt undertakings affected by international competition from regulations on energy generation and much more besides. They also exempt the new Member States and Italy for a long period of time. They provide incentives to replace food crops with fuel crops. Pollution rights are being granted to large undertakings free of charge. Any revenue is not required to finance environmental works.

Workers cannot wait for environmental protection from the EU and from the undertakings polluting the environment with impunity. Only their fight, within the prospect of a grassroots economy and grassroots power, can effectively protect them.

Christian Ehler (PPE-DE), in writing. – (DE) My ‘no’ is not a rejection of an efficient Emissions Trading Scheme involving auctioning, nor of the EU’s climate-protection targets or of the funding for CCS. A number of previous votes and my report on CCS demonstration facilities have made my support on these points abundantly clear. For my region, Brandenburg, however, the present text means enshrining unfair competition with Central and Eastern European countries and greater energy price rises than are necessary to meet the climate protection targets. We need coal in our energy mix in order to ensure security of supply for our citizens, and we want to enable the climate-friendly use of coal by means of CCS technology in future. The agreement with the Council to take a final decision after just one reading has meant that strong reservations have not been dispelled and competition for the best solutions has not been possible.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) Although arguments can be made in favour of the concept of a greenhouse gas emission allowance trading system, since there is concern about chemical alterations in the atmosphere which may impact on the climate (precautionary principle) and as there are limited sources of fossil fuels and a lack of rationality in their consumption, there are aspects that give cause for concern.

Firstly, the issue of emission allowances and their subsequent trading are debatable and must be opposed because their impact on the real economy is largely unknown. This is because there is still a great deal of doubt about a range of technical solutions and because the use of these technical solutions is also dependent on the development of the financial situation in the various sectors involved (air transport, automotive industry, thermal power generation, cement industry, heavy chemicals, petrochemicals and a growing number of other energy-intensive sectors).

Secondly, the anticipated beneficiaries will be a few high-technology industrial sectors and some (just a few) financial operators. The irreversible reduction in fossil fuel consumption is being imposed by the restricted availability of sources. Allocation to each sector must be based more on urgent social needs and economic rationality than on influence and financial gain. That is why we decided to abstain.

Duarte Freitas (PPE-DE), in writing. – (PT) The fundamental point of this report should be highlighted: to strengthen, expand and improve, beyond 2012, the functioning of the emission allowance trading system as one of the main tools for achieving the EU’s target for reducing greenhouse gas emissions.

I agree with this report, mainly because trading is fundamental to achieving an efficient allocation that can ensure the environmental effectiveness of the EU’s emission allowance trading system. One EU-wide plan is always much better than 27 national plans. In addition, the proposal provides for automatic and predictable adjustments that can meet the requirements of a future international agreement.

The hallmark of the proposal is the increase in free allowances which, from my point of view, is not overly positive. However, it should not be forgotten that emissions will be reduced every year.

Ian Hudghton (Verts/ALE), in writing. – The proposed Directive on the revision of the EU Emission Trading System is an improvement on the current system and is important at a global level. I was accordingly able to support Mrs Doyle’s report.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) I will take this opportunity to thank the honourable Members for the recent vote in which the European Parliament clearly showed their support for my ‘benchmark’ model. I have been speaking in favour of it for a long time now and was the first to suggest it be applied to emissions trading. Although the Committee on Industry, Research and Energy narrowly voted against, while the rejection by the Committee on the Environment, Public Health and Food Safety was rather more substantial, life is full of surprises. Now the benchmark will qualify as a criterion once it has been through the Council.

Moreover, that is all to the good. The Commission’s original proposal and the position adopted by the Committee on the Environment on emissions trading both lacked equilibrium, as they put European production in a position that made it hard to compete in global markets without any special climatic benefit. This would clearly have meant not just job losses, but an environmental disadvantage, as it would have put pressure on firms to switch production to countries outside the emission limits.

Now the decision has opened the door to a fairer and environmentally more far-sighted approach. Everything is still open, however, and we will now start to see confirmation of who will reap the benefits of the improvements made.

The environmental targets are unchanging, and they are challenging. This is not an easy objective for industry, but then it is not supposed to be.

In any case, it is pointless talking about free emission allowances, because the benchmarks – the yardsticks – are ambitious. So they should be, because otherwise we will not have a system that would persuade companies to join the race for technology that produces the fewest emissions.

The complaint made by the environmental lobby that the package has been watered down frankly seems unreasonable to me, when we consider that targets are being observed and industrial sectors have a declining emissions ceiling. That is irresponsible talk, but surely not everyone is interested in taking responsibility. It is enough that the world is being stamped on.

Jean Lambert (Verts/ALE), in writing. – I voted for this report, despite the numerous loopholes within it and the derogations granted to 10 new Member States. Why vote for an imperfect report? Because it does make some progress when measured against the current regime. There will be an EU-wide cap for the ETS sector, and Member States will have less power in the process. The principle of a full auction of permits for the power sector has been maintained. The aviation sector has been granted only a small percentage of new access to the CDM. But the main importance of the revised scheme is that it provides the architecture for an important part of the post-Kyoto agreement. We now have a scheme that other countries can join and use to help drive down their emissions – if they limit the pre-auction elements and set ambitious targets. The use of the revenue will be closely watched. Member States cannot simply look on this as an addition to their coffers. It must be used to help the transformation to a low-carbon, sustainable economy, which the world needs.

David Martin (PSE), in writing. – I support this proposal which balances ambitious climate change goals with the need to strengthen the competitiveness of European industry and to protect jobs. Allowances and auctioning of emission credits will occur for power plants until 2013 when all new power plants will have entirely auctioned allowances. For normal industry, the switch to fully auctioned allowances will occur in 2020. I voted in favour of this report because it makes auctioning the general allocation principle, limits the amount of CDM/JI project credits that an installation can purchase to offset its emissions and still protects companies against carbon leakage.

Eluned Morgan (PSE), in writing. – I am supporting this report, as I believe that the environmental integrity of the ETS has been maintained and is a considerable improvement on the current system, as the polluter in future will pay for the right to emit through the auctioning of permits. The objective of reducing emissions from Europe's power stations and heavy industry by at least 20% by 2020 is maintained, and this will automatically rise to a 30% reduction if there is an international agreement at the UN climate talks in Copenhagen in December 2009. I also believe that a balance has been achieved between jobs and the environment, which is vitally important in an economic downturn.

Angelika Niebler (PPE-DE), in writing. – (DE) I wish to give the following explanation of vote on behalf of the Christian Social Union of Bavaria (CSU) delegation in the European Parliament.

The EU has set itself ambitious climate-protection targets. These include a 20% reduction in CO₂ emissions by 2020. These climate-protection targets should not be called into question.

Our endeavours to combat climate change must be coupled with an aim to draw up clear legislation, so as to ensure planning security for our economy. Nor should European industry be put at a disadvantage in international competition. In addition, a level playing field must be created within the EU.

The directive put to the vote today concerning the EU Emissions Trading Scheme meets none of these requirements. To clarify:

1. Certain industries can derogate from the auctioning of CO₂ allowances. We are still completely in the dark about the data to be drawn on for compliance with the criteria laid down.
2. Only at Member State level and only after EU law on aid has been adapted is it to be decided, on a case-by-case basis, whether, and by how much, an installation can be compensated for energy cost rises.
3. If an international agreement cannot be reached in Copenhagen in 2009, the auctioning of CO₂ allowances will create an additional burden on many industries that their non-EU competitors lack.

4. Most Eastern European Member States have obtained derogations from the auctioning of their CO₂ allowances to the energy sector. This puts Germany at a disadvantage as, in contrast to its eastern neighbours, it obtains 48% of its electricity from coal power stations.

Dimitrios Papadimoulis (GUE/NGL), in writing. – (EL) We do not share the governments' and Commission's words of triumph on the final compromise on the climate package. The attempt by the EU to lead global efforts against climate change has been watered down under pressure from the industrial lobby and conservative governments.

The famous '20/2020' is a necessary first step, but the targets it sets are not ambitious enough. With the facility for European countries to buy a large portion of the pollution units which 'correspond' to them from developing countries, the historic responsibility of the western world is cynically being shifted to the poorer inhabitants of the planet. It would appear that the governments do not basically understand how critical the situation is.

The Confederal Group of the European United Left/Nordic Left is not laying down its arms. We share the concern of environmental NGOs and will continue to demand more ambitious targets for reducing greenhouse gas emissions, for essential support for energy generation from renewable sources and for the binding long-term plan for further reductions in emissions after Copenhagen.

Herbert Reul (PPE-DE), in writing. – (DE) I voted against the consolidated amendment as, from my point of view as an MEP, the rights of the European Parliament have not been upheld. At no time was Parliament given the opportunity to form an opinion; instead, it was, to all intents and purposes, left with a choice between accepting or rejecting the Council's compromise. This is not in line with the rules of the codecision procedure, which is intended to guarantee equality between the two legislative bodies.

I have numerous reservations about the compromise from a content point of view, too. For example, it will lead to serious market distortions within the EU and impose unwarranted burdens on consumers. Owing to the undue haste to adopt the reform, alternative systems that could have achieved the desired reductions were no longer taken into account. The fact that the economic consequences for consumer purchasing power, in particular, were not even remotely investigated at the time of adoption just makes it even clearer how ill thought out this compromise is. The majority in the European Parliament bears a share of the responsibility – including towards future generations – for the entry into force of this compromise.

Alternatives were available. These would have enabled the reduction targets to be achieved at a fraction of the costs we are talking about now. A policy such as this harms not only the economy but also, in particular, the reputation of the EU.

Catherine Stihler (PSE), in writing. – The objective of cutting emissions from Europe's power stations and heavy industry by at least 20% by 2020, and for this to increase to 30% if there is an international agreement at the UN climate talks in Copenhagen in December 2009, should be welcomed.

Thomas Ulmer (PPE-DE), in writing. – (DE) I fully support the efforts to reduce the contribution to climate change that is probably made by human beings. Nevertheless, we did not support the compromise on the EU Emissions Trading Scheme that has been negotiated. Legislating in a great hurry is unacceptable and undemocratic. The extremely fast legislative procedure and the fact that the Council documents were presented only a few days ago meant that, in my opinion, a professional examination of the documents, and thus proper legislation, was impossible. This is all the more unacceptable considering that this legislation imposes a high financial burden on the European public. According to several studies, the climate action and renewable energy package costs approximately EUR 70 to 100 billion, and there is the threat of whole industries moving to other parts of the world. I could not approve a package of this scope in a fast-tracked procedure. Legislative proposals as important as this must evolve in the course of a well-ordered procedure with several readings.

Anders Wijkman (PPE-DE), in writing. – (SV) The overhaul of emissions trading is a step forward compared with the current rules. Emissions allowances will gradually be auctioned off to industry instead of being handed out free of charge, as they are today.

The EU is therefore committed to adjusting the climate target from a 20% to a 30% reduction by 2020 in the event of a successful climate agreement in Copenhagen next year. It also calls on Member States to use their auctioning revenues for climate protection measures in Europe and elsewhere.

Unfortunately, the compromise falls way short of the level of ambition that the situation requires. Instead of full auctioning of emissions allowances from the beginning, auctioning is to be introduced in stages. This relaxation reduces the incentive to develop new low-carbon technologies. It also reduces the revenue that is essential if the EU is to be able to help developing countries to invest in 'green technology', adapt to climate change and protect tropical forests.

At the same time, if up to half of the emissions reductions can be made by means of reductions in third countries, the ETS will have limited effect even during the period leading up to 2020.

Despite its shortcomings, it would have been unthinkable to vote 'no'. I do not want to risk jeopardising the whole directive, which contains many positive aspects compared with the current situation.

- Report: Satu Hassi (A6-0411/2008)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) We Swedish Social Democrats have decided to vote against this compromise on the division of responsibility, as we believe that it is wholly unacceptable that not even half of the EU's emissions reductions need to be made within the EU. We believe it sends out entirely the wrong signal to the rest of the world, which is waiting for the EU to take the lead in climate adaptation, and we are concerned that the EU has now failed to provide a clear incentive to develop new green technology. We believe that this technology is vital for employment and welfare in Europe.

Avril Doyle (PPE-DE), in writing. – This report is concerned with the introduction of differentiated targets across the EU27 for the period 2013-2020 for greenhouse gas reductions in economic sectors outside the EU emissions trading scheme. These MS targets are in the range +20% to -20% relative to 2005 emissions for these sectors with the Irish target -20%.

Taken together, ETS and effort sharing represent 100% of the reduction each country has to make in CO₂ emissions by 2020.

Ireland welcomes the inclusion of increased Carbon Capture and storage measures, specifically Carbon sinks in the - 20% scenario as we are the only country in the EU that has more cattle than people and together with generous cost effective offsetting to trading emissions between Member States while it will be difficult, we can reach our target of 20% less without reducing our herds.

Some countries will be challenged by the reviewed ETS legislation, some by the effort sharing targets. Ireland is in the latter category.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) We agree with the need to reduce greenhouse gas emissions and with the establishment of a system for that purpose. However, we have very serious doubts about the system proposed which, although stating that it is based on the 'principle of solidarity between Member States and the need for sustainable economic growth', then insists that only the countries should pay the bill, through their national budgets – and not through the Community budget – according to the different conditions of development in which they find themselves.

In allowing the transfer of emissions between Member States through 'trading' or by using 'market intermediaries', mechanisms are established which will increase the existing disparities in economic power between Member States, to the benefit of the major powers.

Furthermore, a significant part of the effort will be outsourced to third countries, thereby increasing international pressure on least developed countries to yield part of their sovereignty in exchange for (pseudo-) aid, by opening up their economies to investments from Community undertakings. All these measures are intended to exert pressure in order to obtain an international agreement which, in a context of severe economic crisis, will accentuate the capitalist view of the environmental issue.

Duarte Freitas (PPE-DE), in writing. – (PT) Bearing in mind the EU's action against climate change in a future international agreement to replace the Kyoto Protocol, it is vital that the EU gives a clear signal to the world and undertakes to effectively reduce its greenhouse gas emissions.

The Commission proposal to reduce greenhouse gas emissions by 10% by 2020, in relation to 2005 levels, for sectors not covered by the EU's emission allowance trading system, is therefore extremely important.

The targets set for each Member State, with the principal criterion being per capita GDP, are fair in my opinion.

The compromise reached between the European Parliament and the Council, although not ideal (for example, since it allows excessive use of flexibility mechanisms), is generally balanced in my opinion, and that is why I voted for this report.

Ian Hughton (Verts/ALE), in writing. – I voted against the Hassi report. The provisions allowing Member States to outsource 80% of emission reductions will allow rich countries to continue unsustainable practices at the expense of poorer, developing countries. This is not a situation which the EU should be promoting.

Jean Lambert (Verts/ALE), in writing. – I reluctantly voted against this report. The rapporteur had managed to include a number of important factors. There is now a reference to a 30% binding target for greenhouse gas reductions in the legislative text: the science says this is the minimum necessary by 2020. Financing of greenhouse gas reductions in developing countries is to work to a +2-degrees target. Let us hope those countries actually see some real money rather than nice promises. We now have a deadline on the introduction of a maritime emissions reduction target and many other small, but positive moves. But for me, it was impossible to vote for the 80% CDM which Member States may use in third countries, rather than focussing on reductions within their own borders. The voting procedure used today meant that this particular proposal could not be tested by Parliament as a whole. We have let our national governments off lightly and are once again putting the burden on third countries to do our work. I cannot support this.

Stavros Lambrinidis (PSE), in writing. – (EL) The PASOK Group supports, inter alia, the content of Amendment 44 and will vote against the separate nominal Amendment 7, in order to ensure that at least 50% of emission reductions are achieved from action within the EU. The EU needs to remain a credible partner in the run-up to global negotiations, without shifting the burden of efforts to reduce emissions to the developing world.

David Martin (PSE), in writing. – I support this report which sets out binding targets for member states to reduce greenhouse gas emissions in areas of the economy not covered by the ETS system, which represents real progress for a comprehensive system. The 10% target for non-ETS sectors is divided between Member States based on GDP/capita. This will allow a fair distribution of effort and ensure poorer countries can continue their accelerated growth. I support this report which introduced a long-term target of at least 50% overall emission reductions by 2035, and 60% by 2050, compared to 1990 levels, because it tackles both long- and short-term objectives in concordance with the Clean Air Targets. The report includes an additional 'external emission reduction commitment' which will provide financial support for developing countries to reduce their emissions, so that no country is left behind and developing countries receive the financial support that they need in order for universal action on climate change to be most effective.

Daciana Octavia Sârbu (PSE), in writing. – (RO) I have supported from the very outset the proposal to switch automatically from a target of 20% to 30% in the event of signing an international agreement. However, last week's negotiations have resulted in reaching a compromise whereby the method for switching to this level must be based on a new procedure.

This decision was made as a precautionary measure to take into account the possibility of a rise in the price of carbon in the future. But I am pleased to learn that the 30% target will remain a priority objective in order to avoid the average temperature rising by more than 2 °C, as was specified at the European Council meeting held in March 2007. An international agreement implies a global effort to combat and adapt to climate change and the financial aid granted to the developing countries will provide an incentive for them to become involved in the effort to reduce greenhouse gas emissions.

In order to retain its credibility in relation to the aid it is granting to developing countries, the European Union must ensure that the financing of CDM projects will maintain sustainable development of these countries and that part of the revenue resulting from auctioning emission credits is used to support them.

Bart Staes (Verts/ALE), in writing. – (NL) Whilst I have voted against the compromise achieved, this does not in any way detract from my appreciation for the work done by Mrs Hassi in this respect. However, as the agreement makes it possible for nearly 80% of all efforts to be made in third countries, I find it unacceptable.

A quick calculation tells me that Belgium will be able to make between 50% and 60% of the required efforts outside of the European Union. This involves important sectors, including buildings and transport. It is

economically absurd to invest many millions of euros abroad via the Clean Development Mechanism if your own country still needs to make considerable efforts to insulate buildings properly or design a transport policy that focuses on low-carbon mobility. Moreover, there is no guarantee whatsoever that the projects that are invested in abroad are of high quality.

What is more, there is no certainty that the investments via the CDM really make any difference. It is also unethical to buy the easiest efforts in third countries. This is a form of neo-colonialism, compromising, as it does, the position of those third countries in that they will need to make additional and more expensive efforts at a later stage.

Anders Wijkman (PPE-DE), in writing. – (SV) I have chosen to abstain from the vote on the effort-sharing directive. The main reason for this is that it sends out the wrong signals to the rest of the world if the EU can make around 70% of its emissions reductions up to 2020 in countries outside the EU.

Greater efforts are needed to help developing countries to invest in low-carbon technology. This support, however, should not be primarily an alternative to reductions on home soil, but rather should be given in addition to such reductions. We cannot afford, and nor do we have the time, to choose whether or not we should have the chance to prevent dangerous changes to the climate.

To postpone the necessary adaptation on home soil until after 2020 is counterproductive. We must start now if we are to have any chance of achieving anywhere near zero emissions by 2050. Industry needs strong incentives to make the necessary adaptations with regard to energy, transport, construction, industrial production and so on.

The proposal for the non-trading sectors is far too weak in these respects. I have therefore chosen to abstain from the vote on this part of the package. A 'no' vote would have jeopardised the whole package and that is a risk that I did not want to take. The directive otherwise contains a number of positives in comparison with the status quo. Above all, it is the first piece of legislation in the world to set binding reductions for all sectors that are not included in the emissions trading scheme.

- Report: Chris Davies (A6-0414/2008)

Ilda Figueiredo (GUE/NGL), in writing. – (PT) The 'climate and energy package' also includes a proposal for a directive on carbon capture and storage. The purpose of geological storage is to provide an alternative to the release of CO₂ into the atmosphere by containing it permanently underground.

The Commission proposes that all new power plants should, when built, be capable of being equipped with carbon capture facilities. This technology, despite being a matter for debate, may help to achieve negative emissions, complementing renewable energies. The rapporteur considers that the priority must, however, be to use it to deal with the problem of coal, which is responsible for 24% of CO₂ emissions in Europe.

Although we were doubtful about certain amendments, which are technically controversial, we voted in favour of the European Parliament's position. However, we regard this position as excessively regulatory, particularly with regard to the independence of Member States, especially in an area in which scientific and technical knowledge is still quite limited. We regret that the necessary emphasis has not been placed on the enormous research, development and demonstration effort that still needs to be made. For this reason, the recommended timescales are overly ambitious, unless very substantial public funding is approved within a few years.

Duarte Freitas (PPE-DE), in writing. – (PT) As a means of mitigating climate change in the EU, carbon capture and storage (CCS) technology is very promising. However, it should not be used as a reason to relax and reduce the effort invested to make European electricity generation cleaner.

The Davies report is very balanced and the compromise reached between the European Parliament and the Council fully meets the needs of the EU.

The implementation of 12 demonstration projects is particularly important. Their medium-term results will help the EU to introduce this technology in a more economically and environmentally effective manner.

Lastly, given the many doubts that still exist, particularly the uncertainty as regards the existence of adequate storage sites in all the Member States, I regard as very positive the possibility of reviewing the issue of exporting CO₂ to third countries (Article 35a(2)) and also not forcing economic operators to apply CCS technology (Article 32).

Ian Hudghton (Verts/ALE), *in writing*. – I voted in favour of Mr Davies' report on carbon dioxide storage. CCS is an emerging technology and further research is essential for an evaluation of its potential in combating global warming. The proposed directive provides a firm legal basis upon which the technology can be built and I consider that Scotland has an important role to play in the development of this sector.

David Martin (PSE), *in writing*. – I voted in favour of this report which will ensure a high degree of safety for human health and the environment. The Directive on CCS puts in place a legal framework for the use of the new technology, including important safety conditions. This is important not only for safeguarding the environment, but also for giving investors legal certainty in developing new projects.

However it is important that this report does not cause us to diverge from the main goal: further deployment of renewables and the improvement of energy efficiency.

Andreas Mölzer (NI), *in writing*. – (DE) The promotion of new technologies to store the carbon dioxide implicated in climate change must not be at the expense of well-established technologies that have been proven to work. For example, intact bogs absorb carbon dioxide, methane and nitrous oxide, whereas peat cutting and bog drainage turn them into powerful greenhouse gas emitters. Burning off tropical forests to produce biofuels also tilts the climate balance in the wrong direction.

We should draw the lesson from the biofuel adventure that good intentions can all too easily become own goals. The new technologies are far from mature, and the repercussions are unforeseeable. It is for that reason that I abstained from voting in today's vote.

Eluned Morgan (PSE), *in writing*. – The inclusion in this report of a EUR 9 billion fund to clean up coal-fired power stations through the development of carbon capture and storage (CCS) will offer exciting opportunities for the Welsh coal industry. This chance must be seized upon, to make Wales a leader in this new technology, and unlock the potential of a lucrative export market. It is essential that Europe takes the lead in this area, as finding a solution to the problem of coal is crucial, in particular when coal production is expected to rise globally by 60% in the next 20 years.

Daciana Octavia Sârbu (PSE), *in writing*. – (RO) Promoting the technologies used for the capture and geological storage of carbon dioxide will help to diversify efficient energy and support the battle against climate change. In order to achieve a 50% reduction in CO₂ emissions by 2050, the use of energy from renewable sources is not sufficient to attain this target without also considering CCS projects.

This will present a challenge to the European Union, bearing in mind the increased costs from the capital investment in capture and storage equipment, which will, however, fall as this equipment will be used on a large scale. For this reason, these demonstration projects are not mandatory as they depend to a large extent on the price of carbon and the technology. However, the EU has taken an important step towards finding alternative solutions which will help reduce the level of greenhouse gases. Indeed, the implementation of these future projects will encourage other countries outside the EU as well to use these technologies.

- Report: Dorette Corbey (A6-0496/2007)

John Attard-Montalto (PSE), *in writing*. – One of the cleanest methods of transport is by water. The report relates to inland waterway vessels, but I believe that this mode of transportation cannot be disassociated from the larger picture of transport by sea. The two types of water transport are inland and sea transport and both are energy efficient.

Transporting a product on water produces about one percent (1%) of the carbon dioxide that would be produced by carrying the same item the same distance by air.

We have to be careful when making regulations which affect this type of transportation. We must not overload industry in relation to shipping and inland waterway boats and barges as the end result may turn out to be the opposite of our intentions. Should water and sea transport become uncompetitive, custom may well be directed to other means of transport. All other alternatives leave a larger carbon footprint. In the end, instead of reducing greenhouse gas emissions, we would have put in place a set of rules and regulations which will ultimately defeat the general scope of our proposals.

Edite Estrela (PSE), *in writing*. – (PT) I voted in favour of Dorette Corbey's report on monitoring and reducing greenhouse gas emissions from road transport and inland waterways as I consider that improving air quality and reducing greenhouse gas emissions are two vital aspects in tackling climate change and reducing health risks.

I believe that the adoption of this directive is very important and will help to reduce CO₂ in the transport sector, particularly by stimulating the development of clean technologies and setting specific requirements for carbon emissions deriving from the production process.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) The aim of this report, which forms part of the 'climate and energy package', is to improve air quality and help in the fight against climate change, by reducing greenhouse gas emissions produced by fuels used in the transport sector. Up to now, the Directive has only regulated fuel quality. However, the proposed amendment introduces compulsory reductions in greenhouse gases resulting from fuels.

Overall the rapporteur has done some important work, producing amendments that we regard as positive and that are generally correct and duly reasoned, aimed at ensuring maximum effectiveness and equal competition conditions, with ambitious but reasonable targets. In addition, it is important that the directive is neutral in technological terms, in that it should not specifically encourage the use of any particular fuel or technology.

That is why we voted in favour.

Duarte Freitas (PPE-DE), in writing. – (PT) This report is very important because, in one document, it aims firstly to improve air quality by reducing air pollution, in particular, emissions of highly toxic and polluting substances, and, secondly, to help combat climate change by reducing greenhouse gas emissions produced by fuels used in the transport sector.

This is the first time that a reduction target has been applied to a specific product (fuel) based on a lifecycle analysis (extraction, production, transport, distribution and end use), which indicates the importance of this directive.

I am satisfied with the agreement reached between Parliament and the Council and would highlight the fact that sustainability is guaranteed in the production and use of biofuels, which is vital in terms of the directive's viability.

The Directive on fuel quality will become a pivotal tool in the fight against climate change.

Ian Hudghton (Verts/ALE), in writing. – I voted in favour of the Corbey report. Europe has a critical role to play in the global reduction of greenhouse gases and the implementation of binding obligations on fuel suppliers will form an important part of those reductions.

Erika Mann (PSE), in writing. – In this explanation of vote, I would like to congratulate the Fuel Quality Directive rapporteur, Dorette Corbey. She has succeeded in incorporating many demands of this House into the final compromise.

The European Union must base its policies and regulations on sound scientific evidence – a requirement both of EU law and the EU's trade commitments. As a member of the Trade Committee, I often hear from trading partners when the EU appears to be regulating by arbitrary or political processes rather than by reference to scientific conclusions.

I was therefore pleased that the revised Fuel Quality Directive did not include an earlier proposal to ban the fuel additive MMT. The revised directive provides for the continued use of MMT, in recognition of the scientific conclusions reached by major trading partners, including the United States and Canada. Importantly, the revised directive also requires the EU to conduct a scientific examination. I strongly believe, and EU and international law require, that restrictions on MMT must be based on science.

Because other countries often model their fuel standards on those developed in Europe, it is essential that the EU ensures its fuel regulations are strongly supported by scientific evidence.

Andreas Mölzer (NI), in writing. – (DE) In our efforts to reduce greenhouse gas emissions, we are subsidising the purchase of tropical biofuels. Thus we are meeting our Kyoto obligations only superficially and, in reality, making the problem worse. Considering that, according to studies, up to 46% of the living carbon in the world is absorbed by the tropical forests and 25% of total carbon emissions originate from deforestation, the EU has got its calculations all wrong.

In the whole discussion on carbon dioxide emissions, we have lost sight of the overall picture, as the greenhouse gas emissions from wood burning, for example, must also be borne in mind. In addition, it does

not seem to have been fully clarified as yet to what extent current engine systems are suited to the use of biofuels. The whole system is half-baked, which is why I abstained from voting on this report.

- Report: Guido Sacconi (A6-0419/2008)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV)

We are critical of the proposal for emission performance standards for passenger cars. We would have liked to have seen a more ambitious proposal with harsher fines, a shorter phase-in time and a more clearly laid down long-term goal. We are also critical of the fact that the ethanol rebate has become so small that it is hardly an incentive for investment, despite the fact that ethanol contributes to reducing emissions.

However, we have chosen to vote in favour of the proposal as a whole as we believe that to reject it would result in the even later introduction of environmental regulations for the car industry.

Jean Marie Beaupuy (ALDE), in writing. – (FR) With regard to the Sacconi report on emission performance standards for new passenger cars, I voted against the presented proposal in order to express publicly my regret that we have not reached an agreement that is more favourable to the environment. Nonetheless, I would like the positive vote that was expressed by the majority of Members to enable us to make an initial series of responses quickly, then, over the coming years, guide us towards decisions that reconcile the needs of our planet and of our economy, particularly taking account of the situation in the automotive industry.

Marielle De Sarnez (ALDE), in writing. – (FR) The compromise, as proposed, does not make a satisfactory response.

I am sorry that the target for reducing the CO₂ emissions of cars is below the standards that were sought by our Parliament. What is more, this target is subject to an impact assessment. These two decisions do not go in the right direction. On the contrary, we need strict emissions standards in the long and short term, and we need these standards to be unchangeable.

Moreover, the specific target to reduce emissions by producers will penalise precisely those who are already the most virtuous. The penalty system in case of failure to meet with these targets is unfavourable to those who have developed more environmentally-friendly vehicles. The paradox of this legislation is that it penalises those who pollute the most the least. Whereas it should, in fact, have recognised and supported the efforts of the most virtuous.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of Mr Sacconi's report on emission performance standards for new passenger cars. Bearing in mind that road transport is responsible for 12% of all carbon dioxide emissions in the European Union, I consider that this regulation, despite not forming part of the 'climate and energy package', is vital to ensure that the EU meets the target of reducing greenhouse gas emissions by 20% by 2020.

I congratulate the rapporteur on the decisive role that he played in negotiations with the Council and the European Commission. These have culminated in a strong and balanced agreement which will benefit the automotive industry and consumers and will, in particular, protect the environment. This is therefore an ambitious but flexible model, in that it attempts to meet the targets for reducing polluting emissions while, at the same time, allowing undertakings in the automotive sector to gradually adapt.

Anne Ferreira (PSE), in writing. – (FR) I abstained from voting on the 'CO₂ from passenger cars' report, since I feel that it does not take sufficient account of the impact the vehicle fleet has on climate change.

More ambitious targets, such as those adopted within the Committee on the Environment, Public Health and Food Safety of the European Parliament, should have been upheld. These targets could not have negative effects on the European automotive industry.

The poor car sales figures recorded this year are, above all, linked to the purchasing power of French and European citizens, but certainly not to a piece of legislation, which, for that matter, is no longer in force.

Furthermore, we must not forget that some fines will be returned to automotive companies to help finance their research programmes.

Duarte Freitas (PPE-DE), in writing. – (PT) The road transport sector is the second highest source of greenhouse gas emissions in the EU and, more importantly, is a sector in which emissions are continuing to

increase. The significant progress made thanks to automotive technology has not been enough to neutralise the effect of the increase in traffic volumes and car sizes.

The proposal for a regulation adheres to the spirit and targets of the EU, especially as regards reducing greenhouse gas emissions by at least 20% by 2020.

The fact that the proposal provides for a distribution of effort, with each manufacturer being set a specific target, is exemplary, in my opinion.

I also regard as fundamental the penalties which will be imposed on manufacturers not meeting their targets.

Overall, and bearing in mind the current situation, the agreement reached is positive for the EU. In terms of achieving the targets that the European Union has set itself in order to combat climate change, this regulation will certainly help.

Ian Hughton (Verts/ALE), in writing. – I voted in favour of the Sacconi report on CO₂ emissions from new cars. Whilst the compromise does not go as far as it ideally could, it nevertheless does set important targets for car manufacturers and will play a part in combating global warming.

Stavros Lambrinidis (PSE), in writing. – (EL) The PASOK Group supports, inter alia, the content of Amendment 50, in order to ensure that the long-term objective of 95 grams of CO₂/km will be legally binding from 2020. It will vote against the separate nominal Amendment 2, as the target of reducing emissions from passenger cars needs to be achieved directly, for the benefit of public health and the environment.

Kurt Joachim Lauk (PPE-DE), in writing. – (DE) I wish to give the following explanation of vote on behalf of the Christian Democratic Union of Germany (CDU) MEPs from Baden-Württemberg. We voted in favour of the proposal for a regulation despite having strong reservations. On the one hand, it is right to urge the automobile industry to make CO₂ reductions, which is why we voted in favour of the proposal. On the other, we wish to take this opportunity to make our reservations clear, which are illustrated by three points:

1. The proposed means for achieving the reductions do not make equal demands on all European manufacturers, but particularly affect manufacturers of large vehicles who are also innovators. This hits German manufacturers harder than other manufacturers in the EU.
2. There has still been no impact assessment. The first draft, which laid down an 80% (as opposed to the present 60%) slope for the limit-value curve, has been withdrawn.
3. The fines have been laid down arbitrarily, particularly in phase 4. This will lead to two different price levels for CO₂: the market price used on the stock market and a price laid down arbitrarily for the automobile industry.

David Martin (PSE), in writing. – I voted in favour of this regulation which is a key part of the EU's climate change package and which sets out, for the first time, legal requirements for manufacturers to reduce emissions of CO₂ from all cars sold in the EU (regardless of where they are manufactured). The average new car fleet should achieve CO₂ emissions of 120 g CO₂/km from 2012. This target is broken down to 130 g CO₂/km by means of improvements in motor technology and the additional 10 g should come from 'eco-innovations' such as new air conditioning designs. The regulation is flexible by calculating a manufacturer's target based on the average across their fleet, meaning that they can offset a more-polluting car with a less-polluting car.

Eluned Morgan (PSE), in writing. – Carbon from transport constitutes 21% of our carbon emissions. Setting ambitious targets for the automotive industry is therefore essential in ensuring that the car industry holds true to its voluntary target, which it has failed to meet in the past. By setting high standards for Europe's potential 500 million customers, we shall also be setting global standards for the world to follow. With overcapacity in the global car industry, it is imperative that Europe takes the lead in the production of green cars, which is where consumers are likely to turn in future.

Angelika Niebler (PPE-DE), in writing. – (DE) The automobile industry has been particularly hard hit by the present economic crisis. Most German automobile plants imposed compulsory Christmas holidays on the workforce as early as the start of December.

The regulation adopted today will subject the German and, in particular, the Bavarian automobile industry additionally to a tough endurance test that will demand strenuous efforts from it.

We are pleased to note, therefore, that the industry has been granted far-reaching transitional rules for the achievement of the agreed reduction targets.

For example, the requirements are to be phased in. Initially, in 2012, just 65% of new cars licensed in the EU are required to meet the agreed target of an average upper limit of 120 grams of CO₂ per kilometre. By 2015, all new cars are to meet the target. In addition, to begin with, a discount of up to seven grams is to be allowed for 'eco-innovations' such as solar roofs and economical air-conditioning systems.

However, we regret that the report sends the wrong message with its fines for exceeding the target values, as exceeding them by 4 grams or more incurs a penalty of EUR 95 per gram. Compared with the CO₂ prices applicable under the Emissions Trading Scheme, the burden on the automobile industry is thus unnecessary and excessive.

Seán Ó Neachtain (UEN), in writing. – (GA) I submitted an opinion on this matter to the Transport Committee. The committee was so divided that we did not succeed in accepting any text.

I felt that the majority of the Commission's text was fair and realistic, although one very important aspect was missing, that is, including a medium-term to long-term objective in the legislation.

I certainly understand that there is concern about jobs but we must be ambitious. We have a duty to protect our world for future generations and in order to do so we must be ready to make difficult decisions.

And these 'green' objectives are not unrealistic. Recently, it has been clearly demonstrated to us that some kind of reforms need to be put in place in the automotive sector. The environmental reform which needs to be made under ambitious legislation is not just our duty, it is also an opportunity; an opportunity to increase support for Research and Development in the automotive sector and to create jobs and start a new era in that sector. Sustainable development does not just benefit the planet. It could well be of benefit to the economy too.

Daciana Octavia Sârbu (PSE), in writing. – (RO) The emissions produced by passenger cars and their adverse effect on the environment must not be overlooked in the European Union's efforts to combat the effects of climate change. The European Parliament and Council have agreed that by 2020, the new car fleet's average level of emissions must not exceed 95 g of CO₂/km. At the moment, the car industry has undertaken to reduce carbon dioxide emissions to 140 g/km by 2008 as part of a voluntary agreement signed in 1998. In view of the voluntary nature of this target, the efforts made to reduce emissions have been negligible, with a level of 186 g/km in 1995 falling to just 163 g/km in 2004.

The new regulation introduces a mandatory scheme for reducing CO₂ emissions, including a system of penalties for those who fail to meet this target, along with incentives for creating innovative technologies. By 2014, 80% of the car fleet will conform to the standards, while the penalty for every gram above the limit will be EUR 95 after 2019. The final compromise ensures a balance between the needs of consumers, environmental protection and a sustainable industrial policy.

Barth Staes (Verts/ALE), in writing. – (NL) I have voted against the compromise in the Sacconi report on CO₂ emissions from cars. It is a disgraceful dossier, where the car manufacturers once again escape the duty to build cars that guzzle less energy and pollute less. This dossier has been in the making for more than 10 years. Initially, time was bought by concluding a voluntary agreement, which was not observed. Today's agreement is another time-buying exercise. The fines are despicably low.

A standard of 95 g of CO₂ emission/km has been laid down to apply by 1 January 2020. In 1996, industry agreed a maximum emission of 140 g by 2008. What is the reality? We now have an average emission of 162 g.

The truth is that short-term thinking always prevails. We prefer to pay large amounts of dollars to corrupt or non-democratic regimes than to invest in green innovative technology. The argument that we are forced to do this by the economic crisis is a fallacy. The car industry only has a future if it opts in favour of energy-efficient and non-polluting cars. If it is now in trouble, it has no one but itself to blame for the incorrect and short-term choices it made in the past.

Silvia-Adriana Țicău (PSE), in writing. – (RO) I voted in favour of Mr Sacconi's report on emission performance standards for new passenger cars.

The road transport sector is responsible for around 70% of the greenhouse gas emissions produced by the transport sector in general. This applies, in particular, to urban areas where traffic congestion causes air pollution in large conurbations. It is therefore vital that the emission performance standards for new passenger cars are improved. The compromise which has been reached sets ambitious targets for car manufacturers, but also gives them the period of time necessary to adapt their production lines to the new requirements. The bonus system introduced for green cars will be an incentive for both manufacturers and consumers. Climate change will help to change consumer preferences and also relaunch the demand for cars.

Preserving jobs and creating the prerequisites for economic development are absolutely necessary, especially in the current economic and financial crisis. The importance of the car manufacturing industry is also recognised by the specific measures included in the European Economic Recovery Programme.

Thomas Ulmer (PPE-DE), in writing. – (DE) I voted in favour despite having strong reservations. On the one hand, it is right to urge the automobile industry to make CO₂ reductions. On the other, we wish to express strong reservations (see point 3, in particular). 1. The proposal does not make equal demands on all European manufacturers, but particularly affects manufacturers of large vehicles, who are also innovators. This concerns German manufacturers, in particular. 2. There has been no impact assessment. The first draft, which laid down an 80% (as opposed to the present 60%) slope for the limit-value curve, has been withdrawn. 3. Fines have been laid down arbitrarily, particularly in phase 4. This will lead to two different price levels for CO₂: the market price used on the stock market and a price laid down arbitrarily for the automobile industry.

Glenis Willmott (PSE), in writing. – I voted to support the legislation as amended, both on this proposal to reduce emissions of CO₂ from cars and on the entire climate change package. This is an important step to ensure that Europe meets its targets to cut emissions by 20% by 2020 and will send a strong message to the rest of the world ahead of next year's talks in Copenhagen that Europe means business.

We already have the technology to help us meet these targets and there can be no better example of this than the cutting-edge work being carried out at Loughborough University, in my own constituency, which is world-renowned for its development of green technologies and has recently unveiled a new hydrogen refuelling station, one of only two in the UK.

- Reports: Claude Turmes (A6-0369/2008), Avril Doyle (A6-0406/2008), Satu Hassi (A6-0411/2008), Chris Davies (A6-0414/2008), Dorette Corbey (A6-0496/2007) and Guido Sacconi (A6-0419/2008)

Bairbre de Brún and Mary Lou McDonald (GUE/NGL), in writing. – Sinn Féin attaches the highest priority to the fight against climate change. We fully recognise the profound changes needed to bring about the type of society and economy which will prove to be environmentally sustainable. Therefore, we support measures at local, national, EU and at global level through the UN climate talks to set the necessary binding targets for CO₂ reductions.

Specifically on the Doyle report on the Emissions Trading Scheme (ETS), we voted in favour of this report, as the outcome ensures an improvement of the current EU ETS, notwithstanding some serious difficulties with the scheme itself.

We are unhappy with the fact that most of the reductions to reach EU targets can actually be made outside of the EU, as approved by the Hassi report. We abstained on this.

On the Davies report on CCS and without prejudice to our clear preference for renewable energy, we voted in favour of this report, as it provides important measures on safety, financial security and liability. We would also have liked an emissions performance standard. However, this report provides for a review into the possibility.

We voted against the Sacconi report on cars, as the agreement severely weakens the Commission proposal.

Edite Estrela (PSE), in writing. – (PT) I voted in favour of the 'climate and energy package', which includes the Doyle, Hassi, Turmes and Davies reports, as I consider that the agreement reached between the European Parliament, the Council and the European Commission is a balanced agreement which reconciles protection of the environment with the legitimate interests of industry.

It was important to reach an agreement at first reading, in other words, in time for the European Union to submit a credible proposal at the Copenhagen Conference in 2009, in order to achieve an international agreement and continue our lead in the fight against climate change.

Neena Gill (PSE), in writing. – I voted in favour of the climate change package because I believe that the world is at a crucial juncture. We face an unprecedented challenge to our way of life. But only through working together can Member States have an effect. It is at times like this that the EU needs to face up to its responsibilities and act as a world leader.

And it has done so. No other country or group of countries has set a legally binding process with the scope and potential of this package.

Green Members of this House have argued that the package has been watered down. But they are being unrealistic. The environmental effectiveness of the system is not in question. Instead we have struck a workable balance – between the need for industry to continue to profit in difficult economic times, the social needs of Europe, and the future of our environment.

This was, therefore, a package that socialists were right to support, and I was very glad to do so.

Bruno Gollnisch (NI), in writing. – (FR) The energy and climate change package on which we are voting today is supposed to be representative of a transition in terms of energy, the economy and technology.

Indeed, that is what it is. The various measures proposed are going to radically change the energy 'mix' of the Member States, lead to a common, even single, energy policy, incur enormous financial costs, weaken the competitiveness of our industries and therefore employment in Europe, increase energy prices for private consumers and businesses, have significant consequences for national budgets, and so on.

Of course, many derogations have been provided for in order to avoid relocations. That, however, is not enough. Against the current backdrop of widespread crisis, which is shaping up to be a long-term one, a general safeguard clause is required to guarantee that the interests of the economy and of European workers take precedence, at least for the time being, over environmental objectives, as necessary. It is also necessary to provide for a general scrutiny of the process if the next international negotiations are not successful, and particularly if the United States and the large emerging countries do not commit to the same proportions since, in that case, the economic suicide of Europe, which only emits 15% of 'artificial' greenhouse gases worldwide, would be for absolutely nothing.

Dan Jørgensen (PSE), in writing. – (DA) The Danish Social Democrats have voted in favour of the majority of the EU climate package because, even though not all of the methods used are as we would have wished, it establishes an ambitious target for the reduction of CO₂ emissions of either 20% or 30%, depending on whether or not a global agreement is entered into.

The Social Democrats voted against the proposal on effort sharing (that is to say the reduction in, for example, agriculture, transport, etc.). The reason for this is that it is so easy to purchase credits in developing countries that the EU will be able to fulfil up to 60% to 70% of its reduction obligation by purchasing reductions in the world's poorest countries. In reality, this will mean that the richest countries would buy themselves free of the necessary switchover and so will not invest in the technological development that is necessary to meet the long-term target of an 80% reduction.

The Social Democrats voted against the proposal on CO₂ emissions from cars. Contrary to what the European Commission had proposed and directly counter to the results of the vote in the Committee on the Environment, Public Health and Food Safety, the proposal would delay the requirement for industry to emit not more than 120 g CO₂/km from 2012 by a further three years. The car industry already entered into a voluntary agreement on the reduction of CO₂ ten years ago and has had an enormous amount of time to adjust to the rules that are necessary if we are to combat global warming.

