

THURSDAY, 15 DECEMBER 2005

IN THE CHAIR: MR BORRELL FONTELLES

President

1. Opening of the sitting

(The sitting was opened at 10.05 a.m.)

2. Membership of political groups: see Minutes

3. Documents received: see Minutes

4. Farming of bear bile in China (written declaration)

President. Written Declaration No 52/2005, by David Martin, Neil Parish, Peter Skinner, Terence Wynn and Robert Evans, on rising international concern over the farming of bear bile in China, has been signed by the majority of Members of this Parliament. In accordance with Rule 116 of the Rules of Procedure, it will be forwarded to the institutions named therein and will be published, indicating the names of the signatories, together with the texts approved on 17 January 2006.

Neil Parish (PPE-DE). – Mr President, I rise on behalf of all the authors to thank everybody in this Chamber who has signed this declaration. It has received cross-party, cross-nationality support and it will now go forward to the Commission and the Council. I think it is something the Chinese Government will really take notice of, because I believe bear farming in China must be brought to an end. I thank everybody for their support and I hope this will go forward with great vigour.

Finally, I would like to wish you all a happy Christmas.

(Applause)

Bruno Gollnisch (NI). – *(FR)* Mr President, I am asking for the floor under Rule 145 on personal statements, which allows me to speak for up to three minutes; I will not take that much time.

Mr President, the verbatim report of Tuesday's part-session has only just been made available to us, and it has brought to my attention a personal attack made against me by a man who, until then, I had believed was presiding over the sitting courteously and impartially. I am referring to the vice-president of the sitting in question, who saw fit to interrupt me and to take sides regarding the background to my dispute with the French Government. His reference to a historical fact – the tragedy of the Struthof camp – even shows that he is completely ignorant of the ins and outs of this tragedy, and of the most recent work of historians on this subject.

The president of the sitting also saw fit to make a comment following one of my colleagues' speeches, even though it contained no personal attacks and no insulting comments. In all of my considerable parliamentary experience, I have never seen a sitting president act as arrogantly as Mr McMillan Scott and I find it deeply regrettable.

Edward McMillan-Scott (PPE-DE). – Mr President, I was indeed in the Chair when Mr Gollnisch made an explanation of vote. He had his full time, I did cut him off and I did make a remark concerning the case that he had raised, in a personal capacity. I suggest that the House might like to read what I said, because I think they will agree with me and not with Mr Gollnisch.

(Applause)

5. Voting time

President. We shall proceed to the vote.

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

6. Mobilisation of the flexibility instrument (vote)

7. Proposal to reject the draft general budget (vote)

8. Financial year 2006, modified by the Council (vote)

- Before the vote:

Giovanni Pittella (PSE), rapporteur. – (IT) Mr President, ladies and gentlemen, as is customary at the start of the vote, the general rapporteur presents some technical corrections. As I do not wish to break with this tradition this year either, allow me to outline some such technical corrections.

I should like, however, to begin by expressing my thanks, because this job has been difficult but, at the same time, extremely satisfying. I therefore take this opportunity to warmly thank all my colleagues from the Committee on Budgets, its chairman Mr Lewandowski, the political groups' coordinators and staff, and the Secretariat and all its members, above all the administrator who made certain that I received the constant, loyal and expert assistance of Richard Wester, assistance that tied in well with the meticulous expertise of my assistant, Annalisa Gliubizzi.

My thanks go to all of you too, beginning with Mr Borrell, who closely followed all the stages of the procedure, and in addition, of course, to all my fellow Members, who made their own contributions via ideas and proposals, and who I hope today will also use their vote to contribute to a positive outcome, honouring me with their trust.

Ladies and gentlemen, this truly represents a positive outcome, a sign of a trend that is being reversed, the credit for which goes to all the institutions, but – and I say this with a real sense of pride – above all to our Parliament. I hope that this outcome opens the minds of those who still do not wish to recognise how costly a non-Europe would be.

The technical tasks to be performed are as follows: firstly, following the adoption or imminent approval of a number of legal bases, we should release the appropriations placed in reserve for a series of budget lines. I should like to make it clear that this is only technically possible for those budget lines on which an amendment tabled by Parliament already existed. Where that is not the case, we call on the Commission to put forward a proposal for a virement as soon as possible. The lines in question are 02 01 04 04; 04 01 04 05; 04 05 01; 04 05 02; 04 05 03; 09 03 01; 11 07 01; and 24 02 02.

Secondly, the section of Amendment 209 relating to line 19 08 02 01 – on the MEDA Programme – is approved in the sum of EUR 25 056 550. This amendment is covered by the vote on Block 1.

Mr President, ladies and gentlemen, following these technical corrections, I propose we proceed to the vote and I also take this opportunity to give you all my best and warmest wishes for the festive period.

(Applause)

Valdis Dombrovskis (PPE-DE), rapporteur. – (LV) Mr President, ladies and gentlemen, first of all I would just like to concur with Mr Pittella and thank all those who have worked on producing the budget for 2006, and to agree with Mr Pittella's statement that a fine result has been achieved and that the 2006 budget is one that serves the interests of the European Union. I also have one technical correction, which concerns Amendment 193 of Part 11, in connection with the European Court of Justice. Due to technical problems the notes are missing there, but the text of the note is as follows: 'A 3.6 per cent reduction has been made in this part in connection with staff posts: five new staff posts in the IT sector (four B3 posts and one C1 post) and 16 staff posts for Romania and Bulgaria (ten A7 posts, two B3 posts and four C1 posts)'.

(The oral amendment was approved)

- Before the vote on Amendment 17:

Giovanni Pittella (PSE), rapporteur. – (IT) Mr President, ladies and gentlemen, I should just like to say that, if this amendment were to be rejected, then we would go beyond the ceiling agreed on with the Council and

we would therefore have some procedural problems. I am therefore relying on my fellow Members' sense of responsibility.

(The oral amendment was approved)

President. Alright, that concludes the vote. Normally we would now issue the explicit agreement of Parliament and the Council on the procedure for approving the budget and the maximum rate of increase. But the Minister is not here yet. We shall therefore continue voting on other things and we shall return to it later.

(Protests)

Please be courteous towards the British Presidency. We shall continue with the vote and meanwhile the Minister will arrive.

9. Draft general budget 2006 (all sections) (vote)

- On paragraph 6:

Giovanni Pittella (PSE), rapporteur. – *(IT)* Mr President, ladies and gentlemen, this really is a minimal adjustment, just to make it clearer that the letter of amendment is consistent with number two – the agreement made between Parliament and the Council – but it really is an adjustment to the form, which does not in the least affect the content.

(The oral amendment was approved)

10. Fisheries control programmes (vote)

11. Charging of heavy goods vehicles (vote)

(After the vote)

Luis de Grandes Pascual (PPE-DE). – *(ES)* Mr President, I appreciate that the speed with which we vote sometimes leads us to make errors, which we believe are made when there is no call for abstentions, which are a political position that must be recorded. Stating simply 'for' and 'against' naturally reflects the result of the vote, but it does not reflect the particular result of certain votes, as has happened in this case, where we have wished to express various abstentions.

President. We shall carry on voting and we shall continue with the Schwab report. But could somebody from the Secretariat please verify where the Council is.

(Applause)

12. Machinery (vote)

- Before the vote:

Timothy Kirkhope (PPE-DE). – Mr President, I rise under Rule 145 to make a short personal statement following the remarks made by the Presidency in a debate yesterday, which I find unhelpful and not positive at all.

Whilst I am not of the governing party of the UK, I find it very demeaning that the Council is not here this morning. I, and my friends and colleagues from Britain, do not want that kind of discourtesy to be thought of as normal, at least in this Chamber.

(Applause)

President. Let us say that it has been a rather sophisticated use of Rule 145.

(Laughter)

Michael Cashman (PSE). – Mr President, if we cannot be respectful in listening to one another, there is hardly any reason to be here.

I rise under the precedent of Rule 145. I would like to inform the House that the Council left their building over an hour ago, the traffic in the vicinity of Strasbourg is extremely bad and it is not the intention of Her Majesty's Government to slight this House or its Members. I am told that the government representative is five minutes away. I beg the House's indulgence.

(Mixed reactions)

13. Draft general budget of the European Union Financial year 2006, modified by the Council (signature)

Ivan Lewis, *President-in-Office of the Council*. Mr President, I should like to begin by apologising to Parliament for arriving here late this morning. The reason for this is simply that I was told there was an entirely different timescale. Because of that I arrived at what I thought to be on time, so I genuinely apologise to all Members of Parliament for that misunderstanding. Certainly, had I been aware of the correct timing, I would have made sure, as a matter of courtesy to Parliament, that I arrived on time. So I genuinely apologise for that misunderstanding.

(Applause)

I am pleased to note that the agreement reached between our two institutions, following negotiations at the conciliation on 24 November and the trialogue on 30 November has now been included in the 2006 budget. I would like to take this opportunity to remind you that some small differences remain between us concerning the classification of expenditure in the budget and that the Council reserves its rights entirely in this respect.

However, I am pleased to confirm that the Council can accept the maximum rate of increase resulting from your second reading. I would like to take this opportunity to thank the Chairman of the Committee on Budgets, Mr Lewandowski, the two rapporteurs, Mr Pittella and Mr Dombrovskis, and the Commissioner, Mrs Grybauskaitė, for their constructive cooperation in establishing this budget.

Let us hope this is good news in terms of the delicate negotiations that are taking place as we speak in relation to the financial perspective. That will be in the interests of the European Union and its relationship with the people of Europe.

I thank you very much for the work we have done together to make the 2006 budget possible.

Once again I apologise for the misunderstanding which caused me to arrive late this morning.

(Applause)

President. I would like to thank the Presidency-in-Office of the Council for its statement. Before moving on to the signature of the budget, please allow me to point out that the budget that we have just approved for 2006, in terms of commitment appropriations, represents 1.09% of gross domestic product for the 25 countries of the Union.

In a few hours time, in Brussels, we shall examine a budget for 2007-2013 which proposes an average of 1.03% for 27 countries of the Union.

(Having invited the President-in-Office of the Council, Ivan Lewis, the representative of the Commission, Dalia Grybauskaitė, the President of the Committee on Budgets, Janusz Lewandowski, and the rapporteurs, Giovanni Pittella and Valdis Dombrovskis, to accompany them, the President of Parliament, together with the President-in-Office of the Council, signed the flexibility instrument and the budget)

(Applause)

IN THE CHAIR: MR VIDAL-QUADRAS ROCA*Vice-President***14. Annual and consolidated accounts (vote)****15. The rights of persons with reduced mobility when travelling by air (vote)**

- *Following the vote:*

Robert Evans (PSE), rapporteur. – Mr President, I would like to thank my colleagues for that very warm endorsement of my report, which marks a major step forward in the rights of disabled people and passengers of reduced mobility. It is a tremendous vote in favour. It was interesting that there were six people who decided to vote against it, but through the joys and wonders of technology we were able to name and shame them.

I am sure the House will welcome the fact that the way Parliament voted means we will be able to get an agreement at first reading. All 25 governments and the Commission have indicated that they will accept all the amendments Parliament has passed. In thanking colleagues, allow me to mention that people will also welcome the fact that this is a major achievement under the British Presidency.

(Applause)

16. Measures for Sugar Protocol countries (vote)

- *Before the vote:*

Bernard Lehideux (ALDE), rapporteur. – (FR) Mr President, ladies and gentlemen, I would like to confirm that Amendment 9, calling for the sum of EUR 40 million to be increased to EUR 80 million, has been withdrawn. I would like not only to confirm the withdrawal of the amendment, but also to take responsibility for it.

The Committee on Development had adopted this amendment unanimously and I am very grateful to the members of that committee for their clear-sightedness and their support. The Council, however, has refused to accept even the slightest gesture towards the ACP countries, despite the position and positive actions taken by the UK Presidency, to which I can bear witness. The Commission, for its part, was not willing to budge an inch. The system, blocked due to this Parliament's budgetary debate, did the rest and dealt the final blow. However, for pressing schedule reasons, Mr President, this regulation absolutely must be adopted at first reading. We have therefore accepted our responsibilities and withdrawn Amendment 9, which was calling for EUR 80 million.

Ladies and gentlemen, I am forced, for the reasons I have just outlined, to ask you to vote on this report, and to do so in line with your votes on the budget. However, in order to send a message to the ACP countries that some of us here have not forgotten them, I request that my name be deleted from the text, and I have a proposal for my fellow members of the Committee on Development, and for them alone: make a final, symbolic gesture by voting 'no'.

17. Protocol to the EEC-Seychelles fishing agreement (vote)**18. Common fisheries policy and the Law of the Sea (vote)****19. Macro-financial assistance to Georgia (vote)****20. Commission legislative and work programme for 2006 (vote)****21. Human rights and press freedom in Tunisia (vote)**

- *Before the vote:*

Catherine Trautmann (PSE). – (FR) Mr President, I would just like to request a purely formal correction to paragraph 6 of the draft compromise resolution, reinstating the final phrase of the final clause starting ‘in order to’ at the end of the first part, in other words after ‘Association Council’, in order to reproduce the text on which we reached agreement.

I would also request that, where the text simply refers to ‘the summit’, we add ‘the WSIS’ in brackets, to be consistent with the rest of the resolution and in order to avoid confusion if isolated paragraphs of the text are quoted.

I would like to end by thanking the members of the various groups who were willing to extend the scope of this resolution to the conclusions of the summit. I must stress how important this resolution is now that the Sakharov Prize has been awarded and given that we in this House emphasised yesterday that freedom of expression – a fundamental right – and freedom of the press must be a part of all our activities, particularly when we have agreements with partner countries.

22. Promoting and protecting consumers’ interests in the new Member States (vote)

23. Direct State aid as a tool of regional development (vote)

- Before the vote:

Miloš Koterec (PSE), rapporteur. – (SK) Before we proceed to the vote, I would like to propose two more or less technical amendments. In paragraph 3 of my report, in the phrase ‘applicable to all three categories set out in Article 87(3)(a)’ at the end of the first line and the beginning of the second line, I would like to delete the word ‘three’, so that the text would then read ‘applicable to all categories set out in Article 87(3)(a)’.

I would also like to propose another amendment to the paragraph, or to Amendment 31, which is essentially of a technical nature as well, but I will probably do this when we vote on this paragraph.

(Parliament approved the technical amendments)

- Before the vote on Amendment 31:

Miloš Koterec (PSE), rapporteur. – (SK) In the last line, or in the last sentence of this paragraph, I would like to change the words ‘too brutal’ (‘príliš brutálne’ in Slovak) to the words ‘very significant’ (‘veľmi významné’).

So, the aim is to change the wording from ‘too brutal’ to ‘very significant’.

(The oral amendment was approved)

24. EU Development Policy (vote)

25. Presumed use of European countries by the CIA for the transportation and illegal detention of prisoners (vote)

- Before the vote on Amendment 9:

Sarah Ludford (ALDE). – Mr President, the ALDE Group would like to suggest an oral amendment to Amendment 9, so that it reads: ‘Whereas international terrorism poses one of the greatest threats to society within the EU and to those values’. If that oral amendment were accepted, then we would support Amendment 9.

(The oral amendment was approved)

- Before the vote on recital F:

Sarah Ludford (ALDE). – Mr President, we would like to suggest an oral amendment to take out the word ‘NATO’, which we thought we had taken out in the negotiations anyway. There has been a misunderstanding. It should not be there. In which case, I propose that the split vote would be unnecessary, because the text would read: ‘including facilities pertaining to military bases such as...’. So we should take out the word ‘NATO’, which would enable us to vote on the recital as a whole, without the split.

(The oral amendment was rejected)

Robert Evans (PSE). – Mr President, I should just like to make a point about linguistics, something that colleagues will be interested in.

The word 'transportation' is an American word; the English word is 'transport'. Bearing in mind the nature of the report, we ought to have it in English.

(Laughter and applause)

26. Bulgaria (vote)

27. Romania (vote)

- Before the vote on Amendment 14:

Jan Marinus Wiersma (PSE). – Mr President, I should like to propose, through an oral amendment, a merger of Amendments 14, 12 and 5. This concerns the very important but also sensitive issue of adoption in Romania. We want to propose to the Romanian Government that it settle a number of cases that are still pending, as a consequence of a moratorium on international adoption, proposed in the past by this Parliament.

It is an important oral amendment. I will read it carefully so that everybody knows what we are voting for: 'Notes with satisfaction the improvements made by Romanian authorities in the area of the protection of children and urges the Romanian Government to settle the cases of applications for international adoption made during the moratorium of June 2001, ensuring that all cases are examined in light of the UN Convention on the Rights of the Child and the Romanian law on the legal status of adoption, with the goal of allowing inter-country adoptions to take place, where justified and appropriate, in those special cases'.

(The oral amendment was approved)

- Before the vote on Amendment 2:

Erik Meijer (GUE/NGL). – *(NL)* Mr President, over the past few days, I have received questions from other groups about the wording of Amendment 2, which was tabled by my group. Moreover, a separate debate has been held, and a vote taken, on one aspect of this subject, namely the allegations of the existence of CIA camps in Romania and elsewhere, and also on the need for an inquiry into these allegations.

I would therefore propose that, in this amendment, we confine ourselves to the position of this candidate Member State and any incorrect actions on its part. We can do this by adding 'allegations of the existence' to the English version and deleting 'but also to undertake informal investigations' from it. I assume that, in this way, the objections to the original text would be removed.

(The oral amendment was approved)

28. Women's networks (vote)

Hannes Swoboda (PSE). – *(DE)* Mr President, I have no desire to hold up proceedings, but, as this is the last vote at which Members will be present in large numbers, I would like, on behalf of my group – and, I take it, also on behalf of all Members of the House – to thank the services most warmly for preparing the difficult votes that we have had over the past year. They have done a splendid job and made our work easier. We want to wish them a happy festive season and ask them to be just as helpful next year too.

Renate Sommer (PPE-DE). – *(DE)* Mr President, I would just like to point out – not least for Mr Swoboda's benefit – that this is not the last vote today. I think it is a pity that he is departing so soon for his Christmas holidays and would be happy if he were to hang around for a bit longer.

(Laughter and applause)

President. That concludes the vote.

29. Explanations of vote

President. We shall proceed to the explanations of vote.

- Report: Böge (A6-0395/2005)

Richard James Ashworth (PPE-DE), in writing. We have maintained that ACP sugar reform compensation should be at the level of EUR 80 million not EUR 40 million.

We are also opposed to open-ended CFSP funding without adequate justification.

- Rejection of draft EU budget 2006 (RC-B6-0642/2005)

Jan Andersson, Anna Hedh, Ewa Hedkvist Petersen, Inger Segelström and Åsa Westlund (PSE), in writing. (SV) We Swedish Social Democrats have today voted in favour of the agreement on the 2006 budget, reached between the Commission, the Council and Parliament. The EU budget must primarily be used to create full employment in Europe and to help bring about sustainable social, economic and environmental development. We particularly welcome the fact that our repeated demands for investment in the Lisbon Strategy, including more money for student exchange programmes and for the EU's research and development programme, have been listened to. The payments in the agricultural category are lower than those originally proposed, and we think that this is fair. There is too much in the way of direct agricultural aid, and this leads to inefficient agriculture that damages the environment and widens the gap between rich and poor in the world. We cannot, therefore, support wordings that regret the cutbacks in agricultural aid decided on by the Council.

Gerard Batten, Godfrey Bloom and Thomas Wise (IND/DEM), in writing. The UKIP MEPs are voting for the rejection of the Draft General Budget, not because they support an increase in the budget, but on the principle that the UK should take its own decisions regarding funding priorities and not contribute to the EU budget.

Ole Christensen, Dan Jørgensen, Henrik Dam Kristensen, Poul Nyrup Rasmussen and Britta Thomsen (PSE), in writing. (DA) In the vote on the budget, the Social Democrats have voted in favour of block 1, involving a strengthening of central budget headings for research, development etc. It must, however, be stated, that the Danish Social Democrats in the European Parliament cannot support the EU's contributing financially to the spread of nuclear power, either within or outside the Community.

Derek Roland Clark (IND/DEM), in writing. I voted for this amendment NOT to support an increase in the budget, but because I do not wish any monies to be spent by the UK, which should rather be spent in fulfilling bilateral agreements.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) The June List is voting against all the proposals entailing further increases in costs. It believes that each EU budget should be limited to 1.00%. On budget issues, Parliament's role should be limited to determining priorities within the budgetary framework proposed by the Council.

Instead of accepting the Council's first proposal concerning the level of the budget, Parliament chose, at first reading, to table amendments increasing both payments and forthcoming commitments. As a consequence of these proposed increases in expenditure, there were new negotiations with the Council. Unfortunately, the Council accepted certain increases in expenditure in the course of these negotiations.

In spite of all this, Parliament chooses again to propose new increases in expenditure in the run-up to the second reading. This development is extremely regrettable and shows the importance of not increasing the European Parliament's influence.

Carl Schlyter (Verts/ALE), in writing. (SV) I voted against because of the explanatory statement concerning growth and Turkey. I am opposed to short-term growth and in favour of Turkish accession, not the other way around. Unfortunately, I could not therefore support this proposal to reject the budget.

Jeffrey Titford (IND/DEM), in writing. The UKIP MEPs are voting for the rejection of the Draft General Budget, not because they support an increase in the budget, but on the principle that the UK should take its own decisions regarding funding priorities and not contribute to the EU budget.

John Whittaker (IND/DEM), *in writing*. I am voting in favour of rejecting the budget, not because I am in favour of increasing it, but because I do not wish for United Kingdom funds to be spent in this way, or in any way by the European Union.

- Report: Pittella (A6-0396/2005)

Richard James Ashworth (PPE-DE), *in writing*. British Conservatives support the general direction of the 2006 budget, particularly approving of increased support for the Lisbon objectives and maintaining the overall budget level at 1.01% GNI. However, we urge more radical reform of the overall budget.

Niels Busk, Anne E. Jensen and Karin Riis-Jørgensen (ALDE), *in writing*. (DA) Regarding letter of amendment No 1, the Danish Liberal Party does not believe that the destruction of foodstuffs is appropriate. However, the problem is aid for production, not aid for destruction. The amendment concerns the effects of the problem, but does not tackle its cause.

Regarding letter of amendment No 2, the Danish Liberal Party wishes to solve the problems of famine in developing countries, but believes that doing so requires a far more serious and coordinated effort than that indicated in this proposal.

Regarding letter of amendment No 3, the Danish Liberal Party is opposed to aid for the export of live animals, but the amendment will not solve this problem. The wording is also fairly unclear.

Regarding letter of amendment No 6, the Danish Liberal Party supports reform of the reimbursement of travel expenses, so that all reasonable and necessary travel expenses are refunded. Such reform has, however, already been decided on with the new Statute for Members. Moreover, the amendment could not be implemented in practice.

Overall, Mr Bonde's amendments have to be characterised as ill thought-out.

Charlotte Cederschiöld, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), *in writing*. (SV) We Moderates wish to develop and modernise the European Union's budget. That means that we are looking for less in terms of subsidies and more in terms of investment in what is required by a modern economy and global competition. We also wish to strengthen the EU's ability to be a strong international partner in pursuit of freedom, peace and security.

As it currently stands, the budget is outdated and lays too much emphasis on agriculture and on subsidies to the old Member States to cover expenditure that those countries themselves should be able to meet. Aid from Structural and Cohesion Funds should in the first place go to the new Member States and the poor regions.

In the light of this, we have sought an end to export subsidies and aid to tobacco cultivation and have sought to phase out agricultural aid. However, we wish to increase aid for research and development, as well as efforts to promote security and the development of the Neighbourhood Policy.

The EU needs a budget, and we are therefore voting in favour of the proposal, even though we believe that it needs to be changed in significant ways.

Bruno Gollnisch (NI), *in writing*. – (FR) The 2006 budget is the last one in the 2000-2006 financial perspective and also the last one before the accession of Romania and Bulgaria on 1 January 2007. I have three brief comments: the share of the total budget given to agriculture and rural development is now only 43%, which gives the lie to the United Kingdom's argument that the CAP is too expensive.

Next, whatever the European Parliament and the Commission may say, the budget is steadily increasing unchecked: payment appropriations have increased by 5.4%, which is more than all the national budgets.

Finally, the agreement reached between Parliament and the Council is the result of a shameful bargain negotiated behind the backs of the European citizens: the Council got what it wanted on the CFSP; in exchange, Parliament has kept its priorities: culture, youth, ecology and federalist propaganda.

The only ones not satisfied by this budget are the European taxpayers, who are seeing their taxes increase to pay, amongst other things, their countries' financial contributions to the European Union.

In 2005, France paid EUR 16.7 billion. What will it pay in 2006 in a Union of 25 Member States, which expect better?

Pedro Guerreiro (GUE/NGL), in writing. (PT) I shall use this explanation of vote as a way of reflecting on the negotiations and agreements on Community budgets.

1. There have until now been more contradictions than anything else in the Council. Running scared, the political forces and major economic interests at the root of so-called 'European integration' sound their warnings of the consequences of disagreement between the so-called 'powerhouses' of the EU. A second crisis, following the resounding 'no' votes delivered by the French and Dutch people to the so-called 'European Constitution', would intensify the feeling that the path that they tell us is the only one to follow lacks 'credibility'. This is why they are calling for 'agendas' to be harmonised, not least at the World Trade Organisation.

2. It does not matter how much Parliament glosses over its complicity in the systematic reduction in the Community budget in recent years – surely this reflects the commitments made by the right-wing and social-democrat forces in the Commission, the Council and in every EU Member State – but the (cold) figures are there for all to see. Overlooking its previous proposals, and throwing consistency out of the window, Parliament's proposal for 2006 is virtually equivalent to what the Luxembourg Presidency proposed for 2007-2013. Experience has taught us that this story is far from over; after all, Parliament has a habit of lauding today what it found unacceptable yesterday.

José Albino Silva Penada (PPE-DE), in writing. (PT) Unlike the ongoing negotiations on the financial perspective, the EU's budget for 2006 gives Parliament some cause for satisfaction.

By keeping payment appropriations at 1.01% of EU GNI, Parliament has achieved a slight increase on last year's figure.

The real plus point here, however, and the reason for my full support, has been the increased funding made available for a range of programmes that impact directly on the lives of Europe's citizens, such as LIFE and SOCRATES.

A further reason to be pleased was the increased budget for initiatives in the area of research and support for SMEs, which are crucial if we are to achieve the objectives of the Lisbon Strategy.

As for structural actions, I agree with the idea of not raising the amount of future funding to the new Member States until there has been an improvement in the rate of use of the current funds.

Lastly, by adopting this 2006 budget, Parliament will be sending out a highly symbolic message for the ongoing debate on the next financial perspective 2007-2013.

If the perspective is not adopted before the end of the British Presidency, it will be the 2006 budget that will act as the basis for negotiations on the next annual budget, using the so-called 'duodecimal' system.

- Report: Wortmann-Kool (A6-0377/2005)

Richard Seeber (PPE-DE). – (DE) Mr President, I would like to thank the rapporteur again for an excellent report, while also pointing out that I believe that an error has crept in to the vote, since we should have voted on Amendment 24, moved by Mrs Lichtenberger from the Group of the Greens/Free Democratic Alliance, which would have included the automatic 60% mark-up on the infrastructure charges. Apart from that, I am well satisfied with the report.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) The report before us concerns the charging of heavy goods vehicles. It is an issue of great importance to the proper operation of the internal market. As matters stand, there are quite a few different models for road charges in the European Union, a state of affairs that can bring about a distortion of competition. Road tolls may be justified, enabling charges to be levied to cover environmental pollution and wear and tear on the roads.

In today's vote, the June List has chosen to support quite a few of the amendments in the report. We believe that heavy goods traffic is an important part of the internal market. We also believe that environmental problems are cross-border in character and that there is thus added value in dealing with these issues at EU level.

- Report: Evans (A6-0317/2005)

Zita Pleštinská (PPE-DE). – (SK) The reason I voted for the report is that it improves on the Commission's proposal whilst also eliminating discrimination and ensuring equal rights for all people travelling by air.

This regulation is the first time that legislation has specifically dealt with the transport of persons with reduced mobility who are put at a disadvantage due to disability, age or for other reasons.

I appreciate the fact that the single market in the area of air traffic services will serve all citizens equally and ensure that passengers are not refused air transport on the grounds of reduced mobility. The approval of the report sends a positive signal from the European Parliament to the disabled, and I feel that it will make a nice Christmas present for them as well.

Gerard Batten (IND/DEM), in writing. UKIP fully recognises the desirability of improving conditions for handicapped people, particularly in some states on mainland Europe. However, we reject the notion that improvements should be carried out under the competence of the Commission. This should be the sole prerogative of democratic national states.

Derek Roland Clark (IND/DEM), in writing. I voted against this proposal NOT because I wish to hinder persons with reduced mobility but because,

a) this should be left to member states to make appropriate arrangements

b) current law requires the airline to make provision, to require travel agents and booking firms do so will place an intolerable administrative burden on them, will seriously confuse the area between the agent's responsibility and the airline's, and will raise costs, and is probably against EU law.

Brian Crowley (UEN), in writing. This report is a welcome addition to the ongoing debate on the rights of passengers with limited mobility. As a person with a disability, I have experienced both the best and the worst of treatment as a passenger, and should like to emphasise that, in most cases, the service providers try to achieve the maximum efficient service. However, there are times when particular airline rules, or, indeed, the attitude of a captain, can have a very negative impact on the travelling experience.

The most important aspects of improving the service relate, in my opinion, to the training of personnel, as well as clear and coherent guidelines for operators across the sector. Also why not ask the passengers rather than assuming that their needs will be known?

I welcome the common agreement from the Commission and Council on this matter and congratulate the rapporteur on his ability to garner the House.

Pedro Guerreiro (GUE/NGL), in writing. (PT) According to non-governmental organisations, this is the first Community-level regulatory instrument specifically geared towards the 50 million or so disabled persons in the EU.

The purpose is to ensure that disabled persons (as Parliament proposed) and persons with reduced mobility have access to air transport.

The regulation before us establishes rules to protect and to provide assistance to disabled persons and persons with reduced mobility travelling by air. This will be achieved by protecting them from discrimination, and by ensuring that they receive assistance at departure, transit and arrival airports, which should be provided at no additional cost to the passenger.

Further initiatives include a range of measures to inform disabled persons and persons with reduced mobility of their rights. We welcome the idea of training ground staff and flight crew, and of ensuring that the necessary infrastructure and aircraft are in place for the service to be provided.

We voted in favour of this initiative.

Mieczysław Edmund Janowski (UEN), in writing. (PL) Having worked with the disabled community for many years, I should like to give the following explanation of vote.

Disabled persons and persons whose mobility is restricted due to disability or other conditions, such as old age, still have the same rights as other citizens. This also holds true when they travel by air. Blind and deaf and dumb people should be included in this group too, since they need appropriate access to information when they travel. It would be wrong to ask disabled air passengers to pay additional charges. A proposal should be made to include these costs in the general expenses of the individual carriers. After all, we are not talking about huge sums of money.

There should be a guarantee that the needs of disabled persons will be met throughout the EU, regardless of which airline or airport they use, and assistance should be provided at each stage of their journey. Examples of such assistance include help when moving around the terminal, boarding or leaving the plane, collecting luggage or transferring to other flights, and the provision of a wheelchair with an attendant at the check-in counter.

It would be advisable to ask carriers to install appropriate devices that make it easier for disabled persons to board and leave planes. Designers of passenger planes should also ensure that features such as gangway width and toilet size are tailored to the needs of persons with restricted mobility.

On top of this, a uniform EU-wide system must be put in place for the provision of assistance to disabled air passengers. This should include the development of service standards that are mandatory in all Community airports.

Sérgio Marques (PPE-DE), in writing. (PT) I should like to congratulate Mr Evans on his important report on the proposal for a regulation of the European Parliament and of the Council concerning the rights of persons with reduced mobility when travelling by air, to which I lend my full backing. I particularly welcome all of the amendments aimed at introducing an integrated service to facilitate access to air transport for disabled persons or persons with reduced mobility, at no extra cost to those passengers.

Given the impact that this regulation will have on the air travel market, and the objective that the EU has set itself, this proposal should indeed take account of the difficulties experienced by people with reduced mobility, but should also take into account the difficulties of all those in need of guidance, communication or written assistance when they travel.

Claude Moraes (PSE), in writing. I voted enthusiastically for the Evans Report, because I believe it is a significant contribution to anti-discrimination policies for people with disabilities who want the freedom to fly without hindrance.

Michael Henry Nattrass (IND/DEM), in writing. UKIP fully recognises the desirability of improving conditions for handicapped people, particularly in some states on mainland Europe. However, we reject the notion that improvements should be carried out under the competence of the Commission.

Lydia Schenardi (NI), in writing. – (FR) The objective that the Council and the European Parliament have set themselves in this field, namely the principle of an integrated service to help passengers with disabilities and reduced mobility to access air transport, is not only laudable but indispensable, because there was an urgent need for action.

There is currently a striking disparity in situations and treatment, whether with regard to access to airports or in terms of the assistance provided by airlines and airports.

Be it the lack of a seat for a companion to sit next to the person with reduced mobility, the lack of medical equipment on board and on the ground, such as electric wheelchairs for example, or the lack of disability awareness training for airport staff, it is obvious that the principle of equality for all passengers is not respected to the same extent in all airports and by all European airlines.

I am also pleased to note that the efforts that must now be made by the various airlines and airports must not entail specific supplementary charges for disabled people or those with reduced mobility. It is the least we can do.

Alyn Smith (Verts/ALE), in writing. I applaud this report and am delighted by the size of the majority it achieved in this house. Many of our citizens think that disability issues have been resolved because legislation in many of our countries has been in place for years. That is just not the case, the reality on the ground often does not match the aims of the legislative framework, and further urgent action is very necessary to ensure that all our citizens have access to travel. This is a good news story of the European Union taking action where Member States have not, and I am very very pleased to support it.

John Whittaker (IND/DEM), in writing. It is not the business of the EU to run airlines. If recommendations of this kind are to be internationally effective the measures must be enforced by the body overseeing airlines, not the EU who like to dictate on all subjects, including the rules of football!

Thomas Wise (IND/DEM), *in writing*. I fully recognise the desirability of improving conditions for handicapped people. However, I reject the notion that this should be done, by the EU on behalf of any one, let alone sovereign Nation States.

I also reject the notion, implicit within this that agents booking any travel arrangements should bear the contractual responsibilities and liabilities of either party

- Report: Lehideux (A6-0281/2005)

Marie-Arlette Carlotti (PSE), *in writing*. – (FR) I consider the ongoing reform of the sugar regime to be unfair on two counts:

1 - First for the European producers themselves, because there is a risk that the big multinational companies that consume sugar, such as Nestlé, will be the principal beneficiaries of the reform.

The smaller producers, on the other hand, could suffer from the 31% reduction in the guaranteed price.

2 - Above all, though, this reform is unfair to the poor sugar-producing countries.

Once again, they are the ones who have to pay the price.

The figures speak for themselves. European producers can count on a package of EUR 1.5 billion in compensation and EUR 4.2 billion for restructuring the sector, while the ACP countries currently have only the prospect of EUR 40 million.

This amount is obscene. In the Committee on Development, we proposed EUR 80 million.

Mr Lehideux's report aims to soften some of the pernicious effects of the reform of the EU's sugar regime, by proposing:

- to make the aid complementary to the other financial instruments of EU development policy,
- measures to diversify the economies of countries that are highly dependent on sugar, such as the islands of the Caribbean or Mauritius.

Ole Christensen, Dan Jørgensen, Henrik Dam Kristensen, Poul Nyrup Rasmussen and Britta Thomsen (PSE), *in writing*. (DA) The Danish Social Democrats in the European Parliament have voted in favour of the report, because it is crucial to devise accompanying measures for the Sugar Protocol countries. The Danish Social Democrats in the European Parliament must, however, express regret about the fact that the agreement on the 2006 budget, entered into between the budget authorities, does not make it possible to increase the aid to the Sugar Protocol countries, as the proposed level of support has to be regarded as inadequate.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), *in writing*. (SV) The June List welcomes the reform of the EU's sugar regime and finds it encouraging that this sector is being adapted to the market to a greater degree. We are critical of the EU's export subsidies to domestic sugar producers and welcome the fact that it will be possible for sugar to be traded under fairer conditions in the future.

