

THURSDAY, 23 OCTOBER 2008

IN THE CHAIR: MRS MORGANTINI

Vice-President

1. Opening of the sitting

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

2. Documents received: see Minutes

3. Sea piracy (motion for a resolution tabled): see Minutes

4. Annual report on the European Ombudsman's activities in 2007 (debate)

President – The next item is the report (A6-0358/2008) by Mrs Zdravkova, on behalf of the Committee on Petitions, on the annual report on the European Ombudsman's activities in 2007 (2008/2158(INI)).

Dushana Zdravkova, rapporteur (BG). – Thank you, Madam President, and thank you for that reminder. During my many years of working as a judge, I have always seen to order in the court. So, Madam President and Mr Diamandouros, ladies and gentlemen, it is a great honour for me to be the rapporteur for the annual Ombudsman's report. The Ombudsman is a figure in the European institutional system whose purpose is to defend the rights of European citizens and to counter maladministration. For this reason I would like to congratulate the European Ombudsman, Mr Diamandouros, for his dedication and his professionalism, because what he does is very important for ordinary people. As Jean Monnet said, we are building Union among people, not cooperation between States.

Similarly, I have had the pleasure of working on a report that unites, rather than divides the political groups in the European Parliament. As it is clear that we have been elected to this House by the citizens of Europe to protect their interests, it is with this conviction that we also found compromises to accommodate some of the amendments tabled by the other political groups. These proposals and today's debate are proof that the European Parliament takes this important mechanism for protecting European citizens very seriously. I would also like to take this opportunity to thank my colleagues in the Group of the European People's Party (Christian Democrats) and European Democrats, the Secretariat and all those who contributed to making this report more complete.

It is my deep conviction that it is through the institution of the European Ombudsman that citizens will be better able to exercise their rights in cases of maladministration, because even if the rules are good, it is important that they are properly applied to provide maximum protection. I believe that, just as the Commission is called the protector of treaties, the European Ombudsman is the champion of the correct implementation of Community legislation, although it is not alone in this role. The European Parliament, as the only democratically elected institution, is also called upon to uphold citizens' rights, which makes it all the more important that Parliament and the Ombudsman work hand in hand.

The report is also important because analysing the situation as it is in the course of the year will above all help us to learn lessons and take the right decisions for the future. We should not forget that behind every complaint, behind each number in the statistics, is a human being who is expecting the right help and a solution to his or her problem. While I was working on the report, I realised that a key aspect is information. The report shows that many citizens do not yet know how to stand up for the rights given to them by the European Union when faced with maladministration. An example of this is the number of ineligible complaints – 84%. This clearly shows that the Ombudsman and the European institutions must continue in this direction together, and inform European citizens so that they can exercise their rights to the full. That is why the report also proposes a common website for lodging complaints to all the institutions, something along the lines of the interactive manual designed by the Ombudsman, where citizens who have entered the requisite data are directed to the relevant institution, to which they can then directly lodge their complaint. This will help to reduce the number of inadmissible complaints.

Apart from that, I also focussed on what guarantees there are that citizens and those permanently resident in the EU know and make use of their rights, and whether the assistance they are given is easily accessible, fair, impartial and effective. I would like to point out that there is nothing the Ombudsman can do in over 30% of cases. In my view, the Ombudsman should always explain why no action can be taken on a particular complaint, thereby making it more useful to citizens.

I would also like to point out that the Ombudsmen at national, regional and local level play a key role, and their activities should be developed.

In conclusion, I call upon you to vote for this report, because it supports constructive cooperation between the Ombudsman and the institutions and bodies of the European Union, and confirms the Ombudsman's role as an external control mechanism and a source of constant improvement for European administration.

Thank you.

Nikiforos Diamandouros, *Ombudsman*. – Madam President, thank you for this opportunity to address Parliament on the annual report of the European Ombudsman for 2007. I also wish to thank the rapporteur, Mrs Zdravkova, and the Committee on Petitions for their excellent and constructive report.

My report records progress in handling complaints, promoting good administration and providing knowledge about the Ombudsman's role. The number of admissible complaints increased, in both absolute and relative terms, from 449 (12% of the total) in 2006 to 518 (16% of the total) in 2007. We therefore met both of the objectives which Parliament has consistently emphasised: increasing the number of admissible complaints and reducing the number of inadmissible complaints.

The main types of maladministration alleged in admissible complaints were: lack of transparency, including refusal of information; unfairness or abuse of power; unsatisfactory procedures; avoidable delay; discrimination; negligence; legal error; and failure to ensure fulfilment of obligations. Three hundred and forty-eight decisions closing inquiries were made. That represents a 40% increase compared to 2006. In 95 cases, the inquiry revealed no maladministration. Such a finding is not always negative for the complainant, who at least has the benefit of a full explanation from the institution concerned. Even when maladministration is not found, I may identify opportunities to improve the quality of administration provided by institutions. If so, I point them out in a further remark.

Many of my inquiries result in a positive sum outcome that satisfies both the complainant and the institution complained against. One hundred and twenty-nine cases were settled by the institution concerned to the satisfaction of the complainant. That is double the number of cases settled in this way in 2006, and reflects a growing willingness on the part of institutions and bodies to regard complaints made to the Ombudsman as an opportunity to recognise and put right mistakes that have occurred.

When I find maladministration, I try to achieve a friendly solution. In some cases, this can be achieved by the institution or body concerned by offering compensation to the complainant. Any such offer is made *ex gratia*, or in other words without admission of legal liability and without creating a legal precedent. When a friendly solution is not possible I close the case with a critical remark. A critical remark is also appropriate if it is no longer possible for the instance of maladministration to be eliminated. It confirms that the complaint is justified and indicates to the institution or body concerned what it is has done wrong. Such a criticism is intended to be constructive, so as to help avoid similar maladministration in the future.

It is important for institutions and bodies to follow up critical remarks and to take prompt action to resolve outstanding problems. To better monitor the impact of my criticism, I launched a study of the follow-up to all critical remarks, and to the cases involving a further remark, made in 2006. The results of that study, published on my website and sent to all the bodies concerned, should provide encouragement to the European public service to improve practices and further develop a culture of service to citizens.

In cases where it is still possible to eliminate the instance of maladministration, I normally make a draft recommendation to the institution or body. If it fails to respond satisfactorily, I may send a special report to Parliament. I submitted one such report to you criticising the Commission for not dealing with an infringement complaint concerning the European Working Time Directive. I welcome Parliament's support, as expressed in your resolution of 3 September 2008, based on Mr De Rossa's report.

This year, I have again included star cases in my annual report. These are cases where I consider that institutions or bodies involved responded to my inquiries in an exemplary fashion. Seven such star cases are highlighted. Four of these concerned the Commission, one concerned the Council, one the European Central Bank and

one the European Aviation Safety Agency. I have continued to make every effort to ensure that EU institutions and bodies adopt a citizen-centred approach in all their activities, by seeking every opportunity to achieve friendly solutions and by launching more own-initiative inquiries in order to identify problems and encourage best practice.

I would now like to mention some other activities undertaken with a view to ensuring the best possible service to citizens. I have continued my efforts to improve the quality of information concerning rights under EU law, provided especially through the European Network of Ombudsmen. That network, which includes the Petitions Committee, cooperates in case handling and in sharing experiences and best practice. One of the purposes of the network is to facilitate the rapid transfer of complaints which are admissible for me to a competent ombudsman or similar body. When possible, I transfer cases directly or give suitable advice to the complainant. During 2007 I was able to help 867 complainants in this manner.

A further important initiative which should come to fruition within the next quarter of the year is that my office is developing an interactive guide to help citizens find the most appropriate avenue of redress for their grievances. This guide should enable an even greater proportion of complainants to address directly the body best equipped to deal with the complaint. Complaints which are inadmissible for me will therefore be resolved more promptly and effectively. My institution will then be better able to fulfil its core role – to help citizens who are unhappy with the way they are being treated by EU institutions and bodies.

The Ombudsman cannot work alone. Ensuring a top-class administration is a task that must be fulfilled proactively in cooperation with EU institutions and bodies. The increased settlement of cases and friendly solutions is a source of encouragement and serves as an indication of our mutual efforts to contribute to building citizens' trust, vis-à-vis the Union, at a point in time where that is greatly needed. I am also deeply grateful for Parliament's support and guidance, both in terms of the budgetary resources you provide my institution with and in terms of the positive relationship I enjoy with the Petitions Committee. With your continued support, I will endeavour to build on the achievements of this past year.

Finally, as this is the last occasion during this parliamentary term that I have the honour of presenting my annual report to this House, I would like to put on record my deep appreciation for the close cooperation and good advice that I have received from Parliament and individual Members during the past four and a half years.

(Applause)

President. – You are absolutely right. This Parliament has shown confidence in the Ombudsman.

Andris Piebalgs, *Member of the Commission.* – Madam President, on behalf of the Commission and of my colleague, Vice-President Wallström, let me thank the rapporteur Mrs Zdravkova for her excellent work. We welcome the Committee on Petitions' report about the Ombudsman's annual report on his activities in 2007.

As you know, this Commission has made a strong commitment to improving its administration, and we are improving. We can see that, both from the Ombudsman's Annual Report and from the Committee on Petitions report.

In 2007 the number of cases in which an institution or a body actually put an end to maladministration practices as a result of a complaint lodged with the Ombudsman doubled. This reflects the willingness of institutions – including, definitely, the Commission – and bodies to regard complaints as an opportunity to correct errors and cooperate with the Ombudsman in the public interest.

Also, the number of cases in which no maladministration practice was established increased. The Commission is happy about this, since we are the institution that receives most of these complaints.

I also want to underline the fact that the Ombudsman has been proposing an increasing number of friendly solutions in order to settle disputes and that, overall, the Commission has been cooperative and appreciative of this type of proposal, wherever possible. In 2007, only one special report concerning the Commission was submitted to Parliament by the Ombudsman, and the Ombudsman mentioned this.

But I would like to remind you that this special report concerns the Working Time Directive, and it was only last month that you had a discussion on that with my colleague Vladimír Špidla.

Let me conclude with three specific points which are touched upon in your report as well as the Ombudsman's Annual Report. First, on infringements. As you are aware, the Commission has reorganised its decision-taking

on infringements, with a view to facilitating the progress of cases. This was presented in the 2007 communication 'A Europe of results – applying Community law'. We are following up cases more actively and organising the work more effectively for citizens. Also, an EU pilot project has been launched. More solutions to problems should be found more quickly.

Second, on the call for EU institutions and bodies to adopt a common approach towards a European code of good administrative behaviour. I want to draw your attention to the fact that the Commission has its own code of good administrative behaviour, adopted in 2000. This code still constitutes a modern and very effective instrument. Its implementation is well established. I do not want to prejudge the future, but for the time being we want to keep things that way.

Third, regarding the communication policy. The idea of launching an information campaign for European citizens to help them find out more about the duties and competences of the European Ombudsman is definitely welcomed by the Commission.

Each institution, including the European Commission, also has its own website, where complaints and petitions may be lodged. The Europa website is common to all EU institutions and has links to all other EU institutions, including the Ombudsman's website. In this way, citizens are easily and smoothly directed to the bodies able to settle their grievances and complaints. The idea of an interactive manual designed to assist citizens in identifying the most suitable forum for resolving their problems is well worth studying much more closely.

Because in all this, we should never lose sight of who comes first and who we do all this for: the European citizens.

Andreas Schwab, *on behalf of the PPE-DE Group.* – (DE) Madam President, Mr Diamandouros, Commissioner, ladies and gentlemen, firstly, I would like to congratulate the rapporteur Mrs Zdravkova on her report, which I believe is her first. It forms an excellent foundation for the debate and the discussion on the results of your work over the past year, Mr Diamandouros.

This report follows on, to a certain extent, from the report which I produced for the European Parliament at the same point two years ago. At that time, you had just launched the network of national ombudsmen and committees on petitions and it seems clear from the report that this network has been extremely well received by the citizens of Europe who are the main focus of your work. In addition, your education campaign, which has resulted in more admissible complaints being received, is a successful example of the fact that efforts to educate citizens about their rights and their opportunities for obtaining help are well worthwhile.

I also strongly welcome the fact that the report, in a similar way to the report produced by Mr Mavrommatis a few years ago, highlights the success of the informal procedures which you want to concentrate on more closely. This success is due to the fact that the time spent on formalities can be reduced. It is good for you to continue with this citizen-centred approach.

Some examples of your work over the past year demonstrate your ability to act, but also your sensitivity towards the general public in Europe, both in relation to the European Working Time Directive and the internal organisation of the European Parliament. Of course, it is not always easy for you to find the right words. However, weak points must be exposed by the Ombudsman with a certain amount of advance notice and appropriate restraint. In the end, it is all about us working together to serve the citizens of Europe. You have made a very positive contribution towards this over the past year, Mr Diamandouros.

Proinsias De Rossa, *on behalf of the PSE Group.* – (GA) Madam President, first of all I would like to thank the rapporteur, Mrs Zdravkova, for her work on this report. The office of the Ombudsman is clearly improving. We have long complained that there are too many complaints being made to that office which do not relate to its function. Last year, for the very first time, that number has reduced and I congratulate him for that work.

The Ombudsman's interactive handbook is a creative solution that assists citizens in finding the proper institution for their complaint and I think it could be used more widely. If we are to demonstrate to the citizens of the European Community that this Union is working on their behalf, we must ensure that they get answers and solutions to their problems.

Marian Harkin, *on behalf of the ALDE Group.* – Madam President, I wish to begin by congratulating the rapporteur on a very comprehensive report and also the Ombudsman and his staff on the many positive steps that they took in 2007.

What I find most encouraging is that the Ombudsman works at so many different levels: it is not just about processing complaints, which is central to his work, but also about how resolutions or solutions are arrived at. There is an increasing number of friendly solutions, more informal procedures, where relations with the institutions are such that a growing number of cases are solved rapidly. That is real progress and must be built on. Citizen-friendly solutions are where we want to go.

I am also pleased to see that better communication at all levels is central to the agenda of the Ombudsman. The adoption of the European Network of Ombudsmen statement and increased cooperation in this area are vital, and we look forward to the launch of the new website, which will include an interactive guide to assist citizens.

However, this brings me to my final comment, which concerns citizens, and refers to the proposed oral amendment on paragraph 23. That paragraph reads: 'Proposes that the Ombudsman take measures to reduce the number of complaints (a total of 1 021) in relation to which no steps have been taken by him at all'. The oral amendment seeks to change that final phrase – 'in relation to which no steps have been taken by him at all' – to the statement 'in such cases where no action is possible'.

From the perspective of the Ombudsman, no action is possible; but from the perspective of the citizen, no action is taken – and those are two very different perspectives.

So I have a question: is it made clear to the 1 021 citizens that no action is possible by the Ombudsman, with a clear explanation given with further advice where possible, or is it the case that simply no action is taken? If the former is true and citizens are given reasons, I have no problem and, indeed, I am very pleased. But if the latter is true and no action is taken, then citizens will be frustrated and angry. So I would like clarification on that point, please.

Margrete Auken, *on behalf of the Verts/ALE Group*. – (DA) Madam President, I should like to thank the rapporteur for her splendid report. It is a fine piece of work, and we were particularly delighted with the considerable willingness there was to cooperate. I also wish to thank the Ombudsman for his brilliant annual report. The institution of the Ombudsman is, of course, incredibly important for the EU. Its work shows that the EU is closer to Europeans than it is reputed to be, listening as it does to criticism. Happily, it is on the right lines. Far more complaints than last year were resolved to the complainants' satisfaction through the EU institution itself making proper allowance for them. It shows that the EU system is coming to understand the need to serve people as best as possible. Unfortunately, there are institutions that do not comply with the recommendations. In such circumstances, all that the Ombudsman can do is place the matter before Parliament – an option he can hardly be accused of misusing, since only one case was presented last year to the Committee on Petitions.

When a case comes before us in Parliament, we are clearly obliged to say that we are willing, at least in principle, to go to the European Court of Justice if the institution concerned does not comply with the Ombudsman's decision. In that way, we can give the Ombudsman the necessary clout and authority in the system. On behalf of the Group of the Greens/European Free Alliance, I have tabled a couple of amendments, the sole purpose of which is to clarify the concept of maladministration. It should be possible to identify those cases in which the Ombudsman can observe that an institution or other EU body has not complied with the rules and principles applicable to it. However, there is no maladministration in cases in which the Ombudsman merely notes that there is room for improvement in the way in which the institution handles matters. It is that distinction that my amendments are aimed at clarifying.

Finally, I have a similar question to that raised by Mrs Harkin, concerning when cases are rejected. We should like to know why they are rejected. The reason should ideally be given in the answers to the complaints, and I want to ask if that is in fact the case, as otherwise matters would be very frustrating, as has already been pointed out.

Marcin Libicki, *on behalf of the UEN Group*. – (PL) Madam President, Ombudsman, Commissioner, I should like to begin by commending Mrs Zdravkova on her very good report. The report states that the Ombudsman is doing a fine job. It also highlights the excellent cooperation between the Ombudsman and the European Parliament and the Committee on Petitions. In a sense, the latter acts on behalf of the European Parliament regarding contact with the Ombudsman.

The report was adopted unanimously, without any abstentions. This indicates that the House shares Mrs Zdravkova's opinion on the high quality of the Ombudsman's work. The Ombudsman often attends meetings of the Committee on Petitions and always provides detailed information on his work. Committee

meetings are always attended by a representative of the Ombudsman who is present here today, and I would like to thank him for that as it demonstrates that we are following each other's work.

The number of complaints deemed admissible points to certain conclusions. One is that society within the European Union is following your work, Ombudsman, and thus forming a better idea of which complaints should be addressed to you. You certainly have not changed your policy on what is admissible and what is not. You remain objective, and your work is such that people appreciate it and are coming to understand it better. The Committee on Petitions is working alongside the Court of Justice and your department, Ombudsman, to bring the European Union and its institutions closer to the people. Therein lies your success, Ombudsman. We would like to thank you very much for your efforts. Thanks are also due to Mrs Zdravkova for her report.

Dimitrios Papadimoulis, *on behalf of the GUE/NGL Group.* – (EL) Madam President, the report on the European Ombudsman's activities affords us an opportunity to ascertain how citizens view the workings of the institutions of the European Union and gives us practical ideas and examples as to how the institutions of the European Union can improve how they operate and how they serve the citizens.

I in turn should like to thank the European Ombudsman, Mr Diamandouros, for his exceptional work, and our rapporteur, Mrs Zdravkova, on her very interesting report and take this opportunity to underline certain points:

Firstly, the fact that the number of complaints received by the Ombudsman is increasing is a very good thing, but it contradicts the Commission's self-satisfaction in terms of constant improvements to its administration and greater transparency. I would advise the Commission to be more honest and more modest.

It is also a good thing that the number of complaints admitted and the efficacy of the interventions of the European Ombudsman have increased. However, the large majority of complaints still concern matters which do not come directly within his jurisdiction. There is a large proportion of citizens within the European Union who want greater transparency and sound management both from the European institutions and in the application of Community legislation in general and, unfortunately, they do not always find it. That is why the European Parliament has repeatedly called for all the institutions and organisations of the European Union to be given the financial and human resources needed to ensure that citizens receive immediate and in-depth replies to their complaints, questions and referrals.

We also need cooperation between the European Ombudsman and the ombudsmen in similar organisations at national, regional and local level in the Member States. We also need to give a broader, more expansive interpretation to the term 'maladministration', so that it also includes cases in which the administrative authorities demonstrate sloppiness and negligence or a lack of transparency in the performance of their duties towards the citizens. This will result in more material interventions on the part of the Ombudsman, which is in the citizens' interests. It is also extremely important for the Ombudsman to be able to take up cases relating to all the institutions of the European Union, including those which operate under the third pillar.

Finally, I should like to reiterate once again the call to all the institutions and organisations of the European Union to adopt a common approach towards a European code of good administrative behaviour. It is not enough for us to speak highly of the European Ombudsman....

(The President cut off the speaker)

Nils Lundgren, *on behalf of the IND/DEM Group.* – (SV) Madam President, together with Volvo and IKEA, the institution known as the Ombudsman is Sweden's best-known contribution to the global community. It is a very important institutional innovation for democracy in general and the EU institutions in particular. Why? Well, because an Ombudsman is there to ensure that people can demand their rights in political and bureaucratic structures that are becoming ever more complex and, thus, non-transparent. Nowhere in the democratic world is complexity and non-transparency more dominant than in the byzantine power structure that the EU has established and that it is constantly extending further.

It is rare for me to feel any enthusiasm for the reports presented here in the European Parliament. Whenever I do so, the reports concerned are those relating to the internal market or an environmental issue of some kind. Mrs Zdravkova's report is another exception to my rule, in which we see a picture emerge of the Ombudsman working pretty effectively to fortify individuals against the byzantine hegemony that is unfolding. I am thinking of information provided to the general public via a properly updated website, information

sheets, networks of national and regional ombudsmen, conferences and, especially, meetings and other contacts with the system's eurocrats, designed to make the latter see that they are there for the benefit of Europeans, rather than Europeans being there for the benefit of them.

At the same time, it is regrettable that Europe's powerful elite pursues a European project associated by most people with impenetrable and byzantine bureaucracy. In anticipation of a grassroots reaction against this development, we in the European Parliament should strengthen the institution of the Ombudsman. We should therefore vote in favour of Mrs Zdravkova's report and, especially, welcome the demand that the Ombudsman have full access to EU documents in the course of his investigations.

Hans-Peter Martin (NI). – (DE) Madam President, the Ombudsman's work is undoubtedly fundamentally good. However, you have a blind spot, which is the administration of the European Parliament. For example, in April 2007 Mr Eduardo Bugalho, one of the Secretaries-General here, made a firm promise of a position to an employee, Martin Ehrenhauser. Then the relatively new Secretary-General Harald Rømer intervened and suddenly the position no longer existed and things were continually put off. This has had an effect on me.

I am probably the only Member of this Parliament who has no member of parliamentary staff available to him at all. Instead of taking up this issue, you have turned a blind eye. However, you yourself talk about trust in the institutions of the European Union. I was elected by 14% of all the citizens of Austria and I am unable to work in the same way as almost all my fellow Members. So you should not be surprised that the level of criticism is growing and that, in Austria in particular, the criticism of the EU as it currently stands – not of Europe – is reaching epidemic proportions.

Mairead McGuinness (PPE-DE). - Madam President, rather than dealing with the history I will congratulate the rapporteur on an excellent report and the Ombudsman for his presentation today and his cooperation with us, and indeed the Commission statement. Could I ask, in particular, for consistency in how the Commission deals with citizens? I am concerned that in some cases when an individual brings a case to the Commission the needs and rights of the individual are overtaken by the involvement of the Member State, almost like a victim in a court case being ignored by the prosecution. I shall give you an example.

A constituent of mine complained about the Irish planning laws as they apply in rural areas. The action of the Commission in handling that case was exemplary in their dealings with the citizen in meeting and engaging. However, as the case moved on, I am afraid that declined – I believe, in favour of the Member State to the absolute frustration of the citizen. I know this person and they were very pleased initially and are now very frustrated. In other words, the citizen who brings forward the information, who provides the impetus for action is forgotten about in the ongoing process.

I think, Commissioner, when you asked the question 'Who comes first?', you said it was the EU citizens. I am not so sure.

Alexandra Dobolyi (PSE). - Madam President, I am extremely satisfied with the work of the Ombudsman as explained in his annual report and in his speech. The European Ombudsman is a vital part of the democratic structure and functioning of the Union.

The largest proportion of the Ombudsman's inquiries concern lack of transparency and refusal to provide information. This is an area of our activities that we must improve if we are to become more credible in the eyes of citizens. It is important that we support the work of the Ombudsman and that of the Committee on Petitions. Both deal with the handling of complaints and petitions on EU matters from citizens that help us to find out what is not working at European level and to take corrective measures.

Cases being brought to the Ombudsman and to the Committee on Petitions are of increasing complexity and therefore require greater investment of resources by the institutions in order that citizens' concerns are properly addressed. If these concerns are properly addressed, then we will be making some progress towards improving the credibility of, and confidence in, the Union as a whole.

Metin Kazak (ALDE). - (BG) Ladies and gentlemen, the European Ombudsman's report for 2007 demonstrates how beneficial its activities are as a champion of citizens's rights when these have been infringed, or the European institutions threaten to do so. I welcome the fact that the number of admissible complaints has increased, as this proves that Europe's citizens are becoming increasingly aware of the real power of the Ombudsman. I believe that this institution must have the necessary financial and human resources to enable it to effectively and fully carry out its mission. The Charter of Fundamental Rights and the European code

of good administrative behaviour are and must continue to be a model and a basis for the activities of the public protector of the principles of good administration such as transparency, accountability, legality and fairness on the part of the European institutions.

In this respect, we need to increase information campaigns among citizens by the Ombudsman to raise awareness of their rights and the Ombudsman's powers to stand up for them, and its cooperation with national Ombudsmen in exchanging good practice. The introduction of an internet manual is a helpful initiative, but setting up a public on-line register for complaints would increase transparency and help increase the trust of citizens.

