

4-001

SITTING OF THURSDAY, 5 SEPTEMBER 2002

4-002

IN THE CHAIR: MR IMBENI
Vice-President

(The sitting was opened at 10 a.m.)

4-003

Recent serious problems concerning food safety in the EU

4-004

President. – The next item is the Commission statement on the recent serious problems concerning food safety in the European Union.

4-005

Byrne, Commission. – Mr President, I welcome this opportunity to report on the recent contamination of the feed and food chain with medroxy-progesterone acetate, or MPA as it is commonly known.

I must stress that the Commission takes this incident very seriously indeed. It is simply unacceptable that hormones should find their way into the food and feed chains.

So, having found ourselves in this regrettable situation, what action did we take?

First, my services called an emergency meeting of the Standing Committee on the Food Chain and Animal Health on 10 July, with further meetings following on 16 and 24 July. These were in addition to the continuous contacts between the Commission services and their counterparts in the Member States.

These efforts were very successful in reducing the risk to public health to a minimum. However, this success was achieved at a very high cost. Very substantial quantities of food and feed had to be traced and destroyed. The impact has been particularly severe in the Netherlands.

Investigations into the factors which allowed the contamination to take place are, of course, ongoing. However, two factors in particular already stand out: firstly, the application of Community legislation on the movement and disposal of pharmaceutical waste, and secondly, the carelessness of certain feed producers in their selection of raw material suppliers.

Investigations into the onward distribution of the contaminated glucose syrup revealed that it had been delivered to feed mills and traders and, to a limited extent, to the food industry.

The contaminated feed was produced mostly for pigs, but also, to a much lesser extent, for cattle, poultry, zoo animals and pets.

This contaminated feed could be separated into two groups: a lesser quantity of highly contaminated feed distributed to 57 farms in the Netherlands and larger quantities with a low level of contamination.

In response to the situation, the Standing Committee agreed the following measures. All animals fed with highly contaminated feed would be kept under strict official control. Member States would test individual animals fed with the highly contaminated feed and only release them for consumption if results confirmed that MPA could not be detected. The authorities in the Netherlands chose to destroy pigs fed with the highly contaminated feed, thus removing them entirely from the food chain.

All samples from animals fed with the low contamination feed tested negative for the presence of MPA and the restriction was therefore lifted. Several hundred samples of glucose syrup, molasses and feed have been analysed and, as a result, thousands of tonnes of contaminated raw materials and feeding stuffs have been recalled, seized and destroyed.

The next meeting of the Standing Committee is planned for 11 September. At this meeting, the measures taken by the Member States in relation to the MPA contamination will be reviewed. However, we can already conclude that the measures were successful in limiting the potential risk to the public. They were also very successful in averting any unilateral restrictions by Member States or third countries on trade, particularly from the Netherlands.

Clearly we have to learn the lessons from the contamination and avoid any repetition. At the Agriculture Council of 15 July 2002, I repeated my call for the Member States' competent authorities for food and feed to exercise stricter control to ensure a high level of consumer health protection.

Feed and food operators need to be more aware of their responsibilities in this area. We all consider the food law a major step forward for the protection of human health. In that context, the responsibilities of feed and food operators are clearly established. Feed operators must ensure that the raw materials they buy are safe.

In the very near future the Commission will be proposing a major reform of the Community's system of official controls, in order to create a harmonised, coordinated and more effective system of controls on food and feed.

In addition, the Food and Veterinary Office is urgently investigating the operation and control of the animal feed sector. Its aim will be to pinpoint how recent contamination incidents have been allowed to occur and to identify the action that needs to be taken to prevent similar incidents arising in the future.

Furthermore, in order to complete the legal framework for the entire feed sector, the Commission will present a new proposal on feed hygiene at the earliest opportunity.

We intend to put forward general hygiene rules for the production, distribution and feeding of animals and also to enlarge the scope of the registration system for feed operations.

Under the current arrangements, only establishments dealing with certain feed additives are registered. Clearly this is not sufficient to ensure traceability of all feed materials.

In this context, a positive list of feed materials is being looked at with a view to increasing consumer protection, as Parliament itself has requested. I am pleased to say that the feasibility study you requested is nearly complete. You will receive the report with our analysis before the end of this year.

At the same time, the question arises as to whether Community legislation in relation to the waste sector is sufficiently stringent and properly implemented. I would remind you that had existing waste legislation been correctly applied in the case of MPA, it would have prevented such an incident. I alerted my colleague, Mrs Wallström, as soon as it became apparent that the problem involved pharmaceutical waste. Discussions have taken place with waste experts from the Member States and are continuing.

One lesson we can learn from this incident is the need for closer coordination and cooperation between the authorities responsible for the waste sector and those responsible for feed and food safety.

The authorities of the Member States involved in this affair have been asked to provide all relevant information to enable the case to be assessed from an environmental point of view. On the basis of that assessment, the Commission will take any further action deemed necessary.

Finally, it goes without saying that incidents such as this only serve to undermine our efforts to restore consumer confidence in our food supply. We need to redouble our efforts, in terms not just of legislation but also better enforcement and control, to make such incidents a thing of the past.

4-006

Bowis (PPE-DE). – Mr President, food safety has been high on our parliamentary menu for the past three years. We have had scares and scandals in Europe on olive oil, contaminated wine, mineral water, listeria, salmonella, E. coli, BSE, dioxins, sludge and slurry. They all concerned our constituents and exercised our legislative minds. Now, once again, there is a problem with hormones. We discussed and debated the Food Safety White Paper and went on to pass legislation on food and feed and on the establishment of the European Food Safety Authority.

Now, our media have been full of new food scandals. 50 000 Dutch pigs condemned to be slaughtered because they were contaminated by illegal feedstuffs – illegal because of contamination by MPA hormones in feed additives. The cost to the Netherlands alone is immense, tens of millions of euros. The problem probably came, as we heard, from waste water from an American-owned pharmaceutical company in Ireland, sent by an Irish waste disposal firm to a Belgian reprocessing plant that is now bankrupt. That firm supplied glucose syrup or treacle to Dutch feed manufacturers. All 4 000 pigs were then exported from the Netherlands to Belgium. The banned hormone has been found in pigfeed in Germany. 300 German farms were banned from selling milk or animals. But pork was sold, was processed and has been eaten by humans and of course MPA in humans can cause infertility. Some of the syrup, too, ended up with soft drink manufacturers. Some of the feed ended up in Denmark, Spain, France and possibly Luxembourg and Britain.

One of the messages the Commissioner has highlighted is that we need coordination, not only between governments but between the directorates of the Commission. I welcome what he said about talking to Mrs Wallström.

Commissioner, what is the point of our passing laws if they are not enforced? Where were the checks and the monitoring? What, incidentally, are the Commission's new proposals on controls? Was this negligence or was it a criminal attempt to increase the weight of pigs by illegal means? How often is a blind eye turned to wrongdoing? A banned carcinogenic herbicide was found in grain fed to organic chickens in Germany in June. Yet exports of organic chicken or eggs from Germany were not banned.

I have faith in our new food safety measures. I have faith in our new authority and I wish it could be set up faster. But it will only be effective if we have proper enforcement throughout the European Union.

(Applause from the right)

4-007

Roth-Behrendt (PSE). – *(DE)* Mr President, over the past few years – since 1996, I would say – I have told this House at least five times that animal feed should not be a dustbin for cheaply disposing of all kinds of rubbish. It is surprising to find that such a simple statement never ceases to be topical and is never a source of boredom, given that it remains so topical. Why should that be? Because of our agricultural policy, of course. Since we try to produce everything as cheaply as possible, it makes sense to produce cattle feed as cheaply as possible too.

I once said that the manufacturers and we ourselves should try to picture sitting down in front of a plate of animal feed with a knife and fork on either side – just imagine what that would look like! Mr Bowis just pointed out that this is not just a matter of carelessness here but of criminal intent. He is quite right. To describe storing animal feed in a former chemical works as carelessness is to put it mildly. I do not know what makes people do things like that or allow them to happen. What are we to think when a waste disposal company produces glucose syrup as a parallel activity? Should we not perhaps be somewhat sceptical when we come across an Irish company wanting to dispose of its waste – to which there can be no objections as such – and we see that it wants to do this in Belgium and that the waste reprocessing company also produces glucose syrup? The waste that it is processing comes from washing the coating on contraceptive pills, which of course contains sugar.

No one actually noticed this and we all found it quite normal, but when it actually came to light in the course of the monitoring process it caused enormous excitement.

If we do not start to change the system in some way, we will carry on having this debate here at least three times a year. So what can we change about the system? I am grateful to Commissioner Byrne for pinpointing some ideas. Yes, we need tough legislation on feed hygiene. Yes, we need to separate the production of animal and plant-based feeds. Yes, we need stricter approval procedures for feed producers, with a registration system for factories producing animal feeds. And yes, every manufacturer of feedingstuffs must employ a biochemist at his plant full-time and not just source one from somewhere else. These are all commonplace ideas that we could all suggest, of course.

What is the situation with legislation on waste? Yes, there is indeed proper waste legislation. Are there proper controls in the Member States? Apparently neither the country of origin nor the receiving country carries out controls. Will the Commission go to the European Court of Justice more quickly? Will countries which are obviously ignoring their control obligations under the existing legislation be prosecuted more quickly and suffer appropriate penalties? What is the position as regards controls in the Member States? Since the BSE crisis, we have established that the real Bermuda Triangle within the European Union is the system of controls in the Member States. We should be obliging all Member States to, at last, make the process more transparent and to tell us how many people are carrying out controls on what, when, where and with what result. That can just be one page, nice and transparent, available to anyone, and on the Internet if you like. Is that too much to ask? No, it is not too much to ask!

We have been saying for years – since 1996 – that we want a positive list of substances and additives in animal feed. Commissioner Byrne told us that the feasibility study is almost complete, so we should be able to start soon. I am grateful for that. However, if we do not all accept that up to now we have been consistently turning a blind eye so that animal feed can be produced cheaply and so that meat can be produced cheaply, then we will still be encouraging firms to dump all kinds of waste, anything that can no longer be recycled in any other way, in animal feed. That is why we need to have quality requirements for animal feeds. We need to have other controls on animal protein. And in our role as consumers, we ourselves also need to consider what we are consuming and how, and what we are willing to pay for products.

(Applause)

4-008

Mulder (ELDR). – *(NL)* Mr President, food safety will, without a doubt, be high on the agenda in the coming years. If we consider the recent scandals, the big question is whether the Commission would have been able to prevent them. The Food

and Veterinary Office in Dublin has been in existence for a number of years. What kind of inspections does it carry out precisely? How often are they carried out? Is there room for improvement? Would the Commission be able to comment on this? The imports of food, of meat from other countries, have already been mentioned. Does the Food and Veterinary Office in Dublin have sufficient staff to inspect them?

I should also like to raise the issue of the Food Safety Authority. Once this is fully up and running, it will need to analyse all the production processes and see whether they can be improved. This Authority will also need to issue recommendations to the Food and Veterinary Office in Dublin about the way in which the inspection procedures can be improved still further. In fact, cooperation with the Member States will also be required. However, the most important thing is for the Office to perform its task of implementing existing legislation well. In the light of increasing liberalisation, we will obviously be facing ever growing imports and, in my view, ever greater risks as a result.

Another issue is production in Europe itself. The idea that the entire production chain is to be monitored is increasingly taking root in different countries. This is referred to as 'integrated production'. Why does the Commission not prescribe any standards in this respect? What exactly is integrated production in a European context? How can we monitor every link in the production chain? There is legislation in Europe governing organic production in which this is laid down. In a slightly different area, there is legislation in Europe which defines precisely what regional products are. Why, therefore, do we not have legislation which identifies what integrated production is by means of a quality mark? Then we would be able to trace everything promptly. Moreover, the European consumer would be able to express a preference for European products from European farmers.

4-009

Fiebiger (GUE/NGL). – (DE) Mr President, there is no doubt that there are a great many weaknesses in our food controls, and food safety is an unacceptably low priority. The revision of the directive on food may help to significantly change this situation. This is particularly necessary given the growing worldwide trend towards producing food by artificial means. There are at present no universal controls on the value-added chain, and awareness of state food controls needs to be increased.

There will certainly be an improvement in this state of affairs if we can succeed in involving the agricultural industry, the animal feed industry and those engaged in the monitoring of food. That will not be a simple task as those in positions of responsibility throughout the chain have a very negative attitude. State controls are necessary, but we need to create better incentives for promoting voluntary self-regulation and self-regulation under civil law. State controls can then focus on the high-risk companies and farms that will always exist. It is not acceptable, when products have been placed on the market contrary to health regulations, for this to be declared the result of a production accident and the products withdrawn under covert or open buy-back schemes so that they will simply be forgotten.

As we know from past experience, it tends to be very difficult to clarify the facts of such cases rapidly and rigorously. Compulsory reporting of what are labelled as serious health risks is clearly not enough. In Mecklenburg-Western Pomerania 320 farms were temporarily closed because of suspected contamination with Nitrofen, but the discovery of this scandal and the attendant publicity were remarkable not so much because of the number of cases as because of the nature of the crisis.

4-010

Staes (Verts/ALE). – (NL) Mr President, Commissioner, ladies and gentlemen, we have already observed that moments of crisis are, more often than not, moments from which policy-makers should draw lessons. They are also moments when we learn a great deal about society. Mrs Roth-Behrendt and Mr Bowis pointed out that, apparently, there are people in the food industry who act irresponsibly and are careless, and for whom only the gross profits, pure financial gain and greed count. What lessons can I and my group draw from the nitrofen case in Germany and the Whyeth Pharmaceutical/Bioland case in Ireland and Belgium?

First of all, we need to prevent products entering the human and animal food chain which originate from recycled waste, and inspection must also be stepped up, including in respect of the waste flow of the chemical and pharmaceutical industries. In my own country – and I assume that this is the case in most – we need to work towards better cooperation between the services that monitor the food chain and the services that manage the waste flows. I am pleased, Commissioner, that you have come to the same conclusion.

Secondly, there is a European Rapid Alert System that also applies to animal feed, and that, I believe, is functioning well at the moment. Should we not insist that our national and regional counterparts adopt a kind of rapid alert system internally within the Member States too, and certainly in federal Member States such as Germany and Belgium where the powers are spread across different authorities?

Thirdly, we must introduce a system of perfect traceability of raw materials that end up in the food chain.

Fourthly, and this is something which my group has advocated, we ban by law all practices that do not yield any extra nutritional value or any extra advantage to the consumer, or that are superfluous from a technical point of view.

Fifthly, it is clear that the number of inspections needs to be increased. They must also be diversified, for we can only find something if we look for it. This was made abundantly clear in Germany's nitrofen case when the organic sector decided to carry out voluntary checks.

Sixthly, I would push for producer liability to play its full part. The whole debate on environmental liability must be speeded up and we must bring it to a more rapid conclusion. Finally, Commissioner, I would once again urge the Commission to draw up of a positive list of products allowed in cattle feed. You have announced that this is to be the subject of a feasibility study. I would expressly ask you what progress is being made on this matter. Finally, there are quite a few comic characters in the food industry, and only a well-organised authority with strict inspections can rid the industry of these characters once and for all.

4-011

Hyland (UEN). – Mr President, there are many examples of this Parliament and the institutions responding with urgency to matters of public concern and none more so than in the area of food safety and consumer protection. In this regard I compliment the Commissioner on his response to the most recent scare and share fully his views with regard to what has happened.

While the number of incidents proportionate to the volume of quality food produced is minimal, the negative impact on consumers is considerable. Restoring confidence in the food chain has been a slow, tedious and indeed expensive process. Thankfully the measures put in place are proving their effectiveness and there is now an acute awareness on the part of all involved, from producers to processors, from the retail to the catering trade, that any breach of the regulations is unacceptable and will be severely dealt with.

It is important to put on the record that, while EU consumers always had access to quality food, the effectiveness of new controls and greater transparency in the food chain provide the additional safeguards necessary to allay fears resulting from isolated incidents and indeed the unforgivable incident which this House is addressing this morning.

4-012

Keppelhoff-Wiechert (PPE-DE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, I believe that you cannot control safety – you have to create it. Listening to today's debate on food safety, I fear that we have not come very far in recent years. Producers and consumers have the same objective, we are all in the same boat, so it is not just consumers that are affected but the producers themselves as well. As I see it, consumers are quite right to be alarmed by the serious problems we have had recently, the string of scandals that have already been mentioned – BSE, dioxin, Nitrofen – it is a very long list. Ultimately, however, the weakest link in the chain is always the farmer, the producer, who has taken a battering because of the price situation. That is why the agricultural sector has a particularly great interest in achieving high quality in the upstream market.

I am at present rapporteur on the issue of additives in animal feed. Commissioner, I am certainly in agreement with you in calling for very stringent measures to be applied to a wide variety of additives. We are talking here about antibiotics and coccidiostatic drugs. I have just been discussing this with some of your colleagues. As a practical person, I firmly believe that we got things adequately sorted out on paper a long time ago but, in practice, when it comes to implementation and control, I regret to say that we will still have a lot of black sheep to deal with in future. We will only make progress here if the control system involves tougher sanctions. As I see it, those who are too slack deserve to be pilloried and should have their quota withdrawn and their production units shut down.

Only if you point the way on this with our support can pressure be exerted to restore a reasonable situation in the European Union, one in which producers and consumers can process or consume food in the knowledge that it is safe and we can maintain the high quality of food that we have in the future as well.

I would like to fully support Mrs Roth-Behrendt's proposals, but we have spent over 20 years talking about people's willingness to spend more money on food; it is just that the distribution process has totally changed. We need to be honest about the fact that many people simply cannot afford it. They want it all. They want not just to eat and drink, they also want to go on holiday, to travel, and so on and so forth. That is why we have food that is virtually free.

4-013

Whitehead (PSE). – Mr President, I am sure that the Commissioner attends these events with a heavy heart, because he is responsible not just for the food chain and the feed chain but also the worst chain of all, the contamination chain. One of the problems we face in this House is that we often orate about how everything should be perfect without always ourselves being willing to seek the means to go with the ends: the means to allow us to have an effective FVO, which at the moment is overstretched and understaffed; the means to have a proper process of scrutiny whereby every Member State, great or small, whether its population is a few hundred thousand or many millions, takes equal precautions and provides equal

information. That has not happened in some of the cases here and I appreciate the difficulties that the Commissioner faces as a result.

In regard to the scandal about the presence of nitrofen in grains for organic chickens, we know from information provided between May and July that not all of the Member States were informed with express speed about what had happened. Our information is that in regard to contaminated pork – to pigs that had been fed with these appalling materials – four Member States had purchased and no doubt their citizens had consumed some of the contaminated pork before the process of control was effectively operating.

The controls are now better and, as a result of the Standing Committee on the Food Chain and Animal Health being set up in February and the evidence it collates, we can now say that we have a rapid-alert system that ought to work. That is the Commissioner's responsibility, so we commend him on it.

The question is whether the Member States are providing sufficient information. Can they be trusted to bring their own rogue operators under control? I do not know. I should like to hear from the Commissioner whether he believes the resources are there. Mr Bowis said earlier that all the institutions have been dilatory and slow in setting up EFSA. It is going to come into operation later than we had hoped. Is that one of the reasons why we are having to wait longer to get these positive lists of feed materials and the general hygiene rules which follow from the reforms we so enthusiastically greeted last year? I hope that the Commissioner can tell us that proper investigations are proceeding in all the Member States as to why organisations like Bioland could perpetrate the scandals they did.

4-014

Graefe zu Baringdorf (Verts/ALE). – (DE) Mr President, Commissioner Byrne, animal feeds are, after all, food, and we need the positive list. You have been quoted in the German press as saying that there are thousands of substances that need to be tested. I hope that was a misquote, because if there really are thousands of substances added to animal feeds, that would be a scandal in itself. The number of additives needs to be limited and that should be implemented on a restrictive basis. After all, if the industry then comes along and says that it has forgotten a substance and makes the test available straight away, that substance can be added on.

Of course, the positive list does not mean that we have nothing to worry about. The fact that there are people willing to dispose of toxic materials by putting them in animal feeds because that is cheaper demonstrates a criminal intent which should be punished accordingly. That also convinces me – and I think we in this House are all agreed on this – that a simple ban is not enough. We need to consider what substances we are banning and what happens to them next. Mrs Roth-Behrendt has already pointed out that legislation on waste should be closely linked with controls, just as it should be linked with what we are discussing here, so that there is not any overlap. We have repeatedly seen cases of substances that really should be destroyed finding their way into animal feeds.

However, we should not throw the baby out with the bath water – please note, Mr President! We have already seen what can happen in the case of food waste. We also need to establish reasonable recycling arrangements where it is appropriate to do so. Yesterday, I visited a cat and dog food factory. When you see the meticulous controls applied there you realise that it is not a question of controls but rather of the sanctions that can be applied by consumers wielding their purchasing power against industry.

(Applause)

4-015

Oomen-Ruijten (PPE-DE). – (NL) Mr President, I wish to concur with what has been said by many of the previous speakers. I should also like to thank the Commissioner for what he has said. I do notice, however, that, although he is introducing a large number of measures, he fails to mention the best piece of news, namely that it was the farmers who discovered that something was wrong with their pigs, because their sows were not breeding properly. It is down to the farmers. This means, then, that there is a very important lesson we should draw from this, and that we should be aware that the inspection system, however effectively it has been set up, has failed thus far.

With all these fine measures that are now being proposed, I have one overriding question, and I believe that Mrs Roth-Behrendt has already mentioned it as well. How does waste legislation relate to what we do with our cattle feed? Who monitors this? Commissioner, if you say that, according to Commissioner Wallström, if waste legislation had been enforced, we would not be facing any problems now, then I think you should ask the Irish authorities why they did not verify that these hormones landed up in a waste processor in an improper manner. Why did they subsequently not check at the border that these hormones were being exported to a company which should raise question marks, at any rate in Belgium? This means, therefore, that in this respect, the Irish and the Belgians have dropped major clangers.

Mr President, why – and I am also speaking on behalf of my own country – did we fail to check these companies when we know that, in addition to manure, they also produce their own feed and that they are already shrouded in great suspicion?

What about product liability legislation? I hope that those who lost out will be receiving compensation from the governments responsible.

4-016

Müller, Emilia Franziska (PPE-DE). – (DE) Mr President, Commissioner, ladies and gentlemen, high-quality food is produced nowadays and it has to meet a wide range of requirements. An enormous variety of food is on offer, including food from widely varying countries outside the European Union. Our guiding principle should continue to be that our food should be safe and of a high quality, in order to ensure that consumers are protected. Food is the most basic prerequisite for people's health and quality of life.

Nevertheless, past scandals have unsettled and frightened consumers enormously. For example, I find it irresponsible that dishonest pharmaceutical companies should dispose of hormone products through animal feed and food, turning consumers into walking rubbish bins. I find it absolutely horrifying that metroxyprogesteronacetate is present in sugar syrup and soft drinks! I would like to ask, Commissioner, what legal steps have now been taken to prevent this recurring in the future.

I welcome the new European Food Safety Authority as an early warning system for Europe and as an efficient crisis management system coordinated between the Commission and the Member States. I am, however, concerned that the EU's controls should work properly. The network should be extended to provide better information and the reporting obligation for companies should be brought in as quickly as possible so that goods and products are withdrawn from the market if they are harmful.

What has the Commission done in the meantime to implement this, and to ensure greater transparency and traceability? We need to protect consumers, and that applies to imports as well. That is why I believe it is a matter of urgent necessity to introduce control systems for food as quickly as possible in the countries of Central and Eastern Europe too, including those cases where food is already produced in accordance with European standards. However, to allow consumers to decide for themselves what they want, we need to ensure that we have practical and clear labelling both for conventionally produced food and for genetically modified food. I firmly believe that we need to set the course for this as soon as possible.

4-017

Flemming (PPE-DE). – (DE) Mr President, for the public, health and healthy food are the top priority. But how am I as a consumer to know if a particular food is healthy? Just looking certainly is not enough. An apple with wormholes in it can be far healthier than a shiny, beautifully round apple. The agricultural sector – and this does not just apply to Austria – professes to observe the principles of food safety, traceability and hygiene.

For me, this debate is an opportunity to champion the cause of small farms, because it is always in the big, industrialised concerns, which really have very little in common with farms, that scandals occur. Nevertheless, small farms are still at the mercy of animal feed producers and vets who can prescribe all sorts of hormones and other drugs.

One thing is certain: the controls have not worked. You can, of course, turn things round however you want and say, yes, we just need even stricter rules. But if we are not even enforcing the existing rules, how are we going to cope with even stricter ones? It will not help at all. Whatever legislation we enact will remain a paper tiger if we do not enforce it. As I see it, controlling the enforcers should be a job for the Commission. You cannot just turn your back on this problem. Cheap food may be good for winning the next election, but it is not good for public health, and I think the public knows that too.

I would like to stress once more that strict rules and regulations and comprehensive documentation of controls are certainly important for big companies. But it would be pointless to harass small family farms with this. To be quite specific, very small food-processing companies need more information and motivation and less bureaucracy and documentation. There is no denying that not only is preventing food crises extremely important for the future of farmers, it is also highly important for the future of public health in the European Union. I believe, Commissioner, that we have not yet found the right way of achieving this.

4-018

Byrne, Commission. – Mr President, a number of speakers have referred to the problem of waste and waste policy. We will have an opportunity to discuss this issue later this month in Parliament when we adopt the animal by-products regulation. This hugely important piece of legislation will ensure that one key sector in particular, animal by-products, is better regulated.

The positive list was referred to by a number of people. I shall say something about that. The Commission will shortly present the study which has been undertaken on the positive list. This will be presented to Parliament and our views on the feasibility of such a list will be made available for discussion here in Parliament at that time. But we should bear in mind that a positive list would not include MPA. It would not, therefore, have prevented the recent contamination. MPA should not be on the list; it will never be approved and therefore the positive list is not the full answer. However, I recognise that a

number of people in this House are anxious for progress to be made on this issue and this will be discussed in Parliament before the end of the year.

A number of people also mentioned the Food Safety Authority. The work is ongoing there and, as we all know, the board has been established. Further steps have been taken on the appointment of the executive director. The board will hold its first meeting very soon on 18 September. In relation to further progress on the Food Safety Authority, if Parliament would make the appropriations requested by the Commission available to us, this would facilitate our work. I know that there are reasons why Parliament feels it wants to hold back this money as leverage for something else, but that may or may not be legitimate. It does nothing to facilitate the establishment of the Food Safety Authority and ensure that it is up and running and carrying out its work. I would appeal to Parliament to reconsider its position on these appropriations.

Some other points were raised by individual Members and I hope I can pick them all up but if I do not, please forgive me. Mr Bowis made reference to growth promoters. We can safely conclude that the contamination we are talking about this morning was not due to illegal use to increase the weight of pigs. Such use, that is the use of hormones as growth promoters, is illegal.

As I have already said, the Commission will be presenting a major proposal on controls shortly. This is aimed primarily at improving the implementation of our existing legislation. I intend in particular to increase the penalties and the cost of non-compliance.

I think we all agree that we must make it painful and costly for Member States and producers if they fail to implement Community legislation.

Mrs Roth-Behrendt made a number of relevant points. She is 100% right: feed must not serve as the dustbin for waste producers. Several of the recent major food-safety crises have originated from waste management: dioxin, the recent nitrofen crisis in Germany, sludge and now MPA and BSE. They are all associated with the feed issue.

As I have already said, we must improve contacts between the Member States on the treatment and disposal of waste – a controversial issue in a number of Member States but, nonetheless, one that has to be addressed with courage and effectiveness.

Mr Mulder referred to the Food and Veterinary Office. It is doing a very good job in ensuring compliance with Community law. Its reports continue to highlight the serious shortcomings in the implementation of legislation. It could do with more resources, but that is an issue for the budgetary authority. I am unhappy with the follow-up to the FAO's recommendations in a number of areas. This is why the Commission is coming forward with a new proposal to improve controls. As I have said repeatedly, we must make it painful and costly not to respect Community law.

Mr Mulder mentioned a quality mark. This may be valuable but it has its limitations. Like legislation, quality marks are only effective if the qualifying conditions are respected. In the Netherlands, for instance, feed producers undertook to use only safe ingredients as part of their quality assurance scheme. Clearly, they failed to respect this requirement. So quality marks may be useful but they have their limitations.

Mr Whitehead referred to the rapid alert system at Community level and this has worked very effectively in relation to the recent food-safety crises. In a number of cases – not just this one but also the nitrofen case – the system worked very effectively. The problems have occurred at the national level. As Mr Whitehead suggests, in the recent nitrofen crisis in Germany there were clear failings in the notification of national authorities. Very often that occurs because of the federal structure that exists in a number of our Member States. Mr Staes also made the point that those Member States that have a federal structure really need to look at their systems of rapid alert to ensure that they match what we have at Community level. For instance, the Commission immediately notified Member States when it learned of this particular contamination.

Mrs Oomen-Ruijten then referred to a number of points that I would like to take up. Commissioner Wallström and I have written to the Irish authorities requesting a full and comprehensive reply to the question marks as to their compliance with the relevant Community legislation. This legislation requires formal notification of the movement of pharmaceutical waste, which does not appear to have happened in this instance. In the light of the reply I expect to have from the Irish authorities later this month we will then be in a position to return to this issue. When that reply comes in it will be examined closely and any further action that needs to be taken will be addressed at that time.

(Applause)

4-019

President. – Thank you Commissioner Byrne.

The debate is closed.

4-020

European Area of Lifelong Learning

4-021

President. – The next item is the report (A5-0224/2002) by Mrs Van Brempt, on behalf of the Committee on Culture, Youth, Education, the Media and Sport, on the Commission communication on Making a European Area of Lifelong Learning a Reality [COM(2001) 678 – C5-0165/2002 – 2002/2073(COS)].

4-022

Van Brempt (PSE), rapporteur. – (NL) Mr President, Commissioner, ladies and gentlemen, today we are discussing a report on an area for lifelong learning. This report forms part of a process started a few years ago which has already received some attention at the Stockholm and Lisbon European Councils, for example. However, it was primarily the Feira European Council that concluded that lifelong learning would be crucial to the development of our European society in terms of social cohesion, employment opportunities and suchlike. It also called on the Member States, the Commission and Parliament to develop strategies and a policy. It is in this framework that we now view the Commission communication and, particularly, the memorandum that was published prior to this.

I should now like to take some time to consider the areas of attention which Parliament highlights in its report. Allow me to start with the principles on which the concept of lifelong learning should be based. This is a matter of great importance and often discussed, but the question is: are we using the same guiding principles? We have already underlined a number of these principles in Parliament's first report. I shall outline them here very quickly.

The first is democratisation and the principle of equality – of crucial importance, in my view. If we fail to provide better and equal access to education and training via lifelong learning, then we have failed in our objective. Everyone knows that there is a yawning chasm between the highly qualified and the poorly qualified. If we cannot reduce this chasm and do not succeed in doing this via lifelong learning, then we have failed.

A second crucial principle is, in fact, the right to individual personality development. This does not only encompass lifelong learning, it also recognises the wider social value of lifelong learning. This is about the right to work on one's own personality development without necessarily focusing on the jobs. In addition, we need to strike the right balance between, on the one hand, a right that we have to create for our citizens, a right that we, as a government, must be able to make reality on the basis of our own resources, and, on the other hand, the individual's duties and responsibility.

A second vital aspect which still needs a great deal of attention – and I am addressing the Commission, in particular, here – is formal and informal learning. Formal learning is very important in the Union, because we need to ensure that our citizens' qualifications are also recognised in Member States other than their own and that the citizens know that their qualifications are equivalent elsewhere. This is why the Commission has proposed the European curriculum vitae, to be replaced in due course by the portfolio system. I welcome these, but they strike me as somewhat vague and the link with informal learning is distinctly missing.