Through advantageous agreements, the ACP countries have had special access to the EU's market. The new organisation of the market for sugar will thus have consequences for certain ACP countries. The change to the organisation of the market is, however, necessary and is in the long-term interests of all the parties.

The European Parliament's rapporteur recommends that significant economic adjustment aid be paid to the ACP countries. We wish to emphasise that such measures would scarcely guarantee that necessary restructuring would be carried out. We are looking for clearer strategies and priorities in terms of what the financial resources are specifically to be used for. Otherwise, there is a significant risk that the restructuring necessary in the long term will not be implemented to the degree that is to be desired.

Pedro Guerreiro (GUE/NGL), *in writing*. (PT) As we have previously stated, we object to the premises on which the reform of the Common Market Organisation for Sugar is predicated. It is being used as a bargaining chip by the EU to obtain benefits in the trade in industrial goods and services, and is a further example of the liberalisation of the worldwide farming trade, a phenomenon that promotes competition and concentrates production into the framework of the international division of labour.

This policy penalises small and medium-sized enterprises in the sector in the most economically developed countries. It also leads to monoculture, the concentration of holdings and the abandonment of farming by

millions of country people in poor and developing countries, which in turn undermines their food sovereignty and safety.

This report aims to improve upon some of the Commission's proposals for the signatories to the Sugar Protocol, yet falls a long way short of what is required, because it does not even question, let alone reject, its basic premise, namely its liberalising approach.

The report's main proposal is to offset the 'serious social, economic and environmental consequences' that the 'adjustment process' will have on these countries.

To sum this up in one sentence, the losers will be the farmers and food sovereignty, whereas the winners will be agri-business and the major distributors.

Jean-Marie Le Pen (NI), in writing. – (FR) The Lehideux report is a catalogue of good intentions with no concrete results, apart from EUR 40 million of financial support in 2006.

The 18 ACP countries, signatories to the Sugar Protocol, export 1.6 million tonnes of cane sugar a year to the European Union at the EU price. The Council's decision to reduce the price of sugar by 36% over four years will result in an equivalent reduction in their export earnings.

The WTO is dealing a harsh blow to countries as poor as Swaziland and Malawi by forcing the European Union to reform its sugar sector on the basis of a complaint by Brazil.

As the ACP countries have quite rightly said, the reform is too fast and too extensive.

In reality, the only winner will be Brazil, the top worldwide exporter of cane sugar, which will take advantage of this situation to increase its share of the export market to the detriment of the ACP countries.

At a time when the WTO is discussing the development round, this is a very poor example for the European Union to give to Africa, even if the 'everything but arms' initiative is an attempt to disguise our divisions and our egotism.

This reform of the sugar regime will increase their poverty, with all the consequences you can imagine in terms of immigration.

- Report: Morillon (A6-0385/2005)

Duarte Freitas (PPE-DE), in writing. (PT) I support this report because it reaffirms the Council's conclusions that the EU's bilateral fisheries relationships should graduate from being access agreements to being 'partnership agreements'. Such a move will contribute towards responsible fishing in the third country concerned, and ensures fishing opportunities for the EU's distant fishing fleet.

The agreement in question safeguards fishing opportunities for around 52 Community vessels, including five Portuguese surface longliners.

I welcome the fact that this agreement is an instrument that will protect fisheries activities and jobs in fishing fleets, and the fact that it upholds the general principles for preserving fisheries resources under the common fisheries policy.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) The June List believes that the EU should immediately cease concluding fisheries agreements with third countries. The common fisheries policy has led to many European waters being depleted of fish and to irrevocable damage to sensitive marine environments. The fisheries policy also has devastating global consequences. The fisheries agreements concluded by the EU with third countries generate short-term income for the countries concluding the agreements. In the longer term, the agreements lead, however, to the depletion of fish stocks and make it difficult for local fishing industries to develop. Only a limited amount of the compensation paid out goes to the local population. The agreements should be paid for by those countries or fleets that choose to make use of these agreements. The fisheries agreements should not be concluded at all within the framework of the EU.

The report contains a positive amendment to the effect that the financial contributions should also be used for the development of coastal populations dependent on fisheries for their living (Amendment 2). The report as a whole emphasises, however, that the agreements are of benefit both to the EU and to third countries. We do not share this view and have thus voted against what is being proposed on this matter. The

position that we are expressing through this explanation of vote constitutes the attitude that we have adopted on principle where this issue is concerned. The explanation of vote will thus apply to future matters of a similar kind.

Pedro Guerreiro (GUE/NGL), in writing. (PT) We voted in favour of the Fisheries Protocol because it guarantees fishing opportunities for the various fleets of the Member States operating in Seychelles waters until 17 January 2011, including five Portuguese surface longliners.

The renewal of this protocol is an important factor in guaranteeing the survival of Member States' surface longliner fishing, a section of the fleet that has been severely affected by the crisis in the fisheries sector in recent years. A case in point is Portugal, where the number of vessels has dwindled year on year.

Nevertheless, even taking account of the fact that this new Protocol will last for six years, and bearing in mind the take-up levels of the fishing opportunities on offer, we must highlight the reduction in the number of surface longliners and the increased cost of licences, which we feel is unjustified. This will lead to higher equipment costs and thus a loss of income. It should be highlighted that there is a proposal to increase the cost of licences to EUR 1 000 for surface longliners over 150 grt and to EUR 750 for surface longliners less than 150 grt.

Alyn Smith (Verts/ALE), in writing. I voted against this report because the Fisheries Agreements in practice merely export our own disastrous fisheries policy to the rest of the world. The Common Fisheries Policy is untenable, illogical and has been an unmitigated disaster. More so, in our Union of 25 it will collapse under the weight of its own contradictions. We need to ensure that EU decision making is logical, the Common Fisheries Policy is not and puts those of us who are pro-European in the unenviable position of having to explain such an illogical and disastrous policy to our increasingly rightly sceptical electorate.

Margie Sudre (PPE-DE), in writing. – (FR) I am, of course, pleased that the fishing agreement between the EC and the Seychelles, the first agreement negotiated within the framework of the Partnership Agreements, has been extended.

This agreement is an opportunity for all and beneficial to everyone:

- It will give Community vessels transparent and managed access to the fishery resources of the Seychelles;
- In return, the financial compensation paid by the EU will be a great support to coastal populations, by assisting in the development of certain vital economic sectors, such as the processing industry and port services.
- I would add that the agreement allows for the option of increasing the financial compensation paid by the EC depending on catch volumes.

That is why I support this report unreservedly.

The only fly in the ointment now is the lack of consideration given to the European Parliament. It is not right that we had to wait for almost a year to receive the text of the Protocol, for administrative and technical reasons. I hope that, in future, the European Parliament will be more involved in monitoring this agreement throughout its lifetime. Hopefully that is not just pie in the sky.

- Report: Stihler (A6-0340/2005)

Duarte Freitas (PPE-DE), in writing. (PT) In light of the difficulties experienced by businesses and ship-owners involved in fishing in third countries arising from the gap between the expiry of one protocol and the entry into force of its replacement, I feel that the Commission's proposal should be adopted as quickly as possible.

I also agree with the rapporteur, however, that a more stable solution needs to be found than the one in the Commission's proposal, a solution that would preclude the need to use a range of provisional procedures that cause problems for Community operators and the fisheries sector in the third country. The time that elapses between the signing of the Protocol and its adoption by the Council must be made shorter, in such a way that both provisional application and the advance issuing of licences become no more than a last resort.

Pedro Guerreiro (GUE/NGL), in writing. (PT) We regret the fact that our proposal in support of increasing the global financial envelope for fisheries was rejected. This rejection is typical of the inconsistency of both Parliament and the rapporteur; both acknowledge that the budget falls short of what is required if we are to

address the economic and social crisis facing the sector, and yet despite the fact that it is one of the key issues in the report before us, it is not being increased.

We are very pleased, on the other hand, that our proposal aimed at funding measures to promote or set up small-scale coastal fishing representative associations, and to ensure their involvement in the decision-making process of the common fisheries policy was adopted. This proposal was in line with the outcome of the public hearing on this section of the fleet held by Parliament's Committee on Fisheries.

I should like to point out that there are aspects of the current regulation on which we have reservations, due to their ramifications for the sovereignty of Member States. Examples of this include the role of the Community Fisheries Control Agency, and the rapporteur's proposal to set up a framework agreement as regards the fisheries agreements with third countries.

We therefore opted to abstain.

Claude Moraes (PSE), in writing. I believe this report is a well balanced and thoughtful response to EU fisheries policy, which is why I supported it wholeheartedly.

Catherine Stihler (PSE), in writing. I would like to thank all colleagues who have today voted for my report. The overwhelming support for Regional Advisory Councils (RACs) sends a clear signal to the European Commission that these organisations require funding after the transitional period. RACs allow local stakeholders to have a voice in decision making which affects their local interests. We must now call on the Commission to come forward with clear proposals to help RACs.

Aid to Georgia

Alyn Smith (Verts/ALE), in writing. The extension of financial aid to Georgia is a practical demonstration of the EU reaching outward to our near neighbours with real assistance. The Caucasus countries are working hard to rebuild themselves and the EU can, must, play a role in their reconstruction and expand our area of peace and prosperity to cover them also. The area is not without problems, but the EU as interested and friendly outsiders can assist in dialogue and progress, so I am happy to support today's proposal and would be happy to support more.

- Commission legislative programme (2006) (RC-B6-0636/2005)

Charlotte Cederschiöld, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), in writing. (SV) The Swedish Conservatives have today voted in favour of the European Parliament's joint resolution on the Commission's work programme for 2006. We believe that the Commission's main priorities should be to develop the internal market, strengthen the EU's foreign and security policy, continue with its work on the planned enlargement and make efforts to strengthen the EU's competitiveness.

We are, however, doubtful about certain parts of the resolution in which the principle of subsidiarity is not respected, for example those parts in which a desire is expressed to overhaul maternity and paternity leave in the EU and to increase efforts in the sphere of tourism.

Proinsias De Rossa (PSE), in writing. I fully support this Resolution, especially Para 9 which stresses the need to take full account of the quality of public services in completing the internal market; calls for a framework directive on services of general interest; insists that the single market can only be developed in a context of fair competition, fighting social dumping and promoting cohesion; calls on the Commission to contribute to the fight against the 'race to the bottom' approach in all fields, including in relation to maritime re flagging.

We must listen to the 100,000 people who took to the streets in Ireland last week to express their anger at the 'Race to the Bottom' threatened by the actions of the Irish Ferries company and the Bolkenstein Directive. 100,000 people expressed their anger and made it clear they will not accept a European Union based on the lowest common denominator in social, employment, and public service provisions. I call on Commissioner McCreevy as a matter of urgency to reintroduce Manning of Ferries Directive, unblock the Temporary/Agency Workers Directive and fundamentally amend the Bolkenstein Directive.

Ilda Figueiredo (GUE/NGL), in writing. (PT) This resolution, which has regrettably been adopted, albeit by a very narrow margin, is one of Parliament's most damaging resolutions in support of current Community policy.

There are key aspects of the resolution that are tantamount to an attack on fundamental democratic rights and the Treaty on European Union. A case in point is the call for 'a properly coordinated interinstitutional campaign and strategy facilitating the rapid adoption of the European Constitution based on the existing draft Constitutional Treaty', which disregards the 'no' votes delivered by the people of France and the Netherlands in referendums on the so-called European Constitution.

Similarly alarming is the call for improved computer systems and increased use of biometric data, for example the Visa Information System (VIS) and the Schengen Information System (SIS II), for the purpose of reducing immigration, and for repressive measures and the erosion of fundamental rights to be stepped up, on the pretext of combating terrorism.

In the area of internal market and monetarist policies, the emphasis is on the all-too-familiar tools of neoliberalism, namely liberalisations purporting to increase competitiveness, the integration of the financial services markets and the enlargement of the euro zone.

Hence our vote against.

Timothy Kirkhope (PPE-DE), *in writing*. I and my British Conservative colleagues support calls for a renewed focus in achieving the Lisbon objectives, to stimulate growth and employment and to give sufficient resources to framework programmes on research, competitiveness and innovation. The completion of the internal market should be a priority and the initial steps taken by the Commission to withdraw unnecessary regulation are welcomed.

However, we are concerned that there are continued attempts to facilitate the rapid adoption of the EU Constitution and implement legislation for an "Area of Freedom, Security and Justice" which we do not support.

Carl Lang (NI), *in writing*. – (FR) The Commission's legislative programme for 2006 illustrates a concept of Europe that is now obsolete:

- an antidemocratic Europe, following an underhand 'plan D' to force on us a constitution that the French and Dutch rejected;
- a Europe without borders, open to worldwide immigration, allowing, in particular, the hundreds of thousands of illegal immigrants regularised in Spain and Italy to settle in other Member States;
- an antisocial Europe, which, by implementing the ultraliberal Lisbon Strategy, causes our businesses to relocate and dismantles our employment law (the Bolkestein directive, which Mr Chirac promised in April was dead and buried, will once again be put to a vote here in Parliament);
- a Europe with no identity, which, by opening accession negotiations with Turkey, an Asiatic, Muslim country, will soon be European only in name;
- an antinational Europe, dissolving our nations into a bureaucratic superstate.

Today, our people need not the umpteenth legislative programme, but a different Europe, founded on the principles that identify it: the freedom of its nations and the spirit of its civilisation.

- Human rights in Tunisia (RC-B6-0646/2005)

Marie-Arlette Carlotti (PSE), *in writing*. – (FR) The European Union must publicly condemn the breaches of human rights and freedom of the press in Tunisia so that Tunisian public opinion is aware of it.

The Tunisian Government is quite happy engaging in backroom diplomacy to brush under the carpet the increasingly worrying situation of the 401 political prisoners, the five political parties not permitted to speak freely to the Tunisian citizens, and the large number of associations that cannot operate freely. These lawyers, journalists, workers and intellectuals are being repressed and gagged.

Let us, for once, address the people of Tunisia directly to tell them that the European Parliament will not fall into the trap set for it by Mr Ben Ali by continuing to accommodate a dictatorship that is no longer even attempting to disguise itself.

- **Report: Kristensen (A6-0378/2005)**

Ilda Figueiredo (GUE/NGL), in writing. (PT) The Community budget provides for funding and specific programmes to protect consumers, for example by supporting organisations or bodies involved in protecting the interests of consumers and promoting the involvement of such organisations and bodies in the Community-level decision-making process. We therefore feel it is only right that the new Member States should fully enjoy the same support for their activities and that high levels of consumer protection should be promoted in all EU Member States. This is especially important in the new Member States in view of the amount of deregulation, privatisation and liberalisation that their economies have undergone in the so-called transition process to market economics and now that they have joined the Union there are hardly any consumer protection bodies.

That being said, we do not share the rapporteur's underlying philosophy regarding the concept of 'consumer' and consumer protection, from the perspective of completing the internal market, promoting the entrepreneurial spirit, and attempting to create a 'consumer' culture in those countries via a market economy approach. Such a philosophy severs the cultural roots that were in place before the transition, when a person's value was not measured by their capacity for consumption. Nowadays, the focus has shifted towards 'selling' that value and towards promoting the kind of consumerism that fuels the contradictions inherent in capitalism.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) According to the rapporteur, the general public and businesses in the ten new Member States are unaware of the rights and opportunities offered by the harmonised EU legislation on consumer protection. We fully share the view that consumer protection is a significant issue. We are, however, critical of quite a few of the measures proposed in the report, for example the following:

- the fact that the rapporteur recommends that consumer awareness be given higher priority in school curricula throughout Europe, this being something we believe should be decided on at national level, and not by the EU;
- the fact that the Commission is to conduct a 'strategic information and education campaign' to prepare consumers for the introduction of the euro in the new Member States;
- the fact that the Commission is to prepare a special strategy for promoting the development of a consumer culture in the new Member States, something that can be implemented independently by individual Member States;
- the fact that consumer organisations are to obtain extensive EU funding, without the report specifying the relevant amounts;
- the fact that the new Member States' governments are called on to fund the formation of consumer organisations, something that we believe should be decided on at national level.

We regret that the European Parliament is again using a very important political issue to introduce new budget headings and unduly far-reaching EU measures.

- Report: Koterec (A6-0364/2005)

Zita Pleštinšá (PPE-DE). – (SK) I voted in favour of this report because I regard it as very important for all regions that are unable to initiate their own development measures without financial support. I myself live in one of the poorest regions of Europe – the Prešov region – where GDP is less than half the European average. I therefore welcome the fact that job creation and the promotion of growth are to be viewed as the paramount aims of state aid. From the standpoint of cohesion, it is very important to adopt transparent criteria that allow all disadvantaged regions to receive financial aid. The inclusion of regional governments in the distribution of state aid is a very positive step, because this guarantees the transparent allocation of these funds.

In connection with this report, I would like to express my doubts regarding the British proposal for the Financial Perspective, as it disregards one of the basic objectives of the EU – the levelling of regional differences.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) This report addresses the issue of state aid to enable neglected regions to develop. The June List's position is that regional policy can be conducted at national level so long as it does not distort competition in the internal market.

Pedro Guerreiro (GUE/NGL), in writing. (PT) We are very disappointed that most of our proposals were not approved, not least those concerning the problems of relocations and the protection of public services,

on which state aid has an impact. As regards the former, the report does not put forward one single practical proposal, and the latter is not even mentioned.

We welcome the fact that, despite the Commission's original proposal with regard to regional state aid, those regions affected by what is known as the 'statistical effect' will retain the same regional state aid status as the convergence regions until 2013, without any review period. This alone does not, however, lead us to change our minds and vote in favour.

We continue to vote against because Parliament has accepted the Commission's proposed policy on state aid, which, on the pretext of tackling the problem of unfair competition, is aimed at reducing the amount of aid and at placing restrictions on the Member States by specifying what aid can be granted horizontally.

Let us be clear that the Commission's proposed new reform of state aid provides for substantial reductions to the scope in which state aid can be granted. This reform would, to all intents and purposes, go against the idea of a public policy that places state aid at the forefront of support for 'cohesion' countries as they strive towards regional development.

Carl Lang (NI), in writing. – (FR) In its initial draft, the European Commission planned to ban State aid to business in France as of 2007. This draft, like that of the Bolkestein directive, is part of the implementation of a highly competitive internal market that was agreed during the Barcelona summit, where France was represented by Mr Chirac and Mr Jospin. Mr Koterec's report introduces a number of improvements: France will retain the option of granting State aid, but that aid will be considerably reduced.

European regional policy, which is largely paid for by French taxpayers, is therefore not content with being more and more stingy towards our regions (the French-speaking region of Hainaut has lost the structural funds under Objective 1 as a result). By preventing France in future from having an independent industrial policy, it is compromising the very existence of hundreds of businesses, which, in the absence of targeted public aid, will either have to relocate their activities or to shut up shop.

That Europe, a Europe which manufactures unemployment and which is antisocial because it is antinational, was rejected by our fellow citizens on 29 May. They want a different Europe, a Europe that, in respecting national sovereignties, will respect employment.

Sérgio Marques (PPE-DE), in writing. (PT) I wish to congratulate Mr Koterec on his outstanding report on the role of state aid as a tool of regional development.

I should like to take this opportunity to express my support for the rapporteur's opinion that in the new programming period the ceilings of aid intensities applicable to the EU's outermost regions should be exactly the same as those in force during the previous period (2000-2006).

I also endorse the rapporteur's view that, in this connection, the status described in Article 87(3) of the European Community Treaty should automatically apply to the outermost regions, which is, after all, laid down in the Treaty approving a Constitution for Europe.

Alyn Smith (Verts/ALE), in writing. I abstained on the final vote on this report as while many of the inconsistencies in the report were amended in the votes, the report could still do better in terms of clarity and precision. Many of the amendments of my group were sadly unsuccessful, though would have improved this report, which I believe comes too late in any case in order to influence the thinking of the European Commission on this vital matter.

Catherine Stihler (PSE), in writing. I am pleased that the Commission listened to the Member States and redrafted their proposal on regional selective assistance (RSA). I agree that there should be less but better targeted state aids. However there is still much to be done to ensure that there is flexibility. Scotland has directly benefited from regional selective assistance securing thousands of jobs and helping many companies successfully develop. We have to allow this to continue.

- EU development policy (RC-B6-0653/2005)

Glyn Ford (PSE), in writing. I voted for the joint resolution on the issue of extraordinary rendition. No one can yet be convicted in Europe of illegal activity, but the weight of evidence suggests that European law has almost certainly been breached in a number of Member States and applicant countries. The work of the Council of Europe's rapporteur on the subject supports that conclusion.

I support the establishment of a temporary committee, but we have to be careful not to bolt the stable door after the horse has bolted. The particular circumstances around extraordinary rendition will have been investigated to death by the time our committee is established. Rather, we need a wider investigation that looks at causes rather than symptoms; an investigation that looks at protecting democracy at home and abroad that looks at how we can fight terrorism *and* protect human rights.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) We share the view that it is very important to make EU aid effective and that coordination of the existing aid efforts is needed. It is encouraging that the resolution addresses these aspects of development policy.

The June List believes, however, that the EU should not concern itself with aid issues. This important area must mainly be dealt with at national level. Measures must be coordinated internationally within the framework of existing international organisations that possess legitimacy and experience. We are critical of certain wordings in the resolution, such as the wording to the effect that the EU should step up its present aid efforts.

For the above-mentioned reasons, we have chosen to abstain from voting on this issue.

José Albino Silva Peneda (PPE-DE), in writing. (PT) The British Presidency has pulled off the historical feat of achieving unanimity in terms of the criticisms levelled at it. All Member States and political parties are unanimous in recognising that there has been no tangible result.

In June, Prime Minister Blair's rhetoric of reform aroused great expectations; six months on and nothing has been achieved.

The negotiations on the 2007-2013 financial perspective are a telling example of the way in which the United Kingdom has conducted its Presidency.

Jack Straw showed tremendous insensitivity when he described the British proposal as disciplined, fair and geared towards enlargement and greater economic competitiveness, while vehemently criticising the Luxembourg proposal as unrealistic and unbalanced.

The response to this could hardly have been clearer. The Luxembourg proposal could have lasted the pace, having enjoyed the support of 22 of the Member States, whereas the British one has been rejected by every Member State and every political group in Parliament.

The United Kingdom has dug itself into a hole and has no idea how to extricate itself.

The European Project and the citizens who believe in it have no truck with the kind of national self-interest thus far demonstrated by this Presidency.

- The CIA and the illegal transportation of prisoners (RC-B6-0649/2005)

Bruno Gollnisch (NI). – (FR) Mr President, we abstained on the joint resolution on the covert transport of prisoners suspected of Islamist terrorism by the CIA. Without wishing to take a position on the facts, we feel that, whilst protests must be raised against such practices, assuming they have indeed occurred, those protests should come from the governments of the Member States, some of which are allies of the United States.

However, we also feel, and I would like to state this quite clearly, that this situation is not right. The law exists, and it also protects those who break it in the most shameless way, by which I mean terrorists. It is completely contrary to our traditions for people to be detained with no access to the outside world and no opportunity to defend themselves.

One of two things is true: either those detained by the United States are considered to be prisoners of war and have to be treated as such, for example receiving regular visits from the Red Cross and being freed at the end of hostilities – I am thinking in particular of the prisoners of war captured in Afghanistan – or they are considered to be criminals under ordinary law by virtue of the actions of which they are accused and can therefore be defended by lawyers, have the opportunity to defend themselves and be told the charges against them. That is the cornerstone of our civilisation. We must not let terrorism destroy our basic values!

Proinsias De Rossa (PSE), in writing. It is absolutely vital that the European Parliament supports the proposed establishment of a Committee of Inquiry to investigate prisoner abuses in alleged CIA-operated prisons, and secret flights over EU.

Europe must stand up to the Bush administration which seems to see us as 'client states' who will rubber-stamp their every excess. It is ridiculous that the US Secretary of State, Condoleezza Rice, seems to expect us to tolerate their excesses on the premise that their actions may save European lives. I expect it is also the case that European security strategies will save American lives - but neither they nor we should do so using torture.

I fully support my Socialist Group's demand that this whole matter be investigated by a European Parliament Committee of Inquiry. That Committee must also be mandated to investigate the whole issue of protection of human rights and democratic transparency in the context of the fight against terrorism. I hope that all MEPs endorse the demand now being made by Socialist MEPs and agree to the Committee of Inquiry being established immediately.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), in writing. (SV) The resolution addresses a serious issue; but what, in this situation, are speculation and loose assertions, and what are facts?

We welcome a special committee of inquiry in the European Parliament. Any inquiries in search of the facts of this matter are welcome.

Various political groups are now, however, trying to play politics with this issue. We think there are not enough facts to enable us to express a definite view one way or the other. The European Parliament has, as usual, been late in considering amendments and motions for resolutions in plenary. In this situation, we have therefore tried to avoid adopting unduly sensitive positions until the facts of the case are known. We merely wish to express our definite view that cooperation within the intelligence sphere falls within the area of competence of the Member States and is something that they themselves can decide on in the context of bilateral and multilateral relations.

Pedro Guerreiro (GUE/NGL), in writing. (PT) More and more facts are coming to light about the US security services and agencies, such as the CIA, illegally kidnapping people, flying them to Europe, detaining them and then subjecting them to isolation and torture. These disgraceful and unlawful acts, which violate the most basic rights, deserve forthright condemnation.

This is especially worthy of condemnation because, contrary to what some would have you believe, this is not some isolated incident or a series of unsubstantiated allegations. Quite the opposite, the reports emerging of this appalling state of affairs are merely the tip of the iceberg of US imperialism, which, under the cloak of the so-called 'fight against terrorism', rides roughshod over the United Nations Charter and international law, and uses the UN for its own ends.

Although it likes to play with words, the US administration has never denied the existence of the flights, the kidnappings or the illegal prisons.

It is crucial that this appalling situation be thoroughly investigated and that measures be taken to stop such unlawful activities from happening.

Claude Moraes (PSE), in writing. I voted as I did on this resolution because, along with many concerned London constituents, I believe there should be an objective investigation of allegations, both of the alleged use of EU countries by the CIA for the transportation of prisoners, and the alleged use of European soil for the illegal detention of prisoners.

Tobias Pflüger (GUE/NGL), in writing. The first lesson from the affair around the CIA flights must be to close the US and NATO military bases such as Aviano in Italy, Ramstein in Germany and Kogalniceanu in Romania in the EU and the future member states. After all, they are the infrastructure for the torture flights.

EU interior commissioner Franco Frattini plays things down, wherever this is possible, and pushes the responsibility back to the member states. This is all the more dishonest, since the affair quite clearly also has an EU dimension.

The EU, in the security political arena and precisely as far as the so-called struggle against terrorism is concerned, has agreed on a close cooperation with NATO and the USA. Agreements on secret service cooperation and on the unlimited transfer of information classified secret are part of the "Berlin plus agreement", which allows the EU to take military action using NATO capacities. In February 2003, there was agreed directly with the USA a close cooperation in the transport of suspects. The scandalous behaviour in this sense is not only that of the US government, but the blame must also rest with the EU officials and the EU governments in the know.

Catherine Stihler (PSE), *in writing*. The presumed use of European countries by the CIA for the transportation and illegal detention of prisoners should be condemned and investigated thoroughly. I am pleased that the UK Government has stated categorically that it will cooperate fully with the Council of Europe investigation.

- Report: Van Orden (A6-0342/2005)

Pedro Guerreiro (GUE/NGL), *in writing*. (PT) Every year Parliament introduces a 'set of recommendations' in one of its own-initiative reports on EU candidate countries, whereas there is no mention of any 'set of recommendations' that the Bulgarian people might have for the EU.

We are once again seeing an utterly unacceptable exercise in interference. For example, Bulgaria is called upon to carry out 'substantial structural reforms', and is then congratulated on its 'privatisation programme'. Naturally, if that be the right word, greater transparency is called for in the 'processes of public procurement, tendering and contracting', much to the delight of the large economic and financial groups in the EU.

It does not stop there, however. Bulgaria is called upon to introduce 'measures to bring greater flexibility to the labour market' and 'to increase mobility of the workforce'. The country is also reminded 'that it needs to make increased efforts in all areas of the internal market ... so as to guarantee its effective functioning'. Precedence is given to 'resolving issues of land ownership', yet who will be keeping an eye on this?

There are other areas that I could mention, but I think these are enough to show the EU 'at its best'.

- Report: Moscovici (A6-0344/2005)

Luciana Sbarbati (ALDE). – (IT) Mr President, ladies and gentlemen, I should like to highlight the fact that we voted in favour of the compromise amendment presented last night by the Group of the Greens/European Free Alliance and the Socialist Group in the European Parliament – to which I personally contributed – even though I believe that this amendment is weaker than the text in Article 21, which we had contributed to defining.

We voted in favour of this amendment for the sake of the children, because we wanted this Parliament to adopt a united, strong and determined stance and send out a message to Romania so that the issue of international adoptions might be successfully resolved. We do not expect this to happen before Christmas, but we do still hope that it happens so that these children – whose right to a family is a priority, as is decreed by all the legislation in force at international level – can be reunited with their parents.

This is a question of a human right and a fundamental right that Parliament wants to highlight to Romania, because, among the various things that the country must do to comply with the European acquis, it must above all ensure respect for human rights – in this case, the right of children to experience the joy and happiness of a family.

Ilda Figueiredo (GUE/NGL), *in writing*. (PT) The report before us reaffirms the EU's desire to see Romania become a Member State on 1 January 2007, but attaches certain conditions to that accession.

The rapporteur expresses his concern at persistent delays in a number of areas, such as improving administrative capacity, combating corruption and implementing the 'acquis communautaire' in certain areas of agriculture, public contracts and the environment.

It is clear to see that these demands are nothing short of interference in Romania's political life, in areas such as the country's right to food sovereignty and safety, public contracts and administrative capacity, which should be left to the Romanians to address. The aim is more to appease the interests of the economic and financial groups in the most powerful countries than to improve the well-being of the Romanian people.

We therefore opted to abstain.

Claude Moraes (PSE), *in writing*. I voted for the Moscovici report on Romania, but I believe that, on some key issues, the Romanian government must make accelerated progress - namely the widespread, institutionalised discrimination against the Roma, clearing up allegations of the use of alleged illegal detention sites and state corruption.

- Report: Attwooll (A6-0341/2005)

Duarte Freitas (PPE-DE), *in writing. (PT)* I should like to begin by welcoming Parliament's initiative in drawing up this report, as I feel that the role of women in this and other sectors is crucial to the sustainable development of the EU's economic and social fabric.

As regards this particular report, I am in favour of the proposals put forward to the Commission aimed at fair treatment between the sexes and equal rights at work.

Furthermore, women's networks in the fisheries sector in the EU should be set up, and women should be involved in Coastal Action Groups and in the new Regional Advisory Councils.

I also welcome the approach made to the Commission for specific aid to back up the initiatives proposed in Mrs Attwooll's report.

Hélène Goudin, Nils Lundgren and Lars Wohlin (IND/DEM), *in writing. (SV)* This report recommends far-reaching EU measures aimed at improving the situation of women within, primarily, the fisheries sector. The June List believes that the EU is a union of values and that women and men should be treated entirely equally and have exactly the same opportunities and rights.

We believe, however, that research projects, programmes of measures, women's networks and special professional training should be devised on a national or local basis and not be regulated and controlled from the top by the Commission and the EU. We have thus chosen to vote against this report.

Pedro Guerreiro (GUE/NGL), *in writing. (PT)* Women play a similar role in the fisheries sector and fishing communities as they do in farming communities, which is to support activities relating to catching. This work comes on top of the work they do in the home, is often unpaid, is potentially damaging to their health and carries no guarantees of social protection.

Women account for only 3% of the workforce in catching, yet there is a much larger proportion of women active in harvesting and aquaculture, which shows that progress has been made in bringing more women into the workforce.

Gender issues continue to take a backseat in this sector, and levels of female involvement in fisheries bodies and associations remain very low.

Against this backdrop, we support the setting up of women's networks and associations in the fisheries sector at both local and national level. These will enjoy Community support and will have the following objectives: to make the role of women in the sector more visible; to increase the involvement of women in the decision-making process on the common fisheries policy; and to draw attention to the need to preserve fisheries as an economic, social and cultural activity that is of key importance to the development of fishing communities in different countries.

Catherine Stihler (PSE), *in writing.* Women's role in fisheries is often forgotten and yet women play a pivotal role. This report gives recognition to women in the fisheries sector and should be wholeheartedly supported.

President. That concludes the explanations of vote.

30. Corrections to votes: see Minutes

(The sitting was suspended at 12.10 p.m. and resumed at 3.05 p.m.)

IN THE CHAIR: MR MAURO

Vice-President

31. Approval of Minutes of previous sitting: see Minutes

32. Child helplines in Europe (written declaration)

Lissy Gröner (PSE). – *(DE)* Mr President, I would like to express my gratitude to the House for the endorsement given to this written statement by some 400 Members. There has been support across all party

and national boundaries for the idea that there should be one telephone number in Europe that children can call in order to express their worries and needs.

In so doing, we are giving hundreds and thousands of disadvantaged children a great big Christmas present, and I hope that the Commission is listening very carefully to this appeal. I hope that we will not leave it at that, but that the worries and needs of the weakest members of our society will continue to spur us into action. My warm thanks to all those who have made this commitment and will continue to do so in future.

33. Request for waiver of parliamentary immunity: see Minutes

34. Procedural change : see Minutes

35. Debates on cases of breaches of human rights, democracy and the rule of law (Rule 115)

36. Human rights situation in Tibet and Hong Kong

President. The next item is five motions for resolutions on the human rights situation in Tibet and Hong Kong⁽¹⁾.

Glyn Ford (PSE), author. – Mr President, my group has serious concerns about human rights in China. We have regular reports of the continued use of the death penalty and inhuman and degrading treatment in prisons with reports of the use of torture. Those concerns are particularly true in Tibet, where we continue to receive many reports of violations in particular against Buddhist monks and people who follow the Buddhist faith.

As for Hong Kong, we strongly support demands for the provision of universal suffrage within the territory. I would note, however, that in far too many countries in the world the demonstration on 4 December of tens of thousands of people in favour of such universal suffrage would not have been permitted.

However, we have a problem. Paragraph 14 of the resolution – on which we have asked for a split vote – invites the Dalai Lama to address Parliament in what would be seen as his capacity as a head of state. I do not believe it is our place to make such a momentous change to our one-China policy in the middle of an urgency debate. I personally have met and talked to the Dalai Lama on two occasions. I have no objection to his being invited to the Committee on Foreign Affairs or anywhere else. However, I and the PSE Group will not be able to support this resolution if that paragraph remains in place.

Eva Lichtenberger (Verts/ALE), author. – (DE) Mr President, ladies and gentlemen, it is unfortunate that we have to keep on drawing the attention of this House to the human rights situation in China, and, much though Europeans would like to see that situation improve so as to enable us to maintain intact and fruitful relations with China, it would appear to have been getting much, much worse recently.

Again and again, we come up against the problem that the Dalai Lama is treated as a separatist, even though he has always explicitly supported the 'one China' policy, does not support any secessionist movements, and even though his own requests for negotiations on autonomy are couched in the most pacific terms.

The second point I would like to make is that monasteries are now being used as places where pressure is exerted not only on monks, but also on the general population, in an attempt to re-educate them, and it is because this sort of thing is unacceptable under any circumstances that I ask you to vote in favour of this resolution.