Czarnecki, Ryszard (UEN). – (PL) Madam President, certain European Union citizens seem to treat the European Ombudsman as if he were a God, requesting him to resolve issues and deal with matters that are clearly outside his competence. This is underlined by the fact that, for procedural reasons, the Ombudsman can only consider one in six of the complaints he receives. We must conclude that there is a total lack of knowledge as to what the European Ombudsman's function and remit are, and how far the scope of his action extends. The citizens of the Member States are not to blame for this situation. The blame lies with the Union's institutions, which have not succeeded in informing public opinion in the Member States about the scope of the Ombudsman's remit. Unless something is done about this, citizens of the Member States will continue to write to the Ombudsman and then be surprised that he cannot intervene. The fact that more than one thousand of the complaints addressed to the Ombudsman were not considered and no action was taken on them is also cause for concern, as was mentioned in the report.

Frank Vanhecke (NI). – (NL) Madam President, the report by the Committee on Petitions is, in essence, very constructive and very positive about the work of the European Ombudsman, and I can personally endorse this view to a large extent. I would, however, take the opportunity that is being given to me to draw the Ombudsman's attention to the systematic way in which the European Parliament itself, and, in fact, the Commission to an even greater extent, are ignoring and infringing a number of very clear legal rules, and, in a number of matters, indulge in hidden and therefore, if you think about it, undemocratic decision-making.

More specifically, in my view, the European Ombudsman should in next year's report, and I would ask him to do this, focus on the way in which the rejection of the Treaty of Lisbon as a result of a democratic referendum in Ireland, rendering this Treaty legally null and void, is deliberately and repeatedly ignored in documents and in decision-making by all European institutions. I hope that the Ombudsman is prepared to take on this task and as such ...

Manolis Mavrommatis (PPE-DE). – (EL) Madam President, Commissioner, the Ombudsman is an independent institution and a mechanism for controlling the administration of the European Union. The fact that the number of admissible complaints received by the Ombudsman increased in 2007, while the number of inadmissible complaints fell in 2007, compared with 2006, is proof of the fact that European citizens have started to understand the remit of this institution.

Furthermore, I in turn welcome the efforts made by Mr Diamandouros to improve the standard of information provided to citizens in connection with their rights under Community law during his time in this position. Mrs Zdravkova also deserves hearty congratulations on having achieved unanimous decisions and cooperation in her first report for our committee. The European Network of Ombudsmen, to which the Committee on Petitions of the European Parliament also belongs, has approximately 90 offices in 31 countries. Consequently, even at this level, the cooperation of both the network and of the European Ombudsman are valuable in achieving the objective of transmitting complaints to the competent Ombudsman or agency as quickly as possible.

Finally, the European Parliament and the Committee on Petitions should help the Ombudsman to achieve his twin objective of promoting sound administration by the institutions and improving communication with the citizens. Thank you.

Michael Cashman (PSE). – Madam President, I should like to say to the Ombudsman that it has been a really interesting debate: sniped at by Hans-Peter Martin, lauded as a god by another. I think it shows that he has probably – just about – got it right.

Ombudsman, Parliament does not always place you in a very comfortable position when you are called upon especially to rule on decisions that we take and the actions of this House. I see that I have excited Hans-Peter Martin – how wonderful! But let me just tell you, Ombudsman, that you always carry out your work in a constructive way and absolutely within your competences. Probably the reason why we have seen an increase

in your workload is because you have been so effective in promoting your work and your office, and I congratulate you on that.

It leaves me nothing more than to say that it is an excellent report. I look forward to contributions from other colleagues, but also I enjoy working with you, not the least in relation to access to documents, but also as Vice-Chair of the Committee on Petitions.

(Applause)

Anneli Jäätteenmäki (ALDE). - *(FI)* Madam President, my thanks go to the Ombudsman and his entire office for the valuable work they have done to deliver excellent administration and transparency.

It is very important for our citizens that when there is a grievance, they can lodge a complaint about it and can be sure that the matter will be dealt with properly and satisfactorily, and that is what happens. I also wish to thank the Ombudsman for having shown the strength to fight, almost in vain one might say, for greater transparency in the administration of the European Union. We know that there is really a lot to do with regard to this. Progress is slow, but let us be glad about each small step and let us keep banging our heads...

(The President cut off the speaker)

Simon Busuttil (PPE-DE). - *(MT)* Thank you Madam President. I also wish to thank the rapporteur, Mrs Zdravkova, as well as the Ombudsman for all his hard work. I believe that what unites us in this debate is simple: it is the defence of our citizens, the fact that we can all agree that we must stand guard over our citizens' rights; that we act as their shield, and that when they find themselves having to deal with unfair authorities and unjust bureaucratic procedures, they should not be made to feel abandoned. On the contrary, they should have every faith that we stand behind them. Therefore, since these are the common factors that bring us together, let us go on working together. In times like these, when our citizens are feeling rather detached from the European Union, it is essential that the Ombudsman, the Commission and the Committee on Petitions work towards building up the consumer's trust towards the European Union, brick by brick. Let us go on working together to prove that we are indeed worthy of that trust.

Maria Matsouka (PSE). - *(EL)* Madam President, Ombudsman, I have noted the rapporteur's phrase expressing her support for the role of the Ombudsman as a valuable source of constant improvement to the European administration.

The more citizens who know about the institution of the Ombudsman, the better Europe will be; it will be a Europe which is not frightened to address and rectify its weaknesses. That is why it is particularly important for the code of good administrative behaviour to be applied by all the institutions and organisations. That is why a broad interpretation of the concept of maladministration is particularly useful. If we speak of active citizenship, we cannot at the same time, when citizens take recourse to the institutions of the European Union in order to enforce their rights, be unable to give a basic response to their concerns or, even worse, be unable to safeguard the fundamental values of the European Union.

Lidia Joanna Geringer de Oedenberg (PSE). - *(PL)* Madam President, despite the overall increase in the number of admissible complaints received by the Ombudsman in 2007, he handled 17% more than in the previous year. In this connection, it should be emphasised that the number of inadmissible complaints has decreased dramatically in comparison to 2006, which suggests that complainants are better informed about the Ombudsman's competences.

It emerges from the report that last year the Ombudsman carried out his duties in an active and balanced manner. This is true of his consideration of petitions, of his work maintaining constructive relations with the European Union's bodies and institutions and also of his efforts to encourage citizens to exercise their rights. Nonetheless, there is still a lot of work to be done to ensure that the citizens receive swift and accurate responses to their questions, complaints and petitions. Above all, the causes of the complaints must be addressed. That involves substantial improvement as regards increasing the transparency of decision-making processes and the functioning of the European Union's administration. Those are the areas generating the majority of the citizens' complaints.

Inés Ayala Sender (PSE). - *(ES)* Madam President, I too want to congratulate Mrs Zdravkova on her excellent report. I would also congratulate all of us, including the Ombudsman, Mr Diamandouros, of course, on the progress and improvements that have been made in his work.

Among the 'star cases', I should like to highlight those connected with European transport, specifically the improvement of information on passenger rights and the replacement by the European Aviation Safety Agency of a contested decision.

The own-initiative investigations are, I feel, very positive as they have focused on the issue of Commission payments and also on non-discrimination of people with disabilities.

We should like this collection of know-how, 'star cases' and good administrative behaviour to be specifically included in the campaign supported by Parliament.

To end, I must also mention in particular the sixth seminar of the European Network of Ombudsmen which introduced, for the first time, the participation of ombudsmen from the regions. I must also mention the excellent statement made by the European Network of Ombudsmen which both the Ombudsman, Mr Diamandouros, and we ourselves would be advised to use.

Dumitru Oprea (PPE-DE). - (RO) The European Ombudsman is an institution which is something special, a bit of a novelty for citizens from those countries admitted into the European Union in the last two waves. However, it needs to be promoted more actively, with a very clear indication as to what the European Ombudsman can and cannot do. We also think that the number of own-initiative inquiries should be somewhat higher. If the organisation does not have enough staff of its own, we recommend calling for volunteers in an effort to promote the European Ombudsman institution, especially volunteers from the countries from the last wave or two of enlargement, including Members of the European Parliament.

Reinhard Rack (PPE-DE). - (DE) Madam President, the gap between the European Union and the citizens of Europe should not be as large as it has become. We must ensure that this gap is reduced.

The Ombudsman has a very important role to play in this respect, in particular in areas where and at times when he does his job well. The most important thing is that we can count on the Ombudsman's commitment and sense of proportion. We must not raise excessive expectations which no one can meet.

On the other hand, it is also about ensuring that abuses which occur in the administration of European bodies are actually dealt with and, where possible, that sensible solutions are sought which will satisfy the citizens and ensure their security.

Until now the Ombudsman has shown that he takes this task seriously and performs it well. We can only hope that this will continue to be the case and thank him and the rapporteur for this report.

Silvia-Adriana Țicău (PSE). - (RO) I would like to congratulate the rapporteur and to emphasise the importance of the European Ombudsman. I would like to mention in particular the positive consequences of his recommendations concerning the use of the languages of the new Member States in the recruitment and selection process organised by EPSO. I would also like to stress the importance for the internal market of the recommendation made by the Ombudsman which requested the Commission to avoid, in the future, unjustified restrictions with regard to the official languages which can be used to submit bids based on invitations to tender.

Bearing in mind the importance of protecting personal data, I would like to welcome the cooperation between the European Data Protection Supervisor and the European Ombudsman. I would just mention, on this point, the Community regulations on the passenger register as part of international flights. This type of cooperation will become even more important in the future. I also welcome the resolution of the SOLVIT case where a Bulgarian doctor has been given a certificate of conformity, which allows him to practise his profession in France and ...

(The President cut off the speaker)

Alessandro Battilocchio (PSE). - (IT) Madam President, ladies and gentlemen, my compliments to the rapporteur. As a member of the Committee on Petitions, on the basis of the information contained in the report as well as my own personal experience, I would like both to extend my thanks and to make a request. My thanks being for the clear progress made compared to the previous year: the number of admissible complaints rose from 449 to 518, that is from 12% to 15% of the total, and there was also an increase in inquiries carried out. I therefore believe that we are on the right track.

However, and here I come to my request, we still need to up our efforts in terms of communication. Let us examine together effective strategies, perhaps starting with our schools, to guarantee quality information

for citizens on the person, role and powers of the European Ombudsman. There are promising projects of this kind, to begin this year, which must be implemented and supported. Then we will undoubtedly see a further improvement in today's already impressive figures.

Nikiforos Diamandouros, Ombudsman. – Madam President, we are under great pressure because you have to vote in about six or seven minutes, so I will offer my excuses to all the people who spoke. I would like to thank all the Members of Parliament who have been gracious enough to comment favourably on my report, and I will only try to address very specific cases, if I may.

Let me very briefly thank Mrs Jätteenmäki and Mr Schwab for what I take to be their particular support and their plea for the Ombudsman's efforts to increase transparency. This is something to which I remain committed, and I pledge to redouble my efforts to do that, with the support of this body. I need your support to do that, and I ask you for it.

Mr Martin, I would be very happy to meet you personally so that I might be able to have a chance to listen to the case and be able to respond to it. I would like to thank Mr Cashman and Mr Busutil for their comments and encouragement. I would also like to thank the Members who have spoken very favourably about the actions of the Ombudsman concerning strengthening the activities and the rights of citizens in the new Member States, who are in fact in greater need of becoming more familiar with the practices of the Ombudsman and the Union.

Let me now address directly the questions from Ms Harkin, Ms Auken and Mr Czarnecki, concerning the cases that have not been addressed. To avoid any misunderstanding, let me make very clear that every single case we have received has, in fact, been addressed. There has not been a case that has not received a response. There has never been a case in which we have not written back to the complainant. We wrote and we informed the complainant why the European Ombudsman could not deal with the complaint. The 1 021 cases listed as 'no action possible' are cases where we could not help the complainant by opening an in-depth inquiry, by transferring the case or by offering useful advice. After this came in I checked and I have some reports. In one third of all these cases the complainant had already contacted the authority that was competent to deal with the complaint, such as a national original Ombudsman or the Committee on Petitions of the European Parliament. In 20% of the cases they received, the case had already been handled by the court and I could not handle it. In 17% of the cases there was no competent body in existence that could possibly handle it. In 13% of the cases the only appropriate advice would have been to contact a lawyer, but the complainant had already done so.

Therefore I have tried to cover all the cases. I would like to assure you that there has never been any case in which the Ombudsman has not written, explained and provided written information. I hope this addresses the questions that you raised.

Andris Piebalgs, Member of the Commission. – Madam President, I would just like to reiterate my support for Mrs Zdravkova's report and to thank the Ombudsman for his cooperation. Regarding those concrete cases mentioned, we will provide additional information. It is true that, when we address a complaint, the complainants are not always completely satisfied with the solution proposed. However, the Commission always tries to deal with each and every case in a very constructive spirit, and we will continue to do so.

Dushana Zdravkova, rapporteur. – (BG) I would just like to take this opportunity to once again thank all speakers for their kind words about my report, my work and for the work of Mr Diamandouros. This has been a useful, and, above all, a positive discussion, and I am sure that it will encourage Mr Diamandouros to make even greater efforts towards closer cooperation with the institutions, and above all encourage better communication with our European citizens. I can see that there are many visitors in the hall, and I hope that this discussion has been useful and, above all, of interest to them.

Hans-Peter Martin (NI). – (DE) Madam President, I should like to start by thanking the Ombudsman for the opportunity to speak. I am happy to accept.

I have, in fact, asked to speak because Mr Cashman has made attacks and insinuations which I would like to reject out of hand. They simply indicate how nervous people become when there is a question of increasing transparency.

However, you, Mr Diamandouros, are in favour of more transparency. I can only encourage you to keep to your convictions with regard to travel expenses and other similar matters, where the majority of Parliament gets you into trouble. I believe that you are on the right track, Mr Diamandouros.

President. – The debate is closed.

The vote will take place today at 11 a.m.

(The sitting was suspended at 11.05 a.m. and resumed at 11.10 a.m.)

IN THE CHAIR: MR PÖTTERING

President

5. Announcements by the President

President. – Ladies and gentlemen, Twenty years ago in 1988, the European Parliament instituted the Sakharov Prize for Freedom of Thought, which has been awarded every year since then.

Over the course of the last twenty years, we have honoured outstanding organisations or figures who have dedicated their lives to defending human rights and fundamental freedoms and who have fought against intolerance, fanaticism and oppression in their own countries and throughout the world. The first person to be awarded the prize was Nelson Mandela, whom I will be meeting next week in Johannesburg as part of an invitation to speak before the Pan-African Parliament.

This year the Conference of Presidents has decided to award the Sakharov Prize 2008 to Hu Jia ‘on behalf of the silenced voices of China and Tibet’ as it states in the proposal for a decision from the Committee on Foreign Affairs.

(Applause)

Hu Jia was born on 25 July 1973 in Beijing and is one of the most passionate defenders of human rights in the People’s Republic of China. This dedicated activist is subject to accusations because of his commitment to the environment, his fight against the dangers of HIV and AIDS and his efforts to ensure that human rights are respected.

On 27 December 2007, Hu Jia was placed under house arrest on charges of inciting subversion. On 3 April 2008, he was sentenced to three-and-a-half years in prison.

In his solitary prison cell, Hu Jia is now fighting his illness. He suffers from cirrhosis of the liver, but as far as we know he is being denied regular medical care.

The arbitrary arrest and conviction of Hu Jia has caused outrage throughout the world. By awarding the Sakharov prize to Hu Jia, the European Parliament is demonstrating forcefully and with determination its recognition of the daily fight for freedom carried on by all defenders of human rights in China.

(Applause)

Ladies and gentlemen, I have another brief statement to make. Tomorrow, on 24 October, we will be celebrating the 63rd anniversary of the United Nations. On this occasion, I would like to highlight the extent, the commitment and the success of the collaboration between the European Union, the European Parliament and the various programmes and institutions of the United Nations.

Not long ago a publication entitled ‘Improving Lives’, of which you have all received a copy, presented a summary of the collaboration over the years. In recent weeks, we have seen the start of a difficult period throughout the world, in particular in relation to the financial crisis and its drastic effects on the world economy.

In this context in particular, the European Union’s fundamental values of multilateral understanding and solidarity are of great importance. This also applies to our commitment to and responsibility for the developing countries. The international conference on development financing which will be held in November will also play a decisive role in this respect. Despite the fact that we are faced with considerable challenges, we must not lose sight of the interests of the developing countries.

6. Voting time

President. – The next item is voting time.

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

6.1. Draft general budget of the European Union - 2009 budget (vote)

– Before the vote

Jutta Haug, *rapporteur*. – (DE) Mr President, the explanation process is the same as it is every year. Before the vote I need to inform Parliament about some technical adjustments. I know that this is not very interesting for my fellow Members, but we need to record it in the Minutes.

Firstly, as already indicated in the voting list, the vote on amendment 783 to budget line 22 02 04 02 only concerns payment appropriations.

Secondly, the explanations concerning the global energy assessment do not belong on budget line 08 03 01, where they have mistakenly been included, but on line 08 05 01. Therefore the vote on amendment 936 to line 08 03 01 must be made without the comments on the global energy assessment. These will be included instead in amendment 938 to line 08 05 01.

I know how enthusiastic everyone is about this.

Thirdly, the reinstatement of resources in the Preliminary Draft Budget for the decentralised agencies with their titles in lines 1 and 2 also includes, of course, the reinstatement of their establishment plans. This applies to the European Medicines Agency, the European Chemicals Agency, the European Aviation Safety Agency, the European Maritime Safety Agency, the European Railway Agency, the European Environment Agency, the European Centre for the Development of Vocational Training, the European Food Safety Authority, the Community Fisheries Control Agency and the Community Plant Variety Office, whose establishment plans are not specifically included in the documents accompanying the amendments.

Fourthly, as the result of a comment from the Legal Services an explanation included on several budget lines must be slightly modified. This concerns the sentence which begins ‘The Commission may’ up to ‘and to transfer to the internal auditor of the Commission’ in the following amendments: Amendment 994 to line 19 04 01, amendment 1011 to line 21 02 01, amendment 1015 to line 21 03 01, amendment 1016 to line 21 04 01, amendment 1026 to line 23 02 01 and amendment 785 to line 23 02 02. The correct version of the explanation is detailed in the voting list.

Fifthly and finally, the budget line 19 06 06 with the title ‘Consular cooperation’ is not included in the amendments, although it was adopted as part of the amending letter No 1/2009. This new budget line will therefore be included using a token entry (p.m.).

If none of my fellow members have any objections to all of this, the sittings service will include it all as we have decided.

President. – Mrs Haug, as we have great confidence in you, we can now vote on this.

(Parliament approved the rapporteur's proposal)

– Before the vote on Amendment 111

Catherine Guy-Quint (PSE). – (FR) Mr President, I do not believe we have voted on the second part of 106. Please could you check?

President. - Yes we have, Mrs Guy-Quint. Mr Dunstan has just told me that the first part has lapsed and we have already voted on the second part.

– Before the vote on Block 8

Janusz Lewandowski, *rapporteur*. – Mr President, there are no technical adjustments this time, so we can vote.

(Applause)

President. – Then we can only congratulate the rapporteur.

6.2. Draft general budget 2009 (Section III) (A6-0398/2008, Jutta Haug) (vote)

6.3. Draft general budget 2009 (Sections I, II, IV, V, VI, VII, VIII and IX) (A6-0397/2008, Janusz Lewandowski) (vote)

7. Welcome

President. – Ladies and gentlemen, it is a great pleasure for me to welcome the members of the delegation from the parliament of the Republic of Moldova, who are here in Strasbourg on the occasion of the 11th meeting of the EU-Moldova Parliamentary Cooperation Committee which took place yesterday and today.

Ladies and gentlemen, the fact that you are with us in the European Parliament demonstrates that parliamentary dialogue is the best way of strengthening our relationship and finding solutions for the issues which concern the European Union's eastern neighbours.

We wish you all every success in the elections next year and in your current and future activities. A very warm welcome to you all.

(Applause)

8. Voting time (continuation)

President. – We will now continue with voting time.

8.1. Airport charges (A6-0375/2008, Ulrich Stockmann) (vote)

8.2. EC-Bosnia Herzegovina Stabilisation and Association Agreement (A6-0378/2008, Doris Pack) (vote)

8.3. Piracy at sea (B6-0537/2008) (vote)

– *On paragraph 4 part 2*

Rosa Miguélez Ramos (PSE). – *(ES)* Mr President, I refer to the first part of paragraph 4 in the split voting. I should like the vote on the first part of the original paragraph to be repeated.

President. – I can see that the House agrees. We will vote on this again.

8.4. Equivalence of accounting standards (B6-0544/2008) (vote)

8.5. Impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection (B6-0562/2008) (vote)

– *Before the vote*

Manfred Weber, on behalf of the PPE-DE Group. – *(DE)* Mr President, on behalf of the PPE-DE Group I would like to introduce a motion. In Parliament, we quite clearly agree on two points. On the one hand, we want to be involved in the procedure for these new technical variants and this cannot be decided without Parliament. I would like to thank Commissioner Tajani, who has ensured that this is the case.

Secondly, it is clear to all of us that this new technical measure must be considered with a great deal of sensitivity. We have a number of concerns about it. The criteria for the possible application must be carefully controlled and everyone in the House agrees on this. I would like to move on behalf of the PPE-DE Group that we give ourselves an extra four weeks and postpone the vote until November, because Commissioner Tajani has stated that there will be a major hearing on the subject in November. The PPE-DE Group is of the opinion that we should hear all the facts before we come to a decision. I hope that we will have a majority in favour of this. This is why we are moving that the vote be adjourned until November.

Martin Schulz, on behalf of the PSE Group. – *(DE)* Mr President, ladies and gentlemen, I would like to oppose this motion for the following reason. It is true that Mr Tajani's hearing will give us the opportunity to acquire

additional information and to define our position. However, what we are doing with this decision is to tell the Council, which has already reached a resolution during the last Council of Ministers of Justice and Home Affairs, that in our view, and this applies at least to my group, security and security measures are absolutely essential. However, the use of scanners or display devices which show people completely naked is totally unacceptable. This is a violation of human dignity and it is not accompanied by any increase in security.

(Applause from the left and from the centre)

This is the perfect example of the mania for security which is going on here. With our decision we want to send a clear signal that we are opposed to measures of this kind, which are also extremely controversial on medical grounds. We therefore ask you to reject Mr Weber's motion.

(Applause)

President. – Thank you very much. The ALDE group has requested a roll-call vote on this motion.

(Parliament rejected the motion to adjourn the vote)

8.6. Stabilisation and Association Agreement between the EC and Bosnia and Herzegovina (B6-0541/2008) (vote)

– On paragraph 22

Doris Pack, *draftsman.* – (DE) Mr President, I have an oral amendment to paragraph 22, which I have agreed with other fellow Members. We must correct the text because it does not exactly represent the truth. After the Missing Persons Institute and following the semi-colon, we should change the sentence. I will read the change out in English now:

– ‘urges the corresponding urgencies at the entity level to support the work of the state-level bodies by forwarding to them all the relevant information they gather’.

President. – (DE) That is paragraph 22. I do not see any opposition, so we will vote on it.

(The oral amendment was accepted)

8.7. Commemoration of the Holodomor, the artificial famine in Ukraine (1932-1933) (RC-B6-0571/2008) (vote)

8.8. Annual report on the European Ombudsman's activities in 2007 (A6-0358/2008, Dushana Zdravkova) (vote)

– Before the vote on amendment 5

Dushana Zdravkova, *rapporteur.* – Mr President, as has been discussed, my oral amendment is as follows (paragraph 23): ‘Proposes that the Ombudsman take measures to reduce the number of complaints in such cases where no action is possible’. The end of the paragraph has been changed.

(The oral amendment was accepted)

– Before the vote on amendment 7

Dushana Zdravkova, *rapporteur.* – Mr President, it is just to delete the words ‘by the first European Ombudsman’ from the first part of the amendment.

President. – *(The oral amendment was accepted)*

That concludes voting time.

9. Membership of interparliamentary delegations: see Minutes

10. Explanations of vote

IN THE CHAIR: RODI KRATSA-TSAGAROPOULOU

Vice-President

Explanations of vote

Draft general budget of the European Union for the financial year 2009

Hannu Takkula (ALDE). - (FI) Madam President, first of all let me say that I am pleased that the budget package was voted on and got through. Of course, as Vice-Chairman of the Committee on Culture and Education, I followed matters relating to this area in particular, and I am glad that one important project, the European Youth Olympic Festival in Tampere, was voted through.

It is important to ensure that we use the budget to press ahead with projects that are close to the public. Then people can see and experience how the Union is working in their region. The budget is a strong one, but it has to be said that under one Heading, which mentions the European Union as a global partner, that is, point 134, I suspect that I voted wrongly, because I was following the group list and I do not agree with it in all respects. It is perhaps worth pointing this out, but in other respects I can say that I am satisfied with this draft budget and I am happy that it went through.

Avril Doyle (PPE-DE). - Madam President, I abstained on vote 134 of the draft general budget for 2009, as the intellectual dishonesty and cynicism of the movers of this amendment are preying on the genuine concerns and fears of many of our citizens by trying to imply that, at present – and in the past – EU development funds have been given to governments and organisations for programmes that include, I quote: ‘coercive abortion, forced sterilisation and infanticide’, all of which we would condemn outright. That should not even need to be said. So they justify the wording of this emotive amendment, the text of which is already being used with one eye on next June’s European election. The amendment is being portrayed as, I quote: ‘an attempt to exclude such projects from receiving EU funds in the 2009 EU budget’. As EU funds have never been used in such a way, but always according to the Cairo ICPD, and as there is no such proposal in this year’s budget to do so, the political mischief of the movers has to be acknowledged by all fair-minded and intellectually honest commentators.