Informal learning is precisely what this is all about. We must ensure that we can validate, certify and also verify informal competences, or the competences acquired elsewhere, for this is, once again, the key difference between those who have a qualification and who can build on it, and those who do not have a qualification, those who have already dropped out. We could incorporate the latter by recognising informal learning. In this area, the Commission still has a great deal of work to do, Commissioner, for we are, in fact, nowhere at the moment. Along with my fellow MEPs, I trust that you, together with the Member States, will develop the instruments required for this purpose.

I have already mentioned individual personality development and the fact that not only is lifelong learning important, it is important to recognise its wider social value too. In my first report, and now in the second report as well, I have introduced the concept of the individual learning account. We would very explicitly ask the Commission to look into this and consider, working together with the European Investment Bank, whether we could not free up resources to invest in what is so valuable to us, namely our human capital.

I would like to finish off with a few critical remarks. I notice that we in the Union are capable of formulating clear objectives, or even of enforcing them. The Maastricht standard, the employment strategies and the benchmarks all prove this point. In the field of scientific research, we have the courage to introduce a benchmark, but we are clearly lacking the political courage to do this for education and lifelong learning. This is, in fact, causing me concern, for I do believe that it is vital that we should do this.

On a final note, I should like to say that we must find a new way of describing 'lifelong learning' as a matter of urgency, for it sounds like a sentence. If we have to say to our school leavers: you have done well, you have your qualifications now and you can now learn for the rest of your lives, then this will hardly motivate them. We can write the finest speeches and adopt the finest policies, but if our people and our students refuse to cooperate, then I fear, Commissioner, that these words

will not be translated into action. And this is exactly what we need to avoid. I therefore suggest we might need to involve a communications agency that can produce a different name for lifelong learning.

4-023

President. – There are so many experts here that there is no need for recourse to an external office. I am sure one of us will be able to come up with the right solution.

4-024

Reding, Commission. – (FR) Mr President, ladies and gentlemen, I should like, first of all, to thank the Committee on Culture, Youth, Education, the Media and Sport, and particularly its rapporteur, for its commitment and also for the constructive criticism that has been made. This report confirms, if confirmation were needed, the importance that Parliament attaches to our action in the field of lifelong learning.

I am also pleased to note that Parliament supports the broad principles that the Commission has emphasised in its communication, in particular with regard to the broad objectives that lifelong learning seeks to achieve and the need for every citizen, and I stress, every citizen, to have access to education and to lifelong learning. We know that, today, we are far from achieving the target: only 8% of European adults have access to lifelong learning and almost two out of ten young people leave the educational system without any qualifications. This is an unsustainable situation common to all our Member States. On this matter, I am relieved to note that most of the ministers are addressing this problem, which is already a scandal, before the new school year starts. What is needed, therefore, to resolve these two problems – education and lifelong learning – is the mobilisation of all the actors involved and of the financial resources needed.

Mr President, Parliament addresses a number of points in its report. I should like to highlight three of them: basic skills, investment and the European area of education and lifelong learning. With regard to basic skills, our objective is clear: every European citizen must have these skills in order to be able to learn, work and live in the knowledge-based society. I say ‘live’ because personal development and the capacity to play a role in our society, in our democracies are also important. I am thinking, in particular, of the most disadvantaged, who also have to learn to read, write and count. We know, however, that illiteracy is still a major problem and that the main obstacle to social integration, as Mrs Hermange’s report also emphasised, is this lack of basic knowledge. I shall also add to this basic knowledge the ‘digital divide’ between those who have access to the new technologies and those who do not. Lastly, I should like, if I may, to return to one of my favourite themes: the failure to acquire foreign language skills and the lack of personal and social skills.

The Member States and the Commission are currently working on the issue of basic skills by implementing the work programme on objectives for education and training systems. Together, we have identified the basic skills needed and there will be an exchange of best practices in order to see, together, what works, what does not work, what can be done by certain people and what must be worked on by everyone. The conclusions of this work will be included in the interim report which the Education Council and the Commission present at the European Council in spring 2004. Mr Chairman of the Committee on Culture, as promised, your committee will be involved in this.

My second point is funding. This is a delicate matter, as you know, for which the Member States are largely responsible. If we want to create a genuine system of lifelong learning, if we want to translate our political ambitions into practical actions, we, not only the Member States but also the social partners, will clearly have to spend more. It is indeed true, Mrs Van Brempt, that where lifelong learning is concerned, we are leaving the framework of formal education and entering that of informal education, and, as a result, are working with partners which are not traditionally academic.

We must, therefore, start by defining national strategies. In this field, the Member States have made some progress, especially those which lagged the furthest behind. What needs to be done now is to improve the coherence of the strategies – a coherence which is, most of the time, I am bound to say, lacking – and to translate these strategies into practical actions. This is where we must develop the partnerships that you underline in your report. Because lifelong learning is a shared responsibility, national strategies must be the result of agreements at all levels, including at the local level, and between all operators, in particular the social partners. Unfortunately, attempts to achieve this are very inconsistent and not nearly forceful enough.

My third point concerns the European area. Although responsibility for implementing these policies falls primarily to the Member States, the Community itself has a role to play in creating a European area of education and lifelong learning. An area in which citizens, whoever they are and whatever country they come from, can transfer their skills and their qualifications from one country to another, for the purpose of studying, training, working, getting involved or just living. We now know, and we have already discussed this on several occasions, that a number of obstacles to the creation of such an area exist, mainly with regard to the recognition of qualifications.

A great deal of progress has been made in this field, however, and rest assured, ladies and gentlemen, that the Commission is working on this, to ensure that we achieve the recognition of qualifications and that, especially in the field of vocational training, we are able to open up new perspectives and use new common working methods.

A political initiative has been taken to strengthen cooperation between Member States in the field of vocational training. This is generally known as the Bruges process, because it is in the beautiful city of Bruges that national ministers and the Commission decided to adopt this approach. Various projects are currently underway, such as that established by the former French Minister, Mr Mélenchon, which is a model of its kind. New initiatives are, therefore, being taken, progress is being made, and I must say that, despite all the difficulties that exist, governments are moving in the direction described because they have understood the absolute need for such measures.

At the next Education Council, which is due to take place in November, a resolution must be adopted. This will also be debated by the governments of the 30 countries that will be meeting at the end of the year. We will, therefore, be extending the issue of education and lifelong learning to encompass our future partners in the European Union.

As far as my own involvement is concerned, I shall say this: my staff are in the process of implementing the communication. A European website on the various options for learning will be up and running before the end of the year. In forthcoming weeks we shall be launching other actions such as the creation of European learning region networks and the establishment of a database on best practices. These will all be very practical measures because we have studied the problems and we understand them. We know what we need to do, so let us make a start!

(Applause)

4-025

IN THE CHAIR: MRS CEDERSCHIÖLD
Vice-President

4-026

Zorba (PSE), *draftsman of the opinion of the Committee on Industry, External Trade, Research and Energy*. – (EL) Madam President, Commissioner, ladies and gentlemen, I think that we are all agreed that lifelong learning is an important political tool and I would like to thank Mrs Van Brempt for not pulling her punches. Despite all our agreements, despite the fact that we all recognise that training and lifelong learning must be linked to the world of work if they are to yield any returns, we have a problem and there is a vacuum. Training and lifelong learning are based on education, which has huge problems of its own, and training cannot replace a poor education. We have huge inequalities between the Member States in the field of education, as the report acknowledges, and consequently we also have huge vacuums and huge problems in lifelong training.

One typical example is that we have yet to reach an agreement on what constitute basic skills in education. Whenever OECD statistics are published on the different countries, there is an outcry and there are some countries which find the criteria used hard to accept. Likewise, education systems need to be changed and improved. But what are we, the European Union, doing about it? We try to coordinate but do little else. That, I think, is a huge political shortcoming.

What are the Member States doing about their lifelong learning strategy? At least one in two Member States has no specific strategy and a strategy is vital if we are to have economic development, if we are to improve industry and mobility and if we are to improve unemployment programmes.

I think that one very important factor would be if the Member States were to set a budget. Similarly, lifelong learning should be able to reach the underprivileged, the unskilled, people who left school early, the unemployed and, of course, immigrants.

4-027

Schmid, Herman (GUE/NGL), *draftsman of the opinion of the Committee on Employment and Social Affairs*. – (SV) Madam President, we are busy drawing up long wish lists. We talk about the forthcoming knowledge society and about lifelong learning, and there are no limits to what we all want. However, this is only a kind of policy of piracy, since the reality of education policy in the Member States is completely different. Priorities have to be set and expenditure on education has to be weighed up against other forms of expenditure. Education budgets are being cut at the moment. It is not, therefore, very helpful if we sit here discussing our long lists.

Instead of drawing up long lists, we should prioritise. We should prioritise the most important items of expenditure. I agree with those who say that, if this is the case, we should prioritise the needs of the undereducated, for education exaggerates differences unless some sort of compensation is built in. I would point out, in particular, two aspects that I believe are important and that are perhaps not adequately stressed in the long lists.

First of all, there is a great need for proper vocational retraining. It is not enough to have a little training here, a bit of additional training there and an extra course there. Training is needed if people are to be able to shift from jobs that are no longer required – agricultural workers, lumberjacks or fishermen, for example – to jobs in an expanding service sector. A transition such as this cannot be achieved after a six-week course. Instead, long training programmes are required. Such

programmes are quite expensive, however, and it is consequently difficult to obtain political support for them, yet this is vital since we in Europe are facing major problems of structural change that will require radical job changes.

Secondly, I should like to emphasise training organisations or training on the job. This is, of course, mentioned in the Commission's justification, but it should be accorded greater attention. Since we know that it will be difficult to get funding for in-school training, it is extremely important that we try to create the kinds of organisations and jobs that provide scope for continuous training, education and learning as part of the labour process. It is difficult to send people on courses, but it is perhaps easier, cheaper and better to make sure that people can learn on the job. We can take the new IT sector as an example. All the small IT firms that sprang up in the 1990s could afford to let people experiment and learn in the workplace, and the IT sector was very successful. That is something we can learn from.

4-028

Karamanou (PSE), *draftsman of the opinion of the Committee on Women's Rights and Equal Opportunities*. – (EL) Madam President, Commissioner, there can be no doubt that, with the new order created by globalisation and the leaps and bounds being made in science and technology, the constant renewal of knowledge through lifelong learning is vital if we are to make the best possible use of human resources. This being so, we urgently need a European policy to give momentum to this sector and, from this point of view, I congratulate you on your initiatives, Commissioner, and I congratulate our rapporteur on her excellent report.

As the draftsman of the opinion of the Committee on Women's Rights and Equal Opportunities, I should like to point out that the only way of achieving a European policy on lifelong learning is to take serious account of the new order created by the mass, dynamic entry of women on to the job market. Women are currently the most dynamic force behind development because, as you know, two-thirds of the new jobs which it is estimated will be created over the next ten years will be filled by women. We therefore need to take serious account of the gender dimension when we take policy decisions and apply measures which will abolish direct and indirect discrimination against women, given that such discrimination always comes at the expense of the viable development and competitiveness of the economy.

An active lifelong learning policy needs to be designed with women's needs in mind, which means involving women, improving their skills, widening their professional choices, removing glass ceilings, ensuring there is a balance between men and women in the sciences and new technologies and abolishing gender-based divisions of the job market.

You spoke, Commissioner, of the digital divide. This digital divide applies mainly to women. We also need to give special attention to the most vulnerable groups of women, such as immigrants, women in rural areas and elderly women.

Last but not least, the gender mainstreaming policy and the need to reconcile family life and work must become part of the overall policy to promote lifelong learning.

4-029

Gutiérrez-Cortines (PPE-DE). – (ES) Mr President, I believe that lifelong learning has very often been defined as a priority objective. However, I feel that the effort being made by Europe is not really being reflected in the results. It is very difficult to establish these principles, to establish a system of quality evaluation, and to develop the right types of teaching so that lifelong learning can genuinely become a common basis throughout people's lives.

In this regard, I believe that the measures we should adopt should include an increase in monitoring and inspection and the clarification of quality indicators, and they should be of differing types, and, above all, it seems to me extremely important to ensure that training be established throughout the territory. This type of training is usually available in the big cities. Rural areas and the most distant extremes of the regions, on the other hand, are not usually so well served.

I believe that, from now on, we must implement a policy of proximity, of accessibility, and that really is sustainable development: bringing education closer to people and making it more flexible. Furthermore, there are huge numbers of complaints from companies that they cannot find qualified staff, and we have a very high level of unemployment given the economic situation supporting it too. In this respect, I believe that we must implement these expansion policies throughout the territory and prevent education causing people to be uprooted from their regions, as many women are because they have to move away to be educated.

4-030

Iivari (PSE). – (FI) Madam President, Commissioner, ladies and gentlemen, since the Lisbon Summit, education and training have become a more and more important part of EU strategy. Commissioner Reding has appropriately described the situation regarding education and training as undergoing a quiet revolution. This description is also true in a negative sense. The European Parliament and its Committee on Culture, Youth, Education, the Media and Sport have barely played any part in setting targets for education and training. Furthermore, the open coordination method that has been adopted in the education sector has caused the main focus of the debate to move away from the forum of democratically elected bodies to one made up of civil servants. Now that Kathleen Van Brempt has produced her excellent report, we have a good opportunity to talk about lifelong learning here in plenary.

An economy built on people's knowledge and skills will be more successful the more widely human resources are used. Ensuring that all our citizens keep up with developments as best they can is not only an ethically sustainable policy but also one that is wise and practical. Lifelong learning is becoming increasingly important with regard to citizens' participation, boosting employment and regeneration of the workforce. It would help employment and increase motivation if there were a clearer link between lifelong learning and qualifications based on the needs of industry. Nevertheless, I want to stress the importance of the point made in the Committee on Culture's report that lifelong learning is not merely a social necessity. It must also be a social right for everyone, irrespective of their age, sex or social background.

Equality of education is, for many reasons, very difficult to bring about. However, it is precisely education that is the path to equality. For that reason I wish to emphasise the need for setting special targets so that the provision of lifelong learning can be made to include people who failed to finish their secondary education, are untrained, have special needs and learning difficulties, or who are socially underprivileged. We should remember that a quality secondary education creates a basis for lifelong learning. It is not very realistic, for example, to consider demanding IT skills if a person's literacy and numeracy skills are inadequate.

Although it is the responsibility of Member States to organise education, we need practical European targets and measures. The Commission communication is a step in the right direction. We also have to try to achieve consensus on what the basic skills mentioned at Lisbon – knowledge of information and communication technologies, foreign languages, science, entrepreneurship and social skills – actually consist of. It is easier to achieve aims if we know what we are aiming at.

4-031

Sanders-ten Holte (ELDR). – *(NL)* Mr President, Commissioner, ladies and gentlemen, 1996 was the European Year of Lifelong Learning. In 2002, there are still more than a million people in the Netherlands who are functionally illiterate, and I think that the situation is not much better in other Member States. It is therefore for a good reason that the European Union – my congratulations to Mrs Reding, incidentally – is giving this topic so much attention. It might be an idea, after the Johannesburg Summit, to organise a world summit in Brussels on functional illiteracy.

Following the memorandum, and having defined the strategy and priorities, we are now about to make the European area for lifelong learning a reality. This receives my warm support. My group has always endorsed the rapporteur's previous reports and, I should like to thank her now for her sound report. I still have two minor observations to make.

Permanent education is a sweeping term and can range from teaching correct manners to very technical further training courses, from infant education to university courses. Anyone can become involved – all governments, all public establishments. Nevertheless, I should like to drive home the message that we should not lose sight of the quality of education. We may need to set up a quality evaluation programme for this purpose, as is done in regular education. I therefore endorse the request to exchange information, experiences and best practices at European level and to set up and maintain a European database. This will obviously require the support of the European Commission as a matter of vital necessity. Moreover, in this way, it is possible to reach mutual recognition with regard to credits, certificates and qualifications obtained, which is crucial to mobility.

I should also like to draw the attention to the importance of the citizens' own responsibility for their education. It is up to them to decide whether they want to work on it and thus enhance their chances within the labour market.

4-032

Caudron (GUE/NGL). – *(FR)* Madam President, Commissioner, ladies and gentlemen, having spoken yesterday evening on European citizenship, I am pleased to be able to speak this morning, on behalf of the GUE/NGL Group, on the matter of the European area of education and learning. The link is clear, and was, furthermore, emphasised by the Feira European Council, where it was stated that 'education and lifelong learning are an essential policy for the development of citizenship'.

Ladies and gentlemen, as everyone has said, education and learning must be accessible to everyone so that everyone has the same opportunities to find their place in society. As we know, however, we are a long way from achieving this objective. Inequalities become clear as soon as children enter the educational system, and are responsible for many academic failures, before breeding social exclusion in later life. This is a downward spiral and hence the vital importance of adopting a coordinated strategy at European level which provides access for every European citizen to a decent and sufficient minimum standard of education and of learning. The Commission communication attempts to respond to this ambitious project. Several proposals are, furthermore, of the greatest interest, even if they would benefit from being clarified and complemented by the provisions contained in Mrs Van Brempt's report, on which we are about to vote.

We welcome the fact that the Commission is advocating the right of every citizen, including those who have left school early, to acquire basic skills via free compensatory learning in later life. We also support the idea that the Commission should, working closely with the Member States, put in place a European framework to define the basic skills that all

pupils have to have acquired. With regard to training, I support the request for the Commission to implement clear strategies with adequate funding for the chapter concerning lifelong learning.

Finally, in order to create a European area of education, equal opportunities in the field of education and training must be guaranteed for everyone, in particular for women, through close cooperation between all the social actors concerned.

Furthermore, the integration programmes designed for immigrants should exist even for pre-school pupils.

I shall finish by very warmly congratulating Mrs Van Brempt on her work and her report and by pointing out that education and lifelong learning are not only a social necessity but a major social right too.

4-033

Ahern (Verts/ALE). – Mr President, we have come to depend in the 21st century on what we call a knowledge based economy and the information society. However, not everyone has access to this knowledge base. The proposals on lifelong learning are an emerging response to this deficit, but only an emerging one. It is not simply a matter of training for particular job skills, although people with a low educational base face a higher risk of unemployment and such inequalities of education need to be particularly targeted in the case of both women and men.

Training cannot replace a poor education and there is considerable risk that those with a strong education base will benefit further from lifelong learning and those without it will become even further marginalised. This should be of particular concern.

The proposals are encouraging, but it is far from clear how they will be implemented and funded. Here, the rapporteur has done an excellent job in firming up rather vague proposals. This is not the fault of the Commissioner, whose commitment is not in doubt, but is due to the difficulties in coordinating education across the Member States when there is no clear European responsibility.

4-034

Blokland (EDD). – (NL) Mr President, I hope to be 60 next year, an age at which I used to think that one could quietly wait for retirement, but nothing could be further from the truth. In fact, I am constantly having to learn about new things in order to be able to continue to do my job. What is more, I am also having to remain abreast of the latest developments in order to be able to communicate by e-mail with my children and grandchildren. I still learn something new every day using my computer.

Lifelong learning is therefore not a policy model; it is a fact. I subscribe to the need for lifelong learning. Accordingly, I consider it necessary for the government to adopt a proactive stance in order to enable the public to acquire new knowledge continuously. The current policy in many Member States leaves something to be desired in this respect. The measures are aimed at employers, local councils and benefit agencies, but not at motivating the individual citizen.

The best approach is one whereby the government pays for the education that a person receives before entering the labour market. Thereafter, employees should be responsible for their own development. In this context, the government and employers need to ensure that the right preconditions and financial support are in place.

Within Europe, we will then be able to establish these preconditions together in order to guarantee the public – even those reaching retirement age – ongoing participation in the labour process.

4-035

De Sarnez (PPE-DE). – (FR) Madam President, I should like, first of all, to thank the Commission for having proposed a clearly defined strategy in the field of lifelong learning, as well as the rapporteur, Mrs Van Brempt. We had great expectations for this communication because we all knew that the Member States had made almost no progress in the field since the Lisbon Council. If we genuinely wish to create a Europe of knowledge by encouraging equal opportunities, it is crucial to offer every citizen of the Union equal access to education and to lifelong learning. With a view to the translation of this strategy into practical action, I shall focus on a number of points.

First of all, we must make efforts in the area of the recognition and transferability of learning and qualifications by making use of already existing networks or by creating new ones.

Secondly, access to lifelong learning must be provided for all employees and for jobseekers. It therefore falls to the Commission to promote all Member State initiatives in this area and, wherever possible, to propose specific programmes designed, for example, for jobseekers or for young people without qualifications.

Thirdly, it is crucial to agree on a target for annual expenditure in the field of education and lifelong learning and to provide fiscal or other incentives to encourage investment by employers and individual citizens.

Finally, I wish to focus on the European dimension of education and training, which requires mastery of a second language. All the institutions and the Member States must pursue their efforts in this field so that there is a proper follow-up to the European Year of Languages. The European area of education and lifelong learning is a huge workshop and we must establish it without delay to enable all of our fellow citizens to benefit more from this right to learn.

4-036

Gröner (PSE). – *(DE)* Madam President, Commissioner, ladies and gentlemen, creating an area of lifelong learning means taking active steps to guarantee equality of opportunity for all population groups. The European Union cannot realistically achieve that alone, considering that 1% of the total budget is invested in culture and education. Something would need to change there too. What is more, there is often a narrow-minded anxiety in the Member States, in Germany's *Länder* for example, as regards cultural sovereignty. They feel that their cultural sovereignty is being threatened when the EU makes pronouncements about education policy.

The results of the Pisa Study should have opened people's eyes. Finland has achieved excellent results in practising lifelong learning, beating Germany with its achievement principle in the first phase of education, which often blocks people's path to further education. So we can learn from each other. We should draw up training plans for new developments relating to the electronic revolution, in industry as well. We should extend education centres. The rapporteur has proposed individual learning accounts. The key issues here are exchanges of information and experience. We need to have recognised, guaranteed systems for mutual recognition of final examinations. That needs to be developed.

We need to gear what is on offer towards specific groups, for example mothers returning to work, for single parents who need childcare arrangements, for migrant workers, and for people in rural areas. The Commission and the Member States should focus on this in a coordinated way, and particularly careful attention needs to be paid to the gender mainstreaming approach for lifelong learning. We also need to take advantage of all possible instruments, such as loans from the EIB, in order to extend our educational systems so as to create a modern and efficient educational system. We need to involve the informal sector and accelerate the political process of adult education, we need a new learning culture to secure sustainable development of the most precious resource at our disposal – people and their minds.

4-037

Sbarbati (ELDR). – *(IT)* Madam President, I too would like to congratulate the rapporteur on this excellent report. I do, however, have a few comments to make. We are certainly following the approach called for at Feira, but I have heard some speakers, including a colleague from my group, mention illiteracy. I would like to draw the attention of the House to this specific point: there is a disturbing degree of returning illiteracy affecting a large part of our European population as regards new technologies and new languages.

The Commissioner mentioned 'living' in the knowledge-based society. Of course, living means interacting, but living also and above all means communicating, for, nowadays, it is those who communicate who count in society. In order to communicate, a person needs both knowledge and the ability to communicate, which means being in possession of the tools of communication – languages. This is the area where we have to make progress. This is what we must concentrate on.

One consideration is training and another is teaching. If we want high-quality teaching, we must take steps to establish a common basic curriculum and review all the European education systems. As regards training, then, the individual States must strengthen these national agreements on training, working together with local communities, businesses, firms and all those who invest in the training of the young and not so young.

I certainly support lifelong training, but I feel that if specific preparation, specific training in learning skills is not provided at the appropriate age, namely during school years, we will have even less chance of success with adults who are no longer open to learning. There therefore needs to be a whole strategy for strengthening primary and secondary education, and we can introduce lifelong learning measures after that.

I would like to end with the comment that our countries spend less than 5% of GDP on teaching and training. It may well be that the Commission needs to take action and prepare the ground for a political and cultural debate at European level, because the knowledge-based Europe, the Europe of culture, the Europe of values, can only become reality if we invest more and differently in training ...

(The President cut the speaker off)

4-038

Sylla (GUE/NGL). – *(FR)* Madam President, Commissioner, ladies and gentlemen, if you think that education is too expensive, 'try ignorance!' as Abraham Lincoln said, and this is why I welcome the report by Mrs Van Brempt and the truth and relevance of the ideas she has just put forward.

As she has illustrated so well, in our societies, equal opportunities, personal development and the ability to take charge throughout one's life are dependent upon better access to education and training.

This report has the merit of reminding us of the essential issues in lifelong learning. It gives a precise definition of the vulnerable social groups that must have access to this process, namely the illiterate, immigrants, the handicapped, the unemployed and women finishing maternity leave.

I wish now to pay tribute to the fine work done by the Committee on Women's Rights and Equal Opportunities. Furthermore, this report reflects our societies, which are undergoing enormous changes and in which everyone can change career several times in their lifetime. If this report is rapidly implemented, it will be an opportunity for all men and women who think that progress in society is definitively blocked for them.

Certain shortcomings must, nevertheless, be mentioned. Mrs Karamanou has highlighted the disparities between men and women in access to training, but there are genuine shortcomings where the illiterate, immigrants, the handicapped and the long-term unemployed are concerned. The most crucial issue for me, ladies and gentlemen, is funding, because, although the Commission has currently earmarked more than EUR 500 million and will set aside an equivalent sum in 2006, and although the European Investment Bank intends to increase the budget earmarked for this area, the Member States, on the other hand, seem not to want to make any great effort on this matter.

Furthermore, it would be inappropriate, on such an important matter, to indulge in penny-pinching or, for example, to restructure already existing programmes, such as Leonardo and Socrates.

Finally Commissioner, I am categorically opposed, as I hope you are, to the idea that the price for even a tiny part of this education should be met by those who are precisely in greatest need of it. Let us bear in mind the phrase by Victor Hugo: 'Every school that is opened closes one more prison'.

Ladies and gentlemen, let us bear in mind that it is the most vulnerable people who must be concerned by lifelong learning. This gives enormous hope to them all, men and women, and perhaps a last chance too.

4-039

Karas (PPE-DE). – (DE) Madam President, Commissioner, ladies and gentlemen, there is an old German saying to the effect that you do not just learn for school, you learn for life. That saying really does not hold true any more, as it implies that learning is limited to school. We need to see school as a foundation for acquiring basic skills, and we have to educate people in school as a basis for lifelong learning if we are to meet the challenges of the modern age.

My second point is about the Lisbon objectives. We will not be able to become the most competitive continent in the world if we do not invest in human resources, which are our greatest asset. Competitiveness is not just about costs, it is about quality and about education and training, which are fundamental if we want a higher quality level of production, be quicker and reduce costs.

My third point is that we of course also need to attempt to define Europe's objectives. What do we as a continent want to achieve in terms of educational targets? There is another question linked to this issue about defining objectives: what are Europe's minimum standards that distinguish us from other continents and which we also want to achieve within the internal market in all the Member States despite varying levels of competence? The Pisa Study provides an important basis here, because it is comparative and includes a best practice model. However, we have four players: the Member States, employers and employees, the public and providers. They all need to work together, and not just on programmes but also as regards financing. That is why I welcome the proposal for a 'lifelong learning account'.

4-040

Prets (PSE). – (DE) Madam President, Commissioner, I would first like to comment on Mrs Van Brempt's proposal as rapporteur to replace the phrase 'lifelong learning'. It really does sound like a prison sentence and I would like to suggest an alternative straight away: 'learning for life'. It implies the same thing, but it does not sound negative, or like a prison sentence. Perhaps we could use that in future.

The report we have before us highlights many possibilities and this debate has also demonstrated how much we can and should do. I would also like to touch again on a few points that are not clear to me, and, in particular, the question of recognising formal qualifications. The Commission talks in one place about a voluntary minimum quality standard and in another place about a modular system that needs to be worked out by 2003 and which would allow people to combine different educational and vocational training establishments. The term 'voluntary' gives rise to a degree of uncertainty here: we need to clearly express what we want and what would result in mutual recognition.

We have already talked a great deal here about equality of opportunities, and about lifelong learning or learning for life. The fact that according to a Eurostat survey 16% of university graduates take advantage of further vocational training compared with only 2% of people with the lowest educational qualifications tells us that access to education should not

create inequalities but reduce them. We in this House need to help to overcome these barriers. Social exclusion and marginalisation need to be reduced by means of a new European project such as lifelong learning. The Lisbon Council set the target of making the EU the most competitive and dynamic knowledge-based economic area in the world. However, if we are to achieve this objective, everyone needs to be involved right from the start. Access to education and training should no longer be dependent on people's level of education, gender and nationality and on infrastructural issues.

(Applause)

4-041

Reding, Commission. – (FR) Madam President, I know that we are pressed for time and that I should state my position on all the very practical proposals made by the honourable Members. I cannot do this, but we have taken note of everything you have said and these are very practical and very useful proposals. I shall simply give a brief explanation of the actions that are planned for the next few months.

In November, the Commission will present a communication on indicators and benchmarks, which will serve to measure the progress made in the priority areas. And so you will have this communication, which will enable a real evaluation to be made of the practical measures that are adopted. Furthermore, with regard to basic skills, seven working groups are in the process, in collaboration with the Member States, of reaching agreement on the common criteria necessary to apply the benchmarks correctly and to evaluate the measures that have been adopted. This task is almost over now and things will therefore, move ahead rapidly.

Furthermore, in the field of vocational training, the situation will develop very quickly. Clearly, to achieve progress in the field, the social partners will need to be directly involved. I wish to add that the social partners and the Member States have given a commitment to establish common principles in the field of non-formal training, a task that we are striving to see through. I should also like to state that I am as shocked as anyone at the frightening number of people in our societies who can neither read nor write. I have understood your message: you would like us jointly to undertake a major action to combat illiteracy. Together with my staff, I shall study this proposal and perhaps the Commission and Parliament could then adopt a joint initiative on this matter.

(Applause)

4-042

President. – Thank you, Commissioner Reding.

The debate is closed.

The vote will take place today at 12 noon.

4-043

European learning area

4-044

President. – The next item is the report (A5-0183/2002) by Mrs Gutiérrez-Cortines, on behalf of the Committee on Culture, Youth, Education, the Media and Sport, on Universities and higher education in the European learning area [2001/2174(INI)].

4-045

Gutiérrez-Cortines (PPE-DE), rapporteur. – (ES) Madam President, I would like to thank the Committee on Culture, Youth, Education, the Media and Sport for having accepted this proposal to carry out a study on universities and higher education in the European area of knowledge. I must say that many ideas from my fellow Members of Parliament are taken up here, and I have listened extensively to the views of the European Students' Association and the European Universities' Association, as well as many other sectors and that, furthermore, a hearing has taken place.

However, before discussing the main issue, I would like to say that there are no amendments and that simply, in order to aid the reading of the text, I would ask the secretary for the plenary session to introduce two subtitles: 'European Area of Higher Education', before item 1 and 'Bologna Process', before item 5.

Why is it necessary to produce this report? There is a certain contradiction in Europe. For more than 1 500 years the universities have been an axis upon which European culture has been built. Furthermore, they have been the places where dialogue has been created, where scientific thought has been developed and where young people have been educated. But, nevertheless, curiously, we are seeing a process of distancing – which many call 'endogamy' – of universities from the system and the European Union, and the Commission itself and European policies are not taking sufficient account of the role the universities could play as consultants, institutions and conveyors in relation to the Community *acquis*. As well as being highly professional and independent, these institutions are established throughout the Union's territory and should be key references for civil society, as places for dialogue and debate and as support for the MEDA programmes and the

programmes of the candidate countries, as well as centres for training in many respects, even more than they are at the moment.

We are not therefore just addressing the Committee on Culture, which we know has created specific programmes on the universities, but the whole of the European Commission. We are therefore discussing the first European document on this issue.