Marie-Noëlle Lienemann (PSE), in writing. – (FR) I voted in favour of the four directives on the energy and climate change package because it was important for the EU to adopt these texts before 2009 and the international negotiations. To postpone it would have delayed taking action and accrued delays, without guaranteeing an improved text. I voted YES:

- because the 3x20 targets have been confirmed (20% reduction of greenhouse gases, 20% reduction of energy consumed, 20% renewable energy) and an increase to a 30% reduction of greenhouse gases in the event of a more ambitious international agreement;

- because it is vital since the texts proposed by the Council do not go as far as the Commission's proposals and there is a risk of not achieving the stated targets – staggering over time, a large number of derogations, the possibility of financing gas reductions from outside the EU, which delays the essential decarbonisation of our industries, economies and means of development;

- as a precaution, because if the targets are not met on the way, Parliament will have to impose new policies;

- because it is a first step. I have always believed that emissions trading schemes would not transform our industry or our activities, in order to reduce their environmental impact. We must contemplate significant appropriations for research and innovation, establishing standards and customs tariffs in order to tackle environmental dumping, as well as industrial policies and European funds to accompany the changes.

Luís Queiró (PPE-DE), in writing. – (PT) Although the reports tackle different aspects of the climate package, it is possible to identify a global approach.

Given that the overall increase in energy consumption is set to continue and given that those energies which emit most CO₂ are also the most expensive, it is easy to see why the adoption of energies with lower CO₂ emissions is both an environmental and an economic necessity. For this reason, it is vital to invest in technologies that reduce energy consumption and in technological solutions that reduce the emissions that will always exist. Those industries which produce goods that emit most CO₂ must adapt. They can, and must, be encouraged to produce more technologically advanced goods, particularly through government procurement rules, rather than being penalised. Likewise, those industries that emit high levels of CO₂ during their production process need to receive support for research and innovation, in order to become more competitive, rather than be subject to rules that penalise production, thereby making it unviable in Europe. Lastly, there is a vital need to reduce energy dependency, by diversifying sources and suppliers. This approach must be used to encourage the use of those energies which emit less CO₂.

- Recommendation for second reading: Alejandro Cercas (A6-0440/2008)

Kader Arif (PSE), in writing. – (FR) The common position on working time that the Council put to the vote by Parliament was a real step backwards for workers' rights and a genuine threat to our European social model.

Gathering a strong majority behind him, the socialist rapporteur, Mr Cercas, whom I supported with my vote, has managed to bring down this conservative and reactionary vision of the world of work, which is worthy of the 19th century. Along with all socialists, I supported a series of amendments that guarantee essential advances for workers' rights.

We have thus obtained the repeal of the opt-out clause, which allowed people to break away from the limit on working time and impose up to 65 working hours per week. Similarly, because we cannot consider on-call time as rest time, we have enabled it to be counted as working time. We have also obtained guarantees with regard to compensatory rest time and the reconciling of family and professional life.

This great victory of the European socialists, supported by the unions, is a victory for all Europeans. The Europe that embraces the major social advances such as those today is the Europe that protects its people.

Alessandro Battilocchio (PSE), in writing. – (IT) Mr President, ladies and gentlemen, I voted in favour of the recommendation in question, the text of which was coordinated in Parliament by Mr Cercas. We find ourselves living through peculiar circumstances in which, unfortunately, the financial crisis is now also affecting the real economy. What we need are decisions that will have a positive impact on our manufacturing sector and, above all, Europe must ready itself for the new, difficult challenges for competition that are appearing on the horizon.

I agree with the basic idea of creating a European framework for regulations on the organisation of working time. It is right, in this field, to encourage greater involvement in decision making for social partners and, in particular, for the reformist trade unions throughout Europe that are trying to maintain a commitment not only to the protection of workers' rights, but also to modernisation and growth.

Adam Bielan (UEN), in writing. – (PL) Active and inactive time while on duty is an important issue for many professions, especially doctors. Dividing shifts into active and inactive time on duty is contrary to the concept of working time and key regulations on working conditions. Is it possible for someone to monitor when a doctor takes a break during a shift, or when they are carrying out their duties by performing an emergency

procedure, providing treatment or planning the next operation? Besides, attempts to monitor these things would involve employing inspectors and would incur ridiculous costs. Such a move would simply be incompatible with professional ethics.

Derek Roland Clark, Michael Henry Nattrass, Jeffrey Titford and John Whittaker (IND/DEM), in writing. – UKIP recognises the value of certain elements of the Council's position in preserving the right of Britons to work, and we have voted against other amendments in this report which specifically undermine those elements.

However, the Council's position contains many other elements which UKIP cannot agree with and cannot vote for. We therefore abstain from voting on Amendment 30.

Jean Louis Cottigny (PSE), in writing. – (FR) Today's vote in the European Parliament is vitally important. The maximum working time in Europe will remain at 48 hours, which will allow countries that have a regime that is more favourable to workers not to change anything (such as France, which has 35 hours). The Council wanted to increase this limit to 65 hours.

The forces of the left and those who defend workers, such as the European Trade Union Confederation, can be proud of this victory.

Doctors and medical students must not be forgotten, since this victory is also for them. On-call time for medical staff will continue to be counted as working time.

This vote, having received a large majority, will allow 27 MEPs to assert their position loud and clear to the 27 Ministers in the Conciliation Committee.

Harlem Désir (PSE), in writing. – (FR) Against the current backdrop of crisis and social insecurity for workers, today the Council puts to the vote in Parliament a common position that poses a genuine threat to the foundations of the European social model, by weakening working time standards.

Implementing a clause to derogate from the weekly limit of 48 hours and not calculating on-call time as working time risks creating a two-speed social Europe, divided between workers who can benefit from social protection in their Member States and others who cannot refuse to accept diminished social rights.

Contrary to the discussion of the Commission and certain States of the Council of the European Union, which presents the free choice to opt-out as progress, I chose to support the amendments of the rapporteur, Mr Cercas, which are the expression of Parliament's position at first reading in 2004.

These amendments require that the opt-out clause be repealed 36 months after the directive enters into force, that on-call time be calculated as working time (recognised by the CJEC), as well as guarantees with regard to compensatory rest time and the reconciling of family and professional life.

Brigitte Douay (PSE), in writing. – (FR) I supported the position of the rapporteur, Mr Cercas, since the organisation of working time is a crucial issue in the everyday lives of the citizens of Europe.

The massive demonstration by European unions yesterday in Strasbourg showed their commitment to better protection for workers.

Several aspects of this report caught my attention and should be defended, including, in particular, the end of the derogation to weekly working time, which is currently set at 48 hours in the European Union. Like other European socialists, I am convinced that reconciling work and family life is essential for the people of Europe to flourish.

The Cercas report, with the social advances it contains, moves in the right direction by removing the overly liberal measures applied in some Member States, which would like to see them extended throughout the European Union.

Lena Ek (ALDE), in writing. – (SV) After four years of trying to change the Working Time Directive, the Council of Ministers succeeded in agreeing on a common position last summer. The Council's agreement contains an opt-out option, which allows the social partners to deviate from the weekly working hours laid down in the directive. In this way, the Swedish model of collective agreements is protected. This is also fully in line with the principle of subsidiarity, the idea behind which being that decisions should be taken as near to citizens as possible.

The intention of Parliament's proposal is to exclude this opt-out option. I therefore voted against it.

Edite Estrela (PSE), *in writing*. – (PT) I voted in favour of rejecting the Council common position as I consider that it does not respect the legitimate rights of workers. The European Parliament adopted a clear and meaningful position by rejecting the possibility of a 65-hour working week.

Ilda Figueiredo (GUE/NGL), *in writing*. – (PT) Today's defeat suffered by the Council at the hands of the European Parliament is an important victory in the workers' struggle. The Council has failed to push through its unacceptable proposals to amend the Working Time Directive, which would have jeopardised the victories hard won during over 100 years of labour struggle. I would particularly highlight the attempts to extend the average working week to 60 and 65 hours, to create the concept of 'inactive working time', which would not therefore be regarded as working time, and to attack the trade union movement. All of that has been rejected, which also marks a defeat for the Portuguese Socialist Government of José Sócrates, which abstained on the Council common position.

Following today's vote in the European Parliament, the Council's proposal cannot enter into force. However, it can open new negotiations with Parliament, in contrast to what would have happened if the motion to reject the Council common position, tabled and defended by our Group, had been adopted.

As a result, despite the important victory achieved, this has not ended the war against the Council's proposal and certain reformist positions which appear ready to accept something in future negotiations.

We will remain firm in our position of rejection and we call on workers and their trade unions to be vigilant.

Neena Gill (PSE), *in writing*. – I voted to keep the opt-out as my priority is, first and foremost, to protect West Midlands jobs and ensure that my region retains a competitive edge.

I have always worked hard to protect workers but I do not feel that restricting people's choices is the best way to achieve this. I have spoken to many workers and SME owners for whom the downturn is causing job losses and business failures; they have asked me to retain their choice. In my experience, restricting peoples' overtime only favours those that can afford to weather the storm and it is important that we give people the means to support their families. There are safeguards in place in the common position to ensure that workers are not being exploited.

Bruno Gollnisch (NI), *in writing*. – (FR) The Commission's proposal for a directive is undoubtedly typical of what the Europe of Brussels calls flexibility and adaptability, and dares to describe as social: opt-out (which is to say, the option to exceed standards) for States or individuals, a limit of 78 working hours per week, not counting on-call time as working time, calculating time per contract and not per person, and so on. In short, everything to enable the exploitation of people in a situation where there is a crisis, rising unemployment again, and impoverishment of workers.

That is why we voted in favour of the amendments of the Committee on Employment and Social Affairs, but also in favour of some of those of our political opponents, because they seemed to us to be a step in the right direction, namely in favour of workers.

I would, however, like to make two additional points:

- the rapporteur clearly appears to be much more motivated by the image that the European Parliament would give to citizens, were it not to adopt its report six months ahead of the elections, than by the well-being of citizens themselves;

- we must remain vigilant. There is no majority in the Council to remove the opt-out and there is a risk that the report adopted today, which is already a compromise, will not be the last on the issue.

Małgorzata Handzlik (PPE-DE), *in writing*. – (PL) The debate on amendments to the Working Time Directive has aroused interest in many areas, especially in trade unions and employers' organisations. Today's vote in the European Parliament does not signal an end to this debate. This is because Parliament has adopted amendments rejecting the Council's proposals concerning the organisation of working time. The draft Directive will now be examined as part of a conciliation procedure. Given the significant differences of opinion between the Member States and Parliament, this raises doubts as to whether it will be adopted.

Scrapping the opt-out clause from the Directive was certainly an unfortunate decision. More specifically, this move might have unforeseen consequences for the continued provision of medical services, including in Poland. At this point, I would like to stress that I support the 48 hour limit on working time, with the

option of extending it only with the consent of the worker. I would like to stress that the Directive currently in force permits a 78 hour working week, a solution that benefits no one.

The compromise proposed by the Council would have guaranteed a balanced approach, by respecting different labour market models, as well as labour rights. I hope that further negotiations between Parliament and the Council will culminate in a solution that satisfies all stakeholders, by taking into account the specific details of the statements made by the medical profession, which is concerned about the changes contained in this Directive.

Ian Hughton (Verts/ALE), in writing. – I believe it is essential that workers have the free voluntary option of choosing the hours they work. If there is to be any continuation of opt-out arrangements, workers must be protected from exploitation. The common position attempts to achieve this balance, continuing to permit individuals to opt out of the 48 hour (on average) maximum weekly working limit contained in the Directive introducing new safeguards, to prevent the exploitation of individuals.

These include a prohibition on signing the opt-out at the same time as signing an employment contract, a 'cooling off' period of six months within which workers can change their minds, and a requirement for workers to renew their agreement to opt out every year.

The common position text attempts to retain the flexibility of the individual opt-out whilst strengthening the important protection mechanisms for workers and, on balance, I decided to vote in favour of the compromise proposal – i.e. retaining the opt-out.

The Parliament position favours no exceptions to the 48 hour maximum working time (calculated over 12 months), and says the opt-out must end three years after the adoption of the directive. It also says that any period of on-call time should count as working time.

Anneli Jäätteenmäki (ALDE), in writing. – (FI) If the proposal by the Council of Ministers had gone through in Parliament's vote, as many as 10 million workers would have been excluded from any working time protection in the EU. It was for this reason in particular that I voted in favour of Parliament's view at first reading.

The Council's position on the regulation of working time for academic employees would have been nothing less than a leap backwards. It would not have been acceptable for the Council to have excluded senior personnel – and in Finland the number of these at present stands at 130 000 – entirely from working time protection.

The internal European market needs clear and common rules on working time. The Council's position would have wrecked working time protection and would have been a threat to the development of work life in Europe.

Tunne Kelam (PPE-DE), in writing. – I voted against this directive to eliminate the opt-outs. I firmly believe, first of all, that every person should be free to choose their own working time. I also believe that such a regulation is a violation of the subsidiarity principle, under which the labour law falls. Every state should be in charge of regulating the working time in their respective country.

After the vote, I would now ask if the approval of this directive by the European Parliament now means that the next step that will be taken is to regulate whether, and how much, European citizens can have free time.

Roger Knapman and Thomas Wise (NI), in writing. – In voting to reject the amendment, I am seeking simply to protect the United Kingdom's opt-out from the Working Time Directive, which the amendment, if passed, would abolish.

My vote should not be seen, in any way, as support for the common position on the Working Time Directive as a whole.

Eija-Riitta Korhola (PPE-DE), in writing. – (FI) Mr President, I would like to give my explanation of vote on the opt-out principle in the Working Time Directive. Firstly, this act is intended to protect employees. Besides workers' burn-out being a human problem, it also reduces productivity. The prospect of improved opportunities for reconciling work and family life depends very much on European values, and the issue of working time is a contributory factor in this. There is therefore a solid argument for restrictions on working time.

Secondly, we should make it possible to consider circumstances on a case-by-case basis. A chance for flexibility is important for both employer and employee. Flexibility also helps improve the reconciliation of work and private life.

I supported the idea of a 48 hour working week but I think it is very important to have an adjustment period of sufficient length. In my opinion, an adjustment period is a better way to guarantee flexibility than an opt-out. Let it be emphasised that Finland did not think it necessary to take up the opt-out option, and that is a good thing.

Carl Lang (NI), in writing. – (FR) The European Commission's draft directive on working time, often criticised then rejected in 2005, was clearly an ultraliberal and internationalist tool, all the aspects of which formed an antisocial arsenal that could result in abuses, in particular, with the opt-out principle, which allows the maximum weekly working time of 48 hours to be exceeded. A worker could be called on to work up to 78 hours per week. Mr Cercas's report seems to have attempted to reach an acceptable compromise. As amended, it is intended to be, above all, a political message aimed at European workers and unions.

Conversely, it makes absolutely no mention of the problems faced in other professions when working time is reduced excessively, as with 35 hours. This applies particularly to health professions: hospitals, emergency services and so on. The issue of regulating working time and the freedom to work longer or shorter hours calls for a response that goes beyond a neo-Marxist or ultraliberal ideology, in favour of a more pragmatic and realistic approach.

While this recommendation is meant to be reassuring, while its aim is to ensure the health and safety of European workers and to enable them to reconcile family life ...

(The explanation of vote was cut short pursuant to Rule 163 of the Rules of Procedure)

Astrid Lulling (PPE-DE), in writing. – (DE) It took me some time to decide on the right position to take on this controversial Working Time Directive. I was inundated with opinions on the common position, which my government has also approved.

Small- and medium-sized enterprises have asked us to endorse the pragmatic solution of the Labour Ministers, particularly in view of the current economic climate. Many individual workers and professions, for example firefighters' organisations and actors, have requested that we leave it at the pragmatic solution but allow them to opt out, in order to retain the flexible working-time arrangements appropriate to their particular occupation.

The trade unions, understandably anxious about the possibility of working hours in the 21st century that are longer than the 48 hours agreed for the maximum working week by the International Labour Organisation in 1919, have declared themselves against this pragmatism.

It is also clear that on-call time of doctors and nursing staff in hospitals is to be regarded differently from on-call duty of workers at home, which is actually standby duty.

Since the gap between those who see the common position as their only means of salvation and those who condemn it in the strongest terms appears unbridgeable, I shall vote in such a way as to necessitate conciliation, for this is the only way of achieving a sensible, humane compromise with the Council.

Nils Lundgren (IND/DEM), in writing. – (SV) The June List believes that it is first and foremost the social partners and, secondly, the Swedish Parliament that should lay down our rules on working hours. This approach has broad public support and the successful Swedish trade union movement used to maintain that the social partners should decide such issues in collective agreements without the involvement of the state.

Now, the trade union movement both in Sweden and in other EU countries has changed its tune and is therefore demanding major changes in the Council's common position. It is now a question of transferring power over the Swedish labour market, not to those elected by the Swedish people, but to Brussels. The reason is concern that Member States will seize competitive advantages and risk public health by having long working hours and irresponsible rules for on-call time.

However, the EU countries are democratic states governed by law and they support the European Convention's declaration on human rights. They have free trade union movements. Countries that do not meet these criteria are not accepted into the members' circle. Does this problem exist, then?

I would maintain that the new situation that has arisen should be handled in a conciliation procedure between Parliament and the Council. I have therefore voted in favour of the amendment on on-call time and the United Kingdom's opt-out in order to encourage this sort of political process.

David Martin (PSE), in writing. – I support this report which will safeguard workers' rights, ending exploitation of working hours. The Working Time Directive limits the working week to 48 hours, averaged over 12 months and will come into force by 2012. I support the classification of on-call time as inclusive of these hours, allowing workers more time with their families. Working more than 48 hours a week poses serious health risks, most importantly the link between long hours and cardiovascular disorder, diabetes mellitus and musculoskeletal problems. I support the positive impact that this report will have on health and safety in the workplace and the prevention of accidents. Many accidents have been contributed to sleep deprivation because of excessive working hours, namely the Paddington Rail Crash. This report will bring a real improvement in living standards to thousands of Scottish employees which is why I support it.

Erik Meijer (GUE/NGL), in writing. – (NL) There are forces across Europe that see the present lack of labour protection in the new eastern Member States as an important competitive advantage that enables companies to lower their labour costs. The Working Hours Directive, as the Council would like to see it, will eventually lead to longer working hours for less pay for everyone. It is completely beyond the voters why cooperation of their countries within the EU should lead to a change for the worse, not for the better.

Under this proposal, short-term exemptions that extend working hours due to peaks in production or the height of the tourist season can be utilised the whole year round. On-call duty for firefighters, for example, need no longer be remunerated. A majority of this Parliament wanted to agree to this before, on condition that the current opt-out is phased out completely within a few years. The Council, however, would like to make this opt-out permanent and widen it, in fact. Certainly under those circumstances, a Working Hours Directive is wholly unwelcome.

It would only undermine superior national regulations in many EU Member States. The spiral is now tending downwards towards the unacceptable level in the new Member States. Fortunately, a broad majority has spoken out today in favour of ending the exemption option in 3 years' time.

Willy Meyer Pleite (GUE/NGL), in writing. – (ES) Today, I voted for the amendments in the Cercas report since I believe it is the only way to stop the Council's proposal for a directive on the organisation of working time.

We in my group have always opposed this directive, and we have therefore tabled an amendment rejecting it entirely, since we believe it will set workers' rights back a very long way. The proposal for a directive individualises employment relations (through the opt-out clause), so that employers and workers can agree to increase the working week to as much as 60 hours.

Although the amendments in the Cercas report soften the text of the directive, they make the current situation worse (they keep the opt-out clause for three years and increase the reference period for calculating working hours to six months). My group feels that the Cercas report is not heading in the right direction of guaranteeing a 35 hour working week under law for the same weekly wage, in order to effectively redistribute wealth.

Despite that, I voted for it, since that was the only strategic option to paralyse the Council's directive and force it into conciliation.

Seán Ó Neachtain (UEN), in writing. – I welcome the endorsement received for the CERCAS Report. Safeguarding the social and human element of EU decision making is paramount. Today's vote clearly demonstrates that all citizens desire a better, safer and more secure working environment. In Ireland in recent years, there have been significant legal developments and social partnership agreements, including the setting up of the National Employment Rights Authority, which surpass many minimum standards set down by various directives.

Achieving agreement in the Council has been a long and tortuous journey. It is important to emphasise that the best guarantors of workers' rights are clear legislation, enforcement mechanisms and partnership agreements. Inevitably, there must be some level of flexibility, but this must be based on equal partnerships negotiating any alternatives to changing work practices.

The subsidiarity principle is the best method of achieving the correct mechanism to allow the government and social partners to strike the proper balance. However, the idea of flexibility must not be permitted to lead to a reduction in the health and safety of workers. In Ireland the government not only had these principles

included in the Council conclusions, but has given a written guarantee to Trade Unions to continue promoting and developing these points.

Lydie Polfer (ALDE), in writing. – (FR) I voted in favour of the Cercas report, which opposes some of the proposals made by the Council in June 2008, which were intended to substantially amend the Directive concerning certain aspects of the organisation of working time, in place since 1993.

Indeed, I can only support the rapporteur, who recommends gradual removal, over three years, of any possibility to derogate (opt-out clause) from the maximum statutory limit on working time, which stands at 48 working hours per week for individual workers.

As regards on-call time, it is clear to me that it is absolutely essential that this time, including inactive periods, be wholly considered as working time.

By voting in favour of the Cercas report, the Committee on Employment and Social Affairs of the European Parliament has adopted a balanced position that protects European workers, and it is a position that I share.

Were they to be implemented, the measures recommended by the Council would represent a step backwards in relation to the current rights of workers, which would not be worthy of a Europe that is supposed to be both competitive and social.

Pierre Pribetich (PSE), in writing. – (FR) I voted in favour of all the amendments proposed by my colleague from the Socialist Group in the European Parliament, Mr Cercas, to defend social achievements in Europe, and the following three issues in particular, which I consider to be fundamental.

Limiting the working week to 48 hours is an imperative that we have defended tooth and nail, since it prevents Member States from imposing upon their workers working conditions that do not respect their fundamental social rights.

With regard to keeping on-call time as working time, the same applies to the health and safety of care workers, but also firefighters, other sectors subject to on-call time and all European citizens.

Promoting the reconciliation of professional life and private life is the last achievement, but not the least. It enables our fellow citizens to achieve a balance that is essential for their well-being.

I promised, along with my colleagues in the PSE Group, to defend the social rights of my fellow citizens. This is a resounding victory for European Socialists against the European Council's proposals, which were deemed unacceptable. As my colleague Mr Cercas put it, we are giving them a chance to rectify a poor decision.

Luís Queiró (PPE-DE), in writing. – (PT) Balancing the right to work and rest with the need for competitiveness and even economic viability forces us to choose what we value more. For our part, the priority must be to maintain and promote employment.

Jobs depend on the viability of undertakings. For that reason, there must be sensitivity and understanding towards the need to adapt employment rules to economic reality. Reality, however, is not a sufficient criterion. Over time we have sought and claimed the success of the capitalist model, which has allowed us to produce more and better and to offer better living conditions. These goals remain. That is why, while favouring a compromise that defends the economy, we can never accept this being achieved at the cost of the fundamental progress made.

There is one aspect, however, that must be underlined. If we look at the debate in the Council, it is quite obvious that those countries which expressed most reservations about the solution found are among those with the worst economic performance. Rules protecting workers will serve little purpose if there is less and less work and if we thus encourage migration to 'opt-out' countries, whether within or outside Europe.

Martine Roure (PSE), in writing. – (FR) The global crisis is affecting the fundamental rights of workers and, as a result, there is an increasingly large demand by European citizens for a social Europe. European governments, however, continue to ignore this reality. I am therefore delighted by the adoption today of the Working Time Directive, which can provide a response to these social changes. This is a strong message sent by the European Parliament to the Council. Governments must now accept their responsibilities and meet the expectations of our fellow citizens.

Indeed, this text provides, *inter alia*, for the establishment of a working week that cannot, in any circumstances, exceed 48 hours throughout the European Union. It sets a maximum limit for all of Europe, which will not

affect States that have more favourable provisions. Other measures include counting on-call time, including inactive periods, as working time. Lastly, we can also be pleased with the removal of the opt-out clause.

Toomas Savi (ALDE), in writing. – I very much resent the idea that people's freedom to work would be restricted to a 48 hour working week. Neither the European Union nor a Member State should set limits on anyone who is willing to work extra hours or hold several part-time positions and they should assume that the employer has not coerced the employee to do so. Therefore, I voted against the progressive abolition of the right of workers to opt out from the maximum 48 hour working week.

By doing so, we would deny people their right to fulfil their potential and contradict the Lisbon strategy. We are not improving Europe's competitiveness by trying to introduce legislation that reduces the flexibility of our labour force. The European Union will become an innovative and learning economy that can overcome the low productivity and stagnation of economic growth not by setting boundaries but by promoting the liberalisation of the labour market.

Olle Schmidt (ALDE), in writing. – (SV) Labour law and working hours are two of the mainstays of the Swedish labour market model. In the vote today on the Working Time Directive, it therefore seemed natural to follow the Swedish line and defend the collective agreement model by following the compromise reached in the Council. Unfortunately, there was no opportunity to support any individual amendments that were good, as it would have brought down the whole compromise. The Council's compromise allows the opt-out, which ensures that we can retain our Swedish model. The fact that the Social Democrats chose to jeopardise our Swedish system in favour of more EU legislation is strange and calls into question their support of the Swedish labour market model.

Bart Staes (Verts/ALE), in writing. – (NL) The working hours regulation touches the very heart of social Europe, weighing up, as it does, staff protection against a flexible organisation of the work. The Council of Ministers focuses on flexibility. It is unacceptable for employers in Member States that opt out to negotiate longer working hours, even up to 65 hours a week. This exemption regulation should be phased out completely three years after it comes into effect.

What is the use of common agreements on health and safety at work if that is what Member States are after? An average working week of 48 hours, calculated over a year, offers more than ample scope for absorbing peak times and for respecting the necessary resting times at the same time. Increasing this average is tantamount to giving employers permission not to pay for overtime in future.

It is, moreover, absurd, not to include on-call duty that can be spent asleep as working time. Whoever is on duty is on stand-by and this should be remunerated, just like resting times should be respected. Tired staff can put themselves, and others, in danger. Working should not be at the expense of a high quality of life. Today, we sent a strong message to the Council. The reconciliation procedure that is to follow should lead to a more social Europe.

Catherine Stihler (PSE), in writing. – The vote today by Parliament to end the 'opt out' from the Working Time Directive should be welcomed. Too many people have no choice but to work longer hours because their employer demands it of them. The basic principle of labour law is to protect the weaker party – the employee. Today is the first step on the way to conciliation to end the 'opt out'. It was remiss of the Council of Ministers to have no one present while the vote was taking place.

Kyriacos Triantaphyllides (GUE/NGL), in writing. – (EL) The common position arrived at by the Council of Ministers for Employment, Social Policy, Health and Consumer Affairs on 9 June 2008 forms part of the standing objective of the neoliberal forces currently reigning in the EU to deregulate industrial relations and undermine the role of the trade unions and workers' rights.

The automatic exemption clause encourages employers to abolish fixed and regulated working times, while the twelve month averaging clause adds an additional blow to the permanency of work. As far as on-call time is concerned, working time has been divided, with the result that inactive time does not count as working time.

That is why I support the positions and amendments tabled by the GUE/NGL Group seeking the wholesale rejection of the Council's common position and the abolition of the automatic exemption clause as well as the amendments tabled on the abolition of the extension of the reference period and the division of on-call time into active and inactive time.

Dominique Vlasto (PPE-DE), in writing. – (FR) Amendments 23 and 24 to the Cercas report, concerning Sunday working, were deemed unacceptable on the grounds of compliance with the principle of subsidiarity. It is an excellent decision that I wholly agree with.

It seemed inappropriate to me for the European Union to legislate on Sunday working and to impose a uniform solution on its Member States, when negotiation on a case-by-case basis enables voluntary and acceptable solutions to be found. While it is essential to properly regulate the possibilities of working on Sundays, I feel that it must be done at Member State level, taking account of specific social aspects and the nature of the activities. It also seems to me to be equally vital to take account of the local economic situation, for tourist, mountain or spa areas, where the activity is essentially seasonal. Opening shops on certain Sundays in the year makes complete sense here.

This free choice-based approach is the one adopted by the French Government and it will enable fair and balanced solutions to be found on a case-by-case basis. By reaffirming the application of the principle of subsidiarity, the European Parliament has decided not to prevent these policies from taking account of these different economic and social contexts.

- Report: Inés Ayala Sender (A6-0371/2008)

Jan Andersson, Göran Färm, Anna Hedh, Inger Segelström and Åsa Westlund (PSE), in writing. – (SV) We Swedish Social Democrats regret the fact that the number of road traffic deaths within the EU has not fallen at the rate required to achieve the European Traffic Safety Programme targets. We welcome more effective cross-border monitoring of traffic offences and the establishment of an electronic information system as a means of increasing traffic safety. Traffic safety will always be a high priority issue for us. Unfortunately, the proposal lacks a legal basis if a country chooses to deal with traffic offences as an administrative matter within the area of criminal law, as is the case in Sweden and in a number of other Member States.

As a consequence, it will be difficult to apply the directive in Sweden and a number of other Member States, while the legal basis for the whole directive may also be brought into question. We have therefore chosen to abstain.

Alessandro Battilocchio (PSE), in writing. – (IT) Mr President, ladies and gentlemen, I fully support Mrs Ayala Sender's report, which is aimed at achieving an important objective: to extend the basic legislation on aspects of road safety to all 27 States.

Thanks to our joint efforts, we are living in a Union of 27 countries, in which the mobility of persons and goods is no longer a pipe dream but an everyday, physical reality. In this context, it is wholly inappropriate to have different laws in this field.

I believe that in terms of road safety, it is now possible to put in place monitoring instruments that enable dangers and risks to be considerably reduced – for example, I am very impressed with the Tutor system trialled on certain Italian motorways, which has cut road traffic accidents on those stretches by 50%. With this report, we are on the right track.

Charlotte Cederschiöld, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), in writing. – (SV) By means of the proposed directive, the Commission wishes to introduce rules for financial penalties for certain traffic offences committed in Member States other than the one to which the driver belongs. In the Commission's and Parliament's proposal, the issue is dealt with by means of a supranational decision-making process under the EU's first pillar. However, in common with the Swedish Government, we believe that, as its aim relates to criminal law, the proposed directive should be dealt with on an intergovernmental basis within the framework of legal cooperation under the EU's third pillar. We have therefore chosen to abstain.

Carlos Coelho (PPE-DE), in writing. – (PT) In 2001, the European Union set itself the fairly ambitious objective of halving the number of persons killed on the roads by 2010. Although things started well, we soon began to see a slowdown in the progress made, which ended up stagnating last year (when around 43 000 people were killed on all the roads in the 27 Member States).

As a result, we urgently need to stimulate pursuit of this target and create a new approach to European road safety policy. This welcome proposal is limited to the four offences which cause the most accidents and

deaths on the road (75%) and which are common to all Member States: these are speeding, drink-driving, failure to wear a seatbelt and failure to stop at red lights.

To date, there has been a widespread feeling of impunity, as in most cases any sanctions end up not having any effect.

In a Europe without internal borders, this situation is unacceptable as we cannot allow different treatment of citizens depending on whether or not they are residents. The law must be applied equally to all citizens.

At the same time, we must improve road safety in order to reduce the number of deaths on European roads.

Avril Doyle (PPE-DE), in writing. – MEP Sender's report proposes to improve road safety in Europe by making penalties incurred in one Member State applicable in another. The establishment of an EU Network data exchange where details of four particular offences, speeding, drink driving, breaking red lights and failing to wear seatbelts – actions which needlessly endanger the lives of all road users – are registered and transmitted to the Member State where that person legally resides and the appropriate penalties for these offences, be it fines or other penalties, are applied.

Finding the appropriate means to achieve this balance between the need to impose appropriate penalties for road traffic offences in the European Union and find a sound legal basis for creating such a network and intervening in areas considered of national competence. The penalties for such infringements are different in Member States where, in some, road traffic offences are covered under administrative and formal fines, and in others, like Ireland, they are domestic criminal matters.

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. – (SV) This report proposes that a special electronic system be set up for the exchange of information on drivers between Member States. This will allow anyone who drives too fast, drives without a seat belt or goes through a red light, to be asked in a simple and efficient manner to pay a fine in the country in which the traffic offence took place. The idea behind this proposal is undoubtedly a good one. Unfortunately, however, the proposal leaves a lot to be desired.

The European Parliament would like to see the amounts of the fines harmonised, something that is difficult when levels of income vary between Member States. It is also proposed that the technical equipment and methods used in road safety checks be harmonised. In addition, there is also a question mark regarding the legal basis for this proposal, which is something that Sweden, among others, has pointed out in the Council. The June List has therefore voted against this proposal.

Mathieu Grosch (PPE-DE), in writing. – (DE) I have endorsed the report on cross-border enforcement in the field of road safety, since these rules will mean that drivers who commit a road traffic offence in a third country are prosecuted more effectively.

The Commission states that road traffic offences often are not prosecuted if they are committed in a vehicle registered in a Member State other than the one in which the infringement took place. This is associated with the tendency of many drivers to drive more recklessly in third countries than in their home countries as they are less fearful of criminal prosecution. This new directive sets out to put a stop to this tendency.

The electronic exchange of data envisaged in the directive, complete with a guarantee of data protection, will ensure efficient cooperation between countries that enables road traffic offences to be prosecuted as though they were committed in the driver's home country. To begin with, the directive is limited to the prosecution of the four road traffic offences responsible for a total of 75% of fatal and other serious road traffic accidents. The offences covered, as envisaged in the Commission's proposal, are speeding, drink-driving, the failure to wear a seatbelt and the failure to stop at red lights. However, the Commission is to conduct a review two years after the entry into force of the directive, which could then lead to the inclusion of other offences.

I support the directive and see it as an important step not only towards the promotion of road safety but also towards giving Europe the opportunity to grow even closer together as a large mobility area.

Bruno Gollnisch (NI), in writing. – (FR) The Ayala Sender report is a new tool with which to persecute motorists: cross-border prosecution of serious offences (but, strangely, not driving under the influence of drugs), Brussels imposing on national authorities how many annual checks to carry out and where to do them, harmonisation of penalties, random means of recourse, information and access to said recourse not

being guaranteed to be in the language of the person being prosecuted, possibilities of extending the scope of the directive to other offences (perhaps overstaying at parking meters?), and so on.

Despite your assertions, you are not interested in saving lives, rather you are interested in directing fines into the coffers of the Member States. If you really were concerned about safety, and not purely about money, it seems to me that the facts to quote should relate to foreign drivers responsible for fatal accidents, and not simply the offences they commit, the number of which, by the way, increases in direct proportion to the proliferation of automatic radar devices. There has not even been a study on the effects of equivalent bilateral agreements that are in place, and have been in place for several years in some cases, such as, for instance, that between France and Germany or France and Luxembourg.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) The proposal for a directive seeks to facilitate the enforcement of penalties against drivers who have committed offences relating to speeding, drink-driving, failure to wear a seat belt or failure to stop at red lights (the four most serious offences in terms of loss of human life in the EU) in a Member State other than their own.

Road safety issues are undoubtedly extremely important, as also are efforts to reduce the number of accidents.

Measures should certainly be implemented to combat 'impunity' with regard to offences committed on the territory of Member States other than the driver's country of residence.

We believe, however, that such objectives will not necessarily be achieved by excessive harmonisation and by increasing safety measures across Europe (installation of control and surveillance equipment on motorways, minor roads and urban roads; creation of EU electronic data exchange systems, which raise doubts about the proper protection of personal data), given that it is through prevention (based on the specific – and different – situation in each country) that we really will be able to promote road safety and reduce the number of accidents.

That is why we abstained.

Jim Higgins (PPE-DE), in writing. – On behalf of the Irish delegation within the PPE-DE Group, I would like to clarify that we supported the Ayala Sender report on the basis that the aim of the report and its impact will contribute greatly to improved road safety. We are aware of potential difficulties for Ireland, but we feel these can and will be overcome once agreement has been reached at Council on the exact legal base of this proposal.

Ian Hudghton (Verts/ALE), in writing. – Every year, thousands of people are killed or injured on Europe's roads. It is essential that action is taken by governments across Europe to ensure that road safety is taken seriously. At present, the issue of drivers escaping justice by ignoring traffic laws whilst driving in foreign countries exacerbates the already grim situation. Increased cooperation across the EU in the enforcement of speeding and drink-driving laws is to be commended, and I accordingly voted in favour of the Ayala Sender report.

Carl Lang and Fernand Le Rachinel (NI), in writing. – (FR) The taxation, penalisation and systematic swindling of motorists seems to know no bounds.

We know, in reality, that this is not a matter of penalising those who drive badly, but those who drive frequently. The sad and unfortunate obligation on police to meet 'quotas' and 'turnover' only exacerbates frequently excessive police clampdowns.

Furthermore, even though there are a great many differences in the conditions for confiscating a driving licence among the Member States, and the systems for the scale of offences and fines in the field of road safety vary from one country to another, Europe wants to establish an electronic system for Member States to exchange information relating to offences committed on their territory, and in order to penalise motorists even more.

While we can, of course, only welcome a reduction in the number of road accidents, it is important to ensure that these new legislative measures are not accompanied by attacks on freedoms, or unlawful, inappropriate or unfair measures.

David Martin (PSE), in writing. – I support this legislation which aims to facilitate the enforcement of sanctions against drivers who commit an offence in another member state than the one where the vehicle is registered.

Erik Meijer (GUE/NGL), in writing. – (NL) Car drivers tend to drive faster abroad than in their own countries, and will also more readily indulge in illegal parking whilst there. Practice has shown that the fines for speeding and illegal parking are rarely collected, much to the irritation of the residents of, and drivers in, large cities, in particular. European cooperation, precisely in terms of equal obligations for all road users, should have borne fruit long ago.

After all, everyone has to pay foreign road tolls and we have been discussing for years the option of collecting electronically registered levies where the person in question lives. This should also apply to traffic fines. It is bad for road safety and the environment if car drivers know that they can get away with breaking all the rules abroad.

That is why we back the proposal to simplify the collection of traffic fines across borders. This does not detract in any way from our opinion that criminal law is a national preserve, and should remain so, and that the European arrest warrant, as a result of which people have to be extradited by their countries to another state and remain in custody there, sometimes for very long periods of time, leads to renewed injustice.

Andreas Mölzer (NI), in writing. – (DE) If the EU is to occupy itself with cross-border traffic rules, this should not be limited to enforcing penalty notices. For example, in Brussels, which is of course a cosmopolitan city, it is not unknown for people with foreign number plates who need help from the law-enforcement authorities in the event of an incident such as a road traffic accident or theft, to find that they do not receive the same degree of assistance as owners of vehicles with Belgian plates, on the grounds that they do not pay the contributions towards the upkeep of the road system and associated costs paid by Belgian vehicle owners. The EU, which is always advocating anti-discrimination, will have to do something to rectify this situation.

A further unresolved issue is the environmental zones set up in many European countries. According to surveys, 40% of drivers would not recognise the signs or would enter these zones without authorisation. Moneymaking seems to be at the forefront of cross-border enforcement in the field of road safety, as it was with the lucrative environmental penalty notices. Other measures to promote road safety are being left behind in the process, which is why I rejected this report.

Seán Ó Neachtain (UEN), in writing. – (GA) I strongly support this report, which is aimed at improving Irish roads. It provides the opportunity to impose cross-border penalties on drivers, as an EU Knowledge Base Network will be created. This network will allow different Member States to exchange information related to foreign drivers who are penalised for drink driving, speeding, breaking a red light or failing to wear a seatbelt. These criminals will be informed of their financial penalties.

This common approach is a step forward as regards imposing penalties on those who do not comply with the rules of the road. Ireland's roads will be safer as a result. A penalty will be applied and it will stop drivers who do not comply with the rules.

Brian Simpson (PSE), in writing. – Firstly, I would like to congratulate the rapporteur for her hard work on this dossier and, secondly, I would like to congratulate Parliament as a whole for reinforcing this strong position to send to Council in the light of the difficulties this proposal faces there.

Cross-border enforcement is a necessity across the EU if we are serious about reducing road traffic accidents and deaths. It is a nonsense that a citizen driving outside of his/her own Member State can flout traffic laws on speeding, drink-driving, failure to wear a seatbelt or failure to stop at a red light without receiving the appropriate punishment.

I believe this is an important step to better cooperation between enforcement agencies which, hopefully, will lead to a fully harmonised road safety enforcement across the EU.

Silvia-Adriana Țicău (PSE), in writing. – (RO) I voted in favour of the report on the proposal for a directive facilitating cross-border enforcement in the field of road safety. 70% of road accidents are caused as a result of exceeding the legal speed limit, failing to wear a seat belt, going through a red light or driving under the influence of alcohol. There are already bilateral agreements between some Member States for cross-border prosecutions in the case of an infringement of road safety regulations, but there is still no common European framework. I would like to mention that the proposal for a directive refers only to financial penalties. I believe that the Commission's proposal will make a significant contribution to saving human lives. It is unfortunate that around 43 000 people, roughly equivalent to the population of a medium-sized European town, die every year in Europe as a result of road accidents, not to mention the other 1.3 million people who are victims of road accidents every year.

I also regret the fact that with a rate of 13%, Romania recorded the biggest rise in the number of road accidents last year. I hope that the majority vote given in favour by the European Parliament will spur the European Union's Council on to speed up the adoption of the measures required to reduce road accidents. We need to act immediately to save human lives.

9. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 1.35 p.m. and resumed at 3 p.m.)

IN THE CHAIR: MRS ROTHE

Vice-President

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

11. Documents received: see Minutes

12. Transfers of appropriations: see Minutes

13. EU Annual report on human rights - French initiative at the UN on the decriminalisation of homosexuality (debate)

President. – The next item is the joint debate on the Council and Commission statements on the EU Annual Report on Human Rights and on the French initiative at the UN on the decriminalisation of homosexuality.

We have one small problem: the Council representative, Mrs Yade, cannot join us yet. She is on an aeroplane somewhere near Strasbourg, but is unable to land. I suggest that we start with the Commission and then proceed to the debate, and that Mrs Yade be given the floor in due course.

Benita Ferrero-Waldner, *Member of the Commission.* – (DE) Thank you, Madam President. (FR) Ladies and gentlemen, here we are again at the end of the year, on the occasion of the publication of the annual report on human rights.

This meeting takes on a special significance in this 60th anniversary year of the Universal Declaration of Human Rights. The Declaration, with the perfect simplicity of its 30 articles and the universal vision it embodies, has not aged. What is more, it is as relevant as ever in a world in which too many people continue to have their fundamental rights violated on a daily basis. Each one of these cases reminds us that so much remains to be done to make the rights established by the Declaration a tangible reality.

Like the whole European Parliament this morning, I too was very moved by the presence of most of the Sakharov Prize winners, and I was also very touched by the words of Mrs Bonner. I have the greatest admiration for all defenders of human rights.

Now, ladies and gentlemen, the annual report on human rights sets out the action taken by the European Union in pursuit of this goal. I should like to emphasise two significant developments and two challenges.

The first development I would like to mention is that the European Union has made good progress in 2008 in consolidating its external policy instruments, in order to tackle discrimination and violence against women. Beyond symbolic situations, such as that in the eastern Congo, violence against women still represents a global scourge.

The implementation of Security Council Resolutions 1325 'Women, peace and security' and 1820 'Violence against women' is still inadequate.

The Secretary-General of the United Nations, Ban Ki-moon, has just given a positive response to the request I put to him, with the backing of 40 women leaders, to organise a ministerial conference on the implementation of Resolution 1325 in 2010, and I am delighted about that.

From this perspective, we will strengthen the coordination of European instruments. The Council has just adopted a new overall approach to implement Resolutions 1325 and 1820, which applies both to operations

relating to the European Security and Defence Policy, and Community instruments. This will help us to improve integration of the gender perspective, from prevention and crisis management to consolidation of peace and reconstruction.

In the same spirit, the European Union has just adopted, under the French Presidency, new European Union guidelines on the fight against violence and discrimination against women.

The second development that is close to my heart, concerns our dialogues on human rights. In 2008, we opened new dialogues with Kazakhstan, Kyrgyzstan, Turkmenistan and Tajikistan, thus achieving our goal of covering all central Asian countries. Similarly, this year we held two promising rounds of talks in our new dialogue with the African Union.

Lastly, we decided on the practical details of five new dialogues in Latin America. More than ever, we are determined to involve civil society in the preparation as well as the follow-up of dialogues. These dialogues are not simple – as shown by the recent dialogue with China – hence the importance of weighing up the impact of these efforts. We must establish how we can enhance the link between the political message and tangible actions on the ground.