– Report: Jutta Haug (A6-0398/2008)

Marusya Ivanova Lyubcheva (PSE) - (BG) I supported the 2009 budget as well as the proposal to increase it compared to what had been proposed by the Commission. Although it is not enough to meet the huge demands of all Member States, or to fully implement all priority policies, I believe that it lives up to the fundamental principle of the EU, which is solidarity.

By directing funds towards the more poorly developed countries and regions, the financial instrument has established itself as an important factor in achieving balanced development. In this regard, the Cohesion Fund plays an important role, as it is aimed at those Member States which need to close the gap between the levels of economic and social development through this fund. It is particularly important for the new Member States, which really do need the financial resources of the Community. I do not believe that these resources should be subject to conditions which are any stricter than the approved rules and procedures of the European Union.

They are of great importance in helping Bulgaria catch up in its development and to reach the European Union’s average standard of living. The vote against the proposal to put Cohesion Fund resources into a reserve is a good decision. The proposal was tied to vague criteria, particularly regarding the reimbursement of withheld funds. In my view, the European Commission and Parliament have sufficient control mechanisms at their disposal to ensure that the funds are spent effectively.

Frank Vanhecke (NI). - (NL) Madam President, I have voted against the draft budget for 2009, and the Commission’s budget in particular, for the very reason that I should like to make a political statement by not in any way approving of the Commission’s actions.

In general, I consider the Commission to be an institution which, by definition, as far as its principles are concerned, works in an undemocratic way, since it is made up of a board of purely politically appointed high

officials, whose behaviour, despite this, is reminiscent of some sort of European mandarins who barely tolerate supervision and who, in effect, cannot be penalised either.

Politically, as far as the 2009 budget is concerned, I am, for starters, opposed to the Commission's incessant efforts to continue, by hook or by crook, on the damned path of accession of the Islamic and non-European Turkey to the European Union. I do not intend to endorse this policy.

Draft general budget of the European Union for the financial year 2009

Colm Burke (PPE-DE). - Madam President, we voted to support the thrust of Mrs Sinnott's Amendment 134, on preventing Community assistance being given to any government, organisation or programme which supports or participates in the management of a programme involving human rights abuses such as coercive abortion, involuntary sterilisation or infanticide.

However, we feel it important to question Mrs Sinnott's justification for proposing such an amendment. In her press statement this week, she cited such countries as China and Vietnam, where she claims that EU funding, channelled through the United Nations Population Fund (UNFPA), is presently being used for coercive abortions, involuntary sterilisation and infanticide. I spoke to the Director of the UNFPA office in Brussels this morning, who said that the UNFPA, the United Nations population programme, does not support coercion or abortion. It follows the mandate of the 1994 International Conference on Population and Development, which clearly states that reproductive health-care programmes should provide the widest range of services without any form of coercion. In addition, the global community has decided that abortion should never have been promoted as a method of family planning. China's citizens have benefited from the presence of the UNFPA and the initiatives that it has brought to the nation. In the parts of China – and other nations – where the UNFPA works, women are given more options for their reproductive health decisions, and more information about reproductive health care is available to them, as is the freedom of access to it.

Mairead McGuinness (PPE-DE). - Madam President, this was a complex vote and a complex budget. I regret that Amendment 133 did not succeed, as it would have given more focus to the needs of children with disabilities who are in institutional care. Our concern was the deinstitutionalisation of those children. However, this issue has not gone away and we will continue to fight for their rights. I hope that the President of the Commission responds to my letter in this regard.

– Report: Janusz Lewandowski (A6-0397/2008)

Astrid Lulling (PPE-DE). – (FR) Madam President, I voted against the resolution on the draft general budget of the European Union because of a last-minute attempt once again, via an amendment tabled by the Group of the Greens/European Free Alliance, which the majority of my fellow Members have not even seen and of which they have not assessed the scope, to interpret the famous Cox package concerning the future status of MEPs in a manner that would render their voluntary pension fund meaningless.

This amendment does not reflect what is expressly agreed on in the Cox package. It is therefore out of the question to deprive almost all of the Members of new rights. This amendment cannot possibly have the slightest effect on the implementing provisions to be laid down in this regard.

We are going to make sure that this situation is redressed, because the vote has taken place without the Members' knowledge, and they are all coming to see me now, stunned by the true scope of this amendment. As vice-chairman of the pension fund, I will make sure it is redressed.

Frank Vanhecke (NI). - (NL) Madam President, in the final vote, I voted against the draft general budget for 2009 for the different European institutions, including Parliament obviously. I did so first of all because I am not convinced that all these European institutions, without exception, handle the huge pile of tax money economically and responsibly. Quite frankly, I think the reverse is true.

The image which our voters have of the European institutions, and we should be well aware of this, is one of a gravy train where overpaid and undertaxed apparatchiks and MEPs form a kind of Soviet-styled nomenclature, where decisions are often taken over the heads of the public, and certainly against the will and the interest of the citizens.

This is an image that we have, which certainly does not apply to everybody and everything, but in which, I fear, there is some truth for a considerable number of European institutions.

In my opinion, we will need to put our own house in order for some time to come before we can send out a more positive image of our Europe.

– Recommendation: Ulrich Stockmann (A6-0375/2008)

Oldřich Vlasák (PPE-DE). – (CS) Allow me to explain why I voted for Mr Stockmann's report on air travel fees. On the one hand, I welcomed the obligation to state combined costs to travellers on airline tickets and in offers, inclusive of airport fees, as this will lead to greater transparency in the decision making of passengers and will encourage economic competition. Most of all, however, I welcome the limit which unifies airport fees for the main national and larger airports, allowing the smaller airports to offer lower prices and thereby to compete in a market which is currently very much lacking in transparency. This creates an opportunity for regional airports to develop and for the range of air travel services on offer to the public to expand.

– Motion for a resolution: (B6-0537/2008)

Bruno Gollnisch (NI). – (FR) Madam President, I should like to say that, in view of the growing threat of sea piracy off the Horn of Africa, the draft motion for a resolution on piracy supports the will of the Member States to undertake a coordinated naval campaign. Unfortunately, the amendments, for the most part, are pious hopes or merely point out the obvious, such as the collapse into anarchy of Somalia, events from which the full consequences must necessarily be drawn.

It will certainly not be possible to combat piracy effectively if the pirates' bases are not destroyed. It is regrettable, also, that this text does not point out the main cause of this resurgence of piracy, which represents the decline of Europe's civilising influence in this part of the world.

Lastly, I believe that it is rather odd to want to demand that the Member States' naval forces separate, as it were, the action of combating piracy from the actions being carried out – it is not too clear why – within the context of Operation Enduring Freedom, as if Bin Laden were escaping in some way from Afghanistan via Pakistan, in a dugout canoe, to make his way to New Zealand. I understand that there is a desire to introduce this distinction, but ships in the area will naturally have to carry out both missions.

– Motion for a resolution: (B6-0544/2008)

Peter Skinner (PSE). – Madam President, accounting standards are the key element of the language of financial services. For investors, the moves to converge the national standards of accounting to the International Financial Reporting Standards (IFRS) are a great step forward. It means that companies will be able to publish accounts in one basic form, which should be accepted in the major economies around the world. Canada, China, Japan, the USA – and now, it seems, India as well – are in agreement in the wish to converge their standards towards IFRS.

Although I welcome this, as the rapporteur for the transparency directive, I recognise that work to achieve actual convergence still has to be done. This is why I and my fellow rapporteur, Margarita Starkevičiūtė, have approved the amendments to monitor the progress of this convergence process. I trust that the Commission, in their discussions with various national authorities, can keep the momentum moving. With regard to the USA, I am keen that a new administration can be trusted and relied upon to make the substantial progress that it is needed. The Commission should keep pressure on this.

On accounting standards themselves, it is vitally important to keep the underlying approach, as agreed within the International Accounting Standards Board (IASB). The integrity of these rules will be tested by attempts to dilute them for national reasons. This should be resisted strongly, and fair value accounting must be supported in the face of such pressure.

– Motion for a resolution: (B6-0562/2008)

Philip Claeys (NI). – (NL) Madam President, I abstained on the motion for a resolution on aircraft safety and body scanners, not because I object to the reservations it expresses with regard to the right of privacy for travellers, quite the reverse. I too believe that body scanners cannot be commissioned without a clear scientific and medical evaluation of the possible effects of the use of the technology in question on the health of the users.

I can only bemoan the fact that the proposal to postpone the vote and to invite Commissioner Tajani in this connection to present a study which may enable us make a more informed decision regarding the use of body scanners has been rejected.

This is a very serious matter, involving, as it does, the safety of the citizens and the use of pioneering new technology. This is why I find it very regrettable that we in our Parliament treat this issue so shoddily.

– Motion for a resolution: (RC-B6-0571/2008)

Zita Pleštinská, *on behalf of the PPE-DE Group*. – (SK) Madam President, as one of the co-authors of the motion for a resolution of the European Parliament on the commemoration of the Holodomor, the artificial famine of 1932-1933 in Ukraine, allow me, as a member of the PPE-DE Group, to begin by expressing my thanks to all of my parliamentary colleagues who voted in favour of the motion for a resolution.

Under the leadership of the PPE-DE Group, a compromise was reached under which the word 'genocide' was removed at the request of the Socialist Group in the European Parliament. Following the discussion in your presence yesterday, however, filled as it was with high emotion and with the powerful words of Commissioner Tajani, nobody could be in any doubt as to what name to give this appalling act which destroyed ten million people. It is now up to the historians, on the basis of fact and as long as there are survivors still living, to bring to an end the silence and the concealment of these events. There must be books in our libraries bearing genuine witness to the famine in Ukraine.

By voting in favour of the motion for a resolution on branding the Ukrainian famine of 1932 – 1933 as a horrific crime against the Ukrainian people and against humanity, we have today pasted back into the annals of European history a page ripped out by Stalin.

Tunne Kelam (PPE-DE). - Madam President, I voted for the resolution on Holodomor, the great Ukrainian famine. The resolution rightly calls it an appalling crime against the Ukrainian people and, indeed, against humanity. However, due to the position taken by certain factions, the resolution has avoided the term 'genocide', which would be fair and appropriate to be used in this case.

The Ukrainian Parliament and 26 states have defined this crime, which caused the death of at least four million people, as genocide. Moreover, recital B of the resolution quotes the UN Convention on the crime of genocide of 1948, which unequivocally covers the Ukrainian case. So I very much hope that the European Parliament will soon join the position taken by these states.

Bruno Gollnisch (NI). – (FR) Madam President, we have commemorated the Holodomor, the methodical destruction of Ukraine's farming community by famine, and our Parliament has recognised, as did our fellow Member a moment ago, that it was a genocide.

I should just like to stress the fact that the perpetrators of this genocide sat among the judges of civilisation at Nuremberg, a fact that should make it possible, today, to debate the composition, procedure and conclusions of the Nuremberg Trial. However, intellectuals, who are holding this debate today in Europe, are being arrested, detained, hunted down, ruined, pursued and thrown into prison. Worse, their lawyers, who are also presenting the same conclusions, are being hunted down in the same way.

In Mr Pöttering's country, for example, they are being hunted down and arrested in line with procedures that resemble Stalinist trials. We awarded the Sakharov Prize for Freedom of Thought to a Chinese dissident; we could just as well have awarded it to certain Europeans such as, for example, the courageous German lawyer, Sylvia Stolz.

– Report: Doris Pack (A6-0378/2008)

Bernd Posselt (PPE-DE). – (DE) Madam President, Doris Pack has, as always, submitted an excellent text, because she is not only an expert on Southern Europe, but also on education.

I welcome the fact that education is a particular area of emphasis in relation to the stabilisation agreement. However, we must extend our approaches, firstly by focusing more closely on accelerating the visa liberalisation process and giving young people in Bosnia and Herzegovina the chance to find out more about Europe by studying and travelling here.

The second decisive factor is the establishment of a European multi-faith university in Sarajevo, which is supported by all three religious communities in the country and which will act as a European centre of tolerance and mutual understanding, not on the basis of indifference, but on the basis of people's roots in each religion. With our strong support for the European university, this will not only represent major progress for people in Bosnia and Herzegovina, but may also allow Bosnia and Herzegovina to send a signal to the whole European continent.

- Report: Dushana Zdravkova (A6-0358/2008)

Frank Vanhecke (NI). - (NL) Madam President, the report that is before us by the Committee on Petitions on the European Ombudsman's report for 2007 was very positive on the whole, and I can certainly support this view for once. I have therefore endorsed the report.

Nevertheless, I should like to note once again in this explanation of vote that it is remarkable that Parliament should congratulate the European Ombudsman on his conduct to ensure the correct and full application of rules and regulations, while law infringements and violations of the rules are occurring before our very eyes in this Parliament, so to speak, without Parliament intervening or even with Parliament's cooperation on a daily basis and on a very large scale.

For example, the way in which the Commission and Parliament continue to build on the Treaty of Lisbon, which has died a political and legal death since the referendum in Ireland, makes a mockery of all legal rules. I think it is high time we started to put our own house in order.

Written explanations of vote

- Draft general budget of the European Union for the financial year 2009 – Report: Jutta Haug (A6-0398/2008)

Hélène Goudin and Nils Lundgren (IND/DEM), in writing. - (SV) The June List believes that the EU budget should be limited to 1% of the Member States' average GNI. We have therefore chosen to vote against all the increases proposed by the European Parliament, at the same time as the June List has welcomed the few savings proposed in the form of amendments by either the Committee on Budgets or individual Members.

There are a number of unfortunate budget headings. The June List particularly regrets the large amount of subsidy for the EU's agricultural policy, the Cohesion Fund, fisheries and the budget headings containing support for various types of information campaign.

The June List also believes that something needs to be done about the European Parliament's constant shuttling between Strasbourg and Brussels and that the European Economic and Social Committee and the Committee of the Regions should be disbanded.

Jean-Claude Martinez (NI), in writing. - (FR) For twenty-seven countries to have a European budget in the region of EUR 130 billion – that is to say, the equivalent of Spain's budget, and that alone – is, under normal circumstances, already rather strange.

Nevertheless, it is thus that, in a Europe that lacks high-speed rail links between Finland and Spain, and between France and Poland, as well as equipment and staff for the universities, research centres and retirement homes of a continent submerged by the geriatric tsunami, the worldwide crisis of interbank liquidity, of the real estate shock on several economies and of the decline in confidence of entrepreneurs and workers, a budget effort is required that is far removed from the usual European budget.

We therefore require exceptional budget programming for a major infrastructure plan, approved via a major 'European financial referendum'. By this I mean a European loan, of an amount equivalent to EUR 1 700 billion, raised by the banking sector.

Jan Andersson, Göran Färm, Inger Segelström and Åsa Westlund (PSE), in writing. - (SV) We Swedish Social Democrats regret that the EU should be funding tobacco producers, at the same time as investing large amounts of money in public health campaigns and anti-smoking measures in the EU.

We also consider it a scandal that the EU budget should be used to support bullfighting, which is a tradition we do not consider to be compatible with modern values and animal rights.

We also regret that all those types of export subsidy, together with milk quotas, should take up a portion of the EU's budget.

We voted against all these proposals.

We also wish to clarify why we voted against the proposal for a pilot project in favour of children and children's rights. It was because this proposal was not contained in the compromise between the political groups involved in pilot projects. Because we did not wish to jeopardise this sensitive compromise, we were not, unfortunately, able to support the proposal, with whose content we fully sympathise (amendment 133).

Finally, we wish to express our great disappointment about the fact that the amendments aimed at strengthening union cooperation and consultation between trade and industry and union organisations were not adopted in plenary.

Jean-Pierre Audy (PPE-DE), in writing. – (FR) I voted in favour of the report by Mrs Haug on the draft general budget of the European Union for 2009 and amending letter 1/2009 to the preliminary draft general budget (PDB) of the European Union. Like many of my fellow Members, I deplore the fact that the Council has further reduced an already meagre budget: the commitment appropriations of the draft budget represent a total amount of EUR 134 billion, that is to say, a shortfall of EUR 469 million with regard to the PDB, even though the payments stand at EUR 115 billion, this being a decrease of EUR 1.8 billion. The payments are thus limited to 0.89% of GNI, that is to say, an unprecedented level that is drastically widening the gap between commitments and payments and this is something that goes against budgetary discipline. With regard to agriculture, I support the creation of three new funds – the fund for restructuring in the dairy sector, Eco-Aid to maintain sheep and goat farming in the EU, and the ad-hoc financial instrument for the adaptation of the fishing fleet to the economic consequences of the rise in fuel prices.

Bastiaan Belder (IND/DEM), in writing. – (NL) The Haug report cannot count on my support, because the European Parliament is asking to spend more. I do, however, support the new priorities in the areas of climate change and energy. Many amendments aim to raise the profile of these priorities in the budget, which I welcome. This also means, though, that we need to indicate the areas in which we want to cut costs. Parliament's position does not make any mention of this.

Furthermore, I should like to declare myself openly in favour of balanced support to the governments in the Middle East. The issue of the Palestinian Authority requires our continued attention. It is appropriate for us to provide aid, given that it now looks like Prime Minister Fayad is setting a course that deserves our support.

Finally, it is justified that the European Union should wish to give extra food aid to poor countries due to food prices soaring. I agree with the rapporteur that this should not be funded from the budget for European agriculture, but rather from the budget for external policy.

Charlotte Cederschiöld, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE-DE), in writing. – (SV) We support the basic principles behind the EU budget for 2009 and wish to emphasise that it needs to give people good value for money. The budget's framework should be respected, and we therefore welcome the fact that the budget will be kept well within this framework.

We want drastically to cut back on agricultural and regional aid and reduce the total budget. We want to put more of our shared resources into research and development, growth, infrastructure and security.

Brigitte Douay (PSE), in writing. – (FR) On Thursday 23 October, the European Parliament adopted at first reading the European Union's budget for 2009.

This budget falls within the particular context of the narrow 2007-2013 financial perspective – which the French socialists, moreover, refused to vote in favour of in 2006 – of the financial crisis and of the preparations for the European elections of June 2009.

A budget is policy expressed in figures. Parliament has succeeded in restoring a satisfactory payment level, in spite of the Council's desire to make bleak cuts in lines that nonetheless appear to be a priority for MEPs, such as the fight against climate change, aid for SMEs, growth and competitiveness, and citizenship schemes.

In this connection, I am delighted that we have re-established a satisfactory level of appropriations for communication initiatives concerning citizens and the media. In order to prepare for the forthcoming elections and to make citizens want to take part in the vote, it is vital that they are made aware of European issues. All initiatives undertaken by the Commission and by Parliament for the purposes of explaining Europe and its added value in terms of everyday life and of preparing for the future must be encouraged and provided with sufficient resources.

Proinsias De Rossa (PSE), in writing. – I voted against amendment 134 because to vote for or to abstain would be to lend credibility to false allegations by Kathy Sinnott to the effect that the EU funds coercive abortion, involuntary sterilization, and, infanticide.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) As in previous budgetary procedures when we had many reasons to immediately reject them at first reading, we can say that, with regard to the draft general budget of the European Union for the financial year 2009, we have even more reasons to reject it.

The Council clearly views the next budget in exactly the same light as it did the previous ones. In other words, it plans to use this instrument to continue supporting the EU's neoliberal policy. We should not really expect anything else.

This budgetary procedure, once again, provides clear evidence of the EU's intended response to the worsening capitalist crisis, triggered by the financial crisis at the very heart of the system, in other words in the US. Neither the Commission, nor the EP, nor the Council have put forward any measures in the EU budget which will effectively respond to the needs and growing difficulties of workers and the general population, micro-, small- and medium-sized enterprises and a large part of the productive sector.

At the precise moment when the structural crisis in the European Union is getting worse, the Council has reduced payments to an 'unprecedentedly low level', by nearly EUR 9 billion compared to the forecast in the Multiannual Financial Framework.

This is why we have voted against.

Anna Hedh (PSE), in writing. – (SV) I abstained from voting because large parts of the outcome are a disappointment. For example, it is mad for the EU to be funding tobacco producers, at the same time as investing large amounts of money in public health campaigns and anti-smoking measures in the EU.

It is also a scandal that the EU budget should be used to support bullfighting, which is a tradition I do not consider to be compatible with modern values and animal rights.

I also regret that all those types of export subsidy are still to take up a portion of the EU budget and that the amendments aimed at strengthening union cooperation and consultation between trade and industry and union organisations were not adopted by Parliament.

Bairbre de Brún and Mary Lou McDonald (GUE/NGL), in writing. – We would strongly oppose coercive abortion, forced sterilisation and infanticide, and concur that these are human rights abuses.

We have abstained on the amendment as EU funds have never been used in this way and the amendment fails to clarify the importance of the international development work of credible organisations in supporting women in fertility management, specifically reproductive education, reproductive health-care services and family planning, and campaigning for women's right to health care.

While we are voting in favour of Amendments 612, 131, 132 and 133 because of the importance of the issue, we feel it would be more appropriate to create a separate budget line on children's rights, which would include the issues dealt with in these amendments.

Erik Meijer (GUE/NGL), in writing. – (NL) Budget item 05020812 and Amendment 169 have given sudden and unexpected importance to the topic of school fruit on account of proposals to spend more money on it in future. There is currently a purchase agreement for which money has been set aside for years with a view to supporting the fruit growers. This gives the bought fruit a useful purpose. There are proposals in the pipeline which, from 2010, could increase the budget for 'market regulation' by EUR 90 million or more per annum. Parliament can only have an advisory role in this. It is the Council that makes the decisions, and the subsidiarity test does not apply, because this power has, pursuant to Articles 36 and 37 of the Treaty, been with the EU for a long time.

Our party, the Socialist Party in the Netherlands, considers this to be a bizarre state of affairs. A school fruit arrangement may be useful in preventing children from becoming ever more obese and unhealthy. The question is why the EU should get involved in this, rather than the municipalities that run education. Payments are currently made from the EU fund to the Member States, which are obliged to add a sum to it, and it is then up to the municipalities to implement the scheme. If nothing else, this way of working leads to a great deal of unnecessary administration and time-consuming red tape.

Luca Romagnoli (NI), in writing. – (IT) Madam President, ladies and gentlemen, I have voted in favour of the draft general budget of the European Union for 2009, drawn up by Mrs Haug. I am pleased to note the increase in resources for overall spending on transport in the preliminary draft budget for the next financial year, and the creation of a new budget line on Support Activities to European Transport Policy and Passenger Rights. I must nonetheless express my disappointment over the reduction, although not excessive, of payments relating to this item.

Finally, I would like to draw attention to the opinion of the Committee on Civil Liberties, Justice and Home Affairs, of which I am a member, and say that I share Mrs Dührkop Dührkop's satisfaction that the increased budget provided for the current year for Title 18, Area of freedom, security and justice, has been retained for 2009. This reflects the great importance given to issues associated with security and safeguarding liberties, the management of migration flows and the external borders of the Union, which are becoming ever more critical, not least in the eyes of European citizens.

Olle Schmidt (ALDE), *in writing*. – (SV) As always when one votes on a budget the size of the EU's, there are details about which one has reservations. In the case of the EU, of course, it is mainly agricultural policy that sticks in the craw. It may therefore appear strange to be voting in favour of a budget in which the dominant budget heading is one that we should have liked to have been one of the smaller ones – if it existed at all. At the same time, there is a need to consider the whole picture, and the good news is the ever-increasing awareness that significantly larger resources need to be invested in what really is joint expenditure – in this case, on climate. My vote needs therefore to be interpreted in the light of the fact that the annual draft budget involves something of a shift forward, not that I uncritically support the total content. Two corrections to the voting protocol, for example concerning tobacco subsidies, have been introduced.

Catherine Stihler (PSE), *in writing*. – Amendment 602 was supported by Parliament. Again this is disappointing, as it continues subsidising tobacco producers in the EU. Tobacco is the cause of death of half a million EU citizens each year. It is a disgrace that there is still a subsidy available to grow a product which kills so many.

Andrzej Jan Szejna (PSE), *in writing*. – (EL) The vote in favour of the EU budget for 2009 by the centre right and centre left forces of the European Parliament, with the participation of the Greek MEPs from the New Democracy, PASOK and LAOS parties, signals the intensity of the anti-grassroots policy against the workers.

Within the framework of the Lisbon Strategy and at a time of crisis in the capitalist system, the European Union is using the budget to make workers pay for this latest crisis, to speed up capitalist restructurings, to promote harsh anti-labour measures which undermine collective agreements, to generalise the application of flexible forms of employment and to privatise state social services and insurance systems.

The European Commission and the European Parliament are pushing ahead with the imperialist action of the EU and making more money available for the militarisation of the EU, in order to pave the way for the European monopolies to penetrate third countries.

They are using the political power of the stick and carrot to try and misdirect the labour movement and are strengthening their repressive mechanisms in order to strike at the labour grassroots struggle. At the same time, they are using social dialogue to try and wheedle the consent of the workers to the rationale of the European way forward.

The parliamentary group of the Communist Party of Greece voted against this deeply class-based budget and the imperialist plans of capital and of the EU.