By this I mean that, on the one hand, we invite the universities to come closer to Europe, to observe Europe and take an interest in European issues and, on the other, we invite the Commission to extend its relationship with them in all respects.

What are we asking for in the report? It is necessary to reinforce the creation of a European area of education and, to this end, the universities must be protagonists. Furthermore, we need them to take on the scientific and conceptual challenge facing Europe and its regions and nations. The universities must also be guardians and must be committed to quality and be the main protagonists and conveyors of the culture of hard work and open and transparent evaluation. Evaluation, transparency and quality should be the responsible reaction of these bodies which are generally funded with public money and in which society trusts to educate our future generations.

We support the Bologna process, starting with the universities themselves and with the Council, with all that it implies: mobility, recognition of qualifications, the creation of networks, etc.; but it is understood that, in order to achieve this convergence, both the recognition of qualifications and the increase in mobility amongst teachers, students and researchers, it is necessary to make admissions procedures more flexible and make the Bologna process itself more open, as well as the architecture of qualifications. In that way people will feel more comfortable and more at ease and it will be easier to take account of the diversity of problems posed by the different types of qualifications and research, as well as the varying characteristics of practical training.

The production of a Green Paper is also requested, because it is surprising how little we know about the situation of the universities. The indicators – the few available – in many cases show very negative figures; the universities are going through a great crisis: they have made a great effort to bring education closer to everybody, and they have often lost out in terms of competitiveness. They must be helped. We must recognise the research profession, promote research and create incentives so that students, when young, are initiated into these aspects; it is necessary to reward merit, mobility and results, and it is essential that the universities increase their role as centres for life-long learning. They must be centres for the spreading of technology and innovations, as well for the updating of knowledge.

It is also suggested that the presence of universities in the media be increased as well as the promotion of distance-learning universities – they have asked us for this – and at the same time that a 'centre for universities' be created, as a centre for the universities to meet so that their relations are not maintained via the Internet and at a cool distance, but that there may be a place in Europe for debate on universities.

4-046

Reding, Commission. – (FR) Madam President, I have taken note of the proposals of the rapporteur, Mrs Van Brempt, and of the Committee on Culture with very great interest. It is true that if we want to create this Europe of knowledge that we have been anxiously hoping for since Lisbon, we must integrate universities in a very real way.

This is the reason why my colleague responsible for research, Mr Busquin, and I are preparing a communication on the role of the universities in the Europe of knowledge, a role which cuts across research, education and innovation. With this communication, the Commission will take account of the ideas expressed in the present report, such as, for example, those concerning, doctoral studies. These studies must, in fact, be consolidated and 'europeanised'. I share the rapporteur's point of view on this matter.

We shall discuss the Bologna process, next year in September, at the major conference in Berlin. Until then, we shall have practical work to do. In fact, on 17 July, the Commission adopted the Erasmus World project, which will authorise the creation of links between our universities, at masters' degree level. We will thereby create cross-border university families, which will offer Europeans masters degrees and will be open to students and lecturers from other continents. This proposal has been submitted to Parliament and to the Council, under the codecision procedure.

We are thereby affirming our will to innovate and to strengthen our universities so that they once again become the centres of excellence that they have the potential to be and so that they contribute to making a reality the Europe of knowledge, which still exists in theory only.

Let us not forget that universities are themselves a collection of actors and institutions - schools, professional training, businesses, citizens - for whom the Commission's policy is intended.

We are relying on Parliament's support to achieve a Europe of knowledge which comprises all the various forces in intellectual society. Adopting the resolution, taking account of this global perspective, will mark a step in this direction. I thank you for the support that you have given to the action that we are in the process of undertaking.

4-047

Zabell (PPE-DE). – (ES) Madam President, Commissioner, I would firstly like to congratulate the rapporteur, our colleague, Mrs Gutiérrez-Cortines, because I believe she is the most suitable person to be rapporteur for this report on universities and higher education, and she has demonstrated her great experience in this field.

I would like to focus on sport. In Europe it is very difficult to combine studies with sport and this means that our young people eventually have to choose between the two. We parents naturally try to have an influence on this choice and we encourage them to choose studies instead of sport, since they seem to us to offer more security.

In other countries, such as the United States, sport and university studies are entirely compatible. And not only are they compatible, but a North American student actually has access to many more universities and opportunities thanks to sport than they would without it.

The European Union must promote sport in universities, both inside and outside the university itself. We must promote the participation of university teams in competitions between universities (regional, national, international, etc.) and perhaps – and why not? – we could apply part of the Erasmus programme, which is having great success, to providing mobility for university sports teams, as enjoyed by other students.

We must not forget that young people who divide their time between studies and sport are not left with much energy and time to indulge in other activities which we would all consider less advisable.

4-048

Vattimo (PSE). – (IT) Madam President, Mrs Gutiérrez-Cortines' excellent report is a milestone, for this is the first report tabled before Parliament to be so comprehensive and well-structured. There has been talk, particularly in recent years, following Lisbon, of the need to develop a knowledge-based Europe, but this has in many respects thus far remained just a good intention.

Those like myself who have experienced the effects of the Erasmus and Socrates programmes in universities know, despite the frequently limited scale of the programmes caused by lack of funding, how much impact they have had both in terms of widening the horizons of students and lecturers and in terms of creating extensive European awareness among the citizens, starting with the families of those who have benefited from the programmes.

Our task is now to extend the Union's attention and action to a large number of other aspects of higher education, most importantly encouraging the dissemination of the good practices of some countries in all the other countries of the Union, promoting the right of all the citizens to study irrespective of their financial situation, and this can be achieved by expanding public higher education, which is the only form of education which attracts investments that are not subject to the mindset of quick profits and which is therefore able to guarantee all the citizens access to higher education, which is necessary for the renewal of the ruling classes.

We must not disregard the fact that the supremacy of public universities in some countries of the Union is currently under threat from alarming privatisation trends, which are in danger of irreparably reducing the freedom of study and diminishing the quality of research and teaching, placing greater emphasis on income than on merit and ability.

The Gutiérrez-Cortines report takes this situation into account and contains a number of important proposals. I would like, *inter alia*, to point out that it calls upon the Commission to set up a 'European University House' providing the academic world – including students, lecturers and the various agencies operating in the sector – with an autonomous way of asserting their needs and making proposals. This would be an interesting example of the application of the principle of subsidiarity to a sector of European culture which is crucial to all our work.

4-049

Sanders-ten Holte (ELDR). – (NL) Madam President, Commissioner, ladies and gentlemen, I should first of all like to thank Mrs Gutiérrez-Cortines warmly for the effort she has made to write this own-initiative report. I could not agree more that knowledge is the key to competitiveness and economic and social development in Europe, but I certainly do not see eye to eye on all her conclusions.

Universities play a vital role when it comes to turning Europe into the most dynamic and competitive knowledge-based economy. It is therefore very important for them to maintain mutual contact and exchange information and experiences. The pre-condition is, however, that they should offer high-quality education in an attempt to create centres of excellence within the academic world. I completely share Mrs Gutiérrez-Cortines' view that the mobility of students, lecturers and researchers could be much improved. Administratively, many stumbling blocks could be removed. However, I cannot see

the good in the Commission and Member States having to promote the establishment of a European University Seat. Accordingly, it is not clear to me what role a representation of the Member States and of Parliament would be playing in this.

Another point, the validity of which passes me by, is the setting up of a separate European cultural university. Language and literature, philosophy and communication are already being taught at existing universities, while special academies cater for the arts. The report points at the need for an intercultural dialogue with the world's other regions. This is all well and good, but it does suggest that the existing universities are completely introspective and maintain no contact with the rest of the world, and this is simply no longer the case. I therefore fear, Mrs Gutiérrez-Cortines, that my group, despite the fact that we agree on certain aspects of the report, will be abstaining from the vote, since it cannot reconcile itself with the two above-mentioned points.

4-050

Alyssandrakis (GUE/NGL). – *(EL)* Madam President, Commissioner, ladies and gentlemen, universities in Greece are fast losing their academic credentials. Their basic functions are being privatised, they are increasingly controlled by business interests and they are forced to operate as enterprises subject to competition and the laws of the market in general. As a result, the standard of education provided is falling across the board.

The European Union is the main driving force in this direction and the report is right behind it. The Communist Party of Greece is radically opposed to the Bologna process, to private universities, to interventions via the Green Paper, to the so-called European area of higher education and, of course, to the creation of a seat of European universities, all of which eradicate independence and the free circulation of ideas.

We are fighting for state universities and state universities alone, subject to academic, not business control, which will meet grass-roots and social needs. We support cooperation between universities with due respect for the academic order.

Ladies and gentlemen, universities are not grocery stores. If we let them become so, we shall dash any hopes which young people have of acquiring a rounded education and any hope which society has of a better future.

4-051

Wyn (Verts/ALE). – Madam President, I very much welcome this initiative. It was a very necessary initiative and I commend it. Universities are the cornerstone of our societies, so encouraging universities, students and teachers to forge closer links and share experiences will play a crucial role in enriching our societies. It will also increase European competitiveness, because universities play an important role now in the business sector.

Many higher education establishments are already suffering a funding crisis and European Union higher education legislation will not be brought closer without proper financial commitment. I urge the Commission, the Council and Parliament to ensure this happens, because it is vital that this initiative is properly funded.

However, I would have liked to see more emphasis on the teaching of modern foreign languages, since linguistic barriers are one of the main impediments to mobility. In my own country, the UK, the compulsory teaching of foreign languages is being cut back. Providing an optional language is very important. I commend this report to the House and fully support it.

4-052

Mussa (UEN). – *(IT)* Madam President, I would like to congratulate Mrs Gutiérrez-Cortines on her particularly important report, for, as she herself has stressed, before us is the first document dedicated by the European Parliament to universities as recognised institutions.

I fully agree with Mrs Gutiérrez-Cortines that the time has come for Europe not just to fund but to manage and promote a model of education without frontiers at European level, restoring research to its institutional home, the university. I therefore feel I must stress the importance of consolidating the European higher education area, an assuredly important goal which, although involving the individual universities of the Member States, would affect neither their autonomy nor their cultural history while providing for what will, I am sure, be high-quality teaching.

Moreover, the movement of students, researchers and lecturers is an excellent way of bringing about exchanges of skills and of developing critical faculties, and has great social value, with a view to ensuring successful cultural integration in the future. I deeply believe that the establishment of a network of higher education and the results of research will not only bring reciprocal evaluation of performance but will make any monitoring process more cost-effective too.

It is therefore becoming increasingly important for the European Union to implement a support policy through the programming of funds for university research, bearing in mind that the task of a university as an institution is not just to teach but, above all, to carry out research and experiments, thus enhancing the role of researchers who would otherwise seek more professionally rewarding activities elsewhere, specifically in the United States.

Looking back at the funding hitherto appropriated for research by the European Union, I note that a huge amount has been dedicated to small and medium-sized enterprises, which are certainly important in the overall economies of our countries, while the sector of university research has been neglected.

I am afraid I must point out, on the basis of this analysis, that much of the research funded was then subcontracted precisely to university researchers for its implementation. I realise that many resources have certainly been made available to the European Union's universities thus far – the Fifth Framework Programme, the Sixth Framework Programme, Erasmus etc. – but we have a further task: to further convince those working on this document that it is time to restore to the institution of the universities their supreme role in research, acknowledging that they have performed this role for over 600 years and achieved excellent results, offering them for the benefit of the whole world without claiming property rights.

4-053

Farage (EDD). – Madam President, there is no doubt about the importance of universities and education. In fact, education itself is so important that Prime Minister Blair has said in the past that he only has three policies: education, education and education. But the high profile of education in the political arena makes universities and other institutions especially vulnerable to external pressure. Not for nothing do universities become one of the first targets of demagogues and dictators. The free thinkers and the independent spirits are soon removed.

Democracies also have a problem here because our educational establishments rely predominantly on the state for their funding and he who pays the piper seeks to call the tune. As a result we have seen increasing interference in our educational establishments.

This is also the case with the European Union. As more and more money destined for academia comes through the European institutions, the European piper is indeed now calling the European tune.

As I travel around British universities speaking to students, I see a rash of ring of stars flags and EU literature. But more worryingly, under the Jean Monnet programme I see the orthodoxies of the European Union now being taught in political science and in European history courses. Such is the grip of EU money that dissent from the perceived wisdom is treated almost as heresy. Unless the correct version of political history is submitted in their course work and in their examinations students now find themselves penalised in their exam marking.

Thus I view this report with some degree of dismay and trepidation. The European Union has its own key policies and they are integration, integration and yet more integration. That of course is why the European Union is so interested in universities and further education.

I have no doubt that this particular report is well meant but the creation of a European learning area and the prospect of yet more taxpayers' money being filtered through the EU into universities is a recipe for even more political interference. The independence of our universities is far too important for them to be sacrificed on the altar of political integration.

4-054

de La Perriere (NI). – (FR) Madam President, Mrs Gutiérrez-Cortines' report on universities and higher education in the European learning area is full of good intentions. We must ensure, however, that we do not fall into the trap of the dogmatic principle that is so dear to pro-European supporters: wherever there is a European area, everything must, without fail, be merged and blended together.

As far as universities are concerned, a great deal has already been done, particularly under the Socrates and Erasmus programmes, to encourage the mobility of students and teachers, the creation of joint courses, the scheduling of intensive courses as well as helping to set up thematic networks. Must we, however, go further down a centralising and bureaucratic route, which would introduce unique and rigid criteria in an area where the diversity of cultures, methods and concepts is the guarantee of a culture of quality, which is not tied to an ideology?

Up to now, Europe has done what it has had to do in this area by providing everyone with effective tools under the programmes I mentioned earlier. We must now develop original forms of cooperation, whilst respecting the freedoms and desires of each EU nation. Business and engineering schools provide an example of the success of schools which, independently of any European legal framework, have successfully managed to integrate themselves into this new area by freely organising joint reorientation classes, exchanges, subjects and degrees.

Is it up to Europe to decide what belongs to the private domain? Is it up to Europe to concern itself with sporting activities in universities? Is it up to Europe to define what must constitute teaching of artistic studies? I do not think it is. I recognise, however, that there are two positive points in this report. Firstly, the drafting of a Green Paper, as long as it does not become an instrument for standardizing our universities, and secondly, granting post-graduate study grants on the basis of merit rather than household income. These two points are not enough, however, to convince us to vote in favour of this report.

(Applause)

4-055

Mauro (PPE-DE). – *(IT)* Madam President, I would like to congratulate Mrs Gutiérrez-Cortines and focus on one aspect of her speech, namely the need to define a system of qualifications which makes them easy to understand and compare. I wish, in particular, to put forward once again the proposal, which I feel has a place in a debate such as this, that the legal validity of qualifications should be abolished. In my opinion, this is a measure which could serve to ensure that the confusion in the debate between public and private sectors – the guarantee of high quality education – is avoided.

Indeed, as Professor Vattimo rightly said, there is a great deal of emphasis on providing a genuine guarantee of the educational experience. Well then, until evidence is provided to the contrary, the legal status of the administrator cannot be the guarantee of that experience. In the eighteenth century, the whole of Europe flocked to Prussia, not because Prussia had an efficient state capable of running universities but, above all, because there was a great teacher named Immanuel Kant. In fact, the validity of the learning adventure is guaranteed by the broad-mindedness of the teachers, and that is precisely the point I am trying to make.

In all probability, abolishing the legal validity of educational qualifications is still one of the best ways of guaranteeing the full legitimacy of those establishments which know how to teach properly. This is so true that, although Professor Vattimo the MEP may not be able to acknowledge it for ideological reasons, Professor Vattimo the university lecturer is quite aware that studying for a degree under ‘the Prof’ is different from doing so under any other tutor, to the extent that the guarantee of the educational experience that he provides is not the fact that it is the state which runs the University of Turin but his love of the truth and his love of the adventure of learning.

4-056

Aparicio Sánchez (PSE). – *(ES)* Madam President, the report by Mrs Gutiérrez Cortines, who is much respected and who is a colleague of mine twice over, is timely and of a high quality. She deserves the congratulations she has received and of course I would like to add my own.

It is timely because its description of the university situation and its interesting proposals put an end to what has been several years of slow progress in terms of European construction in the education field, during which we have seen little more than passivity and rhetoric. On issues such as the unification of quality standards, the mutual and automatic recognition of qualifications, the convergence of degrees and programmes and the employment of graduates, the achievement of a European dimension, and the objectives set for 2010 in general, are almost as far away as they were on the day following the end of the Bologna process, more than three years ago now.

The most competitive knowledge-based economy in the world is still waiting for us to be able to create a European area of higher education. Meanwhile, the universities’ response to European employment demands is inadequate and furthermore, in a context of globalisation, the European universities are still losing the battle against the American universities, both in terms of their leadership of the knowledge-based society and in terms of their external attractiveness to third-country teachers, researchers and students.

The fact that the European university sector, with its fifteen million students and 600 000 teachers, is the most dynamic sector in our society, and the fact that we are adopting reports such as these, are hopeful signs which lead us to believe that, despite nationalist resistance in the Council, the autocratic attitude of some of our universities and the apathy of the Commission and Parliament in this sector, we will finally achieve the stated objective of a European area of higher education which is worthy of the name.

(Applause)

4-057

Gollnisch (NI). – *(FR)* Mr President, ladies and gentlemen, as a former dean of a faculty of the University of Lyon, where almost thirty foreign languages are taught, I found, in the report by Mrs Gutiérrez-Cortines, many positive elements as well as others which, unfortunately, I feel are rather more debatable.

To list some of the positive elements, efforts are being made to reduce administrative or other obstacles hampering exchange programmes for students and teachers, efforts are being made to encourage learning foreign languages, and not only English; efforts are also being made to create joint networks and services for circulating information, and, lastly, efforts are being made to encourage placements and even sporting competitions. These are all excellent initiatives.

I must, however, express some reservations about the self-confessed goal of this report through the creation of a European area of higher education. The Commission’s assessment of all university systems, both public-sector and privately-run, could create a new bureaucratic, supranational European layer, disregarding the subsidiarity principle which is included – almost for the sake of appearances – in the first paragraph of the report. The stated desire to introduce uniform criteria in the structure of qualifications, or even to harmonise all university curricula for students, will undoubtedly reduce the

diversity of distinctive academic or scientific models, which can be regarded as a competitive factor and a mark of progress. European civilisation has created diversity in all areas. By first of all fully mastering a specific area of knowledge, a science, a technique, a particular experience and a national culture, we shall stay as faithful as possible to true European traditions.

4-058

Kratsa-Tsagaropoulou (PPE-DE). – *(EL)* Madam President, Commissioner, ladies and gentlemen, I should like to start by congratulating the committee on its own initiative report on universities in the European area and endorse the thoughts and issues raised by the rapporteur and the proposals which she has formulated.

Universities have always been incubators of European culture and have played an important role in developing our societies. We must therefore realise that if the European Union is to achieve the new strategic development objectives set in Lisbon today, it needs more active and competitive universities to generate knowledge and innovation not as isolated institutions but as active partners in the social and economic fabric at national level, at regional level and at a cross-border level that mirrors the new configuration of Europe.

Another dimension we need to be aware of is the role of universities in promoting European unification, by cultivating a European conscience and promoting a European nationality. Our universities can become the laboratories of unified Europe with their educational and teaching programmes and the cooperation and mobility of students and teachers which they can promote.

This is the direction you are working in, Commissioner, but the Member States also need to come on board. There is a great deal of work to do here because we all know about the obstacles to the mutual recognition of diplomas, low mobility and the differences in academic approach to university courses in the various countries of Europe. What we all have to understand is that convergence and promoting educational cohesion can be achieved with all due respect for diversity and, at the same time, by introducing systems which recognise and promote the added value of the special attributes of our universities. This sort of policy will also bring about better conditions for the professional mobility which the European Union is striving to promote. So I think drafting a Green Paper would be a good initiative and I for one shall be behind you in this endeavour, Commissioner.

4-059

President. – The debate is closed.

We shall now proceed to the vote.

4-060

IN THE CHAIR: MR DAVID MARTIN
Vice-president

4-061

Vote

4-062

President. – The next item is the vote.

Report (A5-0241/2002) by Carlos Coelho, on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, on the third Commission report on citizenship of the Union (COM(2001) 506 – C5-0656/2001 – 2001/2279(COS))

(Parliament adopted the text)

Report (A5-0224/2002) by Kathleen Van Brempt, on behalf of the Committee on Culture, Youth, Education, the Media and Sport, on the Commission communication on Making a European Area of Lifelong Learning a Reality (COM(2001) 678 – C5-0165/2002 – 2002/2073(COS))

(Parliament adopted the text)

Report (A5-0183/2002) by Cristina Gutiérrez-Cortines, on behalf of the Committee on Culture, Youth, Education, the Media and Sport, on universities and higher education in the European learning area (2001/2174(INI))

Before the vote:

4-063

Gutiérrez-Cortines (PPE-DE), rapporteur. – (ES) It is simply a question of introducing certain titles which had been forgotten. After the recitals, the title, 'European Area of Education' must be introduced and, before paragraph 5, 'the Bologna process'.

4-064

(Parliament accepted the oral amendments)

(Parliament adopted the text)

4-065

Welcome

4-066

President. – Before we proceed to the next vote I should like to give a warm welcome to Mrs Fan, President of the Hong Kong Legislative Council, who is in the distinguished visitors' gallery today.

(Applause)

As you know, we follow developments in the Hong Kong Special Administrative Region with great interest. Mrs Fan is here for a number of important meetings. We wish her a very enjoyable stay.

Yi lü ping an [We wish you a safe journey home]

4-067

Vote (continuation)

4-068

Recommendation for second reading (A5-0255/2002) by Eija-Riitta Anneli Korhola, on behalf of the Committee on the Environment, Public Health and Consumer Policy, on the Council common position for adopting a European Parliament and Council directive providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (5475/2/2002 – C5-0227/2002 – 2000/0331(COD))

(The President declared the common position approved as amended)

Joint motion for a resolution¹ on floods in Central Europe

(Parliament adopted the joint resolution)

Joint motion for a resolution² on the situation in Afghanistan

(Parliament adopted the joint resolution)

¹ Tabled by the following Members: Hans-Gert Poettering and others, on behalf of the PPE-DE Group, Enrique Barón Crespo and others, on behalf of the PSE Group, Kyösti Tapio Virrankoski, on behalf of the ELDR Group, Kathalijne Maria Buitenweg, on behalf of the Verts/ALE Group, Helmuth Markov, on behalf of the GUE/NGL Group, Franz Turchi and Mauro Nobilia, on behalf of the UEN Group, replacing resolutions B5-0463/2002, B5-0475/2002, B5-0476/2002, B5-0477/2002, B5-0478/2002, B5-0483/2002 by a new text.

² Tabled by the following Members: Philippe Morillon on behalf of the PPE-DE Group, Margriet J. van den Berg and Jannis Sakellariou on behalf of the PSE Group, Cecilia Malmström and others, on behalf of the ELDR Group, Joost Lagendijk and Nelly Maes on behalf of the Verts/ALE Group, Cristiana Muscardini on behalf of the UEN Group, replacing resolutions B5-0456/2002, B5-0457/2002, B5-0458/2002, B5-0459/2002, B5-0460/2002, by a new text.

Report (A5-0270/2002) by Jules Maaten, on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, on the Commission Communication on Europe and Asia: A Strategic Framework for Enhanced Partnerships (COM(2001) 469 – C5-0255/2002 – 2002/2120(COS))

(Parliament adopted the resolution)

Report (A5-0226/2002) by Ursula Stenzel, on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, on the annual report on the European Agency for Reconstruction (2001/2255(INI))

(Parliament adopted the resolution)

President. – That concludes the vote.

EXPLANATIONS OF VOTE

4-069

- Coelho report (A5-0241/2002)

4-070

Berthu (NI), in writing. – (FR) Paragraph 29 of the Coelho resolution welcomes the judgment of the Court of First Instance of 3 May 2002, which granted to Jégo-Quééré et Cie SA a direct right of appeal against a European regulation. It is true that this company was not ‘of direct and individual concern’, but if the action had not been declared admissible, the company would not have had any other means of defending itself in law, and would thus have been ‘denied access to the courts’.

We also welcome this judgment, but merely regret that it had not been passed earlier, for example when we tabled an appeal, which was obviously justified on its merits, against changing the name of the single currency.

Unfortunately, the Commission, probably feeling under threat, immediately requested that the Jégo-Quééré ruling be overturned, and it also immediately obtained a ruling in line with its wishes during the judicial vacations ...

The European institutions have therefore succeeded in putting themselves in a position where they can constantly destabilise the Member States, whilst practically guarding their general regulations from individual appeals by citizens. This is a perversion of the current system, which protects supranational enterprises but must be improved in the future.

4-071

Kirkhope (PPE-DE), in writing. – The British Conservatives believe that this is an ill-timed report which tries to move the discussion forward beyond what the representatives and the people themselves want. We believe that it should come about as a result of one's citizenship of a Member State, and not of Europe. We are all, of course, 'Europeans' but most people would not recognise an actual citizenship of Europe as being superior to the citizenship of their own country. We want to make people more caring and interested in the communities in their own nation states rather than create an artificial right, as the rapporteur seems to be suggesting.

The British Conservatives are opposed to the principles of the report for the reasons outlined above.

4-072

Meijer (GUE/NGL), in writing. – (NL) The promotion of citizenship of the EU, the core objective of this proposal, does not do a great deal for me. In the former Soviet Union, attempts were made to turn the citizens of different federal republics, with different languages and cultures, into Soviet citizens. This was never successful. In Yugoslavia, attempts were made, alongside Serbs, Croats, Slovenes and Macedonians, to create new generations of real Yugoslavs who were meant to organise the country's future. These people are now second-class citizens. The creation of EU citizens who are constantly on the move between Member States in search of the most privileged jobs, leads to conflicts with their environment and to misfortune for themselves.

A second goal of this proposal is to increase the level of participation during European elections. People do not vote in order to meet a ritual obligation which they do not experience as useful. They only want to vote if the body they need to choose has a decisive say and if there is an actual choice between conflicting alternatives. Asking people to vote as an expression of sympathy with a united Europe does not work. If we carry on like this, even fewer people will vote in the

next round of elections. I do, of course, support the reinforcement of civil rights, including those of immigrants, and better information about the Ombudsman.

4-073

Pasqua (UEN), *in writing*. – (FR) Many fellow Members have the dreadful habit of twisting the meaning of words in order to meet the needs of the federalist cause.

We have had the European Charter of Fundamental Rights, which some wrongly considered to be the preamble to a hypothetical Constitution. We have had governance, an unidentified political subject. Now we have European citizenship, a concept that has no meaning at all.

Citizenship is a political, not a technocratic concept, based on a political and not bureaucratic reality, based on the roots that people put down, on belonging to a natural community.

Citizenship is a status that is only granted to those who, by virtue of their birth or their merits, share common values.

It also assumes the existence of a political area, the most advanced form of which is still the nation.

Yet, where is the European nation when it lacks what Renan called a desire to live together? Without language, culture and traditions shared by the peoples of the European Union, a European people is no more. As Joseph de Maistre would have said, no one has ever met 'a European citizen'.

Your artificial citizenship has no substance whatsoever. The report therefore has no purpose.

4-074

Theorin (PSE), *in writing*. – (SV) The report contains a large number of good, important points. Nevertheless, I voted against the report, since it would involve, *inter alia*, incorporating the third pillar into the Community framework.

4-075

Zrihen (PSE), *in writing*. – (FR) I wholeheartedly supported the Commission's proposal on European citizenship.

Of course, it is not easy to increase the political dimension of European citizenship by decree.

Clearly, it is essential that we strengthen measures on the ground to make citizens understand that we have provided them with considerable scope so that they can participate in the European area for citizens.

This is the price of achieving legitimacy for the European Union.

We must find channels of communication which will enable us to teach citizens about the challenges that they themselves must contend with in the future.

It is a matter of regret that, amongst the requirements that have come to the fore, the EU is not creating a specific history course which would describe the various uprisings, wars and revolutions which have taken place on the continent of Europe as being often difficult periods in achieving the vision that some have held for fifty years.

4-076

- Van Brempt report (A5-0224/2002)

4-077

Alyssandrakis (GUE/NGL), *in writing*. – (EL) The policy on lifelong training (not learning) is a policy to replace systematic education and fundamental learning with a superficial, market-driven transfer of skills and practices with its very own sell-by date, the basic aim of which is to meet the demands of big business for pliant, flexible workers, restructure employment relations and promote 'employability'. It is a way of exerting ideological and psychological pressure on the workers into blaming themselves for unemployment and accepting long-term unemployment and of destroying the link between education and job prospects.

At the same time, traditional schools are becoming a clearing house for lifelong learning by 'opening up their facilities' to 'local communities and enterprises', that is, multinationals will have a say about school curricula; this is already happening with pilot programmes being funded in Greece by the EU.

We are radically opposed to this policy and we are fighting for the abolition of all forms of discrimination or obstacles to equal access for all young people to a free, standard, state education until the age of 18, the sort of education which is vital for subsequent professional specialisation, an education that will help young people put their ideas in order, acquire scientific criteria against which to measure nature and society and become conscientious contributors to social progress.

That is why the MEPs of the Communist Party of Greece voted against the Van Brempt report.

4-078

Arvidsson, Cederschiöld, Grönfeldt Bergman and Stenmarck (PPE-DE), in writing. – (SV) We endorse the proposal that the Commission should draft a Green Paper on higher education in order to launch what is known as the Bologna process.

4-079

Berthu (NI), in writing. – (FR) We voted against the Van Brempt report on a European Area of Lifelong Learning because it is a good example of the unwarranted extension of European powers.

The report is based on Article 150 of the Treaty establishing the European Community, which provides for, in a vague and debatable manner, the implementation of a European vocational training policy ‘while fully respecting the responsibility of the Member States’. Then the report attempts to extend this competency to the rest of education. In particular, it proposes that the Commission should develop (albeit ‘acting in close collaboration with the Member States’) a ‘European framework of basic skills’ to be acquired by all students before they leave compulsory school education.

In such circumstances, the attempts to extend powers are never-ending. In addition, the European Parliament once again states that the current situation in the area of qualifications ‘constitutes a serious obstacle to mobility between Member States and the emergence of a Europe-wide labour market’ (recital F). Yet, we had been led to understand that the European labour market was already functioning. In reality, it is clear that, since the aim was that of full mobility in a totally unified labour market, it is the nations themselves which will soon become the obstacle.

4-080

Bordes, Cauquil and Laguiller (GUE/NGL), in writing. – (FR) Although we agree with some of the proposals put forward in the report, as well as with some of the good intentions expressed, we abstained overall.

The proposals are not in fact based on the aspirations of the young and the less young who, it is claimed, influence many of society’s needs. Everything is designed in accordance with what the report discreetly calls the labour market and its flexibility. Behind these noble sentiments, the aim is to provide industrial groups and capitalist businesses with a workforce that is trained according to their needs. This has nothing to do with a policy that provides all citizens with lifelong learning based on their potential and their aspirations.

4-081

Montfort (NI), in writing. – (FR) Creating a European area of lifelong learning has become a priority for the twenty-first century and we can only encourage the initiatives to achieve this.

This is a two-fold priority: it underpins the awareness of the need for lifelong learning for all and the incorporation of this training within the framework of the European area and no longer simply of just one Member State. By placing the emphasis on mobility, the report highlights the importance of training people whilst taking into account various experiences and methods that are specific to each Member State. It is both a way of achieving self-improvement and of enhancing one’s job prospects.

Lastly, although the report does not place sufficient emphasis on apprenticeships, this is nonetheless included in the awareness of the need to improve policies on professional training at European level and it reinforces my belief in the absolute need to put in place, in the coming years, a genuine ‘Erasmus for apprentices’ scheme which will provide professional training through a network, which has been jointly developed and takes into account the vast experience of each nation.