Elizabeth Lynne (ALDE), author. – Mr President, two months ago we adopted an urgent resolution in this House regarding Tenzin Delek Rinpoche and he still has not been released from detention. Once again we are here, this time to seek to highlight the 'patriotic education' campaign conducted in Tibetan monasteries. Last month five Tibetan monks were arrested in Drepung Monastery. We hear they have also been tortured in detention. But what is their crime? Their crime is that they refused to sign declarations denouncing His Holiness the Dalai Lama as a dangerous separatist.

⁽¹⁾ See Minutes.

Public education began as a tool of repression in 1996 in China, but it has escalated since 2005. The Chinese Government is attempting to brainwash the people. This is not public education, it is a suppression of human rights. No doubt the Chinese will again say this is an internal matter for China, but the international community cannot sit idly by when peace-loving people are subjected to this kind of treatment.

We need to know in particular what happened to the young Tibetan monk Ngawang Jangchub, who died in October during a 'patriotic education' session. The Chinese Government must listen to our calls for respect for human rights. If it does not, the least we should do – and I mean the least we should do – is maintain our EU embargo on trade in arms. Unlike one of the previous speakers, I would like to see the Dalai Lama coming here and addressing Parliament.

Thomas Mann (PPE-DE), *author.* – (DE) Mr President, it was at the beginning of October that the 28-year old monk Ngawang Jangchub died in his cell in the Drepung monastery. His death resulted from his interrogation by cadres of the campaign for so-called 'patriotic education'.

The object of this is that critics of the regime should be brought back into line by means of drastic physical and mental re-education measures. Over 10 000 monks and nuns in Tibet have been obliged to undergo brainwashing since 1996, something that constitutes a flagrant breach of freedom of opinion and religion. The intention is that threats, periods of detention, and torture should induce the inhabitants of monasteries to denounce the Dalai Lama, in writing as an enemy of the state and a separatist. Mrs Lynn has already described how, on 23 November, Chinese security forces occupied the Drepung monastery near the capital, Lhasa. When they arrested five senior monastics, 400 monks mounted a peaceful demonstration for their release. The police and special units responded promptly to this by sealing the monastery off from the outside world for days on end. Are human rights resolutions adopted by this House a matter of indifference to the Chinese? It is evidently not enough for them that the Commission, Commissioner Verheugen, and the Council should intervene. Or are they no more than footnotes to the loudly-heralded dialogue between the EU and China? Speaking on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats, let me remind the House of our debate in October, on which occasion we demanded, as a matter of urgency, an improvement in the conditions under which the highly regarded Lama Tenzin Delek Rinpoche were being held, which were putting his life at risk, in order to make it possible for him to receive a fair trial.

The United Nations Special Rapporteur on Torture, Manfred Nowak, has just published the results of his inspection of Chinese prisons, labour camps and police stations. He confirms that torture is taking place, and that prisoners and persons regarded as suspect are being mistreated. The effect of the Chinese system of re-education through work is that people can be sent, without a court having passed sentence upon them, to a camp for up to three years. That is a manifest offence against their personal integrity and against the dignity of every human being.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group.* – (PL) Mr President, in October 2005 the European Parliament adopted a resolution on the Chinese authorities' unjust imprisonment of the Lama Tenzin Delek Rinpoche. This resolution achieved nothing, however, as Tenzin Delek Rinpoche is still being detained and tortured, in spite of his poor state of health. It merely demonstrated the extent to which human rights are violated in China.

The Chinese authorities are currently implementing a policy of 'patriotic education', and forcing Tibetans to sign declarations in which they reject the Dalai Lama as their spiritual leader and acknowledge that Tibet is part of China. Anyone who refuses to sign such a declaration is threatened with persecution and arrest. As Members of this House have stressed repeatedly, Tibetan monks are at particular risk. These extraordinary 'patriotic education' sessions have already resulted in the death of one monk in unknown circumstances and the arrest of five others. What is more, the 7 000-strong Drepung Monastery has been occupied by the Chinese Special Forces since 25 November, and hence completely cut off from the outside world.

In view of the situation in Tibet, it is clear that the international community must continue to exert pressure on China to improve the conditions in which prisoners are held and to abolish the use of torture and the death penalty. In addition, the Tibetan people must be supported in their fight for life and a continued national identity. It is also worth mentioning in passing that only a dozen or so of the over 3 000 Buddhist monasteries that were once found in Tibet are still in existence.

In the hope that we will finally achieve our goal by adopting yet another resolution, we must do everything in our power to ensure that the Chinese authorities put an immediate stop to such blatant violations of civil liberties.

Marios Matsakis *on behalf of the ALDE Group.* – Mr President, due to time constraints I will make only one comment, a self-critical one, with regard to Hong Kong.

We are calling for the abolition of the system whereby the Chief Executive is chosen by a committee made up of about 800 Hong Kong residents selected by Beijing. To be fair, however, such a system is arguably better than the previous system whereby the ex-British colony was administered by a governor appointed by the Queen of England. I cannot recall the European Parliament passing any resolutions at that time condemning Britain for imposing such an undemocratic system on the people of Hong Kong. Then again, what right does this House have, even today, to criticise British colonial policies? It dared not do so in the past, and I expect it would not dare do so now concerning Britain's occupation of approximately 300 square kilometres of Cyprus as a colony, where thousands of Cypriot civilians are governed by an administrator appointed by the Queen of England.

Before I become too controversial for my honourable British colleagues, let me finish by saying that in this resolution we call for the setting of a timetable for the election of Hong Kong's Chief Executive by universal suffrage. Nevertheless, we should, in the near future, pass a resolution calling for an end to Britain's colonisation of Cyprus.

Gérard Onesta, *on behalf of the Verts/ALE Group.* – (FR) Mr President, ladies and gentlemen, we can finally be certain that the yeti does not exist, because if it did the Chinese authorities would already have made it sign, as part of their patriotic education programme, a statement describing the Dalai Lama as a dangerous individual, and they would have publicised it. I consider the Dalai Lama to be a tremendously honourable man and I would be very honoured if he were to come to speak in this House.

More seriously, faced with a dictatorial regime which restricts, imprisons, tortures and kills its people, how can we express our indignation beyond our little debate this afternoon? Given that, in 30 months' time, the world's young people will gather in Beijing for the Olympic Games and that the Chinese Government intends to take advantage of this event to celebrate its pseudo-democratic model, I would modestly suggest that we should allow our athletes to bear a message of peace, democracy and freedom so that they can be the champions of the Tibetan cause, otherwise we will do a great disservice to everyone in that part of the world.

Erik Meijer, *on behalf of the GUE/NGL Group.* – (NL) Mr President, the British colonial government did not leave behind a parliamentary democratic structure in Hong Kong but, rather, created the expectation that the People's Republic of China would introduce that system over there. When Hong Kong was handed back to China, the formula of two systems in one country was devised. People laboured under the illusion that, for Hong Kong, this would mean that, unlike in the rest of China, a parliamentary democracy on the basis of universal suffrage and a multi-party system could exist. It was thought that it could thus be a trial area for future developments in the rest of China.

We now know what those two systems come down to: capitalism under the control of the governing party in the largest part of China, and capitalism without that control in Hong Kong. There is a lack of democracy in both cases. The situation in Hong Kong, where a small selected group has been given the responsibility of self-government, is of course preferable by far to the situation in Tibet, where violence, intimidation and re-education are the instruments employed by the central authority.

Although my group has not been among the signatories of the resolution, I am prepared to endorse it. Moreover, I should like to remind you that the Dalai Lama has already addressed this Parliament's plenary.

Urszula Krupa, *on behalf of the IND/DEM Group.* – (PL) Mr President, today's debate on violations of human rights centres on Tibet. On 23 November, officials from the Public Security Bureau closed one of the oldest Tibetan Buddhist monasteries on the orders of the Chinese authorities. They arrested one of the most senior monks, and four others whose fate is unknown. A policy of 'patriotic education', which amounts to indoctrination, has been introduced in the country in order to boost support for the Chinese Government among the Tibetan monks, and to combat the influence of the exiled Dalai Lama. Tibet has been brutally occupied by China since 1950. The Tibetans have not given up their peaceful fight for freedom, however, even though at least one fifth of the country's inhabitants have died of hunger, been tortured to death or been executed. Nearly all of the country's monasteries, which once numbered over 6 500, are in ruins.

The Holy Father John Paul II reminded us that the seeds of destabilisation, rebellion and violence are inevitably sown when human rights are neglected or even abused. There is an urgent need to restore people's awareness of the dignity of every human being, made in the image and likeness of God, so that it can be used as a sound foundation for freedom, justice and peace on earth.

The Government of the People's Republic of China, however, even imposes strict controls on religious practices and places of worship. It limits the number of monks and uses exile as a punishment, especially for anyone who is not suitably submissive. Yet notwithstanding the massive scale of the tragedy in Tibet, it is worth noting that the problem of human rights violations, which is an issue that has already been raised in this Chamber, affects the Chinese nation as a whole. The people of China have been repressed for years, and all manifestations of civil independence in the country are stifled. There is detailed documentary evidence of the methods and instruments used to inflict torture on prisoners and of the brutal treatment they receive, even if they have merely voiced their discontent. Such practices are proof of the cruel barbarity that prevails there.

The situation in China in recent times can be described as a highly explosive mixture of Communism and capitalism. The laws of economics have become the only driving force behind development in the country, and there is no longer any place for human rights or moral standards. While it may well be the case that those in power are responsible for human rights violations in individual countries, we should not forget that the moral relativism of the Western world is also partly responsible. Adamant claims are made that this latter promotes human rights, and yet companies from more or less every country in the world find it hard to resist the huge consumer market and the cheap workforce, especially in the 'reeducation through work' camps. The prospect of enormous profits helps them to shut their eyes to the tragic situation of prisoners, and to the fact that the materialistic civilisation that is emerging is heading for disaster, at the same time creating poverty and hell on earth for some and paradise for the rich.

We are therefore calling for the international community to stop treating China as if it were a giant labour camp and a cheap workforce, and for human rights to be respected not only in Tibet and Hong Kong, but throughout China.

Philip Claeys (NI). – (NL) Mr President, one of the problems in connection with the persistent violations of human rights in Communist China is the lack of credible, consistent and firm protest from the European Union. We are always paying lip service to human rights, but we do not act on the basis of what we say. The European Union and most Member States are more interested in China's economic potential than in having human rights respected.

Just think of the European Council's attempts to lift the arms embargo against China or the way in which European trade missions get in each other's way in China these days. I was also embarrassed when I heard a while ago that the Belgian Government had denied the Dalai Lama access to its territory, because this could be harmful to our contacts with Communist China.

We are currently debating the situations in Tibet and Hong Kong, but we could also debate the threats to Taiwan or the existence of the lao gai concentration camps in China. It is time Europe sent a strong message, for example by inviting the Dalai Lama to visit this House.

Günther Verheugen, Vice-President of the Commission. Mr President, the Commission shares the concerns of the European Parliament regarding the human rights situation in China, in particular the detention of monks and closure of monasteries in Tibet, as well as constitutional developments in Hong Kong. These issues are very high on the agenda of our dialogue with China.

The Commission also welcomes and supports the General Affairs and External Relations Council's conclusions of 12 December, which voice strong concern over China's human rights policy – in particular, with respect to the rights of minorities.

On 12 December, the General Affairs and External Relations Council also approved the Commission's negotiating mandate for a new partnership and cooperation agreement with China. The mandate also stipulates that a partnership agreement with China will contain a standard clause on human rights. I wish to stress that, for many years, we have not concluded agreements with other parties without such a human rights clause.

As regards Hong Kong, the European Union supports democracy throughout the world as the best means of creating legitimate, stable, accountable and transparent government, of protecting rights and freedom, and of upholding the rule of law. It supports early and substantial progress towards the ultimate goal of universal suffrage in Hong Kong, as set out in the basic law, in line with the wishes of the people of Hong Kong. It is important that we maintain pressure on China to work towards universal suffrage in Hong Kong.

As regards the situation in Tibet, the European Union has put Tibet very high on its agenda with China. It has, in particular, mainly focused its attention on the preservation of the cultural, religious and linguistic identity of the Tibetan people. The present situation in the region, which we follow very closely, raises grave concern, especially with respect to the exercise of religious freedom. We are worried to see that the local authorities have imposed a strict framework setting limits on the exercise of this freedom, and we deplore the recent cases of detention of monks and, in particular, the blockade of the monastery of Drepung in Lhasa.

We hope that a solution compatible with both Chinese sovereignty and respect for the Tibetan population will be found soon. In our view, to reach this ultimate goal, there is no alternative but a peaceful process based on dialogue. We have called for years, and will continue to call, for the establishment of such a dialogue. We, therefore, fully support the process which has been taking place over the past years between Beijing and the representatives of the Dalai Lama.

We firmly believe that only such a direct dialogue can be conducive to a lasting solution of the Tibetan issue. In our view, the opening of a direct dialogue should not be made subject to any precondition. On the other hand, the respective parties should refrain from taking any step that would compromise the establishment of the climate of confidence that appears indispensable, if a solution is to be reached.

President. The debate is closed.

The vote will take place at the end of the debate.

37. Human rights in Russia

President. The next item is the debate on six motions for resolutions on Russia.

Reino Paasilinna (PSE), author. – (FI) Mr President, Commissioner, ladies and gentlemen, I am grateful to you for having made it possible for us to arrive at a joint resolution on the position of NGOs in the Russian Federation.

Consensus is also important because that way it is easier for us to influence the decision-makers in Russia. As now these are particularly urgent matters, we Social Democrats wanted just to focus on this issue covered in the statement. The issue is also an urgent one for the Duma, which will return to the matter in five days' time.

In the next parliamentary sitting we will be debating the resolution on Chechnya. We fully agree with Russia's human rights ombudsman Vladimir Lukin that the draft law goes against Russia's own constitution. It also goes against international law. I hope that Lukin's opinion carries weight, because he has chaired the European Parliament-Duma joint delegation for many years.

The freedom of NGOs to operate is an essential part of democracy and stable civil society, which the Russian leadership had said it supports. As a member of the Council of Europe, Russia has committed itself to the Convention for the Protection of Human Rights and Fundamental Freedoms, and, for example, its plans to restrict freedom of association conflicts with that totally. Parliament is worried about recent developments in Russia, and now the Duma has an excellent opportunity to contribute to the development of democracy. It can show that changes can be made. Obviously we hope that that will be the case.

Milan Horáček (Verts/ALE), author. – (DE) Mr President, ladies and gentlemen, it is alarming to observe the changes in Russian society, with the grossest human rights abuses exemplified by the new law intended to make NGOs dependent on the state, the ongoing repressive measures directed against the former Yukos bosses Mikhail Khodorkovsky and Platon Lebedev, and by the state of war in Chechnya.

Khodorkovsky and Lebedev are being held, contrary to Russian law, in prison camps in Siberia, a long way from Moscow and north of the Arctic Circle, in temperatures of - 50°. Lebedev is seriously ill. Contact with their family members and lawyers has been made extremely difficult; they have no access to information and are not allowed newspapers. Their defence counsel, Yevgeni Baro and Yuri Schmit, are themselves facing trial next week on a charge of defamation. The Russian justice system's denial of human rights is made all the worse by the ever-tighter restrictions placed on the freedom of the press. We should be clear in our own minds as to what is going on here and call upon the Council and the Commission to use their influence on Russia to get human rights respected.

Marios Matsakis (ALDE), *author.* – Mr President, it is only true and fair to say that in recent years, Russia has, overall, made significant progress towards the respect of human rights, and this we must praise. Unfortunately, there are still a number of areas where progress is much needed in this vast country, with its very long and unique history and culture, and it must be encouraged to proceed with the outstanding issues, where reform is necessary.

Such an issue is that of NGO legislation. It is a well accepted fact that NGOs and non-profit-making organisations are often key to developing a strong and well functioning civil society. Such organisations, ranging from children's charities to consumer groups, are not present in very large numbers in Russia. It is, of course, a fact that Russia has suffered severely from terrorism in the last few years and public sentiment, expressed through elected representatives, may, when dealing with certain NGOs, especially those in Chechnya, border on the extreme and tend to be unduly legalistic and severe.

Although this may be understandable under certain circumstances, it is not acceptable in terms of proper respect of human rights. We therefore call on the Russian Duma to listen to our advice and take the necessary time to review and impose the amendments concerned with the legislation, in the light of the recommendations expressed in the Presidential review, the Council of Europe provisional opinion and this resolution.

Erik Meijer (GUE/NGL), *author.* – (NL) Mr President, for years, the point was driven home in Western Europe that Russia was undemocratic and that a very great deal needed to change there, and, indeed, sweeping changes have taken place in Russia over the past 14 years. Its economy now resembles America's to a greater degree. The discrepancies between rich and poor that have come about as a result are now more pronounced than in the European Union.

In the areas of democracy and human rights, the situation is certainly no better than it was in the final years of the Soviet Union under Mr Gorbachev's leadership, and the oppression in Chechnya outstrips the crimes of Stalin. Where democracy and human rights are concerned, Russia is continuing a bad tradition. It is not so much Russia that has changed, as the perception of that nation in the countries of the European Union.

Before, we in Western Europe saw the East, under the leadership of the Soviet Union, as an economic rival and military opponent. These days, we consider Russia to be an ally and supplier of energy. According to the former German Chancellor, who is now on Russia's payroll, Russia now boasts a flawless democracy. In those circumstances, it hardly comes as a surprise that there is increasingly less room for independent television stations and that freedom of association and assembly is being curbed.

The citizens are given less and less opportunity to get involved in government policy. The return to a blemished past is hastened by a law that places non-commercial organisations of citizens under government control and that has the power to suspend their funding and to dissolve them. This House therefore has every reason to endorse the criticism made by the Council of Europe.

Charles Tannock (PPE-DE), *author.* – Mr President, Russia remains the largest country in the world and because it is a member of the Council of Europe and the OSCE it is under greater scrutiny and criticism by the EU in terms of fundamental democratic rights. It currently enjoys privileges, such as the PCA Agreement, a strategic partnership based on the Four Common Spaces Agreement, and eventual ENPI and EIB funding benefits.

Russia continues to be a democracy, albeit an imperfect one. However, for some time now, concerns have been expressed that the Kremlin and the *siloviki*, so-called men of power close to President Putin, have been attempting to restrict freedom of the media and NGOs, in particular, where it was felt that they were interfering with Russian strategic interests, such as the bloody conflict in Chechnya, or the strategy of reversing some of the controversial sell-offs of the oil and gas sector in the early 1990s in order to increase the patronage of the state.

A handful of men, such as Khodorkovsky, benefited enormously. He was convicted of several criminal offences and had his extensive Yukos holdings renationalised. His controversial trial followed with accusations internationally of political manipulation of the judicial system. More recently, on 23 November, the Duma approved the law restricting freedom of association and the ability of foreign NGOs to operate in Russia by imposing fiscal and residency requirements of registration, which the Council of Europe, in a provisional opinion, has seriously questioned as incompatible with the European Convention on Human Rights.

However, much to his credit, President Putin has listened to the objections and asked to rewrite aspects of the bill which infringe fundamental human rights and which are not legitimately necessary to fight terrorism, as was mentioned in Chechnya in particular, and money laundering.

I hope reason prevails. We all wish to see a democratic, European Russia with whom we can all share fundamental common values of basic human rights.

Bernd Posselt, *on behalf of the PPE-DE Group.* – (DE) Mr President, my group welcomes this resolution, especially Recital I and paragraphs 8 to 13, which take the broader view of the issue that Mr Horáček and I wanted to see. It is often the case in these debates that we take up the cudgels against small-time dictators and neglect to address the human rights situation in major states that are of strategic and economic importance to us. I am glad that we are, today, spelling out how things stand in China and Russia, for if we do not, we run the risk of our economic dependency on them – for it is a regrettable fact that we are economically dependent on them in some areas – causing us to take a one-sided view of human rights or making us blind to the issues at stake.

For years on end, the German Government minimised the importance of such things as the war in Chechnya or the smothering of human rights in Russia, or even passed over them in silence, and when you see the position that the former German Chancellor, Mr Schröder, has now taken on, you can quickly understand why they did so. We must take care that Gazprom, the partly state-owned Russian energy giant, does not start to play the sort of role once played by the United Fruit Company in Latin America. While we must cooperate economically and politically, we must not mince words when telling what is really going on as regards human rights. I am thinking here not only of the prisoners languishing under unspeakable conditions in Siberia, about whom Mr Horáček has had something to say, but also of the attempt at silencing independent organisations – NGOs, in other words – as successfully as the Russian media already have been. I am very much obliged to Mr Deß for seeing to it that we end up using more renewable energies, for Europe's dependency on Russian energy is bringing us to the point where we start keeping our mouths shut about things that must not be hushed up.

Józef Pinior, *on behalf of the PSE Group.* – (PL) Mr President, I should like to draw the House's attention to a dangerous trend in Russia. The public prosecutor's office and the judiciary in this country are increasingly being used as political weapons by President Putin's regime.

On 9 December 2005, the Russian public prosecutor's office charged the Neftyanoi Bank with money-laundering and tax fraud. The Bank's director, Boris Nemtsov, is one of Russia's most able liberal politicians, and a key member of the anti-Putin opposition. This is particularly significant in view of the forthcoming presidential elections, which will be held in 2008 and which will determine the future of democracy in Russia. In a statement given to my party's headquarters for its November 2005 newsletter, Mr Nemtsov said that there was a risk that a state-controlled and monopolistic capitalism could be established in Russia. He also expressed his belief that the country is currently undergoing a process of, and I quote, 'Lukashenkisation'.

The European Union should waive the requirement for Russian citizens to hold visas before they can enter EU Member States. The abolition of visas would serve as a guarantee for Russian civil society that the country will become more democratic.

Bart Staes, *on behalf of the Verts/ALE Group.* – (NL) Mr President, every normal democracy has what is known as a fourth estate: a collection of critical journalists and citizens, active NGOs and non-profit organisations which, as representatives of civil society, monitor the authorities, the government, the administration and parliament without any constraints or censorship. Except in Russia, where people or groups, business people and journalists that are too critical of the Kremlin's and Putin's policy are gagged. To top it all, the Russian authorities now also intend to silence domestic and foreign NGOs.

I am delighted that six of the eight groups have managed to table a joint resolution that will allow us to dot the i's and cross the t's. It will give people like Mrs Alexejeva and Mr Gari Kasparov a shot in the arm and will also give a boost to the many who are active in NGOs, like Mr Nikitin at Bellona, and to NGOs like Immemorial, Greenpeace, Social Verdict and the Civil Society Contact Group.

It also backs up the words spoken by the previous co-chairman, with myself, of the EU-Russia Parliamentary Cooperation Committee, Mr Lukin, who emphatically condemns the draft legislation in question. The resolution before us deserves our overwhelming support.

Jaromír Kohlíček, *on behalf of the GUE/NGL Group*. – (CS) Ladies and gentlemen, democracy and freedom are under threat in Russia. This is the main thrust of the resolution, which is a response to new rules according to which it will no longer be possible in future to bring any amount of money into the country provided that it is used to support the development of civil society. The second reason for the resolution is the influence exerted by the government over the majority of media outlets.

Ladies and gentlemen, I hope that the Duma will soon adopt a similar resolution on the European Union. Freedom, and consequently democracy, are after all also under threat here following the adoption of a proposal for the mandatory retention of telephone calls, text messages and emails for the police. In Italy, Prime Minister Berlusconi controls a decisive share of the television market, and indeed of the media market in general. Foreign owners clearly dominate the media in the Czech Republic, where 80% of the press is in the hands of two German groups. This constitutes a clear threat to the freedom of information, and the situation is similar in Poland and the Balkan States. Is no one in the House concerned in the slightest by this state of affairs? It is my belief that this House will unanimously reject this motion for a resolution once it has given a small amount of thought to the matter. If it does not, our electorate's opinion of us will be far from flattering. Unless, of course, Members of this House have drafted a motion for a resolution condemning media monopolies in EU Member States.

Bogusław Sonik (PPE-DE). – (PL) Mr President, it is a shame that we are discussing human rights violations in Russia on a Thursday afternoon. This is particularly regrettable as we spent a great deal of time debating Tunisia on Wednesday, when all the Members of the House and the media were present.

Freedom of speech and thought is one of the European Union's fundamental values, and it is the cornerstone of democracy. This is reflected in the activities of the hundreds of thousands of NGOs that constitute the third most powerful and influential force in Europe. Yet it is an unfortunate fact that laws are being adopted in Russia which are alien and incomprehensible to us in Europe. Russia is moving ever further away from democratic standards, and we cannot stand idly by and watch fundamental rights being denied in a country that has a privileged relationship with the EU.

We cannot remain indifferent in the face of changes that are so blatantly undemocratic. Russian NGOs will find it more difficult or even impossible to obtain foreign funding. The new restrictions will apply to as many as 450 000 organisations in Russia, including foreign and international organisations operating in the Russian Federation. The new law prohibits the activities carried out in line with the rules previously in force by Russian branches and representations of foreign and international organisations. What this means is that they will have to shut down their current branches, and submit applications to set up new organisations that will be independent of the parent NGOs. Foreigners who do not have permanent residency in Russia will lose the right to form civil organisations, as well as the right to sit on the boards or be members of such organisations.

Certain Russian politicians have claimed that NGOs are a tool used by third countries to conduct foreign policy in Russia, but these arguments are absurd and make a mockery of the concept of democracy. The European Union should make known its strong opposition to such a reprehensible attitude, which is symptomatic of the increase in xenophobia among Russia's political elite. The existence of 450 000 NGOs in Russia, and the fact that they are so active, testify to the popularity of this aspect of public and social life in Russia. The European Union should support this manifestation of civil society.

Aloyzas Sakalas (PSE). – (LT) Mr President, although I fully support the proposed resolution, I would just like to point out that the Council and the Commission are applying double standards in respect of the Eastern States. Here is a concrete example: the widely known and regular violation of human rights in Belarus and Russia. Russia, furthermore, is engaged in the genocide of a nation, which is something that is not happening even in Belarus. Nevertheless, the Council and the Commission treat the two States completely differently. The doors to European Union States have been slammed in Lukashenka's face, yet President Putin is welcomed with open arms. If these double standards are only being applied because of Russia's oil and gas, resources that Belarus does not have, then such a policy is immoral, although the European Union is supposed to be the standard-bearer of human rights, as well as moral policy. I do not believe that the Council and the Commission are unaware of the principles of moral policy; however, these principles should not be sold for oil and gas.

Ari Vatanen (PPE-DE). – Mr President, I hope that this empty Chamber does not reflect our lack of interest in what happens in Russia, however understandable the situation is here on a Thursday afternoon. What happens in Russia is in our interests; its interests are our interests.

Sadly, the clock in Russia is now being turned back nearly to Soviet times. There is, at the moment, no independent judiciary, there is no free television, and the political opposition has been totally marginalised. I will not even talk about what is happening in Chechnya; human life is very cheap there. Regarding NGOs, what happens to them is another link in this far too long chain of sad events in Russia.

We cannot be the victim of the 'NIMBY' syndrome: not in my back yard. Indeed, it is all in our back yard. It concerns us all. Old habits die very hard in the Soviet Union, but we have to help Russia to come back towards democracy and universal values. First of all, it is in the interests of the Russian people: they deserve liberty, democracy and transparent governance. We also cannot work with a partner who does not adhere to international rules. We have to help Russia become a confident nation which sees that there is no conflict between strength and a democratic, thriving civil society. We have to speak with one voice; otherwise, we reduce our position to something insignificant. We cannot have a good Christmas, we cannot have a good conscience, if we do not see what is happening to our near neighbour.

John Attard-Montalto (PSE). – (MT) Thank you Mr President. It is an undeniable fact that organisations known as NGOs and MPOs have a vital role in our civil society, both in large countries such as Russia, as well as in small countries such as where I come from. In Russia, the number of the many organisations which exist is around seventy thousand. Less than three weeks ago the parliament known as the State Duma passed some amendments, through the first reading, which had an impact on these organisations. One must appreciate the thought both within Russia as well as outside Russia about these amendments which can have an impact on human rights. However, one must mention that in certain countries there was a small number of these organisations which were abused for illicit and illegal aims. On the other hand, the amendments proposed by Russia have a negative impact on those organisations known as 'buona fide'. On a positive note, the Council of Europe was asked for guidance and even the President of this country, Putin, made some proposals to the new chairman. To conclude, I would like to say that the solution is not to place these organisations in the same category, but to have the necessary legal tools within the parameters of the European Convention so that those which are not genuine will be identified. Thank you.

Günther Verheugen, Vice-President of the Commission. Mr President, I am most grateful for this opportunity to give the Commission's view on human rights in Russia. There are a number of issues which give us cause for concern and which we raise regularly with Russia within the framework of the existing strategic partnership.

Let me begin with Chechnya. We were glad that the elections took place there on 27 November, and that they took place without violence. Given the troubled history of this region that in itself is an achievement. We hope they will be a step in the process towards peaceful democracy there. However, there are a number of reports of irregularities, and we expect that these will be properly investigated.

But much more needs to be done if Chechnya is to progress to democratic stability. Although there appears to have been an improvement in the security situation, a culture of impunity remains. It is essential that the authorities fully investigate cases of disappearances and allegations of torture and bring the perpetrators, including members of the law enforcement authorities, to justice. Russia should also implement its expressed willingness to cooperate with United Nations human rights mechanisms, including the High Commissioner for Human Rights and UN Special Rapporteurs. It is also important that the local ombudsman in Chechnya is seen to be carrying out his duties impartially and effectively.

I should also express our concern at the evidence of continuing harassment of NGOs including those receiving support from the European Community, such as the Russian-Chechen Friendship Society in Nizhny Novgorod. This also affects NGOs delivering humanitarian assistance under the ECHO programme.

In that context, I should draw attention to the proposal for amending Russian legislation on NGOs which is currently before the Duma. We have been concerned that it could make the operations of many NGOs, especially foreign ones, more difficult, and could therefore potentially jeopardise the Commission's efforts to help build up civil society in Russia, as well as our humanitarian aid programme in Chechnya. The amendments have been presented as necessary to enforce Russia's right to protect itself from terrorism. Of course, we respect that right, but action taken must be proportionate and must respect international commitments regarding civil society, notably those relating to the OSCE and the Council of Europe.

My colleague Commissioner Ferrero-Waldner raised these concerns with Foreign Minister Lavrov during the Russian Government's visit to Brussels on 7 December. He expressed understanding and said that amendments would be made to the bill to address these issues. We were, therefore, pleased to note that

changes to the draft law have now been sent from the presidential administration to the Duma and welcome the prior consultations held with the Council of Europe on the matter.

However, we remain concerned that the present draft law could still lead to constraints on the legitimate activities of NGOs. We urge the Russian Parliament, therefore, to use the second reading on 21 December to take the Council of Europe's opinion fully into account. We will continue to follow this matter closely, including the implementation of any new law adopted.

Finally, let me say that we want to address these issues in a spirit of cooperation with Russia. The EU-Russia human rights consultations, which began this year, are now a regular feature of our dialogue and provide an opportunity for frank and open exchanges. In addition the Commission, as well as being the largest donor of humanitarian assistance to the North Caucasus through ECHO, has agreed a EUR 20 million programme for socio-economic recovery there – a clear indication of our willingness to be actively involved in the process of strengthening democracy and stability in the region. We will continue to take all opportunities to contribute constructively to that process.

President. The debate is closed.

The vote will take place at the end of the debate.

38. Ethiopia and new border conflicts

President. The next item is the debate on six motions for resolutions on Ethiopia and new border conflicts.

Ana Maria Gomes (PSE), author. – Mr President, as head of the European Union Election Observation Mission in Ethiopia, I helped to persuade Ethiopian opposition leaders not to boycott the May elections, assuring them that the world and the European Union in particular were watching. They felt that the electoral process had been set up by the regime not to achieve democracy but to fool the international community. Despite being elected by the Ethiopian people, they are now in jail. They have been on hunger strike since 28 November, face a possible death penalty, and yet are neglected by European leaders. This is in spite of the fact that, in early September, I warned European governments, the Commission, the US Government and the UN Secretary-General that the regime might be planning the selective repression of Ethiopian opposition leaders.

How could European governments fail so miserably those who trusted the European Union, those who fought and continue to fight for democracy in Ethiopia? How could European and American leaders fail so miserably the Ethiopian people and such an important country: the second most populous in Africa and the headquarters of the African Union? What message are they sending to all Africans? How can the UN Secretary-General and the Security Council continue to turn a blind eye to massive human rights violations inside Ethiopia, forgetting how this could lead to another devastating war with neighbouring Eritrea? How can Mr Blair, the British Prime Minister and President-in-Office of the European Council, continue to allow in his Commission for Africa Mr Meles Zenawi, who is keeping imprisoned and threatening with the death penalty the elected opposition leaders, journalists, human rights and development campaigners and even the Ethiopian representatives of the Global Call to Action against Poverty?

This is the third resolution since July in which the European Parliament, across all political groups, has expressed its deep concern about the situation in Ethiopia. How can European leaders fail to act upon repeated appeals from this Parliament when the lives of Ethiopian prisoners are at stake?

(Applause)

Raül Romeva i Rueda (Verts/ALE), author. – (ES) Mr President, Ethiopia is one of the countries that receives most international economic aid; the European Union alone provides almost \$500 million per year. We cannot therefore remain on the sidelines in view of the events that are taking place in that country, particularly following the brutal and entirely unjustified policy of human rights abuses and mass imprisonment of opposition leaders, human rights activists and NGO workers implemented by the Ethiopian authorities.

The extremely harsh and unjustified repression of people who were protesting against what they believed to be electoral fraud cannot go unpunished. Firstly, therefore, the European Union must demand of the authorities in Addis Ababa the immediate unconditional release of all political prisoners, as well as the journalists and editors being held. Secondly, it must be ensured that humanitarian aid, which is still so necessary to the population, is channelled via NGOs and the United Nations and, thirdly, that the maintaining

of the arms embargos on the region is guaranteed, as well as strict compliance with the code of conduct on arms exports.

Fiona Hall (ALDE), author. – Mr President, I shall begin with the Eritrean border. The Ethiopian Government's decision to move back its forces has been very welcome. This is a highly tense situation and it is not helped by Eritrea's eviction of members of the UN mission.

When we were in Edinburgh, the Eritrean Ambassador to the EU told me that Eritrea wanted the situation resolved, but Ethiopia was refusing to take action. This morning the First Secretary at the Ethiopian Mission to the EU told me that Ethiopia wanted the situation resolved but needed channels of discussion on the process of implementing the boundary commission decision. If it is fundamentally the case that, despite past animosity, there is now the will for peace on both sides, could the Commission and Council not play a more active role in bringing the two sides together?

Secondly, on the situation inside Ethiopia, the Council will be aware that a cross-party group of us who observed the 15 May elections wrote to Hilary Benn, the British Secretary of State for International Development, on 23 November. We detailed our concern at the loss of life and the human rights abuses which have taken place there since June. I am told that an answer is awaiting the Minister's signature.

This may be the political equivalent of a cheque in the post, but I understand that the Council and Commission are committed to pursuing a robust discussion on democracy and human rights issues under Article 8 of the Cotonou Agreement. I hope it will indeed be robust and that the option of initiating urgent consultations under Article 96 of the Cotonou Agreement will be borne in mind if progress is not forthcoming.

Jaromír Kohlíček (GUE/NGL), author. – (CS) Ladies and gentlemen, if I may, I should like to ask the Commissioner, in connection with the resolution on the situation in Ethiopia, whether the European Commission, or any other aid donor, has suspended aid to Eritrea following the latter's flight ban on UN helicopters monitoring the situation on the border between the two countries. This ban is a gross violation of the terms of the truce, and it would only be sensible to take clear action on this matter. I realise that Ethiopia, all valid criticism notwithstanding, has made more progress towards what we call democracy than its rival in East Africa, but I cannot help but wonder why the authors of this resolution have not called for talks to be held with the descendants of the dynasty that previously ruled the country, and for the restitution of the property of this dynasty and of the old hereditary aristocracy. It would be only logical to do so, in view of the fact that we have adopted resolutions today calling for the future EU Member States to make such restitution.