Silvia-Adriana Țicău (PSE), *in writing*. – (RO) As part of the vote on the report approving the 2009 Budget Section III – Commission, I voted for paragraphs 14 and 38 of the report, which support the development of institutional skills for the Nabucco project.

I also voted for amendment 542, which provides for an increase of EUR 5 million in budget item 06 03 04 (Financial support for projects of common interest in the Trans-European energy network). Although this sum is tiny in comparison with the size of the budgets required to implement energy projects, I believe that it is important for us to develop the institutional skills required to implement this project. The supplementary sum is earmarked for the development of the administrative skills of the Nabucco project coordinator.

Europe needs to diversify its sources for providing energy. In this sense, the Nabucco project is a strategic project for the European Union. The majority with which these amendments were passed is recognition of the importance attached by the European Parliament to the Nabucco project. Furthermore, we are expecting specific action to be taken, which will materialise in launching the construction of the Nabucco project.

Gary Tittley (PSE), *in writing*. – British Labour MEPs have long supported the reform of the CAP, especially reforms which save money, and thus do not support measures which increase costs unnecessarily. In particular, the EPLP does not support subsidising the production of tobacco; bullfighting; new funds for dairy, sheep and goats and funds for publicising the CAP.

British Labour MEPs welcome any opportunity to help small and medium enterprises, as they are the backbone of our economy, providing the majority of jobs in the EU. Consolidating funding under one budget heading will help draw attention to the needs of SMEs.

– **Report: Janusz Lewandowski (A6-0397/2008)**

Jean-Pierre Audy (PPE-DE), *in writing*. – (FR) I voted in favour of the resolution on the sections of the EU budget, excluding the European Commission's budget, on the basis of the report by Mr Lewandowski. Although none of the budgets covered by this report appear to present any major problems, I remain convinced that the European Parliament is not equipped with the resources to match the political responsibilities it has acquired by virtue of the development of the Treaties and the work of its Members, and, moreover, by virtue of its role in reducing the gap that has set in between European integration and the people, a gap that has been confirmed again and again by the various recent referendums. Like the great majority of my fellow Members, I support the proposal to strengthen the European Court of Auditors' audit capacity with the creation of 20 posts. The costs associated with funding the extension of the Court building must be kept as low as possible for taxpayers, and it is a good idea to fund this expenditure directly from the budget over four years, rather than to conceal the significantly higher costs that would result from a 25-year rental-purchase option.

Hélène Goudin and Nils Lundgren (IND/DEM), *in writing*. – (SV) The report's starting point is increased interinstitutional cooperation by means of a general increase in services within the EU's institutions. The rapporteur believes that efficiency will be increased in this way. For example, it is proposed that personnel resources for the political groups should increase by 53 services. Moreover, a further two higher services are to be set up, in addition to the new services included in the draft budget.

The June List is very well disposed towards making the EU system more efficient, but does not believe that this is automatically achieved by means of more services. In principle, we are opposed to an increase, both in the EU budget and in the number of services, because we believe that this would involve increased bureaucracy and less national self-determination. When it comes to more services in the political groups, we maintain that this would be of most benefit to the large groups – a development that would make it harder work for other groups to conduct their own policies.

Moreover, the European Parliament has already in the past taken steps to introduce EU contributions to special 'EU parties' and party-political foundations linked to these. We believe that, in this way, more than sufficient advantage has been accorded, at taxpayers' expense, to the big well-established political parties and their groups in the European Parliament. The June List has therefore chosen to vote against the report.

Luca Romagnoli (NI), *in writing*. – (IT) Madam President, ladies and gentlemen, I voted in favour of the 2009 draft general budget presented in Mr Lewandowski's report. Indeed, I believe that the European Union should adhere strictly to the financial regime in order to send out a strong message in this time of great uncertainty on the markets. I would point out that there is still room for improvement; ample work remains to be done in building stronger interinstitutional cooperation.

Lastly, I feel I have a duty to express my opposition to those amendments providing substantial cuts to European funds for the regions of southern Italy: this is not the way to achieve European integration, even if fund management in these areas could be better. If a tap is leaking, the answer is not to turn it off, but to repair the pipe. The concept is the same, with due proportion.

Hannes Swoboda (PSE), *in writing*. – (DE) With regard to amendment 4 to the Lewandowski report, I would like to state that the PSE Group has not signed this amendment due to an error, but has fully supported it and continues to do so.

Gary Titley (PSE), *in writing*. – British Labour MEPs support the principle that the European Parliament should be knowledge based, but decided to abstain on the decision to increase the number of Group staff due to the current financial conditions and the need to save money as a result.

– **Recommendation: Ulrich Stockmann (A6-0375/2008)**

Pedro Guerreiro (GUE/NGL), *in writing*. – (PT) As we have highlighted throughout this process, the aim is to amalgamate and deliberately confuse 'competition' with 'transparency'.

Obviously it is necessary to determine the relevant criteria for airport charges and what these charges actually represent.

However, this should not occur within a policy aimed at liberalising and privatising a strategic public service such as air transport, particularly by creating a 'truly competitive airport market', applying the 'user pays' principle and requiring profitability in a public service. Indeed, as we have previously highlighted, the aim even seems to be to remove the 'supervisory role' from public control, by transferring this to 'independent' supervisory authorities or bodies.

We would reiterate that previous privatisation in this sector has not resulted in added value in the services provided, but has helped to destroy jobs and reduce workers' rights and, in some cases, caused technical and operational problems.

Despite the outermost regions not having been explicitly excluded from the scope of the directive (by recognising the permanent natural and geographical disadvantages and constraints affecting these regions and by establishing adequate derogations from compliance with universal public service obligations), as we proposed, we welcome the fact that the directive's scope has been limited to airports with more than 5 million passengers per year.

Timothy Kirkhope (PPE-DE), in writing. – Whilst British Conservatives recognise that the charges airports levy on their users should be subject to scrutiny on occasion, Conservatives abstained in the vote on the amendments at second reading on the draft airport charges directive. This was because they still have concerns that the regulation of some regional airports is unnecessary and may affect their ability to operate competitively. Conservatives were keen for the EU to adopt a percentage threshold at first reading. The current threshold is arbitrary and does not take into account the competitive growth of the sector.

Jörg Leichtfried (PSE), in writing. – (DE) I will vote in favour of the directive on airport charges presented by Mr Stockmann.

The report will make abuse more difficult and reduce the distortion of competition. This will prevent airports from abusing their dominant market position and imposing excessive charges on the airlines.

I believe it is right that there will be greater differences in charge levels in future and that the new system will therefore also benefit the customer. It is important for airport users to know in every case how and on what basis charges are calculated.

It is also important that the directive includes standardised regulations on the mutual obligation to provide information, the transparency requirements and the method of calculating the charges.

Astrid Lulling (PPE-DE), in writing. – (DE) I have not voted in favour of the directive on airport charges at the second reading, just as at the first reading, because what is being proposed here will lead to unacceptable discrimination against Luxembourg airport. This is no way to treat a small country. Applying the directive to Luxembourg airport, which has 1.6 million passengers per year, and the failure to apply it to direct competitors Frankfurt-Hahn or Brussels-Charleroi, which transport more than 3 million passengers, represents unacceptable discrimination in the internal market, simply because there is a national border in between.

It is not national borders which should be the decisive factor in this case, but objective criteria, if the directive aims to prevent possible abuse on the part of airports with a dominant market position.

In the case of a smaller airport, in particular when it is the only one in the country, there is no risk of abuse of this kind, even though the competitive airports, which are also home to low-cost airlines, are only a short distance away. Luxembourg is so small that you can reach three neighbouring countries in only 30 minutes on the motorway.

This is a blatant violation of the principle of proportionality. For this reason, once again, at second reading, I am voting under protest against this text, which is intended to be a compromise.

Seán Ó Neachtain (UEN), in writing. – (GA) The rapporteur and the Committee on Transport and Tourism have done Trojan work on this report. The lack of amendments show that Parliament has taken a strong and unified position on this matter and that its Members recognise that it is important to progress the Directive on airport costs.

I am happy with the adoption at first reading of the provision of the Directive changing airport capacity from 1 million to 5 million passengers per year. It is also commendable that environment provisions have been included in the common position.

However, I felt that specific elements were missing from the common position, but the rapporteur succeeds in rectifying this at second reading. I therefore pledge my full support.

Andrzej Jan Szejna (PSE), in writing. – (PL) The directive on airport charges will put an end to the long-standing conflict and debate between airports and airlines concerning the cost and quality of services. The new provisions will also protect passengers against unduly high airport charges and will restrict the practice by large airports of imposing artificially inflated prices. To date, the airport use costs imposed on airlines have been passed on to consumers.

The directive aims to increase transparency and the principles of collecting airport charges. It also introduces more specific provisions on the quality standards of the services to be provided. In addition, it establishes independent supervisory bodies. Thanks to the new directive, airport charges will at last be linked to the real costs and discrimination between specific airlines will cease.

The directive in question will apply to the 67 largest European airports, handling over five million passengers per year. Warsaw's Okęcie airport is one of these. The directive will also apply to the largest airport in a particular Member State of the Union. Ten more airports will be covered by the directive by 2010.

Lars Wohlin (PPE-DE), in writing. – (SV) I have been opposed to the proposal ever since it was put before Parliament because I believe that the Chicago Convention, which at present regulates the basic provisions governing airport charges, should have the same significance for the Member States in the future too. There is no reason to change rules that are generally accepted and thus can be regulated only by the Member States.

New EU legislation means that, in the event of a dispute, pricing can ultimately be interpreted by the European Court of Justice, and this was obviously one of the reasons why the proposal was put forward. I nevertheless think that there is reason to be sceptical when the European Court of Justice has to interpret binding Community legislation. I am worried by the reluctance to take account of national provisions where certain issues are concerned. I think that, in the future too, there must be reasons to question the role of the European Court of Justice, especially on this issue.

– **Report: Doris Pack (A6-0378/2008)**

Alessandro Battilocchio (PSE), in writing. – (IT) I voted in favour of Mrs Pack's report on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, because I am convinced that this step will help to establish a contractual relationship between the two parties that will facilitate Bosnia and Herzegovina's transition to a fully functioning state.

This will cause the country's economy to accelerate, enabling its legislation and regulations to draw gradually closer to the *acquis communautaire* of the European Union, which will strengthen the Stabilisation and Association Agreement (SAA), given that greater efforts are needed to overcome ethnic divisions and to move towards real reconciliation between the parties. I also agree in particular that these efforts need to be focused on the young generations, through common educational programmes in the two entities and through a common understanding of the recent tragic events that took place there.

Pedro Guerreiro (GUE/NGL), in writing. – (PT) The European Parliament 'gives its assent to the conclusion of the agreement' ...

Behind these nine words are 65 pages of an 'agreement' which, among many other negative aspects, is ruled by the euphemistically termed 'principles of free market economy'.

In addition to some worrying political aspects, the primary objective of the agreement is the integration of Bosnia and Herzegovina within the European internal market, as a way of ensuring that the EU's major transnationals have control over its economy.

The agreement is littered with the terms 'free trade', 'free movement of capital', 'liberalising the establishment and supply of services' and 'liberalisation of transport' (air, maritime, inland waterways and land). Its aim is to ensure that, within six years, Bosnia and Herzegovina has 'properly implemented and enforced' the Community *acquis* on free competition in the internal market and also 'other trade-related areas'.

Obviously, we support the further development of friendly relations with other countries, but this must be in response to their real needs. These relations must be mutually beneficial and contribute to reciprocal development and the principle of non-interference and respect for national sovereignty must be observed.

However, this agreement is contrary to this principle.

– **Motion for a resolution: (B6-0537/2008)**

Sebastian Valentin Bodu (PPE-DE), in writing. – (RO) Sea piracy is an issue which is as topical nowadays as it has been for a couple of hundred years. However, it is far from being the romantic, noble 'profession' depicted in adventure novels or in the 'Pirates of the Caribbean' series of films.

Piracy causes victims and generates huge revenues for the practitioners of this 'profession'. According to some statistics, last year alone, pirates attacked more than 60 ships, capturing 14 of them and taking hundreds of sailors as hostages. Acts of piracy in the Gulf of Aden have cost ship-owners between USD 18 million and USD 30 million, in the form of ransom fees paid to recover the ships and their crews.

Furthermore, piracy can lead to complicated situations, like the one when a Ukrainian vessel transporting more than 30 missiles fell into the hands of Somali pirates. These weapons could have very well ended up with Islamic militants in Somalia or in other conflict zones on the African continent. It is difficult to explain how, in the year 2008, we still have piracy just like in the Middle Ages. The international community in general and the European Union in particular have a duty to examine this historical anomaly and to develop mechanisms which will put an end to this for the benefit of the entire region.

David Martin (PSE), in writing. – I fully support the resolution on sea piracy. Currently two attacks a day are taking place around the Horn of Africa and pirates are disrupting trade flows and preventing international aid reaching Somalia. This resolution calls for coordinated action between the EU, the UN and the African Union to isolate pirates in the region and ensure aid reaches this troubled region. I support these recommendations.

Luís Queiró (PPE-DE), in writing. – (PT) One of the most significant aspects of the EU NAVCO mission is the fact that this is the EU's first naval mission. However, it should also be noted that the EU, in taking action against this piracy, is clearly aware that it is defending its direct interests. This awareness is undoubtedly bound up with the consequences of globalisation. As the world gets closer and as the European economy becomes increasingly global, it is clear that our interests lie well beyond our borders and that their defence will also require resources that go beyond the geographical limits of Europe.

At the same, we should stress that these interests and their defence are, as a rule, common to Europe and its allies. That is why the role played by NATO, among others, in the fight against piracy is vital and must be noted and included in our analysis of this changing situation.

Luca Romagnoli (NI), in writing. – (IT) Madam President, ladies and gentlemen, I voted in favour of the motion for a resolution on piracy at sea. The unhindered passage of vessels is an absolute precondition for the development of international commerce: the European Union cannot tolerate acts of piracy taking place against Community fishing boats off the coast of Somalia, a rich hunting ground for thieves operating at sea.

I welcome the call on the Somali Transitional Government, in collaboration with the United Nations and the African Union, to treat piracy and armed robbery committed from the Somali coast against vessels carrying humanitarian aid as criminal acts to be pursued by arresting the perpetrators under existing international law. Finally, I applaud the joint action promoted by the Council, namely to extend the right of sea and air pursuit of these pirates to the territorial waters of the coastal states, provided that the countries concerned agree, as well as to develop a mechanism for coordinated assistance against cases of maritime piracy.

Brian Simpson (PSE), in writing. – I shall be voting for this resolution and I congratulate my colleagues on the Transport Committee for taking this initiative at this time.

Sea Piracy is a criminal act that not only threatens seafarers' lives but also disrupts legitimate trade and even humanitarian aid.

Modern day pirates have no romance; they are not Johnny Depp type characters swinging through the rigging. They are desperate, dangerous criminals who need to be brought to book.

Piracy is a problem all over the world and especially off the coast of Somalia, where it has risen to epidemic proportions. Now it is time for concerted international action to bring this type of activity to a standstill. This resolution is timely, and I hope it will help our governments to work together as a part of that international effort.

Georgios Toussas (GUE/NGL), in writing. – (EL) The motion for a resolution, which was passed by the large coalition of centre right and centre left political forces in the European Parliament, uses piracy as a pretext to promote new imperialist interventions by the EU in the area of Somalia and the Horn of Africa. It exploits the cases of piracy in an area in which the imperialist aspirations of the EU, the USA, Russia and other forces clash to impose and safeguard the presence of EU military forces which, with a fistful of weapons, will promote its imperialist plans to gain geostrategic control.

The European Parliament welcomes the decision by the EU Council to set up and send a euro-unifying naval force, which is basically a strike force for the European monopoly business groups seeking greater penetration and redistribution of the markets for their own benefit. This new imperialist operation will mean even greater plundering of the wealth-producing resources in the area, more exploitation of the people in order to safeguard monopoly profits and new dangers of opportunist wars on the battleground of the competing imperialists.

The people can repel these new imperialist plans and impose their inalienable right to determine their own future and fate on the basis of their own interests against these imperialist plans and ambitions.

Geoffrey Van Orden (PPE-DE), in writing. – The British Conservative Delegation supports strong international naval action against piracy, but we do not believe this is an area where the EU can, or indeed should, be involved. We therefore abstained on the Resolution. A NATO Naval Maritime Group is already being deployed against piracy in the seas off the Horn of Africa. The EU Member States that would have to contribute warships to the 'EU naval force' are already contributing to the NATO response. The EU has no additional assets. It brings no added value, only complexity, confusion and duplication, when the situation demands coherence, an unambiguous chain of command and political control, and robust rules of engagement. This is a job for NATO. We also object to references to 'EU fishing vessels', 'EU fishermen' 'Community fishing, merchant and passenger vessels'. The EU possesses no ships and none are flagged EU.

Bernard Wojciechowski (IND/DEM), in writing. – (PL) The number of acts of piracy recorded across the world between the years 2000 and 2006 was 2 400. This figure does not include the incidents transport undertakings fail to declare for fear that their insurance premiums will be increased. The Australian Government has calculated that the real number of acts of piracy is two thousand per cent higher. Piracy leads to losses of the order of USD 13-16 billion each year, and this figure is likely to increase significantly over the next few years.

Somalia is only the tip of the iceberg. From 2000 onwards, the most dangerous waters in the world have been those along the coast of south-east Asia, along with the waters around Malaysia, Indonesia, Nigeria, Iraq and Tanzania.

Acts of sea piracy represent a serious threat not only for human beings, but also for maritime safety. The European Union should make every effort to counter this threat.

– Motion for a resolution (B6-0544/2008) – Equivalence of accounting standards

Bernard Wojciechowski (IND/DEM), in writing. – (PL) The International Financial Accounting Standards (IFRS) are a sound basis on which to unify accounting standards across the world. Generalised use of globally accepted accounting standards will improve the transparency and comparability of financial reports. The benefits will be felt by enterprises and investors alike. The United States only recognises financial reports prepared on the basis of the IFRS in the version issued by the International Accounting Standards Board (IAS). The United States has, however, indicated that, for a transitional period, it is prepared to accept financial reports prepared on the basis of the IFRS in the version adopted in the framework of Regulation EC No. 1606/2002 without requiring them to be adjusted.

– Motion for a resolution: (B6-0562/2008)

Alessandro Battilocchio (PSE), in writing. – (IT) I voted in favour of the European Parliament motion for a resolution on the impact of aviation security measures and body scanners, that is, machines producing scanned images of persons as if they were naked, equivalent to a virtual strip search, on human rights, privacy, personal dignity and data protection, because I agree with the rapporteurs that this control measure, far from

being merely technical, has a serious impact on the right to privacy, the right to data protection and the right to personal dignity. For this reason, I believe that it should be accompanied by strong and adequate safeguards.

Since conditions for a decision have not yet been met, given that essential information is still lacking, I would like to emphasise the need to ask the Commission, before the expiry of the three-month deadline, to carry out a fundamental rights impact assessment and to urgently draw up an opinion on body scanners by the beginning of November 2008.

Carlos Coelho (PPE-DE), in writing. – (PT) I support the European Parliament motion for a resolution on the impact of aviation security measures and body scanners on human rights, privacy, personal dignity and data protection.

I am concerned about the proposed regulation which provides for the use of body scanners among the permitted methods for screening passengers at EU airports. These machines produce scanned images of persons as if they were naked, which is equivalent to a virtual strip search. This measure, far from being merely technical, has a serious impact on the right to privacy, data protection and personal dignity.

I consider that the conditions for a decision have not yet been met, that the European Parliament is still missing essential information and that the European Commission must carry out a fundamental rights impact assessment, consult the independent data protection authorities and carry out a scientific and medical assessment of the possible health impact of such technologies.

Taking a decision without doing all this will show a rashness that European citizens will not understand and will represent yet another step in the escalation of security in total disregard for fundamental freedoms and personal dignity.

Rareş-Lucian Niculescu (PPE-DE), in writing. – (RO) I abstained from the vote on this motion for a resolution because the European Union needs to have a much more mature reflection on the balance between security and freedom. It goes without saying that both are core values for the citizens in the Member States and need to be protected in equal measure. However, we need to be aware that the technology used by criminal gangs or terrorists is, in very many cases, more advanced than that which our law enforcement agencies have available. The EU has no excuse for not using the most advanced technical resources available, if using them can mean avoiding the loss of human life.

Luís Queiró (PPE-DE), in writing. – (PT) In recent years, stricter security requirements in air transport have increasingly led to questions about their compatibility with individual rights. This need to harmonise interests traditionally arises in the area of freedom and privacy in particular. These concerns have arisen once again in this case and demand an appropriate response which we believe can be given. If we take into account, on the one hand, the level of invasion of current methods and, on the other hand, the answers provided by solutions which involve the recording of images and ensure a physical distance between the security person and the passenger being checked, it seems that some of these questions have been overcome or at least could be overcome.

There is, however, another question which I believe has not been sufficiently covered and which raises major concerns. The health implications of this technology have not yet been adequately studied. The value put at risk in this case, namely the health of citizens, demands that care be taken. This will be difficult to ensure if measures are adopted without the conditions proposed by the original version of the text put to the vote. I therefore voted against the amendment which aimed to remove these conditions.

Carl Schlyter (Verts/ALE), in writing. – (SV) I am voting in favour of this motion for a resolution, demanding that the problems associated with body scanning be investigated before a decision is taken. The resolution could have gone further, however. I am opposed in principle to the use of body scanning, which involves too great an infringement of privacy and is disproportionate to what it is desired to achieve. The current system is already on the verge of being an invasion of privacy and is sufficiently secure.

Georgios Toussas (GUE/NGL), in writing. – (EL) The unacceptable EU motion for a resolution on the use of body scanners at airports has nothing to do with the security of aviation; it forms part of the reactionary policy of the EU and is a grossly flagrant breach of the personal rights and freedom of workers, with painful consequences for their health and safety.

The demagogic references, reservations and objections to the lack of guarantees relating to body scanners contained in the joint motion for a resolution in question by the European Parliament pave the way for the application of this unacceptable and highly dangerous system.

The proposed measure, which is a vulgar insult to the dignity of man and his very personality and, at the same time, puts his health at serious risk, reveals yet again the real, repulsive face of the EU of capital. The people must again draw their own conclusions. Electronically undressing citizens, with or without 'guarantees', is totally unacceptable and it needs to be roundly and decisively condemned straight away. Resistance, disobedience and insubordination in the face of the policy and measures of the EU are the only way for the people to safeguard their fundamental dignity.

– **Motion for a resolution: (B6-0541/2008)**

Erik Meijer (GUE/NGL), in writing. – (NL) The large majority of all nations in the former Yugoslavia wish to join the EU. This wish has been expressed not only by the Albanians and Macedonians in Macedonia, who only recently found a solution to their differences of opinion regarding the government of that country, but also by the Serbs, Montenegrins and Albanian Kosovars, who recently bade farewell to a common state, along with the Serbs, Croats and Bosnians in Bosnia-Herzegovina. The EU would do well not to overestimate the significance of this. The fact that they wish to work together within the EU says nothing at all about the state structure where they live. This is in the hands of the people themselves, not the EU. If they have to choose between regional self-governance and a transfer of powers to a central government, because that is what the EU wants, then they will opt for the former. The war in Bosnia between 1992 and 1995 came about because the majority of residents did not want a central government, but a loose partnership at most. Yesterday's debate clearly demonstrated that a large majority of this Parliament would opt for more central government in Bosnia-Herzegovina rather than decentralisation. Since this goal is unattainable, the EU condemns itself to an indefinite presence in that country. This is why I will be voting against.

– **Motion for a resolution: (RC-B6-0571/2008)**

Pedro Guerreiro (GUE/NGL), in writing. – (PT) This motion for a resolution forms part of the crude campaign to falsify history by equating communism with fascism, in the process disgracefully whitewashing the latter and placing those whose aim was to enslave humanity on a par with those who heroically fought for freedom.

As we have previously highlighted, this is a profoundly anti-communist campaign which aims to divide democratic forces by denying and falsifying the communist contribution to the anti-fascist fight and to the development of our civilisation. It must not be forgotten that anti-communism was the ideological cement of several fascist dictatorships and a factor used by them to divide democratic forces.

This motion for a resolution also forms part of the attempts to hide the fact that it is capitalism which is sowing the seeds of misery and hunger in the world. Just listen to the Food and Agriculture Organization of the United Nations which recently reported that tens of millions of people will fall victim to hunger, a situation that already affects around a billion human beings in the world.

This motion for a resolution must be viewed in the context of the rise of nationalist forces in Ukraine, the attempts to whitewash the collaboration of Ukrainian pro-fascist groups with the Nazis, the pressure to enlarge NATO and the current anti-Russia campaign.

Richard Howitt (PSE), in writing. – Labour Euro MPs wish to state our strong support for the belief that the Famine of 1932-33 was an appalling, man-made human tragedy, and we believe it is important to promote remembrance and public awareness of the artificial famine, together with its importance in Ukraine's history.

Britain's Prime Minister Gordon Brown made a Joint Statement with the President of the Ukraine on 15 May 2008 in which Britain pledged cooperation in international institutions to promote remembrance of the Holodomor. Although we do not officially recognise the events of 1932-33 as falling within the definition of the 1948 UN Convention on Genocide, we recognise that some academic opinion supports this view and are committed to following the debate and studying any emerging evidence closely.