4-082

Zrihen (PSE), in writing. – (FR) I fully supported the report by Mrs Van Brempt and I welcome the initial proposal by the Commission.

Nonetheless, although it is inconceivable to think that, in the constantly changing society in which we live, knowledge is acquired once and for all. Constant updating is therefore necessary and although we must acknowledge that the academic systems are not the only generators of knowledge, lifelong learning should not be considered simply as a means of adapting the worker to the needs of the market.

The word ‘education’ and the word ‘training’ contain the fundamental concept of socialisation which is one of the pillars of structuring a society.

If we propose education and training in distinct, inconsistent and unrelated modules, our future citizens will be lacking an adequate professional basis and a sense of identity. The proposals that we are now making must be added to a basic system which, along with knowledge acquired, makes up the fundamental set of life skills for the citizens who will be making Europe a reality.

4-083

- Gutiérrez-Cortines report (A5-0183/2002)

4-084

Figueredo (GUE/NGL), in writing. – (PT) Although this report contains some positive aspects in terms of its intentions, it also makes some misguided proposals, which arise from a largely economic view of the system. For example, although its recommendation for a single course of initial study is to be welcomed, this course must be guaranteed not to be made excessively short on the pretext of meeting the needs for courses that will make students rapidly 'employable'. These courses would be cheaper but it would be students and families, once again, funding the system, with students paying once they have graduated.

The fact is that, with regard to what is known as the Bologna process, which contains this and other proposals, on the basis of the Bologna declaration of 1999, which was reiterated and developed in Prague in 2001, a distinction must be made, on the basis of the objectives underlying the entire process, between the official line and the practices that are taking place. Despite the statements to the contrary, the set of measures that we have already seen, some of which are already underway, suggest an attempt to cut costs by the Member States in higher education, as is happening in Portugal.

We therefore wish to stress our opposition to attempts to commercialise knowledge, to reduce the role of public higher education, to make structural changes to the social function of higher education and to its organisational structures and to attempts by the ruling classes to hijack the contents and objectives of education for ideological reasons.

4-085

Hyland (UEN), in writing. – I welcome the initiative of Mrs Gutiérrez-Cortines to draft this report, bringing together many issues surrounding third-level education in the EU in a cohesive document with solid laudable proposals.

While education remains a national competence, it is important that the EU give whatever support possible to educators and students, particularly in areas where new and innovative courses and qualifications are needed.

In the area of rural development, there have been very significant initiatives in my own country, Ireland, to utilise EU funding such as through Leonardo to develop courses tailored to the needs of the rural economy.

The first course developed was a Diploma in Rural Development and Agri-Business. Pioneering work in adult education was carried out by Professor Jim Phelan of UCD, Dr Michael Ward of UCC, Professor Michael Cuddy of UCG and Dr Ted Fleming of Maynooth.

They have now gone one step further and developed the first degree programme via the Internet which is a BSc in Rural Development. This type of programme is an inspiration to what can be done for rural areas by fully exploiting new technologies. The aim is life-long learning; to produce a new type of specialist graduate equipped with superior rural development, advisory and management skills.

4-086

Pasqua (UEN), in writing. – (FR) This report is the confirmation of the irresponsible attitude of a Parliament which is shamefully abusing its right of initiative. This scandalous text is attempting, with rare hypocrisy, to place universities under the exclusive tutelage of Brussels. Several recitals clearly show the hidden intentions of the report, namely: to turn universities into servile outposts of the Commission, transform professors into docile supporters of European technocracy, to give the Commission a right of scrutiny over the national university systems, to encourage the mass influx of professionals and experts that have been duly mandated by Brussels into our universities.

The report is the natural corollary of the Jean Monnet Chairs, which, in France, raised the legitimate anger of a number of teachers, who have now regrouped within the Jean Bodin Observatory in order to counter the federalist offensive.

It is the same perverse and obscurantist logic which is at work.

The report shows utter disregard for the fundamental principles which serve to contribute to the importance of universities! Scientific neutrality is swept aside by this Europe-centric ideology, the propagation of which is the task of the Brussels agencies. The independence of teachers is violated by the interference of supranational bodies in the way the universities work and are organised.

You are turning universities into a Trojan Horse for European federalism.

4-104-500

Sacrèdeus (PPE-DE), in writing. – (SV) I voted against the report, which was adopted by 379 'yes' votes to 27 'no' votes and 57 abstentions.

The committee believes that a common institutional policy is needed for harmonising European research and higher education, together with significantly stronger support by the EU for the universities.

In view of the principle of subsidiarity and the idea of academic freedom, I can support neither the proposals to establish 'a European University Seat' nor the demand for a special 'European University of Culture'.

I find it disquieting that the Commission is being given the task of preparing a Green Paper on the European higher education area. I also find it hard to understand why it is specifically the EU and the Commission that are to assess the quality of education, especially access to study loans and grants, hardship allowances, university residences and, in particular, student health care.

As a Swedish Christian Democrat Member of the European Parliament, I find it perturbing that the report contains demands and requests covering a long list of areas that the universities themselves, or at least the Member States, should be allowed to decide about, without interference by the EU. This infringes academic freedom and the principle of subsidiarity. In particular, there is dubious wording in the report to the effect that 'convergence and cohesion' among European universities should be boosted.

4-087

- Recommendation for second reading : Korhola (A5-0255/2002)

4-088

Meijer (GUE/NGL), in writing. – (NL) The lack of the right of consultation has two causes. One is an authoritarian state view in which citizens are seen only as obedient conscripts and taxpayers who must leave the actual decision-making to a specially selected elite who know how to do things much better than ordinary people. The other reason is economic interest. The protection against pollution, nuisance and dangers in their living environment that most people want often means that businesses are hindered in their pursuit of profits. This also results in an authoritarian approach in which decisions are governed by economic interests instead of being taken by everyone collectively. Over the last few decades these hindrances seem to have been broken through. There are forms of citizen consultation everywhere, and the EU also prescribes this. Unfortunately the results of this participation are still often twisted to mean the opposite. I support Mrs Korhola in her quest to put an end to the exceptions that are still being made for military interests and civil disasters. The military often still think that they are above civilian society and that they can impose their own ideas. Measures to prevent disasters can often be very drastic, like flooding polders in the Netherlands when river water levels are high. Such decisions must not be taken without consultation.

4-089

Thomas-Mauro (NI), in writing. – (FR) The right of citizens to information and to participation has, for a long time, come up against the so-called right to secrecy, behind which the state authorities have been hiding. The progression of reforms to improve relations between the administration and users has made this practice an exception. The divisions between 'departments' are gradually diminishing in the area of the environment as well.

This development is, of course, welcome. That is why I support the Commission's proposal for a directive of 19 January 2001 seeking to transpose into Community law the second pillar of the Aarhus Convention of 25 June 1998. This proposal is innovative, but it is down to the Member States to give the public effective opportunities to take part in the decision-making process.

I would, however, like to express some reservations about the amendments of the Korhola report which go further than the Aarhus Convention and which confirm the opinion of the rapporteur himself. The MPF delegation believes, of course, that transparency of information and public participation in the decision-making process must be encouraged and well defined. This should not, however, create overly complicated procedures that would go against the objectives of the proposal. If excessively restrictive provisions are introduced, there is a risk that the whole process of access to information and decision-making could be impeded. The only thing we should do is transpose into Community law the provisions – which are wholly appropriate – of the Aarhus Convention in order to encourage the effective application of this convention.

(Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure)

4-090

- Floods in Europe

4-091

Isler Béguin (Verts/ALE). – (FR) Mr President, with respect to the floods, it could be said that, in times of trouble, you find out who your friends are. This old saying might illustrate the attitude of the European Union towards those affected by the floods, which have devastated Member States and candidate countries. By reacting swiftly, by dispatching representatives to the affected areas and by agreeing to make available financial aid, the Union has boosted its Community policy and its closeness to the people. The Union has proved that it can show the solidarity expected of it and which we work to achieve.

Although we can welcome the commitment to set up an assistance fund for natural disasters in the Union, we must certainly bear in mind the causes of this unpredictable weather. Scientists throughout the world are all telling us that global warming is irreversibly changing the way we live and greenhouse gas emissions are only serving to make these disasters worse. On one side of the planet, we have to sell livestock due to a lack of water and fodder. Elsewhere, entire regions have been devastated since July due to thunderstorms. Incidentally, Mr President, let us reiterate that, in Nepal, 422 people have died and 173 people have been reported missing. In Russia, 50 people have lost their lives and 100 have been reported missing. In Mexico, torrential rain has cost 21 lives and 15 000 people have been affected. In Asia, 250 people have died this year. Millions of homes have been affected by the rising water levels.

Unfortunately, as we know, these geographical areas do not have the opportunity that we have here to provide victims with solidarity. Although Members can welcome the fact that aid has been granted and emergency measures have been taken swiftly and effectively, it is not enough to call for the application of the Kyoto Protocol, we must do much more than that. We must integrate the environment into all our projects, into all our policies so that we can create a glimmer of hope. We must lead the way in trying to slow down climate change. The Rio Summit brought little in the way of results, so it is up to us to lead by example!

4-092

Posselt (PPE-DE), – (DE) Mr President, although Bavaria, Saxony and Austria were also very badly hit by the floods, I have had an opportunity, as Federal Chairman of the Sudeten German Association, to mount a major relief programme for the Czech Republic. This stems not only from our traditional links with the country our families come from, but also from the fact that in situations like this we realise that as neighbours we are dependent on each other, for good or ill. Sometimes there are what you might call neighbour disputes, but in emergencies like this we see the value of good neighbourliness. Czechs were in action in Germany and in Austria, Austrians and Germans were in action in the Czech Republic, and I believe that there are two important points here. The first is that no victim of the floods should be worse off in the Czech Republic, which is a candidate country, than they would be in the existing Member States of the European Union.

Secondly, we also need to show solidarity when it comes to prevention. We need to recognise that we are all in the same boat and that what is happening in central Europe today could happen tomorrow in southern Europe or northern Europe. Above all, we should avoid something which I heard in this House earlier – by which I mean adopting the disdainful tone we heard during the topical and urgent debate about victims of the floods in the south. A lot of people from the north said that is typical, special pleading for the south, and vice versa. We Europeans are all in the same boat, and that is the key message of this disaster.

4-093

Dehousse (PSE), *in writing*. – (FR) Like my colleagues, the Belgian Socialists, I abstained during the final vote on the resolution on the floods in Europe for two reasons.

First of all, solidarity can have no borders. As Mrs Zrihen said, in the open sitting, the European Parliament is wrongly trying to compile a list of Member States whose regions have suffered torrential flooding. Italy had to be added, as it did not appear in the current list, and the final text does not mention, in particular, the floods in Switzerland.

Secondly, if we want to better protect the territory of the Union against floods – and this is undoubtedly the desire of the European Parliament – we must take into account river basins, which ignore borders mapped out by history. It is regrettable that, in our haste, we did not include this essential clarification in the text.

4-094

Meijer (GUE/NGL), *in writing*. – (NL) During the past few years, the Rhine, Oder, Vistula and Elbe basins have been affected by flooding one after the other. This is no coincidence. They carry rainwater and ice water from the Alps and the Carpathians to the North Sea and the Baltic. Rain has been on the increase due to global warming, the deforested soil is no longer able to retain the water and the river beds have become too narrow. The dikes along these canalised rivers have been built too close to the main flow and houses have been built in alluvial areas where flood water was previously allowed to overflow. This is therefore certainly not about chance but about predictable accidents. The reference to the need to implement the Kyoto agreements worldwide is extremely appropriate, but it is to be feared that America will remain obstructive on account of pressure from the oil companies and the motor industry until they themselves become more and more affected by desertification and flooding. Attention is now once more being paid to finding the money to help the victims of flooding. This is necessary but unsatisfactory. The same disasters may happen again in future years, and the likelihood of their happening again is unfortunately very great. Our river management will therefore have to change radically, and this is still in danger of falling by the wayside.

4-095

Queiró (UEN), *in writing*. – (PT) The serious floods which recently devastated various countries in Central Europe clearly deserve our full attention and solidarity, especially for the families of the victims and for all those who have lost their homes and possessions. We are also fully aware that the consequences of this type of natural disaster, which are to a large

extent due to the climate changes that we have been seeing, take on a transnational dimension and call for the support and solidarity of the European Union as single entity.

We have not abstained, therefore, due to any disagreement with the basic reasons or proposals for immediate aid contained in the joint resolution that has been adopted. We simply have doubts about establishing a permanent financial reserve for emergency actions to respond to disasters of this type by harnessing some of the structural funds. Indeed, it does not seem reasonable to us that financial resources from the structural funds should be permanently mobilised for emergency actions, which are by definition unpredictable, since it is possible to find, as has in fact happened in this case, more appropriate alternatives for dealing with this type of tragedy without affecting the permanent objectives that the use of these funds is intended to achieve.

4-096

- Afghanistan

4-097

Posselt (PPE-DE). – *(DE)* Mr President, I would rather like to take a slightly different approach to the one I adopted during the debate on Afghanistan. I am afraid to say that I am very pessimistic, as I have the very clear feeling that we are heading towards a fresh crisis. In Afghanistan, which is a multi-ethnic state, there is an increasingly strong feeling amongst the largest national group, the Pashtuns, and whether it is justified or not I cannot say, that they are being neglected as compared with the peoples who lead the Northern Alliance, such as the Tadzhiks and the Uzbeks. This feeling is giving rise to an increasing potential for conflict, which the surviving Taliban are exploiting. People talk about the Taliban withdrawal area in eastern Afghanistan as if it were just a military or police problem. Unfortunately this is a nationality problem, since as I have said the largest group in this multi-ethnic state feels that it is being treated as second class, and that is something that could be explosively dangerous in the long run. That is why we need a clever strategy for Afghanistan, in order to integrate all the ethnic groups more or less uniformly, which up to now clearly has not been the case. Despite all the humanitarian successes and all the progress made on paper there is still a time bomb ticking away in Afghanistan.

4-098

Figureiredo (GUE/NGL), in writing. – *(PT)* The main reason for our voting against this joint resolution is the approval of parts of the resolution that seek to justify war and US intervention in Afghanistan, a situation which is all the more serious because of all of the US pressure for a new war against Iraq. In fact, we totally disagree with resorting to war to resolve the problems of terrorism. As we have stated repeatedly, there are other ways of combating terrorism, such as acting to resolve its direct and indirect causes. By the same token, we cannot accept the calling into question of fundamental rights and freedoms or the practice of State terrorism on the pretext of combating terrorism.

Nevertheless, we welcome – which is why we have voted in favour of this point – the approval of the request for a detailed investigation, under the auspices of the United Nations, of the allegations of massacres and war crimes, which our group has condemned on more than one occasion, specifically by inviting the film-maker Jamie Doran to show his film in the European Parliament on 12 June. We also support the call for greater financial aid for the economic and social reconstruction of the country and urgent humanitarian aid.

4-099

Frahm (GUE/NGL), in writing. – I have voted in favour of the joint resolution even though it contains certain points with which I do not agree.

First of all I disagree with the analysis that the intervention in Afghanistan was necessary – on the contrary!

Second, the UN mandate for peace enforcing should not be prolonged but changed to peacekeeping.

But I support the joint resolution in the demand for investigation of all war crimes committed in Afghanistan and in the demand that prisoners should be treated in accordance with international conventions.

4-100

Meijer (GUE/NGL), in writing. – *(NL)* Afghanistan is a sort of Switzerland. In every valley the people determine their often stubborn points-of-view and they do not appreciate outside interference. Over the last twenty-five years, ideologues from Russia, Saudi Arabia and now the US have wanted to try out their various experiments on Afghan society. This has mainly resulted in death and destruction. The latest intervention was not so much aimed at helping to solve the many problems that exist in Afghanistan, but to avenge the destruction of two office towers in New York a year ago. Whether this dreadful attack was devised from within Afghanistan has never been proven, but the American response was that the established regime there had to be punished and ousted. Just as they now also want to oust the Iraqi regime. In a world in which there is only one big military and economic superpower left, will the national government of another country only be legitimate from now on if it is well-disposed towards America and acts in line with American interests? The resolution falls between two stools. On the one hand, it justifies the war and the continuing military presence. On the other hand, it is

looking at the war crimes of the victors and the need to investigate and punish for the first time. The latter is new, and is a step forward compared with earlier attitudes. In the light of this improvement, I am voting in favour of the resolution.

4-101

- Maaten report (A5-0270/2002)

4-103

Krivine and Vachetta (GUE/NGL), in writing. – (FR) The report presented by the Commission on its strategy on Asia gives a great deal of room to pious hopes. It has the advantage, however, of being extremely clear on certain key issues, particularly on the desire of the EU's leading bodies to take action over any unequal liberalisation in trade and in the movement of capital, and to provide the WTO with even greater powers. No lessons have been learned from the 1997-1998 financial crises and from the crash in Asia, the current stock market crisis or from the crash in South America. Reality must fade into the background in the face of liberal dogma in the era of capitalist globalisation.

The ASEM 4 Summit in Copenhagen will also discuss security. At a time when, in Europe, immigrants are being used as scapegoats for the social crisis and, in Asia, Washington is deploying its policy of a 'lasting war' in the name of combating terrorism, is once again sending forces to the Philippines and is threatening to invade Iraq, we would hope that the EU would guarantee the rights of immigrants and would oppose American interventionism.

In the real world, however, the European Union is behaving like an economically dominant force in Asia and the United States like an aggressive force. This is certainly something that the European Parliament should oppose. There may be different situations that set Asia apart but there are general developments which affect the entire continent of Europe and Asia.

(Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure)

4-104

Meijer (GUE/NGL), in writing. – (NL) The crux of this report is not the greenhouse effect in newly industrialised countries, the fight against poverty, capital punishment in China or the dictatorship in Burma. These comments serve only as padding for the EU's stance favouring Taiwan over China. Taiwan has recently changed from a place of exile from the old pre-1949 Chinese regime into a country in which the majority is non-Chinese, where the old *Kuo Min Tang* party has lost power to movements of indigenous Taiwanese, and which is looking more and more like Europe and Japan from a political and economic point of view. The majority will probably now choose to become an independent state in a referendum. Not even so much because this has actually been the case for 53 years, but rather because they never felt much kinship with the Chinese mainland. The fact that the previous regime in Taiwan had for decades sought foreign backing to recapture the mainland is a problem. The existence of two Germanies, two Vietnams and two Yemens ultimately came to an end because one was able to swallow up the other. The EU Member States withdrew their recognition of Taiwan in favour of China. If a majority of the European Parliament now chooses to recognise two states after all, the debate about this must be conducted openly instead of being concealed.

4-086-500

Sacrèdeus (PPE-DE), in writing. – (SV) I have voted in favour of the report but against approved Amendment Nos 1 and 2.

I find it extremely regrettable that my own Group of the European People's Party (Christian Democrats) and European Democrats tabled two amendments which weaken the committee's original text. Amendment No 1 removed the wording in paragraph 30 to the effect that the European Parliament 'expresses its indignation at the increasing number of executions in China' and 'recalls that the Chinese government systematically uses persecution and torture as a means to silence dissidents and minorities'. The way in which the Chinese Government violates human rights is clear from, for example, its treatment of Christians and Falun Gong adherents.

I also voted against Amendment No 2, relating to paragraph 35, because, remarkably enough, it does not include Taiwan in the group of democratic countries. Moreover, there is a desire only to give Taiwan observer status, while other democracies in the region are to be given the opportunity of becoming full members.

I also welcome the fact that the report sheds light on the serious problem posed by the increasing number of fundamentalist Islamic terrorist groups, such as Laskar Jihad, which constitute a serious threat to the Christian minority in Indonesia and are responsible for the fact that thousands of people have been killed and approximately 400 000 forced to flee their homes.

4-105

- Stenzel report (A5-0226/2002)

4-102

Posselt (PPE-DE). – (DE) I am sorry that Mr Fatuzzo is not here today – I seem to be standing in for him. However, I am genuinely concerned about this issue. On the subject of Mrs Stenzel's report, I would like to congratulate her very warmly

on it. I am pleased that we have adopted it today, as elections are being held in Macedonia on 15 September. What is at stake here is the democratic stability of this important country, to which we are now linked by an association agreement. This country has experienced a huge refugee problem. It has had two wars within its borders, many disasters, and now it is afflicted by terrorism. That is why it is very important for us to signal to Macedonia today that this democracy has our support, this democracy, which over the last four years – during which there have been several major disasters – has amazingly succeeded in achieving a balance between different nationalities. Even if quite a lot that glitters is still not gold, when you see the remarkable things the Macedonians have achieved, you have to say that they have earned our solidarity. One sign that we could give would be to abolish the visa requirement for Macedonia at long last. There was never such a requirement for Yugoslavia, there is not one for Croatia or Slovenia, and in fact Macedonia is the only associated country with a visa requirement. We should finally accept this small country as a genuine European partner.

4-106

Meijer (GUE/NGL), in writing. – (NL) EU Member States caused much damage in the former Yugoslavia through their participation in the war in 1999. It is therefore their duty to contribute to its restoration. Not only in Kosovo but also in Serbia. This has now been proposed, and rightly so. In 1999 there were good grounds for suspecting that the war was not only about Kosovo. The deep loathing that the inhabitants of Kosovo had developed against Yugoslavia looked as if it would be misused as a crowbar with which to achieve a whole different set of objectives. The coercive proposals made to Milosevic before the outbreak of the war did not, oddly enough, provide for independence for Kosovo, but rather for foreign influence on the government and the economy of Serbia and Montenegro. If it is now being proposed that the European Agency for Reconstruction, which was originally intended for Kosovo, now be extended to include Serbia and Montenegro and if there are also calls for Kosovo, Serbia and Montenegro to be made more dependent on one another by creating a common energy supply, this raises the question as to whether Serbia has been promised that it will get Kosovo back in exchange for adapting to and integrating into the EU. If this is the case, it will not only evoke a lot of resistance within Serbia but will in particular cause uncontrollable anger on the part of the deceived inhabitants of Kosovo. The EU is playing with fire.

4-107

President. – That concludes the explanations of vote.

(The sitting was suspended at 12.50 p.m. and resumed at 3 p.m.)

4-108

IN THE CHAIR: MR ONESTA
Vice-President³

4-109

Debates on cases of breaches of human rights, democracy and the rule of law (Rule 50)

4-110

President. – The next item is the debates on the cases of breaches of human rights, democracy and the rule of law.

4-111

Egypt: The case of Saad Eddin Ibrahim

4-112

President. – The next item is the debate on the following five motions for resolution regarding the case of Dr Saad Eddin Ibrahim, in Egypt.

– B5-0465/2002 by Mr Wuori, Mrs Boumediene-Thiery and Mr Piétrasanta, on behalf of the Verts/ALE Group, on the case of Saad Eddin Ibrahim;

– B5-0471/2002 by Mrs Napolitano and others, on behalf of the PSE Group, on the sentencing of Saad Eddin Ibrahim in Egypt;

– B5-0473/2002 by Mr Hugues Martin and Mr Posselt, on behalf of the PPE-DE Group, on the case of Saad Eddin Ibrahim (Egypt);

– B5-0480/2002 by Mrs Boudjenah and others, on behalf of the GUE/NGL Group, on human rights in Egypt;

– B5-0484/2002 by Mr van den Bos and Mrs Malmström, on behalf of the ELDR Group, on Egypt.

4-113

Isler Béguin (Verts/ALE). – (FR) Mr President, ladies and gentlemen, the Union devotes particular attention to the area of freedom of expression and fundamental rights. Strict observance of these rights is an essential condition of our

³ *Approval of Minutes of previous sitting – Membership of committees – Communication of common positions of the Council: see Minutes.*

association agreement. The Euro-Mediterranean partnership cannot be strengthened, therefore, by denying this indispensable and irrevocable clause.

Since 1981, Egypt has been under an emergency law which grants extensive powers to the authorities, with a total disregard for human rights. Freedoms are increasingly restricted and subject to the tightest control by the police authorities, which are approved by the judicial authorities.

Saad Eddine Ibrahim and his colleagues from the Ibn Khaldoun Centre have been sentenced on the pretext of misuse of funds or of procedures, but the real reason for this is that they are defending democratic freedoms, as Nawal El Saadawi or other human rights activists have done in the past, whilst individual freedoms are also flouted, several homosexuals having been sentenced.

We therefore urge the Egyptian Government to put an end to the emergency law to allow all citizens to fully enjoy their lawful rights, to allow sexual orientation, freedom of religion and freedom of opinion to be expressed without being equated to crimes and to allow the freedom of association to be guaranteed so that civil liberties campaigners will no longer be persecuted. We want the State of Egypt, like the other States which have signed the association agreements, to understand that the democratic clause in Article 2 is not a luxury, nor is it an option. We want our friends to know that we are not interfering, not acting out of a notion of superiority, nor a wish to preach, but we are in fact acting out of duty, a duty to denounce and condemn violations of freedom wherever they occur.

Human rights are universal and transcend all borders.

4-114

Napoletano (PSE). – *(IT)* Mr President, we welcome the fact that all the Parliamentary groups are willing to discuss and vote on this subject for urgent debate which involves the case of Professor Ibrahim, who has been sentenced by the supreme court for state security to seven years' imprisonment for two offences: conspiracy and activities against the state, and fraud.

The first question needs to be considered in more general terms, since the Constitutions of some of these countries – in particular, I would recall the recent modification in Tunisia – contain an article to the effect that the citizens must not carry out any activity which may be directed against the state, which can even be interpreted as conspiracy. Moreover, this is applied to freedom of speech, and therefore an opposition supporter, a journalist or any free person who criticises the government may then be accused of activities against the state. This is a very serious issue, which requires a more general response.

As regards the offence of fraud, however, checks, will, of course, have to be carried out, but according to our records, as Commissioner Patten has said, there has been no fraud with regard to the use of the Community funds which Professor Ibrahim's institute has administered on behalf of the Commission.

I believe that we are dealing with a case of defence of human rights and I therefore feel that the European institutions should exert every possible pressure on the Egyptian authorities.

4-115

Posselt (PPE-DE). – *(DE)* Mr President, Ibn-Khaldoun was one of those major historical figures who demonstrate how much we in Europe owe to the Arab and Islamic world. We accordingly have a duty to give our support to a man, Professor Ibrahim, who has worked in the tradition of Ibn-Khaldoun, and we should make it clear – and this is also something that we owe, as it were, to the heritage of Ibn-Khaldoun – that there are not two concepts of human rights, one for Europe and one for Egypt, but that there is a single concept of human rights here, which is also appropriate in common cultural and historical terms and which should apply universally today.

That is precisely why we owe it to both Professor Ibrahim and the Egyptian people to get involved here. First, to get Professor Ibrahim released and second, as his health is poor, to secure help for him. However, the third issue is for us to very clearly advocate close cooperation between Egypt and the European Union. Egypt is one of our most important partners in the Mediterranean area. As is evident from the current political crisis, Egypt, alongside Morocco and Turkey, is our most important ally in the Islamic world in the Mediterranean area. Precisely because Egypt is a partner and an ally and not a debtor country or a country we do not want anything to do with, and precisely because Egypt is an important ally, we should not mince our words in talking to them, as is usual between friends, and we should plead the case of persecuted minorities and persecuted people in general. Above all we should support those people within the Egyptian State and within the Egyptian Government who want to strengthen human rights rather than demolish them. Egypt has a great tradition of which I have personal experience from the times when Anwar al Sadat and President Mubarak addressed this House. We are talking about important partners, and I believe that we should continue along that path and support Professor Ibrahim.

(Applause)

4-116

van den Bos (ELDR). – *(NL)* Mr President, the Barcelona Process will never get off the ground as long as the common principles are not being complied with. Fine words like peace, stability and prosperity will degenerate into empty slogans if partner countries continue to sacrifice the constitutional state on the altar of unbridled political power. The intensification of economic cooperation cannot be seen as a separate issue from progress in the areas of human rights and democracy. Many Arab leaders refuse to realise that openness, power-sharing and fair judicial procedures will promote rather than hinder stability and economic development. A properly functioning civil society is not a threat, it is a necessary precondition for decent government.

Egypt is a big and important country with a rich history. She must play a leading role in the political modernisation of the Arab world. In order to achieve this, she must set an example that other states can emulate. Unfortunately, there is no evidence of this as yet. Openness and democracy still leave much to be desired, and the constitutional state is often violated. Thus Dr Ibrahim's recent seven year prison sentence is a flagrant breach of every legal concept. The accusations of fraud with EU money are not only unsubstantiated, according to the Commission, they are completely unfounded. This sentence therefore undermines the cooperation treaty. We are therefore urgently appealing to President Mubarak to do everything in his power to reverse this injustice. Good relations with Egypt are also of vital importance for us. The European Union is willing to inject new life into the Barcelona Process, but this can only be done if our partners stop flouting the principles.

4-117

Cashman (PSE). – Mr President, it is always sad to talk about human rights abuses because we in the EU take for granted the universal rights that we exercise day in, day out.

The case of Dr Ibrahim is deeply worrying because it is part of a trend that we see increasing in Egypt. Yet Egypt – as we have heard from Mr Posselt – is a friend and ally. Therefore I urge the Commissioner on his visit to Egypt to raise at the highest level with President Mubarak the case of Dr Ibrahim and his colleagues. He should be released immediately. There should be a fair appeal process.

I equally urge him to raise the case of the 'Cairo 52', who are also undergoing a retrial, and of the four British men held pending trial in Cairo at this moment. We are friends of Egypt. We must encourage dialogue. When dialogue fails, we must bring forward sanctions.

4-118

Dupuis (NI). – *(IT)* Mr President, Commissioner, ladies and gentlemen, I believe that we must first of all pay tribute to one of the greatest enemies of our topical and urgent debates and one of the champions of the bureaucratisation of our Parliament, Mr Corbett. The damage has been done.

We are not talking today about tough regimes. We should be devoting much more attention to Saudi Arabia or Syria. We are dealing with a so-called moderate regime, Egypt, as a way of hiding all our shame and cowardice. We are talking about Professor Saad Ibrahim, who is one of the most ardent Egyptian supporters of democracy in his country, and we too should be much more determined in our quest for democratisation in the Arab world.

I would like to thank Commissioner Patten for his clear statements in defence of Professor Ibrahim and refuting allegations of any kind of fraud. I believe that all possible checks have been carried out and that there is therefore no excuse: we must fight for his release. Lastly, I would also like to thank all those who have supported his nomination for the Sakharov prize.

4-119

Patten, Commission. – Mr President, the trial of Dr Saad Eddin Ibrahim and his colleagues has aroused widespread international interest and concern, not least among those who, like many of us here, consider ourselves true friends of Egypt and the Egyptian people.

When Dr Ibrahim and his co-accused successfully appealed for a retrial last February, we hoped that the best traditions of justice would prevail, not only on the merits of the case, but because of the evident damage to Egypt's international reputation caused by the handling of the case by the Egyptian authorities. We were therefore profoundly shocked on 29 July when Dr Ibrahim was again sentenced to seven years' imprisonment with hard labour, a cruel sentence for a man in his frail physical condition. A further four defendants were also sentenced to prison and the remaining 24 have suspended sentences.

Even if the charges were credible, and we do not find them so, these sentences are completely disproportionate. The following day I personally voiced my dismay and repeated that, despite careful monitoring and a mid-term external audit, the Commission has no evidence of financial or other wrongdoings by Dr Ibrahim or his co-defendants with respect to the two NGO contracts managed by them. We made this clear in an affidavit submitted during the appeal.

Furthermore, I repeated then and I repeat now that we deplore the use of state security courts and procedures to pursue cases of this nature. Even the Court of Appeal has misgivings on the use of Military Court Order No 4 under which this prosecution was brought.