Today we have adopted resolutions that call for restitution, but I would ask whether this is not a clear-cut case of double standards. We are unyielding in our calls for restitution only where Bulgaria and Romania are concerned. We do not make similar calls in the case of Ethiopia, since it would be all too obvious that they are pointless. I support the resolutions, but I am astonished that neither the current head of the Imperial Family of Ethiopia or even President Putin will be asked to appear before the European Parliament, even though His Holiness the Dalai Lama was called on to do so in the resolution on Tibet. I am sure that it is only me that thinks that the European Parliament may well be applying double standards. Incidentally, I should like to ask the Commissioner what the Commission's response is to the recent adoption by members of the Australian Parliament of a law which curtails civil liberties and which, *inter alia*, allows people to be detained for 14 days.

Michael Gahler (PPE-DE), author. – (DE) Mr President, if you look hard enough on the map of the Horn of Africa, you find a little island of stability called Djibouti. All around it, the situation is precarious. Somalia scarcely exists as a state any more; the domestic situation in Eritrea is highly critical, with the opposition suppressed, and in Ethiopia, the situation after the elections is exactly as the EU's principal observer, Mrs Gomes, has described it. Not only that, but Ethiopia is subject to the destabilising influence of Eritrea, which we know to be supporting guerrillas fighting in Ogaden, and the border conflict between Eritrea and Ethiopia is still threatening to erupt into open warfare.

Today, here in this House, we are focusing on the domestic situation in post-election Ethiopia, and so the demand we have to make is no vague one: we must call upon the government to desist from deploying disproportionate force to suppress the opposition and the general population, and must release all political prisoners and journalists without delay. I heard recently that three more had been arrested, so the most up-to-date state of affairs is that 15 journalists are in custody. The International Red Cross must also be given access to the camps in which so very many people are being held. The country's prime minister has again said that he will not only put the political leaders on trial, but also the 3 000 other detainees with them, and

that there would be no mercy whatever – not even a Christmas amnesty. As the Ethiopian Government is quite clearly bent upon confrontation, we call on the European Union to give thought to the possibility of imposing – as we already do against other regimes – targeted sanctions against those in power in Ethiopia, which would, I believe, send out a clear signal. If these people are no longer permitted to travel to Europe on shopping trips, perhaps it will also dawn on them that they can no longer count on our support, and that we have no confidence that they are leading their country in the right direction.

Karin Scheele, *on behalf of the PSE Group.* – (DE) Mr President, the fact that we, in this House, are already adopting the third resolution on Ethiopia in less than half a year shows how grave and disturbing the situation in that country is.

Heartening though it is that the Ethiopian authorities have set 8 000 people at liberty, the figure does demonstrate that mass arrests have taken place, while the government has hitherto always declined to make known either the total number of persons actually detained or the locations at which they were being held. Our resolution therefore demands that the Ethiopian Government give information as to the total number of persons detained and the places where they are being held, allow access to them by the International Committee of the Red Cross and their families, and ensure that they get legal advice and medical care.

Marios Matsakis, *on behalf of the ALDE Group.* – Mr President, human rights violations in Ethiopia are not a new thing. Nor is condemnation of these violations new. Twice in 2005 this Parliament passed resolutions on the situation in Ethiopia, and twice we were disappointed by the response. Recently the Ethiopian ruling regime undertook an alarmingly gigantic crack-down operation against political leaders, human rights defenders, independent journalists, NGO workers and young people voicing opposition to the government in Addis Abba. Thousands of civilians have been arrested and detained without trial. About 8 000 have now been released, but an unknown number still remain in custody.

We are also most concerned about troop movements on both the Ethiopian and Eritrean sides of the border. The fear of a new war is now real and the devastating hostilities of the recent past may once again become a nightmare reality of the present.

We call on the Ethiopian Government to respect the human rights of its citizens and we also call on both the Ethiopian and Eritrean Governments to show restraint, abide by the UN Security Council resolutions and, in the spirit of good faith, resolve their border differences peacefully.

I will conclude by saying that what we heard from Mrs Gomes was most disturbing and serious and I hope the Commission will be able to give answers to the questions she posed.

Alyn Smith, *on behalf of the Verts/ALE Group.* – Mr President, yet again we turn our attention to Ethiopia and yet again the situation has not improved and if anything got worse. Reports get worse and worse. We now hear that some eighteen thousand youths have been arrested in Addis Ababa and have been taken to an open field by the Dedesa River and imprisoned. It will need to be a very big field.

The Ethiopian authorities must be put under strong pressure by us to reveal how many of their citizens they are mistreating. This motion for a resolution has a number of ideas as to how, but I would be grateful for your update, Mr Commissioner, on what your plans are and what action you will be taking.

The government must disclose how many, particularly how many young people, have been imprisoned and how many killed. Also, what is the Commission's view of the prospective establishment of an independent commission of inquiry into this whole business?

We have much to do on this, colleagues, so I would, in closing – as I believe the last MEP speaker of 2005 – wish you all a restful holiday, a happy Hogmanay as we call New Year in Scotland, and I look forward to seeing you in 2006 when we will be able to redouble our efforts on this dreadful situation. –

Ryszard Czarnecki (NI). – (PL) Mr President, although I hope our wishes for a joyful Christmas will also reach the people of Ethiopia, I believe that the holiday season will be a sad time for many of them. I say this because a not insignificant number of Ethiopians are Christian, and Ethiopia, which is one of the two largest countries in Africa, has Christian roots. As I see it, this is a further reason why the many EU Member States that share these Christian roots should defend human rights in Ethiopia.

I trust the Commissioner will not act like a certain African bird today. I refer to the ostrich, which is known for its habit of burying its head in the sand. I hope that Mr Verheugen will speak boldly about the will and

determination of the European Commission and of the EU authorities to stand up for human rights in a country in which such rights are indeed being violated, whatever anyone may say.

I have faith that the Commissioner will do so, and this faith gives me hope. I should like to wish both him and the House as a whole a merry Christmas.

Günther Verheugen, *Vice-President of the Commission*. Mr President, the Commission is very concerned about the internal political developments in Ethiopia since the elections on 15 May. The democratisation process has come to a difficult crossroads.

The Commission condemns the killings of innocent civilians by the security forces on the streets of Addis Ababa and in other cities of the country in July and November. The arrest of thousands of people for sympathising with the opposition parties is unacceptable.

The Commission also condemns the arrest of opposition leaders who have completed three weeks of hunger strike, putting their lives in danger.

The Commission's concern has been expressed in writing by Commissioner Louis Michel, as well as in Addis Ababa by the European Union and United States' ambassadors, and by the Donor Ambassadors Group. The Ethiopian authorities have been duly notified of our concerns but have not yet reacted in a constructive manner.

As an immediate reaction to the events, the Commission and other donors have agreed to reconsider the implementation of development aid. Budget support is already delayed, whereas humanitarian aid, food aid and other programmes continue at present.

On the political front, the European Union Heads of Mission will launch a structured political dialogue with the Ethiopian Government, according to Article 8 of the Cotonou Agreement.

The Heads of Mission in Addis Ababa have proposed to the government a detailed structure for the dialogue and performance indicators to measure progress on the political and human rights situations. These indicators mainly relate to progress in the democratisation process, the respect for human rights and the rule of law, as well as issues of regional peace and stability.

At this stage, the Commission does not consider that consultations, as foreseen in Article 96, should be opened because there is still hope that political dialogue can achieve positive results.

In the longer term, the Commission will need to work on the strengthening of democratic institutions in Ethiopia and the promotion of open dialogue between the government and civil society.

Currently, the Commission is promoting the advocacy role of Ethiopian civil society with the aim of enabling them to play a stronger role in the democratisation process. In our view, these efforts must be continued, despite setbacks to the democratisation process.

On the Ethiopia/Eritrea peace process I would like to recall the European Union position on this matter. The European Union encourages the parties to abide by the Algiers Peace Agreement, as well as by the final and binding decision of April 2002 of the Ethiopia/Eritrea Boundary Commission. Eritrea and Ethiopia should respect and implement UN Security Council Resolution 1640(2005). Furthermore, the initiative is with the United Nations Security Council because the United Nations is the guarantor of the Algiers Peace Agreement and can enforce international law.

President. The debate is closed.

The vote will take place at the end of the debate.

Written statement (Rule 142)

Glyn Ford (PSE), *in writing*. I am concerned about the deteriorating situation between Ethiopia and Eritrea which threatens to lead to a new war. It took the Eritreans decades and the deaths of tens of thousands of freedom fighters to achieve independence. Since then the human rights situation in Ethiopia has remained dire, while in Eritrea it has deteriorated from adequate to very poor.

Nevertheless the shadow of conflict hanging over the region makes it even more difficult to see human rights significantly improve in either country. Therefore it is important that the Commission and Council press both countries to return to the troop deployment levels of 16 December 2004, and for Eritrea in particular

to reverse its decision to ban helicopter flights by the UN Mission in Ethiopia and Eritrea and to ask some members of the Mission to leave.

39. Voting time

President. The next item is voting time.

(For details of the outcome of the votes: see Minutes)

40. Human rights situation in Tibet and Hong Kong (vote)

Before the vote:

Glyn Ford (PSE). – Mr President, it was a request for a split vote on paragraph 14, but having discussed it with some of my colleagues from other groups, we can make it very simple. It is a split vote on the word 'address'. If that falls, then we will be able to support the resolution. It will then read: 'Urges the Conference of Presidents to invite His Holiness the Dalai Lama to the European Parliament during 2006'. I hope that split vote will go through so that we can support the resolution as a whole.

Elizabeth Lynne (ALDE). – Mr President, I just want to ask about the split vote from a procedural point of view. Is it in order to have a split vote when it has not been put in writing before the actual part-session begins? I just need a ruling on that and to know which rule you will be speaking to.

Bernd Posselt (PPE-DE). – *(DE)* Mr President, this matter should not be treated as more important than it is; the word 'Head of State' is nowhere to be found in the resolution. The Dalai Lama has addressed the plenary before, and we can, for once, leave the practicalities of the arrangements to the Conference of Presidents and the Bureau.

41. Human rights in Russia (vote)

42. Ethiopia and new border conflicts (vote)

President. That concludes the vote.

43. Decisions concerning certain documents: see Minutes

44. Written declarations (Rule 116): see Minutes

45. Forwarding of texts adopted during the sitting: see Minutes

46. Dates for next sittings: see Minutes

47. Adjournment of the session

President. I declare the session of the European Parliament adjourned.

(The sitting was closed at 4.20 p.m.)

ANNEX

QUESTIONS TO COUNCIL (The Presidency-in-Office of the Council of the European Union is solely responsible for these answers.)

Question no 24 by Adamos Adamou (H-1031/05)

Subject: Israeli violation of the Road Map and continued occupation and settlement

Parliament's Delegation for relations with the Palestinian Legislative Council recently visited the West Bank and the Gaza Strip.

From the contacts and meetings which the Delegation had with Palestinian and Israeli officials, it drew the conclusion that the withdrawal of the Israeli settlers from Gaza last summer and other measures, such as the construction of the wall - which is still going on - and the cutting-off of Jerusalem from the rest of the occupied Palestinian territories are unilateral acts carried out by Israel and not part of the Road Map or a new peace process, the aim of which is to establish a state of affairs which benefits the Israeli side alone.

How does the Presidency of the Council intend to help ensure that Israel ends its unilateral acts which leave the Palestinians in a 'fait accompli' situation, and how does it plan to help relaunch the peace process?

Answer

(EN)The Council welcomed Israeli withdrawal from the Gaza Strip, as a significant step towards implementing the Roadmap. It is essential that this delivers economic benefits to the Palestinian people. In this regard the Council welcomed the agreement on Movement and Access between Israel and the Palestinian Authority on 15 November. The Council has of course launched an ESDP mission to monitor the operation of the Rafah border crossing point between Gaza and Egypt and provided assistance to reinforce Palestinian border management capacities. We have urged the Israeli Government to cease all activities in the Palestinian territories in and around East Jerusalem, including settlement building, the construction of the separation barrier and the demolition of Palestinian homes, all of which are contrary to international law. Neither side should take actions what could prejudice final status negotiations. The EU has repeatedly called upon both Israel and the Palestinian Authority to meet their Roadmap commitments.

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Question no 25 by Bill Newton Dunn (H-1037/05)

Subject: Undemocratic lawmaking under the UK Presidency

The UK Council Presidency set up an 'ad-hoc group of experts' which drew up a set of 'Conclusions' on the introduction of biometrics (fingerprints) and an RFID chip into national ID cards.

It was intended to be adopted as an 'A' Point at the Justice and Home Affairs Council on 1-2 December.

'Conclusions' are 'soft-law', non-binding, and not subject to any national or European parliamentary scrutiny.

Does the President-in-Office of the Council agree that this is no way to bring in such a far-reaching policy, one which will affect millions of people? It is particularly objectionable that the Council is using a 'proper' EC committee to draw up the text of these Conclusions, without being accountable under the normal rules for these committees and exceeding the committee's powers as set out in legislation. This method of decision-making has no place in a democracy.

Answer

(EN)Conclusions on common minimum security standards for Member States' national identity cards were agreed on 1 December by the Member States of the European Union working together on an intergovernmental basis.

The Conclusions represent one element of work being taken forward on ensuring the security of travel and other identity documents. They respond to a specific mandate in the Hague Programme for the strengthening of freedom, security and justice in the European Union. In particular the Programme which called on Member States to prepare for the development of minimum standards for national identity cards, taking into account

International Civil Aviation Organisation standards. That mandate was reinforced at the special Council of 13 July, called in response to the London bombings. This Council called on Member States to agree on common standards for security features and secure issuing procedures for ID cards no later than this month.

The Conclusions adopted on 1 December meet this mandate. The working methods chosen in the preparation of the Conclusions reflected the intergovernmental nature of the task, something which was stressed at each stage of the process.

I would like to point out that the Conclusions themselves make clear that the mandate given to Member States by the Hague Programme and the 13 July Council related only to security standards, and not to any domestic uses of national identity cards. No legally binding standards or timetables were imposed. The Conclusions also make clear that they are not intended to affect the right of each Member State to decide whether or not to issue national identity cards, and whether to use biometric identifiers. The Conclusions therefore represent a recognition of the need for a coherent approach on the improvement of the security of identity cards, as is the case with other documents used for the purposes of travel.

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Question no 26 by Liam Aylward (H-1039/05)

Subject: Coastal erosion

In light of the outgoing problems relating to coastal erosion in Europe, is it not time to bring forward an EU-backed initiative to help communities most affected in the peripheral parts of Europe?

Answer

(EN)The honourable Member will be aware that the threat of erosion of Community coastal zones has been raised at EU level for a number of years. The European Parliament and the Council adopted a Recommendation in May 2002 which called on Member States to draw up national strategies to implement the principles of an integrated management of coastal zones. The Commission was asked to review the implementation of the Recommendation by 2006 and to submit to the European Parliament and the Council an evaluation report accompanied, if appropriate, by a proposal for further Community action.

In parallel, the Commission has reviewed measures to manage the risk of coastal erosion in the framework of the so-called EuroSION project.

Management of erosion will also be addressed in the Thematic Strategy on Soil Protection, which is expected to be submitted by the Commission to the European Parliament and the Council within the next few months.

The Council is reviewing the need for further steps in managing the risk from coastal erosion.

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Question no 27 by Brian Crowley (H-1041/05)

Subject: The Congo

Will the European Council make a statement on the present political situation in the Congo, focusing too on what support measures the EU is putting in place so as to help create peace in the region?

Answer

(EN)Earlier this week the Council adopted Conclusions in which it reaffirmed its commitment to a peaceful, democratic and prosperous DRC as part of a stable Great Lakes region.

The Council asked all parties to do their utmost to ensure a peaceful and successful outcome to the constitutional referendum taking place on 18-19 December.

It emphasised that it was vital that elections are held before June 2006. The EU has contributed substantial political, financial and technical support to the election process. It is crucial that the government sticks to the timetable and ensures the elections are free and fair.

It highlighted the importance of army reform to building the future stability of the country. The EU provides valuable support and technical advice to the Congolese through its security sector reform mission (EUSEC). The EU continues to urge the DRC Government to adopt the EUSEC recommendations.

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Question no 28 by Seán Ó Neachtain (H-1043/05)

Subject: EU regional advisory councils for the fishing industry

Can the European Council make a statement as to the progress being made to set up the different regional advisory councils for the fishing industry in Europe and whether it believes that these regional advisory Councils provide an adequate voice for fishing representatives to air their views concerning the operation of the Common Fisheries Policy?

Answer

(EN) There are currently three Regional Advisory Councils in operation. They are for the North Sea, the North Western Waters and the Pelagics, or shoaling fish, such as herring and mackerel. Two other Councils will soon be operational for the Baltic Sea and the South Western Waters. Two further Councils for the Mediterranean Sea and the High Seas may also be established.

Although still bedding in, the Regional Advisory Councils have taken a constructive role in discussions with stakeholders. The formal positions already produced by the Councils have had a real influence on the Commission's thinking and the Council's decision-making, for example on the Shetland Box, where it suggested limiting the number of larger fishing vessels (over 26m long) that could fish together in the area. The Commission will report to Parliament and the Council before 30 June 2007 on the functioning of the Councils and that should be the time to get a fuller picture of their impact.

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Question no 29 by Eoin Ryan (H-1045/05)

Subject: Information deficit

Can the European Council specifically state what it is doing to help redress the information deficit concerning EU issues within the different EU Member States, and in particular in Ireland?

Answer

(EN) In November 2004 the European Council underlined the responsibility borne by political authorities, both at national and European level, in communicating the relevance of the European Union and in involving Europeans in decision-making. In its conclusions of 10 December 2004 the Council pointed out that "it is for the Member States to provide information on the European Union" and indicated that Member States' activities carried out in this field would be "more effective if they are carried out in coordination with those of the Community institutions, which should produce comprehensive and objective basic information."

The Council provides EU citizens with access to a wide array of information sources on the role of, and in particular the legislative activities of the Council. Such information is provided in addition to the information provided by other EU institutions and bodies and by Member States.

The process of ratification of the Constitutional Treaty has provided an important opportunity to inform the public about European issues. Following the rejection of the Treaty in the referenda in France and the Netherlands, the European Council adopted a declaration in June calling for a period of reflection in order to "enable a broad debate to take place in each of our countries, involving citizens, civil society, social partners, national parliaments and political parties".

Pending the Commission White Paper on Communication and Democracy which was announced by the Commission as a follow-up to its contribution to the period of reflection (Plan-D), national debates have been or are being launched in order to raise the EU citizens' awareness.

Ireland played an active role in promoting the "Communicating Europe" initiative by organising the first informal ministerial Conference on this issue in April 2004. The successful experience of the National Forum

on Europe, established by the Irish Government in 2001 to debate Ireland's role in the enlarging EU and to discuss the future of Europe, is regularly cited as a model for the promotion of free exchanges of views.

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Question no 30 by Neil Parish (H-1050/05)

Subject: Vegetable oil fuel classification

In the context of EU Directive 2003/30/EC⁽²⁾, which states that vegetable oil can be used as a biofuel, can the Council explain its reclassification of crude vegetable oil as a fuel substitute from the earlier classification as a biofuel? How does the Council justify the subsequent increase in tax duty, which has had financially damaging effects on Oz Oils in Somerset and Plymouth Bio-Fuels Devon, especially when vegetable oil is environmentally friendly and in light of the fact that the Council biofuel use for 2005 has reached just 0.3% when the EU Biofuel Directive calls for 2%?

Answer

(EN)The Council acknowledges the importance of promoting alternative fuels, including "pure vegetable oil", and to that effect, together with the EP, adopted the Directive referred to by the MEP. Article 3 of this Directive sets a first reference value of 2% by 2005 for the national indicative targets to be adopted by Member States. The Directive clearly provides for the possibility of Member States adopting national targets deviating from the reference values, provided that this different action is motivated. It is for the Commission to ensure that these provisions are properly implemented.

The Directive does not in itself reclassify crude vegetable oil in any particular way.

The Energy Tax Directive laid down the rules governing taxation of vegetable oils. Vegetable oils are listed among energy products in this Directive and therefore should be taxed if they are intended for use as heating fuel or motor fuel.

In order to promote biofuels, the Directive allows Member States to apply an exemption or reduced rates of taxation (under fiscal control) on these products. Member States thus have the option to tax, or to tax at a reduced rate, or to exempt from tax, biofuels under certain conditions, notably to avoid overcompensation.

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Question no 31 by David Martin (H-1051/05)

Subject: Labour standards in possible GSP-plus countries

What assessment does the Council make of Labour standards in the 15 countries that have applied for GSP-plus?

Answer

(EN)One of the conditions for granting the Special Incentive Arrangement known as GSP+ is of course the ratification and effective implementation of the eight core ILO Conventions, along with the core UN human rights Conventions. The Commission is responsible for assessing compliance with the required Conventions under the comitology procedure set out in the Council Regulation on the GSP scheme⁽³⁾.

The Council is satisfied that all of the applicant countries have ratified and effectively implemented the core Conventions of the International Labour Organisation, with the exception of El Salvador, which has committed itself to sign and ratify the two outstanding Conventions before December 2006. It is covered by a derogation established in the Regulation. The final list of beneficiary countries will be published before the end of the year.

The Commission's assessment has taken into account the views of the relevant ILO supervisory committees. The Council welcomes the efforts made by applicant countries to comply with the requirements for GSP+

(2) OJ L 123, 17.5.2003, p. 42.

(3) Council Regulation (EC) N°980/2005 of 27 June 2005, OJ L 169, 30.6.2005, p. 1.

within the short deadlines established and will continue to monitor compliance until 2008. GSP+ beneficiary countries have also undertaken to ratify and effectively implement the entire list of 27 Conventions mentioned in Annex III of the GSP Regulation by 2008.

The Commission will present a report to the Council on GSP+ implementation of before the next GSP Regulation is discussed, including recommendations by monitoring bodies.

In the event of serious violations of core labour rights, GSP+ benefits and even the general GSP advantages may be temporarily withdrawn with respect of a country, on the basis of ILO assessments⁽⁴⁾.

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Question no 32 by Geoffrey Van Orden (H-1053/05)

Subject: EU flag on merchant shipping

In its press release concerning the Third Maritime Safety Package, the Commission stated that its objective was 'to require Member States to thoroughly check that ships flying their flags comply with international standards, and therefore to have a maritime administration which strictly applies the quality criteria. Stepping up responsibility in this way is the precursor to the future development of a European flag.'

Given the fact that Parliament threw out the previous Commission attempt to introduce the European flag in our merchant shipping, and given the outcry in response to this latest suggestion, can the Council guarantee that no further attempts will be made to replace or disfigure our national flags through the introduction of an EU symbol or flag on the merchant shipping of the European Member States?

Answer

(EN)The third maritime safety package, announced by Commission Vice-President Barrot to the press on 23 November, and which has not yet been officially transmitted to the Council, does not contain a proposal to introduce a European Flag.

As to former or future proposals for legislative measures, the honourable Member will be well aware of the fact that the right of initiative lies with the Commission, not the Council.

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Question no 33 by Proinsias De Rossa (H-1055/05)

Subject: Irish ferries

The EU and Member States are parties to the 1982 UN Convention on the Law of the Sea (done: Jamaica, 10 December 1982). Article 91 provides that: 'Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship'.

How is the requirement for the existence of a 'genuine link' between a flag state and a ship reflected in the relevant legislation of the EU? In particular, how are the provisions of Regulation (EC) No 789/2004⁽⁵⁾ of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community compatible with the Convention provisions? What steps does the Council propose to take to ensure that registers of Member States are not used to facilitate the registration of 'flags of convenience' in breach of the provisions of the Convention, including in particular Article 91 thereof?

⁽⁴⁾ In the past, this possibility has only been applied to Myanmar, in relation to the GSP general regime. See Council Regulation (EC) No 552/97 of 24 March 1997 temporarily withdrawing access to generalised tariff preferences from the Union of Myanmar (OJ L 85, 27.3.1997, p. 8).

⁽⁵⁾ OJ L 138, 30.4.2004, p. 19.

Answer

(EN)The question of the existence of a "genuine link" between a flag state and a ship is not a Community competence⁽⁶⁾. It is therefore not for the Council to comment on the subject.

The objective of the Regulation of the European Parliament and of the Council on the transfer of cargo and passenger ships between registers within the Community⁽⁷⁾ is to eliminate technical obstacles to the transfer of these ships between the registers of different Member States. It is, however, for the Member State of the receiving register to decide whether to grant a ship the right to fly its flag under the conditions it has defined. The two texts of the 1982 Convention and the Community Regulation are therefore perfectly compatible.

Any other measures or proposals on the question raised by the honourable Member would fall within the Commission's right of initiative.

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Question no 34 by Eva-Britt Svensson (H-1059/05)**Subject: Violations of human rights in Iraq**

The US alliance is unable to create the security promised to the population of Iraq. Furthermore, the alliance is using prohibited weapons, destroying the environment and violating human rights. In its capacity as occupying power, the USA bears a great responsibility for the abuse of prisoners committed by Iraqi police. In the light of such events, it is reasonable for the EU to mark its disapproval of these acts in vigorous terms and severely criticise the perpetrators.

What does the Council intend to do to persuade the US alliance to end its bombing of Iraqi towns, the destruction of the environment and the conditions under which people can live in Iraq, and to repair the damage which the US alliance has caused in Iraq.

What does the Council intend to do, within the EU and the UN, to take up the issue of the US alliance's use of prohibited arms and weapons of mass destruction, and the violations of human rights committed against Iraqi prisoners?

Answer

(EN)All EU Member States have ratified the 1980 UN Convention on Certain Conventional Weapons including its third protocol concerning incendiary weapons. The US is also a Party to the Convention and to the first two protocols, but has never ratified the third protocol. The EU attaches the greatest importance to the universality of and compliance with the Convention and all its protocols, as well as to any multi-lateral non-proliferation, disarmament and arms control instrument.

The EU condemns all instances of abuse whether by Iraqi police or other members of the security forces. For example, following the recent discovery of 173 maltreated Ministry of Interior detainees last month, the EU Presidency issued a statement condemning the abuses and welcoming Prime Minister Ja'afari's announcement of a full and transparent investigation. The EU will continue to exert pressure on the Iraqi government to ensure that this investigation is carried out and the perpetrators of this and other abuses are prosecuted.

On 7 November, the Council publicly expressed its concern about reports of human rights abuses by Iraqi security forces and urged the Iraqi Transitional Government to address all such allegations in a decisive and transparent manner.

However, the specific issue the honourable Member raises, the use of prohibited weapons by the Multi-National Forces in Iraq, has not been discussed by the Council nor by Council Working Parties. The circumstances surrounding the use, by the Multi-National Forces, of white phosphorous remains somewhat unclear. Whilst its use is subject to strict controls it is not prohibited under the Convention.

⁽⁶⁾ See declaration of competence of the European Community, annexed to Council Decision 98/392/EC of 23 March 1998 concerning the conclusion by the European Community of the United Nations Convention on the Law of the Sea), OJ L 179, 23 June 1998, p. 1.

⁽⁷⁾ (EC) No 789/2004

Security remains a real concern in Iraq. Mindful that the Multi-National Force in Iraq has been mandated to provide security under United Nations Security Council Resolutions 1546 and 1637, the EU has been playing a key role in providing assistance to the Iraqi Security Forces through rule of law training, under EUJUST LEX, and other police and security force training and capacity building. The Community is providing substantial assistance for the reconstruction of Iraq. During the period 2003-2005 Community assistance was of the order of EUR 520 million. This assistance is being disbursed to Iraq in close partnership with Iraq in accordance with Iraqi priorities.

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Question no 35 by Christopher Beazley (H-1066/05)

Subject: School fees

Would the Council please comment on the proposal of the British Government to impose financial penalties on Public Schools. Would the Council not agree that such a move would not only be highly damaging to the provision of education in the United Kingdom but is also in conflict with the EU's guiding economic principles of encouraging choice and openness?

Would the Council please give its view on whether this matter should be considered by the European Court of Justice and European Court of Human Rights?

Answer

(EN)The Council has never debated this question, as it is not within the sphere of competence of the European Union's institutions.

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Question no 36 by John Bowis (H-1069/05)

Subject: 'Year of Africa'

What has the Council done to give effect to the aims of the 'Year of Africa'?

Answer

(EN)The European Council on 16-17 June recalled the importance it attaches to relations between the European Union and Africa. The EU and its Member States agreed the collective goal of doubling development aid to Africa. The European Council also invited the Council to draw up a long-term global strategy towards Africa in light of the UN Summit, to be approved by the European Council in December.

The Presidency, the Commission and the High Representative have presented contributions to this strategy. A long-term and global strategy paper will be submitted to this week's European Council for adoption. It outlines a strategy for the next 10 years and will include long-term approaches to assist African efforts in the fields of peace and security, good governance and development, with a special emphasis on the promotion of the Millennium Development Goals.

Throughout the year, the EU has worked actively to promote peace, good governance, human rights and democracy in the countries and regions of Africa. The EU has supported a number of electoral processes with financial and technical assistance and in some cases (Ethiopia, Liberia and Burundi), through the deployment of electoral observation missions in the field.

The EU has also sustained its engagement in efforts to end the conflict in Darfur, tackle the humanitarian crisis there and promote lasting peace and sustainable development in Sudan as a whole through the implementation of the Comprehensive Peace Agreement. Substantial financial and technical assistance has been provided to the African Union in this regard. EU efforts have aimed to consolidate peace and build lasting stability in the Great Lakes Region. Particular emphasis is placed on encouraging an effective transition in DRC, including preparation for elections and on the success of the EU police and security sector reform missions. The EU has continued its efforts to build lasting peace and stability in the Mano River Union and to end the conflict in Côte d'Ivoire.

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Question no 37 by Rodi Kratsa-Tsagaropoulou (H-1071/05)**Subject: Increase in the use of drugs in the EU**

According to the latest data from the European Monitoring Centre for Drugs and Drug Addiction (Annual Report for 2005), drug use was at a record high last year. In particular, the use of cocaine and cannabis is the main and most alarming phenomenon. Moreover, drug use is concentrated in the 15-34 age group, among young people in urban areas. In the new Member States there is also a severe problem with substitutes.

Since the drug problem effects a wide area of Europeans' everyday lives (e.g. in France it is estimated that 40% of young people killed in car accidents had used cannabis), does the Council intend to promote a global, coordinated policy on drugs and their consequences? Given that the data shows that there is a strong link between cocaine use, heart problems and other diseases, will the Council ask the Commission to promote scientific research programmes and information campaigns on all the health risks entailed by the use of drugs?

Answer

(EN)The Council thanks the honourable Member for her attention to this important question.

The Council agrees that this is a worrying trend and hopes that the EU Drug Strategy, which runs from 2005 to 2012 will go some way to addressing this problem. The European Council endorsed this Strategy in December last year.

The EU Drug Strategy is designed to work alongside, and add value to, national strategies. It also outlines the ways in which national strategies can contribute to the EU strategy. Issues such as international co-ordination and research into drug use are also integral parts of the Strategy.

The EU also uses information and prevention campaigns as a tool to tackle the problem of drug use. These projects complement the action being taken by individual Member States in helping to reduce drugs-related health problems.

The drugs problem is a global issue. The EU therefore attaches great importance to international coordination and initiates action and dialogue on drugs with other regions of the world.

The EU Drug Strategy sets the framework, objectives and priorities for two consecutive four-year Action Plans to be brought forward by the Commission. The main objective of the current EU Drugs Action Plan, which runs from 2005 to 2008, is to reduce the prevalence of drug use among the population and the social harm and damage to health caused by the use of and trade in illegal drugs. This Action Plan was endorsed by the Council in June this year.

The Action Plan also contains specific actions on the promotion of scientific research programmes and targeted information campaigns.

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Question no 38 by John Purvis (H-1075/05)**Subject: Corporate tax rates**

What is the average rate of corporate tax in the European Union and to what extent does the Council consider that the level of corporate tax is an important factor in the success or failure of the Lisbon agenda?

Answer

(EN)The Commission Communication, "Towards an Internal Market without Tax Obstacles" provides information on the average rate of corporate tax in the European Union.

To date, the Council has not expressed any position on whether the level of corporate tax is an important factor in the success or failure of the Lisbon agenda.

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Question no 39 by Luis de Grandes Pascual (H-1076/05)**Subject: Fuel prices**

The Council of Transport Ministers on 6 October asked the Commission to draw up various initiatives to alleviate the impact of oil prices on the road-transport sector. In particular there was a proposal regarding diesel fuel for professional use and another for the introduction of price review clauses in the area of road-transport services.

Can the Council say which delegations backed the proposals? Does it have an idea of the timetable for their adoption?

Answer

(EN)At its meeting of 6 October the Council took note of a submission by the French delegation concerning the impact on road transport of the rise in the price of fuel and the reply given by the Commission, indicating its intentions and actions in this respect.

The honourable Member will be well aware that the right of initiative lies with the Commission and no specific proposal has so far been presented on diesel fuel for professional use.

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Question no 40 by Barbara Kudrycka (H-1079/05)**Subject: Ratification of the Hague Convention**

The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children entered into force on 1 January 2002. It applies to 6 of the 25 Member States - those who ratified it before their accession to the Union.

On 22 October 2003, European Parliament adopted at first reading the report on the Commission proposal authorising the Member States to ratify that Convention in the interests of the European Community. The legislative process is still unfinished.

Does the Council support the accession of the Member States to this Convention? When might the Council complete its work thereon?

What impact has the postponing of this decision had on the credibility of the external dimension of the EU's Justice and Home Affairs policy, on the credibility of the EU Strategy to shape this policy and on the standing of the EU and Member States in the Hague Conference on International Private Law?

Answer

(EN)The Council refers the honourable Member to the reply given to question H-0322/05 at the May 2005 session.

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Question no 41 by Malcolm Harbour (H-1080/05)**Subject: Single market**

In the Council's view, what progress in strengthening the single market has the UK Presidency made to date?

Answer

(EN)The internal market, competitiveness and the Lisbon agenda have been priorities for the Council under the United Kingdom Presidency. We have made good progress both on horizontal issues such as better regulation and on individual dossiers.

In the area of better regulation the Parliament, the Council and the Commission recently reached agreement on a common approach to the use of impact assessments. This represents an important step towards a more effective legal framework. Simplification of existing legislation has been another important topic in the

Council under the UK Presidency, with the aim of speeding up ongoing work both in the Union and at national level to improve the functioning of the internal market.

As regards specific dossiers which have received particular attention under the UK Presidency, we secured political agreement on the REACH proposal on chemicals yesterday. Technical work on clarifying the provisions of the draft Directive on Services has advanced well and a number of first-reading agreements between Council and Parliament have been reached in key sectors such as company law and technical harmonisation in particular agreement on the machinery directive and 4th/7th and 8th company law directives.

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Question no 42 by Diamanto Manolakou (H-1082/05)

Subject: White phosphorus bombs in Iraq

Allegations have come to light that US military forces used white phosphorus bombs in Iraq to crush the resistance in Fallujah in 2004, causing the horrific death of hundreds of women and children. White phosphorus is a chemical normally used to illuminate enemy positions because, when it explodes, it produces a great flash of thermal energy and anyone exposed to it is totally consumed or suffers irreversible burns to the skin. The use of this weapon is prohibited by the Geneva Convention and the UN has already expressed its concern at its deployment.

Does the Council intend to condemn this inhuman act by the USA, which has not denied using this weapon? Does it consider acceptable the USA's view that this weapon is not classed as a chemical weapon but as a conventional weapon and can, therefore, be used even against the civilian population? Will the Council intervene effectively to prevent the Iraqi civilian population being used as guinea pigs for the arms industry?

Answer

(EN)The honourable Member will know that the prohibition or restrictions on the use of incendiary weapons, including white phosphorous bombs, are governed by the third protocol of the 1980 UN Convention on Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects. This protocol prohibits the use of incendiary weapons in locations where there is a concentration of civilians.