This brings me on to the two challenges I mentioned earlier. Firstly, I would like to discuss the multilateral challenge. The work of the United Nations is absolutely vital as a guarantee of the universality of human rights. How can we enhance the effectiveness of the United Nations and our contribution to its work? Certainly, the European Union's commitment is yielding results, such as the support of a growing number of countries for the resolution on the death penalty, or the adoption of the resolutions on Iran, North Korea and Burma, initiatives launched or cosponsored by the European Union in New York.

In the context of today's joint statement by the Council and the Commission, I would like to confirm our support for the French initiative on sexual orientation. The Commission is ready to raise these issues, including the decriminalisation of homosexuality, in its contacts with third countries, in a context of mutual respect, sensitivity, and respective customs.

In Geneva, the universal periodic review process is beginning. These results, however, must not blind us to the increasing difficulty the European Union has in playing its role as bridge builder, in a UN environment that is more polarised, where countries act together in blocs. The recommendations of Mrs Andriukienė's report, which your House will be asked to adopt in January, will be helpful in taking our thinking on this further.

Finally, the second challenge is the challenge of effectiveness. The European Union is stepping up its activities in favour of human rights in a growing number of countries. How can we enhance our effectiveness? I believe that we must ensure that we enhance the linkage between our various instruments to serve our priorities, whether it be our political dialogue, our diplomatic action and the European instrument for democracy and human rights, electoral observation or even integration of the human rights aspect in our other external policies.

The goal of coherence, and therefore of enhanced effectiveness, should be a major concern for all institutions.

Laima Liucija Andriukienė, *on behalf of the PPE-DE Group.* – (LT) It would be unthinkable for the European Parliament to discuss human rights in the world today without mentioning Hu Jia. A few hours ago, we all participated in a moving ceremony which Hu Jia himself was unable to attend, but today people throughout the whole world will hear about his work and efforts to defend the rights of AIDS sufferers and to fight for environmental protection in China. I was in China a few weeks ago and convinced myself how right Hu Jia is to fight for environmental protection. Not to be able to see the sun in the sky because of the enormous amount of pollution is terrible. Today, we must also mention former Sakharov Prize winners: San Suu Kyi from Burma, Oswaldo Paya and Damas de Blanco. Today, we miss them all here in the European Parliament and once again we must discuss the unsatisfactory human rights situations in Burma and Cuba.

A week ago, we mentioned the 60th anniversary of the Universal Declaration of Human Rights, but today we must also acknowledge that not only do many countries fail to honour human rights, they blatantly violate them. We are debating the 2008 Annual Report on Human Rights in the World. It comprehensively reflects human rights problems. It is worth congratulating the European Council and the Commission for preparing this excellent document. I would like to stress several things. Firstly, as was mentioned by Mrs Ferrero-Waldner, the United Nations Human Rights Council and the European Union's role in it, as well as the general role of the United Nations in defending human rights throughout the world. Secondly, the

European Union's policy landmarks on the death penalty and their implementation. Thirdly, human rights dialogues and consultations.

Colleagues, I feel it is especially important to get the United Nations Human Rights Council to use the mandate, given to it by the United Nations, unilaterally and purposefully in order to defend human rights and ensure the maximum transparency of institutions and the participation of civil society in its work. On behalf of us all, I would like to urge all European Union institutions to work together in harmony to defend human rights in the world.

Raimon Obiols i Germà, *on behalf of the PSE Group*. – (ES) Everything you have explained is absolutely right, Commissioner. We totally agree with it. We also agree with your conclusions: we need to be more consistent.

There is one point that I would like to emphasise, however, in the little speaking time we are allowed, regarding this question of consistency. A lot is demanded from Europe in the area of human rights around the world, and Europe is strongly criticised in the area of human rights around the world. People say that Europe applies its principles only when it is convenient to do so, or only for the benefit of its own citizens. The only response to these demands and criticisms lies in there being consistency between the EU's foreign and domestic policies in the area of human rights.

We cannot have credibility around the world if the measures we adopt in the management of immigration, in particular, and in our policies in response to the tragic events caused by terrorism, are not exemplary in terms of human rights.

That, Commissioner, is the basic, fundamental issue: consistency in human rights terms between the EU's foreign and domestic policies.

That said, two priorities perhaps need to be stressed, and I shall make use of the little time I have left. The fight against the death penalty is something that our contemporary generations may see culminate in success. That is a possible goal, and we must focus on it. Secondly, I am pleased that the feminisation of the European Union's human rights policy has been enhanced during this term of the French Presidency with a specific policy in this field of the human rights of women.

Marco Cappato, *on behalf of the ALDE Group*. – (IT) Madam President, ladies and gentlemen, I too would like to thank the rapporteur, Mrs Andriksen, for the work she is doing on the question of the role of the European Union at the United Nations.

There is not time to go into detail about the entire report the Council presented on human rights. I think that a key issue is respect for our own rules and, in particular, of the mechanisms in place for the human rights clause in cooperation agreements, but we will have time to discuss and expand on this topic when we come to Mr Obiols i Germà's report.

In the short time I have left, I would, for the record, like to extend my compliments and congratulations to the French Presidency and Mrs Yade for having taken the initiative at the UN on the universal decriminalisation of homosexuality. I see this as a highly significant political initiative, to be praised all the more for the fact that the support of 60 states has already been secured.

We have heard from Mrs Ferrero-Waldner and we welcome her words and her commitment. It is important not only that the European Union is united on this but also that it should play a similar role to that which we played in involving other countries on other continents in order to achieve the universal moratorium on the death penalty. That has been the key strategy.

On this subject it should be noted that the Holy See, the Vatican State, acting not in its position as the religious entity with which we have a cultural dialogue, but as the state that sits as an observer at the United Nations, has launched a hard-line, critical offensive against the French initiative. With the frankness that is called for in international relations, I believe that we must remind the Vatican State that the decriminalisation of homosexuality is important to us, it is a question of human rights, and that the challenge they are mounting should be decisively rejected.

Hélène Flautre, *on behalf of the Verts/ALE Group*. – (FR) Madam President, it is a real shame to hold this debate in the Council's absence, just as it is extremely regrettable – since it is not 15 minutes late, but three and a quarter hours late – to have awarded this Sakharov Prize without the Council being here with us today, together with the European Commission.

I should like to raise an urgent point. Yesterday, Israel denied the United Nations Special Rapporteur access to Palestinian territories. I believe that this is an extremely aggressive act that calls for an immediate response from the Council and the Commission and, particularly with regard to strengthening relations between the EU and Israel, the message must be absolutely clear and immediate.

This report – like every year, I would say – is both a good document since it constitutes a statement of activities that is extremely useful as a working document but, at the same time, it does not contain all the elements of critical analysis, impact assessments and the strategies adopted by the Council to integrate human rights fully into the framework, for instance, of our energy policies, our trade policies or our security policies.

Parliament undertook this exercise. It is a delicate exercise and what you hear is clearly not always pleasant. I must say, however, that the idea of a Sakharov Prize network, for example, was developed in this report and from this study. Today, this network is formed in this 20th anniversary declaration and many proposals are now on the table, including a Sakharov Prize office, Sakharov passports, and a Sakharov fund to support our prizes and human rights defenders throughout the world. There is no shortage of ideas.

I am delighted that this presentation was given together with the following report on fundamental rights in the Union. Mr Obiols i Germà is right. It is a vital task for the Union to link up its achievements, internally, and its objectives, externally. It is even a crucial guarantee of its credibility.

I would like to say that we must not fail to respond to the abundant criticisms emanating from all continents and all international organisations with regard to the European Union's asylum and immigration policy. We must not fail to respond to the complicity of Member States of the European Union in the fight against terrorism, which has allowed the rendition and torture of a number of presumed terrorists.

Vittorio Agnoletto, *on behalf of the GUE/NGL Group.* – (IT) Madam President, ladies and gentlemen, I have listened carefully to the Commissioner's statement. It is true, there have been several advances made, but yet again I must remind you, Commissioner, that the democratic clause, approved by Parliament three years ago now, has not yet been applied in trade agreements with all countries, as requested by Parliament.

Double standards are still used – tough with the weak and deferential with the strong, depending on what is most convenient for Europe in these trade agreements, but this double standard is also used in other situations. I refer to a subject that has already been touched on: I find the position taken by the Vatican State against the proposal to decriminalise homosexuality shameful and unacceptable. It is unacceptable that the European institutions should launch appeals almost every month against those states that continue to persecute people whose only crime is to be homosexual and yet for there to be silence when such a serious and prejudicial position on human rights is assumed by the Vatican and its representative at the UN.

This is a position that runs counter to the universal declaration of human rights, the 60th anniversary of which we are celebrating this year. The Vatican's statement goes against the fundamental point, which is that human rights are indivisible, universal and must be protected regardless of sexual orientation, race, skin colour, and so on.

I have asked the Chairman of the Subcommittee on Human Rights to call the Vatican State's representative to the EU to attend one of the subcommittee's meetings in order to answer for this behaviour and to discuss it with them. That is what we routinely do with all states that have diplomatic representation in the European Union. I would also like to make it clear that the attempt to backtrack by merely saying that France had not yet submitted the document was a real blunder because it does not change the facts: the Vatican State has not backed down on the serious statements it has issued.

Zbigniew Zaleski (PPE-DE). – (PL) Madam President, let us reflect for a minute on the following: human rights, derived from written or unwritten social agreements and which sometimes refer to natural laws, provide the basis for social coexistence. There is no doubt that the reality is different.

The concept of human rights has now been expanded to cover new aspects, its definition has become semantically richer, and it is our task to defend these rights. It would seem that, globally, progress has been made in this field, but the sad fact remains that totalitarian regimes still exist today. We must fight for every person, every individual, every brave activist who represents the conscience of millions, as millions of people are often too afraid to speak out, even though they may be suffering. It seems that, at least, certain regimes are responding to our decisions by protesting against our resolutions and declarations which condemn their actions. We cannot allow ourselves to be intimidated by these responses. This is how awareness of human

rights is raised. I would like to stress that the greater the awareness of these issues, the better the chance we stand of creating a common front with a view to building a just society.

Investing in human rights is a priority for my group, and it should be a priority for the entire European Parliament. Let the Sakharov Prize be our flag, representing our concern for the fundamental value of a normal and happy life for every single person on earth.

Richard Howitt (PSE). - Madam President, the European Parliament should welcome the EU's annual report on human rights. Once again, however, we should call for more emphasis on the delivery of concrete results on the ground and of mainstreaming of human rights throughout the whole European Union system. I welcome the big achievement of the year – the EU-backed resolution on the moratorium on the death penalty put forward by our Portuguese Presidency colleagues – but still, over 1 200 people were executed in 24 countries throughout the world, and this campaign must continue.

Much remains to be done on mainstreaming. I regret that just last week, the Commission approved the GSP+ preferential trade status for 16 countries, despite documented evidence provided to the Commission of human rights abuses, labour law violations and even murder in countries such as Colombia and Sri Lanka.

Finally, looking to the future, the European Union should now look to discuss at an early stage with the incoming United States Administration their re-engagement with the UN Human Rights Council. We should agree clear objectives for the Council between now and the review by the General Assembly in 2011.

Sarah Ludford (ALDE). - Madam President, may I first of all endorse what my colleague Marco Cappato has said, applauding the action at the UN to try and achieve the decriminalisation of homosexuality around the world. I also support that strongly.

I wanted to say a word – and I agree here with Hélène Flautre – about the absolutely scandalous absence of the Council and the presidency this morning at the Sakharov Prize ceremony. It was a great pity that the presidency was not present to hear the moving and courageous message from Hu Jia's wife. I think it might have led to certain thought-provoking reassessments of our relationship with China.

However, I also wanted to say a few words about torture. In June, the EU, on the International Day in Support of Victims of Torture, underlined the priority it attaches to the global eradication of torture, and encouraged all states to sign and ratify OPCAT, the optional protocol to the torture convention. So why have only nine EU States become full parties, with a further 12 in the process of ratification? What about the other six? Is there a common position? And, if not, why not?

In the same declaration in June, the EU condemned any action aimed at authorising torture and other forms of ill-treatment. Why, nearly two years on, is there still no sufficient and comprehensive response to Parliament's report on European cooperation with extraordinary rendition? It is from Washington that the truth is now going to come out, just as it is coming out from the Senate Armed Services Committee. If EU States do not come clean, their dirty secrets will be revealed anyway from across the Atlantic.

Lastly, why are we not responding to the request from the US, and from the Portuguese Foreign Minister, to help resettle Guantánamo detainees? We should help incoming President Obama to close this appalling chapter in America's and Europe's history.

Gay Mitchell (PPE-DE). - Madam President, the report we are considering today covers a number of topics that relate directly to the Israel-Palestinian situation. Of the 12 European Neighbourhood Policy action plans mentioned, two are for Israel and the occupied Palestinian Territory.

Specifically in relation to these, the report says that there has been 'a significant deterioration in the human rights situation, in particular as regards the right to life and personal security and the right to personal freedom and safety (especially relating to arrest, detention, search procedures, and torture and ill-treatment during interrogation). Both Palestinian and Israeli authorities are responsible for human rights violations'.

I have been very heartened by the reasoned and considered nature of much of the correspondence I have received from people who are obviously very passionate and moved by the troubling situation in the region. These matters are being raised generally with Israel in the regular political dialogue meetings, and specifically in meetings of the EU-Israel informal working group on human rights.

It is because of this that I broadly support a continuing dialogue with Israel, while strongly condemning human rights abuses on both sides. Meanwhile, let us continue to assist the suffering people of Gaza and the West Bank by effective aid.

We have a road map in which the EU and the US are involved. With the election of a new US President, it is time to move this issue to the top of our external affairs agenda. We must bring about a two-state solution, with full respect for human rights and all UN resolutions, with great urgency.

Ana Maria Gomes (PSE). - Madam President, the Sakharov Prize awarded by this Parliament to Hu Jia, on behalf of all defenders of the people in China and Tibet, puts human rights at the centre of EU-China relations, regardless of the wish of rulers in Europe or Beijing.

As other colleagues have said, the EU cannot promote the rule of law and human rights worldwide if it is not consistent in upholding them in Europe and in Europe's external relations. Regrettably, the 2008 Annual Report on Human Rights demonstrates that European governments and institutions persist in hiding the truth about European connivance with the abhorrent practices of the Bush Administration in subtracting from justice and in subcontracting torture for thousands of men, and even children, detained for years in Guantánamo and in secret prisons. Shamefully, reference to this in the chapter about EU Troika and US consultations in human rights is limited to EU concern about 'certain practices and policies of the US in the framework of the fight against terrorism'. This speaks volumes about double standards, hypocrisy and cover-up. Until Europeans assume their responsibilities and cooperate with President-elect Obama to expose the truth, close Guantánamo and the secret prisons, and compensate victims, Europe will not regain moral authority, political credibility or efficiency in promoting human rights.

Eoin Ryan (UEN). - Madam President, we are rightly celebrating the 20 years of the Sakharov Prize, which rightly highlights the bravery of so many people who have put their lives at risk for the right to speak and for human rights.

But this is about more than just speeches. As one famous Irishman said, all it takes for evil to triumph is for good men to do nothing. I was speaking yesterday to one of the prize winners, Mr Salih Osman, who told me that air strikes on civilians still continue in Darfur and there is little protection of innocent people. Yes, some progress has been made in the sense that the ICC is acting, but a lot more needs to be done, and Europe needs to be doing a lot more.

I hope that the new impetus that the inauguration of Barack Obama as President of the United States will bring will renew international efforts, cooperation and action – real action such as the support for the establishment of a no-fly zone over Darfur – and that in the new year, we will finally begin to live up to our fine words and to our moral obligation. Already we have stood by and seen Zimbabwe, once the breadbasket of Africa, become the basket case of the continent. How much more often do we have to say, 'never again'?

Czesław Adam Siekierski (PPE-DE). – (PL) Madam President, I have spoken many times on the subject of human rights, particularly the rights of women and children, as well as on making European Union citizens more aware of issues relating to their rights or the fight against discrimination. We also have to insist that countries wishing to join the European Union respect fundamental human rights, in accordance with the Copenhagen criteria, which would have a positive impact on the lives of millions of people in Europe and throughout the world. The Member States should lead by example.

This matter is inextricably linked to the following issue – I would like to express my concern regarding the way in which the German youth services, known as the *Jugendamt*, operate. In Poland, a case very recently came to light involving a mother who, together with her son, was forced to hide from the child's father as she feared that he, a German citizen, would take the boy away from her. The European Commission should investigate the activities of these services to assess their compliance with standards laid down by the European Union.

Marek Aleksander Czarnecki (ALDE). – (PL) Madam President, democracy in Europe is based on providing effective protection for fundamental rights and ensuring that they are promoted. Doing so plays an important role in consolidating a European area of freedom, security and justice. The need to ensure that fundamental rights are protected stems from the shared constitutional traditions in the Member States, the European Convention for the Protection of Human Rights and Fundamental Freedoms, as well as other legislation in the field of international law.

I am of the opinion that all European policy objectives should aim to uphold the fundamental rights which are enshrined in provisions of the Lisbon Treaty. I would also like to underline that we cannot restrict our political activities in the field of fundamental rights to cases that attract most public attention. In order to maintain the European Union's credibility in the world, it is important to avoid double standards in our foreign and home policies.

Milan Horáček (Verts/ALE). – (DE) Madam President, this comprehensive report makes clear how many human rights violations take place in the world every day. This is particularly alarming 60 years after the proclamation of the Universal Declaration of Human Rights, and is a call to us to redouble our efforts. For this reason, too, I advocate elevating the present Subcommittee on Human Rights to the status of full committee.

Today we awarded the Sakharov Prize to Hu Jia, who champions the causes of human rights and the environment in China. Since he is in prison, however, he was unable to receive it in person. This brings shame on China. In addition, tomorrow this House will be debating human rights violations in Russia. Our relations with both of these countries must attach greater importance not only to economic interests but also, in particular, to human rights.

We call for freedom for Hu Jia in China and for Mikhail Khodorkovsky in Russia.

Jim Allister (NI). – Madam President, in the debate on gay rights, I do have to say that it seems to me there is a total neglect of the infringement of freedom of expression of many and, in particular, freedom to express religious opinion on the subject.

People of faith, accepting the teaching of the Bible on the subject of homosexuality, are vilified, nay, persecuted for daring to express their opinions of conscience and conviction. In Sweden, we have seen a pastor prosecuted for quoting the Bible. In my country, a church advert reciting scripture has been banned.

Yet at the Gay Pride parade in Belfast last year, a placard could be carried declaring 'Jesus is a fag', and no action was taken to deal with that inflammatory hate crime. Why? Because it seems to me the rights of this cosseted group are elevated above those of all others, and that is wrong.

Marios Matsakis (ALDE). - Madam President, I wish to raise an issue which seems to be taboo in the EU institutions, and that is the issue of colonisation. I am talking about colonies held by EU Member States, for example Britain and France, which between them have dozens of colonies around the world, two of them in my own country, Cyprus, yet these people have no democratic rights to elect a government to govern them. Most of them are governed by governors appointed, for example, by the Queen of England. Every time I ask Mrs Ferrero-Waldner or anybody else in the Commission, they close their eyes, they close their mouths and their ears and give no proper answer.

Madam Commissioner, I challenge you to answer here today: Do you approve of EU Member States having colonies in the world in the 21st century?

Benita Ferrero-Waldner, Member of the Commission. – Madam President, let me first say that I understand that our colleague, Rama Yade, has experienced difficulty getting here. Yesterday, I myself had to wait five hours for my flight to Strasbourg. Maybe she is having the same difficulties, so bear with her – this is *force majeure*, after all.

(Interjection from the floor: 'Travelling circus!')

Well, five hours is not normal. I am just saying that I do not know exactly what has happened to her, but that was what happened to me, and I was very glad that I did not have an appointment yesterday, because the same thing could have happened to me too. I just wanted to express my solidarity on this point.

Second, this human rights dialogue and the report on human rights constitute one of our basic major concerns. I would just like to show you the new EU report. When I started as Commissioner, we had separate reports from the Council and the Commission and now I am very happy to show you that the Council and the Commission have drawn up this report together. The foreword is by Bernard Kouchner, Javier Solana and myself. I think it is very important to show that here we are really working together.

As I said in my introductory remarks, we are trying very hard to go forward on the path of promoting human rights. However, we also know that the glass can be half full or half empty. A lot remains to be done, and it was very moving to see so many defenders of human rights here this morning. I spoke of Elena Bonner, but

I could have spoken of any of them, and of course the video of Hu Jia's wife was very moving: she has shown great courage.

I would like to reply to some of the questions. I cannot answer every question on behalf of the Commission, but I shall go into as much detail as I can.

First, concerning the death penalty, let me say that I have taken up this issue very forcefully. I am totally against the death penalty, and throughout this year we have given massive support in the UN for the resolution on a moratorium in more countries. But, yes, the problem is still there: many executions are still being carried out by a small number – Iran on the one hand, unfortunately China, and there are many others. We have to go on fighting against that by raising it in every dialogue. It is most important that we do that: every person who is executed is one too many.

Let me say in this context that we were all working against the execution of Wo Weihan. Sadly, he was executed on the very day of the EU human rights dialogue with China. This was a terrible example of not listening to each other.

Second, let me say to Mr Agnoletto that human rights clauses are indeed very important. At this very moment, Member States and the Commission are currently undertaking a wide-ranging review of the EU's policy on standard political clauses in external agreements in general, in order to strike the right balance between key, 'untouchable' principles of the European Union on the one hand and, on the other, the need for a certain flexibility to negotiate on various parts, because we need to try and reach agreement.

This review is on-going. It would be a little premature for me to comment on the outcome at this stage because we are not yet at an end result, but the use of the human rights clause is one issue that is being carefully considered. But political clauses in all political agreements, and in trade and sectoral agreements of different kinds, are there and they have to be there.

My next point concerns the Human Rights Council. Mrs Andriksen, I agree that there could be many improvements and, therefore, we will have to insist on having special rapporteurs and perhaps also country resolutions; I think this could help. I also find it very positive that all countries are scrutinised every four years and that there is also involvement by civil society. I must say that, up to now, we have seen that countries have been quite seriously prepared. That is something positive, and the discussion in depth is there and should continue. We all know that things are not perfect, but we can go on and make further improvements.

Let me say a word on China and human rights. I am always, as Commissioner responsible for relations with China among other countries, very open to building a strong relationship with China based on mutual respect. However, I also have to tell you that I am concerned by what I perceive as a certain toughening of the Chinese position on human rights, as seen by the execution of Wo Weihan on the day of the human rights dialogue.

This has been confirmed by what we have heard today and in recent days, such as the suppression of demonstrations in Beijing on the 60th Anniversary of the Universal Declaration of Human Rights – there was a presidency statement concerning that; the blocking of foreign websites – for instance, the BBC website; and a very negative report by the United Nations Committee on Torture three weeks ago.

However, I would also like to take up the words of Zeng Jinyan, Hu Jia's wife, this morning, who said that China is moving in great steps towards an open and democratic society. I think this movement is going on. There are many other things, much has been done for instance over recent years by China, for example, on labour rights. It is important that there has been some progress, but many other problems persist, particularly concerning implementation. Sometimes, even when things are written, as we have heard today, many of them still have to be implemented.

I therefore reiterate that we stand ready, for instance, to provide expertise on further legislative reforms. As President Pötinger said, China is a great country. We have many common interests and need to work together, but I think that we, the European Union, should not take hasty decisions. We have to reflect on the recent negative signals sent by China on human rights that are damaging our mutual trust. I think that it is now for China to send some positive signals to rebuild this trust.

As regards Guantánamo, we have called repeatedly in the many debates held here, in which I also participated, for the closure of Guantánamo. Naturally, we also welcome President-elect Barack Obama's statement that he will take steps to close the detention centre quickly.

We are willing to work with the US Administration to find ways to deal with the practical issues which will arise when Guantánamo is closed, such as the resettlement of prisoners in third countries. For instance, the European Union has recently expressed its concerns regarding secret detention, and we hope that the President-elect will then address this issue and Member States will be able to answer. I cannot speak for the Member States as such.

On the situation in the Middle East, particularly in Gaza, I very much regret the return to violence in recent days; the five months of calm achieved by the truce were unfortunately too short, but they were very welcome. It has been very difficult to watch the return of violence. We have condemned the recent rocket attacks from Gaza but we have, at the same time, condemned the closing of the crossings.

I myself asked the Israeli Ambassador to come to my office. I clearly expressed my concerns about the question in Gaza. We could not give the fuel that we normally fund, we could not enable UNRWA to do what they are normally doing. The day before yesterday I was in New York, and we spoke with Ban Ki-moon, the UN Secretary-General, on that subject. President of the Council Kouchner and I wrote a letter to the Israeli authorities in order to get funding going. We are very much monitoring the situation. Unfortunately, it is not at all easy, and in all our dialogues and consultations, we always mention these things.

I would now like to say something on the coherence that has been mentioned between external and internal policies. Yes, I think it is true. This is a point that we have to take. This has been taken up with Jacques Barrot. He has tried to go forward on the question of migration in a way which pays much more attention to human rights. I think this builds up our credibility, but a lot is also within Member States' competence which means it is not that easy.

I greet State Secretary, Mrs Rama Yade.

I can only say that human rights dialogues are reciprocal: that means we also tackle human rights issues in the European Union, and we have JLS experts within the different Member States.

There is also a UN Commissioner for human rights envisaging creating an office in Brussels, so we are trying to enhance the coherence between internal and external policies.

I shall stop here. I am sorry I cannot say anything on colonisation. That is a matter for the Member States. You know it very well.

(Interjection by Marios Matsakis)

I am sorry, but it is not within the competence of the Commission to enter into this question.

Rama Yade, *President-in-Office of the Council*. – (FR) Madam President, Commissioner, ladies and gentlemen, I am very pleased to represent the French Presidency of the Council of the European Union, and to tell you of the advances that have been made in recent months on the issue of human rights.

Since you pointed it out, I should like to focus specifically on the major role of the guidelines as a guide for the action taken by the European Union on the ground.

While just this year we were celebrating the twentieth anniversary of the United Nations Declaration on Human Rights Defenders, it should be remembered that the European Union has specifically mobilised itself and stepped up activities in favour of human rights defenders, whether through action or public declarations. The European Union has also updated its own guidelines on this issue so as to bolster its support of men and women who fight daily so that the universality of human rights can prevail.

In addition to existing issues, this year we have produced draft guidelines on violence and discrimination against women.

I am delighted that MEPs are satisfied with it. These guidelines were adopted by the Council on 8 December. This was one of the priorities of the French Presidency of the Union.

In the same spirit, I would also like to welcome the adoption, by the Council, of new documents on the implementation of Resolutions 1325 and 1820 of the United Nations Security Council, which will enable foreign policy, security policy and defence policy operations to get a firm grip on the problem of sexual violence during armed conflicts, but also to strengthen the active participation of women in rebuilding societies emerging from conflict.

The 2008 report, which was produced by the Union and which mentions the action taken by the European Union and its successes, also concerns the fight against the death penalty. Thus, a resolution that was transregional, but submitted on the initiative of the European Union, calling for the implementation of a universal moratorium on the death penalty, was adopted by the United Nations General Assembly in December 2007. This success has also just been extended by the adoption, with a comfortable majority, of a new resolution that essentially follows up on the same issue, at the 63rd session of the General Assembly, which is taking place at the moment.

The European Union is also conducting around 30 dialogues and consultations on human rights with third countries, including China, central Asian countries and the African Union, and new dialogues have been initiated in the last six months.

The Union's report also sets out the particularly active role of the European Union in the competent international forums on human rights, that is to say, in the Third Committee of the United Nations General Assembly or the Human Rights Council.

And as regards the issues of Darfur, Burma or the food crisis, the Human Rights Council has managed to show that it is responsive, although there is still much to do to strengthen its credibility and its effectiveness.

I am aware that your Committee on Foreign Affairs adopted, at the beginning of December, Mrs Andrikienė's draft report, which advocates strengthening the Human Rights Council and particularly the role the European Union plays within it. I can assure you that the Council shares this vision.

Similarly, we must remain particularly careful that the Human Rights Council, and other multilateral forums, do not become conceptual Trojan horses that would undermine the universality of human rights. In this way, the European Union, which embarked on the process of monitoring the Durban conference on racism in 2001, will be extremely careful that this process does not lead to texts that have already been negotiated and adopted being revisited, or to concepts, such as the defamation of religions, being recognised, to the detriment of freedom of expression. Please be assured that the European Union will not move on this point.

There is another issue that I would like to raise, which is the fight against impunity. You are aware that this year, we are celebrating the tenth anniversary of the adoption of the Rome Statute of the International Criminal Court. It is therefore important that, in the name of European values, we reaffirm our commitment to the fight against impunity, since there is no peace without justice. That is what the European Union affirms, without hesitation, by offering its political and financial support to international criminal justice, ad hoc tribunals or the International Criminal Court. The European Union has thus conducted awareness-raising campaigns in third countries so that they adhere to the Rome Statute, negotiated the inclusion, in agreements with third countries, of clauses making it compulsory to sign up to the Rome Statute, or adopted declarations reiterating the obligation on the Sudanese Government to cooperate fully with the International Criminal Court.

I would like to finish my speech by raising the issue of the decriminalisation of homosexuality. Tomorrow, I will go to New York to take this draft, backed by many European nations, which calls for the universal decriminalisation of homosexuality.

I would remind you, ladies and gentlemen, that homosexuality remains a crime in 90 countries around the world, and is punishable by the death penalty in six of those. That means that men and women are not able to express their sexual identity freely, without risking prison or being brought before the courts. That is why we can be proud of this initiative which, in the past, Norway had raised in 2006, and tomorrow I will therefore go to New York to represent us in order to finalise this text, and gauge our support in the hope that we will have more than we did two years ago. At that point, we will indeed see whether as many states as possible support this initiative.

Before going on with our debates, I should like to offer my apologies, Madam President, Commissioner, ladies and gentlemen, for arriving late. My plane took off later than scheduled, which is why I was late. I am truly sorry about that, but I feel that the continuation of our debates will enable us to have exchanges that are all the more intense.

President. – The debate is closed.

Written statements (Rule 142)

Tunne Kelam (PPE-DE), in writing. – Mainstreaming human rights has been the core issue in last years. I welcome including also the ESDP into this process. Truly, it is crucial that human rights will be taken into account in every EU action.

Nevertheless, there is a need to emphasise that mainstreaming human rights in relations with third countries should apply to every EU partner without exception. I can refer to one of the latest cases where human rights were included in the trade agreement with Montenegro. At the same time, your report underlines that systematic and grave violations of human rights are continuing on a day-to-day basis in China, Russia, Iran and other countries, yet these facts are really not taken into account while developing economic relations with such states. It is unacceptable that the same rules are being applied differently on different cases.

Therefore, I strongly urge the Council and the Commission to mainstream human rights in all issues negotiated with China, Russia, Iran and others. Sadly, we have to conclude that the human rights dialogue is not taken seriously for example by the Russian side. I call on the EU institutions to be demanding and consistent in representing and defending the core values of the union everywhere.

Katalin Lévai (PSE), in writing. – (HU) I welcome the Commission's latest report on human rights. First, because the part dealing with the protection of minorities also devotes attention to Europe's largest transnational minority, the Roma. I find it interesting, however, that although racist attacks and other ethnically motivated crimes are increasing in Western and Central Europe as well, the report focuses mostly on the Balkans, that is, on south-eastern Europe. It is not only in countries that aspire to join the European Union that there is much work to be done, but in our own backyard as well. Moreover, I think that we still do not have a cross-border initiative that would collectively remedy the concerns of transnational minorities. In my view, an examination of the rights of a population of 10 million would have deserved even a chapter of its own in the report, emphasising that we are not talking about a single homogeneous ethnic group. I also regret the absence of a study of the social impact of the economic crisis, since in such cases, it is always the vulnerable social groups who are in danger. However, I consider the development of disability issues in Europe to be deserving of attention. It is commendable that the Commission is now working on the draft of Council decisions concerning the adoption of the United Nations Convention of 8 August 2008 on the Rights of Persons with Disabilities and its optional Protocol. With regard to its content, the Convention represents a significant change, since it treats disability not only as a social and health issue but also as a legal and a human rights question. This document will make things easier for 650 million people with disabilities worldwide, 50 million of whom are Europeans. I consider it important that we should promote, protect and guarantee full and equal respect for all human rights and freedoms of our fellow citizens living with disabilities.

Sirpa Pietikäinen (PPE-DE), in writing. – (FI) The European Union is one of the main international human rights actors. The Union's work is considerable, speaking, as it does, on behalf of human rights, providing development aid, and defending the values of democracy. The EU Annual Report on Human Rights, which has just been published, examines the Union's multifunctional work in the field of human rights.

The EU's human rights report for 2008 mentions the many positive steps that have been taken to establish human rights globally. Unfortunately, these steps are still small ones in proportion to the situation overall, and there is a considerable amount of work still needed, so that fundamental human rights can become a reality equally the world over.

UN Secretary-General Ban Ki-moon reminded us all last week, speaking on the 60th anniversary of the UN Universal Declaration of Human Rights, that the Declaration of Human Rights is needed just as badly today as when it was drafted in 1948. He said: 'The challenges we face today are as daunting as those that confronted the Declaration's drafters'.

Despite all its important work, the EU really ought to stop and seriously examine its actions in the field of human rights. Regrettably, its human rights policy still lacks the sort of determination, coherence and persistence that are expected of a strong human rights player.

A halt should be brought to the gradual whittling away of human rights internationally. As a values-based union of states, the EU has a special duty to ensure that human rights are established worldwide. Declarations alone, without concrete action, are just hollow words.

IN THE CHAIR: MRS MORGANTINI

Vice-President

14. The situation of fundamental rights in the European Union (2004-2008) - European area of freedom, security and justice (debate)

President. – The next item is the debate on:

- the report (A6-0479/2008) by Mr Catania, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the situation of fundamental rights in the European Union 2004-2008 (2007/2145(INI)),

the oral question to the Council on the European area of freedom, security and justice (FSJA): Progress in 2008, by Mr Deprez, on behalf of the Committee on Civil Liberties, Justice and Home Affairs (O-0128/2008 – B6-0489/2008),

the oral question to the Council on progress in 2008 of the European area of freedom, security and justice (FSJA), by Mr Deprez, on behalf of the Committee on Civil Liberties, Justice and Home Affairs (O-0133/2008 – B6-0494/2008).

Giusto Catania, rapporteur. – (IT) Madam President, President-in-Office of the Council, Commissioner, ladies and gentlemen, 60 years ago, the Universal Declaration of Human Rights launched a real global revolution, affirming the prophetic idea of Immanuel Kant, the philosopher, that the infringement of a right in a single country ought to be felt as such in any other part of the world.

The human rights revolution placed before the international community two closely inter-connected concepts. The first is that one cannot and should not distinguish between citizens and foreigners, men and woman, whites and blacks, Christians and Jews, Muslims and non-Muslims, believers and non-believers. In short, it confirms equality for all in claiming their own rights. The second concept is that humanity is itself the guarantee of dignity, and therefore nobody may be treated in an undignified manner, not even the worst of criminals. As Kant himself says, we cannot refuse the wicked man the respect that is his due as a man.

The European Union is considered to be the supreme home or temple of human rights protection. Effective protection and promotion of fundamental rights ought to be the cornerstone of democracy in Europe. The implementation of fundamental rights ought to be an objective of all European policies, and to that end, the EU institutions ought to promote them actively, protect them and take them into full consideration when drawing up and adopting legislation, drawing support from the activities of the Agency for Fundamental Rights. This agency can make the EU Charter of Fundamental Rights effective and, at the same time, can ensure compliance with the system established by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Unfortunately, within the European Union we have not always been able, through the political choices made by governments and the legislative activities of parliaments, to ensure the protection and promotion of fundamental rights. For six years, the European Parliament has not adopted a report on the status of fundamental rights within the European Union, while we have always been quick to point out infringements of fundamental rights outside our territory. We cannot only draw attention, rightly, to Guantánamo, Abu Ghraib, the infringements in Colombia and in China, and then ignore the infringements that are occurring in our own countries.

I agree with what Commissioner Ferrero-Waldner said today: we need to build consistency between the European Union's internal and external policies. A close analysis of the state of fundamental rights in the European Union is liable to confirm the unwelcome conclusion that in Europe, human rights are often protected only in name. To corroborate this statement, one only has to look at the conditions of displaced persons, national minorities, the Roma, stateless persons, refugees, asylum-seekers and economic migrants.

Tomorrow is International Migrants Day and the United Nations Convention has still not been ratified by even one of the Member States. In recent years, we have analysed the state of degradation of administrative centres for migrants which, in terms of both the law and living conditions, are outright black holes in which men and women are often treated in an inhumane and degrading way, without the requisite legal safeguards intended by laws which are often unacceptable and which, at the same time, guarantee abuses and impunity.

The situation of human rights within the European Union is by no means satisfactory, and the annual report by Amnesty International says as much. We must therefore try to operate an active policy to prevent systematic violation of the rights that ought officially to be guaranteed and defined as inviolable.

For that reason, we call upon the Council – and here I take full advantage of the presence of the Secretary of State – to include in future annual reports on human rights in the world, as well as an analysis of the situation worldwide, also an analysis of every Member State, so that we can – and I am just finishing, Madam President – avoid a double-standards approach. What kind of Europe do we want? That is the question which this report, for which I have the honour of being rapporteur, seeks to answer.

Gérard Deprez, author. – (FR) Madam President, Mrs Yade, Mr Barrot, ladies and gentlemen, today we are having the last debate of this parliamentary term on the progress made in relation to the European area of freedom, security and justice. I forwarded the content of the oral question on this issue to the Commission and the Presidency of the Council, and so I am not going to spend the few minutes I have paraphrasing it. Madam President, at this time when the city of Strasbourg invites us to celebrate Christmas in the festive spirit, I should like to take this opportunity to give out some presents.

I am pleased to give the first present to the French Presidency of the Council, not for the permanence of its presence or for its punctuality but, in general terms, for the quality of the preparation that the Presidency put into its contacts with Parliament, for the expertise it has shown and, in particular, for the eminent colleagues in the form of its Ministers who took part in the delicate negotiations that were held with the European Parliament. I would like to give very special thanks to Mr Jouyet, whose warmth, professionalism and skill have been unanimously appreciated by this House.

I would like to give my second present to Mr Barrot. He is a Vice-President of the Commission who was perfectly comfortable in his previous role and who, at the request of his President, and to spare the Commission the serious political problems that would have been caused by the replacement of Mr Frattini, agreed to take on, without any preparation, one of the most difficult and sensitive of all Commission portfolios. Commissioner, Jacques, in less than a year, you have managed not only to master a particularly complex issue, but also to make your mark, as shown by the proposals just presented to us regarding the new asylum policy guidelines.

My third present is for my fellow Members, most of whom are consummate professionals who are passionate about their dossiers, some of whom are real workaholics, and one or two, it must be said, are real characters whom I look upon, as others do, with equal respect and affection.

My last present is for our colleagues, both from the secretariat – Emilio De Capitani is here, but he is not listening – our colleagues in the political groups, and the assistants of every one of us, whose enthusiasm, devotion and ability are a vital part of the success of our work.

Having given out the presents, I would like to take stock. Nobody can argue, Madam President, that in less than ten years, the European area of freedom, security and justice has undergone considerable growth. From a totally embryonic stage in 1999 – I would remind you that the ambition of the Tampere programme was firstly to lay the foundations of cooperation between the Member States and to promote mutual recognition of judicial decisions – the JLS sector underwent further growth during the Hague programme, which strengthened the Community platform.

It is on this dual basis and under the pressure of dramatic external events – I am not going to talk about the attacks that have troubled us so much and which have caused so many deaths and tragedies – that a number of policies have made spectacular progress: the fight against terrorism and serious crime, the fight against illegal immigration, the fight against racism and xenophobia, and the fight against drugs and drug addiction.

What is more, it is not a criticism of us all – the Council, the Commission, Parliament – to acknowledge that during these last ten years, our approach has been primarily, and I do not say exclusively, guided by a knee-jerk response, triggered both by the dramatic events that I have just mentioned and by the legitimate security expectations of our citizens.

Recently, however, another approach has gradually emerged, which takes a less defensive path and which is driven by the desire for more positive, more voluntarist action towards the area that we want to create together. It was by that approach that the Treaty of Lisbon, as you are aware, made the Charter of Fundamental Rights binding. It was by that approach that it was decided to transform the Vienna Observatory into the Agency for Fundamental Rights. It was by that approach that the Pact on Immigration and Asylum, without

overlooking defence and security requirements, opened the way to a more open policy, based on the active management of migratory flows and advances in partnership.

Now, Madam President, having given out the presents and taken stock, I would like to turn to the challenge that we are going to have to face together and the new guidelines that should inspire the Stockholm programme, which I sincerely hope can be implemented on the basis of the Treaty of Lisbon, should it finally be ratified.

As I do not have time, I will only draw one conclusion. We must not be guided by our fears or the fears of our citizens. We must be guided, first of all, by our values, which must be supported by objective assessments of the risks we have to face. It is in that spirit, I hope, that we will draft the Stockholm programme and that we will implement it together.

Rama Yade, *President-in-Office of the Council*. – (FR) Madam President, Commissioner, ladies and gentlemen, the Catania report is a remarkable piece of work that provides a very broad overview of the situation of human rights in the European Union. It contains a great many very useful recommendations, which relate both to institutional aspects and to practical aspects of human rights. Some of these recommendations concern the Commission, and I shall let it answer for itself.

I shall perhaps focus on certain points that have been raised. I am thinking, for example, of the European Union Agency for Fundamental Rights. The European Agency is criticised for having a limited sphere of competence, since it is limited to the first of the three pillars of the European Union. I think it is worth pointing out in this regard that, on the one hand, there is a clause for reviewing the Agency's remit, before 31 December 2009. The clause permits a possible extension of the Agency's competences to the third pillar on the basis of a Commission proposal.

On the other hand, the option is given to any European institution or to any Member State voluntarily to receive opinions from the Agency, with the competences of the different parties being taken into account. In this context, for the first time, on 3 September, the Council, via the French Presidency, requested the Agency's opinion on the proposal for a framework decision on the use of passenger data by the law enforcement authorities of the Member States, something which comes under the third pillar of the European Union.

The Council has therefore sought to demonstrate the particular importance it attaches to the issue of human rights.

Next, I should like to raise the issue of migrants and refugees. A great many proposals have been made, measures have been incorporated into the report, in the field of migration, and I can only reiterate that the European Pact on Asylum and Immigration indicates that the European Council solemnly states that migration policies and asylum must comply with the rules of international law and, in particular, with those relating to human rights, human dignity and refugees.

I should like to mention a third point addressed by the report, which this time concerns the rights of the child. How could one fail to agree with your conclusions in so far as they concern the condemnation of all forms of violence against children, the elimination of child labour, the paying of attention to Romani children and the provision of assistance for children? I note that the report considers that the detention of young offenders should only be a measure of last resort and that alternative measures do exist.

Many other points are emphasised in this report, and I cannot go over them all. However, I should like to conclude on a very positive note, which I am particularly pleased about, and point out that the framework decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, to which the report refers, was formally adopted by the Justice and Home Affairs Council of 28 November 2008, after seven years of extended debate.

In response to Mr Deprez, I am going to start by thanking you for the congratulations you have extended to the French Presidency of the European Union. Please believe me when I say that we are deeply moved by this. President Sarkozy has sought to demonstrate by this, by his work, and by the management of a presidency that was ultimately a presidency of crisis, as exemplified by the Georgian crisis and the financial crisis, that political Europe is back. We are very touched by your welcome, and we should also like to thank you, ladies and gentlemen, for the very close cooperation that has united us during the French Presidency of the last few months.

Before addressing the issues you have raised, I should like to start by saying two things. The first is that I am very sensitive to the issue of double standards that several of you have raised. It is true that one might wonder whether it is ultimately possible for human rights to be defended abroad, outside Europe's borders, when less attention is paid to the situation within Europe's borders themselves, as is sometimes suspected of being the case.

This is a very pertinent question, and I myself keep repeating that we need to put our own house in order so as to enhance our credibility outside the EU in the area of human rights. Our human rights approach must be characterised by its boldness but also by its modesty. It is only by bearing in mind the indivisibility of human rights that we will have a greater chance of being heard outside.

Some of you also spoke of the awarding of the Sakharov Prize to Hu Jia, which I am very pleased about, of course. I welcome the honour that has been bestowed on this Chinese blogger, who has the European Parliament's support. I think it is excellent. I myself have been very involved in the cause of defending Hu Jia, and I hope that this Sakharov Prize will enable progress to be made in the field of human rights, particularly in China.