We were disturbed by the decision to retry the defendants after a successful appeal and despite Dr Ibrahim's failing health. We are troubled by the conduct of the trial and the speed and manner of the court's decision. This unseemly rush to judgment did nothing to improve the court's credibility.

The case has been closely followed by the EC and Member States and we made our concern clear at the highest levels from the beginning. With respect to the charge of accepting foreign European Union funds without authorisation, the Commission insists that direct grants to civil society are perfectly proper and are covered by the EU-Egypt Framework Convention on Financial and Technical Cooperation.

At the conclusion of the first trial last year, the severe sentences led to an EC statement on 23 May and the presidency declaration two days later, expressing deep concern.

Then, as now, the European Union stressed the importance it attaches to the development of civil society and reiterated that actions to this end are an integral part of Barcelona and bilateral programming which Egypt has signed up to.

With respect to the claimed misuse of EU funds, the Commission is, to say the least, surprised that the Court has reportedly ruled as irrelevant the views of the Commission, the alleged victim, that its normal monitoring procedures, including an external mid-term audit, gave no cause for concern whatsoever, financial or otherwise. We have no access at present to the NGO files, which have been confiscated by the authorities.

The European Union has always hoped that due legal process and justice would prevail. We have scrupulously avoided any intervention that might prejudice that expectation. The Commission's affidavit during the appeal was strictly factual and correct. We are concerned that the Court, in its written explanations, is reported to have implied the contrary.

The Commission and the Member States continue to follow the case closely. The Cairo-based Troika has already visited Dr Ibrahim in prison and the Swedes visited again this weekend. We are in close touch with the family. If, as first press reports indicate, the Court's formal explanation of its verdict, which still has to be translated, misrepresents the European Union's position, we will not hesitate to rectify it.

The legal process is not finished and I understand that the defendants will appeal. The Egyptian authorities are well aware of the wider implications of a judgment that is perceived as unjust and politically influenced. Only the due process of law in full transparency can prevent further damage to Egypt's international standing.

The Ibrahim case raises issues of real concern, but the overall human rights situation in Egypt is complex and not entirely clear. There is some cause for optimism, for example, in relation to women's rights, judicial control of general elections and social legislation. But there are also some signs which give cause for concern, such as the new law on non-governmental organisations, the alleged harassment of homosexuals referred to earlier and the further arrests of members of the Islamic opposition. What we have to do is discern the trend and react accordingly.

The Ibrahim case casts a long, but hopefully temporary, shadow over the Egyptian human rights and democracy movement. Although the international outcry at the verdict has provoked a strong reaction in Cairo, many influential Egyptians accept that Egypt must adopt the highest judicial and democratic standards if it is to achieve its developmental and political ambitions. We can only agree with that.

We will continue to use appropriate measures to express our concern on individual cases. We shall discuss the broader issues concerning human rights and the promotion of democracy within the context of our cooperation programming and the enhanced political dialogue that must characterise the new and privileged relationship between the European Union and its Mediterranean partners.

I confirm directly to the Member who raised this question that I shall certainly be discussing the matter when, God willing, I visit Egypt myself next month.

(Applause)

4-120

President. – Thank you very much indeed, Commissioner.

The debate is closed.

The vote will take place today at 4 p.m. or as soon as we finish the debates.

4-121

Nigeria: The case of Amina Lawal

4-122

President. – The next item is the debate on the following six motions for resolution on Nigeria, and more specifically the case of Mrs Amina Lawal:

- B5-0466/2002 by Mrs Frassoni and others, on behalf of the Verts/ALE Group, on the human rights breaches in Nigeria;
- B5-0470/2002 by Mrs Gröner and others, on behalf of the PSE Group, on the death sentence of Mrs Amina Lawal in Nigeria;
- B5-0472/2002 by Mrs Muscardini, on behalf of the UEN Group, on the case of Mrs Amina Lawal in Nigeria;
- B5-0474/2002 by Mr McCartin and others, on behalf of the PPE-DE Group, on the human rights situation in Nigeria;
- B5-0479/2002 by Mrs Eriksson and others, on behalf of the GUE/NGL Group, on human rights breaches in Nigeria;
- B5-0486/2002 by Baroness Nicholson of Winterbourne and others, on behalf of the ELDR Group, on human rights breaches in Nigeria.

4-123

Isler Béguin (Verts/ALE). – *(FR)* Mr President, Commissioner, ladies and gentlemen, the African continent, which, for far too long, has been synonymous with tragedies and loss, recently wanted to present a new face to the international community. The foundation of the African Union as an off-shoot of the OAU and as a role model to the European Union is a promise of the future for this continent and a homage to the institutions that make up our own. As well as providing a model of political structure and a single project for the continent, the European Union must also protect the rights recognised by the international conventions.

The tragedy of another age, however, currently being suffered by Amina Lawal, is threatening all these promises and signatures ratified by her country, Nigeria. The extreme distress experienced by Mrs Lawal and Mrs Hussein before her and so many other ignored voices, is evidence of the ludicrous gap between commitments and political and legal practices in certain countries of Africa. It is difficult to understand that, in this day and age, a sentence of death by stoning could be passed down. It is difficult to accept such a barbaric act could be carried out for the mere fact of having had a baby after a divorce. Above all, it is difficult to accept regional laws, in a federal state which denies and flouts a national constitution. Admittedly, it is the primary responsibility of the federal authorities of Nigeria to establish conformity and respect of its national laws and international commitments throughout its territory and the jurisdiction of its state. However, it is also the moral and political duty of the Union, many of whose Member States share a common history with the African continent, to oppose criminal abuses, such as certain interpretations of the Sharia law and to support, using every effort and every means at our disposal, those who are fighting for the rule of law, for rights and for real justice for all. If we are satisfied with a token statement each time a Kafkaesque crime befalls a citizen of the ACP countries, we are essentially becoming accomplices and are upholding, due to our diplomatic inertia, the return to obscurantist ways.

That is why my group and I are calling for a working group to be set up on the question of Sharia law and women's rights as part of our forthcoming ACP-EU delegation. The stability of Nigeria is under threat and the stability of the whole country could be affected by what is happening in Nigeria, the most densely populated country in Africa. The shockwaves created by Amina Lawal's case have just reached Europe; let us take action to prevent further shockwaves in the future.

4-124

Karamanou (PSE). – *(EL)* Mr President, Commissioner, I wish to express in the strongest terms my horror and disgust at what has been happening over the last two years in the northern provinces of Nigeria, where Islamic fundamentalists have imposed Sharia law over and above the laws of the country and international law. I wonder, how can women – not men of course – be condemned to death by stoning for adultery in a country which has ratified the UN treaty on eliminating all forms of discrimination against women, in a country which has ratified the treaty against torture and the international covenant on civil and political rights, in a country with which the European Union has close ties under the Cotonou agreement?

How come the federal government of Nigeria is unable to make the Islamic fundamentalists respect the very constitution of the country? What is the point of having a president if he is unable to guarantee the fundamental freedoms and human rights of his citizens? I find it impossible to believe, Commissioner Patten, that intolerance, obscurantism and misogyny can triumph over reason and human values. I cannot accept that the Union does not have ways and means of preventing

these criminal practices against women and that, in this specific case, we are unable to force the federal government of Nigeria to apply the law throughout its territory.

We need to send out a very strong message from this House today both to Nigeria and to any other country in which crimes are being committed against women because, as we know from the press, sentences of death by stoning are also passed in Iran. We need to tell fundamentalists the world over that no tradition or culture can sanction the violation of the rights of half of mankind, which is why we are calling here and now for Amina Lawal to be released.

4-125

McCartin (PPE-DE). – Mr President, I have read up the case of Ms Amina Lawal and checked it out with Amnesty International, which I would like to thank for the assistance it gave, as also the staff of my own group who confirmed the facts that had been published.

I looked into these facts and the first thing that strikes us about this case is the cruel and unusual punishment that is involved. Above all, we have to look at the unfairness of the decision that was taken in imposing a punishment on the female partner in the name of some kind of religious belief. This is not religious justice; this is a purely political policy by which men in many parts of the world, in the past and still today, maintain their control and domination over the weaker sex.

The second hurtful aspect of this case is the absolute and wanton cruelty involved. It violates every instinct in mankind that prompts us to work for a world that can be shared in peace and enjoyment by us all.

Above all, this case reminds us of the barbarous days when witches were burned, as somebody pointed out earlier, and when human beings were sacrificed to satisfy an unseen, unknown and uncaring deity. There are many people in this world who recognise many different visions and manifestations of their god or gods. There are many people who recognise no god whatsoever. This does not prevent us from sharing and enjoying the same world together. But if some people believe that on behalf of their god, they can take it upon themselves to punish and persecute their fellow men because they follow a different religion or do not have any religious beliefs, then mankind cannot co-exist in peace in this world.

That is why we in this Parliament must make it clear that only democratic institutions have the right to make laws and impose humane punishment on other human beings and that the code of the United Nations will be upheld by the European Union at all costs.

4-126

Ainardi (GUE/NGL). – *(FR)* Mr President, Commissioner, ladies and gentlemen, once again, a woman, Mrs Amina Lawal, has been sentenced to death by stoning in one of the Muslim states of the Federation of Nigeria. Her crime is to have given birth to a child after her divorce. Some months ago, Safiya Hussein, sentenced to the same fate, was spared following an international outcry. But how many people have been sentenced to the same barbaric fate before this victory and how many will be sentenced in the future?

It is high time that these highly antiquated legal decisions, which show complete contempt for human dignity, are prevented from being passed in Nigeria and elsewhere. This strict application of Sharia law, which has nothing to do with respect of the Muslim religion, was declared unconstitutional by the Nigerian Minister for Justice, including in the federal Muslim states of the north. In its constitution, the Federation of Nigeria describes itself as a secular State. Nigeria is also signatory to conventions which spell out its commitments at international level. Although the Katsina state is involved, there are other responsibilities: those of the federal Nigerian authorities which have a duty to ensure strict respect of the constitution and the protection of human rights for all Nigerian citizens, regardless of status, religion or sex.

The international community, and Europe in particular, must condemn this unacceptable breach of fundamental human rights. Europe is opposed to the death penalty. It has committed itself to protect women's rights against sexual discrimination and against religious intolerance. Doing everything in our power to save Amina Lawal from death by stoning is also one of Europe's duties. Human rights organisations are bravely fighting in Nigeria. These organisations are often under threat, but they are working together despite the lack of resources and the lack of support, other than support from European organisations. We must support their demands.

Lastly, as part of the Cotonou partnership agreements, Europe can and must urge Nigeria to respect its international commitments and to promote democracy and women's rights.

4-127

van den Bos (ELDR). – *(NL)* Mr President, are we going to support a country that pursues barbaric practices? Now we are faced with the drama of Mrs Lawal. More and more states within Nigeria are introducing Sharia law. The political climate is often so influenced by Islam that politicians only have a chance in elections if they support this legislation. Barbaric ancient desert practices such as stoning women or hacking off limbs are naturally at odds with the most fundamental

human rights. The much-discussed clash of civilisations, cultures or faiths can only be prevented if the strict Sharia law is abolished everywhere. Nigeria is a very fragile and unstable democracy. The European Union supports the democratisation process there, and with good reason. However, it can only continue to do so if the federal government does everything in its constitutional power to stop barbaric punishments from being administered. If they fail to do so, the support we recently promised must be reconsidered. Development aid and support for good government makes little sense if the recipients of this aid persist with their barbaric practices.

4-128

Ferrer (PPE-DE). – (ES) Mr President, Commissioner, as Christian Democrats, and as the PPE-DE Group, our commitment to the defence of the value of human life and dignity, and the defence of the fundamental rights and freedoms required for that dignity, lead us once again to vigorously condemn the violations of human life and dignity represented by the death sentences – and, what is more, death by stoning – handed down in strict application of Islamic law; and to urge the authorities responsible to show clemency in order to prevent the ignominy of the execution of such sentences.

It also leads us to remind not only the Federal State of Nigeria, but also Niger, Sudan and Somalia, that the current interpretation and application of the *sharia* is not only a clear violation of fundamental rights, but that it evidently contravenes the international commitments to human rights which they have signed up to, including the Cotonou agreements, article one of which clearly states that the rights of the individual will be respected and that the situation of women and issues of sex equality will systematically be taken into account in all areas, political, economic and social.

Therefore, as well as our absolute rejection of the death sentences which have been handed down, and as well as asking for mercy for Amina Lawal, Ahmadu Ibrahim and Fatima Usman, we must and want to demand that the governments of these countries bring their legislation into line with the international standards and commitments in the field of human rights, in order to prevent an application of the *sharia* which violates human rights. Furthermore, as the European Union we must be prepared to use the mechanisms available to us under the Cotonou agreements in the event of the violation of the principles they stand for. Only in this way, Mr President, will we contribute to progress on freedom and respect for human rights in the world.

4-129

Izquierdo Rojo (PSE). – (ES) Mr President, Commissioner, this mother, Amina Lawal, has been sentenced to death, to die by stoning, brutally, for having had sexual relations after being divorced, something very common which is done by millions of people, men and women, on all five continents, regardless of their beliefs, Muslims, Catholics, protestants and any other.

'Why Amina and not me?', the whole world asks in the face of this Islamic hypocrisy. Mr President, Commissioner, the current application of the *sharia* in the states of the north of Nigeria did not exist before. It is simply a fundamentalist interpretation. The harm it would do to the life of Amina is irreversible. Later, power relationships will change, there will be other tribunals, Islamic ones or American ones, which establish different criteria, but Amina's right to life will be irreversibly violated.

Paragraph 11 reiterates that the European Parliament wants to see consideration of the victims of fundamentalist persecutions being given the right to asylum, particularly in cases of sentences to death by stoning. Mr President, Commissioner, we must not forget that these sentences to death by stoning are also being carried out in Iran. And a top official close to Khatami even had the nerve to praise them.

Commissioner, we want to strengthen links with Iran, but are these stonings compatible with our coherence on foreign and security policy and the defence of human rights?

Commissioner, I would ask you also to take account of the stonings in Iran.

4-130

Thors (ELDR). – (SV) Mr President, Commissioner, it is with great sorrow that we follow the events in Nigeria. I was among those who believed that the election of President Obasanjo some years ago would usher in change. This latest report and discussion is just one in a long line indicating that the security forces are not acting as they should and that the causes are not being investigated. There are reports that some years ago the president was in principle calling for all those belonging to the Oodua People's Congress, that is, several hundred people, to be fired upon. *Transparency International* still classes Nigeria as the second most corrupt country in the world. The figures for child labour and trafficking in children are highest in Nigeria.

If we were really sincere about these matters, we should now also call on the ambassadors to take steps in Nigeria to publicise the fact that Amina Lawal is welcome in any European country. We should act to say that she can come here, that we, as Europeans together, are prepared to save her. That is the only honourable way to proceed. I would ask the Commissioner to consider speaking with the ambassadors.

4-131

Bordes (GUE/NGL). – *(FR)* Mr President, we shall vote in favour of this resolution in spite of all the criticism that can be directed at it. If the European Parliament can prevent a crime from being committed against Amina Lawal by adopting a position, then this is what it must do.

Condemning a woman for having given birth to a child, in the name of antiquated laws, is a despicable crime, in the same way as all forms of oppression of women and all forms of mutilation are despicable, whether or not they are perpetrated in the name of religion.

We firmly echo the protests against the fact that women are oppressed and deprived of their human rights in the name of the Sharia law, but we are equally firmly opposed to what is being done in the name of the Vatican or the Bible.

We must, of course, condemn the barbaric acts in Nigeria, but we must also condemn these acts when they are committed in the United States, this superpower which poses as a model of modern civilisation, or even here, in the European Union which tolerates some of its Member States implementing laws which ban women from enjoying the basic right to own and control their own bodies.

Whilst we oppose acts of barbarism perpetuated elsewhere, we must also ensure that our own house is in order.

4-132

Bowis (PPE-DE). – Mr President, in every part of the world we see examples of violence and cruelty by individuals and sometimes appalling scenes of mob violence and lynch rule.

These are horrors which every civilised person, government and judicial system condemns. Some acts of savagery are doubly chilling because they are authorised by people supposedly appointed to administer justice. It is not just in Nigeria, but today we are focusing on Nigeria. The practices carried out there in the name of Sharia law are beyond the pale of any society that calls itself civilised and humane. Stoning for adultery is barbaric; flogging for sex before marriage or alcohol consumption and amputation for theft may be considered excessive. To give judicial approval to a stoning to death by a legal mob cannot be acceptable to the vast majority of Nigerians who are decent and responsible, including their president, and it certainly cannot be acceptable to us.

Earlier this year, we saw international pressure helping to put a stop to plans to stone Safiya Hussein to death. Now Amina Lawal faces the same threat of death by torture. Safiya was married at 12 years old and Amina at 14 years old. They lost their childhood and Amina may now lose her life. The young couple Ahmadu Ibrahim and Fatima Usman face the same prospect, as does an older man accused of rape. This punishment is incompatible with the conventions and covenants signed by Nigeria.

Tens of thousands of people have written from 110 countries to appeal for clemency in the Amina case. I believe the federal government understands that and indeed the minister of justice has also condemned the verdict. The key is the governor of Katsina state and it is important that the presidency and the Commission and the President of our Parliament add their pleas to those many of us have already sent to Umaru Musa Yar'Adua.

4-133

Markov (GUE/NGL). – *(DE)* Mr President, Commissioner, following the success of international action to save the life of Safiya Hussein in March this year, it is all the more shocking to again be faced with the threatened execution of a Nigerian woman and mother by being stoned to death.

Despite international pressure, the Nigerian Government is not willing to meet its obligations under international law and is allowing 10 Nigerian federal states to apply local and religiously motivated criminal law contrary to national constitutional law and international human rights.

At the same time, however, we need to be aware that Nigeria is by no means a unique case. According to information from Amnesty International, in Iran, for example, in 2001 and 2002 at least six women were sentenced to death by stoning for crimes such as 'adultery and earthly depravity', in some cases after a long prison sentence, and these sentences were carried out.

In Iran alone a total of 35 people, both men and women, have already been executed this year in various ways. It is therefore high time that the European Union took a stand against this barbaric practice not just in individual cases, but as a matter of principle. It should also be possible to endeavour to impose sanctions on regimes where practices of this kind take place.

(Applause)

4-134

Patten, Commission. – This is, as every Member who has spoken in this debate has pointed out, an extremely troubling case. I am not surprised that it has caused so much outrage, as well as shock, in Parliament. Throughout, the Commission has been deeply concerned by the possible application of harsh penalties in Nigeria.

This time we, like Members, are particularly concerned about the case of Amina Lawal, who has been condemned to death by stoning, which, as Mr Bowis said, is in effect a state-sanctioned and organised brutality, although she is at present awaiting appeal.

The Commission is as strongly opposed as every Member who has spoken to the use of cruel and discriminatory punishments. We have consistently expressed concern over Sharia punishments in Nigeria and – I shall return to this point – we have expressed our concern about Sharia punishments elsewhere as well. This concern has been expressed, among other places, at the Commission on Human Rights. Quite simply, we expect all communities to accept international norms concerning human rights, gender equality and respect for human life.

We are resolutely opposed to the use of the death penalty and fully subscribe to the European Union guidelines against the death penalty adopted in 1998. We have had the opportunity on more than one occasion to discuss those guidelines in this Parliament. A Troika démarche was carried out to restate this position only last year in Nigeria.

The Commission will continue to provide support for human rights and democracy initiatives, through its cooperation programme with Nigeria and through other instruments such as the European Initiative for Democracy and Human Rights, which has so many eloquent champions in this Parliament. This initiative includes Nigeria as a focus country, and will support interventions in the field of good governance and legal reform with the aim of achieving a positive impact on the status of women and awareness of their legal rights.

The Union is, of course, in constant political dialogue with the Nigerian Government, as a number of Members have pointed out, for example, Mrs Karamanou. This could be intensified as foreseen under the Cotonou Agreement, depending on how the situation evolves.

I was interested by the proposal, which was also mentioned by one of the authors of this resolution, to establish a working group on Sharia and human rights and women's rights under the Cotonou Agreement.

As Parliament may know, we financed a study – the Peters report – on the problems of applying the Sharia Law in Nigeria. I am sure Parliament will not be surprised at the main conclusions. The report believed that some legal texts were poorly drafted and contradictory, that application of the texts was inconsistent, that the judges concerned were incompetent and poorly trained and that there were contradictions not just with international laws but also federal laws.

I can assure Parliament that we will continue to raise this deeply troubling issue. As I have had occasion to say to foreign ministers from a number of countries, it is very difficult for us in Europe to accept that female lapidation is consistent with internationally acceptable norms of behaviour and of human rights.

Mrs Izquierdo Rojo raised the question of female lapidation in Iran. I can assure her that I have raised that issue with Iranian ministers. I have raised it in Tehran, as well as at meetings outside Tehran. I very much hope that in the course of the next months we will be able to begin a comprehensive human rights dialogue with Iran, alongside the discussions we will be having with it on political issues and on trade and cooperation, so that we can continue to raise the issue with it, as we raise it with every other country where it is relevant. Parliament is concerned about this; we are concerned about it; European public opinion is deeply troubled by it.

(Applause)

4-135

President. – Thank you very much, Commissioner.

The debate is closed.

The vote will take place at 4 p.m. or at the end of the debates.

4-136

Human rights in Zimbabwe

4-137

President. – The next item is the debate on the following seven motions for resolutions on human rights in Zimbabwe:

– B5-0464/2002 by Mr Van Orden and others, on behalf of the PPE-DE Group, on Zimbabwe;

- B5-0467/2002 by Mrs Maes and others, on behalf of the Verts/ALE Group, on Zimbabwe;
- B5-0468/2002 by Mr Andrews, on behalf of the UEN Group, on Zimbabwe;
- B5-0469/2002 by Mrs Kinnock and others, on behalf of the PSE Group, on the human rights situation in Zimbabwe;
- B5-0481/2002 by Mr Vinci, on behalf of the GUE/NGL Group, on human rights in Zimbabwe;
- B5-0482/2002 by Mr Belder, on behalf of the EDD Group, on Zimbabwe;
- B5-0485/2002 by Mr van den Bos, Mr Mulder and Mrs Sanders-ten Holte, on behalf of the ELDR Group, on the human rights situation in Zimbabwe.

4-138

Van Orden (PPE-DE). – Mr President, it is with both sadness and frustration that I find myself presenting yet another resolution on Zimbabwe – the sixth within a year. The fact is that the situation there is getting worse and the European Union's actions to date have clearly been ineffective. They are not being pursued with sufficient determination or vigour. The European Union sends diplomatic missions to southern Africa but they come back empty handed and leave behind no impression that action against Zimbabwe is a high priority and a determining factor in the overall approach to southern Africa.

Let us be clear: the issue is not the rights of white farmers, it is the rights of all of the people of Zimbabwe. If you are not a card-carrying Zanu-PF member then you are subject to harassment, discrimination, assault, selective starvation policies and murder. How serious does it have to get before effective action is taken?

President Mugabe has just returned to Harare from Johannesburg claiming support for his land policies. This is a travesty. To quote the opposition MDC, 'Mugabe's land reform programme has resulted in massive environmental degradation, condemned hundreds of thousands to poverty and put six million people at risk of starvation'. That is the reality.

President Mugabe is a tyrant who has plundered the resources of his country for his own benefit and that of his cronies and who uses the apparatus of the state, including the police, to terrify and abuse his political opponents. Imagine our horror, therefore, when we discovered that Augustine Chihuri, the Zimbabwe police chief who is actually named on the European Union's prescribed list as being banned from travelling to EU countries, was nevertheless in France last week, at an Interpol meeting in Lyon. You might rightly ask what a person like Chihuri is doing as a vice-president of Interpol in the first place, but that is a different question. The fact is that he should not have been in France and the Council must now take vigorous and effective steps to close the loopholes and galvanise international moves against President Mugabe before the tragedy of Zimbabwe is again overshadowed by other international crises. Let us have some determined action for the sake of all the people of Zimbabwe.

4-139

Maes (Verts/ALE). – (NL) Mr President, Commissioner, ladies and gentlemen, President Mugabe's dictatorship is reprehensible. He is running his country into the ground, the fields are bare, the economy is going downhill, the people are suffering shortages, there is hunger; he gags the press, he terrorises the opposition and his motive is to remain in power. Nevertheless, he still finds sympathy in black Africa. After all, Zimbabwe's neighbours do not want to go to war against her. The farm workers working on the white farms often have to live in unacceptable social conditions. The landless poor want to be given the chance to survive. There is therefore a need to redistribute the land, but this must be done according to legal and transparent procedures, without violence and without corruption.

The European Union must therefore play its own role. We have too much respect for the people of Zimbabwe. We cannot interfere in the internal affairs of a sovereign country. Our sanctions must affect President Mugabe and his circle, but not the people of Zimbabwe. The people must know that we understand their desire to acquire land and that we want to provide financial support for a legal procedure for acquiring land. We must help Zimbabwe's neighbours to take care of refugees. If we do not do this, we will actually be providing them with an excuse to send the refugees back over the border, where they will once again fall prey to the repression.

This is the role that I hope this Parliament will support, and that is why we have submitted the amendments. I understand that some people will not support them, but I really do not want to be seen simply as the white man wagging an admonishing finger at Africa.

4-140

Junker (PSE). – (DE) Mr President, ladies and gentlemen, what is happening in Zimbabwe is quite simply an unparalleled tragedy. In his speech in Johannesburg, Mr Mugabe made the unspeakable assertion that these events, which are totally contrary to constitutional law, are even contributing to sustainable development. That really takes the biscuit! It would be hard to top that comment for audacity. It would be good if there were some louder voices in black Africa exposing this for

what it really is: a power struggle on the part of a man who has failed in the course of 20 years to push forward a process of land reform that could have been carried out constitutionally. He only took action on this when his personal position was threatened, and only resorted to these tactics when his hold on power was at risk. We must never forget that this action is only partly directed against white farmers. It is above all aimed at Zimbabwe's opposition, which managed, despite enormous repression in the parliamentary elections, to achieve a very remarkable result, and which of course has a great deal of backing amongst the public. That is the real background to this.

I would like to quote some comments from the South African newspaper the *Daily Newspaper*, because it is one of the voices in a country which is, after all, our ally, which is important. It has criticised the way the Mugabe Government has carried out land reform as brutal, and as a means of bringing production to a standstill, which is futile. This paper has pointed out that Mr Mugabe is attempting to propagate a myth when he says he has the backing of all Zimbabweans. We know after all that there is a strong opposition and that it is not therefore legitimate, and I am quoting now, to talk about 'my Zimbabweans and my Zimbabwe', while ignoring his many opponents, and that Mr Mugabe is creating a false impression when he alleges that Zimbabwe is, as it were, his property. But as far as I understand he is in the process of selling off that property to his own family, so that the occupation of land is being misused to bestow gifts on his family members.

As I have already said, the European Union should be willing to support a legal and constitutional process of land reform, but it should not support such machinations. We have to say that very clearly to our partner countries.

4-141

Belder (EDD). – (NL) Mr President, in the Zimbabwe of President Mugabe, there are terrible things happening every day. Just listen to this: 'The game we are going to play needs music,' the Zimbabwean police agent told the 12-year-old girl at 10 o'clock at night. But when he threw a mattress on the ground, it became clear that he had something other than a game in mind. For the next four hours, the girl's mother and her nine-year-old and seven-year-old sisters were forced to continuously sing the praises of Robert Mugabe and watch while the undernourished Dora was raped by a gang of five so-called 'war veterans' and the policeman behind the shack until 2.30 in the morning. 'This is the punishment for those who want to sell the country to Tony Blair and the whites,' they screamed at the terrified girl. Dora was abused because her absent father was an ordinary supporter of the opposition, the Movement for Democratic Change.

Unfortunately, the abovementioned tragedy (see the *Sunday Telegraph* of 25 August) was not an isolated incident. Dora is just one of hundreds of young girls raped as part of a state campaign of systematic political purging of the population. Not to mention the approximately 50 militia camps where President Mugabe's opponents are locked up and tortured for 're-education', but which are also increasingly being used as rape camps.

Meanwhile, President Mugabe does not seem to be in the least ashamed of this reign of terror. Quite the opposite. For example, take his outrageous performance at the UN Summit in Johannesburg, where this self-made pariah passed himself off as a victim of colonialism who wanted to free his 'occupied country' from 'British colonialism'. The fact that he is allowing half of his 12 million compatriots to starve on account of this non-argument does not bother him in the least.

Namibian President Nujoma's active support for President Mugabe and the deafening silence from President Mbeki, the great initiator of the NEPAD programme, which is all about rulers' responsibilities towards the ruled, is worrying.

In order to prevent the 'oil slick effect', I call on the Council and Commission to continue to give the crisis in Zimbabwe political priority. Because the fact that according to today's *Frankfurter Allgemeine*, only the US Secretary of State expressly criticised Mr Mugabe's reign of terror in the plenary assembly at Johannesburg hurt me personally a great deal. Was Europe really silent on this?

4-142

IN THE CHAIR: MR FRIEDRICH *Vice-President*

4-143

van den Bos (ELDR). – (NL) President Mugabe is allowing his people to starve and is blaming the West. It is not he who has driven his own people to starvation, but the neo-liberal development model. It is not he who has crushed democracy, violently intimidated his political opponents and manipulated elections, but the neo-colonial powers in Europe. It is not he who attacks the independent media, but reprobates who are beyond his control. It is not he who allows his militia to rape women who oppose him, but total strangers. And it is not he who withholds food from his political opponents, but the enemies of Zimbabwe.

All this former freedom fighter's political actions now have just one goal: how to stay in power at any cost. No decent person objects to land reform, but every decent person objects to land reform as practised by President Mugabe. Farmers are deprived of everything without any compensation and are forced to flee. It is not the people of Zimbabwe who get the land they are entitled to, but Mr Mugabe's political buddies. The President was allowed to unashamedly propound

misleading political propaganda at the Johannesburg Summit. The so-called smart sanctions against the regime are not being particularly smartly enforced. The penalties must be applied more strictly and the target group must be expanded.

I therefore ask Commissioner Patten what the position is regarding the promised investigation into the freezing of these men's assets in Europe. It is high time that new, honest elections were held in this country. President Mbeki of South Africa and other leaders in the region must ultimately accept their responsibility and must support the people of Zimbabwe and not a president who neglects his citizens because of his own hunger for power.

4-144

Gahler (PPE-DE). – *(DE)* Mr President, ladies and gentlemen, Mrs Junker has already mentioned Mr Mugabe's cynical speech at the Johannesburg Summit. I tend to get the impression that speeches of this kind are, unfortunately, infectious. I hope that the crass speech by Namibia's President Nujoma in Johannesburg on the same day will not have any political consequences in Namibia itself. Meanwhile, the politicisation of food aid in Zimbabwe is continuing, amongst other things. Maize is being specifically distributed to the party faithful, church food stores are being stormed by the so-called war veterans, and the church has been banned from distributing aid on the grounds that it is creating parallel structures.

What should we be doing? We should do what we have decided to do. To be precise, I expect that Zimbabwe's Foreign Minister will not be invited to the EU-SADEC meeting of Foreign Ministers in Copenhagen in November, and we should make it clear to our partners in southern Africa that European money is not intended to finance an African renaissance or a new NEPAD programme of African development for President Mugabe and his political allies. We should financially participate in the reconstruction of Zimbabwe and land reform there once Mr Mugabe has gone and within a proper constitutional framework – but not now. If Zimbabwe's neighbours exert pressure in their own interest, because they themselves are suffering from the impact of Mr Mugabe's policies – for example the flow of refugees into neighbouring countries – then we should support them in accommodating refugees, but certainly not now.