All EU Member States have ratified this Convention and its third protocol. The US is also a Party to the Convention and to the first two protocols, but has never ratified the third.

The issues raised in the honourable Member's question have not yet been discussed by the Council nor by Council Working Parties. Certainly, the EU attaches the greatest importance to the universality of and compliance with the Convention and all its protocols, as to any multilateral non-proliferation, disarmament and arms control instrument. Any EU initiative would be taken in the light of this fundamental guideline of EU foreign policy.

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Question no 43 by Pedro Guerreiro (H-1083/05)

Subject: Situation of the textile and clothing sector

In view of the current round of WTO negotiations (in particular as regards market access for non-agricultural products, including textiles and clothing), the recent agreement between the United States and China on textiles and clothing (which applies to 34 categories and is valid until 2008) and the steady increase in textile and clothing imports into the EU (which faces the risk of import quotas being exceeded again), does the Council not consider that measures must be taken as a matter of absolute urgency to protect this important industry in the European Union, in particular by: activating the safeguard clauses for all products whose import levels have already exceeded the alert levels, renegotiating the agreement concluded with China with a view to including new categories and reducing import growth levels, and renegotiating the liberalisation of the sector within the WTO?

Answer

(EN)The honourable Member is certainly well aware of the overall institutional architecture in trade policy. This is an area that lies within the sphere of competence of the Commission. I would like to react to the questions concerning the Council's position.

Firstly, on safeguard clauses and their activation, the Council is not called upon to act in this area. The Commission's Guidelines on these clauses state that the first step in triggering the safeguards can be taken on the Commission's own initiative or at the request of a Member State.

Secondly, concerning the re-negotiation of the Memorandum of understanding agreed between the Commission and the Chinese government in June and the subsequent additions agreement made in September. They reflect negotiations with the Chinese and the difficult balance the Commission had to strike between retailer, importer, producer and consumer interests.

Finally, any future renegotiations of the WTO agreement would require a Council mandate. The Commission plays its role in the ongoing WTO DDA negotiations on the basis of a Council mandate and to date, renegotiation of the expiry of the Agreement on Textiles and Clothing or a return the situation prior to liberalisation of the sector has never been part of this mandate.

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Question no 44 by Tobias Pflüger (H-1085/05)**Subject: EU payments to NATO in connection with ALTHEA**

How many million euros have the EU and the EU Member States paid over to NATO in return for the use of NATO capabilities in connection with the EUFOR operation ALTHEA?

Answer

(EN)According to Article 28 of the Treaty of the European Union, EU operations having military or defence implications cannot be financed out of the Community budget. For that reason, the Council established in 2004 the ATHENA mechanism, a mechanism to administer the financing of the common costs of EU operations having military or defence implications.

The costs are borne by the Member States contributing to operation Althea.

Pursuant to the Berlin+ arrangements, NATO can be refunded for incremental costs incurred by the use of NATO common assets and capabilities. It is not possible to offer figures for the overall incremental costs to be charged by NATO for operation Althea.

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Question no 45 by Ryszard Czarnecki (H-1086/05)**Subject: Strategy for countries with a high percentage of immigrants**

Is the Council planning a common strategy for countries with a large percentage of immigrants, in order to guard against events such as those that took place recently in France?

Is there any reason to believe that disturbing events of this kind might also occur in other countries, particularly in the 'old' Union?

Answer

(EN)The honourable Member will be aware that the Union promotes cooperation on policies relating to integration of third-country nationals, irrespective of the proportion of third-country nationals residing in the Member States.

While the Member States are, and remain, primarily responsible for the adoption and implementation of their national integration policies, the Union intends to provide support to them, in particular by promoting the exchange of experience and best practice. Effective integration of migrants is an ongoing challenge for all Member States, which is why it is so important to share best practice on this issue.

The Council adopted Conclusions on the establishment of Common Basic Principles for immigrant integration policy in the European Union in November 2004. These conclusions identify eleven principles on which the Member States are invited to build their integration policies.

Moreover, the Hague Programme for strengthening freedom, security and justice in the European Union, which was approved by the European Council in November 2004, invited Member States, the Council and the Commission to promote the structural exchange of experience and information on integration, supported by the development of a widely accessible website on the Internet.

This month the Council adopted Conclusions on integration. These Conclusions, which build on the Commission Communication A common Agenda for Integration of Third-Country Nationals in the European Union, call for reinforcing cooperation in this area, in particular via the network of National Contact Points on Integration.

This network, established in 2003 and supported by the Commission, has played an important role in the framework of the exchange of information and best practice, and provided very valuable contributions to the drafting of the 'Handbook on integration for policy-makers and practitioners' published by the Commission in 2004. A second Handbook, which will address issues not covered in the first Handbook, is expected in 2006.

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Question no 46 by Leopold Józef Rutowicz (H-1090/05)

Subject: Fuel prices

There is expected to be a sharp rise in world fuel prices, which could damage the European economy and export sector. With a view to guarding against such a situation, the European Union should ready itself to make the greatest possible use of bio-fuels and of existing coal deposits. It could, for instance, make use of German industry's past experience in the production of liquid and gaseous fuels from coal and the research carried out in this area in Poland.

Are there any European Union programmes that seek to ensure the supply of liquid and gaseous fuels from existing coal deposits and biomass in the event of the collapse of the fuel market and a sharp rise in fuel prices?

Answer

(EN)The Council is well aware of the uncertainties likely to affect the fuel market in the short to medium term. It supports an active policy of supply diversification, both of supply countries and regions and fuels, including fuels of domestic origin. It also promotes energy efficiency.

The Council, together with the Parliament, adopted a Directive⁽⁸⁾ on the promotion of the use of biofuels or other renewable fuels for transport, which explicitly set targets for the minimum proportion of biofuels and other renewable fuels that Member States should place on their markets by certain deadlines. Biofuels are further supported in the framework of an Action Plan on Biomass, adopted by the Commission on 7 December; this plan should reduce Europe's dependence on imported energy, cut greenhouse gas emissions, protect jobs in rural areas and extend the EU's technological leadership in these sectors. The measures in favour of transport biofuels, in particular, are a practical response to the problem of high oil prices.

The Council has long recognised the value of maintaining, as a precautionary measure, a minimum quantity of indigenous coal production to guarantee access to reserves and adopted a Regulation⁽⁹⁾ on State aid to the coal industry.

As the honourable Member notes, several Member States are already engaged in R & D projects on the production of liquid and gaseous fuels from coal. Such projects are also supported by the Community, in particular under its Framework Research Programme.

⁽⁸⁾ 2003/30/EC

⁽⁹⁾ 1407/2002

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Question no 47 by Ivo Belet (H-1098/05)

Subject: Sale of Belgian F16s to Pakistan via the USA

Belgium is currently negotiating with the United States concerning the sale of twenty F16s. As the USA has promised Pakistan 76 fighter aircraft, it is therefore very likely that the Belgian jet fighters will end up in Pakistan.

Like its neighbour India, Pakistan has not signed the Non-Proliferation Treaty and has developed nuclear weapons. The two countries are involved in a nuclear arms race.

What view does the Council take of the possibility of this sale, and would it not contravene the EU Code of Conduct on Arms Exports?

Answer

(EN)As the honourable Member rightly implies, the responsibility for granting or refusing applications for licences to export military equipment lies with Member States. In certain cases, end-use certificates are required by licensing authorities to assist assessment of the licence application. Member State licensing authorities assess export licence applications against the criteria contained in the EU Code of Conduct on Arms Exports.

The possibility of the ultimate transfer to Pakistan of the items the sale of which Belgium is currently negotiating with the United States has not been brought to the attention of the Council, nor has it been discussed in any of the Council bodies.

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Question no 48 by Timothy Kirkhope (H-1100/05)

Subject: The British Presidency of the EU

With regard to the period from 1 July 2005 to the date in which the Council answers this question - and given the new system of consulting all other Member States before an answer is submitted - what successes and failures of the British Presidency can the Council identify?

Answer

(EN)The UK Presidency inherited a number of challenges, such as the rejection of the EU Constitutional Treaty by France and Netherlands in national referendums, and the failure to secure agreement on 2007-2013 budget under the Luxembourg Presidency.

The UK Presidency has already made progress, including opening accession negotiations with Turkey and Croatia on 3 October; driving ahead the fundamental debate over the Future of Europe, with the Hampton Court Informal Summit, which agreed on new work to meet the challenges of globalisation; taking practical steps on economic and social reform, including agreeing to reform the EU Sugar Regime, agreeing a compromise text on REACH, endorsing the EU Financial Services Action Plan and taking forward better regulation; agreeing a new EU Counter-Terrorism Strategy and the Council has agreed the text of a Directive on data retention. This Presidency has also seen the launch of an ESDP mission to monitor the Rafah border crossing and a monitoring mission in Aceh.

I welcome the cooperation that the Presidency has enjoyed with the Parliament in pursuing so many of these measures. Head of Government will discuss the budget at the European Council tomorrow and Friday. I hope very much that we will be able to reach a deal.

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Question no 49 by Robert Atkins (H-1101/05)**Subject: Membership of the euro**

To what extent does the Council consider membership of the euro - in principle - to be permanent and irrevocable?

Answer

(EN)The terms of membership of the single currency for Member States are set out in Article 4 and Articles 116 through to 124 of the Treaty establishing the European Community.

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Question no 50 by Nirj Deva (H-1102/05)**Subject: Achievements on development in Africa**

The UK Presidency stated that one of its top priorities was the development of a long-term strategy for Africa, building on the EU's historic commitment to double ODA. This would be centred on governance, peace and security, access to basic services, growth and trade and would be emphasised at the UN Millennium Review Summit in New York in September, 2005.

To what extent does the Presidency believe it has been successful in achieving these aims? To which hard facts can the Council point which illustrate the Presidency's achievements in this priority area? What shortcomings and failures does the UK Presidency identify in this specific policy area?

Answer

(EN)The 16-17 June European Council, recalling the importance of relations between the EU and Africa, invited the Council to draw up a long-term global strategy towards Africa in the light of the UN Summit, with a view to the European Council in December. I very much hope and expect that such a strategy will indeed be adopted at this week's European Council.

The objective of the strategy will be to establish clear priorities for EU action in order to assist African efforts to promote development, peace and security and good governance, including through the achievement of the Millennium Development Goals, building on the principles of partnership and mutual accountability. The Strategy will set out a medium and long-term perspective, including measures to be taken during the next 10 years.

The Strategy will draw on various elements, most notably the European Commission's "EU Strategy for Africa: Towards a Euro-African pact to accelerate Africa's development" of 12 October, and a contribution to the Strategy from the High Representative for CFPS, principally focussed on issues related to peace and security and governance, as well as contributions from Member States.

As a part of this process, on 22 November the Council adopted Conclusions on an EU Strategy for Africa. In these conclusions, the Council called for a comprehensive strategy, based on shared values and agreed UN principles, which includes development, security and human rights, and which, covering all African countries, entails a prioritised approach aiming at the promotion of peace and security and sustainable economic and social development in Africa.

The UN Millennium Review Summit on 14-16 September welcomed the decisions taken by the EU in support of Africa's development efforts.

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Question no 51 by Den Dover (H-1103/05)**Subject: Reduced VAT rates**

Why has the Presidency not made any progress towards securing unanimous agreement in Council to renew or to make permanent Directive 1999/85/EC⁽¹⁰⁾ which allows Member States to apply reduced VAT rates to renovation and maintenance work on residential property?

How well would such a VAT-incentive scheme, encompassing both renovation and maintenance work on residential dwellings and energy-efficient building work, complement the Lisbon Strategy on jobs and the EU's aim to cut carbon emissions while maximising energy efficiency?

To what extent does the Presidency agree that such a provision should cover the alteration of buildings to meet the special requirements of vulnerable people, such as the old and the disabled?

What interim measures will the Presidency propose both now and to the next Presidency with a view to ensuring that homeowners and construction companies are protected from additional VAT in the event that Council fails to reach an agreement before the Directive expires on 31 December 2005?

Answer

(EN)The Presidency has made substantial efforts to arrive at a compromise solution on the question of the application of reduced VAT rates, including on renovation and maintenance work on private dwellings. Several Member States have reported positive employment effects resulting from such reduced VAT rates.

At the Council of 6 December it was agreed to submit the issue to the European Council of 15 and 16 December with a view to reaching an agreement.

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Question no 52 by Jonathan Evans (H-1104/05)**Subject: Economic growth rates**

What was the average difference in growth rates during the past five years between the 12 Member States of the eurozone and the three (UK, Denmark and Sweden) which opted not to join the single currency?

Answer

(EN)The information requested is public and is available on the Eurostat Internet site. For the period 2000 to 2004, the growth in combined GDP of Sweden, Denmark and the UK was 0.4% more than the rate of growth of the combined GDP of the countries within the Eurozone.

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Question no 53 by Raül Romeva i Rueda (H-1105/05)**Subject: Renewal of British and French nuclear weapons**

In May, it was revealed that the UK Prime Minister, Tony Blair, had decided to replace the Trident missile submarines by a new generation of nuclear weapons, although Trident's life could be extended for 20 years. Britain's nuclear weapons factory at Aldermaston has been given a GBP 2 billion budget for the next three years. This follows the earlier decision taken by France to replace its M-45 nuclear missile by new M-51 models by 2010.

What could be seen as falling within the exclusive competence of national governments would have considerable consequences for the EU as a whole. Such enhanced nuclear armaments would clearly discredit E3/EU efforts to convince Iran and others to refrain from acquiring nuclear weapons and the EU position in favour of the establishment of Nuclear Weapons-Free Zones in various parts of the world. It would also devalue the position of most EU Member States, who wish to see an end to the nuclear weapons threat, and the EU's longstanding support for the international rule of law, including the illegality of nuclear weapons.

⁽¹⁰⁾ OJ L 277, 28.10.1999, p. 34.

How does the EU Presidency respond to views that see the British Government's move as being in breach of Article VI of the NPT treaty⁽¹¹⁾? How can the EU Presidency justify its intentions, given serious threat of a complete breakdown of the worldwide nuclear weapons control regime and of a nuclear arms race, in the light of the failure of the NPT review conference and the UN Reform Summit?

Answer

(EN)The EU supports the integrity of the Nuclear Non-Proliferation Treaty and has adopted a substantial and comprehensive Common Position in preparation for the 2005 NPT Review Conference, which has been welcomed by many experts.

Article VI of the Treaty represents the essential basis for the pursuit of nuclear disarmament. The EU acknowledges the reductions in nuclear armaments since the end of the cold war, including those undertaken in EU Member States equipped with nuclear weapons. It underlines the necessity of a reduction globally of nuclear arsenals in the pursuit of systematic and progressive efforts towards nuclear disarmament.

As the honourable Member rightly points out, questions related to the possible modernisation of some of their nuclear weapons fall within the exclusive competence of national governments.

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Question no 54 by Andreas Mölzer (H-1107/05)

Subject: Council Presidency Internet site

Some 20.4% of the 455 million EU citizens have German as their mother tongue. It is all the more surprising, therefore, that the request made by the Verein Deutscher Sprache (German Language Association) (22 000 members) that the UK Council Presidency should run an Internet site in German was rejected. By way of comparison, French (14.3%) and English (13.9%) are much less well represented as mother tongues among EU citizens. According to information from the Commission, there are no rules governing the Council Presidency's Internet site. Proper use should therefore be made of the Internet as a simple and cheap means of communicating directly with members of the public, in keeping with our understanding of how modern democracies should work.

Why did the UK Council Presidency set up its Internet site only in English and French? When it next holds the Presidency, does the United Kingdom also plan to communicate via its homepage in German, one of the 'main EU languages'?

Answer

(EN)The websites run by a Member State holding the Presidency of the Council are set up, financed and managed under the responsibility of that Member State, and not the Council.

The current Presidency website has been provided in English and French in accordance with well established precedent that such websites are produced in English, French and the national language of the Member State holding the Presidency, if different. At this stage the UK has not made any decisions regarding its website for its next EU Presidency, which is after all, a few years away.

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Question no 55 by Athanasios Pafilis (H-1109/05)

Subject: Life of Lithuanian political prisoner Burokevicius at risk

78-year-old Mykolas Burokevicius, who has been held in prison in Vilnius for 12 years for his political views and activities, underwent a complicated heart operation on 25 November. The authorities, however, demanded on 29 November that he be transferred back to prison despite the obvious risks that would entail for his health. Moreover, the unjust and unjustifiable sentence imposed on him expires on 14 January 2006.

⁽¹¹⁾ Article VI of the NPT obliges each of the Parties to the Treaty to undertake 'to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control'.

What steps will the Council take to ensure that the life of Mr Burokevicius is not endangered and that the Lithuanian authorities retract their decision to hasten him back to prison, a decision which is tantamount to an attempt physically to exterminate a communist leader whose only offence, for which he was in effect convicted, is his refusal to sign a recantation.

Answer

(EN)The Council has never debated this question, as it is not within the sphere of competence of the European Union's institutions.

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QUESTIONS TO THE COMMISSION

Question no 61 by Gay Mitchell (H-1005/05)

Subject: Road safety

The statistics of the Community Road Accident Database show that on average the number of males killed on our roads is almost triple the number of women. The Verona Declaration, which was articulated in the presence of Mr. Barrot's predecessor, Ms de Palacio, stressed the need for a pro-active policy to 'discourage those behaviours and expressions of popular culture' which are contrary to a 'safety-orientated culture?'. What specific action is the Commission taking to encourage a greater culture of safe driving among men, particularly young men?

Answer

(FR)The Commission can confirm that three out of every four victims of road accidents are men. Some even more shocking statistics could be cited, such as the fact that young adults (persons aged between 18 and 25) account for 23% of the total number of road accident deaths, although they make up only 10% of the population.

There are three areas in which action can be taken to improve road safety: road infrastructure, vehicle design and driver behaviour. The European Community and its Member States implement measures in all these areas, in keeping with their powers, but the area which offers the greatest potential for improvement is that of driver behaviour.

The European Community has already taken a number of measures in that area, of which the most important are:

- a directive, adopted in 2003, which requires the Member States - by 2006 at the latest - to make the use of seatbelts compulsory in all vehicles, including coaches, and to make the use of specific child-restraint devices compulsory;
- a recommendation concerning the best practices to be employed with a view to curbing the most dangerous forms of behaviour (excessive speed, drink-driving and failure to wear a seatbelt);
- a guide to the best practices to be employed with a view to educating children and young people, in the form of a handbook and recommendations to incorporate road safety into the school curriculum, from primary school to the end of secondary education;
- substantial financial support for several pan-European campaigns, including 'EuroBOB' (the designated driver, who stays sober), 'EUCHIRES' (seatbelts and child-restraint devices) and the campaigns conducted by the Red Cross, directed at children on holiday.

The target set in the White Paper on European transport policy and endorsed by the European Union is to reduce the number of road deaths from 50 000 in 2001 to fewer than 25 000 in 2010. The figure for 2005 is 41 000. The progress is encouraging, but further efforts are needed at all levels: European, national or federal, local and in firms.

Over the next few months the Commission will present a mid-term review of the measures taken. That review will indicate the measures still to be presented at European Community level with a view to achieving the joint objective referred to above.

Question no 62 by Robert Evans (H-1010/05)**Subject: Airline insolvency**

Has the Commission completed its study into the issue of airline insolvency due by the end of August? What were the key conclusions and recommendations and when might these be implemented? Will a copy of the study be placed before the Parliament?

Answer

(FR)The Commission has just received the final report (prepared by Oxford University) on the functioning of the internal market in air transport services, which deals in particular with the issue of the insolvency of airlines which declare bankruptcy. The Commission is currently analysing the report and considering the action to be taken on it. The report will shortly be made available on the Commission's website and placed before Parliament.

An initial analysis highlights the fact that the vast majority of bankruptcies occur during the early stages of an airline's existence. Over the period 2000-2004, out of a total of 60 airline bankruptcies more than 50% occurred during the first four years of activity on the air transport services market, and half of those during the first year of the airline's existence.

The report also analyses the problems faced by passengers left stranded following the bankruptcy of an airline. Between 300 and 1500 passengers were affected in the worst cases. Happily, the number of passengers forced to organise their own return journeys was not so high: either the bankrupt airline's competitors flew the passengers home, or, in some other cases, the State took responsibility for repatriating them, in particular if the bankrupt airline had an obligation to provide a public service.

On the basis of the report, the Commission intends to improve the situation regarding airline bankruptcies, for example by making the conditions governing the award of operating licences more stringent or by monitoring airlines' economic performance more closely.

A legislative proposal might be presented as part of the 2006 work programme, which is set to include an updating of the legislation underpinning the European air transport services market.

Question no 63 by Mairead McGuinness (H-1014/05)**Subject: The operation of foreign-registered vessels in EU waters**

The issue of 'outsourcing' has become commonplace in the transport sector. This reflects modern business trends, and this phenomenon is evident in a wide range of sectors of Europe's economy. However, the outsourcing of crews working on ferries, where the ferry in question is registered outside the EU, highlights a serious anomaly with regard to the rights of persons working in this part of the transport sector. In particular, the flag state (i.e. the state where the ship is registered) has the exclusive right to exercise legislative and enforcement jurisdiction over its ships on the high seas. Therefore, the terms and conditions of employment on foreign-registered ships are a matter for the flag state, in accordance with international maritime law and practice. This situation brings the existing labour legislation of the EU and its Member States into disrepute.

In December 2004, the Commission published a working paper on a possible European-level social partner agreement on manning conditions for ferries. Can the Commission clarify what steps have been taken since the publication of this working paper and whether it intends to submit a proposal for legislation in this area?

Answer

(EN)As the honourable Member has pointed out, in December 2004 the Commission reopened discussions between the social partners on conditions of employment for crews of vessels providing passenger and ferry services within the Community, with a view to the possible conclusion of an agreement on the basis of Article 139 of the Treaty.

Discussions have been taking place since that date, but have not yet been concluded. For its part, the Commission does not intend, at this stage, to submit a new legislative proposal in this area.

Question no 64 by Ewa Hedkvist Petersen (H-1022/05)**Subject: Infrastructure safety**

Given the further delay of the Mid-term Review of the Third Road Safety Action Programme, is the European Commission still committed to achieving the EU target of halving road deaths by 2010 and proposing road-safety-relevant legislation including infrastructure management?

In the Third Road Safety Action Programme, the Commission committed itself to submitting a proposal for a framework directive on infrastructure safety and to drawing up technical guidelines for low cost infrastructure measures, audit methods, urban safety management, speed moderation techniques and forgiving roadsides.

In light of the fact that road infrastructure improvements can make a significant contribution towards reducing the frequency and seriousness of road traffic accidents and can thereby represent an important step forward in reaching the EU target, when does the Commission intend to come forward with this long-awaited infrastructure package?

Answer

(FR)Everyone in the EU of 25 Member States subscribes to the goal of reducing the number of deaths from 50 000, which was the figure in 2001, to less than 25 000 in 2010. So far in 2005 there have been 41 000 deaths. This is encouraging progress, but greater efforts will be needed at all levels, whether European, national, federal or local or within businesses.

In the near future, the Commission intends to present a mid-term review of the implementation of the 2003 Road Safety Action Programme. This review could provide a starting point for the Commission to prepare a proposal for a directive, calling on the Member States to ensure that the safety of trans-European network infrastructures is taken into account, starting from the planning and design stages and continuing through to the operational stage. This could be translated into concrete terms by putting in place a comprehensive system for road infrastructure safety management.

More generally, the mid-term review will also include other information and proposals regarding the contribution that the Community could make towards the shared objective of halving the number of road deaths by 2010.

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Question no 65 by Arunas Degutis (H-1029/05)**Subject: Third Railway Package**

In 2001, the European Commission published the White Paper entitled: 'European Transport Policy for 2010: time to decide' which includes an ambitious target for revitalising the European railways system. This challenge was met by the adoption of the First and Second Railway Packages. Then, moving further, the Commission presented a Third Railway Package. I welcome and support its efforts to create a genuinely common EU railway market through the gradual liberalisation of the railway market. However, the recent enlargement of the European Union has changed the geography of the EU's internal market in such a way that application of the rail-freight liberalisation Directive 2004/51/EC⁽¹²⁾ might be very controversial and even counter-productive. Did the European Commission consider the specific situation of the railway sector, in the context of the recent EU enlargement from 15 to 25 Member States, and, in particular, any possible implications for Lithuania before submitting the Third Railway Package?

Answer

(FR)The Commission is closely following developments in the railway sector, in particular in the new Member States. It is paying special attention to the potential impact of the total opening up of the market for rail freight services in 2007 as a result of the implementation of Directive 2004/51/EC. The Commission is also following developments in the market in the Baltic States, where the railway sector is unquestionably a success story since rail freight enjoys a market share of over 50%. There is also a consistently high level of interest among foreign investors in the sector, unlike in other countries. The likely effect of such investments,

⁽¹²⁾ OJ L 164, 30.4.2004, p. 164.

which take the shape of new railway companies in these Member States, is to stimulate the sector, and they provide a source of additional income for the beneficiary countries.

It should be noted, however, that the policy of establishing a common railway area in the European Union is primarily targeted at traffic within the Community. Its aim is not to provide benefits to traffic that is merely transiting through the EU if nothing is offered in return.

Documents outlining this approach were discussed within the Council during the first reading of the proposal to open up the market for international passenger services, which formed part of the Third Railway Package, and an effective solution, which is compatible with the Community's international commitments and which avoids any discrimination, was reached by the Council when it adopted a political agreement on the Third Railway Package during its meeting of 5 December 2005.

The Commission believes that this solution, which applies primarily to the transit of goods, is also compatible with the provisions adopted in order to facilitate the transit of passengers to Kaliningrad via Lithuania.

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Question no 66 by Geoffrey Van Orden (H-1054/05)

Subject: EU flag on merchant shipping

In its press release concerning the Third Maritime Safety Package, the Commission stated that its objective was to require Member States to thoroughly check that ships flying their flags comply with international standards, and therefore to have a maritime administration which strictly applies the quality criteria. Stepping up responsibility in this way is the precursor to the future development of a European flag.

Given the fact that Parliament threw out the previous Commission attempt to introduce the European flag in our merchant shipping, and given the outcry in response to this latest suggestion, can the Commission guarantee that no further attempts will be made to replace or disfigure our national flags through the introduction of an EU symbol or flag on the merchant shipping of the European Member States?

Answer

(EN)The proposal for a Directive on the conformity requirements of flag states, addressed to the European Parliament and the Council, does not provide for the adoption of a European flag but contains measures which it is hoped will lead to the establishment of a high-quality European fleet.

It has never been the Commission's intention to abolish Member States' flags or replace them by a European flag.

Question no 67 by Proinsias De Rossa (H-1056/05)

Subject: Irish ferries

The EU and Member States are parties to the 1982 UN Convention on the Law of the Sea (done: Jamaica, 10 Dec 1982). Article 91 provides that: 'Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship'.

How is the requirement for the existence of a 'genuine link' between a flag state and a ship reflected in the relevant legislation of the EU? In particular, how are the provisions of Regulation (EC) No 789/2004⁽¹³⁾ of 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community compatible with the Convention provisions? What steps does the Commission propose to take to ensure that registers of Member States are not used to facilitate the registration of 'flags of convenience' in breach of the provisions of the Convention, including in particular Article 91 thereof?

⁽¹³⁾ OJ L 138, 30.4.2004, p. 19.

Answer

(EN) According to Article 91 of UNCLOS⁽¹⁴⁾, there must exist a genuine link between a ship and the Flag State whose flag the ship flies. The goal of this provision is to enable Flag States to effectively exercise jurisdiction over ships.

There is however no definition of “genuine link” in the UNCLOS Convention, nor in any other international instrument. An ad hoc agreement containing detailed criteria for this purpose has never entered into force, since it has never been ratified by a sufficient number of States⁽¹⁵⁾.

It is therefore up to the Parties to the Convention to determine the way in which they implement the principle of the “genuine link”.

As for Community law, there are currently no rules on vessel registration which is left to the competence of Member States. The latter, however, have to respect the principle of freedom of establishment which, according to the case-law of the Court of Justice of the European Communities, implies that a citizen or company of a Member State must be allowed to register a vessel in another Member State, without being obliged to set up a new company there⁽¹⁶⁾. In order to allow Member States to comply with the “genuine link” principle, however, the Court has held that it is not contrary to Community law for a Member State to stipulate as a condition for registration in its register that the vessel be managed, and its operations directed and controlled, from within that Member State⁽¹⁷⁾.

Finally, the scope of Regulation (EC) n° 789/2004 of the 21 April 2004 on the transfer of cargo and passenger ships between registers within the Community⁽¹⁸⁾ is clearly different. It aims at eliminating technical barriers to the transfer of ships between registers of Member States in order to facilitate the full functioning of the internal market, whilst promoting at the same time a high level of ship safety and environmental protection. To this purpose, it merely obliges Member States not to withhold ships registered in other Member States from registration in their own register for technical reasons arising from four maritime safety and environmental protection international conventions: the 1974 International Convention for the Safety of Life at Sea, (SOLAS), the 1966 International Convention on Load Lines (LL 66), the 1969 International Convention on Tonnage Measurement of Ships and the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL).

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Question no 68 by Jeanine Hennis-Plasschaert (H-1058/05)

Subject: Cabotage

Does the Commission consider the maximum period allowed in France for the provision of road cabotage services (a one-off period of 30 days in succession and a maximum of 45 days per year) to be consistent with Article 1(1) of Regulation (EEC) No 3118/93⁽¹⁹⁾ and with the interpretation of the concept of ‘temporary’ given by the Commission in its Interpretative Communication on cabotage? In France, drivers who provide cabotage services for seven or more days in succession are considered posted workers.

Does the Commission consider this interpretation to be in keeping with Article 6 of Regulation (EEC) No 3118/93? How does Regulation (EEC) No 3118/93 relate to the Posting of Workers Directive 96/71/EC⁽²⁰⁾ as regards road transport? Does the Commission consider that the maximum period allowed in France for

⁽¹⁴⁾ United Nations Convention on the Law of the Sea of 10 December 1982.

⁽¹⁵⁾ United Nations Convention on Conditions for Registration of Ships, Geneva, 7 February 1986.

⁽¹⁶⁾ Judgement of 12 June 1997, Commission v Ireland, Case C-151/96.

⁽¹⁷⁾ Judgement of 25 July 1991, The Queen v Secretary of State for Transport, ex parte Factortame Ltd and others, Case C-221/89.

⁽¹⁸⁾ JO L 138 du 30.4.2004.

⁽¹⁹⁾ OJ L 279, 12.11.1993, p. 1.

⁽²⁰⁾ OJ L 18, 21.1.1997, p. 1.

operators to provide cabotage services over inland waterways (90 days in succession) is in keeping with Regulation (EEC) No 3921/91⁽²¹⁾?

Can the Commission, as guardian of the Treaty, indicate to what extent the time limits laid down by France regarding road cabotage and cabotage over inland waterways are consistent with the freedom to provide services, as well as with the policy pursued by the Commission regarding completion of the internal market and the Lisbon Strategy?

Answer

(FR)The Commission's Interpretative Communication, to which the honourable Member refers, sets out the criteria for assessing the temporary character of cabotage operations, namely duration, frequency, continuity and periodicity of service provision. As far as duration is concerned, the Commission believes that a time limit set on a national level of one to two months is acceptable. In its opinion, therefore, the French rules do not violate Regulation (EEC) No 3118/93.

With regard to the application to road cabotage of Directive 96/71/EC on the posting of workers, in the Commission's view this Directive applies to cabotage operations carried out within the framework of Regulation (EEC) No 3118/93. Drivers providing road cabotage services may therefore be considered as posted workers, and this is all the more true if they provide cabotage services for seven or more days.

As regards cabotage over inland waterways, the Commission is of the opinion that the maximum period allowed in France for providing cabotage services complies with Regulation (EEC) No 3921/91.

In conclusion, the Commission believes that the harmonious functioning of the internal market in the transport sector is essential if the Lisbon goals are to be met. The current rules on cabotage help to further this objective, and the Commission sees to it that they are applied correctly in its capacity as guardian of the Treaties.

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Question no 69 by Justas Vincas Paleckis (H-1065/05)

Subject: 'Rail Baltica' project

Although the 'Rail Baltica' project has been included on the list of EU guidelines on trans-European transport networks, to date neither the modernisation work on this railway line, nor even the practical preparations for such work, have started. It would be extremely important to the Baltic countries and the eastern Baltic region as a whole for a solution to be found to this problem.

I wish to point out that the special importance of infrastructure projects was emphasised in the 'roadmaps' signed by the European Union and Russia. In this connection, would it not be advisable to extend 'Rail Baltica' as far as St Petersburg? In my view, this link would heighten interest in the 'Rail Baltica' project. The project also comprises an important environmental dimension, given that roads near the Baltic Sea are currently congested by haulage traffic.

Answer

(FR)In the eyes of the Commission, the 'Rail Baltica' project is a sustainable transport project that will make it possible to link Finland and the four new Member States in the Baltic region with the heart of Europe and to bring them closer together.

There have recently been two major developments in connection with this project. Firstly, the Commission appointed Pavel Telička as European Coordinator for the project on 20 July. Secondly, an agreement on the preparation of a feasibility study for the project was signed several weeks ago, and the Commission is expecting an interim report before Christmas 2005. Using the results of this feasibility study as a basis, it will be possible to start the process of authorising the measures necessary to implement the project.

Turning to the question of whether Saint Petersburg could be linked to the Tallinn-Warsaw stretch of 'Rail Baltica', the 'Rail Baltica' project is by definition aimed at linking the three Baltic States, via Poland, to the heart of Europe. That said, the idea of using the project to establish a link to Saint Petersburg and the

⁽²¹⁾ OJ L 373, 31.12.1991, p. 1.

surrounding region, which is home to a large number of people, was mentioned a few days ago during talks held by the High-Level Group, chaired by Mrs Loyola de Palacio, on the possibility of extending the current trans-European transport network.

Finally, there are two points that must be emphasised from an environmental point of view. The first of these is that the north-south rail axis is in essence a sustainable alternative to the road network, which suffers heavy congestion in this rapidly developing region. Secondly, detailed environmental impact assessments will need to be carried out for the project, taking into account the need to protect the environment in this region, in particular in the north-east of Poland.

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Question no 70 by Marian Harkin (H-1078/05)

Subject: Irish Ferries dispute and reactivation of Ferries Directive

In light of the escalating and worsening situation in Irish Ferries will the Commission not agree that there is an urgent need to re-activate the Ferries Directive on manning conditions for regular passenger and ferry services operating between Member States or at the very least propose an adequate legislative response?

Answer

(FR)The Commission intends first of all to give greater encouragement to discussions between the social partners, which have been ongoing since 2003, with a view to achieving an agreement based on Article 139 of the Treaty.

It is also planning to bring forward legislation next year transposing the International Labour Organisation's consolidated Convention on maritime labour standards into Community law. This crucial step will address part of the problem of employment conditions in intra-Community passenger transport as it will ensure fair competition for all operators in the sector.

At this stage the Commission does not intend to submit any other legislative proposals. However, it will examine all possible means of resolving the problem of employment conditions, particularly in intra-Community passenger transport, from an economic and a legal standpoint.

Question no 71 by Inés Ayala Sender (H-1094/05)

Subject: Future of logistics in the EU

In view of the growing importance of logistics for transport rationalisation, for the transport of goods and people, and for the planning of energy expenditure so as to reduce its adverse effects on sustainable development (emissions problems, congestion, energy wastage, social costs, safety problems, etc), what measures does the Commission intend to introduce to promote the modernisation and improved use of logistics in its revision of the white paper on transport?

Answer

(FR)The Commission is currently reviewing the situation with regard to logistics, with a view to presenting a communication in June 2006. Without wishing to pre-empt the conclusions of this review, the main decisions in the field of logistics are taken by businesses.