I should like to return to the issues that you raised, Mr Deprez, and perhaps start by telling you that the Council has committed itself throughout the past year to cooperating very closely with the European Parliament, as I said just now. A very rich dialogue has been conducted with the European Parliament and, in particular, with the Committee on Civil Liberties, Justice and Home Affairs, on the texts that could or should be adopted as a priority, the institutional calendar permitting.

The Presidency has urged the Member States to ratify, and this has enabled the work within national parliaments to be sped up and a number of texts, including some essential ones, to be adopted.

By the end of this parliamentary term, we hope to see important texts such as the one on the communitisation of Europol and the evidence warrant brought to a successful conclusion. Taken as a whole, these texts should enable us to carry out a significant assessment of the European Union in respect of these issues.

You may have also seen that the Presidency has carried out or greatly advanced many initiatives that this House had included among its priorities.

With regard to the third pillar, in particular, the Presidency has committed itself to making codecision work fully in the areas of immigration and justice or civil justice. As you know, regarding negotiations with third countries, it has defended the idea that future negotiations on the exchange of data with the United States should take place only with the European Parliament, and this has not been easy.

The latter represent important advances in these areas, but advances that could be even more significant should the Community method be applied to the sectors of the area of freedom, security and justice coming under the third pillar.

Protecting fundamental rights in what is precisely a European area of freedom, security and justice is, in fact, an on-going challenge and, like you, I believe that it is specifically through the protection of fundamental rights that developments in the area of freedom, security and justice should be interpreted.

Obviously I can only confirm to you the Council's will to work along these lines, and we can register our agreement with most of the points you have raised, while bearing in mind our institutional context.

In terms of relaunching the proposal relating to the protection of procedural rights within the context of criminal proceedings, an action plan on the protection of persons within the context of criminal proceedings should be debated next year, and an assessment of the European arrest warrant will take place so that the framework decision can be implemented consistently. Furthermore, the Treaty of Lisbon, should it come into force, will give fresh impetus to this process, not only by making the Charter of Fundamental Rights binding, but also as a result of the institutional developments that the new treaty will permit in the area of freedom, security and justice.

One could mention many other issues raised by the report and by the MEPs over the past few months. I think that, on this point too, we could take matters further after the debate. Before that, I shall perhaps let Mr Barrot – is it my job to say this, Madam President? – take over the floor.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I should like, at the same time as extending a very friendly welcome to Mrs Yade, to thank the rapporteur, Mr Catania, and the committee, but I shall return to the committee, Mr Deprez.

The report that you have submitted is detailed and rich, as the Presidency pointed out. Mr Catania, fundamental rights are at the heart of European integration, and the Commission is obviously committed to promoting the rigorous respect of these rights in practice.

You stress in the report that there is still serious progress to be made where the Member States and the institutions are concerned. It is true that we need to do more to promote and apply fundamental rights within the Union. The Union must set an example, not only to make its external policy credible, but also to establish this mutual trust between the Member States, mutual trust that is crucial to making a real area of freedom, security and justice work.

Your report makes important recommendations, and we agree with you that it is vital to do more to monitor the compliance of legislative proposals resulting from the Charter, to improve the reception conditions of migrants and asylum seekers, to ensure that the fight against terrorism is conducted fully in compliance with fundamental rights, to redouble our efforts to combat discrimination, to improve the situation of the Roma throughout the European Union and, I would also add, to cooperate more closely with the Council of Europe. I fully intend to commit myself personally to this.

The recommendations and the legitimate criticisms should not, however, obscure the genuine progress that the Commission and the European Union have made in promoting fundamental rights, as Mrs Yade said just now. This progress includes the recent adoption by the Council of the framework decision on racism and xenophobia and the adoption of the framework decision on the protection of data in the third pillar, even if this is regarded merely as a first step.

The Commission has recently proposed a new law on the right to asylum, which is inspired by the will to promote a high level of protection. I have reminded the Member States of the obligation to respect fundamental rights when they transpose the Directive on the return of illegal immigrants, and I shall be monitoring this.

The new proposal for a directive on protection from discrimination beyond the workplace is going to supplement our raft of legislative measures. Gender equality, an area that the European Union has strived to be at the forefront of, has been the subject of a Commission proposal to improve people's work-life balance by increasing the minimum length of maternity leave.

Of course, ladies and gentlemen, we need to ensure that we include fundamental rights in our texts, but we also need to check how these rights are applied in practice. The task is very important, and in order to successfully complete it, we need to implement a genuine strategy to ensure respect for fundamental rights within the European Union. The future multiannual programme, the Stockholm programme, should, in my view, include a communication that defines this policy of respect for fundamental rights within the Union, with a clear explanation of the possibilities and the limits of the Commission's action in this area.

We need to make fundamental rights as practical as possible. There is no use in inventing new laws all the time. I would say that the basic regulatory framework is there: the European Convention on Human Rights and the Charter of Fundamental Rights. We now have some information on the violation of fundamental rights, provided by the Council of Europe.

Lastly, as you emphasised, we now have a tool – the Agency for Fundamental Rights – the scope of which will be the subject of a review clause at the end of next year, as the Minister pointed out. It is true that thorough use should be made of these instruments.

Firstly – I am going to try to summarise – the Union should be beyond reproach where its legislative work is concerned. Systematic and rigorous monitoring of the compatibility of European legislation with the Charter of Fundamental Rights must be guaranteed.

In 2005, the Commission defined a method for checking the compliance of proposals, and we need to further strengthen the application, the use of this method. It is really important that we keep in mind respect for these fundamental rights throughout our legislative processes.

Then, of course, we need to intervene in the Member States when necessary. In this future Stockholm programme, I envisage clearly explaining the Commission's policy on intervention. We can intervene in two ways under the competences laid down in the treaty.

Firstly, when applying Community legislation in a Member State creates a fundamental rights problem, the Commission will normally play its role of guardian of the Treaties, including by means of infringement proceedings. We shall have to see and, no doubt, list the situations in which such a fundamental rights

violation specifically requires these infringement proceedings. I shall be particularly vigilant regarding respect for fundamental rights, and especially respect for the rights of the child, where the Member States, as I have already said, implement the Return Directive. I intervened in the project aimed at taking digital fingerprints in nomad camps in Italy in order to point out the need to respect Community law and fundamental rights, in particular the rules on personal data protection.

There are also situations in which we go beyond Community competences. These are political moves that may prove necessary in certain circumstances, where we do not have the option to use national mechanisms.

On the subject of secret CIA detentions, the Commission has spoken to Poland and Romania on several occasions to emphasise the need for investigations to be launched. Poland's response was to inform the Commission that a criminal investigation had been opened. The Romanian Senate has conducted an investigation, which should be supplemented in order to take account of the Council of Europe's second report.

I know that in your report, Mr Catania, you refer to the infamous Article 7, which is somewhat akin to nuclear deterrence, and you wonder why it has not been used. I was able to use it as a threat. It is true that, when I reminded Bulgaria that this journalism prize that had been awarded to a journalist known for his despicable remarks against the Roma really needed to be called into question, the journalist was ultimately stripped of the prize. However it is true that we also need to reflect on this use of Article 7.

Next, of course, we need to try to really move human rights forward in certain fields of crucial importance to the area in which we live together. The rights of the child – they concern the Union's policies as a whole. However, this is, at the same time, an area in which real progress can be made. I would remind you that, in European asylum policy, we said that it was not possible to detain unaccompanied minors. In general, we have insisted that children receive special attention.

In the case of the Dublin II reform, we have emphasised the demands of family reunification. I am also grateful to the French Presidency for having encouraged us again to implement this rapid reaction mechanism which is vital in order to prevent child kidnappings. Next, in March 2009, I shall propose the review of a framework decision on the sexual exploitation of children, child pornography and the fight against trafficking in human beings.

In terms of personal data protection, we need a global, renewed strategy that will encompass a review of Directive 95/46 on the basis of an assessment performed in the light of technological developments.

I have already spoken about the right to asylum. With regard to combating racism and xenophobia, obviously now that we have a text – I am grateful to the French Presidency for enabling us to have this text at last – we have to use it and we have to ensure that the economic crisis does not result in more xenophobia and racism, particularly among certain opinion formers. We will have to ensure that fundamental rights are genuinely respected in all areas relating to the fight against terrorism. The communication on racism and xenophobia could define ways of improving the effectiveness of the action in this area.

Lastly, in 2010, the Commission is due to submit a report on totalitarian crimes. The aim is to promote a culture of reconciliation specific to the European Union, a culture based on the recognition of crimes and victims, in order to end the divisions that exist between the new Member States and the old Member States, which are not always sufficiently aware of the tragic history of the former. This is a vast undertaking, a strategy that should do a great deal to ensure that the principles with which the European Union is endowed are implemented.

I would say to Mr Catania that we will obviously take from his report a whole series of ideas to flesh out the Stockholm programme.

I now come to Mr Deprez's question. I wish to thank him and to tell him – I am also addressing the members of his committee here – that, for me, as the Commissioner responsible for freedom, security and justice, to have a committee that is demanding but that is also extremely attentive and involved in all these difficult problems, where the right balance must be struck between the clearly legitimate need for security and the option for freedoms and justice to realise their full potential, is a help and an opportunity.

It is true that progress has been made in the area of freedom, security and justice. Nevertheless, we are now – after Tampere, after the Hague – in charge of drawing up this multiannual Stockholm programme, and today it is too early for me to formulate precise ideas about the content of the next multiannual programme. I am just going to mention one or two points, and I apologise if I go on a little too long.

Firstly, showing respect for fundamental rights in practice within the Union must become a principle that underpins the entire multiannual programme.

Secondly, the individual must be at the centre of our action, whether it be a European citizen or a third-country national who resides on our territory. We need to build a Europe of results to benefit people. This Europe hinges on the safeguarding of their rights, on their security and on their protection, not least that of the most vulnerable, as victims are, and on guarantees of better access to justice.

I should like to thank Mrs Yade for having raised the issue of procedural rights. To my mind, this is a very important text. I am aware that there will be some reluctance to overcome, but, if we do indeed want to have mutual recognition of judicial decisions, it is crucial to ensure that justice is served throughout Europe with a number of procedural safeguards. That is absolutely crucial.

The European judicial area should obviously also make trade relations and the free movement of citizens simpler, but we must remember that we need to fight against crime and terrorism while acting in accordance with the rules of law. The European justice model will assert itself by means of balance and consistency after an effort is made to increase confidence and mutual recognition.

Thirdly, the external dimension of the area of freedom, security and justice. This external dimension must be integrated into and added to the internal dimension. We cannot combat human trafficking without tackling the phenomena in countries in which trafficking often starts. Then, the whole immigration policy, the whole policy of coordinated management of migratory flows, is part of this idea of linking the external dimension and the internal dimension.

The Commission intends to present a communication on the future priorities in May 2009. Following that, there will be a political debate concerning the adoption of the third multiannual programme at the end of 2009. However, I must say – as I said this morning to the coordinators of the Committee on Civil Liberties, Justice and Home Affairs – that we really do need the European Parliament in order to draw up this multiannual programme. I have no doubt that we will be able to count on your suggestions, on your proposals.

It is true that the area of freedom, security and justice has progressed, but it is also true that we are at the dawn, as it were, of this real judicial community in which people will be able to move about, within the European area and, at the same time, have their rights upheld, no matter which Member State they are in. This is very important if we truly want the concept of European citizenship to find concrete expression in the lives of European citizens.

There is still a great deal to do, this is a very exciting task, and I should like once again to thank the European Parliament, and particularly its Committee on Civil Liberties, Justice and Home Affairs, for their assistance, which they provide with such enthusiasm and conviction.

Ignasi Guardans Cambó, *draftsman of the opinion of the Committee on Culture and Education*. – (ES) Madam President, for my speech I am going to use both the time allotted on behalf of my parliamentary group and the time corresponding to my colleague Viktória Mohácsi, on behalf of the Committee on Culture and Education.

I would certainly like to begin by congratulating the rapporteur on the excellent work he has done and on his efforts, which I witnessed first hand, to reach a consensus with the other groups on the content of what is now his report.

I fully share the rapporteur's commitment in defence of human rights and his willingness to go a step further. It is true: I entirely agree with what he said in his speech, that sometimes we in Europe arrive at the paradox of defending and attacking the human rights situation anywhere in the world while overlooking unacceptable discrimination in our own countries, because sometimes we do not have the right tools to fight in such a situation.

That is something that really needs to be denounced, and it is Parliament that has the legitimate authority to do so.

The rapporteur is witness to the fact that we had some discussions on whether or not this report ought to include other social problems within our society that go beyond human rights.

I believe that in some paragraphs of this report – and much more so in its earlier versions, of course – it suffers a little from trying too hard to resolve everything, not just human rights issues, but every social problem that currently exists in Europe.

That can sometimes rather weaken our actions. Problems ranging from the housing shortage to jobs for older people certainly need addressing, but I am not at all sure that they need to be addressed in the same package or on the same list as the defence of fundamental rights.

It is a fact, nonetheless, that we have serious problems within our own borders: problems affecting individuals, in particular, and problems affecting groups. Social groups are sometimes disregarded or suffer discrimination for reasons of gender, sexual orientation, ethnicity, religion and so on. These problems must be highlighted, and they need to be approached globally. This work, of course, was done in cooperation with the Council of Europe, and a well-deserved reference is made to this great institution.

In this respect, the Committee on Culture made a very specific reference to one of those problems, which I would like to emphasise here on behalf of my colleague Viktória Mohácsi, who headed this topic in the Committee on Culture. It is the discrimination against Roma children in the area of education.

The report generally deals very well with the problems affecting children in various fields, most especially the discrimination suffered by children of Roma ethnicity, as well as the need for the media – as has already been mentioned here – and the stakeholders – NGOs and social associations – to be involved in this fight against discrimination.

The report contains a large amount of instructive material, and society needs to be informed about what these values imply. In this respect, the media, on the one hand, and the whole education sector, on the other, have a huge responsibility.

Kinga Gál, *on behalf of the PPE-DE Group.* – (HU) It is difficult for the European Parliament to adopt a comprehensive decision regarding the situation of fundamental rights in the European Union, since it is precisely these fundamental rights that ought to be subject least to party and political bias, but should instead be based on independent facts and data, stripped of any hypocrisy. Therefore, the fact that we have established the European Union Agency for Fundamental Rights within the period under examination sends out a significant message from Parliament and, of course, from us. It is perhaps this body which will take on this task for the coming years. At the same time, the type of message that Europe sends its citizens regarding fundamental rights is, of course, very important. How does it address these problems? Does it in fact tackle the real problems facing many people?

The 240 proposed amendments to the draft report also point to the multifaceted nature of certain problematic and disputed questions. A few more acceptable texts have been successfully cobbled together from the original, highly debatable report, thanks to the rapporteur and the shadow rapporteurs. This does not mean that there are no differences remaining on matters of principle among the political groups, just as there are certainly great differences in the controversial paragraphs, reflecting principles and often emotional attitudes, many of which fall within the competence of Member States. After all, the western half of Europe nearly always understands the enjoyment of fundamental rights to mean the enjoyment of freedom from discrimination, whether this relates to the numerous immigrant minorities, or on the grounds of ethnic origin or sexual orientation. At the same time, in the new Member States we are not yet at that point where we talk about wishing to be able to enjoy our fundamental rights. In many cases, we still fear for our fundamental freedoms and when it comes to minorities, then we are talking about millions of indigenous minorities, whose fundamental rights are still being infringed in the new Member States. It is important that this report addresses these as well. At the same time, there are a number of phrases which are still subject to debate and on which there is no consensus that the European People's Party finds unacceptable. Let us not forget, however: protection of our fundamental rights can, in practice, vary from one individual to the next. The most important thing in addressing these is mutual respect. This might be helpful in the present situation.

Martine Roure, *on behalf of the PSE Group.* – (FR) Madam President, Minister, Commissioner, we all know that the protection of fundamental rights is the cornerstone of the implementation of the European area of freedom, security and justice. The European Union wants to gain impressive results, and it has provided itself with European anti-discrimination legislation. However, although we are quick to denounce human rights in the world, we need first and foremost to be able to put our own house in order, as you said, Minister. That is why we are now calling for an active policy for combating all forms of discrimination and for ensuring respect for human dignity, particularly in prisons, since humanity often stops at their door.

Let us note, on the other hand, that, in these times of crisis, governments at last seem to be discovering these European citizens who live in poverty and uncertainty, even though they are in work. Extreme poverty and social exclusion constitute a violation of fundamental rights as a whole. We must combat the injustices that people living in extreme poverty and poor workers have to face.

Europe must reiterate that all fundamental rights, including social rights, are indivisible. How, in reality, can people exercise their freedom of expression if they do not have access to housing, if they are out on the street or if they do not have access to healthcare? We must listen to what these people have to say, guaranteeing each one of them all of the fundamental rights enshrined by the Charter: the right to a dignified life, to high-quality healthcare, to decent housing, to access to services of general interest, and to a minimum wage.

To conclude, I should like, if I may, to repeat the words of Father Joseph Wresinski, founder of ATD Fourth World: 'Wherever men and women are condemned to live in extreme poverty, human rights are violated. To come together to ensure that these rights be respected is our solemn duty.'

Alexander Alvaro, *on behalf of the ALDE Group*. – (DE) Madam President, Mrs Yade, Mr Vice-President of the Commission, today, we celebrated the 20th anniversary of the Sakharov Prize, and last week saw the 60th anniversary of the Universal Declaration of Human Rights – and these two events have never been so relevant. We must reinforce our on-going efforts to implement human and fundamental rights, not only in Europe but also worldwide.

Mrs Yade, I have the greatest respect for you for having the courage to criticise your own government's relations with Libya here. Not everyone would dare to do that, and I believe that that is what is known as 'first putting one's own house in order'.

In 2004, the European Parliament was assured that there was a group of Commissioners who would concern themselves with fundamental rights. I am afraid that we have yet to be presented with a report on this; and, unfortunately, we have seen violations of freedom to travel in Italy, of freedom of expression in Member States, and of the right to individual privacy, among other things, in the United Kingdom.

Fundamental rights are like muscles: if they are not used, they waste away. Help us now to exercise this muscle, to enable us to rediscover a basis for decent coexistence in our societies in the future, too.

Tatjana Ždanoka, *on behalf of the Verts/ALE Group*. – Madam President, firstly I would like to thank our rapporteur, Mr Catania, for his best efforts to take into account amendments submitted by political groups. It was a very ambitious task and I hope that the report on fundamental rights within the EU will finally be adopted.

For the future, my group believes that our aim, when preparing such reports, should not only be to mention problems but also to name and shame the Member States where specific fundamental rights are violated. A letter to this effect signed by the co-chairs of the Green Group has recently been sent to the President of Parliament. Of course we can all guess which Member State is concerned when one or other particular human rights violations is mentioned, but we believe that Europeans must know for sure who is ignoring our crucial principle of respect for fundamental rights.

With regard to the text, I deeply regret that some of my colleagues disregard the fact that not only civil and political rights matter. In my opinion, economic, social and cultural rights are equally important.

A number of proposals by the Green Group have been included in the final text. These are the following: the protection of privacy when fighting terrorism; the need to ratify the Framework Convention for the Protection of National Minorities and the Charter for Regional or Minority Languages; and the prohibition of discrimination concerning stateless persons. We also call on Member States to ratify the United Nations Convention on Disability and allow the United Nations Committee on the Elimination of Racial Discrimination to examine individual cases.

In my country, Latvia, more than 350 000 so-called non-citizens, many of whom were born in the country, cannot even vote in local elections. Unfortunately this problem was not addressed in the report, due to the principle of not mentioning individual Member States, but I want to stress that refusing long-term residents the right to participate in political life at local level threatens social and political integration. Therefore, granting voting rights to these people is absolutely essential.

Konrad Szymański, *on behalf of the UEN Group*. – (PL) Madam President, I have strong objections to at least two issues raised in this report. The first is the issue of sexual orientation and the second concerns so-called reproductive rights.

The proposals to allow universal access to abortion and to recognise so-called gay marriages in all the Member States of the European Union have nothing to do with fundamental rights. There is no international document

that supports this interpretation of the right to marry. Furthermore, there is no legal basis for these proposals in the body of EU law itself. By constantly attempting to introduce these matters onto the list of fundamental rights, the European Left wants us to become accustomed to these concepts. I would, however, like to assure you that we will never grant our consent.

I would like to ask the representatives of the European Commission whether the Commission really does intend to submit a proposal for a directive on combating homophobia, and what provisions this directive might possibly contain? Does the Commission think that there is a legal basis for drafting a proposal for a directive on the mutual recognition of the status of same-sex couples in all European Union Member States? Does the Commission have such plans? Does the proposed directive on discrimination outside of the workplace aim to introduce, through the back door, the recognition of so-called gay marriages in the European Union Member States? I insist on a precise and comprehensive response to these difficult legal questions.

Miguel Portas, *on behalf of the GUE/NGL Group.* – (PT) Europe tends to closely scrutinise human rights in all four corners of the world – and it is right to do so – and that is why we are today celebrating 20 years of the Sakharov Prize. It is right to do so, but – and this is the main thrust of the Catania report – it fails to look at how well fundamental rights are respected within our own territory. This should really be a political programme for the Commission and the Council, now and in the future, as the authority with which we talk about fundamental rights outside Europe depends on our own respect for these rights.

I will give you an example on a specific issue that is important. It is unacceptable that several governments are currently refusing to receive detainees from Guantánamo Bay, in cases where their guilt has not been established. My government, by contrast, has decided to receive these detainees and I congratulate it on this approach. However, it said that it would do this to help the US Administration, and therein lies the problem. It was also to help Washington that several governments accepted the illegal flights. We must accept detainees whose guilt has not been established if and when they request it, and not to help a country solve a problem of its own making.

Georgios Georgiou, *on behalf of the IND/DEM Group.* – (EL) Mr President, of course the international debate on human rights is very useful. I therefore consider it my duty to praise the rapporteur, Mr Catania, on his sensitivity to, and his insistence on, protection for human rights within Europe as well. However, I would take this opportunity to intervene and to draw Parliament's attention to a new element which no longer concerns minorities, infringements of human rights globally, economic or political refugees, European sub-groups, religious minorities, homosexuals and so on, but which does concern Europeans themselves who, because of the storm anticipated in the wake of the international economic crisis, will be divided into categories which need protection of their human rights.

I fear that we shall face the phenomenon of groups of Europeans losing status as a result of unemployment and limited social protection, groups which will perhaps be led into demonstration and reaction, who will possibly jeopardise economic and political economies throughout the entire continent of Europe. These groups should, without delay, be the subject of immediate provision and protection by the European Union from the point of view of human rights. The recent sad events which occurred in Greece obviously affect Europe which, this time, does not have the luxury it had in the past of concerning itself with the rights of foreigners and minorities, and which is obliged to intervene in the major problems of European citizens facing the risk of being worse off, in terms of their rights, than those offered hospitality within the European Union. The hour at which Europe must address the new human rights problems of European citizens has, unfortunately, arrived unannounced.

Koenraad Dillen (NI). – (NL) Madam President, name not a rope in the house of him that hanged himself. Once again, the EU's report on human rights is full of self-praise about how much Europe cares about human rights violations wherever these may occur in the world. We cannot get away from it though: selective and hypocritical indignation all too often underlies the EU's human rights policy.

In particular, as has been said already, even by our Left-wing MEPs, should the European Parliament not first take the trouble to put its own house in order? After all, less than two months ago, this Parliament violated the free expression of opinion, which it tries to defend so emphatically in every corner of the globe, from Antarctica to the Amazon rainforest and from Abu Ghraib to Harare, in its own house.

My colleague, Frank Vanhecke, who is a publisher in charge of a local Flemish publication, and was prosecuted by the Belgian government and its politically appointed judges on account of an opinion-related offence, was not even given the opportunity of defending himself in this Parliament, when it decided last month to remove his political immunity. What is more, today, the day on which we celebrate the Sakharov Prize, sees

the film *Fitna* by Geert Wilders, who has been sent death threats by Islamic fanatics in the Netherlands, banned in this European Parliament by order of the Conference of Presidents. Long live the freedom of speech and opinion! Not in this Parliament, though, it seems.

Stefano Zappalà (PPE-DE). - (IT) Madam President, ladies and gentlemen, there is no doubt that the Catania report marks an important stage in the life of the European Union, in that it confirms the situation that exists within it.

There is no doubt that the strong migratory pressure to which the EU has been subjected for several years, together with the significant internal changes it is undergoing, have created, and continue to create, many problems for the Member States and both European and non-European citizens. There is also no doubt that the European Union has precise duties such as that of controlling the situation while respecting human rights to the greatest possible degree, but also respecting and protecting its own citizens and national organisational systems.

From this extremely lengthy and exhaustive report, however, there seems to emerge a general criticism of the Member States with regard to violations that exist on their territories, and therefore under their control. Various parts of the report depict a view of Europe which, in my opinion, does not correspond to reality and it appears – clearly, in a way that the rapporteur did not, I think, intend – as if priority were being given to those who, at times, do not abide by the rules instead of those who do abide by them or ensure they are abided by.

Overall, although I endorse some parts of the report, I would argue that other sections ought to be rewritten, in the general interest. Finally, Madam President, please allow me to express my personal solidarity with the Vatican concerning the attacks which have been made on it during the debate within this Chamber.

Jan Marinus Wiersma (PSE). - (NL) Madam President, today, we once again find ourselves having an important debate on the subject of promoting human rights, setting the tone, as it does, for the position and role of the European Parliament and the European Union. It also determines, to some extent, who we are. As Europeans, we attach great value to respecting each individual's universal and inalienable rights, wherever in the world that individual may be. Whilst our shared values, equal opportunities and respect for fundamental rights form an inherent part of the European Treaties and the basis of the European Union, it is far less obvious that we call each other to account when things go wrong. This report by Mr Catania is right to flag this up, and I should like to congratulate the rapporteur and all those who have helped him on this approach.

I would like to ask the Commissioner how he feels about the idea that we, in the European Union, need to reconsider whether it might not be possible to draw up better rules for calling each other to account where we think that there are issues relating to human rights.

I should like to focus on one particular topic from the report, namely the situation of the Roma in the European Union. They are not only the most discriminated-against community in Europe, they are also a transnational minority who are spread across many borders. Following the outbreak of violence against the Roma in Italy, now more than a year ago, we clearly saw the failings of the strictly national competence to guarantee the respect of their rights.

The primary responsibility for the care of residents lies, of course, with the Member States, but each Member State is required to do this within the boundaries of European and international treaties. All too often, though, we are forced to observe that the Member States resort to what is known as the principle of non-intervention. Minority issues are regarded as a national preserve. That is no longer acceptable, to my mind. As I said, we should enter into debate and consider if we could make agreements within the European Union about how we deal with human rights violations within the EU and put a stop to the policy of not daring to call each other to account.

Sophia in 't Veld (ALDE). - (NL) Madam President, first of all, I should like to extend warm thanks to the French Presidency, and to congratulate it on the initiative it has taken in the framework of the United Nations to decriminalise homosexuality. This is, to my mind, a fantastic step forward, because discrimination against lesbians, gays, bisexuals and transgender people is still the order of the day, even in Europe, I am afraid.

In my view, Europe should be a pre-eminent example of the application of the principle that everyone is equal in the eyes of the law. In this respect, the Anti-Discrimination Directive that is currently on the table contains, to my mind, far too many exceptions that lend themselves to discrimination. These exceptions should be removed.

As for gay marriage, I should like to respond to what the previous speaker, Mr Szymański, said. Quite frankly, in my view, irrespective of where you are on the political spectrum, it is a matter of civilisation that the state does not interfere in individuals' private choice of their partners. The state may not prohibit relationships on the basis of religion, colour or sexual orientation. One's choice of partner is a purely individual choice. It has nothing to do with the state.

Madam President, I should like to finish by touching on the subject of Passenger Name Records (PNR) that was broached by Mrs Yade. I am afraid that the European Parliament is less than happy about the course the European Council is sailing. This has been the subject of previous debates, and I hope that the Council is prepared, in future, to take Parliament's recommendations on board in this area.

IN THE CHAIR: MR MAURO

Vice-President

Mario Borghezio (UEN). - (IT) Mr President, ladies and gentlemen, our country can truly be seen as a leader in combating discrimination and persecution and, so far as the protection of Roma children is concerned, a subject to which I think the Catania report devotes a lot of attention, we must truly thank the Minister for home affairs, Mr Maroni. Through a sweeping check on the situation of Roma children, he has uncovered a situation that perhaps could have been detected earlier.

Of the Roma children in these camps, 50% are left to their own devices, not sent to school and not immunised. The report ought also to point out the responsibility of Roma families who, instead of sending their children to school, send them out to commit offences and keep them in such a way as to prevent their integration. I therefore welcome the action by those governments, like the Italian Government, who work to ensure Roma children and immigrant children are integrated, for example into the school system, by providing pathways that enable them, through access classes, to start learning our language.

Repatriation is said not to be an option when there are dangers in the countries of origin. Where do immigrants come from, though? They come from countries which all have dangerous situations, so this element of the report does not make sense. We need to apply the principles of protection of human rights with common sense, with a European nationality, and not on the basis of the ideology of those who lecture us on the protection of rights while speaking in the name of parties whose symbols include the Communist hammer and sickle. That is a fine source!

Eva-Britt Svensson (GUE/NGL). – (SV) Mr President, I would like to thank the rapporteur, Mr Catania, both for the report and for his commitment, which is as strong as ever, and his work promoting the respect of fundamental rights. We can never compromise on fundamental rights. There can never be either political or cultural reasons to compromise when it comes to fundamental rights.

To Mr Szymański, I would like to say that fundamental rights do, naturally, also include reproductive rights. They also include the right to sexual orientation. What is important now is for all of the EU institutions to work to ensure that fundamental rights – the Charter – do not simply remain fine words on paper, but that concrete measures are actually implemented. We must ensure that fundamental rights are respected and this applies to all groups in society. Thank you.

Hélène Goudin (IND/DEM). - (SV) Mr President, in the EU Member States and institutions, and in the western world in general, there are serious problems with discrimination against homosexuals, bisexuals and transsexuals. In many places in the world, the problems are even greater. There, people even risk imprisonment or execution for their sexual preferences. This is, of course, totally unacceptable and should not happen in 2008.

I believe that human rights are universal and not relative. We cannot invoke old customs to defend the persecution of homosexuals, bisexuals and transsexuals. No, human rights apply to all people throughout the world and these rights must be inviolable. Every person who claims to be democratic must take responsibility and fight against intolerance in all situations.

Alarming enough, there are many Members of this Parliament who harbour hostile views on homosexuals. This was particularly evident prior to and following the exhibition that I hosted in Brussels last week. I was completely appalled when I read the comments, but unfortunately I am not particularly surprised.

The fight against intolerance and for human rights must be carried on everywhere – with our friends, at national level, within the EU and globally through the UN. I therefore welcome initiatives in this respect from the French Presidency. I have, in fact, had one and a half minutes. Thank you.

Irena Belohorská (NI). – (SK) I would like to thank the rapporteur, Mr Catania, for his report on the current situation regarding fundamental human rights and freedoms in Europe.

Fundamental human rights are often violated in connection with the fight against terrorism that leads to violations of the fundamental right to privacy, threats or violations of the personal data protection and frequent discrimination.

We have witnessed how many MEPs have used this report to promote their party agendas by requesting autonomy. Autonomy has no place within the framework of the European Union and, in the 21st century, autonomy as a political idea has no place in the Lisbon Treaty either. In the European Union, we have free movement of persons as a major privilege and we should therefore understand autonomy in terms of the current situation on the labour market. Only reactionaries and people unable to grasp the main idea of unifying the states of the European Union warm their separatist hands at the fire of nationalism and fascism and it is for this reason that I reject any justification of autonomy as an effective method for solving the problems of traditional societies and national minorities.

Mihael Brejc (PPE-DE). – (SL) This is quite a sizeable report and I wonder what its purpose is. It contains 167 points across 28 pages. The report has all the important components as regards fundamental rights. However, despite a few good points of emphasis, the report does not reflect the current state of human rights. It does not contain any facts or arguments to support the assertions made. What it does contain is a lot of words, which are often contradictory and irrelevant. It also contains a lot of illusions, which is not a good thing. It is full of appeals to competent authorities, and yet it even contains a provision that is contrary to legislation.

I am surprised that Mr Catania did not base his report on the annual reports of the Ombudsman. Had he done so, he would have been able to compare developments from year to year and familiarise us all with the progress made in this field, or the lack thereof. I do not take issue with the individual points, but I do think that the report is simply inconsistent. Although the deadline for tabling amendments has been extended, I am afraid I have to say that this report cannot be amended, because it lacks an appropriate substantive and legal structure.

Now, the report of the Committee on Culture and Education is another thing altogether, as it clearly states its stance on human rights in 12 points. I believe that Mr Catania, as rapporteur, had very good intentions. I believe that he has made a sincere effort to present the situation of fundamental rights as well as possible but, in my mind, this report, despite some truly good points of emphasis, does not meet the minimum conditions for a serious debate, which I very much regret.

If this report is adopted, I fear that there will be even fiercer criticism from the public. This is why, Mr Catania, I think it would be good if you rewrote the report in such a way that it presents a clear picture of where we were in 2004 and where we are today.

Thank you.

Stavros Lambrinidis (PSE). – (EL) Mr President, one thing is for certain: the global economic crisis will increase the wave of immigrants to Europe and will throw thousands of legal immigrants already living among us into unemployment. There is therefore a very high risk of an increase in xenophobia and racism and a very big threat to social cohesion in the countries of Europe. Obsessive policing of the borders under these circumstances will not solve the problem. We need serious policies for integrating immigrants in Europe, policies which will make both immigrants and their children stop feeling like foreign bodies or which will make others stop seeing them as foreign bodies in our society. And yet this debate in Europe has now stopped. We saw it in Thessaloniki at the Council, we saw it in Groningen in 2004, and now it has disappeared. The reason, as far as I am concerned, is very simple: politicians in Europe have failed to persuade their communities that today, diversity is simply inevitable and desirable in our communities. This political will must return to the Council, to the Commission and to Parliament.

Inese Vaidere (UEN). – (LV) Ladies and gentlemen, in attempting to fashion a universal viewpoint, the report has ended up being one-sided and unbalanced. It gives the impression that in the sphere of fundamental rights, the situation in the European Union is bad. This is an obvious exaggeration, discrediting us, but

proving convenient for those countries outside the EU with which we have a dialogue on human rights. The huge differences in various states with regard to the numbers of minorities and immigrants have not been taken into account. Article 45 falsely states that in the Eastern European Member States, there is a small number of immigrants. Before the occupation of Latvia, the percentage of Latvians in Latvia was approximately 80%, and the percentage of Russians was 8%. At the beginning of 1990, when the occupation ended, Latvians accounted for only 51%. The majority of the rest, as a direct result of Russification, are the 'Russian-speaking immigrants'. Those who do not wish to integrate and obtain citizenship should not be allowed to have the political right to vote. The recommendation to give members of each minority the right to be educated and speak in their native language runs counter to the rights of the native people to speak in their own language in their own country. In the event that this report is adopted, we may be obliged to draft immediately another European Parliament report on the protection of the Latvian people and language in Latvia. There are no amendments that can improve this report. The only solution is to reject it. Thank you.

Michael Cashman (PSE). - Mr President, discrimination is alive and well, and it is living in the world and in the European Union. That is why I want to congratulate the French Presidency on the initiative at the United Nations on the decriminalisation of homosexuality.

It is depressing that we have heard, here today in the House, intolerance promoted. Discrimination scars our world and – can I say to others – it scars the souls of those who practice it. Discrimination is given voice by politicians and institutions, such as the Vatican, that should know better. That is why I want to thank you, on behalf of those people who do not have a voice, because if they used it – as homosexuals or because of their gender identity – they would be beaten, tortured, imprisoned or face capital punishment, solely because of their difference.

We will win. We will achieve equality. As a gay man, I am committed to that. We will achieve equality simply because justice and goodness are on our side. Thank you to the presidency. It is a great privilege for you to end your presidency on such a commitment.

Armando França (PSE). – (PT) The aim of the Tampere and Hague programmes, which we are now debating due to Gérard Deprez's question, is to implement a European area of freedom, security and justice, by means of essential cooperation among the Member States and between them and the EU's institutions. This is to be achieved by reinforcing measures that guarantee freedom, security and justice which are essential to the process of European integration. Our Union will only truly exist, however, when we establish, alongside the internal market and economic cooperation, a common area of freedom, security and justice; when European citizens also feel free, with their fundamental rights safeguarded, and when there is equal justice for all. As a result, the development of cooperation in this area is extremely important. However, the Treaty of Lisbon will be decisive, as its provisions in this area are sovereign and grant competence to the European Parliament and the national parliaments.

Genowefa Grabowska (PSE). – (PL) Mr President, the international community addresses the issue of human rights approximately every twenty years. In 1948, it adopted the International Declaration on Human Rights. Nearly twenty years later it adopted the Pacts on Human Rights and, in 1989, another document was adopted, namely the Convention on the Rights of the Child.

Meanwhile, we in the European Union are still unable to draw up a legislative document or adopt a charter which, as a Charter of Fundamental Rights, would be a binding document.

I therefore welcome Mr Catani's report, which addresses the rights of the child, and I would like to stress that these rights should be of the utmost importance to us, as children represent the future of Europe, and Europe will be shaped by the way we bring them up. That is why poverty, which is a form of discrimination which affects so many children in Europe, needs to be eradicated, and why we must combat it in the name of a good and just future for Europe.

Carlos Coelho (PPE-DE). – (PT) Next year, 2009, the new multiannual programme in the area of freedom, security and justice should be adopted. The results of the last ten years are positive, but we must avoid the constant temptation to favour the security aspect to the detriment of freedom and justice.

For example, in terms of judicial cooperation, applying the principle of mutual recognition brings huge benefits to all those moving around in this area, but it should have its counterpart in the adequate protection of the rights and procedural guarantees of individuals throughout the Union, which has not yet happened.

Various information systems have been set up to reinforce security, but the framework decision on the protection of personal data in the third pillar has still not been adopted, as Mrs Roure knows very well. The promotion and effective protection of fundamental rights are at the root of our democracy and should be an ever-present objective across all European policies. Fundamental rights are interdependent and constitute an indivisible set of rights. It is in this spirit that they are enshrined in the Charter of Fundamental Rights. That is why it is also vital to amend the Treaty of Lisbon so that our Charter has binding legal value.

Various priorities are identified in the Catania report, ranging from social rights to data protection and the protection of minority rights, among others. However, at this time of general economic crisis, I believe that we must pay particular attention to cases of extreme poverty and social exclusion, which are, in themselves, a violation of fundamental rights. As a result, I feel it is essential to integrate both the social dimension and the protection of fundamental rights into all EU policies, at the same time as ensuring systematic and rigorous monitoring of the compatibility of legislative proposals with respect for these rights.

Charles Tannock (PPE-DE). – Mr President, I welcome the honesty and detail of the Catania report, even if there are parts of it that I dispute. Exposing our own shortcomings in a report like this should remind us to stop preaching quite so much to others outside of the EU. Many in this House queued up to lambast America over extraordinary rendition and to criticise European governments that cooperated with the CIA. Personally, I would be horrified if we had not cooperated in any way with the CIA against terrorist fanatics who would destroy our way of life.

There is no mention in this report of Italy's action, for instance, of deporting foreign criminals. Such a popular and successful policy, as it would appear, is obviously far too controversial to highlight here. It is also a serious blow to the unquestioning, absolutist dogma that has infected the debate about human rights. I wish, for instance, that in my country, the United Kingdom, we had deported a foreign criminal like the Italian citizen in my London constituency who murdered his headmaster but, after serving a jail sentence, was allowed by judges to stay in the UK, citing his human rights. Law-abiding citizens in Europe deserve to know that their own rights are protected against people who would seek to attack them.

Marios Matsakis (ALDE). – Mr President, homosexual rights are an important topic in the EU and, from time to time, form the basis of intense debate.

Recently, the subject of the right of homosexual couples to adopt children has surfaced again. In this connection, I wish to take the opportunity to ask the Commission and the Council a very straight question: do they agree with – and would they support – a move to allow homosexual couples to have the right to adopt children in the same way as heterosexual couples, or would they consider that the right of an adopted child to be placed in a heterosexual family environment is of paramount importance and, therefore, that adoptions by homosexual couples should not be considered desirable and should not be allowed by law in the EU? A courageously straight answer from the Commissioner and the Minister is expected and will be much appreciated and very helpful to us.

Kathy Sinnott (IND/DEM). – Mr President, the most tragic episodes of human history have been rooted in the denial of the humanity of one group of the human race by another. In the past, enslavement, persecution and genocide have been the lot of those who, because of language, race, religion or some other reason, have been seen as sub-human.

Today in the EU, we like to think that we are above this barbarity, yet today humanity is denied on the basis of age, size and ability. Babies before birth and babies with disability – even after birth – are considered by many to be sub-human, with the result that over one million babies are destroyed in the EU every year before birth and even some after birth.

What is more shocking is that this bloodbath is carried out in the name of human rights. May I remind you that the Universal Declaration of Human Rights, which we honour after 60 years, recognises the full humanity of the child before birth.

Csaba Sógor (PPE-DE). – (HU) National minorities find themselves in new countries through no fault of their own. Unfortunately, in many new Member States, they are being burdened with collective guilt, as states try to ban them from being educated in their own language or studying their history and learning the names of their home town, local places or rivers. Worse than this, a new type of 'sport' is being introduced in certain new Member States, namely, beating up minorities with the help of the police. Some would like to ban all forms of autonomy because they claim this would fragment the EU. Yet those countries, such as

Italy or Finland, which have given cultural or regional autonomy to their minorities, have not fallen apart. We need to give each EU Member State the opportunity to respect the rights of national minorities.

Rama Yade, *President-in-Office of the Council*. – (FR) Mr President, in this, the 60th year of the Universal Declaration of Human Rights, the Catania report comes just at the right time. The wide variety of subjects raised, the strength of the proposals made, and your reactions too, are in keeping with the crucial nature of matters that brings us together today. I am therefore going to try to answer the various questions that have been put to me and try hard to group together the speeches, since several of them related to the same subjects.

Firstly, I should like to mention the issue of social rights and extreme poverty, which was raised by many MEPs, including Mrs Roure. Obviously these economic, social and cultural rights are important. They form part of the second generation of human rights and are rights symbolised by the signing of the International Covenant on Economic, Social and Cultural Rights of 1966. Indeed, you are right to stress the importance of applying these rights, as they are liable to become discredited if they are not applied.

It follows that the European Union and France are, of course, actively involved in combating extreme poverty. I would remind you that the role of special rapporteur has been created within the Human Rights Commission specifically to deal with these issues, these rights. The guiding principles for stepping up the fight against extreme poverty are currently being drawn up at the United Nations. Lastly, the European Union and, more specifically, France, have taken what seem to me to be interesting initiatives. The European Union has promoted and endorsed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which has just been adopted by the United Nations General Assembly, and created an individual complaints mechanism.

However, I obviously agree with you that this is a long-term fight, and that so long as there is so much discrimination and so much poverty, so long as there are so many people unemployed and so many problems linked to access to healthcare, we cannot be satisfied, but efforts – on-going, constant efforts – are being made to ensure that economic, social and cultural rights are clearly applied, with the European Union being the first to promote them.

Next, there is a second issue that was mentioned by many of you, and that is the issue of homosexuality. I should like to say in this regard that the initiative taken by France is very simple, and to repeat that our starting point was the finding that, in the world today, there are ninety countries that penalise homosexuality, six of which apply the death penalty. This means that men and women cannot choose freely to live according to their sexual orientation and risk being sent to prison or indeed prosecuted. We are therefore in the realm of fundamental rights here.

The aim is not to open up issues, as very interesting as they are, on gay parenting or marriage, or to take decisions via this initiative of holding social debates. Rather, the aim is to extend this fundamental right – the right freely to express one's sexual orientation without running the risk of being denied one's freedom – to everyone in society.

It is as simple as that, and I believe that it is to the credit of the European Union, of the Member States of the European Union – since many of us support this project – that this initiative is going to be seen through tomorrow at the United Nations. I hope that as many states as possible will join us because I believe that, when it comes to fundamental rights, there is no debate to be had, since this is purely and simply a question of humanity and of freedom.

Let us move on now to another issue, the issue of the Roma and, more generally, of migrants, which several of you have raised. In terms of the Roma, on 2 July, the Commission submitted a report within the context of its communication. This report lists the existing policies and instruments, contributes to the inclusion of the Roma population and recommends a more systematic use of these policies and these instruments in order precisely to encourage the integration of the Roma.