Carl Lang and Fernand Le Rachinel (NI), in writing. – (FR) Our Parliament is at last recognising the horror of the extermination by famine – the Holodomor – instigated in the Ukraine by the Soviet regime. It is regrettable, however, that it has not taken the Ukrainian Parliament's lead and described this mass crime as a genocide.

Indeed, the famine, which killed millions of Ukrainians between 1932 and 1933, did not result exclusively from the economic and social absurdity of communism; it was the fruit of an extermination plan fitting the definition of a genocide, that is to say: 'the intention to destroy, in whole or in part, a national, ethnical, racial

or religious group, as such', and also 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part'.

At a time when, in France, in particular, a certain middle-class communist left extreme is benefiting from media support, recognition of a genocide such as this would make it possible to remember the horrors of Marxism-Leninism, which has been responsible for the deaths of 200 million human beings since the Bolshevik Revolution of 1917 and which is today still oppressing over one and a half billion people, in Cuba, in North Korea, in Vietnam and, above all, in China, where the most uncontrolled form of capitalism combines very well with communist totalitarianism.

Erik Meijer (GUE/NGL), in writing. – (NL) My group has not signed this motion for a resolution and the majority have voted against, the reason being that they believe that the emergence of the Soviet Union in what was then a backward Russia was a step forward and enabled many badly trained, badly paid and rightless people to have a better life. I share this belief, but this cannot justify all the means that were used then. Some in favour of modernisation, not least their leader Stalin, considered the individual right to life of people who hold different views completely insignificant. This stance fitted into the framework of a long Russian tradition of oppression and violence. All the bad means from the past were dusted down, this time to break any opposition to progress. The original ideal of democracy and equal rights for all people was placed second to this. The good that was pursued became the justification for the bad that was being done, based on the idea that history always judges in favour of the victors. We are now 75 years down the line, and it is only right and proper that much attention should be devoted to what went wrong then and the many victims in this. This is why I will be voting in favour of this motion for a resolution.

– **Report: Dushana Zdravkova (A6-0358/2008)**

Robert Atkins (PPE-DE), in writing. – I and my British Conservative colleagues support the work of the European Ombudsman and believe that many of the proposals for improving the operation of the role in this report are worthy of support.

With regard to recital B, I wish to make clear that the British Conservative MEP Delegation opposes the Treaty of Lisbon and the incorporation of the Charter of Fundamental Rights into that Treaty. We believe that the ratification procedure on this Treaty should end following the decisive 'no' vote in Ireland.

Ilda Figueiredo (GUE/NGL), in writing. – (PT) In this report, the Committee on Petitions encourages the Ombudsman to continue the dual aim that he announced in his 2006 Annual Report, namely working with the institutions to promote good administration and increasing communication efforts so that all citizens who might need to make use of his services are properly informed of how to do so. The increase in the number of complaints lodged confirms the importance of this information.

It should be remembered that the Ombudsman now has more powers, following changes adopted by the European Parliament at his request. The total number of inquiries dealt with by the Ombudsman in 2007 rose to 641. Of these, 64% concerned the European Commission, 14% EPSO (European Personnel Selection Office), 9% the European Parliament and 1% the Council of the European Union. The main types of alleged maladministration were lack of transparency, including refusal of information, unfairness and abuse of powers, unsatisfactory procedures, avoidable delay, discrimination, negligence, legal errors and failure to ensure fulfilment of obligations. In some instances, the cases were settled.

Bernard Wojciechowski (IND/DEM), in writing. – (PL) On 19 May 2008 the European Ombudsman, Mr Diamandouros, submitted his report to the Committee on Petitions. In it, he presented a detailed account of his activities together with data expressed in terms of figures and percentages. According to the report, the number of admissible complaints addressed to the Ombudsman has risen. It increased from 449 in 2006 to 518 in 2007. Compared to 2006, the number of inadmissible complaints fell last year. The reasons for lodging complaints were various. They included lack of transparency, unsatisfactory procedures, avoidable delays, discrimination, failure to ensure fulfilment of obligations and legal errors. Most of the complaints, as much as 65% of the total, concerned the European Commission. Only 9% of the complaints lodged with the Ombudsman concerned the European Parliament. The European Ombudsman also mentioned errors on the part of the European institutions. Mr Diamandouros criticised the European Commission for failing to comply with the legal requirement to publish in 2006 the 2005 annual report on access to documents of the European Parliament, the Council and the Commission.

11. Corrections to votes and voting intentions: see Minutes

(The sitting was suspended at 12.35 p.m. and resumed at 3 p.m.)

IN THE CHAIR: MR ONESTA

Vice-President

12. Approval of Minutes of previous sitting: see Minutes

13. Debate on cases of breaches of human rights, democracy and the rule of law

13.1. Venezuela

President. - The next item is the debate on three motions for resolutions on Venezuela⁽¹⁾.

José Ribeiro e Castro, author. – (PT) Mr President, Commissioner, ladies and gentlemen, Venezuela is a great country and the Venezuelan people have deep-rooted democratic traditions and sentiments. However, they have unfortunately been living for some years in a terrible situation, which is getting worse, in which their fundamental rights are being violated. That is why we are once again discussing this issue in this House and why we must condemn this situation.

We condemn the abuse of personal data in lists used for political persecution along totalitarian guidelines, such as the ‘Tascón list’, ‘Maisanta list’ and ‘Russián list’. The actions taken to disqualify dozens of citizens from standing in the regional and local elections to be held in Venezuela are unacceptable. The expulsion of human rights organisations, such as representatives of the NGO Human Rights Watch, simply for having made pertinent observations, is unacceptable. It is also shocking that the violence and intolerance being fuelled by the authorities has even produced young victims.

We therefore condemn and regret the assassination of a young student leader who died a victim of this climate of violence which is being fuelled by the authorities. We demand the truth and that those responsible are prosecuted.

We Europeans have to be more active. Just imagine if this were happening in our countries. Would we accept, in our countries, the disqualification of citizens from standing in elections, as is happening in Venezuela? If not, then how can we close our eyes to this? How can we close our eyes and pretend that nothing is happening?

How can we accept, for example, the attitude of the Portuguese Government – my country, unfortunately, for which I am ashamed – which is bowing down before the Venezuelan Government, which has a boot-licking policy and which has recently become the European receiving room for the tyrants? This is truly unacceptable.

It is vital that the Commission and the Council become firmer and clearer in their condemnation of these human rights’ violations.

Ewa Tomaszewska, author. – (PL) Mr President, a detailed explanation of the circumstances surrounding the death of Mr Julio Soto in Maracaibo must be provided. I would like to convey my condolences to his family. We call for the perpetrators of this crime to be properly tried and punished. The observations and comments made by Human Rights Watch merit our attention, especially as this is an independent organisation that does not receive subsidies from any quarter. We wish to protest against the ban on the activities of this organisation. We call for full respect for freedom of expression in the media and freedom of association. We call for full implementation of the legislation to protect women against violence. We call for the November elections to be run in such a way as to ensure that there can be no reservations about the conduct of the election campaign or about the election process itself. Venezuela should be a democratic country where people enjoy the same degree of freedom as they do in each of the Member States of the European Union.

Renate Weber, author. – Mr President, for several years the situation of the Opposition in Venezuela has been very difficult, and questioning Venezuelan democracy has been legitimate.

⁽¹⁾ See Minutes.

But what is happening at the moment is proof that Venezuela's democracy and the rule of law are a mockery. To use an administrative measure in order to ban people for 15 years from holding or running for official positions is unacceptable. Only the courts should be allowed to take such decisions, and only after convicting perpetrators of serious crimes.

The perversity of this measure can be easily noticed when it is realised that the vast majority of those banned are from the political Opposition, a practice that most likely will not be used only for the elections this November but may continue for the elections which will follow.

It is not surprising that this political disqualification is happening at a time when human rights advocates who criticise the current government are being expelled from Venezuela and when very suspicious accidents, resulting in the deaths of people who expressed criticisms, are not properly investigated.

The European Parliament must send a firm message to public opinion in Venezuela that political disqualification is an undemocratic practice and is contrary to the very foundation of the rule of law. We must strongly reject the allegations of the Venezuelan Vice-Minister for Europe that the European Parliament refused to vote on this resolution in September because it was seen as a vote against the anti-corruption fight. Such a manoeuvre to manipulate Venezuelan public opinion is undignified for a minister for Europe. We also strongly reject his accusation that what we are doing here constitutes an attack against a sovereign country.

This resolution is the expression of our concern regarding democratic evolution and respect for human rights in a country whose people we highly admire and respect.

Bernd Posselt, *on behalf of the PPE-DE Group*. – (DE) Mr President, the brutal murder of Julio Soto represents a provisional climax in the dramatic collapse of democracy and the rule of law in Venezuela, a country which for a while played a positive role in Latin America.

However, under the current regime it is not only the case that fundamental human rights are being totally disregarded, but also that a megalomaniac dictator is attempting to export his inhuman system of terror to the entire continent and even to Europe, if you take into account his links with Belarus. For this reason, it is essential that we put a stop to his plans quickly, for the sake of his own population, but also for the sake of populations of other nations which he is attempting to buy or blackmail with his oil wealth, in order to impose his ideology on them.

If he should raise the argument of national sovereignty, I can only say that there is something which is far more important than any national sovereignty and that is fundamental and universal human rights.

Marios Matsakis, *on behalf of the ALDE Group*. – Mr President, there is no doubt that Venezuela has had a traumatic history in recent, as well as more distant, times, and endogenous causes are not the only ones to blame. Indeed, exogenous factors are perhaps far more significant in this respect. However, whatever, or whoever, is to blame, it has been mainly the innocent civilian population that has suffered.

The present government, headed by Mr Chávez, obviously has an axe to grind with the USA and its supporters and allies, but that must not lead to such gross violations of the Venezuelan people's rights as the institution of so-called 'administrative disqualification' from elections or the persecution and murder of opposition activists. Mr Chávez must realise that if he wants his country to progress to prosperity, then he must make sure that his government functions strictly within the limits of democracy and respect for human rights. Using violence and persecution against his own people can only lead his country to more national trauma and suffering, and this we must not allow to happen.

Leopold Józef Rutowicz, *on behalf of the UEN Group*. – (PL) Mr President, the resolution on violation of human rights in Venezuela is based on facts and is an action worthy of support. Unfortunately, for many years Venezuelan society has been experiencing polarisation of political forces. I refer, for example, to the *coup* by part of the army, intolerance, stratification of society in terms of property, or racial differences. President Chavez's team is the most active in all this because pursuant to the presidential system he can exercise control over the administration and the armed forces. As a result of this struggle over decisions taken, the structure of Venezuelan society is becoming similar to that of Cuba, namely socialism with historical and nationalistic features. This could lead to changing the country's flag and the national anthem.

The present changes have not had a significant impact on the standard of living, as Venezuela is immensely rich in natural resources. The latter cushion the impact of the changes and make it possible to engage in populist action. The situation is so serious that the resolution alone will not halt the process of further

limitation of citizens' rights in Venezuela. The practical support of all the countries in the region is called for.

Pedro Guerreiro, *on behalf of the GUE/NGL Group.* – (PT) Once again we are faced with an unacceptable and deplorable attempt by the European Parliament to interfere, which just happens to have occurred before the regional and local elections in Venezuela. At heart, the inclusion of this debate on the agenda and the motion for a resolution are simply intended to respond to those who support and encourage an already long-standing and worrying attempt to interfere with and destabilise a democratic and sovereign state.

The aim is to blatantly promote interference in Venezuela's internal affairs, by trying to meddle and exert pressure from outside in order to impose decisions that only the Venezuelan people have the sovereign right to take. Instead of distorting the facts and trying to give Venezuela lessons on democracy, the European Parliament should have included on the agenda a debate about the EU's attempt to impose a proposed European Treaty, which has already been rejected, in total disregard for the democratic decisions sovereignly taken by the French, Dutch and Irish people, and also bearing in mind the refusal to allow other people to give their opinion through referendums. Instead of meddling in something which only the Venezuelan people can decide, the European Parliament should have rejected the inhumane return directive which disregards and violates the human rights of immigrants, many of whom are from Latin America.

What really bothers the sponsors of this initiative is the fact that the Venezuelan people have set an example which is causing problems for the major financial and economic interests that control the European Union. They have set an example of how to affirm national sovereignty and independence, how to build a patriotic project of emancipation, progress and development, and how to develop anti-imperialist solidarity. They have shown that it is worthwhile for a people to fight and that it is possible to have a fairer, more democratic and more peaceful country and world. Reality shows that the best response to this attempted interference by the European Parliament is the enormous prestige and importance that the Bolivarian process has for the people of Latin America and the world. As a result, they should stop claiming that they can preach to the rest of the world.

Urszula Krupa, *on behalf of the IND/DEM Group.* – (PL) We are today debating breaches of human rights in Venezuela due to failure to respect the civil and political rights contained in the Venezuelan constitution, and denying these rights to opponents of the present government. It is impossible for members of the opposition to stand in elections, there is no freedom of expression, and observers from international organisations are being expelled. This debate is therefore a good opportunity for us to express our opposition to the democratic deficit in Venezuela and beyond.

The debate is also an opportunity to call for the truth in public and political life. The President of Venezuela has succumbed to the temptation to seek absolute power. So too have the leaders of many other countries and empires seeking to subjugate people who think differently or who are poorer. Mr Chávez's new Left-Wing doctrine is known as Christian Socialism but it has little in common with the social teachings of the Church. That is why representatives of the Venezuelan bishops have criticised the lack of democracy. The Gospel story about the mote and the log often comes to mind in this context.

Laima Liucija Andrikiienė (PPE-DE). - (LT) Ten years have passed since Hugo Chavez became President of Venezuela. The 1999 Constitution of Venezuela was a perfect opportunity to strengthen the rule of law and guarantee human rights in this country. Today however, we have to admit that this historical opportunity has been missed. We know that in Venezuela, the Venezuela ruled by President Chavez, discrimination of political opponents and critics is tolerated, even encouraged. In the Venezuela ruled by him the judiciary is no longer independent, and we also know about the situation facing unions and the press in this country. Our resolution today is one more reminder to President Chavez that the constitution is not just a piece of paper; its rules must be enforced in real life.

Zdzisław Zbigniew Podkański (UEN). – (PL) The House is about to debate the very dramatic and tragic situation in Congo, where the victims are counted in hundreds, or even in thousands. In comparison, the situation in Venezuela appears far less serious. It concerns violations of electoral rights and expulsions from the country. The first murder has taken place, though. A student leader has been killed.

Even at this stage, however, it is very important to raise the issue, because we must bear in mind that every such process begins with the violation of democratic rights. The first stage is always abuse of power for want of arguments, and this subsequently leads to murder. The resolution makes sense, therefore. It serves as a signal, or as a reminder that this dangerous process has been noted when we still have the chance to monitor it and prevent genocide.

Georgios Toussas (GUE/NGL). - (EL) Mr President, it is obvious that, on the eve of the elections in Venezuela, a manifestly unacceptable attempt is being made to interfere in domestic developments in this country in the obvious aim of influencing the outcome of the elections.

The situation in Venezuela is a major and important victory for workers in Europe and in the world in general, because positive steps have been taken during recent developments in this country and workers' problems are being resolved, despite the difficulties and the obstacles and despite the interventions of American imperialism.

The attempt being made is unacceptable and we wish to take this opportunity to condemn the action by the political forces intervening in the internal affairs of Venezuela with this resolution.

I should like to close by saying that it is unthinkable for seven parliamentarians to take the political responsibility during a sitting of the European Parliament of condemning a nation fighting for its freedom and to meet its current needs. The right of a people to determine their own future is non-negotiable and we should all respect that.

Kathy Sinnott (IND/DEM). - Mr President, when one thinks of democracy, one thinks of human rights. The importance of a voice and a vote at all levels of government is very understandable. For years this has not been the case in Venezuela, a country rife with corruption and currently led by Mr Chávez. Under his government, there is a history of intimidation of Opposition members, cases of Opposition party members being brutally murdered, and defenders of human rights and members of NGOs having been forcibly removed. Additionally, Venezuela presently uses so-called screening lists not only to keep citizens from holding public office, but also depriving them from the right to vote freely for their preferred representatives. What we, as a democratic body, should be seeking from Venezuela is compliance with international standards of democracy, allowing Venezuelan citizens to take advantage of the fundamentals, the freedom to freely and openly criticise those in power and the ability to change the government via election without fear.

Gerard Batten (IND/DEM). - Mr President, President Chávez has been something of a darling of the Left in Europe. Most notably, in my constituency, he was championed by the former Mayor of London, Ken Livingstone. This allowed his unsavoury image to be somewhat airbrushed with a veneer of spurious respectability. President Chávez has, of course, presided over a diminution of the rights and freedoms of the Venezuelan people. He has undermined political freedom, the rule of law, the independence of the courts, and the freedom of the media and organised labour. Politicians like Mr Livingstone who endorse leaders like President Chávez undermine genuine democracy and reveal a great deal about themselves.

Andris Piebalgs, Member of the Commission. - Mr President, the Commission is following the situation in Venezuela with great interest. The country is in the process of preparing for the regional and local elections which will take place on 23 November.

It is worth noting that in the last few years several democratic electoral processes have taken place in Venezuela. Some of them have been monitored by European Observation Missions which concluded that, in general, they complied with international standards and national legislation. Others have not, as was the case with the last referendum, since we were not invited.

The Commission is aware of the concerns expressed by some of you and also many sectors of Venezuelan society about the constitutionality of the 'disqualifications'. These are believed by some to be intended to obstruct the full participation of the opposition in the November elections.

The Commission has taken note of the explanation provided on several occasions by the Venezuelan authorities, in relation to the constitutionality of these 'administrative sanctions' imposed by the State Controller on a number of civil servants.

We stress the importance of guaranteeing the rights of all citizens who want to participate in the elections, in accordance with the Constitution and the rule of law. We hope that the upcoming elections will strengthen democracy in Venezuela and that the results will reflect the views of the whole of Venezuelan society.

We encourage all actors to engage in the electoral process in a spirit of tolerance, civic-mindedness and respect for pluralism of opinions.

The Commission is also aware of the expulsion of the representatives of Human Rights Watch from Venezuela. We have heard the voices which have condemned this decision as a measure which adversely affects the right to freedom of expression and an act demonstrating an intolerant attitude towards criticism. In this

context, we stress the importance that the EU attaches to freedom of expression and opinion. Freedom of expression is one of the fundamental human rights, and constitutes the cornerstone of democracy and the rule of law.

I wish to assure Parliament that the Commission will continue to follow closely the developments in Venezuela. The Commission's commitments to supporting development of democracy and the promotion of human rights will continue to be reflected in our cooperation policies and relations with Venezuela.

President. - The debate is closed.

The vote will take place at the end of this afternoon's debates.

13.2. Democratic Republic of Congo: clashes in the eastern border areas

President. - The next item is the debate on six motions for resolutions on the Democratic Republic of Congo: clashes in the eastern border areas⁽²⁾.

Renate Weber, author. – Mr President, the conflict in the Democratic Republic of Congo (DRC) is profoundly traumatising for Congolese society.

Amongst other atrocities, rape has been used for many years as a weapon of war and tens of thousands of women and girls are suffering. Our empathy is not enough. Without any doubt, there is an ongoing genocide against women in Congo, and we can no longer afford to turn a blind eye to this dreadful situation. Words are not enough to describe the horrors these women have to endure. Undoubtedly, the clashes of the rebels in the eastern provinces will bring more and more violence, including sexual violence.

How many women and girls have to die, be gang-raped, butchered, enslaved, contaminated with HIV, rejected by their communities, until we decide at an international level to engage seriously and with a long-term view on this subject? There should be no tolerance for the sexual violence against girls and women. The impunity of the perpetrators must come to an end and the rule of law has to be restored in the eastern provinces of the DRC.

We all have to acknowledge that this situation demands a multifaceted approach. Peace needs to be achieved, the rule of law established and society saved from the poverty trap in the eastern provinces of the Democratic Republic of Congo. This implies that the exploitation of Congolese natural resources must follow the rule of law as well.

Giovanna Corda, author. – (FR) Mr President, ladies and gentlemen, firstly, please accept the apologies of my colleague, Mr Hutchinson, who could not be with us today.

5 400 000 people – that is the number of victims of the conflict in the Democratic Republic of Congo since 1998. Every day, 1 500 people die. These people are women who do not survive the mutilations inflicted upon them; they are rebels or soldiers from the Congolese regular army; they are also child soldiers, snatched from their parents; they are little girls whose short time on Earth will have been a nightmare.

The violence of the words I use is nothing compared to the violence that has been taking place in the Democratic Republic of Congo for too long, violence that has increased and spread over the past few weeks, and all this amid the total indifference of the international community. The reports we have gathered are, however, damning: damning for the soldiers, in various rebel factions on the ground; damning, too, for the government forces which, instead of protecting the population, represent a threat to them; damning, even, for the UN, which is incapable of guaranteeing the protection of civilians.

It follows that the resolution that we are debating is designed to alert international public opinion to what is going on and puts forward a series of very practical demands along the lines of ensuring a swift and lasting resolution to this conflict.

Among these demands, the Socialist Group in the European Parliament lays particular emphasis on several points: firstly, strengthening the UN mission with European personnel capable of communicating with the population; and secondly, we are calling on Congo's highest political and military authorities to do their utmost to ensure that soldiers from the Congolese army put a stop to their atrocities once and for all.

⁽²⁾ See Minutes.

Raül Romeva i Rueda, *author.* – (ES) Mr President, I should like to emphasise some of the aspects already mentioned in relation to the situation in the Democratic Republic of Congo.

The first is obvious. The conflict that we are talking about has many causes. We are talking about a problem that concerns access to resources. We are also talking about the impunity with which these resources are exploited, the impunity with which certain people 'wander' around the region committing atrocities without being prosecuted either by local authorities or by international forces and, thirdly, the impunity resulting in the constant presence of international arms which keep arriving in the region.

I feel that these three elements, and the link between them, are fundamental because they firstly highlight the need for an in-depth review of the United Nations' presence in the region.

Secondly, we must very closely study the issue of violence perpetrated against women, particularly sexual violence. This is an issue that we have discussed before in this House. We should take this opportunity to again insist that both the United Nations and the European Union demand that rape and in particular recourse to the torture and abuse of women as a sexual weapon are regarded as war crimes. We have been calling for this in all the appropriate arenas for a long time.

There is also a third aspect that I feel should be highlighted: this whole problem stems from one of the greatest sources of wealth in the world, namely diamonds. The consistent and precise application of monitoring mechanisms such as the Kimberley process is absolutely fundamental to this basic issue.

Please allow me to remind you that, next week in the United Nations, a debate will begin on the adoption of an international treaty on arms exports. I believe that this is a golden opportunity to stress that this is absolutely vital in contexts such as the Democratic Republic of Congo.

Erik Meijer, *author.* – (NL) Mr President, it is becoming increasingly important for the residents in Congo to find a way to survive, even if it remains impossible to create a central government. We should, as a matter of urgency, try to prevent all circumstances that expose them to violence and exploitation, forced displacement or famines.

Why is Congo the sum total of everything that can go wrong in Africa? Congo started out as a colonial mining project in the poorly accessible interior of Africa. There was no Congolese people with shared interests and prospects, only a multitude of peoples in isolated areas.

When Congo gained its independence nearly 50 years ago, the then warring politicians became household names the world over. Tshombe and Kalonji, closely connected with mining interests, sought to split their south-eastern region, with considerable natural resources, from the rest of the country. The only visionary who took pride in giving the country as a whole a serious future, Patrice Lumumba, was promptly silenced.

After this, the military dictator Mobutu ran the country like a private company, one that was completely subject to his whims, for a long time. The hope that the death of Mobutu would finally herald the beginning of progress in Congo has been dashed.

The second President since Mobutu, Mr Kabila, has failed to inspire or control large parts of the country. Congo's present options are determined by failed elections, whose outcomes have been controversial from the word go and have certainly not been universally accepted, by mass migration from the eastern neighbouring countries, regional rulers with mining interests and rebel armies. It remains to be seen whether a unified solution for an undivided Congo is still on the cards.

Ewa Tomaszewska, *author.* – (PL) Mr President, some Polish clergymen are currently in Congo, along with clergy from other countries. In their missions, they are working to protect the civilian population, mainly women and children, against violence. The Polish armed forces have also been involved in the peace missions. I therefore feel personally affected by the dramatic events in Congo.

Particular concern has been expressed about the situation in North Kivu and about peacekeeping in the Ituri region. For many years now, horrific massacres, the rape of women and girls, plus conscription of children into the army have all been everyday occurrences in this country. We call upon the governments of the Democratic Republic of Congo and of Rwanda to engage in constructive dialogue that will enable Congo to emerge from this humanitarian disaster.

I would like to make a very important point. The real reason why this conflict stalled was that South African workers refused to unload Chinese weapons. We call upon governments in the Great Lakes region to engage

in a dialogue to halt the violence in Congo. I appeal to the European Commission to step up medical assistance to the civilian population in Congo. In particular, aid is needed for women and children infected as a result of rape.