At the same time, however, several of the EU's policies and programmes in the field of transport, which have been launched in the wake of the White Paper on European Transport Policy, could well encourage businesses to make changes to their logistics chains. They include:

The 'Marco Polo Programme', which provides co-financing for pilot projects in the field of intermodal transport. Funding for this Programme is however limited under the Financial Perspective.

Decision 884/2004/EC of the Parliament and of the Council on guidelines for the trans-European transport network allows the Member States to propose funding for motorways of the sea as part of the trans-European transport networks.

The EU also contributes to the deployment of advanced technologies, such as Galileo, the European satellite navigation programme, and it helps to implement infrastructure networks that reduce transport costs. The Commission has proposed a budget of over EUR 20 billion to boost the trans-European networks in the

2007-2013 period. It will be particularly important to ensure that businesses profit fully from these new technological and infrastructure opportunities.

Finally, in April 2003, the Commission submitted to the Council and Parliament a proposal for a directive on standardised intermodal loading units, which would make it possible to save up to 2% on logistics costs. Although Parliament has already delivered its opinion at first reading, the Council has unfortunately not yet examined this proposal.

Passenger transport is also one of the fields of action identified in the White Paper. The latter proposes that continuity of journeys, for example intermodality between high-speed trains and air routes, and the future of urban transport should be promoted in line with the principle of subsidiarity.

Finally, the Commission wishes to inform the honourable Member that the Finnish Presidency will hold a conference on logistics in September 2006.

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Question no 72 by Marta Vincenzi (H-1096/05)

Subject: InterRail pass

The InterRail pass for use on the railways has enabled many young Europeans to get to know Europe. There are complaints that fares are rising, the period of validity is becoming shorter and there is less and less flexibility. There is a risk that the InterRail pass will disappear from the market, thereby restricting the freedom of movement of as many as 150 000 young people who use it to travel each year.

Is the Commission already aware of the problem, has it contacted those responsible for the InterRail consortium in order to ensure appropriate steps are taken to support the pass, and does it agree that a revision of the conditions for the InterRail pass needs to be approved?

Answer

(FR)Although the Commission acknowledges that the InterRail pass has made it possible for many young people to get to know Europe better, it does not have the authority to intervene as far as the price or terms of sale of this pass are concerned. The InterRail pass is a purely commercial product, and it is entirely up to the railway companies participating in the scheme to decide on the terms of its sale. Furthermore, it falls within the responsibility of the Member States to put in place reduced fare systems for groups such as young travellers.

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Question no 76 by Yiannakis Matsis (H-0998/05)

Subject: Destruction of the cultural heritage in the occupied part of Cyprus

The Turkish forces occupying the northern part of Cyprus have quite recently renewed their acts of destruction of its cultural heritage, carrying out ground-levelling operations in the Karpasia area with the intention of flying the flags of Turkey and the 'Turkish Republic of Northern Cyprus', the latter being considered 'non-valid' under Security Council Resolutions 541 and 550. The digging operations have destroyed the 7000-year-old 'Kastros' neolithic archaeological site, while the Church of St Anastasia in Lapitho has been converted into a hotel.

Will the Commission call on the Turkish authorities or take action itself and, if so, what action, to end the destruction of the cultural heritage belonging to the occupied northern territory of Cyprus and forming an integral part of Europe's own cultural heritage?

Answer

(EN)The Commission regrets and disapproves of any damage to the cultural heritage mentioned by the honourable Member.

It is clear that a political settlement in Cyprus would enable issues of cultural heritage to be adequately addressed between the two communities. Even before an overall solution to the Cyprus problem, a serious dialogue between the two communities on the island could help in the protection of cultural heritage.

The Commission recalls that responsibilities in the field of protection of cultural heritage remain with the Member States.

The Commission also recalls that the proposal for a Council Regulation establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot community of 7 July 2004⁽²²⁾ is still pending in the Council. Should it be adopted, projects concerning the restoration of cultural heritage in the northern part of the island could be developed.

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Question no 77 by Markus Pieper (H-1017/05)

Subject: Enlargement and the cost of Turkish accession

While 72m people in the EU-15 (19% of the total population) lived in convergence regions (regions with a GNP below 75% of the EU average), the figure in the EU-25 is now 123m (27%). Turkey's population is predicted to reach 80m people in 2014, all of whom would come under 'Objective 1' of the Structural Funds. Forecasts show that with a 3% GDP growth difference between the EU and Turkey it would take more than 50 years for Turkey's level of income to reach that of the EU-15.

What costs would Turkish EU accession mean for the Union's regional policy and what consequences is it expected to have for the present convergence regions?

Answer

(EN)The issue raised by the honourable Member has been addressed in the document entitled "Issues arising from Turkey's Membership perspective", which accompanied the Commission's recommendation of 6 October 2004 to the Council to open accession negotiations with Turkey. The Commission concluded that, "As regards regional policy, with a level of gross domestic product (GDP) per capita at about 28.5 % of the EU25 average at purchasing power standards, close to the level of Bulgaria and Romania (29% and 30% respectively), Turkey would - based on current rules and were it already a Member State - be eligible for significant levels of structural operations expenditure". The existing rules, however, have never been applied to a country of similar size, similar level of economic development and similar intensity of regional disparities as Turkey. On the one hand, this may justify the introduction of specific mechanisms which take into account the specificities of Turkey. On the other hand, as economic development in the coming twenty years is uncertain, it is not self-evident that the existing upper limit of 4% of GDP on the level of total annual structural and cohesion funds transfers would be reached by Turkey or any other country. On the basis of these considerations, it is difficult to provide a meaningful estimate of the impact, both on Turkey and on other Member States or candidate countries, of extending the EU's cohesion and regional policy to Turkey.

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Question no 78 by Frederika Brepoels (H-1018/05)

Subject: Turkey and the Kurdish question

In its progress report on Turkey, the Commission repeats the assertion that Turkey 'sufficiently' fulfils the political criteria. In its report it describes the violations which have been observed merely as 'incidents' and 'road accidents'. Nowhere in the report is the denial of the cultural, political and civil rights of the Kurdish minority mentioned as such. Nonetheless, many of the so-called 'isolated incidents' are indicators of Turkey's obstinate refusal to bring about a just and democratic solution. A solution would require recognition and mutual respect. The refusal by both Turkey and the Commission to acknowledge this problem accordingly stands in the way of a peaceful solution.

I should therefore appreciate it if the Commission would indicate how it sees the wider Kurdish question. How does it envisage a peaceful and democratic solution to this problem being attained? And what is the Commission's position regarding the restriction of the political freedom of Kurdish political leaders, as recently pilloried by the EU Turkey Civic Commission?

⁽²²⁾ COM(2004) 465 final

Answer

(EN)Minority rights, cultural rights and the protection of minorities are part of the Copenhagen political criteria.

In its last Regular Report adopted on 9 November 2005, the Commission noted that Turkey's commitment to further political reforms should be translated into more concrete achievements for the benefit of all Turkish citizens regardless of their origin. This of course includes Turkish citizens of Kurdish origin.

In particular, it was mentioned that notwithstanding a greater tolerance for the use of languages other than Turkish, the exercise of cultural rights is still precarious. No local broadcasting in Kurdish has yet been authorised, Kurdish language courses have closed down and politicians continue to be convicted for using the Kurdish language in certain contexts. Turkey continues to adopt a restrictive approach to minorities and cultural rights.

The Progress Report also makes reference to the problems encountered by political parties in general, including DEHAP⁽²³⁾. For example, a specific reference is made to the conviction of DEHAP deputy leader Resit Yardimci, who in October 2005 was sentenced to six months imprisonment for greeting a DEHAP conference in Kurdish in 2003.

Under the Accession Partnership adopted by the Commission on 9 November 2005, there is a detailed list of priorities related to further efforts in relation to the protection of minorities and cultural rights. In particular, Turkey is required to ensure cultural diversity and to promote the respect and protection of minorities in accordance with the European Convention on Human Rights and the principles laid down in the Council of Europe's Framework Convention for the Protection of National Minorities and in line with best practice in Member States.

The Commission will continue its monitoring of the human rights situation in Turkey, including our regular dialogue with the Turkish authorities on cultural rights and the situation in the Southeast.

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Question no 79 by Dimitrios Papadimoulis (H-1047/05)**Subject: Turkish accession**

Following the adoption by the Commission of the progress report for 2005 regarding Turkey and the report concerning the revised partnership arrangements, can the Commission outline the next stages of the accession negotiations?

How and when specifically will the EU review and assess the assimilation of the Community *acquis* into Turkish legislation?

What action will the Commission take if Turkey refuses to lift the *casus belli* in the course of accession proceedings?

Answer

(EN)Accession negotiations were opened with Turkey on 3 October 2005 on the basis that it sufficiently meets the political criteria set by the Copenhagen European Council in 1993. The principles for the conduct of the accession negotiations are described in detail in the Negotiating Framework for Turkey.

Turkey's progress will be measured against its fulfilment of the Copenhagen criteria, including its further progress on political reforms and its capacity to effectively adopt and implement the EU legislation.

The Commission will continue to monitor and assess Turkey's political reform process and report regularly on its progress in this area.

As regards Turkey's ability to accept the rights and obligations of the *acquis*, the Commission has started the process of screening with the Turkish authorities. This process allows the Commission to:

provide the Turkish authorities with an explanation of the EU legislation;

⁽²³⁾ Demokracik Halk Partisi – Democratic People's Party

assess the state of preparation of Turkey for opening negotiations in specific areas;

obtain preliminary indications of the issues that are likely to come up in the negotiations.

As regards Turkey's relations with its neighbours, the negotiating framework states that Turkey's progress will depend on its "unequivocal commitment to good neighbourly relations and its undertaking to resolve any outstanding border disputes in conformity with the principle of peaceful settlement of disputes". Similarly, the revised Accession Partnership proposed by the Commission on 9 November 2005 includes a priority that Turkey should continue efforts to resolve outstanding border disputes.

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Question no 80 by Luis Yañez-Barnuevo García (H-1068/05)

Subject: FRONTEX cooperation with the accession countries

In its letter of 7 November to the Romanian and Bulgarian Foreign Ministers, the Commission drew attention to areas of weakness on which both countries would still have to work if they were to adopt and implement the Community acquis. Those areas included cooperation in justice and home affairs and border-control requirements.

In view of the fact that on 30 June 2005 the European Agency for the Management of External Borders (FRONTEX) was opened in Warsaw for the purpose of providing support for the Member States in the implementation of Community legislation and coordinating operational cooperation in the management of external borders, has the Commission implemented the guidelines for FRONTEX cooperation with the accession countries? Does it believe that cooperation between FRONTEX and Romania/Bulgaria could help to improve border management? Does it think that it would be feasible for a trio of agencies (such as Europol-FRONTEX-Customs Agency) to be set up in the medium term in order to improve compliance with the Community acquis in this area, with a view to future enlargements and pursuant to the neighbourhood policy?

Answer

(EN)The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) is an independent Community body established in May 2005. Co-operation between the Agency and the acceding countries Romania and Bulgaria and their participation in the operational activities organised or coordinated by FRONTEX are not subject to the adoption or the implementation of any specific guideline by the Commission but may be based on a decision of the Agency itself. The Management Board rules of procedure provide that it may invite states that have been accepted as candidates for membership of the EU to attend its meetings as observers when the accession negotiations have been finalised. On this basis, representatives of both acceding countries already participate in the Management Board meetings as observers.

The Commission believes that co-operation between the acceding countries and Member States within the framework of the FRONTEX Agency may contribute to the efficiency of controls on persons and surveillance of the external borders. Therefore the Commission representatives in the Management Board of the Agency will support the participation of these countries in the Agency's activities.

With regard to the future institutional development, the Action Plan implementing the Hague Programme on Strengthening Freedom, Security and Justice already foresees an evaluation of the External Border Agency in 2007. This evaluation will include a review of the tasks of the Agency and an assessment of whether it should concern itself with other aspects of border management, including enhanced co-operation with customs and other authorities responsible for goods-related security matters. As the Agency has just started its activities, it is far too early to draw any conclusions about its future scope.

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Question no 81 by Ryszard Czarnecki (H-1087/05)

Subject: Prospects of EU accession for Serbia, Montenegro and Albania

The positive decisions taken by the Commission concerning the setting of timescales for the negotiating process for Croatia, Macedonia and Bosnia-Herzegovina are to be welcomed, but what are the accession

prospects for Serbia, Montenegro and Albania? While Turkey's aspirations should be supported, it would be logical to admit the above countries before rather than after Turkey?

Answer

(EN)According to the "own merit principle" it has always applied, the Commission can not have any predetermined view on the order or of the grouping in which the different candidate and potential candidate countries should accede to the EU. Such an order only depends on the individual progress of the countries themselves. Instead, the framework is as follows:

As regards the Western Balkans, each of the countries has the prospect of EU membership once it fulfils the necessary conditions. Each country will advance towards this goal on its own merits, depending on its progress in meeting the requirements. Therefore, the Commission does not fix specific dates for the accession of these countries to the EU; this would be counterproductive. The Commission set out in the Enlargement Strategy Paper of 9 November 2005 the road-map along which the countries progress towards the EU. Clearly, the countries of the Western Balkans are at different stages along their path towards the EU. The Commission hopes that their progress will be mutually reinforcing, but at the end of the day each country is engaged in its own process.

Following the same approach, Turkey will also advance towards accession on the basis of its own merits. The pace of the accession negotiations will depend on Turkey's progress in meeting the requirements for membership. The negotiating framework for Turkey states that Turkey's accession would have substantial financial consequences; as the European Council stated in December 2004, accession negotiations with countries whose accession would have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014. As described in the negotiating framework, the Union side will decide in due course whether the conditions for the conclusion of negotiations have been met. The shared objective of the negotiations is accession but at the same time the negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand.

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Question no 82 by Leopold Józef Rutowicz (H-1091/05)

Subject: Further EU enlargement

Many European citizens want to know what form the further enlargement of the Union will take, which countries are likely to join and under what conditions. Does the Commission have a plan or programme for this?

Answer

(EN)On 9 November 2005, the Commission approved an Enlargement Strategy Paper⁽²⁴⁾ that was addressed to the Parliament and to the Council. In that document, the Commission outlines its approach to enlargement based on three main principles:

consolidating the EU's commitments on enlargement,

applying fair and rigorous conditionality,

communicating the enlargement policy.

The current enlargement agenda covers Turkey and the Balkans. The Commission's plans on enlargement are set out in further detail in the Strategy Paper, which is available to the general public on the Enlargement website of the Europa server (http://europa.eu.int/comm/enlargement/report_2005/index.htm).

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(24) COM (2005) 561

Question no 84 by Ari Vatanen (H-1033/05)**Subject: Loophole in the registration of cars in Europe/Jiangling Landwind**

The Chinese Sports Utility Vehicle Jiangling Landwind has been crash-tested by the German automobile club ADAC in accordance with the Euro NCAP protocols. The test results were appalling and frightening. In the frontal crash, performed at a test speed of 64 km/h, the steering wheel intruded into the occupant compartment so violently that it would have killed the driver instantly.

The FIA held a conference in Brussels on 29 November 2005 to address the issues at stake and the above-mentioned loophole in the European legislation.

What will the Commission do to close this loophole and protect the lives of EU citizens? Does the Commission think that the 2500 kg limit for crash testing is still appropriate, given the trend towards heavier vehicle types, e.g. SUVs, and increased weight resulting from additional comfort and safety equipment? How is the Commission planning to make car designs more compatible in the event of a crash between cars?

Therefore, my question to the European Commission is as follows: What are the next concrete steps, and what is their timetable, that the Commission intends to take so as to urgently prevent the introduction of patently dangerous cars on the European common market?

Answer

(FR)The Commission can assure the honourable Member that the promotion of road safety has always been and always will be one of its primary concerns.

In its response to Written Question P-3751/05 of 9 November 2005 by the honourable Member, the Commission outlined the current situation concerning 'one-off' type approvals and the type of frontal crash tests required for vehicles of category M1 (cars) with a mass of over 2 500 kg.

The Commission believes that the technical legislation currently in force on active and passive safety means that there is no possibility of potentially dangerous vehicles being placed on the Community market. Furthermore, the permanent system for monitoring conformity of production makes it possible to ensure that each vehicle that is produced and placed on the market conforms to a vehicle having obtained a Community type approval.

An inquiry is underway in order to ascertain whether this legislation was applied correctly in the case of the vehicles referred to by the honourable Member.

Two measures have been proposed by the Commission with a view to increasing the safety of vehicles put into service in the Community.

The first involves revising Framework Directive 70/156/EEC so that it includes harmonised provisions intended to ensure that the same level of safety and the same rules apply to 'one-off' type approvals, in order to make possible the free movement of such vehicles within the Community. The Council will be asked to adopt a common position on this revision in the very near future, and the new framework directive could be adopted before the end of 2006. Immediately afterwards, the Commission will present a proposal for a regulation laying down the minimum technical conditions for the 'one-off' type approval of vehicles.

With regard to frontal crashes, the Commission is considering extending the scope of the Directive to include heavier vehicles by revising the test protocols. The aim, however, is for this measure to form part of a wider programme of research into vehicle compatibility in frontal crashes, which is still ongoing.

The research currently in progress will provide information on the way in which Directive 96/79/EC, on the protection of occupants in the event of a frontal impact, should be amended. The Commission is therefore participating in the funding of a research project (VC-Compat) whose aim is to develop impact test procedures that will increase the chances of survival of occupants in the event of a collision involving vehicles of very different masses. The deadline for this project is March 2006.

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Question no 85 by Danute Budreikaite (H-1062/05)**Subject: EU industrial policy**

In 2005 China started to establish an aggressively dominant position on the world markets for textiles and other products. The EU sectors affected cannot compete with cheap Chinese products manufactured with total disregard for the laws in force within the EU and with aid from the State, that are sold on a dumping basis. When the EP report on prospects for trade relations between the EU and China was drawn up, on behalf the ALDE Group I put forward a proposal calling on the Commission to draw up a long-term development forecast for the EU economy up to 2030-2050, based on an economic analysis of the EU, which could then be used to shift the focus of economic activity in the Member States towards new growth sectors, with the necessary investment being made in scientific research and human resources. Parliament rejected this proposal. There would appear to be concerns that forecasts of this kind might lead to the creation of a common industrial policy. It should be pointed out, however, that in the absence of such a policy the EU does have a common commercial policy: the Commission negotiates within the WTO on behalf of all the EU Member States. What is the Commission's opinion, with a view to the future, on the compatibility of EU enterprise policy with the common commercial policy?

Answer

(EN)In October, the Commission defined its approach to industrial policy⁽²⁵⁾. Industrial policy is about providing "the right framework conditions for enterprise development in order to make the EU an attractive place for industrial investment and job creation". Major policy areas in this respect are Knowledge, Better Regulation, Environment & Energy, Structural Change and, last but not least, Trade.

The Commission analysed the competitiveness of 27 industrial sectors regarding these areas and presented its findings in the Communication. The in-depth sector analysis showed that international trade (including the ways to tackle unfair competitive practices, the violation of intellectual property rights and non-tariff barriers as well as access to third markets for European companies) is an important issue for a number of sectors.

The Commission is constantly working on these issues. It is notably preparing a renewed Market Access Strategy for 2006, while also giving a particular attention to selected sectors and countries. Notably, a specific market access action plan has already been introduced for textiles and has been expanded to cover also leather and footwear products.

Regarding more specifically the case of China, the Commission is preparing a Communication on External Aspects of Competitiveness, which it expects to conclude in the first half of 2006. A separate Communication on EU and China, notably on the trade and investment relations for the next five years, will follow.

Against this background, the Commission is committed to use its broad competences in the trade area as an important instrument to support its industrial policy. This will help to improve framework conditions for European companies and to create a level playing field on world markets.

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Question no 86 by John Bowis (H-1070/05)**Subject: Counterfeit drugs**

What steps is the Commission taking in its pharmaceutical policy to stop counterfeit drugs?

Answer

(EN)The problem of counterfeit medicinal products inside and outside the EU is a subject of ongoing concern in the European Union, at the Council of Europe and at World Health Organization (WHO).

Over recent years, the Commission has taken action to address the counterfeit problem at a horizontal level: intellectual property rights and customs action. Within the framework of the implementation of its industrial

⁽²⁵⁾ "Implementing the Community Lisbon Programme: A policy framework to strengthen EU manufacturing - towards a more integrated approach for industrial policy" COM(2005)474, 5.10.2005

policy the Commission will launch in 2006 a dialogue including all relevant stakeholders to determine what more might usefully be done to fight counterfeit in many sectors including the pharmaceutical sector.

The legal framework has been changed and amended several times in order to improve the enforcement of intellectual property rights and customs action.

In addition, in September 2005, the Council of Europe published a survey report, which provides an update on the extent of counterfeiting in the pharmaceutical sector. The Council of Europe is currently evaluating the possibility of further action based on this report. At the same time the WHO has proposed a framework convention to combat counterfeit medicinal products at a global level.

Member States are responsible for the enforcement of any activities against counterfeiters. Therefore, Member States are currently evaluating the results of a survey with the aim of identifying the extent of the problem of counterfeit medicines and the development of an anti-counterfeit strategy.

While the above mentioned actions of the Commission and the Member States are far-reaching, the Commission continuously monitors and analyses the situation for possible legal implications within the EU and opportunities for future international co-operation.

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Question no 87 by Elizabeth Lynne (H-0986/05)

Subject: Needle-stick injuries

The significant occupational risks faced by healthcare workers from contaminated needles was brought to the attention of the European Commission more than two years ago, and since then many communications on the subject have been sent to Commissioner Špidla, from myself and numerous concerned Members of the Parliament.

Following a very strong committee and plenary vote on a motion for a resolution, there has been a formal call for better regulation to protect healthcare workers from needle-stick injuries, included in the European Parliament report on promoting health and safety in the workplace (A6-0029/2005) of February 2005. In the time that has elapsed since this request substantially more than half a million additional injuries will have occurred. Some of these will lead to potentially fatal infections, such as HIV and hepatitis C, being acquired and many more will cause significant emotional anguish for the healthcare workers and their families.

As the European Parliament, and the specific Members concerned, have never received a satisfactory response to our communications and requests for action, would the Commission please indicate when it will be taking decisive action by recommending an amendment to the Biological Agents Directive (2000/54/EC⁽²⁶⁾) in order to provide legislative protection for workers exposed to these risks?

Answer

(FR)The Commission attaches the utmost importance to protecting the health and safety of healthcare workers against all the risks inherent in their work, including the risk of serious infections resulting from puncture wounds caused by needles and other sharp instruments.

As regards the possibility of amending Directive 2005/54/EC⁽²⁷⁾ with a view to dealing specifically with the risks posed by needles and other sharp instruments, without ruling out any kind of action for the moment the Commission would like to emphasise that the directive in question already applies to all activities in the course of which workers, by virtue of their professional duties, are exposed or risk being exposed to biological agents, including the risks referred to by the honourable Member.

When implementing in healthcare establishments the national laws transposing Directive 2000/54/EC, employers must assess all the risks to which workers are or may be exposed, including the risks of infection stemming from wounds caused by needles and other sharp objects. Following that assessment, employers must take all the prevention and protection measures required to eliminate such risks, preferably at source.

⁽²⁶⁾ OJ L 262, 17.10.2000, p. 21.

⁽²⁷⁾ OJ L 262, 17.10.2000.

The implementation of these provisions and those of Directive 89/655/EEC⁽²⁸⁾ concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC⁽²⁹⁾) requires employers in the healthcare sector to choose and make available to healthcare staff work equipment (e.g. needles) consistent with the key safety requirements imposed on medical devices by the 'internal market' directives.

In particular, Annex I.II to Directive 93/42/EC⁽³⁰⁾ concerning medical devices stipulates that 'the devices and manufacturing processes must be designed in such a way as to eliminate or reduce as far as possible the risk of infection to the patient, user and third parties. The design must allow easy handling and, where necessary, minimise contamination of the device by the patient or vice versa during use'. Before being placed on the market, any needle used as a medical device must have received EC type-approval certifying its conformity with the key requirements of the above-mentioned directive.

The Commission is currently in the process of analysing and assessing the practical implementation in the Member States of the directive on 'biological agents at work'. One purpose of that assessment is to identify the specific problems encountered by employers and workers. In that connection, an invitation to tender has been issued and an independent contractor has been selected to provide the Commission with a comprehensive report on this subject. Particular attention will be paid to the problems and risks posed by needles and other sharp instruments. The outcome of that assessment, and the work of the Advisory Committee on Health and Safety at Work on the risks posed to the health and safety of workers in the healthcare sector, will enable the Commission to base future Community initiatives in this area on more detailed information.

Question no 88 by Paulo Casaca (H-0994/05)

Subject: Defamatory campaign using the logo 'EU-Citizen'

All those who, like myself, are opposed to the terrorism promoted by the Tehran regime are now the targets of a defamatory campaign using anonymous letters, aimed at parliamentarians who have questioned the 'terrorist' label placed on the People's Mujahedeen Organisation. This campaign, which is utilising defamatory articles citing 'diplomatic sources', paid advertisements in the press, and the Internet, is covering its activities under the logo 'EU-Citizen'.

Does the Commission believe that the logo 'EU-Citizen' and the symbols of the European institutions can be used by any outside organisation for the purposes of a political campaign in favour of the Iranian regime?

If it has not done so already, can the Commission state what action it has taken, and on what dates, against the abusive use of this symbol in paid advertisements and on the Internet?

Answer

(FR) Third parties may only use the European emblem if they have been authorised to do so by the Commission (or the Council of Europe). Such authorisations are granted on an individual basis.

The Commission has not granted any such authorisation in the particular case of 'EU Citizen'. The use of the European emblem by this organisation (for example on its website at) is therefore improper.

The Commission wishes to thank the honourable Member for having drawn its attention to this misuse of the European emblem. On 1 December 2005, after the Commission had received the honourable Member's question, a letter was sent to 'EU Citizen' asking it to stop misusing the emblem.

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⁽²⁸⁾ OJ L 393, 30.12.1989.

⁽²⁹⁾ OJ L 183, 29.6.1989.

⁽³⁰⁾ OJ L 169, 12.7.1993.

Question no 89 by Jonas Sjöstedt (H-0996/05)**Subject: Gender and trade**

The sixth ministerial meeting of the WTO is to open in Hong Kong in mid-December. Decisions are to be taken on major issues and the EU is one of the players investing a great deal of energy to make the meeting a success. The hope is that it will be possible to conclude the negotiating round begun in Doha in 2001 during the coming year.

If achieved, it will be of great significance for countries throughout the world, both north and south, as well as for relations between men and women, particularly in the developing countries, irrespective of the topic concerned, e.g. agriculture, NAMA or trade in services. Different structures mean that men and women have varying roles and responsibilities in economies. International trade flows, production patterns and rules and regulations therefore affect men and women in different ways.

The Doha Round was meant to be about development. However, a trade policy and a possible outcome to negotiations which do not acknowledge the different impact on men of women of various decisions are in danger of reinforcing an unequal distribution of power where men are systematically favoured at the expense of women.

Does the Commission share the view that the liberalisation of trade has different repercussions for men and women and how has the Commission taken account of the gender perspective in the current WTO negotiations?

Answer

(EN) A key objective for the EU in the current World Trade Organisation (WTO) negotiations is that the Round should promote sustainable development, and sustainable development includes the economic and social position of women. A multilateral trade regime that is stable, transparent and rules-based is a global public good that should be developed hand-in-hand with other public goods such as access to health and environmental protection. The improvement in the position of women will, from this point of view, be strengthened by the multilateral regulation of trade.

A weakening of the multilateral system and a return to unilateral policies would be more detrimental to vulnerable economies than industrialised ones, and particularly adverse to more fragile sections of society in both groups of countries. Women would be the first affected in many cases. Consequently, the EC will continue its efforts to ensure that the WTO works openly and transparently to further sustainable development.

Women's vulnerability in certain sectors in certain countries makes the debate on the relationship between trade and social rights, above all basic labour standards, of particular concern. In the WTO context, a reference to core labour standards was included in the Declaration of the first WTO Ministerial Conference (Singapore 1996). Regrettably, WTO members did not agree to include this issue as part of the Doha Development Agenda. Nevertheless, the Commission is committed to addressing trade and social development, core labour standards and commitment to meaningful dialogue between the WTO and International Labour Organisation (ILO), both in the EU Trade Policy Review (TPR) and in the TPRs of other countries. As part of this process, the International Confederation of Free Trade Unions (ICFTU) reports on core labour standards are prepared ahead of each Trade Policy Review.

The EC also welcomed the creation of the World Commission on the Social Dimension of Globalisation under the aegis of the ILO, as well as the reinforcement of the ILO in order to promote social development, and the adoption of higher labour standards worldwide. In order to contribute to an effective follow-up of the report, the Commission adopted on 18 May 2004 a Communication on the Social Dimension of Globalisation⁽³¹⁾. The Commission has been developing a closer relationship with the International Labour Organisation (ILO) on trade-related matters. The EC-ILO Turin Conference in May 2005 examined options for strengthening the EC-ILO partnership including on the assessment of social and labour impacts of trade policy (including impacts on women and men), and on promoting core labour standards through capacity building and enforcement in developing countries. Also, an EC-ILO pilot project is currently developing methodologies for decent work indicators to assess social impacts of trade in developing countries, including impacts on women, men and children.

⁽³¹⁾ Doc. COM (2004) 383 final.

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Question no 90 by Zbigniew Krzysztof Kuzmiuk (H-1000/05)

Subject: Commission position at the next round of WTO negotiations

During the meeting of EU Foreign Ministers held in Luxembourg on 18 October 2005 the Commissioner with responsibility for EU trade, Peter Mandelson, said among other things that the Union must make concessions to other countries in the WTO negotiations because, in short, the EU stands to gain more from exports of industrial goods and services (currently 85% of exports) than it stands to lose from weaker protection for agriculture. This statement means that Commissioner Mandelson intends to 'sacrifice' EU farming in the WTO negotiations.

Has the Commission given Mr Mandelson a mandate to do this? What is its position on the matter?

Answer

(EN)On 28 October 2005 the European Union, by way of the Commission, tabled a new offer to the World Trade Organisation (WTO) as regards agriculture and all the other main areas under negotiation in the Doha Development Agenda (DDA). This offer is in line with the mandate agreed by all WTO Members in Doha in November 2001 and as further elaborated in the WTO's Framework Agreement on the DDA of 1 August 2004. These texts, which have been subscribed to by the EU, call for "substantial reductions in trade-distorting domestic support" "reduction of, with a view to phasing out all export subsidies" and "substantial improvements of market access". The 28 October offer shows what the EU is prepared to do to achieve these goals.

This offer is made pursuant to the Commission's negotiating directives for the DDA negotiations and is in full conformity with these directives.

The EU's offer on agriculture is by no means a unilateral concession. It is clearly made conditional to simultaneous moves, by all other WTO Members, on the other areas under negotiations, notably industrial tariffs (NAMA⁽³²⁾), services, anti-dumping, geographical indications and development.

Being a key player in these negotiations, it is the EU's responsibility to build the necessary bridges to ensure the success of these negotiations, including on agriculture, which are key for the further development of the world economy, for the EU economy and for the EU's competitiveness.

The EU will not subscribe to a deal that would put entire sectors of European agriculture at risk or which would jeopardise the Common Agricultural Policy (CAP), but is determined to contribute to the DDA's objective of fairer and more market-oriented agricultural policies, in line with the 2003 CAP reform which constitutes the limits for the Commission's negotiating brief in the WTO round. At the same time, the Commission will continue to vigorously pursue its offensive interests, notably in the areas of industrial products and services in order to achieve an overall balanced outcome.

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Question no 91 by Manuel Medina Ortega (H-1003/05)

Subject: Protecting banana production in the European Union

Bearing in mind the importance of banana production in the European Union and the fact that it is concentrated in certain outermost regions, with the consequent social impact, what measures will the Commission adopt to protect banana production in the context of the new tariff-only system which is to come into force on 1 January 2006?

Answer

(EN)The Commission is fully aware of the importance of banana production for the social and economic situation of the EU producer regions, which already suffer from natural handicaps and remoteness from the continent.

⁽³²⁾ Non-Agricultural Market Access

The EU banana market and the Common Agriculture Policy (CAP) have considerably changed since the compensatory aid scheme was set up in 1993. A reform of the compensatory aid scheme for banana producers is therefore highly likely, based on the findings of the independent evaluation completed last summer and presented to the Parliament (COMAGRI) on 23 November last. This was the first step of a wide public debate to be continued in the next months, taking into account also the changes to the import arrangements. In this framework, the Commission is also examining the memorandum put forward by the four main producing Member States on 20 September 2005 and will consider the positions of all the interested parties.

The Commission intends to table a proposal at the beginning of next summer, following the debate on the evaluations and an extended impact assessment of the different options identified as regards reform of the current support scheme.

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Question no 92 by Claude Moraes (H-1009/05)

Subject: Integration and equality issues across the EU

Can the Commission give its view on the recent disturbances in France and indicate whether there are any lessons to be learned for wider integration and equality issues across the EU?

Will the Commission, for example, give its view on the sharing of best practice on integration policy, using devices such as the open method of coordination, or does it believe that there is a need for further EU proposals?

Answer

(FR)The recent events witnessed in the suburbs of Paris and other French and European cities have focused attention upon a state of affairs which prevails in many of Europe's deprived urban areas. No Member State can boast that it has all the answers to the question of how young people from immigrant families are to be successfully integrated into our societies.

The European Union has established an innovatory legal framework which will enable it to combat direct and indirect discrimination based on racial or ethnic origin, religion, disability, age, sex and sexual orientation. Although the European Union can pride itself on its achievements in the field of non-discrimination (which make it a world leader in this area), legislation by itself is not enough to enable discrimination to be combated effectively.

Even though practical action to combat exclusion issues must be taken at local level (precisely where young people experience difficulties), the EU can support the Member States' efforts by ensuring that experience and sound practices are exchanged.

Pursuant to the open method of coordination for social inclusion, the priority topics to be entered in the 2006 peer-review programme will include policies and initiatives to promote social inclusion in deprived districts and urban areas. The topic of disadvantaged youth will also be one of those selected for a European conference to be held in the spring of 2006, the purpose of which is to capitalise upon and exploit the results of the Community action programme to combat social exclusion.

At the end of this year the Commission is due to set up a high-level group to deal with the social integration of disadvantaged minorities and the full involvement thereof in the employment market. The group will submit its recommendations in 2007.

The Member States' situations and traditions vary enormously, as do political responses and integration models. With particular reference to the integration of people from non-EU countries, it should be pointed out that (as was acknowledged at the 2003 Thessaloniki European Council) although responsibility for devising and implementing integration policies lies mainly with the Member States, such policies should be developed within a coherent European framework, with due regard to the legal, political, economic, social and cultural differences which exist amongst the Member States.

The Commission - in close cooperation with its network of National Contact Points on Integration - is working on the identification and exchange of sound practices originating in a number of Member States. It has published a Manual on Integration in which the integration measures which deserve to be shared are described.

The Commission has also recently adopted a Communication on a common integration programme which puts forward a framework relating to the integration of non-EU nationals within the European Union. That working framework is based on proposals for practical measures designed to implement the common basic principles on integration (which were adopted by the Council of Justice and Home Affairs Ministers in November 2004) and a set of facilitatory EU support mechanisms (including a website and the European Integration Forum). The integration measures are designed to take into account the local and urban level at which integration actually takes place. These initiatives were strongly supported by the European Council in the conclusions on integration which it adopted on 1 December 2004.

Question no 93 by Katerina Batzeli (H-1011/05)

Subject: Importation of adulterated olive oil into Greece

Olive oil adulterated with sunflower oil has been found on the market in Greece: the packaging bears the label of the Belgian brand Super Market, and it was imported into Greece by the corresponding commercial network. Increased public sensitivity to transparency and safety issues regarding food has led to the adoption of a number of measures, including stringent obligations and quality standards for farmers, which increase production costs in anticipation that the market will provide the necessary compensation. Important policies to promote the marketing of standardised olive oil have been implemented to provide guarantees regarding the identity and safety of the product, often at the expense of the direct marketing of olive oil by producers. Since the introduction of compulsory standardisation, there have been cases of adulteration of olive oil standardised by enterprises, and this has affected consumer confidence.