As you know, on 16 September in Brussels, the French Presidency took part in the first European Roma Summit, which was organised by none other than the European Commission, with the help of the Soros Foundation. This summit gathered together the representatives of the European institutions and of the Member States, and attracted a strong turnout of members of civil society. My colleague from the French Government, the Minister for Housing and Cities, and the representative of the Ministry of Foreign Affairs, paid tribute there to the exceptional way in which Europeans from all backgrounds rallied around this summit.

This summit was important because the Roma issue is of common interest to Europeans and calls for a proactive policy – one that is of course adapted to specific national conditions – to be conducted by each Member State. A voluntary policy of this kind at national level should have the specific aim of ensuring that the Roma population really does have access to education, jobs, healthcare and housing, and it is quite clear that coordination between the Member States of the Union is absolutely crucial and important.

On the initiative of the French Presidency, several ideas have made it possible to pursue a formal debate on this issue. A second equality summit took place in Paris on 29 and 30 September 2008. A round table on poverty and exclusion took place on 15 and 16 October 2008 in Marseille with two of my government colleagues. In short, the Member States of the European Union are paying significant attention to the situation of the Roma community, and I believe and indeed am sure that, from this point of view, our work will be taken further even after the French Presidency of the European Union. Make no mistake, we are fully committed to this issue.

On the broader issue of migrants, then, I should like, as the French Presidency of the European Union comes to an end, to mention the European Pact on Immigration and Asylum and what a success it has been. For the first time with this Pact, the European Union or the Member States of the European Union will share objectives, will have a common position on this issue, in particular, with regard to the creation of an asylum office, to the biometric visa objective, and to the action required of the European Union when too much pressure is put on a State, especially in the field of immigration.

The Pact which, I would remind you, was adopted by the European Council in October, proposes political commitments such as organising legal immigration by taking account of needs and capabilities, combating illegal immigration by working together, making border controls more effective and creating a Europe of asylum.

In short, I believe that all of these elements relating to the Pact on Immigration and Asylum are such as to enable the European Union to adopt a common strategy in this area and perhaps, through this common strategy, to implement a genuine legal immigration policy at the same time as associated rights.

I should like now to answer a question, a point, a comment concerning Guantánamo and the consequences of its closure, in order to tell you that the European Union has said many times that the fight against terrorism had to be conducted in compliance with the rule of law, that is, with respect shown for human rights, international humanitarian law and international refugee law. We also said that there could be no legal vacuum for detainees, no matter who they are, and that the existence of secret prisons is unacceptable.

Our position has not changed, and all this is based on our certainty that democratic societies can tackle terrorism in the long term only if they remain true to their own values. The European Union believes that the United States should accordingly take steps to close Guantánamo as soon as possible. We are therefore conducting an on-going dialogue with the US Administration on this issue.

I believe that a final point was raised by several of you, ladies and gentlemen. I am thinking of the issue of human rights, here in Europe, and in particular of the role of the Council of Europe. I should like to start by paying tribute to the role played by the Council of Europe in defending and promoting fundamental rights. I believe that, ever since its creation, the Council of Europe has done an excellent job in this regard, particularly with the European Court of Human Rights.

Mechanisms for monitoring human rights within the Member States do already exist, and I believe that using these mechanisms is a way for us not to give in to double standards but to actually put our own house in order, since the Council of Europe and its legal instrument, the European Court of Human Rights, act as driving forces to remind the Member States of the Union and beyond – since the Council of Europe has more members than the European Union – of their duty to point out their shortcomings and to ask them to remedy these. The Council of Europe is therefore a crucial instrument, a crucial organisation when it comes to the defence and promotion of human rights.

In parallel to this, then, there is the Agency for Fundamental Rights, which also deals with human rights within the Member States and which is mentioned in various reports that have been published recently. However, the Agency is focused on the human rights situation in the Member States where they implement Community law, and that is all. Knowing that the scope of each organisation is restricted to certain areas, I therefore believe that there may be a *modus vivendi* between them both. And thus, far from being a limitation of its remit, this provision that I just mentioned is instead designed to prevent the duplication of the Council of Europe's activities.

The regulation establishing the Agency expressly provides, for example, that the Agency should cooperate closely with the Council of Europe. Such cooperation should guarantee that any overlap is avoided and, on this point, I shall continue to cite the texts: 'such cooperation should guarantee that any overlap between the activities of the Agency and those of the Council of Europe are avoided'. It is therefore important for the Agency for Fundamental Rights and the institutions of the Council of Europe to try to ensure that their efforts complement one another and that the bodies in operation complement one another. That is why the Agency's on-going concern is obviously to work within its sphere of competence while complementing the action of the Council of Europe.

I believe that I have responded in brief to all of the points you have raised, ladies and gentlemen. I shall leave it to the European Commissioner to answer any questions concerning him or put to him.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, the Presidency has answered some questions, and therefore I am going to try to be brief.

Firstly, I should like to pay tribute to what Mrs Roure said in opening our debate, in saying that, indeed, the Charter of Fundamental Rights has been able to unite social rights and civil rights. In my view, this is the positive contribution of this Charter, which we are – we hope – going to see incorporated into European law. It is truly the link between civil rights and social rights.

That being the case, I should like to answer some questions on minorities. We do not actually have any specific powers with which to concern ourselves with minority rights in the Member States but we can combat discrimination against people who belong to a minority. Personal discrimination falls within the scope of our fight against discrimination.

On the Roma community – I believe that the Presidency has responded on this – I should like to point out in fact that we organised the Roma Summit on 16 September. I myself had the opportunity to conclude this summit, and I must also tell you that, together with my colleague, Commissioner Špidla, we are making discrimination against Romani children one of our priorities.

Such discrimination is completely unacceptable, but it has taken Europe a long time to deal with these problems. The Member States have major responsibilities in this area, and it has taken them a long time to deal with them. It is true that, today, we are going to try to use all the means at our disposal to really spur on the integration of the Roma community.

That being said, we are also very anxious not to base our strategy on an exclusively ethnic approach to the Roma. Such an approach might well be counterproductive and would cancel out the benefits of dealing with the Roma problem across the board in all the European Union's policies.

I also come to sexual differentiation. I honestly believe that the Presidency's answer hit the nail on the head. It really is a duty of tolerance to respect and ensure respect for such sexual differentiation. It is quite clear that, on this point, there is this text on discrimination, but we must ensure that it is applied.

Furthermore, I wish to say that the Commission does not in fact intend to go and take a stand on behalf of the Member States concerning the organisation of family law. As you know, we have already had difficulty in establishing rules in relation to divorce. In particular, we cannot embark on an area that is left to unanimity.

Nevertheless, I would add that the law on the free movement of persons does, of course, oblige the Member States to recognise certain links that are contracted in another Member State and, in this respect, I can only repeat European law.

To conclude, I should like to say that what I feel is most important – what Mr Deprez was saying is right – is that we must not be guided by fears. We must recognise that, since the 11 September attacks, there has been this fear of terrorism that has meant that, at times, the protection of rights, individual freedoms and privacy has been lost sight of and that we must, I believe, keep a close eye on this balance. It is not by scorning fundamental rights, human rights and privacy that terrorism will be combated effectively. I believe that combating terrorism effectively really should be the aim.

And then, I would say, by way of conclusion, that, in the field of fundamental rights, our task is not just to establish texts but to ensure that they are applied. There must be a duty of care. Rest assured that, as far as the Commission and your Commissioner responsible for freedom, security and justice are concerned, I shall personally see to it that, at each and every level, we are truly vigilant in ensuring that European law is applied.

Giusto Catania, rapporteur. – (IT) Mr President, ladies and gentlemen, I would like to thank Commissioner Barrot and Mrs Yade for their words in support of my report. I would also like to thank the shadow rapporteurs, Mrs Gál, Mrs Roure, Mr Guardans and Mrs Ždanoka, for the active contributions they have made to the report and its composition.

I believe that the questions that have been raised are very interesting, and I would particularly like to spend some time on a point raised by Commissioner Barrot. At a time when the economic crisis is intensifying, we must avoid having an outright war within the European Union between poor people, citizens discriminated against because of their social conditions and citizens discriminated against because of their living conditions, or their expectations, or even because of their arrival in the European Union and the fact that they have been welcomed in the best possible way.

It is true that the crisis is liable to intensify racism and xenophobia, and I would like to tell Mr Brejc that we have very carefully analysed the report by the European Fundamental Rights Agency and, previously, the report by the European Monitoring Centre on Racism and Xenophobia, and have found that in recent years, there has been an exponential increase in racist and xenophobic acts in the European Union. That is why we are very concerned about what is happening and we think that we need to encourage processes that will actively produce a role where the promotion and protection of fundamental rights becomes the most effective focus for creating a Europe of peace, one that is committed to promoting intercultural dialogue and is free from barbaric practices.

I believe that in this way, through this report, we can help to improve the role played by the EU on the international stage. I will not spend time on other questions that emerged from the debate, some of which do not merit a response from me, but I very much welcomed the exchange that took place and the proposals that were put forward by many fellow Members who took an active part in the debate.

President. – The joint debate is closed.

The vote will take place shortly.

Written statements (Rule 142)

Marian-Jean Marinescu (PPE-DE), in writing. – (RO) According to the Charter of Fundamental Rights, every EU citizen has the freedom to seek employment, work and settle in any other Member State.

Unfortunately, so far, not all of Europe's citizens can enjoy this freedom. The two-year restriction period on the labour market imposed on the new Member States expires at the end of this year. However, eight Member States have already announced their intention to extend this period by a further three years in view of the current financial crisis.

According to the Commission's report of 11 November 2008, there is no conclusive proof to show that a significant number of local workers would have lost their jobs or have had their salary reduced due to workers coming from the new Member States.

Keeping the labour markets closed is prolonging the differentiation of treatment among Europe's citizens. Abolishing these restrictions would help to avoid the problems arising from undeclared work or bogus self-employment.

This is why I consider that the Member States which continue to impose restrictions on the labour market should bear in mind, first and foremost, the real positive impact which the free movement of workers has on sustainable economic growth.

Free movement has proven to be not only a positive factor, but even a necessity.

Rareș-Lucian Niculescu (PPE-DE), in writing. – (RO) Without commenting in detail on the content of this report, against which much criticism can be levelled, against, I would like to draw attention to one article which I will vote against, even though I have had rejected in the Commission an amendment intended to remove it. I am referring to point 46, which recommends a definition to be laid down for national minorities at a European level, on the basis of Council of Europe Recommendation 1201 (1993). This Recommendation should not be invoked without an extremely meticulous clarification of the interpretation which is given to it, as it contains ambiguous wording which could be interpreted as granting collective rights to minorities or territorial autonomy on ethnic criteria. I believe that the European Parliament should not accept without any criticism a reference to this Recommendation. Even the Venice Commission (the European Commission

for Democracy through Law) stressed that particular caution must be taken with any interpretation of Recommendation 1201.

15. Council's approach to revision of OLAF regulation (debate)

President. – The next item is the debate on the oral question to the Council by Mrs Gräßle, on behalf of the Committee on Budgetary Control, on the Council's approach to revision of the OLAF regulation (O-0116/2008 - B6-0492/2008).

Ingeborg Gräßle, author. – (DE) Mr President, ladies and gentlemen of the Council, Commissioner, ladies and gentlemen, as rapporteur on OLAF, the European Anti-Fraud Office, one makes interesting discoveries, for example, that everyone talks about combating fraud but no one does anything. Another discovery is that Member States work out all their payments to the European Union to the last cent, but when it comes to spending this money, they start feeling generous and even make it easier for fraudsters, for example, by still taking an average of 36 months to even report irregularities to the European Union. The European Parliament considers this unacceptable. We want to see an effective fight against fraud, one that includes prevention. We want Member States to put the fight against fraud on the agenda and we want to see a joint discussion about what we need and what the problems are.

We want to see the national judicial authorities taking a greater interest in following up the results of OLAF investigations. There must be an end to the legal loopholes that have existed up to now for fiddlers. We need European funds to be treated in the same way as national funds. We want an independent office with the resources and legal bases necessary to perform its tasks. We want an office that can work together with Member States quietly and efficiently.

Our opinion on the legal basis, Regulation 1073/99, covers all these points. Our plea is for this Regulation – which is at the heart of OLAF – to be further developed together with the Council. We call on the Council to incorporate our opinion and open talks on the further development of this Regulation. We want to provide a solution to OLAF's problems.

I wish to thank all the groups in the House for lending their support to this in the form of a resolution, too, on which we shall be voting tomorrow. I would appeal to the French and Czech Council Presidencies to take Parliament's ball and to pass it back. In our proposals, we have also taken up solutions developed and put forward by the Council working party. I wish to assure you of our interest in bringing this Regulation to a speedy conclusion, and of our willingness to engage in constructive discussions on the basis of our proposals.

Consolidating all the legal bases for OLAF, as the Council envisages, would mean wasting a lot more time over an uncertain outcome. OLAF will soon be celebrating its 10th anniversary. Consolidation would mean a further 10 years without an improvement in the legal basis. We are too serious about combating fraud to let this happen. That is why we want to do what is doable now in cooperation with the Council. Thank you very much.

Rama Yade, President-in-Office of the Council. – (FR) Mr President, Mrs Gräßle, I would first and foremost like to remind you of the importance the Council attaches to the fight against fraud and to the protection of the European Union's financial interests. The Council considers that the regulations relating to the European Anti-Fraud Office must not only be appropriate to the needs but must also be consistent.

In this context, we should remember the Council's 2007 invitation to present a consolidated legal instrument covering the various aspects of OLAF's work, which would provide the clarity we are all seeking. The Council has taken due note of the European Parliament's amendments adopted on 20 November concerning the modification of the rules for OLAF investigations, and of the debates on this issue, which took place previously within the Committee on Budgetary Control.

The Council has also taken due note of point 44 of the European Parliament's resolution of 23 October 2008, accompanying its first reading of the 2009 budget, which deals with the same issue. The question of the Council's work schedule has already been raised in the budget triologue of 13 November and in the consultation meeting with the European Parliament of 21 November, by my colleague Mr Woerth, president of the Ecofin Council (Budget).

At this triologue, in response to the Council's concerns which, I believe, are also shared by the European Parliament, the Commission announced that it will present a working document on the issue of the

consolidation of the OLAF regulations at the beginning of next year. I can therefore gladly re-affirm what the Council has already stated, during the triologue of 13 November, and at the consultation meeting of 21 November, namely that the Council will examine diligently, and with the greatest attention, the outcome of the European Parliament's work on the proposed amendment to Regulation No 1073/1999, and the working document due from the Commission.

I hope to have the opportunity to speak again in order to reply to any comments you might make before 6 p.m. I apologise in advance for having to leave at that time.

Jean-Pierre Audy, *on behalf of the PPE-DE Group*. – (FR) Mr President, Mrs Yade, ladies and gentlemen, the European Commission must protect the European Union's financial interests, and it shares the responsibility for this with the Member States, under the treaties. The Commission – I regret that its bench is empty – has important powers with which to combat fraud, corruption and any other illegal activity which undermines the Union's financial interests.

Let us remember that it was the resignation of the Santer Commission, in March 1999, which led to the creation of the Anti-Fraud Office, or OLAF, whose tenth anniversary we will celebrate next year.

My excellent colleague, Mrs Gräßle, is right to hold the Council to account on the issue of the long-awaited revision of the 1999 regulation for, since then, provision has been made, on the basis of a Commission assessment due to be performed three years after the creation of the Office, to review this regulation that had to be adapted. Your answer, Mrs Yade, is reassuring. It is a consistent answer.

This assessment took place in 2003, and we have a proposal for a regulation. It is now necessary to make a coherent whole of this mechanism, both for internal and external investigations and for OLAF's general missions. There is the 1999 regulation, number 1073, but we also have the 1996 regulation on spot controls and verifications carried out by the Commission, and that of 1995 on the protection of the Union's financial interests.

The 2005 assessment contained 17 proposals, including the creation of a European prosecutor, since, although OLAF has investigative powers, it is an administration which is uncontrolled by an independent judicial authority. This authority could be both a safeguard for investigated individuals and a support for OLAF itself. What, then, is the true nature of OLAF? Is it an aid to justice, and, if so, to what European criminal justice? Is it a special administrative department? There is a long way to go. Thank you, Mrs Yade, for the impetus you have provided today.

Herbert Bösch, *on behalf of the PSE Group*. – (DE) Mr President, as the rapporteur has already rightly pointed out, the Council is neglecting its duty to protect the financial interests of the Union. After all, Mrs Yade, what is important is not which treaties are now consolidated and which are not, but rather that you enter into talks. If you do not open negotiations now, you will be quite deliberately delaying the reform of the fight against fraud at European level until the next parliamentary term, and well you know it. We shall also have to tell our voters in June that it is the Member States who lack interest in this; indeed, we can give them several examples.

On the subject of VAT fraud, which costs Germany, for instance, EUR 16-18 billion per year, we would have the option of taking the relevant anti-fraud measures via a reformed OLAF, for example. Yet even the best anti-fraud authority is powerless if the Member States fail to provide any information.

With regard to the following-up of cases by OLAF, we often have to grope around in the dark, as the national authorities have not told us what action has been taken on the basis of the results of OLAF investigations. Action is needed in this regard.

As someone who was involved back in 1999, I can say that the most important thing we wrote into Regulation 1073/99 was that this anti-fraud unit, which has done a good job over the last few years, was to be reformed after a couple of years. This cannot be put off; I should like to remind the Council of this today.

Bart Staes, *on behalf of the Verts/ALE Group*. – (NL) Mr President, President-in-Office of the Council, ladies and gentlemen, I have listened very carefully to your response. You said that you would study those proposals with the utmost *vigilance, avec la plus grande attention*. I am sad to say that that response is not good enough for us.

We have done our homework. We approved Mrs Gräßle's report at first reading. We did this because of the loopholes in current legislation. We have tried to correct those flaws, and Mr Bösch is right in saying that

we were met with many challenges. We approved the report on VAT fraud only recently. The level of tax fraud in the European Union is somewhere between EUR 200 and 250 billion.

We need sound legislation, therefore. Both you, Mrs Yade, and the Council as a whole should do your jobs. I should like to ask you to be a little more precise about the timeframes the Council intends to observe with regard to this dossier, for that is absolutely vital.

José Javier Pomés Ruiz (PPE-DE). – (ES) Mr President, I am grateful to Mrs Yade for being present at this debate on a subject that causes citizens so much concern.

This Parliament is coming to the end of a term in which we have tried to tell the taxpayer that we check the accounts here and that we do so as well as possible. We admit that mistakes are made and things are not always done correctly but, above all, we have calculated the amount of fraud and we are doing everything we can. That is why we set up OLAF, the European Anti-Fraud Office, ten years ago. It is now in urgent need of an appropriate legal framework.

Mrs Yade, if you say that we should wait for the Commission to produce its report and only then begin to negotiate what may be the definitive statute for OLAF, we will be wasting time. The elections are coming and we will then be in another parliamentary term. The message that we want to put out to Europe's citizens is that everyone here – the Council, the French and Czech Presidencies, this Parliament and the Commission – is committed to putting an end to the kind of fraud that exists in developing countries and even in highly developed countries.

Thank you, Mrs Yade, for being present at this debate, and I regret that the Commission is not here too.

Inés Ayala Sender (PSE). – (ES) Mr President, I too welcome Mrs Gräßle's proposal, on behalf of the Committee on Budgetary Control, to push ahead and exert pressure so that the legislation we adopt on OLAF can be implemented as soon as possible.

I am therefore also grateful to Mrs Yade for being here, because the proposal that Parliament adopted rightly insisted on the need to ensure and safeguard the rights of people being investigated by OLAF to be presumed innocent and to be allowed a defence, as well as the rights of informants.

Above all, clearer and more transparent rules also need to be laid down, as well as a code of conduct, which we need to publicise to all citizens as soon as possible. In this respect, we are grateful for Mrs Gräßle's initiative and for the support given to her by the Committee on Budgetary Control.

Of course, we earnestly call on the Council to try to unblock the negotiations as quickly as possible so as to move them forward, if possible before the end of this parliamentary term – in other words, before the next elections. That will be crucial in order to guarantee all the rights that Parliament is going to reinforce on the basis of Mrs Gräßle's report.

Paul Rübzig (PPE-DE). – (DE) Mr President, Mrs Yade, ladies and gentlemen, the European Parliament elections are coming round again next year, and disinformation is particularly rampant in the run-up to elections. That is why we want a rapid reform of OLAF. Instances of failure and of disinformation being used to the detriment of the European Union must be pinpointed clearly and unambiguously. I believe that this support and this clarity are what the European public needs.

Markus Pieper (PPE-DE). – (DE) Mr President, President-in-Office of the Council, as a member of the Committee on Regional Development, I understand the importance of OLAF's work in the field of the Structural Funds. The latest report on the Communities' financial interests reports over 3 800 instances of irregularity, which represents an increase of 19% on 2006. The amount concerned is EUR 828 million, 17% more than even the year before.

This is why the Council must now improve the fight against fraud, and by carrying out a true reform of the legal basis, rather than performing cosmetic surgery on existing texts.

If the Council is serious about this, it should also work on improving its reporting system. Up to now, Member States have been taking an average of 36 months to even inform OLAF of irregularities. Reliable figures should be provided quickly, and in electronic form, so that OLAF can do its work efficiently. We owe this to everyone concerned – the taxpayer, and also those who spend EU funds to the best of their knowledge and conscience.

Mairead McGuinness (PPE-DE). - Mr President, I will be brief. I rushed down to support Mrs Gräßle in her efforts and I think we all are doing that here today. We have heard that the reputation of the European Union is being damaged by the perception that fraud is allowed to prevail. So anything that would strengthen and improve the efficiency of OLAF is to be welcomed and supported. So, with those very few words, I commend Mrs Gräßle for her efforts and I urge the Council and Commission to listen carefully.

Rama Yade, President-in-Office of the Council. - (FR) Mr President, ladies and gentlemen, I fully understand the European Parliament's concerns. The Council now has the results of the European Parliament's first reading. There is a logic to the way in which the Council – which has done its job in calling for consolidation of the 2007 legislation – works and operates, which means that it needs documents produced by the Commission before it can go any further. Until this work has been communicated to the Council by the Commission, I am obliged to tell you that we will have to wait for this moment.

I am sure that, once we have the working document on the consolidation of the legislation on OLAF, as announced by the Commission, we will be able to make rapid progress on the issue of reform. However, we need this document, and Parliament can rely on the Council to take this matter forward, with the usual respect shown for good institutional cooperation, in order to make OLAF's legal framework as clear as possible.

President. - I have received one motion for a resolution⁽¹⁾ tabled in accordance with Article 108(5) of the Rules of Procedure.

The debate is closed.

The vote will take place on Thursday 18 December 2008.

(The sitting was suspended for a few moments)

IN THE CHAIR: MRS WALLIS

Vice-President

16. Question Time (Commission)

President. - The next item is Question Time (B6-0491/2008).

The following questions are addressed to the Commission.

Part one

Question No 32 by **Tadeusz Zwiefka** (H-0934/08)

Subject: Contingency plans for SMEs

In the light of the current financial and economic crisis, in the words of Jean Claude Trichet, the most serious crisis since the Second World War, I would like to ask the Commission about its contingency plans for SMEs.

The recovery framework plan, due out on 26 November, is supposed to include short-term measures to help head off a recession. The Commission is looking at new funding and new uses for existing funds. It also wants to increase capital available for the European Investment Bank, the EU's long-term lending institution. The Bank has already put together a EUR 30 billion loan package to help small businesses struggling to get financing. Such actions are highly commendable; however one of the most serious issues facing SMEs at this stage is the problem of defaults on loan repayments. Has the European Commission devised contingency plans especially targeted at this specific problem?

Joaquín Almunia, Member of the Commission. - (ES) Madam President, in the Commission's proposal for a Small Business Act, it fully acknowledged the problems faced by small- and medium-sized enterprises.

With regard to access to finance, which is the subject of Mr Zwiefka's question, the Commission, together with the European Investment Bank (EIB), has announced specific measures to improve the situation.

⁽¹⁾ See Minutes.

Of course, we agree with the need to provide SMEs with special help. The financial crisis has substantially impaired the financing channels available to businesses, particularly SMEs, in many Member States. The Community's institutions and the Member States have taken concrete measures within their areas of competence to counteract these effects.

The Commission has introduced measures to stabilise the financial system, which will help the banks to start lending to their customers again. We have also supported certain changes to accounting rules and the fast-tracking of bank recapitalisation and bank deposit guarantee schemes.

In addition, as you know, on 26 November, the Commission approved the recovery plan to the amount of EUR 200 billion. This plan was supported and endorsed by the European Council last week. As our communication states, this sum of EUR 200 billion includes EUR 30 billion from the EU budget or from the EIB's financing actions to help revitalise the economy.

Whether through budget resources or through financing actions, these measures clearly include financing and aid lines that will substantially benefit SMEs. That is in addition to the agreement reached at the informal Ecofin Council held in Nice in September this year, for the EIB to intensify and, at the same time, bring forward its specific financing lines for SMEs.

On top of those agreements, the EIB has announced that it will provide SMEs with intermediate finance – technically known as mezzanine finance – through the European Investment Fund to a total value of EUR 1 billion.

As I have said before, in the plans of the various Member States, and in the framework of the recovery plan endorsed by the European Council last week, there are already several examples of major EU countries in terms of economic size, such as the United Kingdom, France, Germany and Spain, that have put specific financing measures in place for SMEs, which we all know represent a substantial mass in terms of sales figures, employment and productive fabric in all our countries.

Lastly, I would like to mention the agreements that the Commission has adopted at this time of special economic difficulties, making use of the provisions laid down and provided for in the Treaty, to introduce the necessary flexibility in the framework of state aid. It will also especially benefit SMEs. An example is the agreement we adopted yesterday to raise the *de minimis* rule on state aid.

Finally, a 'constructive dialogue' meeting is to take place in January between the Commission, SMEs, their representatives and also the banks, to exchange opinions about the effectiveness of state aid, the current situation and the possible need to reinforce the decisions adopted in recent months.

Tadeusz Zwiefka (PPE-DE). – (PL) Madam President, Commissioner, thank you very much for your detailed explanations. Given that you mentioned the Commission's work and the European Investment Bank's commitments, I would like to ask whether, generally speaking, banks, which are involved in an on-going dialogue, and which are receiving a great deal of support, have also signed up to a policy that ensures the more or less smooth functioning of the SME sector? Have they also made the same commitment?

Joaquín Almunia, Member of the Commission. – (ES) In answer to Mr Zwiefka's question, we will certainly talk to the banks. They also reveal the difficulties they are going through in their balance sheets and their financial statements.

Evidently, all the resources, all the decisions and all the measures adopted, at both European and Member State levels, plus the liquidity provision and the interest rate cuts made by the European Central Bank and other central banks, are all designed to avoid a credit collapse and to stimulate and create a suitable framework for recovery of the credit and financing levels needed for families and businesses.

Small- and medium-sized enterprises are undoubtedly much more dependent than large enterprises on bank credit for their financing. That is because, despite the current market difficulties, large enterprises can directly issue their securities or bonds and obtain funding on the securities markets or fixed-income markets. SMEs need the channel provided by the banks.

We sincerely hope that the banks and the credit system respond positively to this volume of aid and support, which is necessary now but of a size that would have been unimaginable only a few months ago.

I believe that it is not only our governments, the European institutions and the central banks that have to accept responsibilities – and we are accepting them. The banks, too, have responsibilities, in so far as they

have been given support in the form of recapitalisation based on public money or deposits guaranteed by the public purse. They have responsibilities to the rest of society and, in particular, to SMEs.

Mairead McGuinness (PPE-DE). - Commissioner, I think your last comment was so appropriate. The banks need to realise that they need SMEs and have made money from them in the past.

I suppose my question is a very basic one: will this work? We may not know now if it is working, but when will we know, and at what time will we say that we need to do something else? The figure of EUR 30 billion is a significant figure, but the Irish authorities have had to inject EUR 10 billion into the banks, and some independent experts say that EUR 30 billion is needed to recapitalise the Irish banks. Perhaps you would comment.

Silvia-Adriana Țicău (PSE). – (RO) I would like to ask you what the procedure is which allows SMEs in Romania to have access to financing from this allocated budget of EUR 30 billion. What is the procedure which Member States can use to facilitate the SMEs' access to this financing? You were talking about a plan from France, the UK... My question is: Will it be a 'first come, first served' procedure or do the Member States, and therefore Romania's SMEs, have the opportunity to obtain similar financing?

Joaquín Almunia, *Member of the Commission.* – (ES) Madam President, ladies and gentlemen, we are in a market economy and, from where you sit, I am sure you agree with that statement. The rules of the game in the market economy are what they are.

I do not believe, therefore, that anyone thinks that the credit system, the financial system or the economic system in general would work better if all the decisions made by the economic operators and, particularly in this case, the financial operators, were made instead by the national ministries or in Brussels, in one of the many buildings in which the European institutions carry out their work.

As a result, it has to be the banks that decide whether or not to give credit. The fact is that, when the banks rely on public money and public guarantees, they also have to comply with a number of conditions. The national support schemes for the banking sector vary as regards the kind of conditions, depending on the circumstances, the characteristics and the kind of instrument being used in each individual country.

For our part, in the European Commission, we have approved the deposit guarantee schemes submitted by each Member State to ensure that they comply with the rules on competition and state aid. We are currently finalising approval of the most recent national recapitalisation plans.

The Commission has adopted and published some cross-cutting standards explaining the criteria that we are using in these exceptional circumstances to analyse whether those plans comply with the rules of the Treaty. We in the Commission have set a deadline of six months in all cases, because we will then have to – and we will want to – find out what has happened in the six months since our initial authorisation of those plans.

If the taxpayers' money – the citizens' money – provided through those aid schemes is being properly used and the difficult economic circumstances are still affecting the operation of the financial markets, we may authorise the schemes to continue. If the economy has improved – as we all hope it will – or if the money is not being used for the purpose for which it was authorised, we shall also act accordingly and adopt the necessary decisions.

Taxpayers' money is being risked to improve the operation of the financial circuits and the credit markets and circuits, and we are not prepared to allow it to be misspent or used without producing good enough results.

With regard to the second question, in the aid programmes for small- and medium-sized enterprises, the European Investment Bank acts through intermediaries in each Member State. It is therefore the intermediary or intermediaries in each Member State that pass on the credit and financial facilities, based on the support programmes that we have established, to the productive fabric, namely the SMEs. These intermediaries or financial agents must also provide the information that you referred to.

President. – Question No 33 by **Ryszard Czarnecki** (H-0952/08)

Subject: Combating terrorism

The 10 terrorist attacks in Mumbai last week claimed the lives of at least 188 people, and injured hundreds of others. What steps is the Commission taking to force the Pakistani government to stop supporting terrorist groups on its territory?

Question No 34 by **Wiesław Stefan Kuc** (H-0955/08)

Subject: European Commission action concerning terrorist groups in Pakistan

What kind of measures is the European Commission taking to force the Pakistani authorities to refrain from supporting and facilitating terrorist group activities?

Ján Figel', Member of the Commission. – I think I can say that the Commission shares with many the shock of the recent events in Mumbai, which were also very clearly and strongly condemned by the Council of the European Union on 8 December.

In this connection, the European Union expressed the hope that Pakistan will fully cooperate with the Indian investigation and that both countries will work together in bringing those responsible to justice. Terrorist networks aim at undermining regional peace and stability; they should not be allowed to succeed. The EU has therefore urged that regional cooperation in combating terrorism be stepped up.

Dialogue and cooperation is the way forward, so that gaps in mutual perceptions and approaches can be addressed. There is no alternative to working with Pakistan's civilian government. President Zardari, as you know, has shown himself committed to reconciliation. The Pakistan authorities have carried out arrests in connection with allegations of involvement by its citizens and organisations in the Mumbai attacks. These are very important steps.

What is required now is the firm commitment by the Government of Pakistan to crack down on terrorist networks so that further attacks can be prevented. The Commission is looking into the possibility of launching projects aimed at reinforcing Pakistan's counter-terrorism capabilities.

A visit by EU counter-terrorism coordinator Gilles de Kerchove, together with the Commission, is scheduled for January next. That is all I can say as a response to the two questions.

Ryszard Czarnecki (UEN). – (PL) Madam President, Commissioner, we wrote these questions three weeks ago, together with Mr Kuc. As you have stated yourself, certain things have changed since then. Therefore, I would like you to evaluate and comment on the Pakistani government's declaration which states that they cannot envisage handing any terrorists who they have arrested over to the Indian authorities. Might this kind of declaration have an impact on relations between New Delhi, Islamabad and Karachi?

Wiesław Stefan Kuc (UEN). – (PL) I would like to add something to my question. How can we prevent the use of Pakistan's territory for the training of Taliban fighters, who then play a significant role in the fighting in Afghanistan, where European and American troops are deployed?

Ján Figel', Member of the Commission. – As I have said, it is a really difficult, sensitive and important subject. One of the ways in which we can help is to promote democracy, the rule of law, counter-terrorism policies and cooperation in the region and also in this specific country. I think there is a window of opportunity. On the one hand, we are trying to help to build trust, but we are also closely monitoring procedures and which steps are being taken. Of course, what you said about the decision not to extradite means not following justice but doing what is important with regard to the Pakistani system in Pakistan itself, with the aim of eliminating space for terrorism, whether in this country or in the neighbourhood which affected so tragically the situation in Mumbai in India.

In terms of overall cooperation, I think that the European Union, together with many other partner countries, can build stronger links to governments which are really acting more in a preventive mood and sharing more intelligence actions against networks. I hope that the network crackdown in recent days in Pakistan will be a good example, but we will still need to see how the process is going on in this country. We are there, at least with limited possibilities. We increased the financial envelope for cooperation with Pakistan for the next period, 2007-2010. The envelope contains EUR 200 million. Part of the focus is really strengthening the rule of law, democratic institutions and the capacity to act in this direction.

That is all I can say at the moment. Perhaps we will have not only more information but real results in January after the visit to the country by the Commission and the coordinator from the Council.

President. – Question No 35 by **Silvia-Adriana Ticău** (H-0966/08)

Subject: Investment in energy infrastructures

The economic and financial crisis is affecting many of the Member States. Each week, we hear about new measures affecting thousands of employees in different Member States. Investment in energy infrastructures is one of the means available to Europe for tackling the economic crisis. The construction of such infrastructures (oil and gas pipelines or infrastructures for the production and transport of electricity) calls for large-scale investment, with a time-frame for project implementation of medium to long duration. If there is to be sufficient investment in energy infrastructures, either the Member States will need to be able to draw on a bigger TEN-T budget or their budget deficits will increase for a certain period of time. What measures is the Commission envisaging in order to support Member States, in this period of economic and financial crisis, in their efforts to achieve a significant increase in investment in energy infrastructures?

Joaquín Almunia, *Member of the Commission.* – (ES) Mrs Țicău, you ask about investments in energy infrastructures. The second strategic review of the energy sector, adopted by the Commission, highlights the urgent need for the European Union to increase its investment in energy infrastructures in order to facilitate our energy policy objectives, which include security of supply, sustainability and competitiveness. The Council of Energy Ministers, meeting last week, also stressed the importance of increasing our investment in infrastructures, not to mention the energy and climate change agreement, which was endorsed by the European Council last weekend and adopted by you yourselves here in this House today.

The Commission insists – and I believe we can also count on the support of the Council and Parliament – that the current economic recession should not be a reason to delay or reduce investment in energy infrastructures. Investment in energy and, in particular, in energy infrastructures, should promote job creation, drive innovation, encourage the development of new activities and the use of new technologies, and foster economic confidence. It should also provide benefits in the sense that our economy will, with such investment, progress faster towards becoming an economy of low CO₂ emission levels.

In the economic recovery plan approved by the Commission and endorsed by the Council, we propose that, between now and 2010, an additional EUR 4 billion from unused Community budget resources be mobilised for trans-European energy networks and related investments. That means EUR 4 billion out of the EUR 5 billion that in the communication, in our plan, we proposed should be used, will be allocated for these purposes.

Last week, the European Council approved the essential points of our proposal on this issue, although we have yet to see how the budgetary authority – both the Council and this Parliament – will interpret the general statements included in the conclusions of the European Council Presidency.

In addition, the European Investment Bank has committed significant increases of up to EUR 6 billion per year to finance investments relating to climate change, security, energy supply and energy infrastructures. It has also announced its commitment to speeding up the use of the current credit guarantee instrument to help finance trans-European network projects, in order to encourage greater private sector participation, which is essential. We cannot finance the volume of investment needed between now and 2020 or 2030, according to different estimates, just from public funds.

Lastly, there is one factor that I hope will be significant, which has also been endorsed by the European Council and was included in our proposals. This is the decision to launch the 2020 European Fund for Energy, Climate Change and Infrastructure, a venture involving the European Investment Bank, the national infrastructure funding agencies and other possible agents, with a view to financing capital and quasi-capital projects in the area of infrastructures in general and energy infrastructures in particular.

In the field addressed by your question, therefore, you will see that many important decisions have been announced in recent weeks or are now being implemented.

Silvia-Adriana Țicău (PSE). – (RO) Thank you very much for your reply. I would like to mention the fact that it is vitally important that the investments are made in the power supply grid. If we want to promote renewable energy or energy produced from renewable sources, producers of this kind of energy need to be able to access the power supply grid so that they can reach the end-consumer. This is why I hope that these financial instruments will become operational as quickly as possible in a transparent way.

Joaquín Almunia, *Member of the Commission*. – (ES) Madam President, I shall answer very briefly.

I entirely agree. The Energy Council that has been mentioned, which took place on 8-9 December, adopted the Renewables Directive. I think that is a further step in the direction that you have pointed out.

I fully agree with both your proposal and the priorities that you have set out in this area.

Part two

President. – Question No 36 by **Marie Panayotopoulos-Cassiotou** (H-0889/08)

Subject: Education of children of migrants

In a recent communication (COM(2008)0423), the Commission proposed that a consultation should be held on the subject of the education of the children of migrants, referring also to the children of European migrant workers. What financial mechanisms will the Commission make available to the Member States in order to improve the teaching of the mother tongue of such children, particularly when the language in question is an official EU language?

Ján Figel', *Member of the Commission*. – I should like to thank Marie Panayotopoulos-Cassiotou not only for her question but also for her commitment to better and more cooperation in education.

On this specific issue, I can say that the Lifelong Learning Programme is not only a good name but a very strong instrument and the main instrument for making an education-related source of financing available to the Commission. The promotion of language learning and linguistic diversity is part of the specific objectives of the entire programme.

One strand of the programme, called Comenius, supports transnational projects aimed at addressing the specific needs of children with a migrant background, including a linguistic component or language teaching. The so-called Languages Key Activity within Comenius supports the teaching of any world language, including official EU languages. The ICT Key Activity – another part of Comenius – also supports projects developing innovative uses of information and communication technologies applied to language teaching, in particular, for special education needs and for the needs of children with a migrant background.

The European Social Fund is the main funding source for special support for the education and training of migrants and other less-privileged population groups. National authorities are mainly responsible for implementation.

Finally, the European Integration Fund, which is targeted at newly-arrived third-country nationals, supports integration policies, including in the area of education and language tuition.

Discussion on the outcome of the public consultation on the Green Paper on Migration and Mobility will be concluded by the end of the year. It is open and relevant to all stakeholders and I again invite all who are interested to respond. There are issues associated with the funding instruments for the education of children with a migrant background. These issues will be included in a policy paper responding to the Green Paper next year during the Czech Presidency.

Marie Panayotopoulos-Cassiotou (PPE-DE). – (EL) Madam President, my thanks to the Commissioner for his reply. I welcome the fact that the discussion is open. It gives me an opportunity to state publicly that maintaining the mother tongue of the children of European immigrants is a European resource which must be preserved. The Commissioner's fellow countrymen from Spain and Germany and other European countries to which they emigrated, together with the Greeks, wanted their children to learn Greek and Spanish. The new immigrants from the new European countries should therefore also maintain their languages, as should the second generation born of the first immigrants. The official European languages are a resource for Europe and must take precedence.

Ján Figel', *Member of the Commission*. – (SK) Madam President, ladies and gentlemen, the aim of cooperation in the area of education and vocational training is to support the cultural diversity that is strikingly clear also from the composition of our languages. A splendid conclusion and, in my view, a very sensitive and politically important one for the future of the Union, was adopted in November when the Ministers of the 27 states affirmed their determination to establish conditions under which the mobility of young people would become the rule rather than the exception.

Mobility is today rather limited due to lack of resources but in the future, it could be one of the great instruments for supporting diversity, openness and communications or dialogue between cultures.

I am delighted that support for this cooperation is growing, particularly in the European Parliament. I would therefore like to express my gratitude for your understanding and consistent support.

Justas Vincas Paleckis (PSE). - (LT) A question from the field of education, related to migration, but this time from the new EU Member States to the old ones. As we know, some of the new EU Member States are encountering a 'brain drain' problem, for example, teachers who, having completed higher education in one country, leave for another country, where they do not work according to their profession, but receive a larger salary. How does the Commission view this problem and what measures would it propose we take?

Silvia-Adriana Țicău (PSE). - (RO) Commissioner, thank you for the information you have provided. I would like, however, to extend the topic slightly by referring to the children who remain at home while their parents have gone off to work abroad. It is good for these children also to learn the language of the country where their parents are working and for us to be concerned about employment in their country. I am referring to the cases where the children have stayed behind with their grandparents. I would also like to mention that it is important for these children who have left with their family for other countries where their parents have found a job to receive support to help them learn the language of the destination country more easily and quickly so that they can demonstrate their intellectual abilities and acquire knowledge during their education.

Ján Figel', Member of the Commission. - (SK) Madam President, I can only agree with what has been said just now. I will begin with the second question.

The directive or the regulation of the European Community on education of children of migrant workers has existed since 1977, in other words for over 30 years, so it is a question involving the Member States – old, new, less old and less new – in respect of conditions for educating future generations.

This directive actually requires Member States to provide education to these children in the language of the host country, in other words, in the official language of the country and, at the same time, to support education in the original language of birth and the culture of the country of origin, in cooperation with the country in question. Hence, on the one hand, there is a duty to provide and, on the other, a duty to assist. In any case, the issue of migrant children forms part of this Green Paper or Green Report so there will be discussions and possible further steps or recommendations. We are currently in the listening phase and we may subsequently take concrete action including legislation as educating the children of migrant workers forms a very important part of their adaptation and integration. There is evidence that in many cases, problems arise precisely due to the lack of, or the poor quality of, education provided in this context.

As far as the first question is concerned about teachers and the brain drain – firstly, I think it is very important for the Union to pay more attention to high-quality teacher training. This happened for the first time last year and the issue is highly important since whatever reforms or modernisations are discussed or implemented in education, teachers will form the central component of this process and they must be the subjects and not the objects of it. Topics such as lifelong learning, of course, begin with teachers. Teachers must be the first in line for lifelong learning, if it is to be passed on to the younger generation. Mastering many new topics and experiences and technology in the education process is very important. The ageing population also applies to teachers. Many countries in the Union are confronting a growing shortage or deficit of teachers and it is estimated that there will be a shortfall of more than a million teachers in the coming decade since in many countries more than half of teachers are over the age of 50.

I am touching only on the margins of the overall problem, but the brain drain is related to how much we value brainpower and how we will invest in intellectual property, talent and enabling people to develop gifts at home rather than leaving in search of better opportunities. It is precisely for this reason that support should go, for example, not only to major improvements in the quality and accessibility of education, but also to the relevance of education. These should be goals for next year which has been declared European Year of Creativity and Innovation. The entire Union must direct greater efforts towards becoming more attractive to highly trained individuals and towards attracting talent rather than simply bemoaning the exodus of talent. And, of course, it is up to individual countries to invest more in education even now, even because of the crisis, as investments in education are decisive and fundamental even at a time like this if we are to emerge from the crisis better prepared for competition, more able to innovate and simply with a stronger human potential.

I would just like to conclude by saying that it is not possible to achieve long-term serious and reliable collaboration in the area of education without paying special attention to the issue of teachers, high-quality teacher training and support for their continuing education, not just at the beginning, but also throughout their careers.

President. – Question No 37 by **Seán Ó Neachtain** (H-0896/08)

Subject: White Paper on sport

What elements of the White Paper on Sport (COM(2007)0391) have been implemented to date and what are the future policy priorities for the Commission in the area of sport over the coming months?

Ján Figel', Member of the Commission. – I think that the White Paper is already a very successful contribution by the European Union, starting with the Commission, and with the very positive reflection from Parliament (Mr Mavrommatis is sitting here as rapporteur on the White Paper), and also from Member States. I remind you that last week, the European Council adopted specific conclusions on sport – the first time since the Nice Council in December 2000 – and I think this is also a reflection of the new situation.

Actually, in one year, a lot has happened and a lot is going on in this area. For example, 38 out of 53 actions foreseen in the so-called Action Plan named 'Pierre de Coubertin' were either started or were already being implemented, and some of them have been already achieved or concluded: two-thirds of the actions. So it speaks about the appetite and quest for delivery, and I am happy to see that. Of course, part of the delivery is from the Commission's side.