Bernd Posselt, *on behalf of the draftsman*. – (DE) Mr President, the Democratic Republic of Congo (DRC) is currently in the same situation as Europe after the Thirty Years War, when the rule of law collapsed. However, Congo is suffering to a far greater extent. Bands of uniformed men are roaming the country, some of which refer to themselves as the 'official army' and others the 'private army'. In reality they are all bands of criminals who are plundering the country and murdering, raping and robbing the civilian population. Peace will not return to Congo until at least a semblance of the rule of law is re-established at a regional and national level.

For this reason, our task in the European Union is firstly to provide humanitarian aid, but secondly to ensure that the country has a minimum level of national security. We are far from being able to do this and the intervention which took place in Congo, and we do need to be self-critical at this point, was obviously not as successful as we would have liked.

For this reason, it is essential that we begin to plan straight away how we can bring stability back to this country at the heart of Africa with all the peaceful and, if necessary, military means at our disposal, or even using peacekeeping troops. We have not reached this point yet, but we must discuss it. When you look at Congo, and I have had several opportunities to fly over the country, you realise that Congo touches all areas of Africa in a way which is not the case with any other African country.

We cannot have a stable African continent without a stable Congo and therefore we have very strong obligations in this respect.

Tunne Kelam, *on behalf of the PPE-DE Group*. – Mr President, in fact we are extremely concerned about the resurgence of violence in the eastern provinces of Congo. We therefore call on all participants to return immediately to the peace process to which they committed themselves in January.

I would like to make three points. First, the Congolese Government has to take special responsibility to put an end to the widespread sexual violence against women and girls used as a weapon in this internal warfare. Second, international pressure should be put on the governments of both the DRC and Rwanda to make them restart a constructive dialogue. Third, we call on all EU governments to provide special assistance immediately to the population of eastern Congo.

Katrin Saks, *on behalf of the PSE Group*. – (ET) Ladies and gentlemen, today we are discussing a very complicated region, and it seems to me that we are discussing it mainly in order to emphasise how bad the situation is, and not because we have a clear idea of how to resolve the situation. I would, however, like to make a few comments, although I will be repeating what previous speakers, including Mr Kelam, have said.

The most important thing is to support the government of the Democratic Republic of Congo in order to find a solution to this crisis. Violence only engenders new violence, and I would not like to say that men's lives are somehow less important or that violence against men is permissible, but the situation of women and children in Congo is truly awful, and special attention should be devoted to them. I appeal to the international community, to the UN Security Council for improved assistance, to the Council and Commission for the provision of medical aid – above all to the greatest risk group – and also specific assistance from the Member States is definitely important.

Marios Matsakis, *on behalf of the ALDE Group*. – Mr President, the eastern region of the Democratic Republic of Congo has in recent years been the site of massacres, as well as a variety of immensely cruel and sadistic crimes against human beings, mainly involving innocent civilians, including many women and children.

The African Union, the EU and the UN have proven themselves to be shamefully incapable of making a determined effort to establish peace in that region. This has been mainly due to the lack of provision of the resources necessary to be effective in protecting the local population and in providing it with much-needed special assistance, and in truly helping to bring about an eventual political solution to the prevailing conflicts. Let us hope that this resolution will help to beef up peace assistance to Congo and, not least, perhaps to deter those evil-minded governments around the world which continue to provide armaments to the warring factions in Congo from continuing so to do.

Zdzisław Zbigniew Podkański, *on behalf of the UEN Group*. – (PL) Mr President, the peace agreement reached in Goma on 28 January 2008 did not resolve the problems nor did it bring about peace in the eastern territories of the Democratic Republic of Congo. The raping of women and even small girls continued, as

did looting and the forced conscription of civilians and children into the armed forces. All sides in the conflict committed atrocities. I could mention the rebel groups, the fighters of the Democratic Forces for the Liberation of Rwanda, and the Congolese army. The clashes resumed, proving that the war which began over four years ago is continuing and intensifying. Worrying information has recently emerged from North Kivu, concerning hundreds of dead bodies dumped in rivers and around one hundred thousand displaced people.

Not only is the war causing fatalities, but it is also resulting in devastation, more acute hunger and widespread demoralisation. The Congolese authorities and army will not be able to resolve the region's problems on their own. International assistance is required, including assistance from the European Union. Material aid in the form of food and medical aid is also urgently needed. The Union for Europe of the Nations Group fully supports this resolution before the House. The well-being of every individual and his or her right to life and peace must triumph.

Gerard Batten (IND/DEM). - Mr President, the atrocities endured in the Congo are unimaginable to those of us who live in peaceful civilised societies. How can we offer practical help to people such as the Congolese? Direct military intervention and humanitarian aid must only come from international effort under the auspices of the United Nations, but time and time again we see the leaders of these types of failed states being allowed to plunder their countries and enjoy their wealth in the Western world. The stable and peaceful countries of the world should unite to ensure that vast amounts of wealth cannot be stolen and then deposited in western banks with impunity.

International agreements should be reached to ensure that leaders of such states cannot live off their ill-gotten gains. This would be at least one small element of an overall solution to help develop stability in countries such as the Congo.

Kathy Sinnott (IND/DEM). - Mr President, renewed combat in the eastern part of the Congo is making a mockery of human rights and is silencing democracy. Despite the signing of the Goma peace accord in January of this year, the abuse of the most fundamental of human rights has continued: women of all ages being raped, massacres committed and child soldiers being gathered up. A situation of such fragility cannot be ignored. We must use our position as one of the strongest voices in the international community to call for peace, cooperation and stability in the region.

We can also use this voice to condemn the recent statements of Laurent Nkunda, who called for the overthrow of the elected and legitimate government of the Congo. The Congolese army alone does not have the human, technical or financial resources to carry out its tasks in eastern Congo. But a global statement, like the signing of the Child Soldier Accountability Act this month in America, reminds us all that help can be offered to such countries and authorities in bringing violators of human rights to justice.

Andris Piebalgs, Member of the Commission. - Mr President, the Commission shares the concerns about the degraded situation in the eastern Democratic Republic of Congo, which is causing further stress to an already seriously affected population. It is also particularly worried about the widespread human rights violations in the region, including violence against women and the continuous mobilisation of child soldiers in the conflict.

The Commission restates its conviction that the current crisis involving Kinshasa and the Congolese rebel groups has no military solution. Hence, we encourage all parties to this conflict to rapidly resume dialogue and promote courageous political compromises, taking into consideration the commitments agreed upon in January 2008, the so-called *Actes d'engagement de Goma*.

In this context, it is extremely important to restore acceptable confidence levels amongst all Congolese stakeholders directly involved. As a preliminary step, all parties without exception should abide without delay by an effective ceasefire with a view to implementing the military disengagement plan provided by the United Nations.

In addition, it must be borne in mind that the underlying root causes of the conflict also include the dramatic problems posed by foreign armed groups in Democratic Republic of Congo territory, in particular the Rwandan FDLR, an issue where most of the DRC commitments taken in the Nairobi communiqué have still to be put into action.

Given the multiple challenges which still lie ahead in the Democratic Republic of Congo, the Commission strongly advocates that the UN's peacekeeping mission mandate should be renewed and, where possible,

strengthened in order to ensure effective protection for the population and support to the Congolese army in tackling the foreign armed groups.

In addition to the relentless efforts of the EU facilitation team, it is important to ensure the broader participation of African diplomacy (including the African Union) in the resolution of the eastern DRC conflicts, especially in areas where a sustainable solution would be greatly facilitated by close cooperation between neighbouring countries, in particular the Democratic Republic of Congo and Rwanda.

As regards our support to the population in conflict-affected areas, the Commission will continue to provide support via both our humanitarian and development cooperation.

More specifically, regarding health services (an issue raised by all the resolutions), it is important to stress that the Commission has been active since 1994 in the health sector in the Democratic Republic of Congo, which is today one of the focal sectors of our cooperation.

In addition to humanitarian aid, we are currently providing strategic and financial support to the Congolese authorities to improve the quality of medical services and the qualifications of medical staff.

President. - The debate is closed.

The vote will take place at the end of this afternoon's debates.

13.3. Burma

President. - The next item is the debate on six motions for resolutions on Burma⁽³⁾.

Zdzisław Zbigniew Podkański, author. – (PL) Mr President, the Burmese military junta has not succeeded in keeping the promises it made to the international community after the so-called sapphire revolution. It has not succeeded either in improving the situation for its society, which is rebelling and claiming its legitimate rights. Democracy and development will not be crushed by the brutal repression of widespread protests in September of this year, or by mass imprisonments.

Burma must move towards complying with democratic principles, and ensuring freedom of expression, freedom of association and meeting, a multi-party system and release of political prisoners. It must also develop an independent judiciary and discourage ethnic cleansing. Burma needs assistance. More involvement is therefore needed on the part of the United Nations, its Secretary-General, the International Committee of the Red Cross, the European Commission, and the governments of countries with influence on the Burmese authorities. In the name of the Union for Europe of the Nations Group, on whose behalf I have taken the floor, and on behalf of the authors, I would like to express support for this resolution, which I commend to Members of the House.

Marios Matsakis, author. – Mr President, this is the sixth European Parliament resolution on Burma in the last two years, but the monstrous Burmese military junta seems to have taken no notice at all of what the EU thinks or says. Meanwhile, the ordinary citizens of Burma continue to suffer oppression, persecution and poverty, all of which are the result of the brutal, anachronistic and shameful stance taken by the brainless military regime controlling that country. The dictators, of course, continue to get richer and to lead a lavish life at the expense of their citizens' suffering.

It seems that resolutions have little effect on these military criminals and, in my view, the most significant reason for this is the fact that countries like China, India and Russia continue to support Burma economically and politically. It seems to me that our attention should now be directed not at Burma itself, but at those three countries. It should be made clear to them that they must stop aiding the heartless and mindless military generals of Burma or their relationship with the EU will suffer severely and irreversibly.

Józef Pinior, author. – (PL) Mr President, Burma has become almost a permanent subject of debate in this House. We return to the situation in Burma at every session of the European Parliament in Strasbourg.

The forthcoming ASEM summit is an opportunity for the European Union, represented by the French Presidency, to raise certain fundamental issues with the Burmese authorities. The first is the release

⁽³⁾ 1 See Minutes.

of political prisoners. According to Amnesty International, there are currently some 2 100 political prisoners in Burma. The second is an end to the torture of those held in prison. There is a constant risk of suffering torture in Burma. Thirdly, the Burmese army must behave professionally. It must respect human rights during military action against ethnic minorities, notably against the Karen people at this time. The European Union cannot tolerate violence and crimes against humanity.

Finally, the European Union's policy has to produce tangible effects. We need to consider whether sanctions impact most on Burma's leaders or on its people. Our policy needs to be a wise one. The European Union must reconsider its policy on sanctions against Burma. On the one hand, therefore, we must insist on respect for human rights and democratic freedoms. On the other, the international community must adopt an effective policy towards Burma.

Raül Romeva i Rueda, *author*. – (ES) Mr President, tomorrow's Asia-Europe Meeting (ASEM) in Beijing affords an excellent opportunity for the attending Heads of State or Government of the European Union to once again raise the worrying situation of human rights in Burma.

As already requested in a letter from Amnesty International, it would be absolutely appropriate for the President-in-Office of the Council, Nicolas Sarkozy, as joint chair of the ASEM, to express Europe's very great concern about the more than 2 100 political prisoners and also to demand their immediate release.

Another source of concern is the current military offensive against the Karen populations in the east of the country, where the biggest military operation in a decade has taken place. The operation's direct target is the civilian population and has led to the internal displacement of 150 000 people. In June 2006, Amnesty International proved that this type of practice did in fact constitute a crime against humanity.

Furthermore, as requested by Burma Campaign Spain and Burma Campaign International among others, the fundamental political problems will be discussed for the first time during the planned visit in December of the Secretary-General of the United Nations. The Secretary-General has already recently visited the country on two occasions, following cyclone 'Nargis' earlier this year.

We have certainly never before had such a seemingly broad consensus among Europeans and Asians on combining forces and putting pressure on the regime to release all political prisoners. That is why the meeting which will begin tomorrow is so vitally important.

It is regrettable that the United Nations has for so long ignored, and sometimes even believed, the lies of the regime, as proven by the fact that, following 37 visits made by the UN Envoy, no significant progress has been observed.

That is why I must add my voice to those calling on both the European Heads of State or Government – obviously including the Spanish Prime Minister, José Luis Rodríguez Zapatero – and the United Nations to show that they truly support a change in Burma. It is therefore vital that they call for the immediate release of those detained.

The opportunity available as from tomorrow must not therefore be lost and the Heads of State or Government must respond in line with expectations.

I trust that these Heads of State or Government, in particular President Sarkozy, will be able to rise to the occasion, that they will be particularly aware of the gravity of the situation and that they will act accordingly. If the European Union truly wants to be a credible political player, with a foreign policy based on the defence and promotion of human rights, and if it does not want to appear, as so often happens, to simply be serving the economic interests of major companies such as Total and Chevron, then this is the moment to prove it. It is in situations such as these that we can gain this credibility.

Many lives are depending on these actions.

Colm Burke, *author*. – Mr President, tomorrow marks the 13th anniversary of the unjust incarceration of Aung San Suu Kyi, Burma's most revered political prisoner. This timely Parliament resolution condemns her continued detention and insists upon her immediate release.

Aung San Suu Kyi's latest five-year term of house arrest was extended in May for a further year. Article 10b of the Burmese state protection law 1975 stipulates that a person judged to be a threat to the sovereignty and security of the state and the peace of the people can only be detained for up to five years. Therefore this

prolonged detention is illegal. Suu Kyi has spent more than 13 years of the past 19 years confined to her Rangoon home.

I also deplore the fact that the number of political prisoners in Burma has increased from 1 300 to over 2 100 since the Saffron Revolution of September 2007. The military junta has clearly failed to deliver on promises made to the international community in this regard.

Whereas the release of veteran journalist and National League for Democracy (NLD) secretary U Win Tin and six other leaders last month was a step in the right direction, further moves must be made to free Burmese political dissidents.

I call on the Secretary-General of the United Nations to press ahead with a second visit to Burma in December irrespective of the prevailing conditions in order to make an urgent personal appeal for the release of all political prisoners and the full inclusion of the National League for Democracy in preparations for the 2010 elections.

Finally, I call on leaders at the ASEM summit beginning tomorrow in China on the 13th anniversary of Suu Kyi's detention to understand their responsibilities regarding ongoing oppression in one of their neighbouring countries and to take decisive action accordingly to condemn the Burmese military junta for their continued suppression of political dissidents.

Esko Seppänen, *author*. – (FI) Mr President, Commissioner, Burma has no respect for human rights or civil freedoms. As many here have said, it is not for the first time that we are adopting a position on a the lack of freedom of expression, suppression of information, a ban on freedom of assembly, a violation of very basic principles of the rule of law, and a ban on opposition.

The Burmese nation's worst enemy is its own country's leadership, which, with the support of the army, by force of arms and through violence, forces its people to be controlled by its state monopoly. The junta's prisons hold more political prisoners than ever. The junta also works against its own people, by preventing international emergency aid from reaching areas where natural disaster has struck. The international community is powerless as it witnesses the Burmese people perish because of their leaders, who are repressive but do nothing at the same time.

In our statement we appeal to the ASEM Summit, so that the other countries in the region might exert pressure on the junta to work towards the release of political prisoners. We are being a little sanctimonious in insisting on this, of course, as we know that Burma is not the only country in the region where human rights are being trampled into the mud. Our group supports the joint resolution.

Filip Kaczmarek, *on behalf of the PPE-DE Group*. – (PL) Mr President, Commissioner, one year after the brutal crushing of the protests by Buddhist monks, the international community remains divided on the issue of how to act towards one of the most repressive regimes on earth. The United States and Europe are imposing stricter sanctions and loudly proclaiming their outrage at violations of human rights, as indeed we are doing today in this Chamber. On the other hand, Burma's neighbours in the region, namely the ASEAN countries, along with China, India and Russia are refraining from open criticism of the Burmese regime on the pretext of not interfering in that country's internal affairs. That is why I wish to endorse what Mr Matsakis said earlier. The European Commission should be bolder and raise this question more openly in discussions with China, Russia and the ASEAN countries.

A further difficulty relates to action at the level of the United Nations, which has proved totally ineffective. Prior to the last General Assembly, a breakthrough on Burma was forecast. No such breakthrough has taken place. The European Commission and the Member States should take determined action to ensure that more is done at international level on the issue of Burma.

Lidia Joanna Geringer de Oedenberg, *on behalf of the PSE Group*. – (PL) Mr President, less than four months have gone by since the last European Parliament resolution on the dramatic situation inside Burma. The military regime in power has not kept any of the promises it made to the international community following the uprising last year. If the situation in Burma does not improve, there is a danger that the Secretary-General of the United Nations will call off his visit in December. The number of political prisoners has risen to two thousand. They are still being held in inhuman conditions and deprived of access to medical care. Mrs Aung San Suu Kyi, has been under arrest for 17 years. She is both a Nobel and a Sakharov laureate. The Burmese regime is still restricting fundamental human rights and freedoms, including access to independent sources of information. The Karen minority is being persecuted by the authorities and has sought refuge in

Thailand where it is living on the verge of poverty. The same is true of people affected by the hurricane. The regime did not allow humanitarian aid to reach them, thus putting thousands of its own citizens at risk of death from starvation.

We should require the Burmese authorities to lift all restrictions on the provision of humanitarian aid, and to restore fundamental freedoms in the country. Strong efforts must be made to ensure that the UN Secretary-General's visit to Burma goes ahead, and that the National League for Democracy is involved in the process of preparing for the 2010 elections. China and India should exert political and economic pressure on the Burmese regime by refusing to assist the Burmese army. The international community should impose economic sanctions, and also freeze the assets of government members and persons connected with them.

Kathy Sinnott, *on behalf of the IND/DEM Group*. – Mr President, Burma is a country which is steeped in corruption. With 2 000 political prisoners under arrest, access to free media impeded by the authorities and widespread slavery in industry, the people of this country need serious help.

However, in spite of more than 37 visits by UN envoys in the past 20 years and six resolutions in this House, there has been not a single reform made by the military junta. I would agree with Mr Matsakis that it is not good enough to point to Burma: we must point to Burma's supporters and main supporter, especially China, its most powerful economic and military ally. Yet a smiling Mr Sarkozy represented the European Council at this summer's Olympic Games. Did he press China's top officials, who stood with him, about the Burmese, about the Sudanese, about the people of Tibet and about China's own persecuted people?

I particularly also want to mention the misuse of aid funds that go into Burma, because we still try to reach the ordinary people of Burma and, yet, these goods are often given to favourites of the Burmese Government to resell at high value.

Paulo Casaca (PSE). – *(PT)* Mr President, Commissioner, tomorrow marks the 13th anniversary of the unjust incarceration of the Burmese leader, Aung San Suu Kyi. This is therefore a good time for the European Union and the President-in-Office of the Council, who are in Beijing at the Asia-Europe Meeting, to very formally declare that the situation in Burma is unacceptable, to exert the necessary pressure, particularly on China, as has already been suggested by several Members, to follow the example set in particular by the US in 2003, and to refuse to keep importing clothing made under conditions of abject slavery. In addition, sanctions which are absolutely clear and consistent must be imposed. If this could be done, I believe we would finally start to see changes in the Burmese situation.

Peter Skinner (PSE). – Mr President, I should like to thank the Commissioner for listening to us. Along with colleagues such as Glenys Kinnock, I have long looked forward to the day when resolutions on human rights in Burma and elsewhere do not have to be considered in this Parliament, but we continually have to return to this.

I can only agree with colleagues around the House that, when we look at the attempts, time and again, to make changes in Burma, we see nothing but failure instead. We need to expose those countries that aid and bail out this corrupt regime with trade. We have announced the names of some of those countries and should do more at European level to make sure their exposure leads to real change. We need to see changes in Burma leading to freedom of assembly and association, the release of prisoners of conscience and a full transition to a multi-party democracy. We have seen off juntas in Europe. We need the world to see off the junta in Burma.

Zbigniew Zaleski (PPE-DE). – *(PL)* Mr President, if only a single individual voices opposition to the authorities, that voice will barely be audible. If all the Members of this House raise their voices, however, and are joined by those in other countries, then the citizens of countries enduring repression will realise it is worth telling the truth and standing up to such regimes. They will realise that their efforts will eventually bear fruit and their morale will be strengthened. Nonetheless, it is also the case that specific measures are needed in addition to mere words, in order to demonstrate to the junta that it is not worth persevering with oppression to the bitter end, because of its impact on the nation and on the authorities themselves. Two determined actions must therefore be taken and seen through to the end. I am convinced that the truth will win through and that, as more people proclaim the truth inside Burma, so they will gather strength.

Gerard Batten (IND/DEM). – Mr President, earlier this year we saw the failure of the Burmese Government to deal with the consequences of a natural disaster in that country. Considering the amount of money spent by the military on its own upkeep and the tight hold it has on national life, one might at least have expected

it to be able to respond to the needs of its own people in a humanitarian crisis. It did not, because it has no real function, except to perpetuate its own existence and stranglehold on power.

Referring back to what I said in my previous remarks on the Congo, I wonder how many of the military junta have bank accounts in Western banks and enjoy shopping trips to London, Paris and Rome. A direct way of showing support for the Burmese people would be for democratic countries to stop them coming until human rights and democracy are practised in Burma.

Justas Vincas Paleckis (PSE). - (LT) I have been following this discussion intently and would like to draw attention to two ideas. I think that Mr Matsakis quite rightly stressed that the key to the situation in Burma lies both in Moscow and especially in Beijing and Dehli. Pressure must be increased not only on Burma, but on those other countries as well. Secondly, the observation made by Mr Pinior is very important and I agree with him wholeheartedly –that we must watch how much that pressure on Burma and those sanctions against Burma affect the junta and how much they affect ordinary people. I would like to invite the European Commission to analyse how adversely all these steps will affect the actions of the junta and how much they will affect the people. It seems to me that Burma must be encouraged to open up to the rest of the world in every way possible. Only then will that country be able to take the road to democracy.

Marios Matsakis (ALDE). - Mr President, in coming to the end of this part-session's debate on human rights here in Strasbourg, it is worth noting that life is getting back to normal, with a very few faithful and determined colleagues still present, along with the Commission's representatives – we are grateful that the Commission always has representatives at these debates – and, of course, the absence of any representatives from the Council. We should all just be grateful that the roof has not fallen on us. Let us hope that it never will!

Andris Piebalgs, Member of the Commission. – Mr President, I would like to start by reminding you that the Commission's response to the cyclone last May was quick and substantial. We provided humanitarian and food aid and worked through the civil protection mechanism in cooperation with the EU Member States.

We are pleased with ASEAN's active role in coordinating international efforts. The Commission funded the largest part of the needs assessment undertaken jointly by ASEAN, the United Nations and the Government. The humanitarian emergency is not over, but we will now also look at rehabilitation issues. Most remarkable during this period has been the outpouring of solidarity among citizens, local NGOs and the Myanmar Red Cross. This is a clear signal that giving up on civil society is not an option.

The problems that need to be addressed are the following:

Firstly, we must reduce the isolation of the Burmese people. Civil society needs strengthening. The Commission is co-hosting a conference on the role of civil society in Myanmar in Brussels, which will take place on 29 October.

Secondly, we must keep open all possible channels of communication with the Government. At the ASEM Summit, which will take place in Beijing on 26 October, President Barroso is expected to take the floor. In addition, the Commission has established working relations with line ministries in matters of health, education and livelihoods.

Thirdly, we must keep and strengthen the United Nations as a driving force. There is no alternative to the good offices of the UN Secretary-General and the UN Special Adviser, Ibrahim Gambari. The Commission strongly backs the efforts of the UN Special Rapporteur on Human Rights in Myanmar, Mr Tomás Ojea Quintana.

National reconciliation also requires an inclusive dialogue. It cannot take place with political stakeholders in jail or under house arrest. We continue to request the release of all those being detained on political grounds. The Commission also backs the ILO efforts to end forced-labour practices used for military and infrastructural programmes.

The Commission is using all its channels to express concerns regarding forced labour and non-respect for fundamental freedoms. The people of Myanmar deserve our attention and assistance, and the Commission will continue to do everything in its power.

President. - The debate is closed.

Written statements (Rule 142)

Sebastian Valentin Bodu (PPE-DE), in writing. – (RO) The European Parliament must adopt a united front in condemning Myanmar, where the situation has become tragic, for crimes against humanity. Well-respected non-governmental organisations indicate that around 70 000 civilians have been forced to abandon their homes over the last six months, in an attempt to escape the systematic abuse meted out by the military junta.

Myanmar has a history of military dictatorship going back around 50 years, and we condemn the fact that its inhabitants have not been able to lead a normal life for half a century.

In view of the level of persecution, torture, hard labour, confiscation of land and restriction on the rights of movement in Myanmar, the authorities can easily be accused of crimes against humanity.

As a member of the European Union, an institution which has the respect of human rights as its fundamental principle, I believe that it is necessary for the authorities in Myanmar to be made aware publicly that respect for human rights forms the basis for economic prosperity in a country. Releasing all the political detainees in Myanmar, starting with Nobel Peace prize-winner, Aung San Suu Kyi, would be highly symbolic on the part of the authorities in this state, indicating that they are open to international dialogue and do not intend to become completely isolated from the rest of the world.