Does the Commission believe that the rules of labelling and the type of controls carried out on olive oil at national and Community level are adequate to ensure the safe marketing of this product? What is the role of the European Food Safety Authority in the system of controls to prevent the adulteration of food?

What measures does it intend to take to protect the reputation of products such as olive oil so as to ensure that market prospects continue to be favourable and that producers face fair competition?

Answer

(EN)Olive oil, blends of vegetable oils and food preparations containing olive oil are becoming increasingly available at retail sales outlets in all European Union countries.

Since 1st November 2002, the labelling of these products has had to comply with Regulation (EC) No 1019/2002 on marketing standard for olive oil, which imposes obligations on all Member States, whether they produce olive oil or not.

These specific labelling rules are supplementing those laid down in Directive 2000/13/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs.

The European Food Safety Authority (EFSA) which is in charge of the scientific assessment in the fields of food safety and nutrition is not competent for ensuring official control at EC level. The Commission through its Food and Veterinary Office (FVO) is responsible for the official control of the food safety legislation implementation by the Member States. This control does not usually cover quality issues such as olive oil adulteration.

If quality policy is to be as effective and successful as anticipated, Member States should strengthen their control measures and the cooperation between them as provided by Regulation (EC) No 1019/2002.

It is only in this way that assurances can be obtained regarding the authenticity of the olive oils marketed and the protection of consumers against any deception that may be caused by false allegations and by products whose quality does not correspond to their sales description.

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Question no 94 by Hans-Peter Mayer (H-1012/05)

Subject: Possibilities of support for the treatment of aphasia

Each year 230.000 people in Germany suffer from aphasia as a result of a stroke or accident. This illness results in the loss of speech and is often associated with one-sided or total paralysis. The Federal centre for

aphasia is located in my constituency. In addition to the usual rehabilitation treatment, the centre provides specialist and often lengthy intensive therapy to help aphasia sufferers re-learn how to speak.

Is the Commission aware that sickness insurance schemes virtually never undertake to pay for this treatment? Does the Commission therefore plan to provide support for the treatment of aphasia in the foreseeable future?

Answer

(EN)The Commission is well aware of the serious problems posed by aphasia; the loss or impairment of the ability to produce or comprehend language, due to brain damage.

In its 6th Framework Programme the Commission is supporting research on the causes and treatment of stroke. In its proposal for the 7th Framework Programme 2007-2013 a specific area has been foreseen for research on the brain and related diseases, human development and ageing. This area might include research on stroke and other brain damage and their consequences, such as aphasia.

On a more general basis, the Commission gives special attention to improving the monitoring of brain related diseases and disorders. This is identified as a priority in the 2005 work plan of the EU Public Health Programme.

As far as insurance schemes are concerned, the Commission would like to remind the honourable Member that the organisation, delivery, funding and reimbursement of care including the treatment for aphasia are the responsibility of Member States. As such the Commission or the Community have no competence to instruct Member States or health (insurance) providers what medical treatments should be covered by their health care (insurance). Nevertheless, the Commission can provide support and information to Member States in relation to various care-related topics as is the case of aphasia.

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Question no 95 by Zdzislaw Kazimierz Chmielewski (H-1016/05)

Subject: Protection of eel stocks

It is a fact that not all Member States have free access to stocks of eel fry. This is the case for the majority of the Baltic States, including the 'new' ones. The situation results from the limited opportunities for eel fry to migrate to inland waters. These countries are forced to import stocks from the largest Member States at a cost that unfortunately reflects the high prices applicable to exports to Asia. The Baltic States are understandably keen for fair rules to be drafted for the sharing among all countries concerned of the cost of protecting eel stocks, including among exporters and importers of eel fry. How does the Commission intend to solve this problem?

Answer

(EN)Current levels of recruiting glass eel are at a very low point. The quantities of available glass eel are significant only in Western Atlantic areas, especially around the Bay of Biscay, whereas, in the past, glass eel used to be much more widespread.

The long-term solution to this problem can only be the restoration of recruitment to higher levels. The best chance to achieve this is by increasing the escapement of pre-spawning, silver eel towards previous high levels. The Commission has presented a proposal with the objective of achieving this by means of the implementation of national eel management plans. These national eel management plans, to be established by the Member States, would meet a common target agreed at community level.

Member States will therefore be able to opt for a range of measures, leading to the desired objective, that are best suited to the local specificities of each river basin. Until effective plans can be implemented, reductions in fishing are required to improve eel survival, and the proposal calls for a closure during the first 15 days of each month.

Once the Community has put in place these conservation measures, the Commission will be in a position to propose measures related to trade that will favour the use of glass eels for conservation-related purposes.

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Question no 96 by Sophia in 't Veld (H-1020/05)

Subject: Commissioners' Group on Fundamental Rights, Anti-discrimination and Equal Opportunities

Why has the Commissioners' Group on Fundamental Rights, Anti-discrimination and Equal Opportunities not reported to the European Parliament so far? How often has the Group met so far? What initiatives has the Group taken? What are the intended activities for the future? Does the Group monitor the implementation of the anti-discrimination directives? Does it envisage a horizontal anti-discrimination directive? How does the Group ensure active promotion of fundamental rights by the European Commission? Please illustrate with examples. When will the Commission present the proposals for an anti-discrimination strategy, as announced by President Barroso on 27 April? Is the Group involved in the application of Articles 6 and 7 of the TEU?

Answer

(EN)The creation of the Group followed the new rules on the functioning of the Commission and its internal coordination. It was set up to prepare the work of the College of Commissioners in its particular field and to provide policy input and guidance. The Group has met 6 times so far: the first meeting took place on 22/12/2004 (constitutive meeting). In 2005, it has held 4 regular meetings — 16/02, 27/04, 21/06 and 23/11 — and one extraordinary session on 08/03, to mark the International Women's Day. The members of the Group are of course fully prepared to explain the Group's work in the course of their regular appearances before the competent committees of the EP.

The Group does not have decision-making powers. Its main task is to drive policy in the areas of fundamental rights, anti-discrimination and equal opportunities by preparing initiatives for adoption by the College, giving guidelines for forthcoming actions and ensuring the coherence of ongoing work.

The Group was a major mover behind the communication in which the Commission set out its methodology for a systematic and vigorous scrutiny of all its legislative proposals to ensure compliance with fundamental rights as set out in particular in the Charter of Fundamental Rights of the European Union (COM(2005)172 final of 27 April 2005). As the communication states, the Group keeps a close eye on the operation and main results of this internal monitoring of compliance, which is carried out essentially by the Commission departments. To this end, where proposals require a careful balance between several opposing fundamental rights, the Group may produce policy guidelines within the margins of discretion allowed by the Charter. The Group did this, for example, for the Commission's proposal on data retention.

Furthermore, the Group plays a central role in driving policy initiatives of the Commission for the active promotion of fundamental rights, with due regard for the Community competences and the principle of subsidiarity. In particular, the Group has discussed the main issues concerning the Fundamental Rights Agency; discussed the action plan on the Hague programme; exchanged views on the balance between the security and protection of fundamental rights; contributed to data retention proposals; held discussions on combating trafficking in human beings and racism and xenophobia; proposed the main elements for the forthcoming strategy on the rights of the child; and steered the preparations for the anti-discrimination strategy, the European Year of Equal Opportunities for All and the 5-year road-map to replace the framework strategy on gender equality from 2007. The Group has also analysed the articulation between the European Institute for Gender Equality and the Fundamental Rights Agency, so as to ensure complementarities, and discussed relations with the Council of Europe, particularly as regards the accession to the European Convention of Human Rights (ECHR).

In 2006, the Group will pursue ongoing work on the protection and promotion of fundamental rights in Commission proposals and will follow up the steps towards the creation of the Fundamental Rights Agency. Some sensitive issues such as human dignity and bio-ethics or the integration of minority groups and migrants will also need to be tackled.

The Commission's Framework Strategy on non-discrimination and equal opportunities for all was presented on 1 June 2005. The Communication, which was discussed by the Group, builds upon the consultation on the 2004 Green Paper on Equality and non-discrimination in an enlarged EU. Ensuring effective legal protection against discrimination is a central part of this strategy, which will require the full transposition of EU anti-discrimination legislation by all Member States as well as a range of complementary measures to ensure that people are aware of their rights and are able to get access to justice. To this end, the Commission

will continue to assess the implementation of the current legal framework and to study the relevance and feasibility of possible new measures to complement it. The results of this feasibility study should be available during 2007. In this context, the Commission does not currently have any plans to propose new legislative measures based on Article 13 of the EC Treaty.

In its communication COM(2003) 606 final of 15 October 2003, the Commission set out its position with regard to the powers conferred on it by Article 7 of the EU Treaty as amended by the Treaty of Nice. As stressed in that communication, the Commission intends to exercise these powers in full and with a clear awareness of its responsibility. However, it considers that it can best contribute to the preservation of common values by insisting on measures based on prevention, strict monitoring of the situation in the Member States, cooperation between the institutions and with the Member States and, lastly, public information and education.

Should a case nonetheless emerge which would require a political assessment by the Commission in the light of Article 7 of the EU Treaty, the possibility is not excluded that the Group might contribute in preparing that assessment through discussions.

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Question no 97 by Karl-Heinz Florenz (H-1024/05)

Subject: Distortion of competition/turnover tax law/in-house transactions/public procurement

The Court of Justice has ruled that, under public procurement law, contracts may not normally be awarded to companies governed by public law without a formal procurement procedure, i.e. on the grounds of fair competition there is no in-house transaction which is not subject to procurement law.

However, under German turnover tax law such companies governed by public law are able to submit tenders in such a procurement procedure net of turnover tax, which is not possible for their private-sector competitors.

Does the Commission consider that the turnover tax exemption applicable in Germany to companies governed by public law in connection with in-house transactions is in breach of Community law – specifically of Article 4(5)(2) of the Sixth Directive (Directive 77/388/EEC⁽³³⁾ of 17 May 1977) – on the grounds of distortion of competition, if private-sector competitors who are not afforded this tax advantage take part in invitations to tender for contracts or services issued by a public contracting authority which simultaneously has an interest in a tenderer who enjoys this tax advantage?

Answer

(EN)The first subparagraph of Article 4 (5) of the Sixth VAT Directive provides that states, regional and local government authorities and other bodies governed by public law shall not be considered taxable persons in respect of the activities or transactions in which they engage as public authorities, even where they collect dues, fees, contributions or payments in connection with these activities or transactions.

As the European Court of Justice has held on several occasions, in particular, judgement of 26 March 1987 in the case 235/85 "Commission v Kingdom of the Netherlands" and judgements of 12 September 2000 in the cases C-276/97 "Commission v French Republic" and C-359/97 "Commission v United Kingdom of Great Britain and Northern Ireland", it is clear from Article 4(5) of the Directive, when examined in the light of the aims of the Sixth Directive, that two conditions must be fulfilled for the rule of treatment as a non-taxable person to apply: the activities must be carried out by a body governed by public law and they must be carried out by that body acting as a public authority. As regards the latter condition, it is the way in which the activities are carried out that determines the scope of the treatment of public bodies as non-taxable persons. It follows from the Court's Case Law that these are two different conditions. In the absence of one of them, the transaction in question will be taxable.

Moreover, the second subparagraph of Article 4(5) of the Sixth VAT Directive stipulates that, if the public bodies engage in the abovementioned activities and transactions, they shall be considered taxable persons in respect of these activities or transactions where treatment as non-taxable would lead to significant distortions of competition. Consequently, a public body is taxable when the condition in Article 4 (5) second paragraph – significant distortions of competition - is met.

⁽³³⁾ OJ L 145, 13.6.1977, p. 1.

In view of the scope of the term economic activities it must be held that, in providing services in return for payment, undertakings associated with municipalities and other municipal public bodies are carrying out an economic activity within the meaning of the Sixth Directive.

If in fact, undertakings or companies governed by public law are engaged in such activities, the Commission considers that treating them as non-taxable persons significantly distorts competition because commercial operators engaged in identical activities must charge VAT. Consequently, if those entities submit to the public market, normally, they cannot do it without issuing a VAT invoice.

According to the available to the Commission, Article 4(5) of the Sixth Directive was implemented in Germany by § 2 (3) of the Umsatzsteuergesetz. The main rule is that bodies governed by public law are taxable persons for VAT purposes only when carrying out economic activities as defined by German law.

If the honourable Member had examples at his disposal showing that undertakings in Germany linked with municipalities or other municipal public bodies are entitled to the exemption provided for by Article 4 (5) of the Sixth Directive regarding their activity in the framework of services supplied to public authorities, the Commission would be grateful to receive this information.

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Question no 98 by James Hugh Allister (H-1025/05)

Subject: Employment discrimination

Is there any group within the EU, other than Protestants in Northern Ireland, against whom the Commission has sanctioned employment discrimination (by virtue of the derogation granted pursuant to Article 15 of Council Directive 2000/78/EC⁽³⁴⁾)?

Answer

(EN) On 27 November 2000, the Council unanimously adopted Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, including the provisions on Northern Ireland contained in Article 15.⁽³⁵⁾ This Directive was adopted under Article 13 of the EC Treaty, and the Parliament was consulted in accordance with the Treaty.

It should be noted that Article 15 did not form part of the Commission's original proposal and was added by the Council during the negotiations on the Directive in autumn 2000.

Article 15 of Directive 2000/78/EC does not, however, sanction discrimination against Protestants in Northern Ireland. As the preamble of Directive makes clear, the need to promote peace and reconciliation between the major communities in Northern Ireland necessitates the incorporation of particular provisions. These allow the United Kingdom to legislate to authorise differences in treatment in recruitment into the police service of Northern Ireland, in order to tackle the under-representation of one of the major religious communities. It also authorises the United Kingdom to exempt the recruitment of teachers in Northern Ireland from the Directive's provisions on religion and belief, in order to maintain a balance of opportunity in employment while furthering reconciliation between the major religious communities.

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Question no 99 by Anne Van Lancker (H-1028/05)

Subject: Follow-up to the conclusions of the multi-stakeholders' forum on Corporate Social Responsibility (CSR)

On 29 June 2004, the multi-stakeholders' forum on CSR submitted its conclusions to the Commission. The Commission was to draft a communication on it (programme of work for 2005), but has still not done so. Can the Commission indicate when it will submit this communication? We hear that, by way of follow-up to the work of the multi-stakeholders' forum, the Commission intends to confine itself to establishing an 'alliance between businesses for corporate social responsibility'. Were all parties concerned consulted about

⁽³⁴⁾ OJ L 303, 2.12.2000, p. 16.

⁽³⁵⁾ OJ L 303 of 2.12.2000.

this, and can the Commission assure us that all actors will be included in this alliance? What further action will the Commission take on the conclusions of the multi-stakeholders' forum and to what extent will account be taken, in this connection, of the recommendations contained in the European Parliament resolution of 30 May 2002 (P5_TA(2002)0278)⁽³⁶⁾, inter alia concerning social labelling and independent social and environmental reports? How will the Commission shoulder its responsibility in this field?

Answer

(FR)In the context of both the Partnership for Growth and Jobs and the Social Agenda, the Commission has highlighted the fact that corporate social responsibility (CSR) can make a key contribution to sustainable development, at the same time as boosting Europe's potential in terms of innovation and competitiveness.

In March 2005, the European Council decided to revise the Lisbon Strategy and to shift the focus to growth and jobs. In its conclusions, it stressed that 'in order to encourage investment and to provide an attractive setting for business and work, the European Union must complete its internal market and make its regulatory environment more business-friendly, while business must in turn develop its sense of social responsibility'.

The Commission has therefore decided to review the work done by the EU to date in the field of CSR, in order to ensure that the approach whereby businesses act on a voluntary basis is compatible with the revised Lisbon Strategy. The Commission intends to boost political support for CSR and to increase its visibility as a way of allowing businesses to make a voluntary contribution to the European strategy for growth and jobs and to the sustainable development strategy, in line with the recommendations that emerged from the work of the Stakeholder Forum.

The Commission is currently examining the next steps to be taken in order to advance the CSR agenda at European level, and it will present its conclusions in the next few months.

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Question no 100 by Adamos Adamou (H-1032/05)

Subject: Continuing construction of the wall on Palestinian territory

Parliament's Delegation for relations with the Palestinian Legislative Council recently visited the West Bank and the Gaza Strip.

During the visit, the Delegation was personally able to observe the continuing construction of the wall. The wall which will, in future, separate the State of Israel from the State of Palestine continues to be built and, in many instances, within the green line, i.e. the 1967 borders, meaning that the actual land ultimately to be given to the Palestinians to found their State will be less than 22% of their historical territory as provided by the Road Map. Moreover, the wall completely surrounds the city of Jerusalem, thereby excluding East Jerusalem from Palestinian territory, which the Palestinians consider to be a 'red line' as they have repeatedly stated that they cannot accept any solution which does not provide for East Jerusalem to be the capital of their State.

How does the Commission intend to help ensure that Israel stops building the wall which, in addition to all the abovementioned political problems, is also creating enormous humanitarian problems?

Answer

(EN)The routing of the separation barrier inside the Palestinian West Bank, and in East Jerusalem, is a source of great concern. The European Council has called on Israel to freeze construction of the barrier inside the occupied Palestinian territories, and in its declaration of June 2005, it stated that it remains concerned by the continuing construction of the separation barrier, which it held to be contrary to the principles of international law. The European Council stressed that such unilateral acts serve only to make it more difficult to achieve a negotiated settlement of the conflict with a two-state solution in mind.

The Council reiterated these concerns in its most recent statement of 21 November 2005 on the Middle East Peace Process. The Council "urges the Israeli Government to cease all activities in the Palestinian Territories contrary to international law, including settlement building, the demolition of Palestinian homes and the construction of the separation barrier on occupied land. These undermine the prospects for a sustainable

⁽³⁶⁾ OJ C 187 E, 7.8.2003, p. 180.

peace through the co-existence of two viable states. The situation in and around East Jerusalem is a cause of particular concern.”

The Commission is very aware of the humanitarian and economic hardship caused to the thousands of Palestinians affected by the construction of the separation barrier, and the Commissioner in charge of External Relations raised the matter with Prime Minister Sharon during her visit to Israel on 10 November 2005.

The Commission will emphasise its position to the Israeli authorities whenever the opportunity for political dialogue arises. The European Union will continue to collaborate with the international partners in the Quartet and with our partners in the region to work with both sides to bring them back to the political process, as laid down in the Roadmap, and to promote a resolution to the conflict based on tolerance, respect of democracy and human rights.

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Question no 101 by Erna Hennicot-Schoepges (H-1035/05)

Subject: Financing of stem cell research

In November 2003, the Council of Research Ministers lifted the moratorium on stem cells and decided that research on existing cell lines might be financed from the Sixth Framework Programme.

Which projects were supported? Does this compromise also apply to the Seventh FPR? Why is there no reference to this in any Commission document?

Answer

(FR)The agreement adopted by the Council and the Commission on 30 September 2002 on the specific programme ‘Integrating and Strengthening the European Research Area’, which implements the sixth European Community framework programme for research, technological development and demonstration (2002-2006)⁽³⁷⁾, stated that until the Commission had outlined the procedure it would use to evaluate, select and fund research programmes involving the use of human embryos and human embryonic stem cells, it would only be possible to fund research projects involving the use of banked or isolated human embryonic stem cells in culture (e.g. existing stem cells).

On 26 November 2003, the Commission submitted a proposal to the Council on the conditions for Community funding of research activities involving the procurement of human embryonic stem cells from supernumerary embryos⁽³⁸⁾. Since no agreement has been reached within the Council on this proposal, the specific programme ‘Integrating and strengthening the European Research Area’ continues to provide the legal basis for the funding of such research.

At the same time, the agreement of 30 September 2002 provided for procedural arrangements to be put in place for the funding of research activities involving the use of banked or isolated human embryonic stem cells in culture. These arrangements were adopted by the Commission on 11 November 2003⁽³⁹⁾ in line with the rules provided for in Articles 6(3) and 7(3) of the specific programme referred to in the previous paragraph.

To date, the Commission has funded five projects pursuant to Articles 6(3) and 7(3) of the specific programme. Within the framework of this programme, they were submitted to the Regulatory Committee⁽⁴⁰⁾, which is made up of representatives of the Member States, for its opinion. The projects, which use only existing human embryonic stem cell lines, were all approved by a large majority. A key point to note is that research carried out on human embryonic stem cells forms only a small part of the research activities within the framework of each project.

⁽³⁷⁾ Council Decision 2002/834/EC, OJ L 294, 29.10.2002, p. 1.

⁽³⁸⁾ COM(2003)390 final of 9.7.2003 and COM(2003)749 final of 26.11.2003 [i.e. COM(2003)390 amended following the favourable opinion issued by Parliament on 19 November 2003].

⁽³⁹⁾ C(2003)2952

⁽⁴⁰⁾ Committee set up for such research pursuant to Articles 6(3) and 7(3) of the specific programme ‘Integrating and strengthening the European Research Area’.

The Commission has proposed that the ethical guidelines provided for in the sixth framework programme be carried over in their entirety into the seventh framework programme⁽⁴¹⁾. Details of this ethical framework are given in the Commission's proposals for the specific programmes, which it presented on 21 September 2005⁽⁴²⁾. These proposals will of course be discussed with Parliament and the Council as part of the interinstitutional procedure.

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Question no 102 by Bill Newton Dunn (H-1038/05)

Subject: The Commission's website

Is the Commission satisfied that its website is fully accessible and user-friendly for visually-handicapped citizens, who may compose up to 20% of our society?

For example, are the colour-combinations used on the website easy for colour-blind people to read?

For example, are large tables which contain many rows and columns of data made easy for people with limited narrow vision, when they may not be able to look up to the top or across to the side to verify what the data refers to?

Answer

(EN)The Commission is very committed to make their public web site accessible as already indicated in the Commission Communication on web Accessibility⁽⁴³⁾. The Commission informs the Honorable Member that for its website, it has decided to adopt level A conformity of the Web Content Accessibility Guidelines as issued by the W3C consortium, the international issuing guidelines for the Web.

Although some older pages on the site may not completely conform, all new recently updated pages are systematically checked for conformity. More information on the accessibility policy of the Europe site can be found at our page on the subject at .

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Question no 103 by Liam Aylward (H-1040/05)

Subject: Sellafield nuclear plant

In light of the ongoing concern relating to the operation of the Sellafield nuclear facility in Cumbria, will the European Commission use the powers vested in it under the Euratom Treaty to carry out a full independent inquiry into safety standards at this plant?

Answer

(EN)The Commission makes regularly use of the powers available to it under the existing legislation. Pending adoption of a Directive on the safety of nuclear facilities, the Commission has no competence with regard to the verification of compliance with "safety standards". This is the responsibility of the national regulatory authorities.

However, Article 35 of the Euratom Treaty stipulates that "Each Member State shall establish the facilities necessary to carry out continuous monitoring of the level of radioactivity in the air, water and soil and to ensure compliance with the basic standards" and that "The Commission shall have the right of access to such facilities; it may verify their operation and efficiency".

With respect to the Sellafield site, the Commission used this right no later than in March 2004. It allowed to confirm that the provisions put in place for monitoring discharges of gaseous and liquid radioactive effluents as well as for the surveillance of levels of radioactivity in the environment were in compliance with Article 35 of the Euratom Treaty.

⁽⁴¹⁾ COM(2005)119 final, presented on 6.4.2005.

⁽⁴²⁾ COM(2005)440 final, COM(2005)441 final, COM(2005)442 final and COM(2005)443 final.

⁽⁴³⁾ COM (2001)529

The Main Findings and Technical Report of the verifications in 2004 were transmitted to the United Kingdom competent authorities. The latter has been put in the public domain on the EC's EUROPA web site⁽⁴⁴⁾.

In addition, the Commission regularly exercises its powers to verify nuclear security issues at the Sellafield site under Chapter VII of the Euratom Treaty. In applying these provisions, the Commission inspects nuclear installations with a view to preventing the diversion of nuclear material from its intended use.

The Commission therefore fully uses the powers as vested in it under the Euratom Treaty to carry out independent inquiries into safety as well as security standards at all nuclear plants in the European Union, including the site of Sellafield.

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Question no 104 by Brian Crowley (H-1042/05)

Subject: Cheaper mortgages

Is it the view of the European Commission that the availability to EU consumers of cross-border financial services will result in greater competition, and consequently provide better financial services, such as mortgages, to the consumers of Europe?

Answer

(EN) Under normal market conditions, the availability of financial services from providers from other Member State creates more competition in EU retail markets. The model of open competition is commonly regarded as beneficial to consumers. In its position on the Green Paper on Financial Services Policy (2005-2010), BEUC (The European Consumers' Organisation) acknowledges that "integration of retail financial services markets could potentially benefit consumers in the form notably of substantial financial gains (lower prices through increased competition)".

The notion of 'better' financial services, referred to by the honourable Member in his question, is a subjective one. However, greater competition in retail financial services can certainly offer to consumers the following gains:

greater choice;

lower prices due to pressure on financial services providers;

introduction of new products⁽⁴⁵⁾, taking the specific example of mortgage credit;

And finally, increased growth fostered by financial market integration. Although one cannot expect retail financial services market integration to foster the same growth as wholesale market integration, it still plays an important role. For instance, taking mortgage credit as an example, a study conducted for the Commission by London Economics estimates that by 2015 integration of the EU mortgage credit market would raise EU GDP (gross domestic product) by 0.7% and private consumption by 0.5%⁽⁴⁶⁾.

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Question no 105 by Seán Ó Neachtain (H-1044/05)

Subject: The Irish language

A decision was taken in the summer 2005 to accord the Irish language status as an official working language within the European Union. Can the European Commission state what are its plans to implement this decision in terms of recruiting new Irish language translators and interpreters?

⁽⁴⁴⁾ http://europa.eu.int/comm/energy/nuclear/radioprotection/verification_en.htm

⁽⁴⁵⁾ Study on the Financial Integration of European Mortgage Markets by Mercer Oliver Wyman (2003).

⁽⁴⁶⁾ The Costs and Benefits of Integration of EU Mortgage Markets by London Economics (2005).

Answer

(EN)Irish was granted the status of an official and working language of the European Union by the Council on 13 June 2005.

Council Regulation N° 1/58⁽⁴⁷⁾, which is the legal basis of the language policy in the EU, was amended to include Irish as the 21st official language.⁽⁴⁸⁾ The amended Regulation will apply from 1st January 2007.

In the meantime, the European Personnel Selection Office (EPSO), in consultation with the other European Union institutions, is actively pursuing plans to meet their recruitment needs in relation to the Irish language. In this respect, a special Task Force has been established by the Inter-Institutional Committee on Translation and Interpretation (ICTI)⁽⁴⁹⁾. Early November 2005, this Task Force undertook a fact-finding visit to Ireland to assess the market for Irish language translators and interpreters. It is expected to report its findings to the ICTI shortly.

EPSO's forward planning, as agreed by the EPSO Management Board⁽⁵⁰⁾, included the preparation of a notice for competition for Irish proofreaders for the Office of Official Publications of the European Communities. The publication of this open competition is expected by the end of 2005. EPSO also currently envisages the publication of an open competition for translators having Irish as their main language in the first semester of 2006. Competitions for interpreters have still to be agreed upon by the European Union institutions.

While the demand for interpreting envisaged by the Irish authorities is modest, it must be noted that the number of known interpreters with Irish is extremely low. It would be for the Irish authorities to train the requisite numbers to EU standards.

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Question no 106 by Eoin Ryan (H-1046/05)**Subject: Development aid**

Can the European Commission state clearly what it is doing to ensure that simplified and up-to-date information can be assessed concerning how EU development aid monies are being spent on an annual basis?

Answer

(EN)The main objective of the EC development co-operation policy is to reduce and eventually eradicate poverty, through support for economically, socially and environmentally sustainable development and promotion of the gradual integration of the developing countries into the world economy.

The Commission has a legal obligation to report to the Council and the Parliament on its activities and results in the framework of various regulations regarding assistance programmes. To this end, the Commission produces yearly an Annual Report on the European Community's development policy and external assistance. The report covers the policies and targets set for the year in question, and measures our achievements against them. It contains an annex with financial tables where updated extensive information can be found on how external aid is financed from the general European Union budget and the European Development Fund.

⁽⁴⁷⁾ OJ, 017, 6/10/1958.

⁽⁴⁸⁾ The 20 other official languages are German, English, Danish, Spanish, Estonian, Finnish, French, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Dutch, Polish, Portuguese, Slovak, Slovenian, Swedish and Czech.

⁽⁴⁹⁾ The Inter-Institutional Committee on Translation and Interpretation (ICTI) is a forum for cooperation between the language services of the European Union's institutions and bodies which was set up in 1995. It is responsible for coordinating and carrying out inter-institutional projects in fields which include making savings in the use of resources, complementarity in relation to management, pooling research into new working methods and techniques and the successive enlargements of the Union.

⁽⁵⁰⁾ The EPSO Management Board consists of one member appointed by each institution (Parliament, Council, Commission, Court of Justice, Court of Auditors, Economic and Social Committee, Committee of the Regions and the European Ombudsman), together with 3 staff representatives who have observer status.

An electronic version of the Annual Report is available on the EuropeAid's web site every year in June (http://europa.eu.int/comm/europeaid/reports/index_en.htm

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Question no 107 by Carlos Carnero González (H-1048/05)

Subject: Excavation of the M-30 and the environmental-impact study exemption granted by the Madrid Regional Government

On 23 November 2005 the Commission told the European Parliament's Committee on Petitions that pursuant to the inquiry procedure (2004/2080) which it had opened in response to earlier questions tabled by the present author in February 2004 (P-0494/04) and May 2005 (H-0412/05⁽⁵¹⁾), it had received all the information which it had requested from Spain concerning the excavation of the M-30 which is proceeding under the auspices of the Madrid city authorities. As has been stated once again by Roberto Tornamira on behalf of Southern Interchange Victims' Lobby, the excavation work is being actively opposed by local people. Since the work is proceeding, the Commission must now decide whether it deems an environmental-impact assessment to be mandatory (as the author of this question believes and as is required under Community law). Will the Commission agree to take a decision by 31 December of this year?

Answer

(EN)The M-30 project has been the subject of an exchange of information between the Commission and the Spanish authorities. The Commission requested information in particular on the respect of the provisions of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as modified by Directive 97/11/EC.

The answers of the Spanish authorities are currently under examination and conclusions will be reached shortly. In any case, the Commission will take all the necessary steps to ensure compliance with Community legislation in this case.

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Question no 108 by Filip Andrzej Kaczmarek (H-1049/05)

Subject: Mother-tongue broadcasts to Belarus by Deutsche Welle

The Commission has allocated € 2 000 000 for news broadcasts to Belarus. The project is being carried out by the Deutsche Welle radio station, which is broadcasting the programmes in Russian. For many opposition politicians in Belarus, this represents a slap in the face for Belarus's national culture. The fact that Deutsche Welle is broadcasting the programmes in Russian is seen in Belarus as an attempt by the European Union to 'Russify' the country. This is a paradoxical situation, given that in earmarking funds for radio programmes for Belarus Parliament sought to improve access to independent information in Belarus and to bolster the Belarusian people's efforts to secure the democratisation of their country. These goals are unlikely to be achieved if these programmes are not broadcast in Belarusian, which is a symbol of Belarus' ongoing efforts to achieve true independence.

Is the Commission considering the possibility of programmes being broadcast to Belarus in Belarusian, given that in the last national census 73.7% of Belarusians stated that they considered the language to be their mother tongue?

Answer

(EN)Under the "European initiative for democracy and human rights" an EC financial instrument which supports democratisation process in third countries, the Commission has indeed granted a € 138,000 contract to radio Deutsche Welle to broadcast into Belarus, via radio and internet, a 15 minutes programme on a daily basis both in Russian, which remains the language of a sizable part of Belarus population, and in Belarusian.

⁽⁵¹⁾ Written reply of 7.6.2005

The Parliament welcomed this support for independent broadcasting in its Resolution on Belarus of 29 September 2005.

This programme will contribute to raising awareness amongst the population about democracy, rule of law, pluralism, freedom of press and human rights, and give them access to independent information about the situation in their country and in the world.

The news reports are posted on the internet in Russian and Belarusian languages. As an initial step, radio broadcasting has started in Russian. The Commission and Radio Deutsche Welle are now actively discussing the next steps to broadcast parts of the news reports in Belarusian. This project which has started in October 2005 serves as a preparatory step for a larger-scale € 2 million media programme which is about to be launched. This programme will cover radio/television broadcasting, written press, internet and the training of journalists in line with the request of the Parliament to grant as soon as possible even greater assistance to the free media and to extend broadcasting initiatives. Broadcasting will be both in Russian and Belarusian languages. The tendering is now well-advanced and four media consortia have already been pre-selected to take part in the final selection. The Commission will now assess the projects put forward by each consortium and it will select the best one. The project will start early 2006 at the latest.

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Question no 109 by David Martin (H-1052/05)

Subject: Labour standards in possible GSP-plus countries

What assessment does the Commission make of Labour standards in the 15 countries that have applied for GSP-plus?

Answer

(EN)The new “GSP+”⁽⁵²⁾ arrangement offers additional benefits to those vulnerable countries which are implementing the international standards in human and labour rights, environmental protection, the fight against drugs and good governance.

In accordance with the procedure defined in the new Council Regulation for the GSP⁽⁵³⁾, the Commission has assessed the requests of fifteen applicants, in the light of findings of international organisations and agencies. This examination has taken account of the position of the International Labour Organisation (ILO). Apart from El Salvador, each of these applicant countries has ratified and effectively implemented the requisite eight core labour standards of the ILO, among other international conventions. Faced with specific constitutional constraints as defined under the new GSP Council Regulation, El Salvador could be granted a temporary derogation under which this country would get an additional year to sign, ratify and effectively implement the two missing conventions on labour rights.

The EU’s GSP scheme has played a vital role as an “incentive” for the applicant countries, several of which have recently ratified some key ILO conventions in order to comply with the criteria for the “GSP+”. According to the ILO supervisory committees, most of the applicant countries have made substantial changes to their legal systems in order to comply fully with the rights enshrined in the ILO conventions, in particular regarding the freedom of association and the right to collective bargaining.

New institutions have also been set up to further promote and protect core labour rights in requesting countries. Where exceptional weaknesses in government policy and/or action have been identified, they can be explained by underfunded public services and small public budgets which characterize developing countries and economies in transition to free-market pluralistic societies. Requesting countries’ efforts to tackle difficulties relating to some ILO conventions have been judged against this background.

The Commission supports the key progress and reforms from the fifteen GSP+ applicants. Accordingly, by the end of this year, the Commission will make the final decision to include these countries on the list of GSP+ beneficiaries for the GSP Regulation lifetime (2006-2008).

⁽⁵²⁾ Generalised System of Preferences +

⁽⁵³⁾ Council Regulation (EC) N° 980/2005 of 27.06.2005, OJ L 169, 30.06.2005, p. 1

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Question no 110 by Inger Segelström (H-1057/05)

Subject: Internet brothels

Promoting or earning money from someone else selling sex amounts to sexual procurement and carries a possible prison sentence of six years in Sweden. Nevertheless, sexual procurement is taking place quite openly on the Internet. On 28 November 2005, as many as 500 prostitutes were being advertised to sex-buyers in some ten European countries. Naked photographs, price lists, suggestions of locations for sex and mobile telephone numbers - everything is stated openly. So far, it has not been possible to prosecute any of the people behind these sites. The problem is that the companies' servers are located in countries with no appropriate legislation or which are difficult to cooperate with for other reasons.

Is the Commission aware of this problem and what does it intend to do to deal with it?