These satisfactory results have been possible because of commitments on the part of Member States, but also that of sports organisations.

I think the White Paper has also allowed or helped to mainstream sport and sport-related projects in existing EU programmes. Sport-related projects have recently received support, for example, from the European Regional Development Fund, the European Social Fund, the Lifelong Learning Programme, the Public Health Programme, and the Youth in Action as well as the Europe for Citizens Programmes.

Progress has been secured in particular areas. I want to mention some of them. Physical Activity Guidelines adopted recently by Sports Ministers and transferred to Health Ministers, the fight against doping, a European qualifications framework for lifelong learning and a European credit system for vocational education and training, where sport is one of the first areas used as a pilot area for testing. Locally trained players: I remind you that we adopted a decision in May this year on so-called 'home-grown' or locally trained players. The study on volunteering in sport: a very important topic. The fight against racism and xenophobia: many actions, also in the European Parliament. Sport as a tool in the EU's external relations. A European statistical method for measuring the economic impact of sport. And then, 'Combat discrimination based on nationality'; the impact assessment on players' agents, which is starting to be implemented; a conference on licensing systems in football. We are preparing for the next semester and the European social dialogue which, I believe, started on 1 July in Paris between partners in professional football – UEFA, FIFPro, APFL and ECA. Many abbreviations, but it is about employers and employees, and UEFA as the umbrella body in European football.

I am happy that this social dialogue started. So, while it is not possible on this occasion to provide a detailed progress report on all the actions referred to above, it can now be reasonably well concluded that a large and representative part of the Action Plan has already advanced quite considerably in terms of implementation.

Last, but not least, I want to tell you that, at the end of November, we held, organised by the Commission, the first European Sport Forum in Biarritz, where people from sport – 300 participants from different associations, federations, but also the Commission and Member States – met. The meeting was followed by a ministerial conference. I think this was very important as the first such event, but there are a lot of messages for continuity and openness in this area for the next presidencies and the next meeting.

So I am happy that this quest for cooperation between stakeholders in the area of sport is now much more visible and fruitful.

Seán Ó Neachtain (UEN). – (GA) Madam President, could the Commissioner expand on what he has said about volunteering or volunteer work in sport and about how the Commission will promote this?

Ján Figel', Member of the Commission. – (SK) In my opinion, volunteering in sport forms one of the key aspects or activities for sport to function for all, as well as for the overall organisational hierarchy of sport or, at least,

the European model of sport. By this, I mean to say that creating a space and support for volunteering in sport is a very important precondition.

In the White Paper, we promised a study into volunteering in sport. A tender was initiated in relation to the study and has actually been closed, so the study will begin in 2009. This means that we can expect the results at the end of the year or in early 2010 and social, economic and legal aspects of volunteering in sport will form part of the analysis so as to assist us in preparing recommendations for the next stage of the process. I am delighted to add that within the framework of the programme entitled European Voluntary Service for Young People, volunteering is growing in volume and has great support in this plenary as well. There is also a plan to organise a European Year of Volunteering.

In my view, volunteering is also taking on a new significance through the fact that it is being recognised as a type of informal education. In November, for the first time in history, the Council adopted its first recommendation on the voluntary service of young people in the European Union. It is the first legislative action in the area of young people since this cooperation came into existence more than 20 years ago and I am delighted that it is also closely linked to volunteering in sport.

A number of recent European Union projects, in particular, those undertaken by the Commission and Parliament, have aimed at supporting volunteering in the context of international sporting events. Accordingly, this study will help us to prepare the next steps. In my opinion, the volunteering sector is growing enormously, both in qualitative and quantitative terms.

Manolis Mavrommatis (PPE-DE). - (EL) Madam President, Commissioner, I should like once again to congratulate you on the Commission's initiative to table the White Paper on Sport before Parliament and, as rapporteur of the European Parliament, I should like to ask the following supplementary question: as both Nicolas Sarkozy and José Barroso told us yesterday, the Reform Treaty will be applied, provided that it is approved by Ireland, by the end of 2009, and sport is therefore now an active aspect and part of the Lisbon or Reform Treaty. We have heard your programme. I should like to focus on what the financial line and budget will be next year and the years thereafter just for sport, if we can calculate them as of now.

Avril Doyle (PPE-DE). - I would like to ask the Commissioner if he could comment on his views on sports in our school curricula, the current childhood obesity epidemic and the serious link between the two, and also if he can indicate whether any Member State was not represented at the Sports Forum in Biarritz in November.

Ján Figel', Member of the Commission. - (SK) In my opinion the new agreement provides an opportunity not only for an EU sports policy but also for an EU sports programme, and I believe that its popularity and closeness to the citizens of the Union will resemble that of the Erasmus programme, which has become both highly popular and also effective. This is not merely a question of the increasing mobility of individuals, but also of the Bologna Process and of the numbers of educational opportunities that we see after twenty years as a European path to the greater openness and relevance of education, qualifications and the attractiveness of Europe. And this is very important.

Sport is very necessary and also popular and that is why any programme in connection with Article 149 should be closely linked to the space and agenda of education and young people, for sport has been added explicitly to Article 149 for the first time. Similar instruments and similar formations of the Council of Ministers will be established under this Article.

I am delighted to say that the Commission is ready to take part in preparing the application of this Article, and the White Paper is an excellent precondition or step in this direction which, at the same time, does not prejudice but places sport more at the centre of cooperation both between countries and between sporting bodies in Europe.

As far as finance is concerned, beginnings are often rather modest and, at the same time, very necessary. I expect that a special budget chapter or an item approved in Parliament for next year and totalling EUR 6 million will assist with some activities or preparations for the future period of the sports programme. It would be premature for me to speak today of budgetary consequences. I will speak rather about the preparatory work. Some ideas have already been approved in Parliament.

As far as Biarritz or education and sport are concerned, my view is that Biarritz was a success and I have already stated that it was an initial forum. At the same time, the conclusions of the European Council came within two weeks, and it is not an every day event that premiers and presidents talk about sport. The formal

conclusions are very encouraging, not only concerning the forum in Biarritz, but also with regard to further cooperation and the content of that cooperation.

Obesity and sport for all are closely linked as sport is one of the most effective antidotes or weapons in the fight against obesity. In Europe, there is unfortunately a general decline in levels of physical education in terms of numbers of hours per pupil during the school year, and this is a bad trend which must be changed. At the same time, the quality of the time spent on this type of education must be improved and I am delighted that we have managed, for the first time, to draw up a so-called set of guidelines for physical education which was actually approved in Biarritz. It has been produced by experts and I believe that it will be approved, perhaps implemented, but mainly approved and adopted at a Member State level by Health Ministers at the Health Council. This only goes to show that sport requires a horizontal approach. It requires more coordination and coherence in our various policy areas and the Commission will strive to achieve this with your assistance.

Christopher Beazley (PPE-DE). – Madam President, on the appropriate point of order, I just wish to say, with Mr Cappato present, that I am very disappointed that Question 38 does not now receive a reply from the European Commission. I understand from your services that Mr Cappato will receive a written reply, or do you envisage taking Question 38 later on?

President. – Mr Beazley, I was about to say that Question No 38 will be answered in writing.

I, too, am disappointed that we have not got to it but in fact Question Time is always structured in that we have 20 minutes per Commissioner and Commissioner Figel' has already gone way past that time. So we now have to move to Commissioner Almunia.

Christopher Beazley (PPE-DE). – Would it be in order for the Commissioner to send me a copy of his reply to Mr Cappato, because I have an interest in this subject?

You could argue this is not the time to discuss the matter. There should be no flags at the Olympic Games other than the Olympic flag. If we had the European flag, my countrymen and yours might win a few more medals.

President. – Mr Beazley, I am conscious that we wish to continue with those who have posed questions. I am sure Mr Cappato will be good enough to send you a copy of his answer.

President. – Question No 39 by **Manuel Medina Ortega** (H-0886/08)

Subject: Euro and inflation

Bearing in mind the inflationary pressures seen at world level in the past year, how has the euro area reacted and what are the current prospects as regards maintaining the purchasing power of the common currency?

Joaquín Almunia, Member of the Commission. – (ES) Madam President, Mr Medina Ortega, you ask me about the course of inflation in the euro area and its consequences, in terms of how the euro area has reacted.

Over the last 15 months, we have undoubtedly experienced two apparently contradictory processes, but both of them have occurred in our economies. On the one hand, in the period up to July 2008, the euro area economies, all the other European economies and many others besides in both industrialised and emerging countries suffered a severe shock from the rise in the prices of oil and other food and non-food raw materials.

These astounding rises saw the price of a barrel of oil leap to nearly USD 150 in July and the prices of wheat, maize, rice and other raw materials soar to extraordinarily high levels, causing obvious social problems and raising price indices. The euro area had a price index rise of about 4% in June-July this year.

Starting in the summer, the severe economic slowdown – and now recession, in many cases – in major economies throughout the euro area and in the United States and Japan caused an extremely acute negative shock in demand, which can also be seen happening in emerging countries like China, India and others. Raw material prices have now plummeted, so that a barrel of oil must now cost around USD 43 or 45, but the same pattern of a very sharp fall can be seen in the price trends of many other raw materials. As for our price index, Eurostat published the price index for November this morning, showing that the year-on-year inflation rate in the euro area is 2.1%.

Bearing in mind the fact that prices rose considerably in the first half of this year, average inflation in the euro area will be roughly 3% in 2008. I could not tell you the exact figure, but we will find out exactly one

month from now. In general terms, however, we can say right now that, for the first time since the euro area has existed as such, namely since 1999, average inflation next year in the area of the 16 euro countries will be less than 2%, which is below the inflation limit defined by the European Central Bank as being consistent with price stability. Indeed, we cannot rule out the possibility that in the middle of the year, in June or July, year-on-year inflation may even be negative, as a result of that sharp rise in oil and raw material prices.

That, however, does not mean that there are no price formation problems. Even in a period of low inflation, resulting from the crisis and the trend in raw material prices, there are still microeconomic problems with price formation. The Commission has just published a communication on food prices, in which we analyse actions that we are implementing to eliminate situations of retail market abuse or malfunction regarding food prices. In the context of the review of the internal market, there is also a whole series of actions announced by the Commission for monitoring markets where prices are not formed properly.

We are thus acting macroeconomically in the areas where we and the Central Bank have competence, and we are also acting microeconomically.

Lastly, you also refer to aspects of external purchasing power. The euro has appreciated considerably against the US dollar and other currencies. In July, the real effective exchange rate of the euro against the rest of our partners' and competitors' currencies was extremely high, and there was a clear overvaluation of the effective exchange rate of the euro. Today the situation has returned to more normal levels, which may be regarded as close to what, in an academic or analytical work, might be considered the equilibrium exchange rate for the euro.

Manuel Medina Ortega (PSE). – (ES) Thank you, Commissioner, for your highly relevant, correct and complete answer.

I have to formulate my follow-up question rather carefully, because setting interest rates is not the Commission's job but the European Central Bank's, and the two bodies are independent of each other. It does seem, however, that inflation and interest rates are inter-related.

Some people think that the European Central Bank raised interest rates at a certain time when it was perhaps unnecessary to do so, thus causing consumers considerable hardship, whereas we are now seeing a different process, a kind of competitiveness surrounding interest rate cuts. I believe the rate in the United States is 0.25%, which is virtually nil.

Is the Commission carrying out some kind of assessment on the effect of the European Central Bank's decisions on inflation, and is it forecasting what their consequences may be in the future?

Joaquín Almunia, Member of the Commission. – (ES) Madam President, our report on the first ten years of the euro – EMU 10 – which I have had the opportunity to present to the Members in this House and to Parliament's Committee on Economic and Monetary Affairs, includes an analysis of the course of inflation and the instruments used in monetary policy, among others.

We carried out this analysis very carefully so as not to cast the slightest doubt on our respect for the independence of the European Central Bank. Nevertheless, I can also say that, if you look at the inflation figures for the euro area from 1999 to 2007, average inflation in the area every year at year end, when it is possible to calculate the average over the whole year, has always been slightly above the ECB's price stability target, though very close to it.

I therefore think it can be said that the yearly results since the euro was introduced and since the ECB was put in charge of monetary policy for the euro have been clearly positive, and much better than the results that many economies now in the euro area had when they had their own monetary policies and their own central banks, of course.

For the reasons that I explained to you in my first answer, this latest year of 2008 has been much more complicated, because it has been made up of two radically different halves. The first half of the year was marked by a rise in prices caused by an external, extremely virulent inflationary shock. The second half saw prices plummet for a number of reasons, but mostly because of the economic slowdown and, in our case, the recession into which we are unfortunately sinking.

In such circumstances, it is very easy to criticise any central bank, whether it is based in Frankfurt, Washington, London or any other world capital. Even so, throughout this crisis, ever since August 2007, the ECB has proved to be sound in its analyses, calm in its decision making and successful in its policy orientations.

It was the bank that led the reaction to the subprime crisis in August 2007. I think its actions have been consistent with the mandate it was given by the Treaty, the Council, Parliament and the European Union in general. Right now, I think it is doing what a bank ought to be doing, which is, above all, providing liquidity and preventing the lack of liquidity from generating a credit crunch, which could make things even worse.

What direction the ECB's decisions will take in future, I cannot say. Mr Trichet, who regularly stands before you, can tell you that in a central banker's own words. However, having for many years followed the communication from the ECB on the Thursday of the first week of each month, straight after its board meeting, I think it is quite easy to make out not only the decisions it makes, but also, without announcing them in advance, the market orientations and the manner in which it analyses its monetary policy for the coming months.

Gay Mitchell (PPE-DE). - I join with the Commissioner in admiring the actions taken by the European Central Bank. I think they have been very consistent and very restrained. But I have a question for the Commissioner, notwithstanding the independence of the Central Bank, which we all support in this House and he supports. Keeping inflation under control has helped to create something like 16 million jobs in the euro area in the 10 years in which it has operated. Given that inflation has fallen so low, what does the Commissioner think the European Central Bank's priorities should now be? The independence of the Central Bank must be protected, but that does not stop us from offering an opinion. So, does the Commissioner feel that the priority for the ECB should now change, given that the inflation rate is so low and that interest rates can no longer bring inflation down?

Paul Rübig (PPE-DE). – (DE) Madam President, to what extent do the euro area and the non-euro area differ in this respect, and in which sectors do you anticipate the highest inflation rate in the near future?

Joaquín Almunia, Member of the Commission. – (ES) Mr Mitchell, price stability is laid down in the Treaty as the principal mandate. The European Central Bank's main mandate is to keep prices stable. Once this principal mandate or objective has been achieved, or in so far as it is achieved, the mandate is to ensure that monetary policy is coordinated with the rest of the economic policy objectives. That is something that the ECB itself and the other European institutions must ensure.

What does the ECB mean by price stability? I believe it defined it very clearly back in 2003, if I am not mistaken. It means inflation below 2% but very close to 2% over the medium term.

Over all these years, from 1999 until now, meeting this target of just below 2% has meant trying to keep inflation down. Next year, if the forecasts are right, price stability may be interpreted for the first time as trying to keep up to 2% without going over it, because we will probably be living in a situation in which not only month-on-month inflation but perhaps even inflation forecasts for the medium term are dropping below 2%.

The mandate will continue to be the same, however. The instruments used and the methods of achieving the objective will be different, of course, but that will continue to be the objective.

The second area of activity or set of actions of any central bank and, of course, of the European Central Bank, is to provide liquidity. This is extremely important at the present moment.

I think the ECB is doing what it has to do, but it makes no secret of the fact – it says so quite openly – that it provides liquidity in the mornings, but normally, before shutting up shop at the end of the day, it receives liquidity from those financial institutions that have not used that liquidity for their credit operations. That has now given rise to a debate: the newspapers these days are carrying statements by the ECB's Vice-President, Mr Papademos, and by some other executives to the effect that the bank is discussing how it should use the necessary instruments to ensure that this provision of liquidity is effective and not simply a circular operation which ends up returning the money each afternoon to the place it came from that morning.

I now come to the second question, on the difference. In some EU Member States outside the euro area, inflation is higher than in the vast majority of the countries within the euro area. If you look at the note that Eurostat circulated this morning on inflation at the end of November, you will see that most EU countries outside the euro area have a higher inflation rate than the country with the highest inflation within the euro area.

Therefore, there is more inflation outside the euro area at the moment, to a large extent because there are countries outside the area that are going through a rapid convergence process, and where there is greater

inflationary pressure due to a series of more intense effects of the use of energy, greater dependence on foreign energy sources that have risen in price, or the 'Balassa-Samuelson effect', in technical jargon.

In a sector-by-sector comparison, inflation is clearly higher in the services sector. Despite the very rapid fall in year-on-year inflation in recent months, you will see that inflation in the services sector has remained fairly constant at 2.5-2.6%. Inflation in the food products, processed foods and industrial goods sectors has fluctuated much more for the reasons that I outlined before in my reply to Mr Medina Ortega. The services sector, however, has stayed at an inflation rate that is above the price stability target, which is to remain below 2%. Even so, its rate is close to 2%.

President. – Question No 40 by **Georgios Papastamkos** (H-0891/08)

Subject: Organisation of economic governance in the EU

In terms of the intensity and fully binding nature of regulation, an asymmetry exists between full monetary union and an economic union which remains incomplete.

In the Commission's view, what strategic direction should be followed in the organisation of the EU's economic governance in order to remedy this asymmetry?

Joaquín Almunia, *Member of the Commission.* – (ES) Madam President, Mr Papastamkos is asking about governance in the euro area.

I have just been talking about governance in the monetary pillar of Economic and Monetary Union, the European Central Bank and the European System of Central Banks. Quite frankly, I think it is working very well. I think it is a success.

Governance in the other pillar, the economic pillar of Economic and Monetary Union, does work, but it still has a long way to go. The coordination of fiscal and budgetary policies is working, and I think that so far, since the 2005 review, the Stability and Growth Pact and the budgetary coordination that is implicit in the implementation of the pact have worked very well.

We are now being tested very severely because, as a result of the economic slowdown and the fiscal stimulus measures, plus the packages to support the financial system, public finances are under extreme pressure and the Stability and Growth Pact has to be implemented in a very difficult situation.

It has to be implemented with the flexibility that it possesses, while maintaining and complying with the rules of the pact, and that will be a major test.

There is a second factor that is also analysed in our report on the first ten years of Economic and Monetary Union. Looking beyond the coordination of our fiscal and budgetary policies, I believe it is necessary to improve the coordination of our macroeconomic policies. There are highly significant macroeconomic imbalances in some countries, including Hungary and Latvia, which are currently having major difficulties with their balances of payments and require substantial financial support from us, from the monetary fund. That indicates that there have been cumulative imbalances that we have been unable to correct in time through our coordination system.

These are countries outside the Economic and Monetary Union, in its third stage with the euro. Even within the euro area, however, there are divergences in current account deficits and the evolution of unit labour costs. In my view, they need much more effective coordination than we have succeeded in providing so far, despite the efforts of the Euro Group to do so.

I think the Euro Group has been working much better since the Prime Minister of Luxembourg, Jean-Claude Juncker, took over as President in 2005 and established a stable presidency. There is still a long way to go, however, in terms of the internal coordination of macroeconomic policies or of certain structural reforms, which go beyond budgetary coordination, and clearly a long way to go in terms of external coordination.

I believe the euro as a currency is sufficiently important to us and to the rest of the world for us not to allow ourselves the luxury of failing to ensure that the interests, positions and priorities of the euro in the euro area countries are represented in multilateral forums and institutions in a coherent, consistent and integrated manner.

Georgios Papastamkos (PPE-DE). - (EL) Madam President, my thanks to the Commissioner for his reply. I welcome the fact that you mentioned that economic governance still has a long way to go and that you

confirmed the asymmetry between a strict monetary construct and relaxed, incomplete, imperfect economic governance. I should like to ask the Commissioner:

With your hand on your heart, from your experience to date and taking account of the recent financial crisis and the fact that it has turned into an economic crisis, if we were to revise the Treaty today, what proposals would you make in terms of institutional foundations for promoting economic governance in the European Union?

Joaquín Almunia, *Member of the Commission*. – (ES) I think I can answer that very quickly, so as not to repeat some of the points I mentioned in my previous answer.

My ideas on what needs to be done are reflected in the report on the first ten years of Economic and Monetary Union and in the more political communication that the Commission adopted at my initiative and that we have been debating here in Parliament and within the Council. We need better coordination of fiscal and budgetary policies, not only for the short term, but also for the medium and long terms; we need coordination – which so far has been very weak – of non-fiscal macroeconomic policies, to improve the ability of the euro area economies to adjust themselves and to improve the preparation of countries aiming to join the euro area in the next few years, since more and more are applying. We need coordination on the basis of a clear, precise strategy, with explicit priorities and a single voice outside the euro area, and we need governance that consists of continuing to make the Euro Group work more effectively, along the lines of what we have been doing under Mr Juncker's presidency since 1 January 2005.

Armando França (PSE). – (PT) I very much appreciate your opinions. I should like to hear your opinion on the following: in my view, the economic and monetary organisation of the EU will only become complete when the common area of freedom, security and justice is established. In other words, we need common laws that are the same for all and we need the courts to apply these laws in the same way throughout the Union. However, we are far from establishing a common area of freedom, security and especially justice. My question is as follows: if, for any reason, the Treaty of Lisbon does not enter into force, which we should not like to see, do you feel that this would jeopardise the process of European integration, particularly Economic and Monetary Union?

Joaquín Almunia, *Member of the Commission*. – (ES) Mr França, my reply has to be brief, but your question is very interesting.

In terms of the legal text – the letter of the Treaty – I have to say that the vast majority of the precepts of primary legislation that the Economic and Monetary Union needs in order to work as we all want it to work have been on the books since the Treaty of Maastricht and have been taken up by the subsequent Treaties. Today, they are included in the Treaty of Nice; tomorrow they will be included in the Treaty of Lisbon.

There are some additional improvements in the Treaty of Lisbon, but the core of what Economic and Monetary Union needs in terms of the Treaty has been on the books since Maastricht.

However, the entry into force of the Treaty of Lisbon, together with decisions designed to boost European integration, such as those adopted last week in the European Council and this morning by you here, create the necessary framework for economic and monetary integration to forge ahead in the direction in which it needs to go. The very wording of the Treaty could determine how much progress is made with Economic and Monetary Union, and whether it heads in the right direction or in the wrong direction.

I believe that the Treaty of Lisbon as a political objective and the political will shown by the leaders, the Member States, Parliament and the Commission to press ahead with the Treaty of Lisbon, despite the difficulties of successive failed referendums, are what Economic and Monetary Union needs in terms of a political space, a political environment, in order to head in the right direction.

Questions 41, 42 and 43 will be answered in writing.

Gay Mitchell (PPE-DE). – I will not delay the proceedings. I realise that there are difficulties, but last night, Council Question Time was cancelled.

I work in committees like many Members here. There are others who do not participate in the workings of Parliament, either in committee or in plenary. The only chance we get to show that we are participating is by speaking in plenary.

I know Members who do not come to Parliament but they draw their salaries. Those of us who come should have some opportunity to put questions to Commissioners. My question is two questions away. Perhaps it is time that we moved to a lottery system and each Commissioner would then have to answer four questions or five questions and the rest would be answered in writing. But it really is unacceptable to continue with the present system.

Thank you for indulging me. I just want to put that on the record because I do think it is very unfair.

President. – Mr Mitchell, I would have to say that sitting here tonight has made me rather uncomfortable. There are problems, and we have to find a way forward.

Perhaps I could say, in the hearing of Members of the Commission, that perhaps they would understand that we have a queue of Members waiting for answers and, whilst we are very appreciative of detailed answers, sometimes we might appreciate faster answers. It is not for me to criticise, but maybe you would note the comment.

President. – Question No 44 by **Emmanouil Angelakas** (H-0890/08)

Subject: Pharmaceutical treatment - cross-border healthcare

Article 14 of the proposal for a directive on the application of patients' rights in cross-border healthcare (COM(2008)0414) refers to the recognition of prescriptions issued in another Member State. Bearing in mind that not all proprietary medicines are marketed in all Member States, that the same proprietary medicine may be sold with different packaging or content in different Member States, that in some Member States, proprietary medicines may be sold only under a brand name rather than their generic name, and that medicines mentioned in a prescription may be in a language unfamiliar to the doctor or pharmacist providing the healthcare, what is the Commission's view as to whether a product prescribed in a prescription, but not marketed in a given Member State, can be replaced by another medicinal product (princeps or generic), bearing in mind that this practice is outlawed in some Member States?

Will it provide more detailed information on the provisions it intends to adopt (pursuant to Article 14(2)(a) and (b)) to ensure that the authenticity of prescriptions can be verified and the medicines prescribed correctly identified?

Androulla Vassiliou, *Member of the Commission.* – (EL) Madam President, as the Commission has repeatedly noted and emphasised, the rule prohibiting pharmacists established in one Member State from accepting prescriptions for personal use issued by a doctor established in a different Member State goes beyond the regulations needed to protect public health and therefore conflicts with Community legislation, specifically Article 49 of the Treaty. Consequently, if a medicinal product has a marketing authorisation in the territory of one Member State in accordance with Article 6(1) of Directive 2001/83, that Member State must ensure that prescriptions signed by authorised persons in other Member States can be used within its territory. According to the case law of the Court of Justice, any restriction on such recognition must not give rise to discrimination, must be reasoned and must be proportionate.

Furthermore, the Commission considers that, for reasons of public health, it would be proportionate for national legislation to make provision for pharmacists to be able to refuse to dispense a prescription if they have legitimate and justified doubts as to the authenticity of the prescription and to exempt medicinal products for which a special prescription is required, as provided for in Article 71(2) of Directive 2001/83.

As regards Article 14 of the proposed directive on the application of patients' rights in cross-border healthcare, it is designed to safeguard the recognition of prescriptions issued legally in another Member State within the limits I mentioned. The purpose of Article 14(2) is to facilitate the application of the recognition of prescriptions issued by a doctor in another Member State by approving measures which will help pharmacists to dispense prescriptions issued in another Member State where there is no doubt either as to the authenticity of the prescription or the proper identification of the drug prescribed. The Commission cannot give details of the measures to be approved under Article 14, because these measures will, of course, be approved in accordance with the regulatory procedure within the framework of a committee consisting of representatives of the Member States and the Commission cannot therefore anticipate as of now which measures will be decided by the representatives of the Member States. Similarly, the Commission wishes to emphasise that Article 14(2) simply refers to measures which will safeguard the correct identification of prescribed drugs and does not make provision for any specific solution to achieve that objective.

In addition, the Commission is aware of the matter to which the honourable member of the European Parliament refers in connection with the different policies followed by the different Member States in terms of the facility to replace one drug perhaps marketed as a patent medicine by a generic medicine, but this issue is one which is addressed by the Member States themselves. We, as the Commission, cannot force the Member States to decide whether pharmacists can replace one drug with another. That, of course, is up to the Member States.

I should therefore like to finish by stating that a prescription issued by a doctor established in another Member State provides the same guarantees to patients as a prescription issued by a doctor established in the Member State in question and, according to the judgment of the Court of 7 March in the Schumacher case and in the case of the Commission versus Germany in 1990, the same applies to drugs bought from a pharmacy in another Member State.

Emmanouil Angelakas (PPE-DE). - (EL) Madam President, first of all I should like to wish the Commissioner good luck in her efforts on the legislative instrument on cross-border healthcare. I should like to ask the following question:

Given that patients travelling in the Member States must always be able to find their medication and that this is especially important for patients with chronic diseases such as heart disease, mental illness or other such conditions, have you perhaps considered setting up a database of patent medicines available in the European Union, so that physicians know that a patient travelling from Member State A to Member State B will be sure to find their medication? And if so, how do you see it?

Androulla Vassiliou, Member of the Commission. - (EL) Madam President, I should like to tell the House that the EMEA, which – as you know – is the European Medicines Agency in London, is currently implementing a major project compiling an accurate inventory of all the medicines which are authorised in the various Member States and which perhaps have the same ingredients, so that a pharmacist handed a prescription knows which medicine in his Member State corresponds to the medicine prescribed, if, of course, it is marketed under a different name in the various Member States. I think this is a very important project. I do not know when exactly it will be completed, but it is under way.

President. – Question No 45 by **Ioannis Gklavakis** (H-0892/08)

Subject: Labelling of foodstuffs

The recent food scandal in China has once again highlighted the need for better labelling of foodstuffs and improved traceability of the ingredients used in their manufacture. Under existing Community legislation governing consumer information on foodstuffs, some indications are compulsory, while others are optional.

Will indication of product origin become compulsory?

Are changes planned in the labelling of processed products of animal origin? Will the place of origin of the animal by-products used have to be indicated? Will this be compulsory for all Member States?

Are specific provisions planned for processed products of animal origin from third countries?

What provisions will be introduced for distance or on-line selling of foodstuffs?

Androulla Vassiliou, Member of the Commission. - (EL) Madam President, I should like to state that the fundamental principle of European Union legislation on food is that only safe food can be placed on the Community market and that all foods and fodder legally placed on the market of the European Union must be safe irrespective of their origin. A broad range of food safety measures and measures to facilitate the withdrawal of unsafe foods and fodder from the market has been introduced within the framework of Community legislation.

Under the general food regulation, traceability within the territory of the European Union is mandatory for food companies at all levels and stages of the food chain, from importers to retailers. As far as products of animal origin in particular are concerned, including products from third countries, food legislation further strengthens traceability for products of animal origin which are covered by Regulation (EC) No 853/2004 by imposing the following requirements:

Food business operators must have in place systems and procedures to identify food business operators from whom they have received and to whom they have delivered products of animal origin. These products must

also bear a health mark or an identification mark. The Commission does not foresee any changes in the traceability rules or health or identification marks for processed products of animal origin.

As regards compulsory indication of the place of origin of all food products in general, it should be stressed that the indication of place of origin of foods is not a food safety measure; it is a tool used by citizens to recognise the characteristics of each product. The indication of the place of origin is, however, required as a matter of principle in cases in which there is a danger of misleading consumers as to the real origin of food, as well as in application of special rules, such as the rules on fruit, vegetables, bovine meat, wine, honey and fish. In these cases, the indication of origin is compulsory. An indication of origin is also required for imported poultry meat and, from 1 July 2010, it will also have to be stated on pre-packaged foods labelled as organic. In these cases, the indication of origin is necessary and compulsory.

Of course, the Commission is aware that this is a matter which requires further debate and we know that often citizens want to know the origin of products. However, that is not sufficient reason to make the indication of origin compulsory, precisely because we consider that it is not a food safety measure. As I explained, it is a tool to inform citizens of the characteristics of the origin of products. Food labelling may, of course, be voluntary rather than compulsory, in which case we have to follow certain common rules, so that there is conformity by all the Member States.

Nevertheless, the Commission proposal on food information covers all methods used to supply food to consumers, including distance selling. The objective is to clarify that, in such cases, the relevant compulsory information, such as the ingredients and allergens in food, must also be given to the purchaser during distance selling, not only on delivery of the products, but also from the moment someone starts the ordering process, they must know exactly what the ingredients are and if the products which they intend to order contain allergens or anything else.

Ioannis Gklavakis (PPE-DE). - (EL) Madam President, I thank the Commissioner. However, I should like to state the following:

The European Union has taken all the known measures in agricultural production and in the marketing of products on its territory which are designed to protect both consumers and the environment. On this particular issue, is the Commission thinking about taking guaranteed measures as far as products from third countries are concerned, so that they themselves can strengthen labelling rules? Because, while in the territory of the European Union the labels we see are reliable, I fear that those from third countries are not reliable.

If you do not do something about this, European farmers who are subject to these measures will have a financial cost and will go under and products which come from third countries will be of dubious quality for the consumer, meaning that we are not doing anything and we are making Europe weaker.

Androulla Vassiliou, Member of the Commission. - (EL) Madam President, allow me to say that we demand that regulations which apply to goods produced in the European Union also be adopted by countries which export to the European Union. Furthermore, I would remind you of something else: if this did not apply, then we would not be in a position to ban imports of meat from Brazil and we would not be able to stop the importation of milk and dairy produce from China and so on. It is precisely because we have these safety rules that we should feel secure that the goods imported into the European Union are as safe as the goods produced in the European Union.

Of course, the fact should not escape us that there may be fraud regardless of whether these goods are produced within the European Union or imported. For example, a small quantity of dairy produce from Italy was found which had been fraudulently imported from China, but this does not mean that we do not have proper regulations. It is simply that citizens often find fraudulent ways of importing such goods.

Jim Allister (NI). - Commissioner, I would suggest that the present arrangements are not working. This is illustrated by recent experience in my own constituency. There has just been a scare on the island of Ireland about dioxin-contaminated feedstuff in the Republic of Ireland, affecting produce circulating throughout the whole island of Ireland.

In my constituency of Northern Ireland, where none of that contaminated foodstuff was consumed, all pork products had to be taken off the shelves. Why? Because we could not adequately tell what was the country of origin of the pork produce.

That is a vivid illustration that the present arrangements are not working. We should not have had to inflict all that damage upon our local pork industry because we did not know where exactly the pork produce on

our shelves came from. So, in the light of that, will you address the issues and tell us what lessons you have learned from that?

Marian Harkin (ALDE). - I specifically wanted to ask the Commissioner about processed foods from third countries, particularly chicken fillets that arrive in one-tonne frozen blocks from South America, are defrosted in some EU country, perhaps breadcrumbs or batter are put on them and then they are sold as EU products. How can the Commission stand over that? You were telling us that labelling country of origin is no guarantee of safe food – you are right – and that it is another instrument to help consumers. But it also helps producers, because then consumers can compare like with like.

You said that in 2010, there will be a requirement to indicate where all prepared foods are being sold. Does this specifically mean in restaurants, where they are selling foods etc., that they must indicate the country of origin of animal products?

Finally, Commissioner, I just want to congratulate you on being exceptionally hard-working and innovative.

Androulla Vassiliou, Member of the Commission. – First of all, I think the question of the Irish crisis is proof that we have good systems in place. You do not agree, but I think that, if we did not have good systems in place, the Irish crisis would have gone unnoticed.

It is in fact because we found out that there was this meat with dioxin – because of the traceability of the traders, and of where they buy and where they deliver their meat – that we were immediately able to withdraw it.

(An intervention from the floor)

It was a precautionary measure that the Government of Ireland decided to take. Traceability is possible because they keep records of where they sell their products.

You have your opinion about that. Of course, I am sure my services will reflect on the Irish crisis because it has cost the European Union many millions of euros and another large sum of money to the Irish Government; so it is something which will not remain unnoticed, and we shall study it.

However, I believe, and this is my personal opinion, that it is thanks to the traceability rules that we were really able to address the crisis.

President. – I am not sure whether you answered Mrs Harkin's question.

Androulla Vassiliou, Member of the Commission. – What I said about the labelling was with regard to chicken that was imported. When the chicken was imported, it had to be labelled, and I said specifically that compulsory labelling is necessary in the case of poultry meat.

However, if the meat is defrosted and sold in another form, it has to abide by the rules of the European Union. It does not have to abide by the rules of the country of origin. Any meat producer, whether it is the person who produces the poultry or the person who produces the food, has to abide by our very strict food laws. If this is not the case, then he is liable.

Avril Doyle (PPE-DE). - I received a letter at just 12 o'clock today from the Oral Questions Services which said: 'Your question is one of the first questions to the Commission. Normally it will be answered orally. If you are not present, the question falls and you will not receive an answer.'

So, because I wanted an answer, as does everyone who tables a question, I have sat here for one hour, on what is probably one of the busiest parliamentary days of my career. I should have been in three other places during this last hour.

Now I am not complaining to you, Madam President, you can only operate the rules you are given. However, if you could take account on your list when calculating the proportionality of the supplementary questions (and I get more than my fair share), of the length of time Members are in the House – rather than some Members being able to come in and get a supplementary immediately, just because you are balancing the political groups, or whatever – I think we would all be quite happy to comply with your rule of thumb.

As it is, you have an impossible job to do. Please go back to the Conference of Presidents and look at the system as to how questions are ordered. If we do not stay in the House – for an hour in my case, having been

invited to be here because mine was one of the questions – we do not get any answer at all, not even a written answer. That is our frustration. Thank you for your patience.

President. – I understand your frustration, Mrs Doyle, and believe you me, the services and I try to do our best – and I know we ought to do better.

Thank you all for your patience and, as it is the last Question Time before Christmas, may I wish you also a happy Christmas and New Year!

Questions which have not been answered for lack of time will be answered in writing (see Annex).

That concludes Question Time.

(The sitting was suspended at 19.55 and resumed at 21.05)

IN THE CHAIR: MR McMILLAN-SCOTT

Vice-President

17. European Quality Assurance Reference Framework for Vocational Education and Training - European Credit System for Vocational Education and Training (ECVET) (debate)

President. – The next item is the joint debate on

– the report by Jan Andersson, on behalf of the Committee on Employment and Social Affairs, on the proposal for a recommendation of the European Parliament and of the Council on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training (COM(2008)0179 - C6-0163/2008 - 2008/0069(COD)) (A6-0438/2008), and

– the report by Thomas Mann, on behalf of the Committee on Employment and Social Affairs, on the proposal for a recommendation of the European Parliament and of the Council on the establishment of the European Credit system for Vocational Education and Training (ECVET) (COM(2008)0180 - C6-0162/2008 - 2008/0070(COD)) (A6-0424/2008).

Jan Andersson, rapporteur. – (SV) Mr President, Commissioner, firstly I would like to say a brief word about the value of vocational education. It is important that vocational education is developed in every Member State of the EU. It is important for the EU itself, for competitiveness and for how we are able to hold our own in the world, but it is also important for individuals that we have high quality vocational education in the EU. That is the general context here.

We know that vocational education is organised in very different ways in different Member States. This proposal for a reference framework is not a threat to how Member States organise vocational education around Europe, but we can build on the tradition we have, irrespective of whether it is organised at local, regional or national level. Of course, there has been a common framework for quality assurance and vocational education before, but the Member States now wish to develop this framework, in particular, from the perspective of increased globalisation and the need for better quality education.

In respect of the work that we have carried out on the quality framework, I would like to thank the Commission and the Council for their excellent cooperation, which has enabled us to arrive at common solutions.

What is it about, then? Well, the Member States have, of course, been extremely anxious that we should not lecture them but that it should be about something that they can see gives added value to the Member States themselves. We need to share experience. I have personally visited pilot projects relating to quality assurance in mechanical vehicle training for young people in my own country, where there is on-going cooperation that is proving extremely fruitful.

We have a common labour market, we have common objectives and it is therefore important that we have this kind of sharing of experience and a common framework within which this sharing of experience can take place. Together with the Member States, we have also been careful to say that the indicators included here should not be seen as an instrument of control, but as a resource for the Member States. It should be possible to use them when they develop their systems and when they carry out quality assurance on them. I hope and believe that this step of reaching agreement will result in the development of vocational education

on the internal market. I am quite sure that it will and I am also quite sure that the sharing of experience and the tools that are now being made available to the Member States will be of benefit to the Member States themselves, to the EU and to individuals. Thank you.

Thomas Mann, rapporteur. – (DE) Mr President, Commissioner Figel', ladies and gentlemen, when the topic turns to education in Europe, everybody talks about Bologna – and rightly so. Since, in 1999, the EU Member States decided to create a common European higher education area by 2010, many barriers to mobility have been removed. Thinking in terms of bachelors and masters degrees and recognising educational achievements by means of the European Credit Transfer System (ECTS) creates an awareness of the need for common action.

The idea is for vocational education and training (VET) to proceed according to the very same principle. One milestone was the 2002 Barcelona Summit, which called for the transnational recognition of learning outcomes. The same year saw the launch of the Copenhagen process on enhanced European cooperation in vocational education and training. In 2006, we set out new conditions, namely the European Qualifications Framework (EQF). I was rapporteur for the European Parliament's own-initiative report at that time.

The EQF has three functions: firstly, linking national and sectoral qualifications frameworks; secondly, ensuring comparability of vocational and general education; and, thirdly, ensuring transparency and permeability.

To enable these learning outcomes to be transferred and recognised, the European Credit System for Vocational Education and Training (ECVET) has now been established. Only when transparency of abilities and skills has been achieved will all obstacles to their transferability and acceptance have been removed, both at Member State and transnational level. In this way, ECVET contributes to the expansion of European cooperation in general and vocational education.

ECVET will increase openness to mobility and make career plans easier to realise, and should also increase the social inclusion of workers and learners. The serious commitment to complying with quality criteria in VET means that specific national characteristics must be taken into consideration. Not everyone is familiar with how the close cooperation between schools and industry works – the dual system, that is – and not everyone is aware of the considerable investment in terms of skills, time and cost involved in gaining a master craftsman's diploma or recognition as a 'Fachwirt' (a non-academic professional qualification). Member States' activities should be supplemented and their cooperation enhanced. As regards the credit points, there must be guarantees that modules for the assessment of knowledge and competences can be added in some cases whilst a final examination may continue to be required in others. This freedom is essential.

Ladies and gentlemen, the fact that the Committee on Employment and Social Affairs voted almost unanimously in favour of my report gave me the impetus to hold negotiations with the Commission and the Council. We met in Bordeaux, on the margins of an education conference held by the French Presidency. I should like to thank all the shadow rapporteurs for endorsing this compromise.

I hope that the work we have done together will be regarded as making a competent contribution to making VET efficient, transparent and mobile. May ECVET become an important building block for the European learning zone.

Ján Figel', Member of the Commission. – Mr President, I would also like to start by expressing gratitude and feelings similar to those stated by Jan Andersson in his introductory comments on the importance of the EQARF recommendation with regard to the very excellent work and cooperation between the institutions. The committees and the Commission hope to come to very close first-reading agreement on two important instruments.

Firstly, I would like to show my appreciation of the work of the Committee on Employment and Social Affairs. I would also like to mention the contribution made by Ramona Mănescu and the Committee on Culture and Education and, on the second item – because we linked together two items – that of the same committees: Culture and Education, and Employment. I should also like to mention Dumitru Oprea for the contribution of many interesting points which both Jan Andersson and Thomas Mann have already highlighted.

People and Member States have spoken a great deal about the Bologna Process but now more and more is being said about the importance of skills, vocational education and training and the Copenhagen Process. This year we had the first EuroSkills competition, which will help to increase popularity, attractiveness,

quality and exchange of best practices in the very important area of VET. I would like to make some remarks on the importance of the two instruments which will be voted on in this plenary tomorrow through your reports.

On the EQARF recommendation: vocational education and training were overshadowed by reform processes in Europe, but if we really want to make our Union more competitive and socially cohesive, as outlined in the Lisbon Strategy, it must be about the importance and quality of both general education and vocational education. The rather technical nature of the first recommendation should not detract from the importance of this instrument. Quality assurance underpins every VET policy initiative. It helps to build mutual trust and to modernise VET systems by improving the effectiveness of training.

The Quality Assurance Framework is designed to continuously improve vocational education and training. It is based on a quality cycle which establishes links between the four phases: planning, implementation, evaluation and review. It includes ways in which the performance of VET can be monitored and it measures the improvement of VET at both system and provider levels. The approach to quality assurance is reflected in the general principles contained in the Annex to the 2007 recommendation on the establishment of the European Qualifications Framework, so it is already part of the established EQARF.

Quality, the learning outcomes approach and the qualifications framework go hand in hand. We need these instruments in one mosaic. Quality assurance is a precondition for trust between the systems and countries in order to transfer learning outcomes as results. I think the compromises achieved in the process are very important. The Commission supports the text as proposed. Your contributions improve the text; for example, the new deadline set for designing a national approach, an explicit reference to the involvement of local and regional authorities. In explaining the so-called toolbox nature of the framework, your contribution also helped to clarify the meaning of the original text.

On the other instrument, I would just like to say that it is also necessary if we really want to promote lifelong learning and to facilitate real mobility. As I like to say, we are citizens, not tourists, in one European Union. We need this mobility for both learners and for workers so that people can take advantage of the richness offered by different European education and training systems at national or even regional levels. This is only possible if individuals' learning achievements are adequately appreciated when passing from one learning context to another.

This is to be opened much more now by ECVET, the European credit transfer system for VET. The objective of ECVET is twofold: firstly, to support and promote transnational mobility and, secondly, to give access to lifelong learning to respond to the real needs of individuals, the labour market and our societies.

I do not want to say any more, but I will just assure you that this instrument is and will be compatible with the other one, the European credit system for general higher education (ECTS), and with the various qualification systems which already exist in Europe. It will be implemented according to the rules and legal instruments of each participating country.

Mr Mann stressed the voluntary participation of the Member States. This indicates the diversity of our systems, but also maturity in finding common instruments as a result of our work together and willingness to create conditions for compatibility and transferability between different systems. During this process, we could see how a bottom-up approach helped to analyse and form the instruments in both cases.