Jules Maaten (ALDE), in writing. – (NL) At the forthcoming ASEM Summit on 24 October 2008 in Beijing, the Burmese opposition leader and Nobel Prize Winner Aung San Suu Kyi will have been held captive for a total of 13 years exactly. UN Secretary General Ban Ki-Moon has announced his intention to visit Burma in December, but has indicated that he will only do so provided that serious progress can be made in the political and human rights situation in Burma; if not, he will be forced to postpone his visit. The forthcoming ASEM Summit is a perfect opportunity to bring intense pressure to bear on Burma to meet the UN's conditions promptly and thus to precipitate Ban Ki-Moon's visit.

14. Voting time

President. - The next item is voting time.

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

14.1. Venezuela (vote)

14.2. Democratic Republic of Congo: clashes in the eastern border areas (vote)

14.3. Burma (vote)

15. Composition of committees and delegations: see Minutes

16. Decisions concerning certain documents: see Minutes

17. Written declarations (Rule 116): see Minutes

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

19. Dates of forthcoming sittings: see Minutes

20. Adjournment of the session

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

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

ANNEX (Written answers)

QUESTIONS TO THE COUNCIL (The Presidency-in-Office of the Council of the European Union bears sole responsibility for these answers)

Question no 13 by Gay Mitchell (H-0732/08)

Subject: Misuse of EU funds

The Bulgarian authorities, most notably chief prosecutor Boris Velchev, have admitted recently that cooperation with OLAF investigations into fraud and misuse of EU funds in that country needed to be improved upon and much swifter.

How does the Council plan to ensure that this expedient cooperation does occur?

How will the Council go about sending a strong message to current and future member nations that corruption has no place within the European Union and especially not relating to expenditure and distribution of European taxpayers' money?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The European Union attaches great importance to combating corruption. Specific evidence of this is the European Convention of 26 May 1997 on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union⁽⁴⁾ and the Council Framework Decision 2003/568/JHA of 22 July 2003 on combating corruption in the private sector⁽⁵⁾. In addition to these, there are the various instruments on the protection of the financial interests of the European Communities, and in particular the Convention on the protection of the European Communities' financial interests⁽⁶⁾, and the decision establishing OLAF. A decision by the Council on the creation of a contact-point network against corruption is also at a very advanced stage in the consideration process⁽⁷⁾.

Within this context, the Council believes it is of the utmost importance that European Union funds are managed in the various Member States in total compliance with the applicable Community rules. To this end, the Council regularly receives reports and proposals from the Commission, which it studies very closely. Thus, the Council attaches great importance to stepping up cooperation between the European Anti-Fraud Office (OLAF) and the Member States.

In 2005, the Council adopted conclusions in which it 'urge[d] OLAF and Member States to strengthen their cooperation in order to enhance coordination of their activities in the field of protection of EU financial interests and fight against fraud, consider[ed] it useful to improve procedures for information exchange to that end and share[d] the Court's view on the possibility of creating a special structure dedicated to coordination and assistance operations.'

That said, it should be borne in mind that the way in which OLAF's work is organised, including the practical details of its cooperation with the Member States, is a matter on which the Office has administrative independence.

(4) OJ C 195, 25.06.1997, p. 2

(5) OJ L 192, 31.07.2003, p. 54

(6) OJ C 316, 27.11.1995, p. 49

(7) Doc. 11231/07

With particular reference to the issue of the management of EU funds in Bulgaria, a recent report has been compiled on this subject by the Commission to the European Parliament and the Council⁽⁸⁾, and this is currently being examined by the relevant Council bodies.

Finally, in its conclusions of 15 September 2008⁽⁹⁾, the Council noted that the Cooperation and Verification Mechanism put in place for Bulgaria and Romania was an appropriate tool and that it would remain in place pending the results expected in that framework.

The Council will continue to pay careful attention to developments in this area.

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Question no 14 by Silvia-Adriana Țicău (H-0734/08)

Subject: Promotion of secure rest and parking areas for goods transport drivers

Road haulage accounts for 72.2% of all land-based goods transport in the Community. Around 600 000 enterprises and 4.5 million people work in the European road transport sector, which is therefore of importance for the economic development of the Union. In these circumstances, road traffic safety and the improvement of drivers' social conditions are matters of extreme importance. Under European regulations, drivers must comply with certain conditions as regards driving time, working time and rest times. However, there are insufficient secure parking areas. Statistics published by the incident reporting service show that 8.2 thousand million euros are lost every year in the Union as a result of thefts of goods in transport, with 70% of the incidents reported taking place when vehicles are at a standstill.

Can the Council state what Community measures and initiatives are envisaged for the construction of secure parking areas, especially for Romania and Bulgaria, and how are these reflected in the EU budget?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The construction of parking areas is primarily a matter for the Member States, and therefore there have been no Community measures on the subject.⁽¹⁰⁾ However, in the 'road safety' chapter, the European Parliament and the Council have just agreed, at first reading, on a directive on road infrastructure safety management⁽¹¹⁾. The Council officially adopted the directive on 10 October.

In the directive, the European Parliament and the Council stress that it is important to have sufficient roadside parking areas, 'not only for crime prevention but also for road safety'. Parking areas enable drivers to take rest breaks in good time and continue their journey with full concentration. The provision of sufficient safe parking areas should therefore form an integral part of road infrastructure safety management.

Annexed to the directive is also a provision setting out the criteria for producing safe parking areas. The Member States are encouraged to apply the above criteria in particular for the construction of a sufficient number of safe parking areas, in order to improve road safety.

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Question no 15 by Colm Burke (H-0736/08)

Subject: Food security in Ethiopia

The food security situation in Ethiopia has deteriorated to alarming levels in the wake of drought conditions throughout the country, according to the United Nations. Some 4.6 million people in Ethiopia are in need

⁽⁸⁾ Doc. 12244/08 FIN 299 BUDGET 27 PECOS 17 FSTR 18 AGRISTR 18 AGRIFIN 64 COVEME 6 (COM(2008) 496 final of 23 July 2008).

⁽⁹⁾ Doc. 12678/08

⁽¹⁰⁾

⁽¹¹⁾ Doc. PE-CONS 3652/08

of food aid due to a combination of drought and high food prices, according to a statement issued by the UN Office for the Coordination of Humanitarian Affairs (OCHA).

Can the Council inform as to how much assistance the EU and its Member States are presently giving to Ethiopia, and can food aid be boosted specifically given the present dire circumstances in this country?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

Mr Burke, I remember that when we spoke at the last part-session, you in fact expressed your support for an ambitious development aid policy. On the specific issue of food security in Ethiopia, the Presidency of the Council shares your concerns. You mention a statement from the Office for the Coordination of Humanitarian Affairs, stating that over 4.6 million people are in need of food aid in Ethiopia. Since then, the situation has unfortunately become even worse. In fact, on 17 September, the Ethiopian Government revised this figure and estimates that there are now over 12 million people affected by the drought, a phenomenon whose consequences have been made worse by the sharp rise in food prices. The number of people under direct threat of famine and malnutrition is currently thought to be 6.4 million.

In view of this situation, the European Union is reacting on two levels:

firstly, through emergency food aid; emergency measures are being taken that aim to meet the needs of the vulnerable population groups in the short term.

then, in the longer term, the EU's development policy has put in place programmes to guarantee food security and to enable the country to dispense with the need for food aid in the long term.

With regard to emergency food aid, this takes the form of gifts to partners such as the World Food Programme (WFP). I would like to stress that, of the 10 largest donors to the WFP in 2008 for the crisis in the Horn of Africa, five are from the European Union. By way of example, in 2008 the European Union allocated EUR 28.7 million for food aid for Ethiopia with reference to the WFP.

In addition to the aid granted by the EU through the WFP, many Member States have supplied food aid to Ethiopia through other mechanisms, such as the United Nations Central Emergency Response Fund for humanitarian emergencies (CERF) or the Office for the Coordination of Humanitarian Affairs Fund for Ethiopia.

In general, there is a plan to step up aid to the region very swiftly, with the European Commission having announced on 16 October that EUR 15 million in additional emergency funds had been released for five countries in the Horn of Africa suffering from the drought and the rise in food prices.

In total, over 10 million people should benefit from this new financial allocation, including 4.6 million in Ethiopia, and the remainder in Somalia, Kenya, Uganda and Djibouti. To date, in 2008 the Commission has granted EUR 1 34.5 million in humanitarian aid to the Horn of Africa – in addition to the aid given to Sudan – of which EUR 64 million was food aid. However, since the EU's food aid is managed by the European Commission, the latter should have more detailed information on the subject.

As you can see, the aid granted by the EU, together with that given by the Member States on a bilateral basis or within the framework of multilateral bodies, demonstrates the EU's decisive action to tackle the humanitarian situation in Ethiopia.

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Question no 16 by Aloyzas Sakalas (H-0737/08)

Subject: Reasons for not de-listing the People's Mojahedin of Iran (PMOI) from the Council's list of terrorist organisations

Since 2003, the People's Mojahedin of Iran (PMOI) organisation has been listed in the Council's list of terrorist organisations. This decision was based on a decision by the UK Home Office to include the PMOI in the UK list of proscribed organisations.

The PMOI has challenged the decision of the competent authority in the UK. As a result of judgements of the Proscribed Organisations Appeals Commission and the Court of Appeal, the PMOI was removed from the UK list of proscribed organisations in June 2008.

Since 24 June 2008, the Council decision has therefore been lacking the basis of a decision taken by a judicial authority or an equivalent competent authority. However, during its review of the list of terrorist organisations on 15 July 2008 the Council did not decide to de-list the PMOI. What are the reasons for the Council to keep the PMOI on its list of terrorist organisations?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The previous decisions by the Council to include and then to keep the People's Mojahedin of Iran (PMOI) on the European anti-terrorist list were prompted by the fact that it was included on the list of terrorist organisations proscribed in the United Kingdom.

Since the UK Government had taken the decision on 24 June to remove the PMOI from its list, the issue was raised as to whether the organisation should be removed from the European list.

The Council was, however, made aware of other information and as a result concluded, on 15 July, that grounds remained for the inclusion of the PMOI on the European list, in accordance with the criteria set out in Common Position 2001/931/CFSP.

I would like to emphasise that this decision by the Council as well as an explanation of the reasons for its inclusion on the list were notified to the organisation. In this context, and in accordance with the rules in force, the PMOI was informed that it had the option to request a review of the decision and to bring an appeal before the Tribunal of First Instance of the European Communities.

The PMOI took exactly that approach when it decided to appeal the decision, bringing an appeal before the Tribunal of First Instance on 21 July. The case is currently being considered, and it is not for the Council to comment on that process.

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Question no 17 by Sarah Ludford (H-0738/08)

Subject: Cross-border enforcement of road traffic offences

Considering the EU goals of creating an area of free movement, of common justice and of shared environmental objectives, does the Council agree that it makes sense for drivers who fail to respect local, regional or national traffic laws within the EU, for instance through non-payment of a road user charge, breach of a low emission or green zone, or driving or parking in a reserved bus or tram lane, to have a penalty enforced against them whatever their Member State of nationality or residence? What is the Council doing to progress that objective of comprehensive enforcement?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The issue of dealing with road traffic offences committed by a European citizen in EU territory outside his country of origin is a priority for the French Presidency in relation to transport.

The Presidency intends to use as a basis the proposal submitted by the Commission in April 2008. This proposal for a directive of the European Parliament and of the Council is intended to facilitate the cross-border enforcement of sanctions for certain types of offence laid down by the laws of the Member States in the field of road safety (not using a seat belt, speeding, driving under the influence of alcohol and failing to stop at a

red light)⁽¹²⁾. Specifically, it proposes setting up an EU electronic data exchange network in order to identify the holder of a vehicle, so that the authorities in a Member State where an offence has been committed can send out a notification to the vehicle holder, regardless of the EU Member State in which he is located. In reality, the fact that some of those who commit offences are not resident in the Member State in which the offences are recorded complicates or prevents investigation, prosecution and the successful enforcement of sanctions.

An initial exchange of views took place at the sitting on 9 October of the Council of Transport Ministers. This produced a wide consensus on the need to complete discussion of the proposal quickly. This would enable us to achieve the objectives set in the White Paper on Road Safety (halving the number of fatalities on Europe's roads by 2010).

In addition, the Council has already adopted, within the framework of Title VI TEU, several acts designed to improve the cooperation and exchange of information between the Member States' police and justice departments, which cover public action against road traffic offences, including:

Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties⁽¹³⁾. The aim of this decision is to ensure that financial penalties imposed in a Member State are enforced in the Member State where the person concerned is normally resident or has property or income;

the Convention on Driving Disqualifications (1998)⁽¹⁴⁾;

the Convention on Mutual Assistance in Criminal Matters between the Member States (2000)⁽¹⁵⁾;

Council Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States⁽¹⁶⁾;

the decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (2008)⁽¹⁷⁾ and the decision on that decision's implementation⁽¹⁸⁾.

This decision includes, in particular, provisions on automated cross-border searching of vehicle registration data.

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Question no 19 by Koenraad Dillen (H-0743/08)

Subject: Refusal to issue a visa for the electoral observation mission to Rwanda

The European Parliament sent an observer delegation to the elections on Monday 15 September in Rwanda, with its membership determined in accordance with the D'Hondt system. The delegation was made up of politicians of differing political affiliations and nationalities. I myself, a non-attached Member of the European Parliament, was supposed to be a member of this delegation. Last year I was present at the annual EU-ACP meeting in Kigali and was granted a visa on that occasion. However, this time the Rwandan Embassy in Brussels refused to issue me with a visa, without stating any reason – in spite of being repeatedly urged to do so – with the result that the delegation had to set off one member short. In doing this, the Rwandan government has demonstrated that it wishes to decide for itself who may be a member of an electoral observation mission, thus undermining the credibility of the European Parliament as an independent political institution.

⁽¹²⁾ Doc. 7984/08 COM (2008) 151.

⁽¹³⁾ OJ L 76, 22.3.2005, p. 16.

⁽¹⁴⁾ OJ C 216, 10.7.1998, p. 2.

⁽¹⁵⁾ OJ C 197, 12.7.2000, p. 3.

⁽¹⁶⁾ OJ L 386, 29.12.2006, p. 89.

⁽¹⁷⁾ JO L 210, 6.8.2008, p. 1.

⁽¹⁸⁾ OJ L 210, 6.8.2008, p. 12.

What is the Council's opinion of the attitude of the Rwandan authorities? Has the Council asked why Rwanda did not wish to issue a visa to a member of this delegation? What representations will the Council make in future to the Rwandan authorities to prevent such arbitrary action?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The Council deplores the refusal by the Rwandan Embassy in Brussels to issue you with a visa and its failure to explain the reason for this refusal. The Presidency of the Council on the ground and the Head of the Delegation of the European Commission have made representations to the Rwandan authorities in Kigali regarding the failure to issue visas to some of the electoral observers selected by the European Commission. While this led to a significant improvement in the situation, unfortunately it did not have a positive effect in your case.

In its regular contacts with Rwanda, the Council will continue to stress the independence of the EU in its actions, which is weakened by such a refusal to issue visas to those appointed to participate in the EU's missions to Rwanda within the framework of relations between the EU and Rwanda.

In order to avoid other EU electoral observation missions being in future confronted with similar difficulties, the Council has encouraged the Commission to look at possible avenues. One step might be to include a clause on non-discrimination against European Union observers in memorandums of agreement entered into with states having asked for an observation team to be sent.

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Question no 20 by Dimitrios Papadimoulis (H-0747/08)

Subject: Protection of the rights of Palestinian prisoners in Israeli jails

In its recent resolution (P6_TA(2008)0404) on the situation of Palestinian prisoners in Israeli jails, Parliament stressed that 'more than 11 000 Palestinians, including hundreds of women and children, are being held in Israeli prisons', expressed 'its concern at the situation of Palestinian women and vulnerable prisoners, who are reportedly subjected to mistreatment and a lack of access to health care' and called on Israel 'to guarantee that minimum standards on detention be respected, to bring to trial all detainees, to put an end to the use of 'administrative detention orders', and to implement adequate measures for minors and prisoners' visiting rights, in full compliance with international standards including the Convention on the Rights of the Child and the UN Convention Against Torture ...'.

What steps has the Council already taken to protect the rights of Palestinian prisoners in Israeli jails, in particular children, and what measures will it take in response to Parliament's resolution?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

As we have already discussed this issue together at the part-session last July, I would like to confirm to you once again that the EU is extremely active on this issue. At all levels, the EU is continuing to tell Israel of its major concerns with regard to the human rights situation: it does so at every high-level meeting between the two parties and at political dialogue meetings.

At these meetings, all subjects are considered:

- respect for human rights, including freedom of religion and belief;
- the expansion of the settlements;
- international humanitarian law; and
- administrative detention, including individual cases – which is the point that the honourable Member has expressly brought up.

On the specific issue of children, at the third meeting of the informal EU-Israel working group on human rights, which took place on 30 April 2008, more detailed consideration was given to a whole series of issues such as the situation of minorities, human rights defenders and the rights of children. On this occasion, the EU reiterated the need for an appropriate follow-up of these issues.

In general, the EU believes that it is vital to maintain contact via all diplomatic and political channels. The EU has always placed strong emphasis on the path of dialogue. Dialogue on respect for international law and humanitarian law, conducted in a constructive manner in accordance with the provisions laid down by the treaties entered into with Israel, is the most effective method for transmitting the EU's views and messages on all subjects of concern.

On 16 June this year, at the eighth meeting of the EU-Israel Association Council, discussions took place with a view to upgrading relations between the EU and Israel. Within this context, the dialogue between the EU and Israel on human rights is a key element of this process, since the EU is proposing to set up a subcommittee on human rights within the framework of the Association Agreement; this subcommittee would replace the existing informal working group. Parliament has welcomed this initiative, demonstrating our shared approach to the situation.

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Question no 21 by Christopher Heaton-Harris (H-0749/08)

Subject: EU funding

Why is the Lisbon Treaty necessary at all? The Draft EU budget for 2009 shows that the Commission continues to fund the new measures contained in the unratified Treaty, despite the fact that no legal base exists, so if this is possible then why is the Treaty actually required?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

It is not for the Council to comment on the Treaty of Lisbon, which has been signed by the Member States but for which the ratification process has not been completed.

The attention of the honourable Member is, however, drawn to the conclusions of the European Council of 19-20 June 2008⁽¹⁹⁾, according to which the purpose of the Treaty of Lisbon is to help the Union to act more effectively and more democratically.

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Question no 22 by Nirj Deva (H-0751/08)

Subject: Comments from Giscard d'Estaing regarding the Lisbon Treaty

Does the Council Presidency agree with the comments from Valéry Giscard d'Estaing that countries who do not wish to adopt the Lisbon Treaty could simply have a different type of membership of the European Union, leading to a so-called 'two-speed' Europe?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

It is not for the Council to comment on statements made by political figures.

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⁽¹⁹⁾ doc. 11018/08

Question no 23 by Martin Callanan (H-0753/08)**Subject: Lisbon Treaty**

Does the Council Presidency believe that the people of other Member States - for example France - would have rejected the Lisbon Treaty in a referendum, had they been granted one?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

It should be borne in mind that the Member States ratify amendments to the Treaties in accordance with their respective constitutional rules. If such ratification is conducted by means of a referendum, it is for the Member State involved to accept the conclusions arising as a result of the referendum.

It is not for the Council to give suggestions regarding the question tabled by the honourable Member.

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Question no 25 by Athanasios Pafilis (H-0758/08)**Subject: 'Europe-II/2008' exercise in Greece**

Last week in the Askos-Profitis region of Greece (Thessaloniki), the Eurocorps "Hellbrock" combat group, under Greek command, carried out a military exercise named 'Europe-II/2008', which included - as revealed by photographs in the Greek press - the army confronting demonstrators carrying a banner with the words 'EU go home'!

What are the Council's views on such exercises by EU military forces? Does it consider that every people, whether inside or outside the EU, has the right to give public expression to its views, which naturally includes opposition to EU policy and calling into question its sovereignty?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The Council would like to point out that not only is the conduct of exercises of this type a national responsibility, but also that Eurocorps is not a body that forms part of the European Union.

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Question no 26 by Marie Anne Isler Béguin (H-0760/08)**Subject: Follow-up to the judgment issued on 12 July 2005 by the European Court of justice**

Since France had failed to comply with EU rules on the size of fish caught, the European Court of Justice issued a judgment on 12 July 2005 instructing that country to pay an EUR 20 million fine and a half-yearly penalty of EUR 57.8 million.

On what date did France comply with the rulings contained in the judgment? What are the actual amounts of the fine and the penalties paid by France since that date?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

Mrs Isler Béguin, I do not feel that I would be correct in replying to you as President-in-Office of the Council, since it is not for the Council to take a view on the implementation by a Member State of a judgment by the Court of Justice. As French minister, I can assure you that France has fully complied with the judgment issued.

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Question no 27 by Ilda Figueiredo (H-0762/08)

Subject: Rights of five Cuban patriots held prisoner in the US

As is common knowledge, five Cuban patriots – Gerardo Hernández, René González, Ramón Labañino, Fernando González, and Antonio Guerrero – have for some ten years (since 12 September 1998) been held in American jails by the US. These are five Cuban citizens who have done nothing more than defend their country and their people and who have fallen victim to numerous illegalities.

They are continuing all the while to be denied their basic human rights, not least the right to visits from family members. A number of MEPs, myself included, have likewise been refused permission to visit them.

What will the Council do to convey its views to the US Administration regarding the failure to respect the most basic human rights, and the cruel obstacles and restrictions being put in the way of visits to the five prisoners by family members?

Has it told the Administration what it thinks about the fact that Members of the European Parliament, myself included, have been prevented from visiting the five Cuban patriots?

Question no 28 by Georgios Toussas (H-0773/08)

Subject: Immediate release of the five Cuban patriots

Ten years have already elapsed since the US authorities arrested the five Cuban patriots Gerardo Hernández, Antonio Guerrero, Ramón Labañino, Fernando González and René González on trumped up, groundless charges. They are still being detained in US prisons in violation of basic rules of law and under barbaric conditions and are banned from receiving any visits, even from their relatives and from a delegation of Members of the European Parliament which had officially asked to visit them.

The US is violating the basic human rights of the five prisoners and, more generally, fundamental principles of international and humanitarian law.

Will the Council condemn the continuing illegal imprisonment of the five Cubans?

What is the Council's position in respect of the appeals by national parliaments and representative international and national bodies for the immediate release of the five imprisoned Cuban patriots?

Joint answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The European Union reiterates its opposition to any arbitrary detention and deplores any situation in which human rights and respect for individuals is not properly guaranteed.

The Council is aware of the fact that, in certain cases, the authorities of the United States have not allowed members of prisoners' families, or other persons, including Members of the European Parliament, to contact the five Cuban nationals imprisoned and accused of spying by the US authorities. However, according to the United Nations Working Group on Arbitrary Detention, the majority of the relatives of the detainees have been granted visas to visit their families.

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Question no 30 by Syed Kamall (H-0767/08)

Subject: Markets

Does the Council Presidency agree with me that free trade is a good thing, and that government intervention in markets – including by the EU – is a bad thing? Does the Council further agree that one of the major flaws of the Lisbon Treaty is that it does not endorse this principle?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

Like the honourable Member, the Council believes in the market economy. It is at the heart of the Community approach, as we are reminded by Article 4 of the Treaty establishing the European Community, which calls for respect for the principle of an open market economy with free competition.

The financial crisis we are experiencing at the moment has, however, reminded us that the market may be defective, if it is not subject to discipline and rules. This is not an ideological debate, but an observation: there are cases where public intervention is necessary to ensure that the market functions effectively, responsibly and in a way that encourages growth.

With regard to the Treaty of Lisbon, it should be borne in mind that it has not yet entered into force and that it is not for the Council to interpret it.

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Question no 31 by Mikel Irujo Amezaga (H-0768/08)**Subject: Blacklists under Regulation (EC) No 881/2002**

The ECJ judgment of 3 September 2008 (joined cases C-402/05 P and C-415/05 P) annulled, insofar as Mr Y.A. Kadi and the Al Barakaat International Foundation are concerned, Regulation (EC) No 881/2002⁽²⁰⁾.

The text of the judgment stated that 'the applicable procedures must also afford the person concerned a reasonable opportunity of putting his case to the competent authorities'. This did not apply to the case in question.

Can the Council guarantee that the inclusion of legal persons, groups and organisations in the annex to that regulation is carried out on a basis of scrupulous respect for citizens' and organisations' basic rights?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

First of all, I would like to reject the label 'blacklist' as applied to the European arrangements for sanctions aimed at individuals and entities belonging to or associated with Al-Qaida or the Taliban, which transpose the sanctions decisions taken by Committee 1267 of the United Nations Security Council. This is a mechanism that implements certain restrictions whose primary aim is to prevent acts of terrorism. The lists are well-known and public, as are the measures connected with them.

With regard to the joined cases involving Mr Kadi and the Al Barakaat Foundation, the Council has noted the judgment of the Court of Justice of 3 September 2008. In order to respect the rights of defence alluded to by the Court of Justice, the information providing grounds for inclusion on the list of European sanctions targeted at individuals and entities belonging to or associated with Al-Qaida or the Taliban will be notified to the parties involved. In response, Mr Kadi and the Al Barakaat Foundation will thus be able to make comments.