Answer

(EN)The Commission is aware of the situation described in this oral question. Currently, two Council Framework Decisions address the problem of sexual exploitation: the Council Framework Decision of 19 July 2002 on combating trafficking in human beings⁽⁵⁴⁾ and the Council Framework Decision of 22 December 2003 on combating the sexual exploitation of children and child pornography⁽⁵⁵⁾. Member States have adapted their legislation or are doing this. The competent authorities of the Member States must be considered to be obliged to prosecute sexual procurement on the Internet where it constitutes an offence according to the Framework Decisions. In the course of their evaluation the need for further legislative action will be assessed.

Furthermore, the Safer Internet plus programme aims to promote safer use of the Internet and new online technologies, particularly for children, and to fight against illegal content and content unwanted by the end-user, as part of a coherent approach by the European Union.

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Question no 111 by Andreas Schwab (H-1060/05)

Subject: Introduction of charges for cars using German motorways

Following the introduction of a toll for HGVs, a charge for cars using German motorways is also being discussed. At the moment, car drivers have to pay motor vehicle tax calculated on the basis of emissions and engine capacity, and excise duty on mineral oil. The proceeds from a possible car toll could be reserved solely for road construction, as this is the motivation behind the charge. Since the cost to German drivers is already substantial, the introduction of a distance- or time-related road-use charge would have to be accompanied by a reduction in motor vehicle tax or mineral oil duty.

If mineral oil duty is cut, then attention must be paid to the minimum tax rates set out under the Energy Tax Directive, below which mineral oil duty could not fall.

Does the Commission consider that the introduction in Germany of a motor vehicle toll based on road use, accompanied by a compensatory reduction in mineral oil duty or the motor vehicle tax imposed by the individual Länder, is compatible with European law, and in particular with the ban on discrimination under Article 12 of the EC Treaty?

Answer

(FR)The Commission does not believe that the introduction of a motorway toll system for passenger cars constitutes a violation of Article 12 of the EC Treaty in itself. The Member States must ensure, however, that such systems do not result in direct or indirect discrimination on the basis of the nationality of users. The same principle applies when their introduction is accompanied by a corresponding reduction in national taxes.

⁽⁵⁴⁾ OJ L 203, 1.8.2002

⁽⁵⁵⁾ OJ L 13, 20.1.2004

As regards reductions of national mineral oil taxes, it is important to note that the applicable directive⁽⁵⁶⁾ sets out minimum levels of taxation for energy products, including motor fuels. Member States can choose their general levels of taxation respecting the rules set by the Directive, notably the minimum rates. Differentiations, deviating from this principle, may be applied only if permitted by the Directive.

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Question no 112 by Manolis Mavrommatis (H-1061/05)

Subject: Sporting events on the Internet and mobile telephony

Following the Bosman case and the question of freedom of movement of footballers within the Member States, football finds itself once again at the centre of disputes between the European Football Federation (UEFA), the International Football Federation (FIFA), the International Association of Athletics Federations (IAAF), other international federations and the Commission's Directorate-General for Competition. The international federations disagree with certain aspects of the forthcoming Directive on 'Television without Frontiers', particularly in regard to the transmission of sporting events and highlights, either as information or as entertainment over the Internet or by means of mobile telephony.

Will the Commission say whether, in the context of competition and the free market, corresponding negotiations, exchanges of views and bargaining took place with the authorities and the counterpart organisations of the Member States? Is the international federations' decision binding on the EU in the field of information? Does it provide for any input from the stakeholders concerned, in this case the clubs and federations, or is this a 'gift' from the EU to the new technologies industry?

Answer

(EN)The honourable Member refers both to actions taken on the basis of Competition rules in the EC Treaty and the Television without Frontiers Directive.

Concerning the first aspect, in July 2003 the Commission adopted a decision pursuant to Article 81 of the Treaty in relation to joint selling of the commercial rights of the UEFA Champions League. A second decision was adopted on 19 January 2005 regarding the German Bundesliga. A Sector Inquiry into the provision of sports content over third generation mobile networks has recently been completed and published by the Commission on the website Europa⁽⁵⁷⁾, and the Commission intends to keep the situation under review.

Concerning the second aspect, the Commission is presently modernising the Television without Frontiers Directive. The review was prepared with two consultations in 2003 and 2005 and in full transparency - all documents and contributions are publicly available⁽⁵⁸⁾. Sports federations were involved in this discussion like other stakeholders. It is not clear in which way an "international federation' decision" could or should be binding on the EU.

One of the issues discussed in the context of the modernisation of the directive is the right for a broadcaster in a member state to access short news reports on a fair, reasonable and non-discriminatory basis for events of high interests to the public transmitted by broadcasters under the jurisdiction of another member state. This in no case prevents entertainment rights for events of public interest to be acquired by broadcasters on an exclusive basis.

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⁽⁵⁶⁾ Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, OJ L 283.

⁽⁵⁷⁾ http://europa.eu.int/comm/competition/antitrust/others/sector_inquiries/new_media/3g/

⁽⁵⁸⁾ See all preparatory documents and contributions on the Commission's website:
http://europa.eu.int/comm/avpolicy/regul/regul_en.htm#3

Question no 113 by Karin Riis-Jørgensen (H-1063/05)**Subject: Aid for the ENOC**

The European Network of Ombudsmen for Children (ENOC) was formed in 1997. The network consists of a number of national organisations and its aim is to promote children's rights in the individual countries. 26 countries are represented by children's ombudsmen or similar institutions. The aim of the network is to collect and exchange information concerning children's rights throughout Europe.

One way of improving joint European efforts would be to set up a European secretariat to coordinate the ENOC's work.

Will the Commission consider whether it is possible to grant aid for the ENOC's future work, from funds for the Daphne programme, for example?

Answer

(EN)The Commission would welcome discussions on the possibility to support a secretariat of the European Network of Ombudsmen for Children (ENOC) in the context of the consultations with civil society that will take place before finalising a Commission communication on the rights of the child, which is foreseen during the first half of 2006.

The Commission can provide funding under the Daphne II Programme to partnerships of European non-governmental organisations that work to combat violence against children. However, co-funding can only be granted for specific actions of a duration of maximum 24 months, and there is currently no possibility to provide operational grants under this Programme to financially support the functioning and operation of organisations or networks of organisations, such as ENOC.

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Question no 114 by Eugenijus Gentvilas (H-1067/05)**Subject: 20th anniversary of the Chernobyl disaster**

On 26 April 2006, the 20th anniversary of the Chernobyl disaster will be commemorated, a disaster which posed an enormous threat to the safety and lives of European citizens. Thousands of young rescuers died or had their health destroyed as a result of their participation in the operations to cope with and limit the consequences of the accident. Yet now these people are not being assessed and are receiving insufficient medical care and social assistance. Because of the radiation to which they were exposed, the former rescuers are seriously ill or dying.

Could the Commission indicate what action has been undertaken to take better account of the social situation and state of health of these rescuers? Would it not be worthwhile to encourage the Estonian, Latvian and Lithuanian Governments to allocate more resources to solving these problems? Are there no plans, as part of the new Neighbourhood Policy, to create an aid fund to deal with the social and health problems faced by the rescuers? Such measures could be carried out jointly with the Governments of Russia, Ukraine, Belarus, Moldova and other countries.

Answer

(EN)The Commission carried out and sponsored a large number of projects in the countries most affected by the Chernobyl accident. These included, in the social area, medical supplies and equipment, training of medical staff and projects to help create alternative employment. However relatively little was done concerning specifically the "liquidators". Currently the Commission is participating in the Cooperation for Rehabilitation (CORE) Programme in Belarus with the objective to improve the living conditions of the inhabitants of selected districts by reaching out to the people themselves.

Current programmes to deal with the consequences of the Chernobyl accident are well publicized. All countries, the EU Member States in particular, are welcome to participate in the ongoing efforts.

The new instruments for external assistance do not refer to specific projects, however it is not excluded that new projects be launched to address Chernobyl problems, if an agreement is reached with the beneficiary countries in this respect.

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Question no 115 by Rodi Kratsa-Tsagaropoulou (H-1072/05)

Subject: Pollution of the waters of the Mediterranean

According to the latest information from the European Environment Agency, the pollution and degradation of the natural environment of the Mediterranean and the coasts of Mediterranean countries are mainly caused by the concentration of population in coastal areas and tourism (urban sewage and solid waste, industrial waste, oil pollution, urbanisation of coasts, etc.). Between 2003 and 2005, several towns and cities from both sides of the Mediterranean took part in the MED'ACT programme with the aim of cooperating on environmental protection. A new programme, MED'PACT, is scheduled for 2006, the aim of which is to improve planning and management relating to Mediterranean cities' environmental problems.

Does the Commission have a qualitative and quantitative assessment of the policy implemented thus far to combat the pollution of the marine environment by urban and tourist centres? Will this topic be included in the Green Paper to be drafted on the future of European shipping and in other initiatives and programmes relating to the marine environment? Will the Commission use MEDA funding to promote systematic cooperation between the EU and the Mediterranean partners to combat the problems associated with the pollution of the waters of the Mediterranean?

Answer

(EN)The Commission is fully aware of the importance of the impact of land based activities and sources of pollution on the coastal and marine environments. The European Environment Agency published in November 2005 its report on "Priority issues in the Mediterranean environment". This report was elaborated in close collaboration of the Agency with the Mediterranean Action Plan of the Barcelona Convention. The report concluded that pollution from land-base activities such as urban and touristic centres is the main source of pollution of the Mediterranean. The situation is worsened by inadequate treatment of urban waste and it is exacerbated by the continuous growth of tourism.

There are several Community instruments dealing with this type of pollution:

The EU Water Framework Directive, 2000/60/EC,⁽⁵⁹⁾ which is the main instrument addressing the pollution of all water bodies, including coastal areas.

Directives aimed inter alia to avoid eutrophication, such as those on nitrates from agricultural sources, 91/676/EEC,⁽⁶⁰⁾ and on urban waste water treatment, 91/271/EEC⁽⁶¹⁾.

A specific directive on quality of bathing waters, 76/160/EEC,⁽⁶²⁾ aimed at reducing the pollution of bathing waters to protect the environment and public health.

Excepting the water framework directive, which is at its first stages of implementation, the Commission regularly informs on the application of these directives. The Third Implementation Report of the urban waste water directive has been published in 2004.⁽⁶³⁾ Likewise, the Commission published the Report on the

⁽⁵⁹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, Official Journal L 327, 22/12/2000 P. 0001 – 0073

⁽⁶⁰⁾ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, Official Journal L 375, 31/12/1991 P. 0001 - 0008

⁽⁶¹⁾ Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment, Official Journal L 135, 30/05/1991 P. 0040 – 0052, as amended by Commission Directive 98/15/EC of 27 February 1998 amending Council Directive 91/271/EEC with respect to certain requirements established in Annex I thereof Official Journal L 067, 07/03/1998 P. 0029 - 0030

⁽⁶²⁾ Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water, Official Journal L 031, 05/02/1976 P. 0001 - 0007

⁽⁶³⁾ http://europa.eu.int/eur-lex/en/com/rpt/2004/com2004_0248en01.pdf

Implementation of the nitrates directive in 2002.⁽⁶⁴⁾ The Implementation Report covering the 2004 season for bathing waters has been published in 2005.⁽⁶⁵⁾

The Commission is aware on the need to define specifically marine-oriented policies at Community level and has been paying particular attention to that over recent years.

Thus, the Thematic Strategy for the Protection and the Conservation of the Marine Environment, recently adopted by the Commission⁽⁶⁶⁾ is the first environmental policy specifically proposed for the marine. Its integrated approach will allow addressing all kind of human induced impacts, included land based originated pollution. This strategy should be seen in the wider process of the initiative set in motion by the Commission to prepare a Green Paper for an all embracing Maritime Policy.⁽⁶⁷⁾ The Green Paper shall be adopted in the first half of 2006 and will be the basis for a broad consultation. The Strategy will constitute the environmental pillar of this Maritime Policy.

In the particular context of the Mediterranean Sea, the Commission, conscious of the urgent need to undertake action, proposed and the Euro-Mediterranean Summit of 27-28 November 2005 agreed an ambitious initiative "to de-pollute the Mediterranean by 2020". The goal is to tackle all the major sources of pollution including industrial emissions, municipal waste and particularly urban wastewater. A road map of actions to meet this goal will be prepared in consultation with all of the relevant stakeholders and submitted to the Euro-Mediterranean Environment Ministers for adoption in 2006. The Commission will be formally launching this initiative at a meeting in Barcelona on 19 December. Representatives of regional and local authorities, as well as the private sector and NGOs have been invited to this meeting, and ask to indicate how they will be able to contribute to the initiative.

In addition it is worthwhile to mention that ship source pollution is adequately addressed with the REMPEC Strategy, which has been endorsed by the parties to the Barcelona Convention and that due account of this strategy has been taken in the new on-going SAFEMED/MEDA project.

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Question no 116 by Ioannis Gklavakis (H-1073/05)

Subject: Division of maximum guaranteed area for production of energy crops

Council Regulation (EC) no 1782/2003⁽⁶⁸⁾ lays down aid of € 45 per hectare for energy crops. The aid is granted for a maximum guaranteed area of 1 500 000 hectares in the Community as a whole (Articles 88-89).

As the production of biofuel is one of the major political objectives of the EU and all the Member States, when will the division, among the now 25 Member States, of the maximum guaranteed area of 1 500 000 hectares be announced so that it can be taken into account in the agricultural policy to be implemented for energy crops and so the areas for growing those crops can be defined?

In view of the growing need to boost incomes from farming, on the one hand, and the production of biofuels, on the other, will the Commission increase the financial aid to farmers growing energy crops as an incentive to produce them?

Answer

(EN)The maximum guaranteed area of 1 500 000 hectares for the production of energy crops is not a limitation of production but is a necessary budgetary tool. In case of an overshoot of the above area, the payments to the farmers would be reduced proportionally.

This budgetary constraint applies at EU level, to provide maximum flexibility for the production of energy crops.

⁽⁶⁴⁾ COM(2002)407

⁽⁶⁵⁾ http://www.europa.eu.int/water/water-bathing/index_en.html

⁽⁶⁶⁾ COM(2005)504 and COM (2005)505.

⁽⁶⁷⁾ "Towards a future Maritime Policy for the Union: A European vision for the oceans and seas," at: http://europa.eu.int/comm/fisheries/doc_et_publ/factsheets/legal_texts/docscom/en/com_maritime_en.pdf

⁽⁶⁸⁾ OJ L 270, 21.10.2003, p. 1

Besides the energy crop regime, the non-food on set-aside scheme is an alternative way of providing community support for the production of biofuels.

The energy crops scheme is a new measure introduced by the 2003 Common Agriculture Policy (CAP) reform. The Commission will make a report by the 31st December 2006, on the basis of the experience gained during the first three years of implementation and taking into account the implementation of the EU biofuels initiative. If appropriate this report will be accompanied by proposals to modify the energy crop scheme.

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Question no 117 by Georgios Toussas (H-1074/05)

Subject: Dismissal and prosecution of trade unionists

There is a general trend among employers towards dismissing and prosecuting trade union leaders in order to terrorise workers and attack their pay and social security rights as part of a more general attempt to impose an anti-working-class policy. Typical examples occurred in Greece where, within a few days, 10 trade unionists working for the Fage company were dismissed, Alexandros Kalymnios, a member of the executive of the metalworkers' union 'I Masina' was sacked by Telestar Viomihaniki EPE, and the trade unionist Theodoros Kamberos was fired by the supermarket chain Dia.

At the same time, trade unionists continue to be prosecuted. Examples are K. Artemiou, chairman of the Greek federation of workers in the bottled drinks industry, A. Organtzis of the federation of the tourism and food supply industries, and V. Rifounas, a metalworker with the 'Carbon Lorraine Hellas' company.

Does the Commission condemn the dismissal and prosecution of trade unionists by companies as unacceptable and undemocratic acts? Will it take measures to ensure that workers' freedoms are respected and that their right to take part in trade union and political activity is not impeded?

Answer

(EN)The Commission considers that freedom of association should be regarded as a general principle of Community law. It is therefore to be respected in any situation falling within the scope of application of Community law.

In effect, in its Bosman ruling, the Court of Justice ruled that "freedom of association, [...] enshrined in Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and resulting from the constitutional traditions common to the Member States, is one of the fundamental rights [...] which are protected in the Community legal order".

Furthermore, Article 12 of the EU Charter of Fundamental Rights provides that everyone has the right to freedom of association, in particular in trade unions matters. The Community Charter of the Fundamental Social Rights of Workers contains a similar provision.

Community law may be affected, for example, in relation to Directive 98/59/EC on the approximation of the laws of the Member States regarding collective redundancies, which makes compulsory the consultation of workers' representatives where an employer is contemplating collective redundancies. Furthermore, some provisions in a number of EU directives provide for the protection of workers' representatives in certain cases⁽⁶⁹⁾.

However, there is no EC legislation expressly providing for a right of association. Article 137 of the EC Treaty provides that it does not constitute an appropriate legal base empowering the Community to adopt measures concerning the right of association.

Moreover, the Commission would like to stress that the Treaty does not empower the Commission to take action against a private undertaking which would breach the right to freedom of association. In such a case,

⁽⁶⁹⁾ See, in this regard, in particular Article 10 of Directive 94/45/EC (on European Works Councils), Article 6(2) of Directive 2001/23/EC (on transfer of undertakings), Article 7 of Directive 2002/14/EC (on a general framework for informing and consulting employees). The text of the directives can be found in:

it is for national authorities, in particular courts, to ensure the respect of that right in their territory. Indeed, these authorities are bound by general principles of Community law in all cases falling within its scope of application.

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Question no 118 by Luis de Grandes Pascual (H-1077/05)

Subject: Fuel prices

The Commission provided a written answer to question H-0907/05 on 15 November. However, the content of the answer does not correspond totally to the question. Whilst, following the Commission's recommendation, a question has been addressed to the Council asking which delegations backed the proposals regarding professional diesel and review clauses in transport contracts, the answer the Commission may give is still of great interest.

Will the Commission submit a proposal regarding professional diesel and another on review clauses in transport contracts? What is the suggested timetable for their adoption?

Answer

(FR)The Commission wishes to inform the honourable Member that it is currently in the process of preparing legislative proposals that will allow the EU to respond to the rise in oil prices. The first of these proposals will be aimed at harmonising contractual clauses that allow oil-price-related costs to be passed on to customers. The second will be concerned with the taxation of commercial diesel.

These proposals will be submitted to the College of Commissioners shortly.

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Question no 119 by Pedro Guerreiro (H-1084/05)

Subject: Situation of the textile and clothing sector

In view of the current round of WTO negotiations (in particular as regards market access for non-agricultural products, including textiles and clothing), the recent agreement between the United States and China on textiles and clothing (which applies to 34 categories and is valid until 2008) and the steady increase in textile and clothing imports into the EU (which faces the risk of import quotas being exceeded again), does the Commission not consider that measures must be taken as a matter of absolute urgency to protect this important industry in the European Union, in particular by: activating the safeguard clauses for all products whose import levels have already exceeded the alert levels, renegotiating the agreement concluded with China with a view to including new categories and reducing import growth levels, and renegotiating the liberalisation of the sector within the WTO?

Answer

(EN)The Memorandum of Understanding (MoU) agreed with the Chinese authorities on 10 June 2005 and implemented by Commission Regulation (EC) No 1084/2005 of 8 July 2005,⁽⁷⁰⁾ is a once and for all deal. The Commission wants to avoid a situation of permanent negotiation in our overall relations with China. This MoU gives a degree of clarity and predictability to operators including the EU industry. Any other option would be detrimental, in particular for industries which need to plan ahead their activities on the longest possible period of time. Furthermore, this agreement covers the most sensitive EU products. It is the most favourable one that was possible in a context where more than half of the Member States made a substantial effort in accepting quantitative limitations that are detrimental to their retailers.

It has to be noticed that the United States followed the EU approach in a similar agreement with the Chinese authorities. The US agreement covers 2008, however it has to be noticed that it will enter into force only in 2006, and does not cover the year 2005, contrary to the EU agreement. Also, the annual increase of quota quantities is more important in the US agreement (up to 18% for the US, only between 8.5 and 12 % for the EU). Both agreements are hardly comparable in terms of products coverage. In particular the definition of

⁽⁷⁰⁾ OJ L 177, 9.7.2005, p. 19

textile categories in the EU and the US legislation are different, the US categories being narrower. In order to make any comparison valid in this respect, it must be mentioned that the 34 US categories correspond roughly to 15/18 EU categories.

The Commission considers that during the duration of the MoU there is no justification for introducing safeguard clauses against China with regard to the textile/clothing sector as the most sensitive categories are subject to agreed quantitative limits. Beyond the firm commitment to respect these limits, the Commission has secured with the Chinese authorities a strict management system. Furthermore, as an understanding leading up to the MoU introducing the quota system for the ten categories, it was noted that the Commission would exercise restraint in invoking safeguards for further categories. Against this background, reopening the negotiation is not an option. Opposite demands come from the various EU Member States. The Commission does in the present circumstances not intend to introduce new restrictions, nor to increase the quantitative limits as requested by some Member States.

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Question no 120 by Henrik Lax (H-1088/05)

Subject: Extension of twinning projects to Russia and other countries covered by the TACIS Programme

In 1998, the European Union introduced a twinning facility whereby national experts from a Member State undertook to spend time (usually one or two years) in the administration of an accession country, in order to assist with preparations for the obligations of EU membership and to help them adopt and implement the *acquis communautaire*.

The experience of this twinning activity has been positive. More than one thousand twinning projects have been carried out to date under the PHARE Programme (for the countries which are now Member States) and under the MEDA and CARDS Programmes.

As regards Russia and the other countries covered by the TACIS Programme, no twinning activity has taken place. A different project, the Institution Building Partnership Programme, has been launched in its stead.

Taking into account both the positive experience gained from the twinning activity in the enlargement process and the enormous need for external exposure, expertise and assistance in the Russian state administration and judiciary, would the Commission consider whether its own extensive experience and the positive results of 'twinning' should not be put to good use in Russia and the other countries covered by the TACIS Programme?

Does the Commission agree that Russia's preparations to join the WTO and its reform of the judiciary are key areas that could benefit greatly from an extended twinning scheme involving senior civil servants and national experts within the EU?

Answer

(EN)With the introduction of the Twinning tool, operations have started with countries covered by the European Neighbourhood Policy. The instrument may also be gradually offered to other countries in the future.

All Tacis Neighbourhood countries have now been offered the Twinning instrument. The speed at which operations can begin will depend on the different pace and commitment of each country.

Intensive preparations are on the way to launch the first twinning projects in Ukraine in 2006, as well as in other Tacis Neighbouring countries like Moldova and Azerbaijan.

Regarding Russia, the Commission Delegation in Moscow has recently launched a Call for Proposals to the Member States with regard to the Institution Building Partnership Programme, which includes activities related to the World Trade Organisation (WTO) preparation and judiciary reform. The project is designed to cover activities related to:

Fair Competition development in the financial sector,

Customs control of goods containing intellectual property objects,

Cooperation between constitutional courts of EU countries and the Russian Federation

Legal and Judicial cooperation

As far as WTO accession is concerned, the Commission is already supporting the Russian authorities with a TACIS financed project. The project WTO Accession II, amounting to € 3 million, was contracted in September 2005 and builds on a similar TACIS financed project. Activities are mainly legal support (drafting WTO compliant texts), training of Russian officials, and awareness-raising for business people, academics and journalists to try to defuse the tensions on the subject.

The EC finances a number of projects, which are indirectly related to WTO accession (customs rules, intellectual property, sanitary and phytosanitary rules, and standards).

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Question no 121 by Athanasios Pafilis (H-1089/05)

Subject: Contaminated milk

The revelations are mounting about dangerous food produced and marketed by multinationals, heightening consumers' concerns about hygiene and safety in the food chain. The Italian courts have ordered the seizure throughout the country of baby milk produced by the German multinational Milupa, which is contaminated by the same chemical detected in Nestlé milk. This multinational has announced, however - as did Nestlé - that 'it is convinced that the disputed product did not pose any risk to children's health'.

What measures will the Commission take to curb the impunity of multinational companies and ensure that they stop treating consumers solely as sources of profit and as guinea pigs, and how does it intend to protect the people from public health hazards caused by the use of harmful substances in the food chain?

Answer

(EN) On 9 December 2005 EFSA confirmed its previous statement that there is no indication in animal studies that ITX is genotoxic. EFSA advised that its presence in foods, whilst undesirable, does not give cause for health concern at the levels reported.

Tetra Pak is phasing out all uses of this substance in packaging for milk, fatty liquids and juices by end of January 2006.

To avoid similar contamination incidents, the Commission envisages to propose a measure detailing the requirements for good manufacturing practice which the packaging industry should apply. This measure will be proposed to the Member States as an implementing measure of the regulation on food contact materials.

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Question no 122 by Diamanto Manolakou (H-1093/05)

Subject: Thefts of antiquities during the German occupation of Greece

It emerges from a report drawn up in 1945 by archaeologists working for the Greek Ministry of Education and Religions that, during the German occupation of Greece, a large quantity of antiquities was stolen by the occupying authorities. This information was presented to a conference organised in Athens on German reparations, an issue which is still in abeyance since the German authorities have not yet met claims made in relation to the occupation loan, material damage and even the remainder of the reparations in respect of the First World War.

Will the Commission take initiatives or measures to identify and record the stolen antiquities and to trace their current possessors, in cooperation with the German and Greek authorities, to ensure that they are returned to Greece, from where they were stolen?

Answer

(FR)The honourable Member raises the issue of the ownership of cultural property looted during the Second World War. Problems relating to this issue, or in other words the legal ownership of such property, do not fall within the scope of the EC Treaty.

Firstly, Article 295 of the EC Treaty states that the Treaty 'shall in no way prejudice the rules in Member States governing the system of property ownership'.

Secondly, Articles 28 to 30 of the EC Treaty, which safeguard intra-Community trade in property that has not been harmonised at Community level, including cultural property, do not deal with the legal ownership of property.

It is of course true that the Community has two legal instruments at its disposal in the field of cultural property. These include Council Regulation (EEC) No 3911/92 on the export of cultural goods to third countries and Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State. The ownership of cultural property looted during the Second World War is an issue that falls outside the scope of both of these instruments, however, since their aim is to reconcile the basic principle of the free circulation of cultural property with that of the protection of national treasures. Whereas Regulation (EEC) No 3911/92 aims to prevent national treasures from being taken out of Community territory without controls, Directive 93/7/EEC deals with the arrangements for restoring such treasures to their Member State of origin when they have been unlawfully removed from it. This Directive only applies to cultural property that has been unlawfully removed from the territory of a Member State since 1 January 1993, however.

Any disputes over ownership rights to specific cultural property that cannot be settled by amicable agreement between the parties involved may in principle be referred to the competent national courts.

Finally, it is the Commission's duty to ensure that any action it takes remains strictly within its area of competence. It does not therefore intend to take the measures requested by the honourable Member.

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Question no 123 by Mojca Drcar Murko (H-1095/05)

Subject: Problem of the 18 305 individuals who were unlawfully removed ('erased') from the country's registry of permanent residents in 1992

In the 'concluding observations' on the implementation of the International Covenant on Economic, Social and Cultural Rights dated 25 November 2005, the UN Committee on Economic, Social and Cultural Rights 'strongly recommends' that Slovenia, in compliance with the relevant decisions of its Constitutional Court, should restore the status of permanent residents to all individuals who were unlawfully removed ('erased') from the country's registry in 1992.

By announcing its intention to regulate the matter in a special 'Constitutional Act', the Slovenian Government indicated that it does not intend to comply with the Constitutional Court ruling.

Is the Commission informed that similar 'by-passing' of the rulings of the Constitutional Court was abandoned in Austria ten years ago after it had been severely criticized by Mr Roman Herzog, then President of the German Constitutional Court?

Does the European Commission intend to take tangible measures to ensure that Slovenia implements EU standards and its body of law, given that thousands of people, many of them of Roma origin, are still being denied their basic human rights?

Answer

(EN)The Commission does not have general competence as regard fundamental rights under the terms of the Treaties on the European Union and establishing the European Community, and may only intervene in the event of fundamental rights violations in the field of the application of Community legislation.

The decision of the Slovenian Constitutional Court concerns a subject – the person who should be registered as Slovenian citizens – which is under the competence of the national authorities and has no relation with Community Law. For this reason, the Commission has no competence to intervene in this particular case.

If a person considers that his or her fundamental rights have been violated, the possibility of appealing to the European Court of Human Rights, after the exhaustion of all domestic remedies, offers him guaranteed protection as the ultimate means.

In July 2000 the Racial Equality Directive 2000/43/EC⁽⁷¹⁾ 'implementing the principle of equal treatment between persons irrespective of racial or ethnic origin' was adopted. The Directive bans direct and indirect discrimination as well as harassment on grounds of racial or ethnic origin and protects the Roma (as well as other ethnic groups) against discrimination in employment, training, social security, healthcare, housing and access to goods and services. The Commission is examining in detail the legislation of all the Member States which have transposed the Directive into their national law. It will initiate infringement proceedings against Member States whose national legislation is not in conformity with Directive 2000/43/EC.

In addition to the above mentioned legal framework, tackling the problems experienced by the Roma in accessing education and employment has been identified as one of the priorities for funding under the Community Action Programme to combat discrimination.

The task of monitoring and combating anti-Romani sentiment in mainstream society is also one of the priorities of the Vienna-based EU Monitoring Center (EUMC) Against Racism and Xenophobia. The transformation of the EUMC into a Fundamental Rights Agency will not affect the activities of the EUMC as regards racism and xenophobia, as the decision to extend the mandate of the EUMC to become a Fundamental Rights Agency is in line with the specific commitments of the Union to respect and strengthen fundamental rights, as laid down in Articles 2, 6 and 7 of the Treaty on European Union.

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Question no 124 by Eija-Riitta Korhola (H-1099/05)

Subject: Emissions trading scheme

Now that EU Directive 2003/87/EC⁽⁷²⁾ on emissions trading has been in force for almost a year, the underlying problems of the current scheme have become evident. Emissions trading has produced some counterproductive effects which have led in the wrong direction with regard to both the climate and the economy. As a market mechanism with strict targets, the emissions trading scheme is vulnerable to market distortions. The increasing prices of emissions rights create additional costs. It also distorts our energy market and unnecessarily increases the price of electricity, threatening the competitiveness of the EU's energy-intensive, yet very environmentally-friendly industry. By doing so, it creates a more serious problem, that of carbon leakage. If production is transferred to areas with less strict emission norms, emissions as a whole increase. Similarly, at European level, national emission quotas have upset the emissions trade, which was intended to be a flexible market mechanism, and have turned it into something quite different. Therefore it has to be stated that the emissions trading system used in Europe has more to do with structural politics than with curbing greenhouse gas emissions.

In the light of the evidence secured to date, what tangible measures will the Commission now take in order to further develop the Emissions Trading Scheme, thereby minimising the adverse effects on the economy and the environment?

Answer

(EN)As mentioned in the reply to written question E-3444/05 by Mrs Korhola, the instrument of emissions trading is a cost-effective instrument to reduce greenhouse gas emissions. The Community has adopted the emissions trading Directive in order to assist Member States in complying with their Kyoto targets. Because of the novelty of the instrument for all those involved the first trading period, 2005 to 2007 is a very useful learning phase in order to have a well-functioning scheme for the Kyoto commitment period 2008 to 2012.

It is certainly too early to draw any final conclusions on the functioning of the EU emissions trading scheme (EU ETS). The Commission is currently conducting a review of the EU ETS and will present a report to the Parliament and the Council by the end of June 2006, pursuant to Article 30 of the EU ETS Directive. To this

⁽⁷¹⁾ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.7.2000

⁽⁷²⁾ OJ L 275, 25.10.2003, p. 32.

effect, the Commission conducted an extensive stakeholder consultation during the summer of 2005. Several hundred replies were received and first results were published in November of 2005. The Commission will, inter alia, consider in its report the functioning of the allowance market, covering in particular any possible market disturbances, allocation of allowances and the relationship of emissions trading with other policies and measures.

The Commission takes note of recent developments in electricity prices but underlines that a variety of factors have led to the increases, including an increase in energy prices world-wide during 2005, notably through developments in the oil market. The Commission will further examine to what extent the price of allowances has an impact on power price developments.

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Question no 125 by Simon Coveney (H-1106/05)

Subject: Roaming charges

Could the Commission outline its view on the lack of competition in the mobile and telecom sector across the EU with regard to roaming charges for consumers and business users?

Answer

(EN)The Commission is concerned about the apparent lack of competition as to the level of rates charged for international roaming services within the European Union.

The Commission is currently taking action as regards the wholesale tariffs for international roaming services provided by several mobile network operators in the European Union. The Commission is actively using its own enforcement powers under the competition rules of the EC Treaty (Article 82) and recently opened formal proceedings against the Vodafone Group plc, O2 plc and T-Mobile regarding the roaming charges applied to other mobile operators in the UK and Germany⁽⁷³⁾. The Commission finds that these operators, which account for a sizeable proportion of the EU market, have taken advantage of a lack of effective competition in their markets by charging wholesale abusive tariffs to other EU mobile operators thus keeping retail roaming charges paid by consumers at unduly high levels. These proceedings are conducted under the responsibility of the Commissioner in charge with internal market and services and are still ongoing.

The Commission has also launched an initiative to raise consumer awareness on roaming tariffs by publishing roaming rates on its website. Moreover, National Authorities are requested to undertake market analyses, in accordance with Article 7 of the Framework Directive on Electronic Communications (2002/21/EC), and, after notifying the Commission, are also empowered to put in place remedies in cases where significant market power on the part of one or several operators results in a lack of effective competition in the market. The Commission expects that these analysis and, if and where appropriate, corrective measures are in place within the shortest time frame.

The Commission expects that, as a result of its own initiatives and the complementary initiatives launched by National Authorities, competition would be strengthened with a view to bringing international roaming tariffs down to more competitive levels to the advantage of the millions of consumers which use their mobile phone when traveling to other Member States of the European Union.

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Question no 126 by Andreas Mölzer (H-1108/05)

Subject: Counterfeit euros

In 2004, 80 000 counterfeit banknotes and 50 000 forged coins were confiscated in Germany alone. The quality of the forgeries, which are often produced in Eastern Europe, is steadily improving. Any expansion of the euro zone will inevitably lead to an increase in the scale of counterfeiting.

⁽⁷³⁾ See IP/04/994 of 26 July 2004 and IP/05/161 of 10 February 2005.

In addition to counterfeiters, people who knowingly pass on counterfeit money are laying themselves open to criminal prosecution. The victims of counterfeiting receive no compensation for any money they may have lost.

Is the Commission aware of this problem? Does it plan to take measures to deal with it in the foreseeable future?

Answer

(EN)The Commission refers to its replies to Parliamentary Questions E-0271/04 and E-0465/05 that already reply to the concerns raised by the Honourable member.

The protection of Euro banknotes and coins is carried out jointly by the competent national authorities, the European Central Bank (ECB), Europol and the Commission.

The Commission oversees the implementation of Community rules concerning the protection of the euro against counterfeiting. It provides training based on the Pericles programme and manages the technical protection of euro coins. The ECB is responsible for coordinating National central bank activities with regard to the protection of euro banknotes. Europol coordinates the activities of law enforcement authorities which have the operational capacity.

As a result of joint efforts, the overall number of euro counterfeits coming out of circulation has been stabilized at levels which are low by historical standards and international comparisons. The yearly number of counterfeit euro banknotes detected in circulation has remained under 600,000 pieces. The corresponding figure for euro coins is below 80,000.

With regard to compensation to the holders of counterfeits, discussions with Member States have shown that if compensation were to be provided, there would be a risk of encouraging counterfeiting activity. Therefore measures in this domain do not appear to be warranted.

The Commission, in cooperation with the ECB and Europol, continues to monitor developments closely and will, when appropriate, take prompt further action for the protection of the euro against counterfeiting.

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