We should make our own policy perfectly clear and bring appropriate pressure to bear on our own Council of Ministers, because I really have the impression – as a number of Members have already said – that this is not really being given priority, and that no very clear statement was made about Mr Mugabe in Johannesburg. That is why I hope that we will at least take a hard line in relation to the meeting in November in Copenhagen. Our partners in southern Africa will then have to decide for themselves if they want to show solidarity with Mr Mugabe or with the people of Zimbabwe, and join us in the dialogue to put an end to this situation.

(Applause)

4-145

Cashman (PSE). – Mr President, of course this resolution speaks for itself. It is an appalling litany of crimes against humanity. President Mugabe is bereft of principles, devoid of any sense of justice, his regime sinks to unimagined levels as each day passes. He has no respect for human rights, minority rights, international law or international opinion. He is a vile despot and we must cease all links with him and his regime.

As Mr Van Orden said, we must hit Mr Mugabe and his regime where it matters most, i.e. in the pocket. There must be an end to international trade and effective freezing of the bank accounts of Mr Mugabe and his entourage. Further financial and targeted sanctions must be vigorously imposed. At the same time, we must aid and support those African states which take similar punitive actions against the Mugabe regime.

The great sadness in all of this is the effect it is having on the citizens of Zimbabwe, whose only crime is to have Mr Mugabe as their president. Let us target Mr Mugabe, not the citizens of Zimbabwe, and let us ensure that our actions are effective and not merely international window-dressing.

4-146

Gollnisch (NI). – *(FR)* Mr President, once again, a Marxist dictator – or rather a dictator with Marxist leanings – who has come to power with the blessing of western governments and their advisors, has revealed his true colours. On the pretext of land reform, and completely illegally, he is waging vandalism pure and simple, but also intimidation and the most brutal violence; atrocities are being perpetrated against white farmers, and against black farmers too, with whom they work and whose situation continues to deteriorate.

We already know what the outcome of the situation will be. President Mugabe's militia, spurred on by envy and a taste for pillaging, are forcing white farmers into exile, at best. Their departure will spell the end of farms, famine for 12 million inhabitants of Zimbabwe and widespread poverty. But the icing on the cake is that even here there will be support for holding the West responsible for this situation and this poverty. We have already seen this happen in Congo, Algeria, Angola and Mozambique. This has happened in several African countries whose leaders very recently applauded Mr Mugabe in Johannesburg.

In the light of this situation, I do not know whether we can do anything for the people of Zimbabwe, but we must at least have the honesty to say to the leaders of these countries that the primary cause of their underdevelopment is nothing to do with the western world.

4-147

President. – Mr Posselt has the floor on a point of order.

4-148

Posselt (PPE-DE). – (*DE*) Mr President, just a few words. I wanted to mention that this is the first time we are holding an urgent debate since the Corbett reform of our Rules of Procedure. That means that the debate on topical and urgent subjects of major importance is cut from three to two hours, in order to free up two hours for legislative work. That was the official reasoning.

Having seen today's agenda, I have to say that this legislative work must be taking place in secret. I would like to emphasise that I am very willing to make concessions, but not when the other side throws them away. By that I mean that I accept the idea of allowing two hours for legislative work, but in that case legislative work must actually been done here on Thursday afternoon. If no such work is being done, then I would like to have those two hours back for the urgencies.

4-149

Patten, Commission. – I know Zimbabwe reasonably well. When I was my own country's Overseas Development Minister in the 1980s I visited Zimbabwe frequently in the years after its independence. I recall the hope with which Zimbabwe set out on its own road as a sovereign country and how blessed it had been by the Almighty with food and other resources. I can remember, for example, during a famine in Mozambique, purchasing food aid in Zimbabwe for dispersal in Mozambique. Recalling all that it makes me even more sad when I look at the situation in Zimbabwe today.

The Commission has, as Parliament knows, suspended official development assistance to Zimbabwe since early 2002. We remain deeply concerned regarding the grave deterioration of the human rights situation in the country. The International Crisis Group, which is an admirable organisation that reports regularly on trouble spots around the world, recently described Zimbabwe as a country in freefall. That is no exaggeration of the position. We, in the Commission, will contribute to support any peer pressure that Heads of State in Africa, and southern Africa in particular, may put on the Zimbabwe Government to respect the essential elements of the Cotonou Agreement, such as human rights, the rule of law and democracy.

I have to say in passing, and this is not irrelevant to the points made by Mr Van Orden, that I wish we had recently seen more evidence of that sort of peer pressure in southern Africa.

The political situation in the run-up to the local elections due this September continues to be tense, and the deadline for eviction orders for 2 900 white farmers to leave their properties expired on 8 August 2002. The Commission is therefore continuing to contribute to projects which directly support the population in the field of democratisation, respect for human rights and the rule of law, and the European Initiative for Democracy and Human Rights includes Zimbabwe as a focal country.

The food crisis in Zimbabwe is the worst in southern Africa. There are credible reports of extensive politicisation of the Government of Zimbabwe's own food supplies. I am sure many Members of Parliament will have seen reports of Zanu-PF supporters saying to the people of Zimbabwe that only fools starve. In other words, they have to subscribe to a set of political views in order to get fed. The Commission deplores this. The Commission, for its part, has responded with an estimated 110 000 tonnes of food aid, for a global allocation of about EUR 3.5 million. The food is largely being distributed through the World Food Programme and the NGOs, with extensive involvement of local communities to identify needy groups. An initial EUR 2 million was provided through our humanitarian organisation, ECHO, for vulnerable groups, particularly children and farm workers. A sizeable part of the humanitarian financing decision to be taken shortly for EUR 30 million for the region will go to respond to the emergency in Zimbabwe including monitoring needs and food aid distribution. An additional regional allocation of EUR 30 million within the 2002 programme of cooperation with the World Food Programme will provide food aid assistance in the region, in particular in Zimbabwe.

The Commission believes that SADC has a leading role to play in the resolution of the increasingly serious Zimbabwe crisis. The Union will seek to ensure an enhanced dialogue with SADC, in particular during the forthcoming Ministerial Conference in Copenhagen in November. It is planned to raise the issue of Zimbabwe as a specific point on the agenda.

Parliament will know of the targeted sanctions that we have introduced – sanctions which are focused on the leading members of this particularly nasty and deeply corrupt regime, on their travel and on their assets. It is important, as some Members have pointed out, that we should do everything possible to make those sanctions stick. I will certainly report the views of Parliament to Member States on this particular point.

I would also like to draw the attention of Parliament to the recent report of the Expert Panel established by the Security Council on the rape and pillage of the assets of the Democratic Republic of Congo and, in particular, to what is said there about Zimbabwe's role in that systematic pillage. The report itself makes extremely disturbing reading. The report is, in my judgement, something which the international community has to make plain that it intends to do something about.

President Mugabe and his cronies have wrecked a once prosperous and once stable country. Their record is a deplorable blot on the history of southern Africa. The sooner Zimbabwe is rid of them the better for that wonderful country and the better for its people.

(Applause)

4-150

President. – Thank you very much, Commissioner Patten.

The debate is closed.

* * *

4-151

Schierhuber (PPE-DE). – *(DE)* Mr President, looking through the Minutes I have just noticed that my name does not appear in yesterday's Minutes. It is very easy to confirm this, because I was present for the roll-call votes.

4-152

President. – There is no doubt about the fact that you were present, Mrs Schierhuber!⁴

4-153

Adjournment of the session

4-154

President. – I declare this sitting of the European Parliament closed.

*(The sitting was closed at 4.25 p.m.)*⁵

⁴ Results of votes (motions for resolutions in accordance with Rule 50): see Minutes.

⁵ Documents received – Referral to committees – Authorisation to draw up own-initiative and follow-up reports – Cooperation between committees – Written declarations (Rule 51) – Forwarding of texts adopted during the sitting – Dates for next part-session: see Minutes.

ANNEX

QUESTIONS TO COUNCIL

Question no 20 by Mihail Papayannakis (H-0563/02)

Subject: Detention conditions for Palestinians held by Israeli military forces

According to the latest reports, over the last few months Israeli military forces have arrested 11 500 Palestinians in mopping-up operations – including 1600 young people under the age of 18. A large number of detainees remain in custody for lengthy periods without being informed of any charges, some trials are held summarily and excessive costs are imposed, which are extremely onerous for the detainees' families.

In view of previous and recent UN resolutions, could the Council say whether, in its view, there is any legal basis to justify the arrest of these detainees (many of whom are civilians), their detention, the conditions in which they are held or even their occasional committal to trial?

What is the Council's opinion regarding each of the above cases, and what is its political assessment, within the context of giving impetus to the EU's resolutions on resolving the middle East crisis?

Answer

The Council is aware of the fact that, as the honourable Member points out, Israeli forces have arrested Palestinians.

Unfortunately, there is no detailed official information about precisely how many people have been arrested, the circumstances surrounding their arrest or the conditions under which they are being held.

It remains, however, consistently the EU's general policy to make efforts to ensure that the rights of those held and of their dependants are respected and that the normal legal procedures and international standards are observed, among them the relevant resolutions of the UN Security Council, including those directed against Israel. This policy is also being followed in connection with the conflict between Israelis and Palestinians.

In this connection, the Council calls upon the honourable Member to familiarise himself with the conclusion of the Council meeting of 22 July 2002 concerning the situation in the Middle East. The conclusion confirms, *inter alia*, the need for an immediate improvement in the situation in the humanitarian and social sphere.

Question no 22 by Ewa Hedkvist Petersen (H-0571/02)

Subject: Road safety

42 000 people are killed on the roads in the EU every year. Despite this fact, the Danish Presidency's priorities for transport do not make any mention of road safety. When a direct question was put to the Danish Presidency in the European Parliament's Committee on Regional Policy, Transport and Tourism in July this year, this too elicited no information concerning priority road safety issues in the next half-year.

What are the Council's priorities for road safety in the EU under the Danish Presidency?

Answer

The Council is making a steady effort to improve road safety, and that is a central feature of the common transport policy. On this basis, the Council is able to inform the honourable Member that, during the Danish Presidency, we anticipate adopting the following:

a common position on a proposal for amending Directive 71/127/EEC; the objective of this will be to introduce special construction requirements for drivers' mirrors, together with new technologies designed to increase drivers' indirect field of vision and reduce blind spots;

a common position on a proposal for a directive on the training of drivers of buses and heavy goods vehicles, to include important provisions on road safety;

a common position on a proposal for a directive on the compulsory use of safety belts and restraint systems for children (that is to say, amending Directive 91/671/EEC).

During the Danish Presidency, the Council is also planning to continue examining the proposal for a regulation on the harmonisation of certain social provisions within road transport (that is to say, amending Regulation 3820/85/EEC). This proposal for a regulation is aimed at updating the provisions concerning minimum rest times and driving hour limits for drivers of buses and heavy goods vehicles. This would prepare the way for introducing digital tachographs, something which is expected to have a positive influence on road safety.

Finally, the Council wants to be able to introduce discussion of the following proposed legislation during the Danish Presidency, all depending however upon when the Commission adopts it:

a proposal for a directive on safety in tunnels;

a proposal for a directive on the subsequent fitting to lorries, buses and vans of mirrors that cover blind spots.

Moreover, the possibility cannot be excluded of the Council's discussing, in the course of the Danish Presidency, the Commission's new multi-annual action programme promoting road safety and covering the period 2002-2010, all depending upon when the Commission presents its programme.

Question no 23 by Robert J.E. Evans (H-0572/02)

Subject: Participation of the European Parliament in the open coordination method

The 'open coordination method' has become a useful way in which the Commission may monitor the progress of Member States in adapting to EU measures through non-legislative instruments.

Most recently, the application of the method in asylum policy means that the European Parliament, already sidelined because the co-decision procedure does not apply in the area, is not involved in the monitoring of Member States progress in this crucial area of asylum and immigration.

Could the Danish Presidency outline whether it has any plans to make the European Parliament an integral part of the open coordination method in general and of the open coordination method on asylum in particular?

Answer

In November 2000, the Commission presented to the Council and the European Parliament a communication on the common asylum policy, entitled 'Towards a common asylum procedure and uniform status, valid throughout the Union, for persons granted asylum'¹.

A year later, the Commission presented its first report on the implementation of this communication². The report also refers to the application of the open coordination method to asylum policy.

The Commission drew attention in its report to the fact that, by accompanying and facilitating the transition to the second phase of the implementation of the common European asylum system, the open coordination method would support and supplement the Community legislation that is recommended in the Treaty and that is at the core of the common policy.

¹ COM(2000) 755 final of 22.11.2000.

² COM(2001) 710 final of 28.11.2001.

The Commission has also announced that, parallel to introducing a legal framework, it will support the use of the method and put forward proposals for European guidelines and for the content of the national action plans. At the same time, it will ensure coordination of the national policies, the sharing of best practice and the monitoring and assessment of the consequences of the Community policy, as well as organising regular consultations with the third countries and international organisations affected.

At this stage, the honourable Member would no doubt be well-advised to put his question directly to the Commission. The open coordination method has been debated in the Council which has primarily focused its discussions concerning asylum upon the implementation of those legislative tasks prescribed in accordance with Article 63 of the Treaty and the procedures in Article 67.

As the honourable Member knows, the Seville European Council set very specific deadlines for the Council's adopting a whole range of legal instruments.

Question no 24 by Olivier Dupuis (H-0575/02)

Subject: Request to Thailand for extradition of 17 Laotian opponents of the Lao People's Democratic Republic

In the period since 3 July 17 Laotian dissidents have appeared before a Bangkok court following a request for extradition from Laos. These 17 people, who have already served a prison sentence for residence without a permit, were arrested on Thai territory after participating in an attempt to take control of the Thailand-Laos border post at Vang Tao-Chong Mek on 3 July 2000. The aim of this operation was to bring the lack of democracy in Laos to the attention of the public worldwide. A flag of the former kingdom of Laos was hoisted and the border post occupied until a counter-attack was launched by the Communist army. The Laotian authorities are basing their extradition request on the claim that these are simply 'common-law bandits'. Apart from any considerations relating to the methods used, the facts show clearly that the action taken was political in nature. In view of the judicial standards prevailing in Laos, there is no doubt that if extradition were to take place the lives and health of the 17 people would be in serious danger.

Is the Council aware of this case? If so, what steps has it taken, or does it intend to take, to avert any possibility of the 17 people being extradited to Laos? In particular, has the Council asked, or will it ask, the Member States to grant the 17 people political refugee status?

Answer

The Council has not discussed this issue. Nor has it examined the rules governing extradition between Thailand and Laos. It is unaware of whether any Member State has proposed, or intends proposing, that any of the 17 persons affected seek asylum in one or other EU Member State. Nor does the Council intend requesting the Member States to proceed in this way. The human rights situation as such in Laos has, however, been discussed, especially when it was raised in the Joint Committee (EC-Laos). Moreover, a request for opinion on the death penalty is being prepared by the EU Heads of Mission Troika.

Question no 25 by Paul Rübzig (H-0580/02)

Subject: Application of national competition law in Slovakia in accordance with EU law

As part of the process of accession to the European Union, Slovakia has undertaken to gradually approximate its system of law to the *acquis communautaire*. This also, and particularly, applies to competition law.

A few weeks ago, Slovakia's Supreme Court quashed the decision on a merger between several breweries and referred it back to the competition authority (Protimonopolny Urad). The stated reason was apparently that market shares had not been calculated correctly. Even before the original decision, concern had repeatedly been expressed about the substantial concentration within the Slovakian beer market.

How will the Council ensure that Slovakia applies all relevant provisions and procedures of national competition law as required by EU law?

Answer

The Council has consistently maintained that the negotiations under the chapter on competition cannot be concluded until it can be confirmed that the legislative framework is in place and that the administrative capacity needed for implementing and enforcing Community law in this area has been obtained. Finally, the candidate country in question has to show that it is able credibly to monitor the enforcement of Community law in the competition sphere.

Following proposals by the Commission, the Council thought that the competition authority was adequately monitoring enforcement of the anti-trust provisions, but called upon Slovakia to conduct a more preventive policy of sanctions and attach importance to preventing serious distortion of competition.

It is first and foremost up to Slovakia itself to comply with the EU's demands. The matter referred to by the honourable Member seems to show that the Slovakian authorities and legal system take competition issues seriously and try to solve them.

It is also the case that national decisions in this area are monitored carefully by the Commission which is in constant contact with the competition authorities in each individual candidate country. The results of such monitoring are communicated regularly to the Council. We are certain that, if a serious problem were to arise, the Commission would either make use of its own powers or take appropriate steps to present the necessary proposals to the Council. The Council wished therefore to proceed on the basis of its general position and make a suitable decision either in relation to the Europe Agreement as this relates to the pre-accession period or as part of the accession negotiations.

The Council is not, however, aware of such a case's having arisen recently in Slovakia.

Question no 26 by Neil MacCormick (H-0581/02)

Subject: Safety of NGO workers in Guatemala

What steps is the Council taking to ensure the safety of NGO workers in Guatemala who are working to protect the rights of neglected and abused youths against armed men who openly threaten them in the street?

Answer

The Council has never had the opportunity to examine the specific question raised by the Honourable Member. The Council has however at different occasions examined and expressed its concerns on the human rights situation in Guatemala. In their contacts with the Guatemalan authorities, the EU and Member States' representatives have frequently raised questions concerning human rights protection and expressed their concerns on different aspects of this issue. Just to mention the latest EU's initiative in this area, in July 2002, the EU agreed to make a demarche to the Guatemalan authorities inter alia condemning the harassment, death threats and assaults directed against persons and organisations working in the defence of human rights in Guatemala, which - we understand - covers situations like the one mentioned by the honourable MEP. The EU will continue to monitor the development of the situation in Guatemala and the efforts made by the Government to fulfil its human rights commitments.

Question no 27 by Concepció Ferrer (H-0585/02)

Subject: Community Patent

The existence of the Community Patent is of fundamental importance for promoting the creativity of European enterprises and improving their competitiveness on the international scene. However, the Member States have so far been unable to reach any agreement.

Can the Council say what tangible steps it will take with a view to reaching an agreement at last and providing the final impetus needed to adopt the Community Patent?

Answer

The Council wishes to assure the honourable Member that it continues to attach the greatest importance to creating a Community Patent which will be an effective and flexible tool and which enterprises will be able to acquire for a reasonable price but which, at the same time, will comply with the principles of legal certainty and non-discrimination between the Member States, as well as guaranteeing a high level of quality.

Thanks to the progress made so far, the Council was able, at its meeting on 21 May 2002, to reach agreement on a common political approach as the basis for further work.

The Danish Presidency intends to focus its discussions in the course of the next couple of months on the issue of the legal system. With this in view, the Commission has promised to present the Council with a working document by no later than the beginning of September.

At its meeting on 14 and 15 November 2002, the Council will be called upon to review the situation, depending upon the progress that may have been made by then.

Question no 28 by Bernd Posselt (H-0587/02)

Subject: Kaliningrad question

What is the current state of negotiations between the EU, Russia and the countries bordering northern East Prussia on the question of the future status and practical arrangements for the Kaliningrad oblast?

Answer

EU Over the past months, the EU and Russia have been discussing at all levels and with increasing frequency the issue of Kaliningrad. A Special Cooperation Committee on Kaliningrad was held in Svetlogorsk (Kaliningrad oblast) on 15 May. The EU-Russia Summit on 29 May had a discussion on the subject. A meeting of Vice-Ministers was held on 24 July to discuss the principles on which technical solutions should be found. In August, another meeting between the Russian Deputy Foreign Minister, the Presidency, the Commission and the Council Secretariat took place and another is due to take place in September. There is a clear sense of urgency on both sides that a rapid solution should be reached in time before Lithuania and Poland introduce a visa requirement for Russian citizens (1 January and 1 July 2003 respectively).

The Russian position, as confirmed at the last EU-Russia Summit, remains that the EU should allow visa-free transit through agreed motorways and railways between Kaliningrad and mainland Russia. Russia argues that visa requirements for travel between different parts of the Russian territory would be an unacceptable violation of the Russian citizens' right to move freely throughout its country's territory.

The EU position is based on the Seville European Council conclusions, according to which an effective and flexible solution should be found on the question of transit of persons and goods, in compliance with the *acquis* and in agreement with the candidate countries concerned. The European Council invited the Commission to submit a study on the possibilities for such a solution in time for the European Council in Brussels on 24/25 October.

The EU has tried to move discussions with the Russians beyond the transit issue and take forward a package of practical measures to assist the region. The package addresses three issues: 1) movement of people and goods, 2) common challenges such as prevention of illegal activities, environmental pollution and health and 3) economic development, including transport, telecommunications, energy and fisheries. However, the package was rejected by the Russians, who opposed the idea of a visa requirement for Russian citizens.

The EU keeps trying to convince Russia about the feasibility of visas for Kaliningrad-related transit. The current Schengen rules allow for a fair amount of flexibility, such as multiple entry visas, in cases where persons need to travel frequently across the external border. As the visas issued by the candidate countries will be national visas until the lifting of the internal border controls, the candidate countries will remain free to set the fees and conditions of issue for visas with Russia.

In fact, it is not the visa or border control acquis as such that might negatively affect the movement of persons. The present reality is that crossing Kaliningrad's borders today is very difficult and involves considerable delays. This situation is the result of inadequate physical infrastructure and administrative obstacles mainly on the Russian side. The EU is willing to intensify discussions with the Russians on practical measures to improve border infrastructure and management and consular facilities, in order to render the control procedures more simple and secure and to make the transition more palatable.

At the same time, the EU is having regular meetings with Poland and Lithuania on Kaliningrad, notably to ensure close coordination in view of future meetings between the EU and Russia. It is imperative that a solution on Kaliningrad is found in agreement with Poland and Lithuania, as required by the Seville European Council conclusions. In this regard, the Council on 22 July 2002 took note of an intervention by Commissioner Patten confirming the Commission's intention to come forward by the next General Affairs and External Relations Council (30 September) with the study requested by the European Council in Seville on Kaliningrad, with a view to finding a solution within the acquis in consultation with Poland and Lithuania.

Question no 29 by Efstratios Korakas (H-0591/02)

Subject: Obstruction of the freedom of political activity of the Communist Party of Slovakia

On 10 July 2002 the National Assembly of the Slovakian Republic passed a law amending Law 140/1961 in the Penal Code to the effect that any person expressing sympathy with Communism or denying, questioning, approving or seeking to justify the crimes of Communism will be punished by a prison sentence of between three months and six years. Leaving aside the unacceptable criminalisation of an ideology, philosophy and practical political activity, this provision – assuming that the law will indeed come into force on 1 September 2002 - represents a fundamental hindrance above all to the Communist Party of Slovakia, its participation in the forthcoming parliamentary elections scheduled for September and the outcome of those elections.

Will the Council approach the Slovakian authorities to condemn these developments, which stand in clear contradiction to the principles of the freedom to express ideas and the freedom of action of political parties, and which also raise problems in relation to the *acquis communautaire*?

Answer

The draft amendment to the Slovak Penal Code to which the Honourable Parliamentarian refers was indeed passed by the Slovak Parliament on 10 July 2002. However, the President of the Slovak Republic refused to sign the law and returned the law to the Parliament. The law was on the agenda for the Slovak Parliament's session on 19 August 2002. The law was not passed.

Question no 30 by Ioannis Patakis (H-0593/02)

Subject: The deadly effects of the use of depleted uranium continue

At the beginning of July, a 23-year-old Italian soldier who had recently returned from Kosovo, where he had been serving as a volunteer in the multinational NATO K-FOR force, died from a galloping form of cancer. This is the seventeenth fatal case in Italy, ascribed to the use of depleted uranium during the NATO military intervention in the Balkans. Despite the assertions to the contrary by NATO and the EU, and the attempts to minimise the issue and to ensure that those who may be responsible remain unpunished, this new case heightens concerns about the deadly effects of the use of depleted uranium on those who come into contact with it without taking the necessary safety measures, such as the civilian population and unsuspecting and uninformed soldiers.

Does the Council intend to take the initiatives needed at international level to clarify this issue further, to ban the use of depleted uranium weapons and the use of harmful radioactive substances or other elements capable of causing mass destruction in the manufacture of weapons, and to contribute to the promotion of gradual, reciprocal and multilateral nuclear disarmament?

Answer

As the Honourable Member is aware, Mr Solana addressed the issue of the public concern relating to the health of military staff in the Balkans before the Plenary of the European Parliament on 17 January 2001. At that meeting he, indeed, assured the Parliament of his commitment and the commitment of the Council to contribute to the clarification of the situation. He stated that the principles guiding the approach of the European Union would be seriousness, transparency and honesty.

The Council discussed the issue on 9 April 2001. The President of the Council summarised the discussion thus:

The Council notes the work by various international organisations (UNEP, WHO, NATO, Ad hoc Group of experts set up by the Commission) on the possible health and environmental impact of exposure to depleted uranium in ammunition used in the Balkans.

In these detailed and objective studies, there exists no scientific evidence to link the use of depleted uranium with various illnesses suffered in the population or among those who served in conflict areas.

However, due to the apparent health and environmental problems in the region the Council is committed to following possible further investigations closely and re-examining the issue if appropriate at a future stage.

Recent developments regarding the effects of depleted uranium have not been a subject of discussion at the Council, nor has any Member State requested the issue to be discussed.

Question no 31 by Konstantinos Alyssandrakis (H-0595/02)

Subject: Unjust conviction of five Cuban citizens

A US federal court has sentenced five Cuban citizens to life imprisonment, despite the fact that they have not committed any crime against the USA; it should instead have passed sentence on the criminal anti-Cuban gangs which have carried out or planned to carry out acts of sabotage against Havana. The five in question were investigating and gathering information about these gangs.

Does the Council intend, in response to the protests of dozens of mass organisations, to express its displeasure to the US authorities at this decision and take whatever initiatives are necessary to put an end to the unjust persecution of the five Cubans?

Answer

The Council has not taken, nor intends to take, any action in the cases mentioned by the Honourable Member.

Question no 32 by Camilo Nogueira Román (H-0598/02)

Subject: Industrial fishing for fishmeal production

In the Commission's proposed reform of the CAP, no consideration is given to the impact that production of fishmeal and other fish-derived products has on the state of fishery resources of industrial fishing, although this accounts for a substantial part of catches in Community waters, and in the case of Denmark, amounts to 1.5 million tonnes per year. It is both surprising and inexplicable that the Commission itself, without possessing conclusive scientific data, applies the precautionary principle in order to reduce catches of species destined for human consumption, but takes no decision on restricting the industrial fishing referred to above, and even justifies it in terms of the fact that the products are for producing feed for aquaculture.

What is the Council's position on this issue? What is the proportion of industrial-fishing-derived products used for feed for aquaculture? And what proportion is assigned to economic sectors unconnected with fisheries?

Answer

The Council would like to refer to its reply to the Honourable Member Marit Paulsen (H-0389/02). The Council has never adopted a common position on industrial fisheries.

The two additional questions, i.e. to which extent products derived from industrial fisheries are used for feed for aquaculture or are assigned to economic sectors unconnected with fisheries, should be addressed to the Commission.

However, the Council has circulated a study presented by the Danish delegation on the impact of industrial fisheries in Denmark to which the Honourable Member may refer. In this report, the Honourable Member may find indications, in particular regarding landings of sandeel, sprat and Norway pout, which have no commercial value as human consumption species and make up 90% of the total landings in industrial fisheries. The study also points out that the fishery is closely monitored and by-catches are low. In the year 2000, the Danish industry processed 1.48 million tonnes of raw material of which the main part was industrial fish and the rest offal from the human consumption industry. 311 000 tonnes of fishmeal and 100 800 tonnes of fish oil were produced.

Fish oil is used for the production of margarine and is a vital ingredient in fodder for aquaculture. Small amounts are used in the medical, paint and lacquer industries. Fishmeal is used as a protein supplement in fodder for animal husbandry.

Question no 33 by John Walls Cushnahan (H-0600/02)

Subject: Human Rights abuses in Iran

The 59th session of the United Nations Commission on Human Rights in April 2002 failed, by a single vote, to approve a resolution on the deteriorating human rights situation in Iran. Furthermore, any mechanism other than a resolution which guarantees the monitoring of human rights in Iran by a Special Representative will be overlooked and ignored by the Iranian Government.

Would the Council encourage the Member State governments to co-sponsor a similar resolution for the General Assembly of the UN in New York in September?

Answer

On the basis of an evaluation of the 58th session of the Commission on Human Rights, the EU is in the process of considering the approach it will adopt for the Third Committee of the forthcoming session of the UN General Assembly. Thus, no decision on the question of tabling a resolution on the human rights situation in Iran has been taken as yet.

The EU approach to Iran should be regarded as an integrated whole. In its relations with Iran, the EU is currently pursuing a proactive approach. In accordance with the Council conclusions on Iran adopted on 17 June 2002, the EU will soon start negotiations with Iran on a Trade and Co-operation Agreement, which is linked to separate instruments on political dialogue and counter-terrorism. In addition, the Iranian authorities have raised the issue of initiating a regular human rights dialogue with the EU. The EU is approaching this issue on the basis of the EU Guidelines on Human Rights Dialogues which were adopted by the Council in December last year.

The Question also mentions the possibility of appointing a UN Special Representative for Iran. This would be an issue that falls under the competence of the UN Commission on Human Rights, and is thus not on the agenda until the spring 2003.

Question no 34 by Hans-Peter Martin (H-0603/02)

Subject: Transparency

Various reports suggest that, unlike earlier Presidencies of other countries, the Danish Presidency of the Council intends to ensure, or enforce, much greater transparency in relation to the Council's activities. In view of the conflicting statements on this matter, could the Danish Presidency of the Council clarify the position.

In which areas, not previously concerned, is transparency to be introduced and in what form - in particular before and during Council meetings - and does the Danish Presidency of the Council take the view that all the Council's legislative activities should be made accessible to the public?

Answer

The Danish Presidency of the EU will certainly be motivated by considerations of transparency.

The objective of making the EU's legislative work as transparent as possible found practical expression in the implementation of the changes to Council procedures decided upon by the Seville European Council.

In accordance with the Council's new Rules of Procedure, adopted on 22 July, the following Council debates conducted under the codecision procedure are therefore open to the public. Reference is made in this context to Rule 8, paragraph 1 of the Council's Rules of Procedure:

presentation by the Commission of its most important legislative proposals, together with the subsequent Council debate;

the vote on legal acts, together with the Council's concluding negotiations prior to the relevant vote and the attendant explanations of vote.

In such cases, the Council's negotiations are made accessible to the public through transmission of the Council meeting via audio-visual media. The result of the vote is communicated visually.

Moreover, the Council will hold at least one public debate on important new legislative proposals above and beyond those covered by the codecision procedure.

Furthermore, the General Affairs and External Relations Council will, once a year, hold a public debate for information purposes on the Council's annual work programme and, if appropriate, the Commission's annual work programme.

At the same time as amending its Rules of Procedure, the Council has adopted the list of public debates for the six months of the Danish Presidency. This list comprises fourteen issues which the Council can debate publicly and which relate to the Commission's most important legislative proposals under the codecision procedure. In addition to these, there are five important issues relating to other important legislative proposals that can be discussed publicly.

In relation to the previous system, this new system genuinely signifies greater transparency when the Council acts as a legislative authority.

Another feature of transparency to which the Danish Presidency attaches great importance is public access to Council documents and the correct implementation of Regulation 1049/2001 on public access to documents.

The Interinstitutional Committee, set up in accordance with this Regulation to examine best practice, deal with possible conflicts and discuss future developments concerning public access to documents, met as early as 9 July on the Danish Presidency's initiative.

The following topics, *inter alia*, were discussed at this meeting, at which Parliament was represented by Vice-President Cederschiöld and the Commission by Vice-President Loyola de Palacio: public registers of documents; the preparation of a brochure designed to inform the public of the policy regarding public access to documents; amendment of the agencies' articles of association; and amendment of the regulation on historical records.