In this connection, I would also like to say that the compromise achieved is acceptable and very important, not only for the conclusion but also for the satisfaction of all sensitivities or concerns. I think it even improves the text. Specifically, I appreciate the contribution on a stronger role for national and regional authorities and also on highlighting the importance of a testing period or results during the process of implementation. So the Commission supports the proposals and compromise achieved.

Marie Panayotopoulos-Cassiotou, on behalf of the PPE-DE Group. – (EL) Mr President, I am particularly proud to be able, as the first person after the rapporteurs, to emphasise the huge importance for all the people of Europe of strengthening vocational education and training systems, with respect for the specific characteristics of education systems in each Member State and by means of coordination, so that they can be given within a common framework and can be used as tools, as the Commission quite rightly emphasised, and as the rapporteurs had occasion to give us to understand in committee through their very good work.

We have been able to give young Europeans a start, so that they have two ways forward: that of higher education, of theoretical studies, and that of practical studies, which are all about practicality and creation. Vocational education at all levels is the future of Europe, it is the future of each individual Member State, it

is the anteroom of creation and productivity which leads to progress and innovation. I trust that these two directives, which will soon be approved and put into practice, will be used by the authorities in each Member State and by institutes of education, so that we have results next year, which is the year of creativity and innovation.

Corina Crețu, *on behalf of the PSE Group*. – (RO) First of all, I would like to welcome Commissioner Figel's attendance at this debate and the attention which he gives to these reports. Of course, I would also like to congratulate our fellow Members, Mr Andersson and Mr Mann.

In my capacity as shadow rapporteur for the PSE Group for this report and a member of the Committee on Employment and Social Affairs, I would like to express how pleased I am that the implementation of the European Credit System for Vocational Education and Training has been approved. This is an important step towards harmonising education legislation in EU countries and removing the obstacles which stood in the way of vocational training when moving from one vocational education and training system to another.

Highly qualified workers will be the economic driving force for the European Union, according to the Lisbon Strategy and the most recent meetings devoted to vocational training. In the modern economy, this means workers who can speak several languages and who have had experience of working in multicultural environments. Given the existing discrepancies between Member States when it comes to defining qualifications and diplomas, it is extremely important in the current environment to create the prerequisites for cross-border mobility in the education sector. This fact will facilitate the training of highly qualified workers who are capable of meeting the European economy's new demands.

Another of the consequences of this legislative framework will be the increase in the mobility level of students and pupils from our countries, the new Member States, whose vocational education and training systems are only partially integrated at a European level. The European Credit System will benefit students and pupils who have not had the same chances in the past of working and receiving training in multilingual and intercultural environments as pupils and students from the European Union's old states have had.

I have called, through the amendments which I have tabled, for the need to implement this system as soon as possible, which is intended to facilitate the accumulation, transfer and recognition of the results of those people who would like to obtain a vocational qualification, no matter which EU Member State they come from or live in. We need to set up sustainable networks at a European level between national and regional providers of vocational education and training, based on existing structures. To ensure that these networks and partnerships are as effective as possible, we need to guarantee a high level of quality, which is also uniform. I welcome, on this note, Mr Andersson's report on establishing a European Quality Assurance Reference Framework for Vocational Education and Training

I, too, would like to emphasise the need for the instruments provided for in this framework to also be applied by Member States as soon as possible so that we can achieve the highest possible common quality standards in the field of education. We need to define clearly the conditions for obtaining a full qualification from partial qualifications. It is high time we gave the mobility of the EU's workforce a boost.

Hannu Takkula, *on behalf of the ALDE Group*. – (FI) Mr President, I also want to say a few words about this excellent report. I would like to thank the rapporteur, Mr Andersson, as well as the others who have spoken here today, and especially Commissioner Figel.

It is important for us to talk about vocational education and training, because we have jointly decided that Europe should have an internal market. If we want a functioning internal market, that means that we also need a viable, well trained workforce, thus ensuring that, as we build Europe, not just the economic aspects but also those to do with work and skills are addressed.

This report concerns not just education and training but also culture and employment, and we also decided on the issue of professional skills as part of the Bologna and Copenhagen processes, which are also worth taking into account in this connection.

I would like to make one point. Although I know that education and training fall very largely within the competence of the Member States, we can nevertheless encourage them at European level to work towards a real assurance of the quality of vocational education and training, the standard of education and learning outcomes. This is very important for mobility.

We need to remember, with the threat of an economic downturn, that investment in training and education results in a reliable, good quality and skilled workforce. It is crucial if we want to achieve innovations and have new skills and competences, and if we want to strengthen our economic base, hence increasing GNP.

Today's decision makers often forget that education and training are the very key to building a better future and strengthening our economic base. This is the message that we should give the Member States and their decision makers, and we, representing the European Union, should encourage them in this. We need a viable, quality labour market and a skilled workforce.

Sepp Kusstatscher, *on behalf of the Verts/ALE Group*. – (DE) Mr President, Commissioner, ladies and gentlemen, these two recommendations of the European Parliament and of the Council should be a powerful impetus for continuous improvement of vocational education and training (VET) throughout Europe, through concerted planning, energetic implementation, assessment and review. This requires greater transparency among a wide variety of VET systems, in order to enable comparability and mutual recognition of VET qualifications and ensure better permeability.

We are talking about a culture of continuous quality improvement. A better education is more than just a matter of qualifications, more than a wider-open door to the labour market and also more than just a contribution to improving the competitiveness of enterprises and workers. In that regard, it bothers me to hear such frequent reference to 'human capital', as though human beings were just a factor in production.

The status VET enjoys varies greatly among the 27 Member States. It is true that we have no need of a bureaucratic harmonisation of provisions, of spoon-feeding by Brussels, as Mr Takkula has just said. Yet we would do well to exert pressure, at least gentle pressure, to ensure that the best models and standards gradually win through in all EU Member States; starting now, I would say, rather than in the distant future.

We can and should learn from one another. At all events, VET should enjoy the same status as general education throughout Europe.

I should like to thank both Mr Andersson and Mr Mann for their reports.

Jiří Maštálka, *on behalf of the GUE/NGL Group*. – (CS) I, too, would like to begin by thanking the rapporteurs, Mr Mann and Mr Andersson, for their work and especially for the patience they have displayed in negotiating the compromises. In my opinion, Mr Andersson's proposal quite rightly states the need to comply with the terms of subsidiarity and, on the other hand, the formulation describes well the mechanisms and deadlines by which the system for assessing reference indicators should be up and running in the Member States. In my opinion, it also supports greater activity by all of the parties involved in providing vocational education, including the way that it supports self-evaluation as an additional tool for raising quality.

I welcome the fact that the compromise also manages to incorporate what I consider to be highly significant proposals which were adopted by the Committee on Employment and which mainly include encouraging the Member States to take more effective action in this area, emphasising the role of students when assessing satisfaction with educational outcomes and supporting the people who deliver education. I consider it important to support Point No. 1 in the draft report of Mr Mann, which emphasises the fundamental importance of personal and professional development of individuals. In conclusion, I would like to stress that the proposed compromises use the term 'lifelong learning' and thus quite rightly widen the circle of citizens participating in the education process and therefore I support it.

Joel Hasse Ferreira (PSE). – (PT) Mr President, Commissioner, ladies and gentlemen, quality assurance for vocational education and training is essential, not only for certifying the lifelong learning process of each European worker, but also for facilitating mobility throughout the Union. An important element in this process is the assessment of vocational education and training itself. In this sense, it is important to increase the exchange of best practices at European, national, regional and local levels.

Mr President, the established Reference Framework, while respecting subsidiarity, lays down common principles, quality criteria and indicators useful for assessing and improving the services provided. These indicators may function, not as an instrument of control, but primarily as a toolbox helping to achieve the objectives of the Lisbon Strategy in terms of education and training.

Commissioner Figel', after congratulating Jan Andersson on his excellent report, I should like to mention a few points in Thomas Mann's report, whom I also congratulate. I must stress the importance of linking this certification process with the assignment of credits in higher education. In this way we will guarantee that the certification processes are complementary and that the conditions for the occupational mobility of

European workers and young people are improved. It is also important to facilitate, and not just facilitate but also encourage, the participation of local and regional authorities in linking the regional and national qualification frameworks with the European credit system for vocational education and training.

Mr President, only in this way can we increase the mobility and transfer of qualifications between different sectors of the economy and between different labour markets, thereby making a decisive contribution to social cohesion and to greater equality of opportunities throughout the European Union.

Lastly, ladies and gentlemen, returning to the Andersson report, I should like to stress the importance of supporting the lifelong learning strategy and promoting a culture of improving quality at all levels, by multiplying the links between formal education and training and developing the validation of acquired experience. In this way, we will improve the level of education of young people and also the training of workers which, in terms of economic and social development, are essential to achieve a European social model.

Marian Harkin (ALDE). - Mr President, first of all I want to congratulate Mr Andersson and Mr Mann for their excellent work and, indeed, good outcomes. Most of us here this evening will agree that the European Quality Assurance Reference Framework for vocational education and training will prove to be a very useful instrument for helping Member States to promote and monitor continuous improvement in their vocational education and training systems.

This framework will be based on common European references and will build on the limited application and indeed the limited success of the previous framework, called the common quality assurance framework.

We learned from our experience with that previous framework when developing the current proposal, and I believe we have significantly improved on what was already there.

The proposed framework will contribute to the quality and efficiency of investment in human capital in various different ways, of which I will mention just three: by delivering better education and skills; by improving standards; and by promoting mobility. The operation of this framework is voluntary, and I hope Commissioner Figel' is right when he says that it reflects not only our diversity but also our maturity. It gives us a shared framework with common quality criteria, and that outcome can only be achieved by Community action. By doing this, we have avoided the minefield of various bilateral agreements, and with the minimising of administrative standards we are providing a good mechanism with which to benchmark quality standards.

This is a good, practical piece of legislation that will deliver good outcomes. Whenever Parliament manages to deliver legislation like this, it is doing a good day's work.

Marusya Ivanova Lyubcheva (PSE). – (BG) Mr President, Commissioner, the process of drawing up the recommendations for enhancing the quality of vocational education and training has been an unquestionable success.

Given that policy in this area is a national responsibility, the quality of vocational education in the Member States varies significantly, and this does not measure up to the level of mobility in the labour market or the dynamic rate of economic and technological development. It makes achieving the Lisbon objectives difficult. It does even less towards providing a level playing field for developing a knowledge-based economy.

Based on the new approach of the reference framework, Member States can be given assistance in achieving general criteria, comparability and compatibility in terms of their education offering. The levels of coordination provided for in the recommendations, including with partner and professional organisations, extend the scope of feasibility. They will definitely help to improve the education market, which needs to follow the example of the labour market.

This will certainly support, in particular, those countries where this process is having problems operating due to the transformations taking place in their economies. If a standard baseline can be established, this will guarantee transparency, consistency and portability among the host of development trends within the EU's borders.

This should be achievable without infringing on the autonomy that Member States have in running their own vocational education and training systems. At the same time, however, it will create a common environment and provide a prerequisite for a common, high-quality basis and an efficient approach to training specialists.

We should also seriously consider the need to synchronise business needs with the economy and technological development to make the systems for training qualified staff even more effective. This will help resolve a number of issues which have given rise to migration flows of varying sizes.

In addition, a targeted approach can be used to resolve the problems with different vocational trends. Transparency, cooperation and high standards in organising the processes to enhance the quality of vocational education and training through participation in the European Quality Network must be fundamental national guidelines in this process.

Tomáš Zatloukal (PPE-DE). – (CS) I would like to mention briefly that vocational education and training in the European Union operates on a national and regional level autonomously, in accordance with diverse standards and thus creates a broad spectrum of different fields of knowledge and different qualifications. Europe therefore needs common criteria for ensuring transparency and transferability between the many educational currents in Europe. Therefore, systems of education and of vocational training must be sufficiently flexible to respond effectively, particularly to the needs of the labour market. The efficiency and effectiveness of the education on offer in fulfilling these needs must be regularly assessed, monitored and developed based on the facts. A positive sign is that the principles for ensuring high quality vocational education actually include recommendations for the introduction of a European qualification framework. I personally see the European reference framework as a tool for encouraging quality improvements in vocational education and training systems in the various Member States.

Zbigniew Zaleski (PPE-DE). – (PL) Mr President, Commissioner, the proposal concerns professional training at various levels, depending on intelligence, motivation, interests and market needs. Common labour standards require the harmonisation of training models from Spain to Romania.

I would like to stress that, in promoting university education, we should not undermine vocational education at a lower level – at lower or upper secondary level. One does not need a degree to be a waiter; sometimes even a short course will suffice. In recent times, in countries such as Poland, this kind of training has been cut back. As a teacher, I would like to say that I would support, as far as is possible, flexible educational programmes tailored to the needs of the students, with an emphasis on foreign language skills, so that everyone will be able to cope in a foreign country.

Finally, Commissioner, I would like to state that investment in education is one of the best investments in Europe. Let us not stint on education. Let us not begrudge future generations this funding.

Dragoş Florin David (PPE-DE). – (RO) Vocational education and training are essential tools, offering Europe's citizens the ability, knowledge and skills required to become an integral part of the labour market and a knowledge-based society. This recommendation is excellent in general. However, I feel that it needs to cover two further areas which I have actually highlighted: the creation of an advisory system for European citizens to help them choose the right type of studies and specialisation to suit their personal skills and, possibly, the creation of a platform for quality in education.

I want to stress the fact that we need to adopt a complementary approach to education, facilitating better adjustment of the educational process to the real needs of the labour market. The strategies for lifelong learning and mobility are vital to increasing the chances of finding employment on the labour market. I, too, would like to thank both rapporteurs and wish you a Merry Christmas.

Nicodim Bulzesc (PPE-DE). – (RO) In the European Union, those individuals who would like to use in their country of origin vocational training qualifications or modules which they have gained in another country are still facing obstacles. This fact is discouraging many people, causing a slowdown in cross-border mobility. This is why creating a European Credit System for Vocational Education and Training (ECVET) could boost the mobility of students and workers. I also think that Thomas Mann's report identified very well the improvements which this system will make, as well as the problems which could occur once it has been implemented.

Fortunately, we can refer to the experience acquired as part of the credit transfer system (CTS). As a teacher myself who had to deal with the credit system, I agree with the rapporteur's recommendations. We need to have a standard quantitative base at European level for awarding credits and clear criteria need to be specified to ensure the system's mutual relevance, transparency, comparability and trust among European States. I also agree with providing a trial period prior to accepting the system as European states have different education systems and I believe more time is needed to harmonise 27 vocational training systems.

Mairead McGuinness (PPE-DE). - Mr President, I am here to support my neighbour, Thomas Mann, and I want to congratulate both him and the other rapporteur for their work. But there is a particular issue which has arisen, certainly in my Member State and perhaps in yours, Mr President. The building boom has, in my view, created a huge problem, particularly for young men who really were not encouraged to go in for education and training because of the attraction of a high wage in the building sector.

Unfortunately, that has passed, and a lot of people in that category are left without training and therefore without access to other work that may come along. So I think that individual Member States, and certainly Ireland, need to target those particular groups so that when the good times come (and we hope they will return soon), they will be trained for other work. Obviously, the idea of quality assurance and control is vital. I worry that education is now a business without that element of quality control and the idea of cross-border movement of workers requires us to have an EU-wide, coordinated approach to vocational education and training.

Czesław Adam Siekierski (PPE-DE). - (PL) Mr President, the proposed system for the transfer and accumulation of credits in the field of education and vocational training should contribute to the mobility of workers within the borders of the European Union. If the European Union is to compete with third countries, if its economy is to grow, if there is to be a higher employment rate and fewer differences between regions, then we need to promote lifelong learning. We need older people. The European Union needs their experience, qualifications and knowledge.

If we want a knowledge-based economy and society, then we should invest in education. We should prevent people leaving the education system with no qualifications. It is also important to provide access to education and qualifications, especially for people with financial difficulties, including those living in small towns and villages, who still do not have easy access to educational services.

Paul Rübig (PPE-DE). - (DE) Mr President, Commissioner Figel, I would like to congratulate you most wholeheartedly! I think this is one of the biggest challenges before Christmas. When we look at the coming year, at the financial crisis, there is much that we must now get on with, and education and training really play a key role.

We have three indicators that will help us to overcome the crisis: research and development, infrastructure, and education and training. I believe that we must now set new standards in order to demonstrate to the population that lifelong learning plays an absolutely crucial role, in particular, for small- and medium-sized businesses, that we want to keep those employed there in their jobs and that we want to train them better in order to create future opportunities for them in the marketplace.

The European Union plays a very central and essential role in this area, and I would be very pleased if we were to adopt the Small Business Act tomorrow. We would then have additional funding in this area.

Ján Figel, Member of the Commission. - Mr President, I will speak only briefly because I spoke at some length at the beginning of the debate. I will continue where the last speaker ended, especially because of the crisis.

We have to invest better and more in education and training. Not less, but better and more, which means efficiency, compatibility, relevance and so on, and then more again. That is the position of the Commission and, of course, I also feel it applies here.

The messages tonight about the mobility of a qualified labour force, lifelong learning, accumulation and transfer of knowledge, and a culture of quality are very important for our national education and training systems, and they should become a reality.

I just want to confirm that instruments which we adopt – you will vote tomorrow, I hope, on the compromise text or amendments tabled, which I confirm and welcome – make Europe more qualifications-friendly. That means more people-friendly or citizen-friendly, and that is something which we really need to share, maybe more than in the past. Through such instruments we can deliver better conditions for motivation, mobilisation for innovation and all these important objectives.

The Commission, under the Czech Presidency, will try to help organise conferences: the main launching conference for both instruments and then more specific conferences on further implementation. Maybe the two rapporteurs could help us or be with us at these events. Of course, implementation is the most important part ahead of us.

I also want to say, as many have said tonight: Merry Christmas and Happy New Year – the European Year of Creativity and Innovation – 2009.

President. – Thank you, and the same to you and all the College of Commissioners and staff.

Jan Andersson, rapporteur. – (SV) Mr President, Mr Takkula is no longer here, but he asked a question about whether there is any conflict between having goals at EU level and the fact that the education system will essentially still be a national system. I do not see any conflict. I think that this reference framework builds on goals at EU level while, at the same time, we have confidence in the Member States. We are giving them opportunities and what we are referring to as a toolbox to use. I do not believe that there is any conflict.

I would like to underline what Mr Figel' said about it being more important than ever during the crisis we are now experiencing with regard to the economy and employment to invest in education. This is what will promote the EU's competitiveness, but it will also give individuals the tools to progress in their lives and to take advantage of further training during their lifetime.

I would like to conclude by thanking the Commission once again, and also all of the shadow rapporteurs. We have worked extremely well together throughout the journey and I would like to wish you all a Merry Christmas and a Happy New Year.

Thomas Mann, rapporteur. – (DE) Mr President, Commissioner Figel', many thanks for your own excellent cooperation and that of your team. We really crept together on this one, as it were. I think we achieved a good result that way.

Mr Kusstatscher is absolutely right – the European Union is highly ambitious in this area of vocational training. At the end of the day, we want no more and no less than the emancipation of vocational training from higher education. Mrs Panayotopoulos-Cassiotou is absolutely right – we must bring about tangible results. We want realities, not the usual declarations of intent, not the usual nice speeches. The phase of largely haphazard cooperation, then, is giving way to a period of more intensive coordination.

At the moment, educational outcomes in the Member States vary to a significant degree. The result of this is that we need accords between businesses and the national authorities in relation to educational establishments. Mr Takkula is absolutely right – we do not want some sort of European nannyism, and there are absolutely no plans for that. 'Soft law', or getting the interest of, and involving, other people – that is what we really need.

We want to bring about a coming together of the experts – at hearings, in the working groups and also for the development of studies. Then we need the educational establishments. Mr Maštálka is absolutely right. We can also make use of existing networks and the social partners for this purpose. Only then will the benefit be apparent to employees and employers and to private and public providers of education: a classic win-win system. Both Mr Ferreira and Mr Rübig have made reference to the importance of lifelong learning, and justifiably so, as this is the scale on which we can really make a difference.

Mrs Harkin, like you, I see the importance of the voluntary nature of this framework, because it includes all the actors. On the foundations of steadily increasing trust, we will see the first Member States working together from 2012. A trial phase is necessary; that is a given. We will incorporate the evaluation of levels 1 to 8 of the EQR and my excellent neighbour is, of course, absolutely right that this has to happen. Young people are entitled to see that they are made use of, that they are needed and that they can further their personal development, at all times in accordance with national legal provisions. The other countries then have the freedom to come aboard later on and join this ECVET system whenever they are able. I think the chances of this are extraordinarily good. If we keep on discussing things in a cooperative circle of this nature, we will succeed in taking a few more steps forward. I believe that we have been able to set something in motion here.

President. – The debate is closed.

The vote will take place tomorrow, Thursday 18 December 2008.

Written statements (Rule 142)

Dumitru Oprea (PPE-DE), in writing. – (RO) In my capacity as draftsman of the opinion for the European Credit System for Vocational Education and Training, I would like to emphasise once again the importance

of creating and implementing this system aimed at improving the quality and attractiveness of vocational education and training.

The need to implement ECVET is based on the desire to reduce the variations in learning outcomes, due to the fact that there are different vocational training systems. We need to increase the transparency of vocational qualifications and lifelong learning.

The implementation of ECVET needs to be based on a common commitment to observing the principles for guaranteeing good quality vocational education and training. In fact, one vital element in this must be to encourage partnerships to be established between educational institutions, companies and national authorities in order to develop an environment of mutual trust.

Last but not least, I would like to mention that ECVET places the emphasis on learning outcomes and not on the time spent acquiring knowledge, skills and expertise.

18. Evaluation and future development of FRONTEX EUROSUR

President. – The next item is the report by Javier Moreno Sánchez, on behalf of the Committee on Civil Liberties, Justice and Home Affairs, on the evaluation and future development of the FRONTEX Agency and the European Border Surveillance System (EUROSUR) [2008/2157(INI)] (A6-0437/2008).

Javier Moreno Sánchez, rapporteur. – (ES) Vice-President of the Commission, ladies and gentlemen, the acronyms Frontex and Eurosur remind us of a harsh reality that we have to combat, which is that of thousands of people who continue to arrive in Europe illegally every day, fleeing from poverty and in search of a better future. They are pushed on by enormous social and family pressures generated by the anticipation that they may send money back home. Regrettably, many of them pay for their European dream with their lives.

We who hold political responsibility in Europe must address this situation with a common response based on respect for the dignity and fundamental rights of the immigrants. We must open our borders to legal immigration and the integration of workers with rights and duties, and close them to illegal immigration, to criminal organisations and to traffickers of human beings.

For this task, we have Frontex and Eurosur, instruments that bring added value to the work of the Member States and reflect the necessary European spirit of cooperation and solidarity.

The objective that we are pursuing is the development of a European integrated management system for all the EU's external borders, based on operational coordination and interoperability among national surveillance systems, because, when one route for illegal immigration is closed, criminal organisations set up another route in less than a week.

Ladies and gentlemen, we agree with the Commission's approach, as outlined in the report by the Committee on Civil Liberties, Justice and Home Affairs.

Now that the agency has taken its first positive steps, we must define its future role and its pace of development.

Ladies and gentlemen, Frontex works. The figures for the Hera operations in the Canary Islands and the thousands of lives saved in the Mediterranean confirm it, as do the improved coordination, the exchange of best practices and the specialist training provided in areas such as asylum, maritime law or fundamental rights.

So far, so good, but we must go further. Frontex needs to have adequate material and logistical resources to be able to carry out one-off joint operations as well as permanent surveillance missions in high-risk areas.

Some Member States speak of solidarity but do not practise it, which reduces the effectiveness of Frontex. In view of this situation, we call on the Commission and the Member States to choose one of two options: either we amend the Frontex Regulation to make solidarity mandatory, as in the RABIT Regulation, or we allow Frontex to purchase or hire its own equipment.

That, of course, means a substantial increase in its budget, but it reinforces the European dimension of the agency and it makes its material resources more readily available, particularly in the short term.

In addition, we call on the Commission to propose a review of its mandate in order to resolve the legal vacuum that hinders its action in maritime rescue and repatriation operations.

Ladies and gentlemen, without cooperating with the countries of origin, we will not be able to manage the migratory flows effectively. Experiments like the cooperation between Spain and Senegal have provided highly positive outcomes, which need to be scaled up to European level.

We therefore call on the Commission to include cooperation on immigration in all the agreements that it signs with third countries and to organise information campaigns with them on the risks of illegal immigration.

Frontex must be able to continue expanding working agreements and establishing cooperation with the countries of origin in accordance with its specific needs. It is also important to explore channels of cooperation with regional bodies, such as Mercosur or the Economic Community of West African States, which are governed by the principle of the free movement of people.

Ladies and gentlemen, we must bear in mind the fact that Frontex and Eurosur are not a panacea but valuable tools serving a European migration policy, the ultimate objective of which is that immigration should be a factor for development, both for the host countries and for the countries of origin, but most of all for the immigrants themselves.

Immigration cannot go on being a death trap. We must take steps to ensure that immigration stops being an obligation and becomes a right and a personal choice.

Jacques Barrot, *Vice-President of the Commission*. – (FR) Mr President, I should of course like to commend the report on the assessment and future development of the FRONTEX agency and of EUROSUR, the European border monitoring system. I am grateful to Mr Moreno Sánchez.

The European Parliament has always supported the FRONTEX agency since its creation, especially in terms of providing financial resources. I am glad to see this support confirmed again at this vital moment in the agency's existence, at a time when we are considering the possibility of extending its mandate.

Almost all of the points raised in the report are in line with our communications and have my full agreement. For example, I note the specific invitation to the Commission to present proposals to extend the agency's mandate, the call for permanent patrols in high-risk areas, and the need to make European solidarity effective at times when our borders have to be controlled. A number of points are worth clarifying, however.

At present, Member States provide technical equipment on a voluntary basis. The Commission has insisted on several occasions that Member States honour their commitments to ensure that equipment is genuinely made available for joint operations, particularly in high-risk sectors.

The experiences of this year, however, show that deploying an adequate number of ships is still a problem. Other solutions must therefore be considered. These include, for example, forcing Member States to provide the agency with certain equipment or to allow the agency to lease or buy its own equipment. This will be a key issue that will need to be examined within the framework of the proposal that the Commission will submit on the adaptation of the agency's legal framework.

In this respect, I would point out that the results of the independent assessment of the agency's mandate, as laid down in Article 33 of the FRONTEX regulation, will be known in 2009. It will be at that time that the Commission publishes its proposals on the agency's future mandate. This revision may include specific provisions relating to the contribution to rescues at sea, to participation in repatriation activities and to increased cooperation with third countries.

It is also true, ladies and gentlemen, that the Commission wants to step up the information campaigns through its delegations in third countries, within the framework of the EU external relations policy and on the basis of the common definition of the mandates and roles of FRONTEX. The Commission will examine the types of support which could be offered to neighbouring third countries.

I am one of those who believe that, if FRONTEX could carry out its surveillance operations as close as possible to the borders of third countries' coasts, this would prevent humanitarian disasters and would allow much more effective surveillance of our borders.

In any case, I am grateful to the European Parliament for this report, which echoes the Commission's proposals. I should therefore like to thank you for the European Parliament's important and comprehensive support of the Commission's communications on FRONTEX. I believe that we have reached a consensus between the European institutions on the broad outlines for the future development of FRONTEX.

Tobias Pflüger, *draftsman of the opinion of the Committee on Development*. – (DE) Mr President, what does the agency Frontex have to do with development? It has an awful lot to do with it, as former UN Special Rapporteur on the Right to Food, Jean Ziegler, clearly explained in the periodical *Le monde diplomatique* in March this year. He wrote, 'That brings us to Frontex and the hypocrisy of the Commissioners in Brussels who, with one hand, engineer famine in Africa while, with the other, criminalise the victims of their policies, the famine refugees.'

A specific example is that the EU carries out agricultural dumping, thereby destroying the local African cultivation of foodstuffs, thus making it increasingly the case that people have to flee their home countries. Another specific example is EU factory ships depleting fishing grounds within the exclusion zones of African states. There is also a rapid destruction of traditional fishing villages, in the Sahel Belt for instance, but Mali and Guinea-Bissau are also examples of this.

What this means is that, in Frontex, we have an institution that physically seals off Europe and organises deportations, and does so regardless of the UN Convention relating to the Status of Refugees. In the meantime, mass deportations – like the one that took place from Vienna from 11 EU Member States on 14 November – are being organised. There is much talk of 'solidarity' in the report. However, the solidarity referred to here is not solidarity with fellow human beings, who are fleeing their countries, but rather solidarity between Member States. What is needed is absolutely clear, and that is solidarity with people fleeing from insufferable living conditions. All Frontex achieves is to lengthen the routes by which people flee. It categorically does not provide any solution. For that reason, the only sensible thing to call for is the disbandment of Frontex.

In this context, I would advise you all to take a look at opinions from Africa once in a while, for instance, those of Mali's former Minister for Culture and Tourism, Aminata Traore, who put it very clearly, as follows, 'The human, financial and technological resources that Europe employs against waves of migration from Africa are, in reality, the instruments of a war between this global power and young Africans from both town and country, whose right to education, economic participation, work and food is completely ignored in their countries of origin under the tyranny of structural conformity.' I think these words are clear.

President. – I am sure the opinions of the Mali Tourism Minister are important but we would rather hear yours, Mr Pflüger.

Simon Busuttil, *on behalf of the PPE-DE Group*. – (MT) I would first of all like to thank my colleague Javier Moreno Sánchez for his report and to thank him for being open to our ideas and to our amendments in the conclusions of his report. Personally, Mr President, I cannot say that I am happy with FRONTEX and its work. In fact, towards the end of last summer, the Agency's Executive Director referred to the Mediterranean mission known as NAUTILUS as a failure. So how can I be satisfied? That would be asking the impossible. From the Executive Director of FRONTEX, I expected to hear not about the mission's failure but about how FRONTEX could be successful and effective. I would like to add that, despite this, the European Parliament has always been steadfast in its support of the FRONTEX Agency, as the Commissioner rightly said. Year after year, the budget line for this Agency has been increased, with the aim of making its missions more permanent and productive. How can we make FRONTEX more effective? Firstly, yes, by considering how we can extend its remit, as has already been suggested both by the Commissioner and the report. We also need to strengthen its efficiency by looking into how we can convince Member States to honour the promises they made when they committed themselves to providing equipment for FRONTEX missions. Otherwise we will also have to consider the possibility of supplying FRONTEX with its own equipment. The second element needed in order to enhance efficiency is international cooperation. Recently, the European Parliament was in Senegal where it observed first hand the method of cooperation that takes place between Spain and Senegal. This is the type of cooperation that we need to replicate in other areas and zones such as the Mediterranean as well as close to Greece. To conclude, there are those who claim that FRONTEX is somehow not respecting, or does not have the mandate to respect, human rights. I wholly disagree. In fact, I believe that if it were not for FRONTEX, there would be far more people who would drown or perish than is already the case. This shows that FRONTEX is doing its part in respecting human life and human rights. Yet we must do more, we want FRONTEX to be more productive in its operations. If it succeeds in doing this, we will have killed two birds with one stone. First of all, we will have put a stop to clandestine journeys being made and secondly, we will have ended this human tragedy that is a common occurrence on our seas, and that is a disgrace upon us all.

Inger Segelström, *on behalf of the PSE Group*. – (SV) Mr President, Commissioner and Vice-President Barrot, ladies and gentlemen, I would like to begin by thanking Mr Moreno Sánchez and the committee, as we have had a constructive discussion on Frontex and Eurosur this time, but I would also like to thank them for continuing to follow the work of Frontex so closely. This is necessary, as so many people are concerned

about how Frontex should be developed if it is to be the EU's walls and fortress towards the rest of the world and the poor worldwide.

It recently emerged that Frontex had not understood one of its tasks to be to combat people-trafficking. I am pleased that I have received support for this now, and that we are clarifying the matter. I believe that everyone here is in agreement about the importance of us helping in any way we can to stop people landing themselves in danger when they seek to enter the EU. They are not criminals; they are poor people seeking a better life for their families. I am also pleased that I have support for an extension of the rules that are to apply to seas, in particular, the Mediterranean Sea, in EU law and in international law.

It is unacceptable for fishermen who pick up refugees to be suspected of smuggling and for there to be a lack of clarity with regard to whether they should be able to leave the refugees at the nearest port, for example, or with regard to what rules apply. It is therefore a good thing that, in the forthcoming programme for EU asylum, refugee and migration policy, we will also now get to grips with how we are to use Frontex better in future work. Before I finish, I would like to wish all Members, our fantastic Committee on Civil Liberties, Justice and Home Affairs, the President and Commissioner Barrot a Merry Christmas and a Happy New Year. Thank you.

Adina-Ioana Vălean *on behalf of the ALDE Group.* – Mr President, first of all I would like to congratulate the rapporteur, Mr Moreno Sánchez, for this balanced report. I am thankful that he took on board most of my concerns and even my criticisms.

FRONTEX is an essential instrument in immigration policy and has proven its necessity and efficiency. However, it remains an overly-politicised body which is too dependent on Member States' goodwill and on national interests dictated by the press and public opinion.

It was crucial to remind Member States of their moral duty and commitment. It is also important to recall that FRONTEX is a first-pillar Community body. As such, it should not only respect the EU's fundamental values in its activities, but also work for their promotion, particularly in a field which touches upon critical questions relating to migration and freedom of movement.

However, the legality of its actions could be called into question. First of all because the coordinating intelligence-driven operations carried out by FRONTEX are based on risk analyses and threat assessments conducted under the secrecy rule. This means little transparency and no democratic accountability. Secondly, because the joint operation is coordinated by FRONTEX, this creates an externalisation of the border which calls into question its compliance with the EU's obligation of the principle of protection for asylum seekers and refugees.

I therefore call for a comprehensive assessment and review of FRONTEX's operations and its accountability, involving Parliament. I would also ask the Commission to fully evaluate FRONTEX's activities with regard to their impact on fundamental freedoms and rights, including the responsibility to protect.

Finally, I believe the focus has so far been quite closely on maritime issues but, as mentioned, all the migration routes must be tackled. Land routes will soon require close attention also, on the eastern borders, and for once we should be proactive and tackle the issue before an emergency situation arises there as well.

Giusto Catania, *on behalf of the GUE/NGL Group.* – (IT) Mr President, ladies and gentlemen, I believe that we should try to draw up a balance sheet of Frontex's failures over the past three years. If we do so, we will discover that there has been a great deal of propaganda.

There have been just in excess of 30 joint operations at the borders, deaths at sea have increased over the last three years and the vast majority of resources which, alas, are continuing to increase, are destined for the protection of maritime borders, in spite of the fact that Frontex itself tells us that only 15% of irregular immigrants arrive in the European Union by sea. Let us refer to them like that, as irregular immigrants. I know that I also have the support of Commissioner Barrot on this point, so let us not continue to call them illegal immigrants.

One of the things Frontex has demonstrated to us is that it is possible to use firearms in an indiscriminate, arbitrary way. In a joint operation in September around Lampedusa, we saw the havoc. Now, despite the fact that some of our points have been included in the Moreno Sánchez report, I want to underline these criticisms because I am fairly confident of the fact that this Parliament can change its opinion quickly about Frontex. A little while ago, I was in splendid isolation when I stated that it was necessary to change the

mandate of Frontex, by placing the priority on rescue at sea, but tomorrow this may finally become the general view of this Parliament.

I continue to be a critic of Frontex because I believe that the agency's activities do not respect the rights of asylum seekers. Turning people back at the borders is a reactionary utopia, and I believe that it is very difficult to curtail the natural need for free movement of men and women. Today, Frontex is the symbol of fortress Europe and a concrete tool for militarising our borders.

Johannes Blokland, *on behalf of the IND/DEM Group*. – (NL) Mr President, Fortress Europe now starts on the African Continent, where illegal immigrants are intercepted by the authorities before they reach the European Union, and this is done with financial and logistical support from the European Union on behalf of the local authorities. As such, European aid to African countries in a bid to counter unwanted immigration to Europe is working, but is it the effect we had expected?

I appreciate that by deploying Frontex, many people were rescued from the sea, but I fear for those who have fled for political or religious reasons. According to reports from Amnesty International and the UNHCR, people are sent back to their countries of origin without any form of investigation. Member States want to prevent illegal immigrants from being able to resort to our legal systems, and rightly so. It does pose the moral question, though, of whether this approach allows political and other refugees access to the asylum procedure.

Is the Refugee Treaty being respected by the African countries? In that context, I would urge the Commission, and Commissioner Barrot, to link aid to African countries to the humane treatment of political refugees, in accordance with the UN Convention relating to the Status of Refugees. Amendment 4 to Mr Moreno Sánchez's report receives my support.

Consequently, Mr President, the activities of Frontex lead to a new problem, whether we like it or not. For that reason, Frontex should take full responsibility. I would call for arrangements to be made in the very short term to ensure that political and other refugees can continue to count on humane treatment, as Frontex's success will, to some extent, be determined by it.

Philip Claeys (NI). – (NL) Mr President, I had the honour of drawing up an opinion on Frontex on behalf of the Committee on Foreign Affairs, but that opinion was rejected by a narrow majority because the Left refused to accept that the problems involving Libya and Turkey were explicitly mentioned in the text. Imagine my surprise, and indeed satisfaction, therefore, when I noticed that the Committee on Civil Liberties was eventually able to take my concerns on board.

Libya is an important transit country for illegal immigration in the direction of Europe. So is Turkey, in fact, except that that country also supplies many of the immigrants. It is therefore essential that those countries, and their border control authorities, lend their full cooperation to Frontex. That also applies, in fact, to the readmission agreements, in which respect Turkey has, for years, remained unyielding in its refusal to take part. Turkey refuses to sign an agreement and neither is it monitoring its borders in the direction of Europe effectively. One would expect a country that wishes to join the European Union to make more of an effort. It is outrageous that the Commission and the Council should fail to remind Turkey of its responsibilities.

Frontex and Eurosur are key instruments in the fight against illegal immigration and could also be deployed in cross-border crime, the drugs trade, people-trafficking and the arms trade. Without efficient management of the common external borders, Schengen cannot work, and we cannot even contemplate adopting a common immigration policy. It is therefore not simply a matter of funds but also, and mainly, a matter of political will. When I hear Fortress Europe mentioned, I am sad to observe that it leaves so much to be desired that we should perhaps coin the phrase Sieve Europe instead.

Carlos Coelho (PPE-DE). – (PT) Mr President, Vice-President of the Commission, ladies and gentlemen, I must firstly congratulate the rapporteur, Javier Moreno Sánchez, on his excellent work, and also my colleague, Simon Busuttil, who acted as shadow rapporteur on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats. An area without internal borders cannot function without responsibility being shared and without solidarity in the management of external borders. This is essential in order to tackle migratory phenomena in a global and harmonised manner, to fight illegal immigration, and to ensure the integrated management of borders, with the common use of physical and human resources.

Border controls do not just focus on unauthorised border crossings, but also on other aspects of cross-border crime, such as prevention of terrorism, trafficking in human beings, drugs smuggling and the illicit trade in arms, thus helping to increase internal security as a whole.

I am in no doubt that Frontex can play a vital role in this integrated strategy for the EU's borders. Following the substantial increase in its budget, which was always demanded by this Parliament and supported by Commissioner Barrot, I believe that the next step should be to review its mandate so as to eliminate legal vacuums with regard to sea rescue operations, cooperation in return operations and even the option for third countries to use its equipment, as already mentioned by Vice-President Barrot.

I thus agree with strengthening the role of Frontex, albeit gradually and in line with actual needs. I also recognise the importance of optimising the exploitation of all surveillance systems and tools, essentially by extending their existing cover, creating synergies and furthering cooperation with European agencies, such as Europol, as well as with other international organisations.

Marian-Jean Marinescu (PPE-DE). – (RO) I would first of all like to welcome the exercise carried out by the Rapid Border Intervention Team (RABIT) at Romania's eastern border at the end of October this year, coordinated by the European agency FRONTEX. This type of exercise, the third of its kind so far, has demonstrated the important role which FRONTEX plays in offering support to the Member States which provide the European Union's external border and therefore require greater technical and operational assistance.

I also welcome the agreement signed at the start of this month by FRONTEX and the Georgian border police, which marks an important step towards ensuring border security and combating illegal immigration. The long-term strategy proposed by the European Commission for managing borders is welcome in these times when Member States with southern external borders are faced with major problems caused by illegal immigration. This strategy needs to be supplemented by the efforts of neighbouring countries in reinforcing the security of their own borders. As a result, the action plans included as part of the European Neighbourhood Policy need to promote projects and financial aid aimed at making the borders of third countries more secure.

As regards the assessment by Parliament of the strategy package for the long-term management of the EU's borders, I regret that the discussion of the FRONTEX and EUROSUR reports did not coincide with the discussion of the Commission's proposals on the entry/exit system, the travel registration programme and the Electronic System for Travel Authorisation (ESTA) so that we could have an overall vision of how the management of the European Union's eastern borders will evolve in the future.

Dushana Zdravkova (PPE-DE). – (BG) Commissioner, ladies and gentlemen, 670 km of the Black Sea coast have now been part of the European Union's external eastern border for more than two years.

The involvement of the border control services from Bulgaria and Romania in the general projects and activities organised by FRONTEX is yielding good results. However, the military action between Russia and Georgia earlier this year and the continuing tension in relations between the two countries, along with the overall instability in the Caucasus region, highlight the fact that our common Black Sea border still faces daunting challenges.

In order to overcome these challenges successfully, a security strategy needs to be drawn up for the Black Sea region to make it a real area of security and stability. This strategy must be geared towards getting the key countries in the region involved in the projects and activities being carried out by the Member States of the European Union. This is the only way in which we can ensure proper protection for the Black Sea border and ensure peace of mind for our citizens.

Another important initiative which needs to receive more resources and funding, not only from European institutions but from Member States too, is increased provision of training for staff involved in FRONTEX logistics and operations. In today's world, protecting a border does not only involve physically guarding it, but activities requiring additional knowledge and skills in a range of areas.

To enable them to accomplish the tasks that they have been assigned successfully, those working for the Member States' border control authorities need to be well versed in international and maritime law and in asylum law and basic human rights.

I would like to concur with the comment made by the rapporteur, Mr Sánchez, that a comprehensive, general plan needs to be drawn up, which will define the overall framework for the European Union's strategy on border control.

Rareș-Lucian Niculescu (PPE-DE). – (RO) I would like to emphasise the particular importance of some of the assessments contained in Mr Moreno Sánchez's report and in the Commission's communication. I am referring to those points where we are reminded of the challenge posed by the migration routes across the eastern border over land. I therefore want to highlight the fact that the EU's eastern borders need to be given more attention and a larger amount of resources.

In fact, according to some estimates, around 25% of illegal immigrants currently present on EU territory originate from the states along the eastern border and they entered the EU by crossing these eastern borders. The European Union's external eastern border is not only very long, but is also very difficult due to our neighbouring regions. Apart from the problem of illegal immigration, we also need to bear in mind the danger from organised crime, whose main routes also cross paths in this geographical area.

As an MEP from Romania, which manages over 2 000 km of the EU's external eastern border, I would also like to emphasise that it is vitally important for us to give this border our full proper attention.

Czesław Adam Siekierski (PPE-DE). – (PL) Mr President, the European Union currently lacks a comprehensive plan for cooperation with countries on its eastern borders.

Besides the long-term objectives which the European Union has set for these countries, we should also define specific short-term objectives, as well as implementing a system to assess to what extent these countries comply with established principles of cross-border cooperation. In terms of our borders with third countries, the FRONTEX agency's work should include measures to tackle human trafficking. Most importantly, all high risk areas should have joint, regular, permanent and operational surveillance patrols throughout the whole year.

As a key element of the European Union's global strategy on immigration, the mission of the FRONTEX agency should be to secure the Union's external borders, while also ensuring it does not become an instrument for creating new borders – boundaries which divide Europe – and building new walls.

Carl Schlyter (Verts/ALE). – (SV) Mr President, I appreciate those parts of the report which relate to the sanctity of human life and the fact that we should look after the refugees' readmission rights, that is, the right not be sent back into an unacceptable situation. I am nevertheless very concerned that Frontex will be part of the construction of 'Fortress Europe'.

In my opinion, it feels like our solidarity with each other in connection with tightening up our borders is greater than our solidarity with the people who come to us. We have some kind of erroneous idea that Europe would have some disproportionately large share of the world's refugees. This is not true at all. It is the poor countries of the world that receive by far the most refugees. We receive only a tiny proportion of these people. Moreover, when we talk about integrating readmission agreements into all agreements with other countries, I think that we are on completely the wrong track.

We should first generate development by means of fair trade agreements, and then perhaps we will get fewer refugees, too. This is a much better policy both for us and for other countries.