Finally, I should like to emphasise that, by way of supplementing the Community institutions' major efforts in the information and communication area, the Danish Presidency of the Council guarantees people comprehensive information, together with easy access to this on the Presidency web site (eu2002.dk).

QUESTIONS TO THE COMMISSION

Question no 41 by Pervenche Berès (H-0602/02)

Subject: International accounting standards (IAS)

The regulation on international accounting standards approved by Parliament at second reading on 12 March 2002 stipulates that, as from 2005, the consolidated accounts of quoted companies will have to be drawn up in accordance with IAS standards. These standards are drafted and adopted by the IASB, an international organisation governed by private law.

However, for the EU to be able to gain some advantage from the adoption of the standards, it must be sure that IAS standards are consistent with the European public interest, as well as the competitive position of European enterprises.

The EU currently has a mechanism for monitoring the quality of the standards downstream. It is therefore essential that the EU should also be involved, in a way commensurate with its economic influence, in the IASB decision-making process so that it can make its views known within this organisation.

How does the Commission, which currently appears to have only observer status within the IASB, intend to strengthen its influence within this body so that it is able to defend the European common interest effectively?

Answer

In the current climate of doubt, and even mistrust, prevailing with regard to the securities markets, particularly in the United States, but also, by extension, in the Union, it is important to reassure investors, individual or institutional shareholders, as well as all third parties concerned about the quality and integrity of financial information provided by European companies quoted on the Union's stock exchanges.

The Union's choice of the international accounting standards (IAS), issued by the International Accounting Standards Board, is one of the elements of the response expected by economic actors. In this regard, the Commission welcomes the rapid adoption – at a single reading – of the Regulation on international accounting standards, on 7 June. This regulation lays down that from 2005 the consolidated accounts of quoted companies will have to be drawn up in accordance with IAS standards.

In this context, the honourable Member raises the question of how the Union, and the Commission in particular, can exert its influence on the IASB, a private independent body, and ensure that the IAS standards respect the European public interest as well as the competitive position of European enterprises.

Although the IASB is a private independent body, it is nevertheless subject to a set of rules - due process - which guarantee that everyone has the opportunity to express their views on a draft standard. Prior to issuing a standard, the IASB systematically carries out a public consultation on the draft standard, which is known as an exposure draft, which is taken into account during the process of finalising the said standard. The best way for the Union to influence an IASB draft standard is to actively contribute to these consultations.

At European level, the European financial reporting advisory group (EFRAG), which assists the Commission in the evaluation of the existing and future standards of the IASB, contributes to the IASB's process of consultation and producing standards by providing the latter with technical comments. In producing these comments, the EFRAG also has recourse to consultation. The draft comments are published on the EFRAG's website and all interested parties, in particular the national accounting standards bodies, the regulators, the industry and the accounting profession, can thereby contribute to the process of producing standards. The Commission, possibly in the name of the future regulatory accounting committee, reserves the right, on subjects of importance, particularly with regard to the European public interest, to address its own comments directly to the IASB.

As the main client of the IASB, the Union has a great influence over the decisions of the IASB. The Commission has observer status within the Standards Advisory Council and the International Financial Reporting Interpretations Committee (IFRIC). The Standards Advisory Council is the body that defines the priorities of the working programme of the IASB. IFRIC is the committee responsible for the implementation of the International Accounting Standards. Furthermore, the Commission holds a regular informal dialogue with Sir David Tweedie, President of the IASB. Tom Jones, Vice-President of the IASB, also participates as an official observer in the meetings of EFRAG.

The Commission is confident of the Union's capacity to make its views heard within the IASB. It has already done so by making clear the importance the Union attaches to convergence between the fundamental principles of the International Accounting Standards and those of the United States' Generally Accepted Accounting Principles (US GAAP), with the aim of persuading the US stock exchange authorities to abandon the obligation for European companies to bring their accounts into line with the US GAAP, even though they are established in accordance with the IAS. The IASB has

undertaken to work with the Financial Accounting Standard Board (FASB) on a balanced reconciliation of the two standards systems.

The Union has all the more opportunity to exert its influence on the IASB because the EFRAG and the national standards bodies will contribute to the work of the IASB. The IASB does not operate in isolation, it is aware of the importance of the Union and is prepared to work in close cooperation with the national accounting standards bodies. The production of a draft regulation on the initial application of the international accounting standards has thereby been entrusted to the French accounting standards body, the *Conseil National de la Comptabilité*. This is an initial experiment. The Commission hopes that it will be conclusive and will be followed by many others.

Question no 42 by Ioannis Patakis (H-0594/02)

Subject: Accounting fraud by large undertakings at the expense of small investors

The numbers of cases of large monopolies and securities groups in the USA and Europe which have defrauded the market and their shareholders by presenting fictitious profits are on the increase. Other firms which, instead of auditing, concealed information and actually provided advice on concealment methods are parties to this process. A significant share of the responsibility, however, belongs to those in charge of supervising and controlling the capital markets who permitted or did not take timely action against illegal enrichment activities by these undertakings, at the expense of small shareholders and savers.

What steps does the Commission intend to take to protect savers, small shareholders and insurance assets and funds from profiteering and illegal activity by businesses, to punish those responsible for using these methods and to compensate those affected by these practices who have seen their savings disappear overnight?

Answer

The current turmoil in financial markets and the impact of that turmoil on investors is of course unfortunate. Among the major causes is the lack of confidence in the United States capital market, caused by a series of mainly American accounting and corporate governance scandals, and the subsequent knock-on effect on European markets.

The United States' authorities are responding to these scandals, trying to repair shortcomings in their regulatory system and increasing responsibility of Chief Executive Officers (CEOs) for company accounts. The Commission is monitoring these developments very carefully. Since 1999, it has had in progress a series of initiatives designed to deal with many of the flaws currently being identified as inherent in the American system. These initiatives form part of the Financial Services Action Plan.

The Union's response to the current American situation was evaluated, explicitly, by the Council of Ministers of Finance at Oviedo last April. That meeting agreed that the Financial Services Action Plan addresses most of the issues raised by the Enron failure; it identified that some areas require further investigations, e.g. management of conflicts of interest by financial analysts and credit rating agencies; corporate governance issues.

The key elements of the Financial Services Action Plan relevant to the concerns raised in the Honourable Member's question are as follows:

Central to fair financial reporting are high quality accounting standards. Europe has addressed this need with the adoption, on June 7 of the International Accounting Standard (IAS) Regulation. This requires that, from 2005, more than 7000 listed Union companies will be required to prepare consolidated accounts under IAS. The IAS is a principles based system - not a cook book, rules based approach.

For corporate governance, the first line of defence against unscrupulous company managers, a review of Union practices was completed recently. As agreed at the Barcelona European Council, the Commission also broadened the mandate of the High Level Group of Company Law Experts chaired by Jaap Winter to cover a series of corporate governance issues raised by the Enron failure (audit committees, the role of non-executive directors and of supervisory boards, management remuneration, and responsibility of management for the preparation of financial information). This group will deliver its final report in late September/early October and the Commission will rapidly consider its response.

In addition, other corporate governance related initiatives such as disclosure of directors' interests and take-over bids are also high up the Commission's agenda.

Concerning the issue of the statutory audit, a key independent assurance mechanism for financial reporting, several initiatives are relevant, dealing with auditor independence, quality assurance, auditing standards and public oversight.

On independence, the Commission recently issued a principles-based Recommendation on Auditor independence. This requires that auditors shall not engage in any work (including providing non-audit services) likely to threaten their objectivity and independence in carrying out statutory audit. In particular, it requires disclosure of audit and non-audit fees, mandatory rotation of partners in audit firms (every 7 years) and a two-year cooling-off period for partners before working for audit clients.

On quality assurance, the Commission's 2000 Recommendation on quality control of audit work remains relevant. The Commission has undertaken to review the practical Implementation of this initiative in 2003.

On other audit related matters, such as a code of ethics and public oversight of the audit profession, auditing standards (where we envisage the application of International Standards on Auditing (ISA) for all Union audits by 2005) and audit committees, the Commission will come forward this fall with a Communication on the future Union audit strategy, addressing these issues.

Securities regulators have a part to play also in the proper application of accounting standards. In this respect, the Commission is working with the Committee of European Securities Regulators (CESR) to develop an adequate enforcement infrastructure in the Union, able to deliver consistent and proper enforcement of IAS should throughout the Union. Proposals should begin to appear in the autumn.

To ensure that financial information appears on a timely basis, the Commission has published a second consultative document on Regular Reporting. This document addresses issues such as the periodicity of financial reporting (quarterly reporting) and on-going disclosure obligations.

On pensions, the Commission's Proposal for a Pension Funds' Directive, investment in the sponsoring company is limited to a maximum of 5% of the assets held by the pension fund, reducing the risk highlighted by Enron of over-concentrated investment in one company's stock.

In addition, there are other emerging issues such as the activities of financial conglomerates, financial analysts and credit-rating agencies. Initiatives relevant to these areas include the Market Abuse Directive and the Investment Services Directive. Consideration of such issues is ongoing within the Commission and initiatives will be amended or new ones proposed where necessary.

Each of the above initiatives requires Member States to take appropriate action to ensure appropriate implementation, including any sanctions and penalties.

In summary, agreeing these initiatives - as a matter of priority - will strengthen the Union in all areas and help build the integrated European capital market by 2005.

Question no 47 by Cecilia Malmström (H-0589/02)

Subject: Roman involvement in the planning of EU projects

A number of projects with EU funding have been running for several years in the candidate countries, chiefly under Phare, which seek to improve the Roma situation - in many instances through education, health care and greater democratic participation.

There has been serious criticism of those projects by several voluntary organisations for the Roma - principally directed at the fact that EU-funded programmes for Roma are prepared without the Roma or their organisations being given an opportunity to be involved at the planning stage. This has allegedly resulted in projects not being properly focused, with far too little support being given for fundamental problems such as poverty and unemployment.

What action does the Commission intend to take to ensure that the Roma and their organisations are fully involved in the planning of EU projects and that, on that basis, they produce better results?

Answer

The Copenhagen criteria require the candidate countries to ensure respect for and protection of minorities. The Community legislative acquis includes provisions for combating discrimination, in particular discrimination based on ethnic or racial origin. The Commission monitors the development regarding the situation of the Roma through the Regular Reports.

It is mainly the responsibility of the national authorities of the candidate countries to improve the situation of the Roma minority. The Commission constantly encourages them to do so and is determined to help them in tackling this important issue.

As a result, Phare financing for the Roma in the candidate countries with important Roma minorities, that is, Bulgaria, the Czech Republic, Hungary, Romania and Slovakia, has increased steadily during the last years. In 2001, more than EUR 31 million was provided within the National Programmes as well as further support through grants to non-governmental organisations (NGOs).

Phare projects focus on various aspects of the social exclusion experienced by the Roma, such as education, health, infrastructure and access to the labour market. Funds are channelled towards the priorities identified under the national strategies or action plans to improve the conditions of the Roma, which have been adopted in these countries.

The programming of Phare is prepared by the national authorities of the candidate countries in cooperation with the Commission, according to the priorities identified in the Accession Partnerships. The Commission strongly encourages the national authorities to earmark support to Roma communities and to consult Roma organisations in the planning process. More generally, it also encourages the national authorities to involve these organisations in all programmes and initiatives aimed at combating social exclusion and discrimination.

Nevertheless, it is true that the identification of the relevant interlocutors within the Roma community remains a problem. Therefore the Commission ensures frequent contacts with Roma organisations at all levels to support the development of their organisational and political capacity. This has resulted in increased Roma participation in structures and processes addressing their concerns.

Question no 53 by Josu Ortuondo Larrea (H-0529/02)

Subject: Seville European Council decisions

One of the decisions taken at the Seville European Council was that said Council should meet formally four times a year (twice as frequently as is currently the case), without prejudice to other informal meetings, and should draw up three-year strategic programmes starting in December 2003, on the basis of which annual operational programmes would be devised.

Does the Commission not think that this would lead to an increase in the influence exerted within the Community by the European Council (the body within which the Member States' executive powers are concentrated) and by the EU's legislative, and that this would be to the detriment of the Commission's executive powers whilst at the same time increasing the democratic deficit of a Union which does not practise the proper separation of public powers as prescribed by Montesquieu and as required of a modern democracy?

Answer

The Commission welcomes the decisions taken by the Seville European Council (21-22 June 2002) with a view to improving the functioning of the Council within the context of enlargement. It is very much in the Commission's interest to work alongside institutions which are operating efficiently, each of them fully exercising the competences attributed to them by the Treaties. The Commission cannot see how the decisions of the Seville European Council could affect the current interinstitutional balance.

In particular, the Commission fully supports the improved programming of the Council's work, which it will be associated with. It is already seeing the benefits of its actions to strengthen its own political programming, put in place by the present Commission by means of the introduction of the cycle of annual political strategies (APS), and is convinced that the increased programming of the Council's work will also make its action more efficient. Finally, the Commission wishes to

strengthen the interinstitutional dimension of the programming activities of the Union's institutions and in this regard it considers that dialogue between the three institutions is necessary.

Question no 54 by Carlos Bautista Ojeda (H-0532/02)

Subject: Rural employment plan

Is the Commission aware of the decree by which the Spanish Government intends to modify the rural employment plan substantially?

Is it aware of the social implications of these proposals for Spanish rural areas?

If these proposals are put into effect, will the Commission have any mechanism available to cushion the impact of the decree as regards rural development in highly agricultural areas such as Andalusia and Extremadura?

In the Commission's view, what social protection measures should be considered in order to maintain the level of farm incomes and thereby prevent the flow of people away from rural areas, the consequent depopulation and the concentration of land ownership?

Answer

The Commission is aware of the decree mentioned by the honourable Member and would like to point out that the organisation of social protection systems falls within the competence of the Member States.

With regard to the possible consequences of this decree and the social impact of these proposals on Spanish rural areas, the Commission does not currently have any specific information.

Question no 55 by Anders Wijkman (H-0533/02)

Subject: Export credit agencies (ECAs)

At the meeting of the Industry Committee on 18 June, Mr Lamy said he was not convinced of the importance of introducing common binding environmental guidelines for ECAs including rules on transparency.

In the preparation of report COM(2002)0212/final the Commission asked four private sector organisations to comment on the implementation of Directive 98/29/EC³. Why were only private sector groups consulted and not trade unions and social, environmental and development NGOs?

Does the Commission not agree that such guidelines are necessary to ensure policy coherence?

How does the Commission intend to follow the excellent example given by the Japan Bank for International Cooperation on ex-ante transparency and consultation of affected communities?

Answer

The Commissioner in charge of the Trade in his comments at the Committee on Industry, External Trade, Research and Energy (ITRE) referred to the fact that the harmonisation of export credit insurance programmes has so far not been a priority in the common commercial policy. This was a statement of fact, and in no way implied that the issue of environmental guidelines was unimportant. The Commission acknowledges that the introduction of common binding environmental guidelines for Export Credit Agencies (ECAs) including rules on transparency will take time, but - as will be referred to later - the international acceptance of such guidelines, or rather 'common approaches', is making good progress and the Commission values this highly.

³ OJ L 148, 19.5.1998, p. 22.

The Directive 98/29/EC pursues the objective set forth in Article 132 of the EC Treaty, i.e. to achieve harmonisation of export credit insurance programmes, lessen existing distortions of competition between Member States, increase transparency and further co-operation between enterprises within the Union. The introduction of binding environmental guidelines for ECAs including rules on transparency is not covered in the Directive. Therefore, in preparation of the Commission Report only European organizations representing the undertakings of the Community have been asked to submit their comments on the progress in harmonization of cover conditions, premiums and cover policies.

With regard to environmental guidelines, Member States privilege progress at the Organisation for Economic Cooperation and Development (OECD) level, as this is more effective in order to maintain an international level playing field, than advancing at Union level in an isolated way. The Commission welcomes the progress made so far at OECD resulting in a draft Recommendation on Common Approaches on Environment and Officially Supported Export Credits. This text should be seen as a good starting point. It is already being applied by Member States and will be revised after two years of gaining experience with the implementation.

The objectives of the Recommendation are clear and supportive of the overall objective of sustainable development in Europe and the European commitment to transparency. They respond to the requirements as laid down in Article 6 of the Amsterdam Treaty to integrate environmental considerations into Community decision making.

More specifically on the subject of transparency and consultation, the Recommendation contains only minimum requests. The text is the result of a compromise which, realistically, at this stage, represented the maximum achievable. On the positive side, it can be said, that the text gives special attention to two areas of major concern, notably with regard to the need for the requirement of an Environment Impact Assessment (EIA) for the most sensitive cases, and an improvement of the information exchange and reporting provisions. Furthermore a revision is foreseen already by the end of 2003 when the agencies have gained a bit of experience with the handling of environment concerns.

The Commission understands the view that a higher level of environmental protection - like indeed already accepted by the Japan Bank for International Co-operation - would be advantageous for environmental goals. However, because of the very diverging constraints on the different ECAs in the Community, they will have to move forward gradually. It should also be said that the Japan Bank - being a huge institution compared to most ECAs, which are relatively small - can easier commit large resources to environmental questions.

Question no 56 by Ulla Margrethe Sandbæk (H-0534/02)

Subject: Implementation of teleworking agreements

The ETUC, UNICE and CEEP have used the provisions of the Treaty for the first time to conclude an agreement on teleworking. The agreement is to stand by itself and will not take the form of EU legislation. It cannot be expected, therefore, that the agreement will be implemented in the same way as a directive or regulation.

Who is bound by the teleworking agreement (the Member States, the umbrella organisations (ETUC, UNICE and CEEP) and their affiliated organisations, individual firms)? What significance does the fact that the agreement deals in general principles rather than minimum requirements have, and what are the implications thereof? Who will check that the agreement is correctly implemented (does competence lie with the Commission and the Court of Justice)? Have will such checks be carried out? (The agreement does not state how it is to be implemented in the individual countries but refers to national practice, which could make it difficult to use the same monitoring mechanisms in all the Member States).

Answer

The European framework agreement on teleworking signed by the social partners on 16 July 2002 will be implemented by the members of the European Union of Industrial and Employers' Confederations (UNICE)/European Union of Crafts and small and medium-sized Enterprises (UEAPME), the European Centre for the public economy (CEEP) and the European Trade Union Confederation (ETUC) (and the PMS/European Confederation of Executive Staffs liaison committee), in accordance with the procedures and practices of the social partners in the Member States, as laid down in Article 139(2) of the EC Treaty.

This is a European framework agreement between the social partners which lays down general principles and not a legislative act adopted by the Council in accordance with Article 137(2) of the EC Treaty which establishes minimum

requirements. It therefore follows that the implementation of the agreement depends on the procedures and practices of the social partners in the Member States.

Item 12 of the agreement lays down its own monitoring mechanism: implementation will take place within three years of the signing of the agreement. The member organisations will report on the implementation to an ad hoc group created by the contracting parties under the responsibility of the social dialogue committee. This ad hoc group will prepare a joint report on the implementation actions, which will be prepared within four years of the signing of the agreement. In the event of questions about the content of the agreement, the member organisations may refer the matter jointly or separately to the contracting parties. The social partners will be able to ensure the coherence of this monitoring in the different Member States, within the framework of their autonomy.

In its communication adopted on 26 June 2002 on 'the European social dialogue, a force for modernisation and change',⁴ the Commission calls on the social partners to significantly improve the monitoring procedures in place and to produce periodic reports on the implementation of the agreements signed. These reports will have to identify the progress made on the content of the implementation of the agreement and compliance with it. In this context, the Commission will be closely monitoring the implementation of this agreement.

Question no 57 by Astrid Thors (H-0548/02)

Subject: Finalising of the agreement concerning the Multilateral Nuclear Environmental Program

According to the Commission (DG External Relations), part of the bilateral work concerning the EU's relations with Russia focused for much of 2001 on energy, environmental protection and nuclear safety. This was meant to be done through the conclusion of the agreement on a Multilateral Nuclear Environmental Program (MNEPR), aimed at cleaning up radioactive waste in north-west Russia and through the Northern Dimension Environmental Partnership (NDEP). Similarly, in the press briefing from the Commission issued on 27 May 2002 before the Ninth EU-Russia Summit held in Moscow in May 2002, it was stated that the environment and nuclear safety were going to be discussed and that it would be important to ensure that the Russian Federation finalised the MNEPR agreement as soon as possible. In the Joint Statement issued after the EU-Russia Summit, however, no reference was made to the MNEPR. A pledge conference on the NDEP is also to be held on 9 July.

What is the current situation concerning the MNEPR? What are the obstacles to the conclusion of an agreement on the MNEPR? What measures is the Commission going to take in the near future in order to ensure that the Russian Federation finalises the agreement?

Answer

In the last months the Commission, together with the other Western Donors involved, has been doing all it could to reach a final agreement on the Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR). We accepted a difficult compromise offered in June 2001 by Russia to settle the last obstacles, assuming that this would lead to a quick conclusion of the agreement.

Unfortunately, over the last months the Russian side has neither confirmed its willingness to sign, nor given any indication of the nature of the problems holding up their signature. At the Northern Dimension Environmental Partnership (NDEP) Pledging Conference held in Brussels on 9 July 2002, the Russian representative stated that the agreement could be signed soon, after negotiation on certain technical details, but without indicating what these details might be.

This Pledging Conference indeed provided a timely occasion to reiterate Western donors' insistence on a quick conclusion of the agreement. Several donors, including the Commission, indicated on that occasion that the signature of the MNEPR is a pre-condition to initiate the operations of the nuclear window of the Fund. The Commission, together with other donors, shall of course continue to press this issue with the Russian authorities at every opportunity.

Question no 58 by Liam Hyland (H-0550/02)

⁴ COM(2002) 341 final.

Subject: Preventing tobacco addiction among children

In June, the Commission adopted a proposal for a Council recommendation on the prevention of smoking and on initiatives to improve tobacco control.

Will the Commission state what it hopes to achieve with its proposal, with particular regard to discouraging children and young people from starting to smoke and/or encouraging them to give up smoking, and does it hope that, eventually, it might be possible to submit a proposal for a directive on this issue?

Answer

The Commission's proposal for a Council Recommendation on the prevention of smoking and on initiatives to improve tobacco control aims inter alia at reducing the supply of tobacco products to children and adolescents, and at avoiding that certain types of advertising for tobacco products reach children and adolescents. The proposal forms an important part of the Community's comprehensive tobacco control strategy, which comprises binding legislation (tobacco products Directive 2001/37 EC⁵, Commission proposal for a tobacco advertising Directive⁶) and smoking prevention and cessation initiatives (under the Tobacco Fund, The 'Europe against Cancer' programme and the new Public Health Action Programme 2003-2008), and has to be seen against this background.

Discouraging children and young people from starting to smoke, and/or encouraging them to give up smoking, are key elements of the Community's tobacco control strategy. However, these are not exclusively addressed through the proposal for a Council Recommendation. In fact, smoking prevention and cessation for young people are the main objective of the European Network for Young People and Tobacco⁷, and of the Europe-wide campaign⁸ which was launched in May and will run for three years. The Commission is confident that these measures, taken together with the above legislative instruments and the provisions of the proposal for a Council Recommendation, will indeed have a significant impact on the prevalence of smoking amongst children and adolescents in the Union.

Article 152 of the EC Treaty does not provide a legal base for a Directive aimed at smoking prevention and smoking cessation.

Question no 59 by Gerard Collins (H-0551/02)

Subject: Commission Communication on main perspectives for the EU after 2006

In the General Introduction to the Preliminary Draft Budget for 2003, the Commission states that it will come forward in 2004 with a Communication on the main perspectives of the development of the Union, of its policies and of the future financial framework after 2006.

Will the Commission give assurances that it will place greater emphasis in its Communication on tackling poverty in the EU, debt relief for the poorest countries, providing more resources for innovation and SMEs, and ensuring that peripheral and island regions such as Ireland continue to have access to the funds required to tackle a range of infrastructure needs?

Answer

Under the Interinstitutional Agreement of 6 May 1999 on budgetary discipline and improvement of the budgetary procedure, the Commission must submit proposals by 1st July 2005 for a new post-2006 financial perspective. The Commission intends to present these proposals in the course of 2004.

⁵ Directive 2001/37/EC of the Parliament and of the Council of 5 June 2001 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco products, OJ L 194 of 18.7.2001

⁶ COM(2001)283 final

⁷ ENYPAT, <http://www.ktl.fi/enypat>

⁸ <http://www.feel-free.info/index-ge.htm>

The financial resources to be proposed for the main categories of expenditure will reflect the main priorities and orientations set for Union policies from a budgetary angle.

The Honourable Member's concerns will be taken into consideration in connection with the cohesion policy and other internal policies to assist Small and medium-sized enterprises (SMEs) or designed more generally to support economic growth across Europe. As far as eligibility for the structural funds is concerned, it will depend mainly on relative prosperity.

Debt relief for the poorest countries of the world is a particular concern for the Commission, which supports the international Highly Indebted Poor Country (HIPC) Initiative, that aims at bringing the external debt of poor countries down to a sustainable level. The current level of Union commitment to the initiative is of about €1.15 billion, which is financed principally by the European Development Fund and Member States' budgets. The time horizon of the initiative is expected to be limited, and within the next three years the bulk of the relief should have been granted.

Question no 60 by Niall Andrews (H-0553/02)

Subject: Drugs for poor countries

Will the Commission provide an up-to-date assessment of the EU initiative aimed at providing access to drugs for poor countries, whereby developing countries with no domestic drug production of their own can obtain affordable supplies of essential medicines, and indicate the extent to which it foresees the applicant countries playing a role in this initiative?

Answer

The honourable Member is advised to refer to the Commission's reply to oral question H-0508/02 by Mr van den Berg at Question Time during Parliament's July 2002 part-session.

With regard to the candidate countries, like all members of the World Trade Organisation (WTO), they are participating in the discussions taking place in the Council on trade related aspects of intellectual property rights (TRIPS), in which they align themselves with the Union. Regular meetings take place on a technical level in Geneva between the Union, represented by the Commission, and the candidate countries, to discuss this problem.

The candidate countries have not, however, been formally involved with the Communications on this subject presented by the Union to the WTO.

Question no 61 by Brian Crowley (H-0555/02)

Subject: Debt relief and the G8

Will the Commission make a statement on the decision of the G8 to increase debt relief for the poorest countries by 1 billion dollars and the response of aid agencies that the debt relief would barely make up for the fall in prices for commodities such as coffee and cotton and on the comments of the Canadian spokesman for Care who noted that the US Congress had approved 40 billion dollars to fight terrorism three days after the 11 September attacks but that such huge sums were not forthcoming to help the world's poor?

Answer

The Commission, as a G8 member, subscribes in full to the conclusion of the latest G8 summit held on 26 and 27 of June in Kananaskis, Canada, stating that an additional \$ 1 billion will be made available to alleviate the debt burden of poor countries. This indicates that debt relief for poor countries remains high on the political agenda. The problems relating to the fall in commodity prices are well known to the Commission and have been constantly addressed by Community aid programmes. The provision for stabilisation of export earnings (STABEX) under the Lomé Conventions, was designed to address this issue. The system for financing for short-term fluctuation in export earnings (FLEX) has been improved under

the Cotonou Agreement, in a way to ensure more speedy disbursements and that the funds available are used in the context of the overall programming of Community aid for the recipient country.

The Heavily Indebted Poor Country (HIPC) initiative, which aims to bring the external debt of poor countries to a sustainable level, has also widely recognised this problem and some of the additional funds announced in Kananaskis will indeed be utilised to help reach debt sustainability in those cases where poor countries have experienced external shocks.

The Commission does not intend to comment on the statement of the Canadian spokesman for Care.

Question no 62 by James (Jim) Fitzsimons (H-0557/02)

Subject: EU support for senior citizens

As the Commission will recall, several initiatives have been taken over the years to highlight the positive role played by senior citizens in our society, including the holding of a Senior Citizens' Parliament in Luxembourg in 1993 which called for a Senior Citizens' Parliament in each Member State and a conference in 1998 on 'Senior Citizens in the 21st Century.'

Will the Commission firstly ensure that delegates from smaller countries are equally funded at EU level so that they can attend the meetings of the European Federation of Retired and Elderly Persons which, because of EU cut-backs, is no longer possible and, secondly, will the Commission state what action has been taken on the initiatives outlined above and what steps have been taken by Member States to involve the representatives of senior citizens in decision-making bodies at both local and national level?

Answer

The European Federation of Retired and Older People (FERPA) is a private organisation. Over the past five years, it has received grants from the Commission for a number of specific projects. However, the Commission has never as such provided funding for the travel costs of delegates to meetings of FERPA and there are no budget lines which would allow it to start such a practice.

At European level, the follow-up to the initiatives mentioned by the Honourable Member include greater attention to the positive contributions from older persons in Commission documents and policies and core funding from the Community Action Programme to Combat Discrimination for AGE, the European umbrella organisation formed by older people's non-governmental organisations active at regional, national or European level.

The Commission is aware that during the 1990s, a few Member States established councils of senior citizens at local and national level, but it has no comprehensive overview of developments in this area.

Question no 63 by Seán Ó Neachtain (H-0559/02)

Subject: Developing the EU's Western Dimension

The Danish Presidency intends to establish guidelines for a new action plan for the EU's Northern Dimension for 2003 to 2006 and sees this as part of a new overall strategy towards the EU's neighbours to the east. At the same time, a Euro-Mediterranean strategy is also being developed.

What plans does the Commission have for developing the EU's Western Dimension?

Answer

The guidelines adopted by the Commission for the programmes of the Structural Funds and the Cohesion Funds for 2000-2006⁹ encourage an integrated approach to the interventions of the Structural Funds in order to make progress

⁹ OJ C267 of 22.9.1999, p.2

towards more balanced territorial development and reduce the disparities between the central and the peripheral areas. In this way, the development of each region should contribute to promoting the emergence of several zones of economic integration which are better distributed within the Union and gradual progress towards a more polycentric European area.

In the second report on economic and social cohesion¹⁰, amongst the possible priorities for future cohesion policy, the Commission proposed the promotion of areas of cross-border, transnational and interregional cooperation and the areas suffering from serious geographical or natural handicaps, including the peripheral areas.

Within the framework of the ESPON programme (European spatial planning observatory network), funded by the Community's Interreg III initiative, the Commission, in cooperation with the Member States, is currently carrying out research aimed at increasing understanding of trends in territorial development in Europe and stimulating the debate taking place on the future cohesion policy. In particular, the programme aims to define, by combining territorial indicators and socio-economic indicators, the areas of global integration with a European dimension and of an interregional and transnational nature and to establish a diagnostic approach to these areas.

Phase B of the Community initiative Interreg III, dedicated to transnational cooperation between national, regional and local authorities, is aimed at promoting a greater degree of territorial integration within the broad groupings of European regions, with the aim of achieving sustainable, harmonious and balanced development within the Community.

Within this phase B, cooperation between the island and maritime regions as well as the western regions of the Community is particularly encouraged, by means of several programmes, and the Atlantic area receives a contribution from the regional development fund (ERDF) of up to EUR 122 million. The objectives of this programme are based upon four priority axes: the polycentric structuring of the area and the development of poles of competence, the development of transport systems and improving access to the information society, the promotion of the environment and the promotion of Atlantic identity.

Furthermore, since 1990, various interregional cooperation programmes have been developed for the Atlantic area with the support of credits from the ERDF, such as the Interreg IIC Atlantic Area programme (1994-1999), the Atlantic Arc Network programme (1990-1993), Finatlantic (1991-1994) and the Atlantis pilot action (1993-1995).

Question no 64 by Marit Paulsen (H-0561/02)

Subject: Direct aid and diversity

In a welcome development, it appears that the forthcoming revision of the EU's common agricultural policy will result in a switch from direct aid to greater focus on rural development.