Jacques Barrot, Vice-President of the Commission. – (FR) Mr President, I have listened carefully to all the contributions. I would first like to say to you that, in all conscience, I cannot allow it to be said that FRONTEX is the symbol of a fortress Europe which is closed to all those who need protection or who aspire to come to Europe. That is totally false! As Mr Busuttil, Mr Coelho, Mrs Cederschiöld and Mrs Vălean put it so well, it is clear that FRONTEX has saved many lives up to now, and I cannot allow it to be said that FRONTEX is therefore in some way a militarisation of Europe. I cannot allow that to be said.

Nevertheless, it is true that we need to progress. Mrs Cederschiöld made the very good point that FRONTEX can help us in the fight against human trafficking, while Mrs Vălean also pointed out that we need to look at the land borders and to remind the States of their duties.

Currently, 80% of these illegal border crossings are managed in practice, it must be said, by smugglers, by unscrupulous operators. It should be pointed out that, today, to travel from Libya to the coasts of the Canary Islands, people have to pay extremely large sums of money – EUR 2 000, EUR 3 000 – and have to run the risk, moreover, of being shipwrecked and of drowning before they reach the coasts. I cannot, therefore, allow that to be said.

I believe that FRONTEX has a role to play, and a positive role at that. We need this integrated border management that Mr Coelho spoke of, and it is true that thought will now have to be given to a new mandate

for FRONTEX. FRONTEX has to take its place in this global approach, which links development and concerted management of migratory flows. That is the true answer to your questions.

I would also like to remind you, if a reminder were needed, that the Commission obviously has to prepare guidelines for the joint marine operations organised by FRONTEX. Experts from the Office of the United Nations High Commissioner for Refugees and the International Organisation for Migration are joining experts from the Member States and FRONTEX precisely to ensure that FRONTEX complies with the rules of the Convention for the Safety of Life at Sea, which stipulates that rescued persons should subsequently be housed in a safe place, a place where their life is no longer at risk and where their requirements can be met, whilst their fate is decided.

That is what I wished to say. I well appreciate FRONTEX's lack of resources, and it will probably be necessary, one way or another, either to force Member States to really make their resources available to FRONTEX or to equip FRONTEX with its own resources, something which, given the current budgetary framework, would appear difficult.

In any case, it is true that FRONTEX's mandate must be extended. It has to be able to cooperate in this way with the third countries from which immigrants originate in order to be able together to guarantee intelligent, humane monitoring of such illegal migration, which takes place, I repeat, at the expense of the individuals involved.

I wish to thank Mr Moreno: his report is balanced and paves the way for a FRONTEX which will be better equipped and which, at the same time, I would say, will be geared towards the preservation of human lives. That is what we think of when we think of FRONTEX. We must not forget that. Put simply, that is what I wished to say after listening attentively to all the contributions to this debate, and I can say to you for certain that, when we come to draw up the guidelines for FRONTEX, I will obviously bear this debate in mind.

Javier Moreno Sánchez, *rapporteur*. – (FR) Mr President, Mr Barrot, I believe we are on the right track. Those who have been following the European adventure over many years know that, when Parliament and the Commission go forward hand in hand, things progress in the European Union.

I believe we are on the right track, and we therefore wish to continue.

(ES) I would like to express my thanks first of all to all the Members who have spoken this evening. I think it has been a debate with divergent opinions, like all those that take place in this House and like democracy itself, but I believe there is quite a substantial consensus. I naturally want to thank the shadow rapporteurs from the other political groups and the members of the Committee on Civil Liberties, Justice and Home Affairs, because their contributions have enabled us to produce what has been described here as a balanced report and one that I believe is quite complete.

I also want to offer my thanks to the Executive Director of Frontex, Mr Ilkka Laitinen, and his Deputy Executive Director, Mr Gil Arias, who have always provided me with all the information that I have requested from them, and to the whole team working at the agency.

I have had the opportunity to see first hand – for example, when we were in Senegal and also at its headquarters in Warsaw – that all the men and women working for Frontex are highly committed to their jobs and very conscious of the work they are doing. I have therefore asked the Chairman of the Committee on Civil Liberties, Justice and Home Affairs, Mr Deprez, to arrange a hearing in conjunction with the Committee on Budgets, so that they can explain to us everything that they are doing.

It is not only a question of operations. They are doing an excellent job of staff training, as Mr Marinescu has explained, in the RABIT exercises and in identifying false travel documents. That is extremely important work that is rarely mentioned. That is why I have proposed arranging this hearing.

In my view, there are two concepts that we need to discuss in great depth. I think it has been said here – the Vice-President of the Commission has mentioned it and the rest of us have as well – that Frontex has to be based on the greatest possible legal certainty because, without such certainty, it often cannot act and it then finds itself in impossible situations.

With the new, revised mandate, we have to know what they can and cannot do in cases of maritime rescue or repatriation.

To conclude, I believe the most important thing, as we have seen in the delegations to various countries, is the European label and the European spirit. Many countries prefer to see the name 'Europe' rather than the

name of a particular country that was a colonial power at some time in the past, and they do not see it so clearly. I regard that as added value. I believe we must invest in Frontex and move forward. We have to think about the pace, and convince Member States.

President. – The debate is closed.

The vote will take place tomorrow, Thursday 18 December 2008.

Written statements (Rule 142)

Cristian Silviu Buşoi (ALDE), in writing. – First of all, I would like to express my optimism with regard to the future of the FRONTEX Agency, taking into consideration the rather encouraging figures from the activity evaluation of the agency.

However, I entirely share the rapporteur's view that FRONTEX has to be accompanied by a legal immigration policy in order to effectively fight illegal immigration. It is not sensible to try to build a Fortress Europe by focusing only on illegal immigrants because as long as economic development gaps will persist, migration will also be a reality. Moreover, I agree with the need to fully respect human dignity and fundamental rights while protecting our external borders, because this is part of the European values.

I would also like to stress the importance of the solidarity between the EU Member States. Given the suppression of the border controls within the Schengen area, Member States could not be more interdependent; they are jointly responsible for border security. This is why all Member States should get involved in FRONTEX activities and provide the necessary resources. Last but not least, cooperation with third countries should be a priority as well, in order to increase FRONTEX's efficiency.

Janusz Lewandowski (PPE-DE), in writing. – (PL) The work of the FRONTEX agency interests me, as it is the only European Union institution based in Poland. In spite of earlier concerns regarding how secure the European Union's eastern borders are, it turns out that the main threat in terms of illegal immigration comes from the Mediterranean basin. Thus, the majority of FRONTEX's work concerns that area. I have had the opportunity to visit Malta and see the African refugee camps located there, so I understand the seriousness of the problem and the unfathomable depths of human despair that lead to desperate attempts to cross the sea to reach Malta and the mainland of the European Union.

Illegal immigration poses a challenge for all of us and it requires a common strategy and Community instruments. Since 2005, FRONTEX has provided these instruments, as well as a surveillance system for EUROSUR borders. Parliament is aware of the increasing need for funding and has, for the third year running, petitioned for an increase in the budget for the FRONTEX agency. Until now, individual Member States have had a very unequal level of involvement, and there is a significant imbalance in terms of funding, equipment and operational matters. Geographical reasons and differences in sensitivity towards the problem of immigration mean that the unequal involvement of the Member States in this field of Community policy seems to be a permanent problem that is difficult to overcome.

Bogusław Rogalski (UEN), in writing. – (PL) In view of the threat posed by illegal immigration, Europe needs to manage its borders in a more integrated manner, as well as having a harmonised approach to the phenomenon of migration, including the management of legal immigration. Even if we accept that each Member State should have control over its own borders, in view of the situation on our eastern and southern borders, we should cooperate to share the material and human resources available, in order to combat this phenomenon.

Implementing suitable border control systems would limit trans-border crime which would, in turn, contribute to increasing our internal security. In addition to measures aimed at controlling the influx of illegal immigrants, FRONTEX should also contribute to strengthening a global partnership with third countries and be responsible for making certain decisions concerning the right to asylum.

Illegal immigration is also associated with the high number of deaths which occur when people try to cross borders illegally. In view of this fact, we should create all-year-round patrols in high risk areas where people are in danger of losing their lives. It is also vital to create two separate divisions, one of which would monitor the land borders while the other would monitor the sea borders, focusing particularly on the migrants' use of routes on the eastern borders.

There is also a significant need to continue training the staff involved in FRONTEX activities, with the aim of achieving greater effectiveness and higher levels of professionalism, as well as creating a shared system for exchanging information, with the aim of optimising FRONTEX's activities.

IN THE CHAIR: MRS KRATSA-TSAGAROPOULOU

Vice-President

19. Impact of counterfeiting on international trade - Consumer protection aspects of counterfeiting (debate)

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

- the report (A6-0447/2008) by Gianluca Susta, on behalf of the Committee on International Trade, on the impact of counterfeiting on international trade [2008/21 33(INI)] and

- the oral question (B6-0486/2008) by Arlene McCarthy, on behalf of the PSE Group, to the Commission, on consumer protection aspects of counterfeiting (O-0097/2008).

Gianluca Susta, rapporteur. – (IT) Madam President, ladies and gentlemen, firstly I would like to thank all those who worked with me on drawing up this report, including the shadow rapporteurs, regardless of the positions that each political group will take tomorrow in the vote on the report.

Combating counterfeiting is, above all, a way in which to support the competitiveness of the European system, and it falls fully within the compass of the fundamental rationale behind the Lisbon Strategy. I believe that it ought also to be considered in terms of its legal and penal scope within our globalised world. An OECD report from 2005 tells us that counterfeit products amounting to approximately EUR 1 50 billion are sold worldwide, without taking into account wholly domestic counterfeiting or on-line piracy. One commentator says that in reality, the turnover relating to counterfeiting is approximately EUR 500 billion.

By violating trademark rights, patent rights and intellectual property rights, counterfeiting therefore represents an obstacle to the strong points of our industry, our capacity for innovation and our capacity for creativity. This situation requires highly coordinated, targeted measures, significant care in relations with various areas in the world and, I believe, also a different approach to the relationship between the Community institutions and the Member States.

As it was produced by the Committee on International Trade, the report chose, because of institutional responsibilities, to dwell on the external aspects of counterfeiting, but the link between the external and internal aspects of counterfeiting in Europe – which remains the largest market in the world, and the second-largest importer in the world – are very clear.

So, to sum up, we must reaffirm certain fundamental prerequisites for combating counterfeiting: there is a need to strengthen our system of defence against the entry of counterfeit products, and this also means coordinating the police forces that are in charge of controlling products at the borders, and strengthening customs. We ought, however, also to focus significantly on the harmonisation of civil and criminal provisions within our internal legal systems, as well as working within the World Trade Organisation to strengthen the instruments with which the WTO has already equipped itself.

It is clear that turning perhaps more often to the World Trade Organisation for the resolution of certain problems connected with disputes that have arisen helps to reinforce the battle against counterfeiting, just as we believe that there should be penalties of some kind for countries outside the European Union that declare themselves in some way ready to act as conduits for the entry of these products into Europe, as well as for the circulation of such products worldwide.

We need stronger protection for intellectual property, a stronger capacity to defend ourselves within the major world geopolitical regions, and to protect ourselves from the large countries which are appearing on the world market. That is why we view ACTA with great interest. This would be a major international agreement within a multilateral framework, which would not negate the validity of a bilateral framework between the United States, Japan and Europe, with room too for Brazil, India, China and the other major trading regions of the world. It would have a dual focus. On the one hand, it would focus on transparency and respect for civil and political rights, as well as for privacy. On the other, while fully respecting fundamental rights, it would focus on strengthening the interests of trade which, for us, are interests closely linked with

development and, hence, also with the freedom of our states within the EU and of the EU itself, as a major political operator on the world markets.

Thus, I believe that we should act on consumer education, the harmonisation of criminal law, stricter controls and the use of tools to exert pressure. With regard to certain developing countries, we have the system of generalised tariff preferences, and we should ensure that this system is strengthened but, at the same time, that it is also used to combat the willingness of certain countries to act as conduits for the entry of these counterfeit goods.

The report aims to create a framework uniting major interests of freedom, major interests of free trade, civil liberties, political and developmental liberties, seeking to strike a blow against a phenomenon that is currently making things very difficult for the European Union's competitive system. Certainly, we might have hoped for a little more, in the sense that some issues have been left in the background of the report, such as the creation of an observatory or the laying down of provisions on traceability. These are issues which did not meet with agreement from the majority.

We believe, however, that we have offered a major contribution to the Commission and the Council, and in particular to the Commission, to help it, in future, to carry out a wholesale revision of the rules in order to shelter Europe from this damaging phenomenon.

Eija-Riitta Korhola, author. – Madam President, I would like to express my thanks to the rapporteur for his profound work. Counterfeiting and copyright piracy are a drain on the economy in Europe and worldwide, and virtually no industry escapes this illegal activity. It is responsible for damaging legitimate business and especially, in the view of the IMCO Committee, it is a source of consumer detriment.

The problem is serious and is growing more serious, yet counterfeit and pirated goods continue to be freely available within the internal market. To combat counterfeiting and piracy, we have, firstly, to enhance enforcement, helping customs authorities to detect it, and to make agreements to undermine counterfeiting and piracy at the point where infringement originates. Action is also required to keep the internet from becoming an even more prominent distribution channel for counterfeit and pirated products by strengthening remedies to more effective redress.

Secondly, we need public awareness campaigns. Too often, consumers are unaware of the scale and repercussions of the problem. The lives of consumers are put at risk by dangerous products, especially fake medicines. Government-led campaigns should increasingly focus on the social costs of counterfeiting and piracy, such as health and safety.

Thirdly, we need more data gathering, assessment and research. Comprehensive and comparable data are vital for both legal enforcement efforts and awareness campaigns. This year, the Committee on the Internal Market and Consumer Protection agreed the new goods package, which created the new framework for market surveillance and for the enforcement of all EU law to ensure the safety of goods available on the internal market. Earlier in this legislative period, we adopted a modernised customs code and instruments to help create an effective and paperless customs. In this way, we have sought to enhance the operational efficiency of customs authorities at the external borders of the EU – the last buffer of protection – preventing the entry onto the internal market of counterfeit goods.

Fighting counterfeiting and piracy is an issue that should continue to be at the top of our political agenda. In Parliament, we call for the Commission to cooperate with governments, customs authorities, industry and consumers in all EU Member States. We must take action together if we are to fight it effectively. With this debate this evening, we challenge the Commission to deliver a coherent and coordinated approach to tackling counterfeiting and piracy. Only in this way can we ensure the trust and confidence of consumers in the products on sale in the internal market.

Jacques Barrot, Vice-President of the Commission. – (FR) Madam President, I would like to thank Mr Susta for his report on the impact of counterfeiting on international trade and, of course, I would also like to thank the Committee on the Internal Market and Consumer Protection. These issues of counterfeiting and piracy really do, as Mrs Korhola has just demonstrated extremely well, deserve all our attention and determination.

The Commission is fully committed to the promotion of a high level of protection for intellectual property and respect for intellectual property in countries outside the EU. In line with Europe's role in the world and the Commission's strategy for ensuring that intellectual property rights are respected, we cooperate with partners who share our concerns. This applies to the United States, Japan, the G8 and the OECD countries.

We want to make sure that the most modern, most innovative European industrial sectors, those that are most focused on quality, which has been identified as one of our main assets in terms of world competitiveness, are not abused or even ruined by countries outside the EU.

The European Parliament's involvement on this issue is welcome. Thank you. The Commission has followed the drafting of Mr Susta's report, and I thank him for having adopted a very ambitious, constructive position. We take note of the proposals concerning work with China, the use of the WTO dispute mechanism, our tariff preference system and the need to give more help to our small- and medium-sized enterprises.

In several areas, however, the final version of the report represents a backwards step in comparison with the initial approach. Also, the report adopts a more reserved and defensive tone, particularly with regard to ACTA, the Anti-Counterfeiting Trade Agreement. The aim of ACTA is to combat large-scale illegal activities, and to protect the European Union's innovators. It does not set out to restrict civil liberties or to exert pressure on consumers.

As the Commission has reiterated on many occasions to the European Parliament, ACTA will go no further than the European Union's current system regarding the enforcement of intellectual property rights. The current system respects fundamental rights and civil liberties, including the protection of personal data. The application of criminal sanctions will have to be negotiated by the European Union's Presidency on behalf of the Member States.

With regard to the issues put forward by the Committee on the Internal Market and Consumer Protection, I would like to stress that, since the high-level conference held last May with Members of the European Parliament, the Commission has reflected on the most appropriate ways of supporting the Member States, judicial and police authorities, businesses and consumers in their fight against these criminals. It is true that these complex problems are linked to various spheres and fall under the responsibility of various Directorates-General at the Commission. Enhanced cooperation is required.

At the start of this year – and this is important – a unit specialising in the enforcement of industrial and intellectual property rights was set up. I would stress this point. In addition, we need to have a solid knowledge base in order to put in place a permanent strategy for combating counterfeiting and piracy. Here, however, we have a problem: the production of statistics. We need to have statistics to gain a precise idea of the scope and size of the problem. The OECD also emphasised this point in its report entitled 'The economic impact of counterfeiting and piracy'.

We therefore need to act to ensure that precise, complete information can be collected. Businesses have vital data, but some of these are considered sensitive. It should be said that the only statistics the Member States are obliged to provide are those relating to customs seizures.

Similarly, it is difficult to obtain information on the number of persons that have suffered a loss caused by counterfeit products. Even though systems such as the Community system for the rapid exchange of information on non-food consumer products (RAPEX) provide some elements, they are not complete. The RAPEX system was designed to prevent accidents caused by dangerous products. It is true that counterfeit products could belong to this category. The main advantage of RAPEX is that it allows information on dangerous consumer products found in one Member State to be rapidly communicated to the other Member States and the Commission to prevent other consumers from buying them.

Given that RAPEX covers all dangerous consumer products, however, it is not necessarily the most appropriate tool for collecting information on losses caused by counterfeit products.

The European database on accidents, which receives data via the systematic monitoring of physical injuries, collects data on accidents and physical injuries notified by hospital emergency services. The information provided on the causes of physical injuries is, however, sometimes too general, and the level of detail is insufficient to establish whether the injuries were caused by counterfeit products. In addition, the disparities in methods used by the Member States to record the causes of accidents makes statistical comparison and production a difficult exercise, lacking in precision.

It is therefore clear that we ought to work to create rapid exchange networks using national contact points. This approach would make it possible to step up coordination and information sharing between the administrative bodies, the judicial and police authorities, and the sectors of economic activity involved throughout the European Union. On this point, an observatory could be very useful. The Commission is currently looking at the most appropriate practical options for setting up an observatory.

In line with the principle of subsidiarity, Member States have a duty to ensure that products put on sale are all safe and that market surveillance is carried out effectively, but in the past, this surveillance has not been carried out with the same degree of rigour in all Member States. The Commission therefore put forward a regulation on accreditation and market surveillance, which was adopted by the Council in June 2008.

The regulation establishes a common framework in relation to market surveillance. It relates to the system established by the Directive on general product safety, but adds to it. It sets common requirements concerning market surveillance, and all Member States are required to abide by these requirements. The regulation brings in a cooperation mechanism between authorities, at both national and cross-border levels. The mechanism should make it possible to disseminate useful information effectively, for instance, in order to issue an alert regarding the arrival of dangerous products at one of the points of entry.

Last July, the Commission adopted a communication on an industrial property rights strategy for Europe. We would therefore like to put in place an integrated strategy including non-legislative measures to reinforce the application of these provisions. This strategy will make it possible to develop a new action plan relating to customs in order to combat counterfeiting and piracy, and to establish new approaches that will make it possible to improve information collection, promote public awareness-raising campaigns and increase the effectiveness of cooperation networks at all levels.

The Council has stated that it is very much in favour of this approach. On 25 September 2008, it adopted a comprehensive European anti-counterfeiting and anti-piracy plan. This resolution, which lays down the comprehensive European anti-counterfeiting and anti-piracy plan, is a major political signal. This is proof that Member States attach considerable importance to respect for intellectual property rights.

Within this context, the Commission met with the directors-general of the customs authorities of the Member States at a high-level seminar, held in Paris on 25 and 26 November 2008. At the seminar, the broad outlines of a new customs plan to combat counterfeiting for the 2009-2012 period were set out.

This customs plan to combat counterfeiting will be drawn up by the Commission under the forthcoming Czech Presidency. The Commission attaches great importance to the protection of, and proper respect for, intellectual property rights in the markets of non-EU countries. It has set up organised dialogues on issues linked to intellectual property rights with its main trading partners, such as China. The Commission has proposed the introduction of detailed provisions relating to intellectual property rights, targeted more specifically towards the control of their application in bilateral and regional trade agreements.

With regard to awareness-raising and warning consumers of the ever-increasing risks, the Commission believes, of course, that this is a major issue. It is crucial that we can collect and analyse reliable data in order to support our work and allow us to develop effective policies and strategies. Once we have information of a high quality, we will be able to inform and educate consumers without giving rise to distrust or concern in relation to sensitive product lines such as pharmaceutical products or foodstuffs. Member States have an important role to play on this front in making sure information of this kind is exchanged.

Madam President, I am finishing now. Please excuse me for having been a little lengthy. We wish to support the Member States so that they can contribute more effectively to promoting innovation and protecting consumer health and safety, and we need to take a global approach. That is why the Commission is concentrating its efforts on introducing a mechanism that will make it possible to develop knowledge and cooperation between Member States, consumers and businesses.

You see, Mr Susta, your report comes just at the right moment. This takes us to the heart of a subject which, personally, has always been of great concern to me, that of counterfeiting. We cannot protect an innovative Europe if we do not combat counterfeiting effectively. I therefore thank the European Parliament for the sensitivity it has shown with regard to this major problem. Thank you for your attention. Now, Madam President, I am going to listen closely to the comments of the MEPs.

Eva Lichtenberger, *draftsman of the opinion of the Committee on Legal Affairs*. – (DE) Madam President, ladies and gentlemen, Mr Susta has already clearly described the significance of this subject, so there is no need for me to say it again.

The Committee on Legal Affairs has dealt with this subject, particularly as concerns international negotiations in relation to ACTA, and it raised the following points: the lack of transparency, for example, in international negotiations, the question of the interrelationship with international agreements and organisations such as TRIPS or WIPO, the lack of a legal basis for the definition of nature and the magnitude of penalty provisions – a point that is also very important for the Member States.

I would like to summarise this briefly in one conclusion, namely that, whatever Member States or we think of the harmonisations of penalty provisions or however this takes place, we should be able to decide on the matter in question for ourselves. It must not be allowed to be the case that international negotiations without the appropriate transparency restrict, in advance, the freedom of action of the European Union and the institutions to such an extent that the European Parliament is no longer in a position to make a decision with the latitude due to it. Thus, we must not prejudge. The European Parliament asserts its rights. Ultimately, the areas of private life, data protection and the rights of citizens are also affected, and potentially, also jeopardised by this.

We could well have the opportunity to vote on two decisions tomorrow, provided the Group of the European People's Party (Christian Democrats) and European Democrats does not put an obstacle in the way by attempting to alter one of the decisions by means of an oral amendment. I hope that this view can still be changed. Thank you.

Corien Wortmann-Kool, *on behalf of the PPE-DE Group*. – (NL) Mr Barrot, it is true. You talked for a long time at this late hour. If, by doing so, you wanted to stress the fact that the Commission intends to prioritise the fight against counterfeiting, then you are forgiven. What is more, we would be happy to keep you to your lofty ambition, because it is still a major problem, and, indeed, one that is still increasing. It is no longer about cute Gucci bags, but about the health and safety of the European citizen, the European consumer.

I should like to convey my heartfelt thanks to the rapporteur for his excellent report which we, in the Committee on International Trade, but for two, approved unanimously. Last week, we were embroiled in complex negotiations about new resolutions, but I am pleased that we all retraced our steps. I therefore hope that, tomorrow, we will be able to adopt this resolution by the Committee on International Trade by a large majority. We appreciate the fact that the Group of the Alliance of Liberals and Democrats for Europe has withdrawn the alternative resolution.

We need far better cooperation if we want to win the fight against counterfeiting. Customs offices play an important role in this, as is illustrated by the coordinated effort in five European countries where customs offices and industry have been working together closely and have destroyed a considerable amount of counterfeit goods. Excellent!

We also need better coordination, but we do not propose a new European agency in our resolution, although we did entertain the idea. In that connection, I should like to draw your attention to Mr Martin's suggestion to set up a European scoreboard. That is an excellent idea.

I also wanted to mention the penalties to you, in particular, Commissioner for Justice. I hope that you will take our proposals seriously and will actually take them on board.

David Martin, *on behalf of the PSE Group*. – Madam President, can I firstly thank Mr Susta for his good cooperation on this report. We did not agree on everything but he was always very cooperative and as flexible as he could be.

Firstly, Mr Susta gave us some global figures on the scale of counterfeiting. Just this week in my constituency, two separate events have drawn attention to the scale of counterfeiting at the regional level. Firstly, the UK Border Agency raided a ship in Grangemouth in Scotland, in my constituency, and seized GBP 3.6 million worth of fake designer goods. The ship had come to Scotland via Holland from China.

Again this week in Scotland, it was revealed that so far this year, Scottish police have seized half a million CDs and DVDs with a street value close to GBP 5 million. The police went on to say in their press release that the distribution of these knock-off DVDs and albums was nearly all controlled by organised crime. So this is clearly a massive problem across the whole of the European Community.

As others have said, counterfeiting is often seen as a victimless crime, but of course, as we are discussing, it is far from it. There are at least three groups of losers for counterfeited goods.

The first group is, of course, the business community: trade affects legitimate retailers and other businesses who pay taxes, employ people and generate revenues; counterfeiting also denies authors, artists and researchers a fair return on their talent and investments. There are the customers that have been mentioned by Mrs Wortmann-Kool who are killed, harmed or inconvenienced by fake products. Then there is the third group of people, the victims of criminality and anti-social behaviour, which are often financed by the proceeds of counterfeited goods.

The PSE Group largely agrees with what the Commissioner has outlined as the three areas of action required to tackle this problem. Firstly, we need tougher action against third countries that encourage or turn a blind eye to counterfeiting and fail to protect the intellectual property rights of others. We do not believe that ACTA is the full solution to this problem and we certainly believe that, if ACTA is going to come into effect, we need it to be more transparent, democratic and generally multilateral. As Mrs Wortmann-Kool says, we see part of the solution as an international scoreboard naming and shaming those countries that fail to respect the rights of others as far as counterfeit goods are concerned.

The second area where we need action is the on-going work of law enforcement agencies such as the police, trading standards officers and customs authorities. We look forward to seeing the Czech proposal next year for better European cooperation in this field.

The third and final area is the need to educate the public about the damage done by counterfeiting, and to explain to young people that individuals who work to create films, TV content and music have a right to earn a living from it.

What we do not believe is that we should criminalise individuals who download the odd pirated song or pirated music or who buy a fake CD or fake football shirt. We do not want to criminalise these people; we want to educate them and get them on our side to tackle the real criminals in this process.

Carl Schlyter, *on behalf of the Verts/ALE Group.* – (SV) Madam President, thank you Mr Susta. It should, of course, have been easy for us to come to a sound agreement here. However, Parliament's rules force us to present separate resolutions with no opportunity to vote on individual amendments. This makes it difficult to achieve a compromise in which the wishes of the majority in Parliament have a chance of being accurately represented. This is extremely unfortunate, because it means that if the Green resolution does not receive support tomorrow, for example, we will be voting through a proposal that entails control of the Internet and the content of the Internet and it will mean that distributors will be made responsible for this. This would be very unfortunate, as this is not even Parliament's intention.

There are two ways in which piracy and counterfeiting pose a threat to consumers and to people in general. They can be exposed to environmentally hazardous goods or to fake medicines that are dangerous to health and so be affected directly. However, they can also face the threat of excessive measures to protect trademarks, and copyright in particular. It is a question of finding a good balance. I think that Parliament's clear message to the Commission and the Council when they continue their negotiations is that, however the vote goes tomorrow, we will clearly state that personal use that is not for profit must not be treated as a crime. ACTA must not give access to private computers, music players and the like. This is a clear message from Parliament.

As regards criminal law, we must vote for the Green alternative proposal if we do not want some sort of image of us suddenly introducing criminal law at European level. Of course we have absolutely no mandate for doing anything of the sort. The question is whether it would work and how can it create a balance in a penalty scale in one country when the penalty scale in another country would, in fact, end up completely wrong. Doing this at international level then does not look as if it will work at all. The Green proposals are therefore better.

The original proposal says that no exceptions will be made for travellers. For a traveller who brings with him goods worth no more than EUR 400 to then be equated to a businessman who is able to bring 50 containers is unreasonable. Above all, it is unreasonable to vote to remove the rules on the qualitative content of the Internet, qualitative statistics which regulate content and also secondary responsibility and the responsibility of intermediaries.

In order to allow more Members to vote on the Green resolution, we will submit an oral amendment to remove Article 15, which was clearly somewhat controversial, and then I hope that many of you will be able to support our proposal. Thank you.

Pedro Guerreiro, *on behalf of the GUE/NGL Group.* – (PT) Madam President, the European Parliament resolution of 13 December 2007 on the textile sector indicated that half of all European customs procedures against counterfeiting relate to textiles and clothing. The same resolution underlined the need to apply binding rules on origin marking for textiles imported from third countries and called on the Council to adopt the pending proposal for a regulation on the 'made in' indication in order to provide better consumer protection and support European industry.

The fact is that a European Commission proposal in this respect, although inadequate, has been marking time since 2005. As a result, our question is as follows: when will the European Union lay down rules on origin marking for imports or for products manufactured in the various Member States?

Bastiaan Belder, *on behalf of the IND/DEM Group*. – (NL) Madam President, I should like to thank the rapporteur for this valuable report. Not only is counterfeiting an economic scourge, it also forms a threat to consumer safety and public health. Not only the production, but also the trade in, and transport of, counterfeit products should be given priority.

Late last month, I paid an extremely useful working visit to Kosovo, where the situation is alarming. The chaotic, partly overlapping international presence, combined with the weak government in Pristina, provide an excellent operating base for smugglers in Kosovo. It is sick to see criminals from the Albanian and Serbian sides working together very well in a multi-ethnic effort.

I would urge the Union to deploy the Eulex mission in Kosovo in the fight against these smuggling practices. It is unacceptable for the European Union to stand by while a black hole is appearing along its borders. The fight against counterfeit goods should not only be waged on the negotiating table, but just as much on the ground. I hope that the Commission will give this subject its due attention; in fact, I talked to the Commission in Pristina about this very subject. This is a vitally important point in our fight to protect intellectual property, not least in the western Balkans.

Christofer Fjellner (PPE-DE). – (SV) Madam President, this is, of course, an extremely broad subject. As I mentioned earlier, it encompasses everything from medicines, car parts and designer products to illegal downloads. In this area it is absolutely clear that counterfeiting is a huge problem and that counterfeit products are a threat to goods worth large sums of money and even to safety. However, there is uncertainty about how large these sums actually are and how many of these products are on the European market. I therefore believe that the investigation that is to be carried out by the Commission is an extremely good thing.

I have chosen to focus mainly on ACTA, that is to say the Anti-Counterfeiting Trade Agreement, which is in the process of being negotiated by the US, Japan, the EU and other countries. In this regard, the issue is, of course, one of far too much secrecy. We all react to rumours concerning what is going on. There is justified concern – concern that the border control personnel will search everything from computers to MP3 players. We have heard rumours of a ban on multi-region DVD players. I would suggest that this uncertainty and these rumours themselves are harming the fight against piracy and counterfeiting. I therefore believe that all of us here have a common desire for more openness. We need to be given a clearer idea of what mandate this is actually based on, what it is that the Commission wants to achieve and what will be considered unacceptable.

In my own amendment to the report, which luckily was also given a hearing, I focussed on what we do not want to see in ACTA. In the amendment, I pointed out, in particular, that we must not have measures that restrict privacy, nor should we go beyond the existing legislation in this area and, last but not least, that it must not inhibit innovation and competition.

It is nevertheless sad that in an area as important as this, we need to establish what we should not do when there are so many important things that we need to do. However, the reason for this is precisely the secretiveness and the uncertainty that this secretiveness creates. We must not end up in a situation where the fight against this and the tools that we use to help us are greater problems than the piracy itself. This is what I am concerned about. Thank you very much.

Christel Schaldemose (PSE). – (DA) Madam President, I, too, would like to thank the Commission for its constructive presentation of the problem. I am on the Committee on the Internal Market and Consumer Protection and was involved in wording the question that we posed to the Commission on what is to be done about counterfeiting from the point of view of consumer protection. I would like to start by saying that I think it is extremely important for us to truly make an effort to reduce the extent of counterfeiting. There should be no doubt about that. However, I also think that it is extremely important for us to find out more about the consequences for consumers. There is *no* doubt that this is extremely significant for undertakings. However, we have started to see that there are problems and that these may affect the health and safety of consumers. Therefore, I actually think that, even though it is difficult to obtain accurate and good statistics, we need to make an effort to find out how dangerous counterfeit medicines, or whatever other products there may be, could actually be. I have visited the Danish authorities working on this and have seen seizures of chewing gum, water, washing powder and all manner of everyday products. It goes without saying that there may very well be physical consequences for consumers if we use chewing gum

that is counterfeit and that probably does *not* comply with any rules on what chewing gum – or whatever product it might be – is allowed to contain. I just think we need information, because if we do not get this information on injuries or effects on health, I believe it may be difficult to get consumers on board in this fight to do something about product counterfeiting. Consumers should know that it has consequences so that they will also get involved by *not* buying the cheap and counterfeit products. That is why it is vital that we obtain knowledge and data in this area. I therefore look forward to the Commission presenting a specific proposal on how we can deal with this issue.

Georgios Papastamkos (PPE-DE). - (EL) Madam President, ladies and gentlemen, the phenomenon of counterfeiting, of imitation, is a legal problem with obvious financial repercussions. The legal dimension referred to relates to infringement of intellectual property rights; the financial dimension has to do with lost customs duty and VAT, which are an important component of the European budget, the European Union's own resources.

The economic dimension of the problem is obvious. Counterfeit products damage the competitiveness of European companies and, by extension, employment. The most worrying dimension of the problem is the threat to the health and the very life of consumers. Certainly, Commissioner, stepping up work with our trading partners is one measure. I would say that creating a European observatory of counterfeiting and piracy and approving a 'made in' manufacturing mark would also be a step in the right direction.

Nonetheless, Commissioner, although you do not have the relevant portfolio, I should like to say to you and to remind the honourable members that quantitative restrictions have been abolished on imports of clothing textile products. In my constituency, when I was a member of the Hellenic Parliament, factories were shut down and thousands of workers were left unemployed. No customs cooperation with the importing countries had come first; the Commission itself admitted as much. Customs cooperation came after the event and the European Union is paying to establish customs cooperation. That was your oversight. That was the Commission's oversight. We revised the sugar regime and the ones who got rich are the multinational sugar-exporting companies, not the producers from the poor developing countries, according to official statistics.

Commissioner, I am not in favour of a Europe which is closed to the world. We are in favour of a Europe open to the world, but with rules, principles, transparency and identical terms of play. Products are being imported into the European Union with social dumping, with ecological dumping, and the European Commission does not react. The European Commission has a sovereign role in common foreign trade policy. You negotiate with third country partners; you set the terms of cooperation. Luckily, the Lisbon Treaty changes the terms of our interinstitutional relationship and the European Parliament will co-legislate with you and then the culture of cooperation between the European Commission and the European Parliament will also change. We are waiting for that time to come.

Francisco Assis (PSE). – (PT) Madam President, Vice-President of the Commission, ladies and gentlemen, the phenomenon of counterfeiting seriously threatens the most legitimate socioeconomic interests in the European Union, jeopardises the competitiveness of undertakings, is detrimental to employment, endangers the health and safety of consumers and severely harms the Member States and the European Union itself. As a result, it must be vigorously combated.

The European Union, due to the openness and transparency of its market, due to being the second world importer of goods and services, and due to its economic specialisation in high value-added products, is particularly exposed to the evils of counterfeiting. The negative effects of this spread throughout the economic fabric, but have a particularly severe impact on small- and medium-sized enterprises, which are naturally less well prepared to tackle such a serious threat.

Combating this particularly dangerous crime requires cooperation to be strengthened, both internally within the European Union and externally in our relations with other countries or regional blocs, which are also confronted with this problem.

Internally, measures must be adopted in two respects: the gradual harmonisation of the laws of the Member States, particularly the criminal laws, and the reinforcement of customs cooperation. Given the particular situation of small- and medium-sized enterprises, as already mentioned, it is vital to set up a technical assistance service for these enterprises because they are less well prepared to tackle this kind of issue. Only in this way will they be able to defend their rights.

At a wider international level, the current initiatives must be continued, both in terms of bilateral agreements and in the wider context of multilateral regulation of international trade. This will help to strengthen the role that the World Trade Organisation can and must have in this area, through its Dispute Settlement Body.

Counterfeiting threatens some of the very foundations of our model of economic and social organisation. It jeopardises investment in research and innovation, devalues intelligence and the qualification effort, encourages organised crime and clearly weakens the rule of law. That is why combating counterfeiting must be an absolute imperative for all EU Member States.

Jacques Toubon (PPE-DE). – (FR) Madam President, ladies and gentlemen, counterfeiting is an economic, social and health menace of a size that, in my view, is often underestimated. Some people estimate that a third of the goods docked in containers at Antwerp or Rotterdam are counterfeits. I did say ‘a third’, and these are estimates produced by official departments.

I would like to say very clearly, and I am not going to beat about the bush, that I am truly disappointed by the European Parliament’s proposals and by the debate this evening. For once, I am more disappointed by Parliament than by the Commission or the Council, since in this sphere, the Council and the Commission have done their work.

The action plan of 25 September, the seminar held on 25 November and the proposals which Mr Barrot has just set out on behalf of the Commission are real actions, not fine words. Commissioner, what I would simply like to say to you is that I would really like the observatory, for example, to be made operational during the first half of 2009 and for the regulation on market surveillance adopted by the Council to be adopted in this Parliament.

As far as Mr Susta is concerned, I am not speaking here of his alternative proposal for a resolution, which unfortunately we are not going to debate. I am speaking of his report. It is much too weak, much too timid, and says nothing on indications of origin, says nothing on the observatory and is timid and reticent regarding the protection of intellectual and industrial property. You talk of ACTA and say that we need to adopt it, but you say that we should not use the means that would be effective in enforcing it. In addition, I must say that I was staggered by the comments made by my two fellow Members from Sweden, who give the impression that the danger comes not from counterfeiting but from the fight against counterfeiting.

Ladies and gentlemen, we are completely mistaken if we do not take more resolute action. We are dealing with this subject as if it were a marginal economic activity, no more than that, whereas it could mark the end of our industries, it could signal widespread exploitation of workers from the emerging countries, let us not forget, and finally, could amount to widespread lack of safety for consumers. We must take action!

Małgorzata Handzlik (PPE-DE). – (PL) Madam President, I do not have to remind the people who are gathered here, and who are participating in this debate, of the dangers of counterfeit goods. There are many cases where counterfeit products pose a danger to the health, or even the lives, of consumers, and it is not necessary to elaborate any further on this point. It is merely sufficient to point out that counterfeit products include not only copies of luxury goods and CDs, but also medicines, consumer goods for both children and adults, as well as car parts. They often pose a safety risk, and the losses they incur do not only affect SMEs.

People involved in counterfeiting activities are members of criminal gangs. Their activities are part of a highly profitable business, which we must try to combat. That is why we need joint action, not only in the field of customs and excise services, but also close, administrative cooperation between the Member States, which I think currently leaves something to be desired.

Only the actions of the European Commission, to prevent the smuggling of counterfeit cigarettes, provide a positive example of such cooperation. I would like our experiences in this field to be applied in the battle against other counterfeit products. The problem of counterfeiting falls within the remit of a number of the Commission’s Directorates-General. It would be a good idea to establish a single Directorate-General which would be responsible for these matters and to define its competences.

Parliament is currently in possession of a written declaration on what are known as ‘look-alike products’, to which I have also contributed. A large number of original products are copied by look-alike products. It is often not clear under what legislation those who produce look-alike products might be pursued, whether this falls under unfair competition or intellectual property legislation. Furthermore, consumers who purchase look-alike products are often under the mistaken impression that they are branded goods. It is difficult to define the scale of the problem on the European market.

That is why I would like to ask the Commission whether it intends to respond to our request and conduct research into the influx and status of look-alike products on the internal market.

Emmanouil Angelakas (PPE-DE). - (EL) Madam President, a particularly large number of counterfeit products traded via the Internet or the legal production chain are counterfeit medicinal products. The dangers to the health of patients who unknowingly take them are obvious. These products are manufactured in factories or workshops which do not follow the rules of good manufacture and, in many cases, they contain no trace of the pharmaceutically active ingredient. In a recent announcement, President Kovács stated that, during checks carried out by the customs authorities in countries of the European Union over the last two months, more than 34 million antibiotic, cancer and other counterfeit drugs were found. Perhaps the time has come, Commissioner, for the European Union to open drug export monitoring offices, for example, in China and India, along the same lines as the FDA, which opened such offices last month. You should know that, without compulsory cooperation from the drug agencies in these countries, it will be impossible to check the 3 000 pharmaceutical factories in India and the 12 000 factories in China.

Czesław Adam Siekierski (PPE-DE). - (PL) Madam President, there is no doubt that, in recent times, the problem of counterfeit goods and piracy has become a key issue in the field of international trade.

The European Union, as the second largest importer in the world, is particularly susceptible to being flooded with fake branded goods, toys or medicines, mainly from Asian countries. It should be stressed that this phenomenon has a much broader scope and far more serious consequences than we imagine. The products that reach the European market and that infringe intellectual property rights are, by and large, of a lower quality and, as a result, often also considerably cheaper than original products. As a result, for financial reasons, the consumer prefers to purchase the fake goods.

The production of counterfeit goods and piracy are forms of theft, and I therefore support all initiatives to combat them. I am particularly concerned about the growth of this phenomenon in recent times. That is why we must take decisive action, not only at European level, but also within the framework of the WTO. We cannot allow these people to rob us with impunity.

Jacques Barrot, Vice-President of the Commission. - (FR) Madam President, first of all, of course, I have listened very carefully to all the contributions. I will of course report on them to my colleague, Mr McCreevy, who is responsible for the internal market.

I think that Parliament has a good grasp of the gravity of the phenomenon and its effects; Mr Toubon reminded us that it was an economic, social and health menace. It is clear that the European Union, while being open to trade, cannot allow trade to take place if it does not abide by the basic rules and is detrimental to consumers. We must therefore certainly take action, and I would like to remind you of some points.

Firstly, and here I am in particular addressing Mr Toubon, the European Observatory on Counterfeiting and Piracy will be launched by the Commission in the spring of 2009. This observatory should supply statistics on counterfeiting and piracy in the internal market.

The observatory should identify vulnerable geographical areas and the illegal trafficking of websites selling counterfeit goods. It ought also to organise administrative cooperation between the Member States, organise the exchange of information and, as Mr Martin said, raise consumer awareness. This is truly a major task for the observatory.

For the rest, it is true that criminal law provisions were proposed by the Commission in 2006, and that we have Parliament's support, but, for the moment, the Council has not yet taken any action to adopt these provisions.

On this point, cooperation ought to involve not only customs authorities but also the police, the judicial authorities and, in general, all those who are capable of taking action on surveillance and the control of counterfeiting and piracy.

I would like to tell those who have stressed the need to have indications of the origins of products that we have proposed a 'made in' label but that this has not yet been adopted by the Council. The European Union really should not be afraid of such labelling, which will allow consumers to make judgements and avoid being the victims of practices which completely break all the rules.

I would add that ACTA cannot be accused of going further than the European Union's current system for enforcing intellectual property rights and, in particular, that it cannot be accused of infringing fundamental

liberties or the protection of personal data. ACTA remains within the framework of the European Union's current system.

In any case, I thank Parliament for supporting the Commission in trying to bring about effective combating of counterfeiting. We note this report, and we also note the European Parliament's wish to successfully combat this system.

I am sure that I have not replied to all the questions. There are also products that can be described as similar, and on this point too, we must have rules that make it possible to prevent abuse, which is to be wholly condemned, at the expense of the consumer. That is what I wanted to say in conclusion, but rest assured that all the comments that have been made this evening will be brought to the attention of the Commissioners because, once again, this is a complex subject area which necessitates several lines of action on the part of the Commission and which also requires an unwavering commitment from the Council and from Parliament.

President. - The joint debate is closed.

The vote will take place tomorrow, 18 December 2008.

20. Agenda of the next sitting: see Minutes

21. Closure of the sitting

(The sitting was closed at 11.40 p.m.)