Rural development, however, is quite often dependent on small, local food producers (small-scale production of specialist foods is one of the countryside's potential niches). Such local producers often encounter problems in marketing and selling their produce. Their access to the market is impeded by the fact that their small volumes cannot provide the supplies required by the large, multinational food chains.

Is this a situation which the Commission had reason to examine during the debate on the reform of the common agricultural policy? If not, does the Commission share my view that this situation merits investigation?

Answer

The Commission considers that small local food producers, particularly of specialist foods, should continue to play an important role in the quality and diversity of European food production. The Commission therefore shares fully the Honourable Member's view that this is an issue that requires further attention.

For this reason, it has proposed in its Communication on the Mid-Term Review of the Common Agricultural Policy (CAP) measures supporting quality, certification and promotion and marketing of agricultural produce under the Second Pillar of the CAP, rural development. Together with measures designed to help farmers meet standards, which will benefit especially smaller farms, this should help local producers respond to new opportunities.

¹⁰ COM (2001) 24 final

Question no 65 by Antonios Trakatellis (H-0562/02)

Subject: Thessaloniki underground: delays in completing the approval procedure for the project

In reply to my previous question (P-0545/02) on the Thessaloniki underground, the Commission explained that the European Investment Bank (EIB) and the commercial banks had asked that the concessionaire make certain changes. Under these changes, a financial contribution by the shareholders of the consortium which has undertaken the project were to be a condition for approval of the plan for financing the project in question. This contribution has, however, still not been made, nor have the Greek authorities submitted the financing plan making provision for co-funding of the project on the basis of the Structural Funds for the programming period 2000-2006. In view of the above:

Has the Greek Government submitted a request for co-funding of the project for the 2000-2006 period?

An evaluation of the financing plan by the EIB was expected in July – does such an evaluation exist? Has it been made, and if not, will the concession contract remain valid or not?

Has the Commission granted approval of the financing plan to the concessionaire, so that the latter can finally embark on construction of the project?

What steps does the Commission intend to take if the obligations which the concessionaire has undertaken concerning the construction of the project are yet again not met?

Answer

The Greek authorities have not yet presented to the Commission an application to confirm the level of Community assistance for the project of the Thessaloniki Metro, on the basis of article 26 of Council Regulation (EC) 1260/1999 laying down general provisions on the Structural Funds¹¹.

As far as the European Investment Bank (EIB) co-financing is concerned, no final financial plan for this project has been approved at this stage. The EIB is performing relevant due diligence of the operation, actively negotiating terms of its financing with the concessionaire and the commercial banks. Negotiations are continuing and the target of the Greek State is to achieve financial close by year end.

The Commission has no competence on the implementation and management of concession contracts prepared and signed by the Member States on one hand, and banks and undertakings on the other, provided that the Community legislation is respected at all stages.

Question no 66 by Nuala Ahern (H-0564/02)

Subject: Reform of Euratom

Will the Commission make a statement on the reform of Euratom?

Answer

The Commission assumes that this question relates to the possible reform of the Euratom Treaty in the context of the European Convention.

The Commission is aware that the issue of the possible reform of the Euratom Treaty has been raised.

The Commission is reflecting on this question in the context of its contributions for the Convention and will state its position in due course.

¹¹ OJ L 161 of 26.6.1999

Question no 67 by Horst Schnellhardt (H-0566/02)

Subject: Failure to comply with the requirement laid down in Directive 75/439/EEC that the regeneration procedure (recycling) must be used for the disposal of waste oils

Article 3(1) of Directive 75/439/EEC¹², as amended by Directives 87/101/EEC¹³ and 91/692/EEC¹⁴, requires Member States to take the necessary measures to ensure that, as far as possible, the disposal of waste oils is carried out by recycling (regeneration).

Since it has been established that Austria, Ireland, France, Sweden, Denmark, Belgium, the United Kingdom, the Netherlands and Finland have failed to comply with that requirement, Commissioner Wallström sent a letter of formal notice to those countries on 10 April 2001.

What steps have the countries concerned taken since then with a view to their complying with the Directive? What steps will the Commission be taking with a view to ensuring that the Directive is duly transposed into national law?

Answer

The Commission has opened infringement procedures pursuant to Article 226 of the EC Treaty by the sending of letters of formal notice to Belgium, Denmark, Spain, France, Ireland, Austria, Portugal, Finland, Sweden and the United Kingdom in April 2001 and Greece in October 2001. All these letters concern the failure by these Member States to adopt measures that prioritise the processing of waste oils by regeneration when there was no technical, economic or organisational constraint to prevent this. This requirement to prioritise regeneration derives from Article 3(1) of Directive 75/439/EEC, as amended by Directive 87/101/EEC¹⁵

Following the Commission's assessment of the replies to the letters of formal notice, it was concluded that the above-mentioned infringements have continued with regard to Belgium, Denmark, Greece, Ireland, Austria, Portugal, Sweden and the United Kingdom. Consequently, the Commission this year addressed reasoned opinions to all those Member States pursuant to Article 226 of the EC Treaty. In order to complete its assessment with regard to Spain and Finland, the Commission addressed supplementary letters of formal notice to these Member States. The measures taken by France are still being examined by the Commission.

Finally, after having given the Member States a possibility to comply with the reasoned opinions, the Commission decided in June this year to take Austria, Portugal and the United Kingdom to the Court of Justice. The measures taken by the other Member States in order to comply with the requirement to prioritise regeneration of waste oils are currently being examined by the Commission which will take appropriate measures after it has completed its assessment.

Question no 69 by Samuli Pohjamo (H-0569/02)

Subject: Structural policy in sparsely populated regions

The Commission is seeking a balanced and fair approach to cohesion policy in the future. Objective 1 will probably be retained. However, the sparsely populated regions of the North would cease to be Objective 1 regions if the sole criterion was 75% of GDP.

It is absolutely vital that regional policy should continue in these regions after 2006. In addition to their sparse population, many of the regions in question suffer from natural disadvantages, cold climate, long distances, rapidly dwindling populations and high unemployment. In addition, the problems arising from the Union's long external border should be

¹² OJ L 194, 25.7.1975, p. 23.

¹³ OJ L 42, 12.2.1987, p. 43.

¹⁴ OJ L 377, 31.12.1991, p. 48.

¹⁵ Council Directive 75/439/EEC on waste oils as amended by Directive 87/101/EEC, OJ L 194, 25.7.1975 and OJ L 42, 12.2.1987

borne in mind (the major disparity in standards of living between Finland and Russia, for example), as on the other hand should the opportunities.

What will the Commission do to ensure that the sparsely populated Northern regions (the former Objective 6 regions in Finland and Sweden) are treated fairly when deciding on the future of the EU's regional and structural policy?

Answer

In accordance with Article 158 of the EC Treaty, with a view to promoting harmonious development, the Community aims in particular to reduce the differences between the levels of development of the various regions and the backwardness of the least-favoured islands or regions, including rural areas.

To this end, the second report on economic and social cohesion¹⁶ identifies the economic, social and territorial priorities for cohesion policy, which include the development of areas suffering from serious geographical or natural handicaps.

Following the adoption of the said report, the Commission has been engaged in a very long debate on the future of its cohesion policy, with regional, local and association representations. This debate is ongoing and the Commission will make proposals on the adoption, at the end of 2003, of the third report on economic and social cohesion.

Furthermore, with a view to enriching the debate, the Commission has launched various studies aimed at better characterising the areas suffering from these territorial handicaps, analysing their situation, their needs and potential, the Community and national policies implemented in those regions and their impact. Although they are not aimed specifically at the sparsely populated areas, these studies nevertheless deal with problems which are common to all these areas. Their conclusions will enrich the considerations which will lead to the Commission making specific proposals relating to these regions, within the framework of an enlarged Europe.

Question no 70 by Robert J.E. Evans (H-0573/02)

Subject: Near extinction of the Iberian lynx

Does the Commission believe that its environmental impact assessments undertaken before the commencement of funded building projects take into account every possible impact on the environment, including the impact on flora, fauna, pollution, nature conservation, food chains, biodiversity and the ecological balance of an area?

In particular, can the Commission explain why the Iberian lynx is facing extinction in Portugal and Spain following several EU-funded building projects there which have contributed heavily to the near-extinction of the species?

Does the Commission have any plans to investigate this problem further or to help rectify the situation?

How does the Commission propose to improve its Environmental Impact Assessments in order to ensure that such unwanted consequences do not result from EU projects in future?

Answer

According to the Structural funds regulations¹⁷, the selection of projects and the assessment of their compliance with Community legislation and policies is the responsibility of the national and regional authorities that have submitted a regional development or conversion plan to the Commission. The responsibility for undertaking an Environmental Impact Assessment therefore rests with those authorities and not with the Commission.

The Environmental Impact Assessment Directive (Directive 85/337/EEC¹⁸ amended by 97/11/EC¹⁹) requires that an extensive range of information is made available and taken into account before granting development consent. The Directive applies to a wide range of infrastructure and other types of project. The information on the aspects of the

¹⁶ COM (2001)24 final

¹⁷ OJ L 161 of 26.6.1999

¹⁸ OJ L 175 of 5.7.1985

¹⁹ OJ L 73 of 14.3.1997

environment likely to be affected by the project includes information on the items mentioned (Annex III to the Directive sets out the complete list).

The main threats to the Iberian lynx are the destruction of its habitats and the scarcity of its prey animals, especially rabbits whose populations are widely affected by myxomatosis. In addition, several types of development projects might have a negative effect on Iberian lynx populations. For instance transport and water projects tend to fragment the habitats favourable to the lynx. The Commission has always insisted on adequate impact assessments and mitigating actions to be taken in these projects in order to reduce the effects on the lynx populations.

Community law is helping to protect the lynx. Important lynx habitats have been listed for inclusion in the Natura 2000 Network. Projects likely to have an impact in these protected areas fall under Article 6 of the Habitats Directive (92/43/EEC²⁰) where an assessment of the impact on the protected area is required. A failure to comply with this legislation implies the refusal of CFommlunity funding. A number of infringement proceedings have been opened for non-compliance with Community legislation on nature protection.

During the period 1994-2001 LIFE Nature funding has been given to two projects for Iberian lynx in Portugal and 18 projects in Spain. Their main aims have been to protect and maintain the lynx habitats and to enhance the number of prey animals. The sustainability of a species with a low number of individuals and isolated sub-populations is always doubtful but as can be seen from the number of projects the Commission considers the survival of the Iberian lynx a priority issue.

The two regions mainly concerned are Andalucía and Extremadura and the respective operational programmes for those regions during the period 2000-2006 take into consideration measures regarding the protection and preservation of the Iberian Lynx, such as the sustainable management of bio-diversity and the conservation of wild fauna and flora, in particular those species in danger of extinction. Specific activities for the conservation of the Iberian Lynx have as main objective the recuperation of its population in Andalucía via the improvement of its habitat, through the supply of enough food, wild rabbits, the reproduction in captivity and its re-introduction in areas where it was extinct in the recent past. In Extremadura there are also programmes for the supply of additional food sources to protected species, such as the Iberian Lynx.

Question no 71 by Olivier Dupuis (H-0576/02)

Subject: Request to Thailand for extradition of 17 Laotian opponents of the Lao People's Democratic Republic

In the period since 3 July 17 Laotian dissidents have appeared before a Bangkok court following a request for extradition from Laos. These 17 people, who have already served a prison sentence for residence without a permit, were arrested on Thai territory after participating in an attempt to take control of the Thailand-Laos border post at Vang Tao-Chong Mek on 3 July 2000. The aim of this operation was to bring the lack of democracy in Laos to the attention of the public worldwide. A flag of the former kingdom of Laos was hoisted and the border post occupied until a counter-attack was launched by the Communist army. The Laotian authorities are basing their extradition request on the claim that these are simply 'common-law bandits'. Apart from any considerations relating to the methods used, the facts show clearly that the action taken was political in nature. In view of the judicial standards prevailing in Laos, there is no doubt that if extradition were to take place the lives and health of the 17 people would be in serious danger.

Is the Commission aware of this case? If so, what steps has it taken, or does it intend to take, to avert any possibility of the 17 people being extradited to Laos? In particular, has the Commission asked, or will it ask, the Member States to grant the 17 people political refugee status?

Answer

The Commission has followed this issue from the beginning, when a group of Laotian opposition members, together with several Thai nationals, attempted to take control of a border post at the Laos-Thailand border.

The case has not yet been settled. The Laotian members of the group have asked for political asylum in Thailand. The United Nations High Commissioner for Refugees (UNHCR) in Bangkok is aware of this request and is making appropriate enquiries.

²⁰ OJ L 206 of 22.7.1992

While our representatives continue to follow developments closely, neither the Commission nor Member States have so far intervened directly in the issue. In the first instance, this is essentially a bilateral problem between Thailand and Laos, and in regard to the possibility of resettlement, the UNHCR – as the appropriate body – is already involved.

Question no 72 by Bert Doorn (H-0578/02)

Subject: Dyke strengthening projects in the district of Sliedrecht following further postponement of a decision

In its answer to my written question of 20 February 2002 (E-3590/01) concerning dyke sections in the district of Sliedrecht, the Commission says that it initiated an infringement proceeding pursuant to Article 226 of the EEC Treaty in the framework of which a reasoned opinion has already been issued. It further states that the reply of the Government of the Netherlands to this reasoned opinion is currently under assessment.

After contacting the Commission officials responsible for this matter on numerous occasions, I was given an assurance that in June, or at the latest on 11 July, the Commission would probably consider whether this case should be referred to the Court of Justice. I have since been informed that because of slow progress in processing the file no decision was taken on 11 July.

Is the Commission aware of the fact that a decision is not only being delayed at European level but also at local level in an improper way? Citizens, firms and authorities in Sliedrecht have been waiting for a decision for more than a year and a half.

When does the Commission finally expect to be able to take a decision on this matter?

Answer

In relation to the ongoing infringement case concerning the Sliedrecht dykes, the Commission is in the process of assessing the detailed answer from the Dutch government to the reasoned opinion issued by the Commission on 26 July 2001. Depending on the outcome of this assessment, the Commission will consider whether to bring the case before the Court of Justice.

During the meeting of the Commission of 26 June 2002, the Commission decided to include the issue on the agenda of the Commission meeting in October 2002 for further consideration. The Honourable Member will be informed of the future decisions of the Commission in this infringement case.

Question no 73 by Neil MacCormick (H-0582/02)

Subject: Competitive vehicle ferry services

The Commission has previously acknowledged, in reply to questions posed by me (H-0699/00²¹), that in the case of ferries on the west coast of Scotland, it is appropriate to treat peninsulas as 'virtual islands' for the purpose of 'public service obligations' in the context of Union law on maritime cabotage.

In that light, does the Commission agree that the possibility of a legitimate subsidy to support pedestrian services must not be made into a barrier that prevents competitive vehicle ferry services on routes that will sustain competition?

Answer

According to Article 4 of Regulation 3577/92 of 7 December 1992²² applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), Member States may conclude public service contracts with shipping companies participating in regular services to, from and between islands. In this case, Member States may

²¹ Written answer, 6.9.2000

²² OJ L 364 of 12.12.1992

subsidise the involved service, i.e., they may provide aids aimed at covering its operational losses, provided that the conditions laid in the Community guidelines on State aid to maritime transport²³ are fulfilled.

As the Commission has stated in its reply to the questions formerly posed by the Honourable Member, the possibility of concluding public service contracts may be taken into consideration when the geographical location of one of the ports linked by the ferry service is equivalent to the one of an island.

As for the subsidies to 'pedestrian services' -that the Commission understands as maritime transport of pedestrians- the relevant measures, only addressing public service obligation, should not affect trading conditions between competitive services to an extent contrary to the common interest.

Question no 74 by Concepció Ferrer (H-0584/02)

Subject: Process of integration in Africa

The act establishing the new integration project for Africa, which is modelled on the process of European integration and is to replace to obsolete OAU by the new African Union, was signed in Durban, South Africa, on 9 July 2002.

How does the Commission view the creation of the African Union and what relations will it establish with it, bearing in mind that countries such as Equatorial Guinea have signed the constituent act despite their continuing violations of human rights and complete inability to respect the most basic political rights?

Answer

The Commission welcomes the creation of the African Union and has expressed its full support for this very ambitious project based on African ownership and leadership. The Commission trusts the African Union will be instrumental in promoting the advancement of democracy, human rights and sound economic policies across the continent by setting high standards of economic and political governance. The Constitutive Act of this Union gives a new impetus to the promotion of peace and security, which are indispensable preconditions for the development of the continent and the fight against poverty. From a democratic perspective, the African Union should help in holding African governments accountable to their people and encouraging civil society participation.

By its very nature, the Commission is well placed to understand the vision and values that will guide the African Union. The African Union is largely modelled on the European integration process, the most successful example of an ever closer union between sovereign states. This is why, on the occasion of the Durban Summit, the President of the Commission congratulated the new president of the African Union, Thabo Mbeki, on the launching of the African Union.

As regards the question of human rights violations in some member countries of the African Union, it is worth noting that the African Union has included in its Constitutive Act the principle of non-indifference, which allows the African Union to subject member states to sanctions in case of violation of the Constitutive Act.

Regional organisations such as the African Union can provide a very good platform for a positive exchange of experiences in issues such as respect for human rights and the development of democratic values, and contribute to an improvement of the situation in those countries with a weaker human rights record.

The Union and the Commission, for their part, are actively engaged in a political dialogue with the countries of Africa and their regional organisations. When the need arises, they can impose sanctions on African, Caribbean and Pacific countries via article 96 of the Cotonou Agreement in cases of serious violations of human rights or other breaches of the essential elements mentioned in the Agreement.

Question no 75 by Karin Riis-Jørgensen (H-0586/02)

Subject: EuroCommerce's complaint about Visa International

²³ OJ C 205 of 5.7.1997

EuroCommerce has lodged a complaint with the Commission concerning the agreements or rules governing acceptance of Visa International payment cards. EuroCommerce considers that those rules restrict competition because, inter alia, traders are required to pay for a package of services from Visa International.

To date, the Danish market has been kept free of high fees for debit cards as distinct from international credit cards. There is cause for concern here, if the rules and principles are accepted, as there is likely to be an impact on the Danish market.

Has the Commission taken a decision in this case and, if so, with what outcome? If the Commission has opted to accept Visa International's rules on payment, have conditions been laid down to prevent distortions of competition and ensure that the Danish market is kept free of such fees?

Answer

On 24 July 2002 the Commission adopted a Decision concerning certain 'multilateral interchange fees' (MIFs) in the Visa card payment system. A MIF is an interbank payment made for each transaction carried out with a payment card. In the Visa system, it is paid to the cardholder's bank by the retailer's bank.

The Commission's Decision exempts, under the competition rules, certain MIFs of Visa international for cross-border payments in Europe, after Visa made significant reforms to its MIFs, which will reduce their level, increase their transparency, and lead to them being fixed with regard to objective criteria. The granting of an exemption to the revised MIF of Visa requires the rejection of the complaint from EuroCommerce.

The Commission concluded that, although the multilateral setting of the Visa MIF between competing banks constitutes a restriction of competition, a multilaterally-fixed interchange fee can lead to beneficial efficiencies and economies within a payment network, and therefore can benefit from an exemption, but only if it is set in a reasonable and equitable manner. This criterion is met by the revised MIF of Visa, in particular as it will be capped at the level of certain costs which the Commission is satisfied are relevant to the MIF.

In the Commission's view, the Decision removes a distortion of competition created by the previous, unreformed, MIF of Visa, which Visa had freedom to set at any level it wished, without restriction, and it will produce savings for merchants' banks, which - competition should ensure - are passed on to merchants and ultimately to consumers.

The Decision is without prejudice to the application of national legislation, including the Danish law on payment cards. Moreover, it does not concern MIFs for domestic payments, nor fees charged to consumers or merchants; it only applies to cross-border interbank payments.

Question no 76 by Proinsias De Rossa (H-0590/02)

Subject: West Papua

Will the Commission call on the United Nations Secretary-General to instigate a review of the UN's conduct in relation to the 1968-69 'Act of Free Choice' in West Papua in light of the abduction and assassination of the Chairperson of the Papuan Presidium Council, Theys Hiyo Eluay, in November last year?

Given the continued unrest in West Papua and the success of the popular consultation properly conducted by the UN in East Timor in August 1999, will the Commission urge the United Nations Secretary-General to reconsider the act of self-determination in Papua of August 1969, as it continues to be a source of unrest and protest in Papua and constitutes a threat to stability and peace in the region of South East Asia?

Answer

The Commission, together with the diplomatic missions of the Member States, continues to closely follow developments in Papua.

The Union immediately made a declaration on 13 November 2001, deploring the death in suspicious circumstances on 10 November of Mr Theys Eluay, the chair of the Papuan Praesidium, and continues to urge the Government of Indonesia to

investigate the matter thoroughly and bring the perpetrators to justice. The Commission has participated in this and all Union démarches and continues to draw attention to Union's concerns regarding the situation in Papua.

At the end of March, Union's Heads of Mission in Jakarta, including the Commission Delegation, visited Papua for a fact-finding visit and to reiterate the Union's concerns to the Indonesian authorities.

Following the Indonesian Parliament's approval in November last of a regional autonomy law for Irian Jaya (to be called thereafter 'Papua'), full implementation of this law should make a significant contribution to resolving the difficulties in the province. To support this process in the longer term, the Commission envisages - within its Country Strategy for assistance to Indonesia - to focus on encouraging good governance and the rule of law in the framework of the Government's decentralisation and regional autonomy policies including Papua.

The Commission shares the stated position of the Union, which firmly supports the territorial integrity of Indonesia, while encouraging the Government to make urgent efforts to address and resolve peacefully Indonesia's internal conflicts, whether separatist or sectarian in character. Therefore in the present context the Commission is not proposing to call for a review of the 'Act of Free Choice' of 1969 regarding Papua.

Question no 77 by Efstratios Korakas (H-0592/02)

Subject: Increase in the number of fatal industrial accidents in Greece, in particular in the construction of the Olympic village

Ever since work began on the Olympic village in December 2001, in preparation for the 2004 Olympic Games, workers and the organisations representing them have been complaining at the unacceptable health and safety conditions and conditions of employment and insurance. This inadmissible situation has now culminated in the death of a fourth worker, in addition to the hundreds of workers who have suffered injuries. The situation is similar in many other workplaces. According to the report by the labour inspectorate, fatal accidents at work in Greece increased by 50% in 2001 by comparison with 2000, which means that one death is recorded for every one and a half working days, with 46% of fatal industrial accidents occurring on building sites.

What concrete steps will the Commission take to improve the situation, and at the same time to ensure that employers apply Community health and safety rules, that strict and thorough checks are carried out by the competent authorities and that offenders are punished, so as finally to put an end to the irresponsible conduct of employers and this crime against workers?

Answer

Many Directives are applicable to improving the safety and health of workers at work. Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work²⁴ - the so-called 'Framework' Directive - gives the basis and sets general requirements for improving working conditions at workplaces. Directive 92/57/EEC of 24 June 1992 on the implementation of minimum safety and health requirements at temporary or mobile construction sites²⁵, sets specific rules for health and safety on construction sites. The latter directive, in particular, has shown positive effects, as several Member States are reporting reductions in the accident rate in the construction sector.

Both directives are transposed into Greek law. The control and enforcement of the application of the national legislation transposing the Directives is the responsibility of the competent authorities in the Member States, in the present case the Greek Labour inspectorate. It has to be noted that the Commission can only intervene if a systematic non-application of the legislation becomes apparent.

In its communication on a new Community strategy for safety and health at work²⁶, the Commission emphasises the need for a generalisation of a prevention culture. It also calls for a better application of existing law on European worksites.

Taking up the challenge, the Council, in its resolution on a new Community strategy on health and safety at work (2002-2006), calls on the Member States to 'develop and implement co-ordinated, coherent prevention policies, geared to national

²⁴ OJ L 183 of 29.6.1989

²⁵ OJ L 245 of 26.8.1992

²⁶ COM(2002) 118 final

conditions, with measurable targets set in this context for reducing accidents at work and occupational illnesses, especially in those sectors of activity in which rates are above average' and to 'ensure better implementation of the legislation in force, in particular through more effective inspection and monitoring, through making available to businesses, especially small and medium-sized businesses, suitable advisory and consultancy services, as well as through improved occupational risk-prevention training and the adoption of measures aimed specifically at reducing accidents at work and occupational illnesses in high-risk sectors'.

The Commission expects an adequate response to this resolution at the level of the individual Member States and in particular for all the players involved: e.g. the public authorities, the social partners, insurers... thus giving a fresh impetus to the efforts to reduce occupational diseases and accidents. The construction industry should be a main focus of these efforts.

Question no 78 by Konstantinos Alyssandrakis (H-0596/02)

Subject: Mobilisation of striking seamen

As part of its general anti-labour policy the Greek Government is intensifying its high-handed and repressive measures and has introduced the anti-constitutional measure of 'civil mobilisation'. At the seamen's strike of 29 May the Government deployed the Port Police and special riot forces against strikers, which resulted in bloodshed. When the seamen demanded that their insurance, labour and wage rights be satisfied and that measures be taken to protect human life at sea, the Greek Government, acting on behalf of shipowners and in order to break the seamen's strike, introduced the 'military law' on 22 June in an attempt to abolish the right to strike in practice and, more generally, basic democratic rights.

What view does the Commission take of such anti-democratic and fascist measures to repress strikes and what measures does it intend to take to ensure that the demand of the entire workforce for an immediate end to mobilisation is met?

Answer

The Commission would point out that the consideration and interpretation of the facts mentioned by the honourable Member relate to respect for the principle of the prohibition of forced labour and respect for the right to strike. These principles are reaffirmed in Articles 5(2) and 28 of the European Union's Charter of Fundamental Rights. It should be noted however that, according to its Article 51, the Charter only applies to Member States when they are implementing Union law, which clearly does not appear to be the case in the situation in question.

Furthermore, given that the alleged facts do not fall within the scope of Community law, recourse to the legal procedure laid down in Article 226 of the EC Treaty is excluded.

On the other hand, Article 6(1) of the Treaty on European Union lays down that the Union is founded on the principles of freedom, democracy, respect for human rights and fundamental freedoms, as well as the Rule of Law. According to Article 7 of the same Treaty, the Commission or a third of the Member States may refer the matter to the Council, meeting at the level of Heads of State or Government, in the event of a serious or persistent violation of the principles laid down in Article 6(1). In this particular case, as far as the Commission is concerned, it is impossible to establish that there is a serious and persistent violation within the meaning of Article 7 solely on the basis of the facts as interpreted by the Honourable Member. Recourse to the procedure laid down in Article 7 is, therefore, also excluded.

Finally, it should be pointed out that it falls in the first instance to national judges to penalise any violation of fundamental rights. Once the appeal procedures at national level have been exhausted, the matter may be referred to the European Court of Human Rights in the case of the violation of rights protected by the European Convention on Human Rights and its protocols.

Question no 79 by Avril Doyle (H-0597/02)

Subject: Directive 67/548/EEC - Classification and labelling of zinc

Can the Commission explain why, as Chair of the Member State group responsible for classification, it allowed the group to propose an R53 classification (may cause long-term adverse effects on the aquatic environment) for all non-dust sizes of zinc (Directive 67/548/EEC²⁷), even though the group did not take into account the scientific evidence requested by the EU and provided by industry to the European Commission?

Why it is not possible to classify each of the sizes of zinc placed on the EU market on the basis of data provided that demonstrate that such classification is justified by the scientific evidence?

Can the Commission provide a detailed economic impact assessment of the consequences of the proposed classification for the zinc industry and its downstream users, given the importance of the commitments given to SMEs at the Feira Summit to reduce unnecessary regulatory burdens?

Answer

As you mention, the Commission chairs the Member State group responsible for Classification and Labelling of Dangerous Substances.

At the June 2002 meeting of this Working Group, industry provided and explained the results of the study presenting the scientific evidence to which you are referring. Taking these into account, Member State experts in the Working Group agreed on a compromise tentative proposal, namely to classify zinc in the massive form with the risk phrase R53 (May cause long-term adverse effects in the aquatic environment), which is the weakest level of environmental classification. R53 would cover the concern about dissolved ions from any piece of massive zinc, i.e. any particle size larger than powder particles. In contrast to this, zinc in powder form is classified N; R50-53 (Very toxic to aquatic organisms, May cause long-term adverse effects in the aquatic environment) and labelled with the symbol 'Dangerous for the environment'. This is stronger than R53 alone. This proposal would therefore classify each of the sizes of zinc placed on the Community market differently and that size would be taken into account.

It should be noted that this is only a tentative proposal of the working group for a 'harmonised' classification and labelling. The European Congress on Biotechnology (ECB) will allow another round of discussion at the next meeting of the working group. It will then finalise its advice to prepare the Commission decision.

For all dangerous substances where a ban or severe restriction is envisaged, it is standard procedure that the Commission asks for a socio-economic analysis to be performed. However, in this case, a socio-economic analysis has not been done so far, as the proposed classification with R 53 does not automatically lead to any restriction on the marketing or use of zinc.

Question no 80 by John Walls Cushnahan (H-0601/02)

Subject: Procedure, transparency and accountability

With regard to my question (H-0459/02) tabled on 30.5.2002 and the written reply received from the Commission on 11.6.2002, the response to the first incident referred to in the question was flippant and the second incident referred to in the question was totally ignored.

Would the Commission show its respect for the principles of procedure, transparency and accountability by replying in full to the relevant question.

Answer

The Commission has nothing further to add to the reply given to the Honourable Member in the reply to Oral question H-0459/02.

Question no 81 by Hans-Peter Martin (H-0604/02)

²⁷ OJ P 196, 16.8.1967, p.1

Subject: Financial support

According to information provided at the meeting of the European Parliament's Committee on Constitutional Affairs on 15 July 2002, in 2003 a wide range of bodies concerned with questions of European integration are once again to receive substantial financial subsidies, at the suggestion of the European Commission.

On the basis of what criteria are these bodies selected? Will the Commission also submit applications from bodies that do not appear on the proposed list and in what form? By whom and when are the bodies that receive subsidies to be audited in respect of the use made of the funds granted to them, and on the basis of what criteria?

Answer

Each year the Commission proposes in Chapter A-30 of the preliminary draft budget grants to institutions of European interest and to organisations advancing the idea of the European civil society. Where budget lines are dedicated to just one organisation (e.g. A-3020 in favour of the 'Our Europe' organisation) the grant is always intended only for that organisation.

Other budget lines (eg A-3035 for the preservation of Nazi concentration camps as historical memorials) are intended for grants to be allocated following an open call for proposals. Allocations are made in line with the vademecum on grants²⁸ and take into account any specific budgetary remarks relating to such lines. In these cases, the Commission does not propose specific organisations to receive the grants.

In some cases (e.g. A-3021 for organisations advancing the idea of Europe) the Commission does not propose in the preliminary draft budget any specific organisation, and intends to allocate the grants following an open call for proposals. In the course of the budgetary procedure the Parliament may make amendments to the comments of the line in order to earmark specific amounts to specific organisations.

While the Commission is not legally bound by such budgetary remarks, it follows the earmarking as an expression of the wishes of the Budgetary Authority, so far as the earmarking is not in contradiction with the Commission's responsibilities in executing the budget.

The institutions and organisations receiving these grants have to agree to allow the Commission to check on their use of the Community funds. The Commission services verify the financial statements submitted in support of requests for payment, and carry out on-the-spot checks under annual inspection programmes. From 2003, institutions and organisations receiving grants over 50,000 Euro will also have to provide independent auditors' reports.

Details of beneficiaries of the grants in previous years under Chapter A-30 are published 'http://europa.eu.int/comm/secretariat_general/sgc/info_subv/beneficiaries_en.htm '.

²⁸ http://europa.eu.int/comm/secretariat_general/sgc/info_subv/commun/shortvad-en.pdf