The Council will also consider what changes might be made to the procedure for the transposition in Europe of the United Nations sanctions targeting individuals and entities belonging to or associated with Al-Qaida or the Taliban. In any event, the Council will ensure that the measures necessary to implement the judgment are taken within an appropriate timeframe.

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⁽²⁰⁾ OJ L 139, 29.5.2002, p. 9.

Question no 32 by Bernd Posselt (H-0771/08)**Subject: Timetable for EULEX**

In reply to my oral question H-0647/08⁽²¹⁾, the Council expressed the view that deployment of the EULEX mission would significantly improve the situation in northern Kosovo. Why is the deployment of EULEX throughout Kosovo proceeding so slowly, what is the projected timetable up to the end of this year, and when, in the Council's opinion, will EULEX be fully operational and able to take over from UNMIK, completely or to a large extent?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The deployment of EULEX has been delayed because of the process of reconfiguring UNMIK, which was only decided on in June 2008. In addition, the deployment of the mission is also dependent upon the transfer of premises and equipment from UNMIK. The agreement in principle on this transfer was only reached on 18 August, and implementation has been extremely slow because of complex administrative procedures, both at the United Nations and on the European side.

On 21 September, the Council decided to relaunch deployment of the mission, in weekly waves of approximately 100 people. At the end of October, the request for deployment of integrated police units (IPUs) will also be sent, for inclusion in the mission at the end of November. Finally, the staff selected for EULEX, currently working within UNMIK, are due to be transferred to the mission in late November.

To date, approximately 300 posts are still vacant. The Member States and the five non-EU contributing states have recently been asked again, this week, to make their contributions as a matter of urgency, so as to fill in the gaps currently existing. The Council has also decided to invite another non-EU state, Canada, to join the mission.

If deployment takes place as planned and if the procedures for the purchase and transfer of the necessary equipment are dealt with as swiftly as the Council requires, then in early December the mission will reach its initial operational capacity and will be able to assume the responsibilities that make up its mandate.

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Question no 33 by Gianluca Susta (H-0775/08)**Subject: Shoes**

In the last week of September, Italy's Guardia di Finanza (police whose duties include customs and excise enforcement) confiscated 1,700,000 pairs of shoes. The shoes seized bore counterfeit trademarks and 84,000 of them were wrongly labelled 'made in Italy'. Many of them were found to contain alarming levels of hexavalent chromium, a carcinogenic substance.

What is the Council's opinion of this incident, and what measures does it intend to take to prevent future incidents? Does the Council intend to urge the Commission to initiate anti-dumping proceedings against China more frequently? Does the Council consider it should strengthen quality standards for products by approving the Commission's proposal of December 2005 (COM(2005)0661) for a regulation on compulsory origin marking for goods imported from third countries? Does the Council consider it should urge the Commission to submit legislative proposals and/or tighten up existing legislation on the traceability and health standards of textiles, shoes, cosmetics, jewellery and similar products produced in non-EU countries?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

⁽²¹⁾ Written answer of 23.9.2008.

Counterfeiting is a real scourge that jeopardises the competitiveness of European businesses, and the health and safety of consumers. In view of the worrying dimensions of the phenomenon, the French Presidency has recently launched an initiative in the form of a resolution on a comprehensive European anti-counterfeiting and anti-piracy plan, which was adopted on 25 September at the Competitiveness Council meeting. Thus, the European Union will set up a European counterfeiting and piracy observatory, based on the Commission's existing structures; more action will be taken in the sphere of communication with and awareness raising of consumers, and public-private partnership agreements will be developed to promote collaboration between professionals.

Combating counterfeiting is vital for the competitiveness of our businesses. For this reason, the Commission and the Member States have worked on the negotiation of a plurilateral anti-counterfeiting trade agreement (ACTA, Anti-Counterfeiting Trade Agreement) with major partners, including in particular the United States and Japan. This draft agreement, which will reinforce existing international cooperation, is intended in the long term to involve the major emerging states, including China. Any bilateral agreements with non-EU countries that the European Union enters into include clauses on the protection of intellectual property. International cooperation will also be stepped up in forums such as the WTO and through the G8. We have already achieved good results with the US Customs, making significant seizures, and we must continue this work.

With regard to China, things are also improving. The Chinese have revised their legal and regulatory provisions and introduced export checks. While much still remains to be done in China – and we will be particularly vigilant on this issue – we should nonetheless congratulate the country on the efforts it is willing to make in order to equip itself with relevant legislation and implement it effectively. In this context, it is anticipated that we will be able to welcome the adoption of a joint EU-China Customs action plan at the EU-China summit on 1 December 2008.

With regard to anti-dumping procedures, as you know, application of such procedures requires first and foremost a complaint by the Community industry involved. It is then for the Commission to launch an investigation and to check whether dumping is actually taking place. Therefore, the number of complaints determines the number of investigations, and businesses need to be better informed on this point. It is a matter for regret, as they themselves have emphasised during a recent study carried out in Europe on this subject, that the current procedures are bureaucratic, lengthy and often ambiguous. We should not discourage businesses that consider themselves to have been damaged by anti-competitive practices from turning to the European institutions to re-establish fair competition. To encourage them to do so, it is undoubtedly necessary to help them, to facilitate the steps, to streamline and speed up procedures, while maintaining a very high level of rigour in the fight against dumping, wherever it originates.

With regard to the marking of the country of origin on imported products, to date the European Community does not have any legislation on the marking of the origin of industrial products imported from countries outside the EU ('made in' labels). During the consultation organised by the Commission in 2004, some Member States and various interested bodies (industries, trade unions, consumers and other institutions) declared that they were increasingly worried by the growing numbers of misleading and/or fraudulent indications of origin appearing on imported products and asked for rules to be drawn up making it mandatory for imports and/or EU products to be marked with their origin. The proposal submitted in 2005 by the Commission made it possible to envisage determining the origin of a product, at least partially, through Customs rules. As you know, however, the political and legal requirements necessary for this proposal to be adopted have still not been achieved. This means that we must certainly continue to work on the issue, because such a project requires consensus. I must also stress that the Council has noted the declaration on origin marking adopted by the European Parliament in November 2007⁽²²⁾.

With regard to legislation on traceability and health and safety standards, it is for the Commission to submit proposals in this sphere.

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(22) Declaration 0075/2007

Question no 34 by Rodi Kratsa-Tsagaropoulou (H-0778/08)

Subject: Medical checks on migrants entering and residing in the EU

According to the Portuguese Presidency's report on 'Health and Migration in the EU' (last six months of 2007), migrants and refugees arriving in the EU exhibit a higher rate of communicable and non-communicable diseases which they either bring with them from their countries of origin or develop later as a result of the sudden change in environment or difficult living conditions in the host countries.

In the light of the above data and the conclusions of the December 2007 Council meeting, and given the concern of local residents about public health in those regions taking in waves of illegal immigrants, will the Council say which of the Portuguese Presidency's proposals it has implemented? Which are under consideration? What is the current situation in the Member States and what measures are being developed or planned in the EU in regard to monitoring and combating diseases when migrants enter the host countries and thereafter? What proposals or plans are there for protecting the health of those who work in reception centres for migrants?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The importance of the issue raised by the honourable Member was recognised by the Council in its conclusions of 6 December 2007⁽²³⁾ on health and migration. In these conclusions, the Council called on the Member States to facilitate access to health care for migrants and to ensure that they can access health care in accordance with the applicable Community, international and national instruments.

In the same conclusions, the Council pointed out that Article 152 of the Treaty establishing the European Community states that a high level of human health protection shall be ensured by the Community, with the proviso that Community action in the field of public health fully respects the responsibilities of the Member States for the organisation and delivery of health services and medical care and can therefore only complement national policies.

Thus, there are no plans for a European Union strategy on health checks on migrants on entry, since this is a matter for the Member States.

It is for that reason that there has never been any specific Community legislation on the protection of the health of those working in reception centres for migrants and refugees. That said, Directive 89/391/EEC⁽²⁴⁾, and in particular Article 6 thereof, imposes on employers a general obligation to evaluate any risk to which workers might be exposed and to take the measures necessary to protect their health and safety.

In addition, the health of migrants and their access to health care is a concern that the Council has taken into account, particularly in its most recent work. The Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, adopted on 18 June this year, lays down:

- an obligation to take into account 'the state of health of the third-country national concerned' (Article 5) when implementing the directive;
- a requirement for Member States to provide to migrants, pending their return, 'emergency health care and essential treatment of illness' (Article 14), particularly when they are under detention (Article 16).

In addition, the proposal for a Council directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, currently being negotiated, includes among the rights that third-country nationals should enjoy in a manner equivalent to citizens of the European Union a working environment that is safe and not injurious to health (Article 12).

⁽²³⁾ Doc. 15609/07.

⁽²⁴⁾ Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work.

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Question no 35 by Pedro Guerreiro (H-0781/08)

Subject: Protection of production and employment in the textile and clothing sector in various EU Member States

The European Union and China have agreed to a joint surveillance system relating to exports of certain categories of textile and clothing products from China to EU Member States. As 31 December 2008 draws near, will the Council state how it intends to avoid a recurrence after 2008 of what occurred in 2005 when textile and clothing imports from China rose exponentially?

Does the Council intend to propose extending the double surveillance mechanism beyond 31 December 2008? What is the current situation regarding the proposed regulation on 'made in' markings?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The Council is fully aware that we are reaching the end of the period of validity of the memorandum of understanding between the European Commission and the Ministry of Trade of the People's Republic of China on exports of certain textile and clothing products. The same applies to Commission Regulation No 1217/2007 pursuant to which the export of certain Chinese products to the Community was transferred to the double checking system during 2008.

In general, in the sphere of the common trade policy, it is for the Commission to submit proposals to the Council. For the moment, the Council has not received any proposals from the Commission on this subject. It also seems that, to date, no request has been made by the relevant European industries.

With regard to the marking of the country of origin on imported products, to date the European Community does not have any legislation on the marking of the origin of industrial products imported from countries outside the EU ('made in' labels).

During the consultation organised by the Commission in 2004, some Member States and various interested bodies (industries, trade unions, consumers and other institutions) declared that they were increasingly worried by the growing numbers of misleading and/or fraudulent indications of origin appearing on imported products and asked for rules to be drawn up making it mandatory for imports and/or EU products to be marked with their origin. The proposal submitted in 2005 by the Commission made it possible to envisage determining the origin of a product, at least partially, through Customs rules.

As you know, however, the political and legal requirements necessary for this proposal to be adopted have still not been achieved. This means that we must certainly continue to work on the issue, because such a project requires consensus. I must also stress that the Council has noted the declaration on origin marking adopted by the European Parliament in November 2007⁽²⁵⁾.

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Question no 36 by Ryszard Czarnecki (H-0788/08)

Subject: Economic crisis in Europe

Does the Council intend to take up a position on the potentially major economic crisis threatening Europe, and if so, what will that position be?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

(25) Declaration 0075/2007

Our first priority is, naturally, to respond to the financial crisis. We have all – the Council, the European Parliament, the Commission, the Central Bank – assumed our responsibilities.

The European Council has just unanimously given its support to the plan and principles that were agreed at the summit of Heads of State or Government of the euro zone countries, when they met on 12 October in Paris. The 27 Member States now have a clear response and a clear reasoned basis with which to tackle the financial crisis. In the short term, that was the priority: to enable the European Union to take coordinated and consistent action.

Naturally, we are not unaware of the effects of the crisis on the economy and the risks for the growth rate. At the informal meeting in Nice in September, and then at the Council of 7 October, the ministers of finance set out the initial elements of a coordinated response to the economic slowdown. Conclusions were adopted on this subject.

With the same aims, the European Council of 15 and 16 October 2008 stressed its determination to take the necessary steps to support growth and employment. To this end, a mandate was given to the Commission to make 'appropriate proposals by the end of the year, in particular to preserve the international competitiveness of European industry'.

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Question no 37 by Konstantinos Droutsas (H-0790/08)

Subject: Compliance by Turkey with international law

Over the last few days the Turkish military has once more been sending war planes to bomb the Avasin-Basyan area of Northern Iraq, thereby racking up the tension along the border between the two countries and breaching the principle of border inviolability embodied in international law, with devastating consequences for the local populace.

Does the Council condemn these fresh attacks by Turkey on the territory of another country, which constitute an infringement of the inviolability of borders, a principle embodied in international law?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The European Union is monitoring the situation very closely. In its conclusions of 10 December 2007, the Council condemned all terrorist attacks and violence perpetrated in Turkish territory and expressed its solidarity with the people of Turkey. The Council also supported Turkey's efforts to protect its population and fight terrorism, while respecting human rights, fundamental freedoms and international law and preserving regional peace and stability.

In a statement published on 3 October 2008, the Presidency condemned in the strongest terms the attack carried out by the PKK against a military outpost in south-east Turkey. The Presidency also reiterated that the European Union stood firm beside Turkey in its fight against terrorism.

In an earlier statement, published on 25 February 2008, the Presidency of the Council 'while recognising Turkey's need to protect its population from terrorism' called on Turkey 'to refrain from taking any disproportionate military action and to respect Iraq's territorial integrity, human rights and the rule of law.' It also called on Turkey 'to limit its military activities to those which are absolutely necessary for achieving its main purpose – the protection of the Turkish population from terrorism.'

In addition, with regard to eastern and south-eastern Turkey, the Council reiterated that it was necessary to promptly develop and implement a comprehensive strategy that would guarantee the economic, social and cultural development of the region.

Reinforcing dialogue and cooperation between Turkey and Iraq to combat this problem is of the utmost importance. The Council has called on the Iraqi Government and the Kurdistan Regional Government to take appropriate measures to ensure respect for the Turkish border and to ensure that the Iraqi territory is not used for violent action against Iraq's neighbours. There is a cooperation agreement on combating

terrorism, signed on 28 September 2007 by Iraq and Turkey, which is the appropriate framework within which the EU encourages continued dialogue and cooperation between Turkey and Iraq.

The EU reiterates that it is necessary to step up this cooperation so that Iraq's territory does not serve as a base for terrorist action against Turkey.

In view of the above, the honourable Member may rest assured that the European Union will continue to monitor the situation closely and to urge that a solution be sought based on cooperation between Turkey and Iraq.

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Question no 38 by Hans-Peter Martin (H-0791/08)

Subject: Council preparatory bodies

In addition to COREPER, the Council has over 163 preparatory bodies. In 2007 a total of 4 183 meetings of the preparatory bodies took place.

Are these meetings of the preparatory bodies open to the public or to Members of the European Parliament? Are the dates and venues of the meetings publicised? Are minutes kept of the meetings? Does only one representative of each Member State take part in any given meeting? Who else attends the meetings? What was the highest, and the lowest, number of participants at a meeting of this kind in 2007? Are simultaneous interpreters used for the meetings?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

I note that this question follows up on the written question that the honourable Member put to the Council on 30 June 2008, to which a very detailed answer was supplied in September⁽²⁶⁾. It was, in fact, this answer by the Council that has enabled Mr Martin to raise seven additional questions, to which I will respond today, concerning:

(1) the opening to the public of meetings of the Council's preparatory bodies, (2) the publicising of certain information concerning these meetings, (3) access to minutes (4) the number of participants and (5) possible participation by persons other than representatives of the Member States in the meetings, (6) attendance figures and (7) the use of interpreters at these meetings.

First of all, I would like to point out that, in accordance with Article 8(1) of its Rules of Procedure and under the terms laid down in those rules, the Council's deliberations are open to the public in cases where it is acting as co-legislator with the European Parliament under the codecision procedure. In other cases, the Council's work may be open to the public if the Council so decides. This is the case in particular for the Council's deliberations on important legislative proposals other than those adopted under the codecision procedure, and public debates on important issues affecting the interests of the European Union and its citizens.

Except for these cases, the Council's deliberations are not open to the public. The same applies to the work of all the Council's preparatory bodies (Coreper, committees and working groups). As a result, attendance at the Council's sittings and the meetings of its preparatory bodies is restricted to representatives of the Member States and authorised officials. Pursuant to Article 5 of the Council's Rules of Procedure, the Commission is invited to take part in meetings of the Council and in meetings of its preparatory bodies. The same applies to the European Central Bank in cases where it exercises its right of initiative. That said, the Council may decide otherwise on a case by case basis, and thus it may happen that, exceptionally, representatives of other Community institutions or bodies are asked to attend meetings of the Council or of its preparatory bodies, their presence being dependent on the issue being discussed and advisability.

⁽²⁶⁾ Written Question E-3908/08, doc. 12141/08

With regard to practical information on the meetings of the Council and the preparatory bodies, this is easy to access, since it is published on the Council's website under the heading 'Documents – Legislative Transparency – Timetables and agendas'.

With regard to minutes, the Rules of Procedure make provision for minutes to be drawn up for Council meetings. They do not make such provision for the preparatory bodies. However, the key activities by the Council's preparatory bodies are apparent from the Council's working documents, which are distributed to the representatives of the Member States and archived in the public register of Council documents.

With regard to the number of participants, in most cases the number of representatives present for a particular item on the agenda is one or two per Member State. In some meetings, and provided that the capacity of the room is adequate, the number may be higher.

With regard to attendance figures for these meetings, in the vast majority of cases the representatives of all the Member States and the Commission take part in the meetings of the preparatory bodies.

Finally, I can inform you that, with regard to interpreting, the provisions of SG/HR Decision No 111/07 of 23 July 2007 apply.

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Question no 39 by Laima Liucija Andrikienė (H-0792/08)

Subject: Separate EU budget line for the Baltic Sea Strategy

In the context of the EU 2009 budgetary procedure what is the Council's position on a separate budget line for the implementation of the Baltic Sea Region Strategy (starting from 2009 and continuing in the years to follow), as was stated in the EP resolution P6_TA(2006)0494 of 16 November 2006 on a Baltic Sea Region Strategy for the Northern Dimension, where the European Parliament called for its own EU budget line for the Baltic Sea Strategy?

Answer

(FR) This answer, which has been drawn up by the Presidency and which is not binding on either the Council or the Member States, was not delivered orally during Question Time to the Council at the October 2008 part-session of the European Parliament in Strasbourg.

The Council agrees with the honourable Member in believing that the development of a strategy for the Baltic Sea is important. In this context, it should be stressed that the European Council of 14 December 2007 called on the Commission to present an EU strategy for the Baltic Sea region at the latest by June 2009.

The Council always examines the European Parliament's position very closely and will certainly do so within the context of its second reading of the budget for 2009. Should an amendment on the issue raised by the honourable Member be adopted by the European Parliament at its first reading of the budget for 2009, on 23 October 2008, the Council will certainly adopt a position on such an amendment at its second reading of the budget, on 21 November 2008.

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QUESTIONS TO THE COMMISSION

Question no 54 by Giovanna Corda (H-0718/08)

Subject: Non-implementation of the Regulation on the rights of airline passengers

Despite several recent Commission initiatives, particularly the information document responding to specific questions on the application of the most controversial provisions of Regulation (EC) No 261/2004⁽²⁷⁾ on the rights of airline passengers in the event of denied boarding and of cancellation or long delay of flights,

⁽²⁷⁾ OJ L 46, 17.2.2004, p.1

airlines are still getting round the Regulation, randomly citing 'force majeure' or 'exceptional circumstances' to avoid taking account of the legitimate claims of aggrieved passengers.

Since dialogue with and self-regulation of airlines has failed, does the Commission finally intend to adopt major sanctions or change the Regulation to protect and compensate European citizens whose rights have been infringed?

Answer

(FR) The Commission stated in its communication of April 2007⁽²⁸⁾ that an appropriate period of time should be allowed for the interested parties (national enforcement bodies and airlines) to give time for any agreements entered into between them to produce their results.

The Court of Justice is to issue judgments shortly on a series of preliminary questions, appearing in a single case, which ought to throw light on several points in the regulation that are under dispute⁽²⁹⁾, including the concept of 'extraordinary circumstances'. The forthcoming judgment will help the interested parties to improve the definition of this concept.

The Commission maintains regular contacts with the national enforcement bodies in order to monitor the application of the regulation. It takes a particular interest in the way in which these bodies follow up complaints by passengers. The Commission also pays the utmost attention to respect for the voluntary agreements entered into by the national authorities and the airlines in late 2007.

By the end of the year, the Commission will analyse all the information available to it⁽³⁰⁾ in order to evaluate whether these voluntary agreements have provided appropriate remedies to the deficiencies observed in the application of the regulation.

It will inform the other institutions of the results of its evaluation in a communication expected to be issued in the first quarter of 2009, which will also specify, if necessary, any additional measures that ought to be taken.

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Question no 56 by Robert Evans (H-0722/08)

Subject: Passengers with reduced mobility

What negotiations has the Commission had with the relevant authorities in the 27 Member States to monitor the progress and enforcement of the report concerning the rights of disabled persons and persons with reduced mobility when travelling by air?

Is the Commission considering any other disability-access legislation in the field of transport?

Answer

(FR) Passengers' rights are one of the priorities in the mandate of the Commissioner responsible for Transport. This is a sphere in which the European Union can take specific action and have a positive impact on the lives of citizens. That applies to all modes of transport.

In air transport, all the provisions of the regulation concerning the rights of disabled persons and persons with reduced mobility entered into force in July 2008. There was a transition period of two years from the regulation's adoption, which has come to an end.

The Commission welcomes the fact that all the operators in the sector, in particular airlines and European airports, have been very involved to ensure that the regulation has been a success.

⁽²⁸⁾ COM(2007)168 final

⁽²⁹⁾ C-402/07 and C-432/07, the public hearing for which took place on 24 September 2008.

⁽³⁰⁾ This includes the data supplied by the Member States, the many complaints handled by the Commission and the network of European consumer centres, incidents mentioned by Members of Parliament in their written questions, the results of external studies commissioned by the Commission and information supplied by interested parties.

The Commission has no doubt that this will also be the case for the national authorities. It is already monitoring their work very closely, through frequent contacts.

In December 2008, the Commissioner responsible for transport will personally open the first working meeting with the national enforcement bodies, in Brussels. The aim is to identify the initial difficulties linked to the implementation of the regulation and the best way to put them right together.

This meeting will be the departure point for a process that we hope will be a productive one. It goes without saying that, if problems persist, the Commission will assume its responsibilities and, if necessary, make use of the means placed at its disposal by the Treaty.

With regard to the rights of rail passengers, the regulation that will enter into force on 3 December 2009 will guarantee, among other points, non-discriminatory access to rail transport for disabled passengers and passengers with reduced mobility.

On maritime transport and transport by bus and coach, by the end of 2008 the Commission will propose legislative measures for adoption.

The rights of disabled persons and persons with reduced mobility, covering non-discrimination and assistance, will form an important part of each of these proposals, which will also cover the following issues: a system of liability for operators; assistance in the event of cancellation or delay; the handling of complaints and means of redress; and the provision of information to passengers.

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Question no 57 by Avril Doyle (H-0726/08)

Subject: Duty-free and security measures

There are still reports that air passengers travelling from third countries who are transiting through EU hub airports are continuing to have their liquid duty-free purchases confiscated.

Can the Commission give an update on the implementation of Regulation (EC) No 915/2007⁽³¹⁾ which amends Regulation (EC) No 622/2003⁽³²⁾ laying down measures for the implementation of the common basic standards on aviation security?

Answer

Since the entry into force of Commission Regulation (EC) No 915/2007⁽³³⁾, a number of third countries have expressed an interest in having an exemption from the Community general rules on liquids, aerosols and gels (LAGs). This Regulation allows for an exemption to the restriction of LAGs for those obtained by passengers in duty-free shops at third country airports, provided that certain conditions are met. Upon request from third countries, the Commission has informed these countries of the conditions to be met without delay.

To date, two States have successfully completed this procedure – Singapore and Croatia. As a consequence liquids bought at seven airports in these two States are exempted from confiscation at security points at Community airports (provided the liquid is in a tamper-evident bag and that it also displays satisfactory proof of purchase on airside at the airport within the preceding thirty-six hours).

The Commission is actively involved in dialogue with other third countries to see if the number of airports exempted can be extended, without prejudicing security at Community airports.

The Commission is committed to lifting the ban on liquids in cabin baggage as soon as technology permits the deployment of machines at airports that can quickly analyse the contents of sealed bottles to determine whether or not they contain liquid explosives. Following consultations with industry and Member States, the Commission hopes this will be the case by April 2010.

⁽³¹⁾ OJ L 200, 1.8.2007, p. 3.

⁽³²⁾ OJ L 89, 5.4.2003, p. 9

⁽³³⁾ Commission Regulation (EC) 915/2007 of 31 July 2007 amending Regulation (EC) No 622/2003 laying down measures for the implementation of the common basic standards on aviation security

However, until such equipment is available the view of the Commission is that current rules on liquids in hand luggage have to be maintained, in order to ensure the protection of EU citizens and prevent the risk of a terrorist attack using liquid explosives on an aircraft.

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Question no 58 by Colm Burke (H-0727/08)

Subject: Swansea-Cork ferry link

The Swansea-Cork ferry service provided a vital link between the economies of the south of Ireland and Wales. It added immense value to the tourism sectors in both regions and also led to reduced CO2 emissions by taking freight off the roads.

However, this service was halted in 2006, with no explicit plans afoot to reinstate it, due to the short-time financial perspectives of the service provider.

Therefore I ask the Commission if it would be possible under State Aid law for the Irish Government to subsidise a reinstatement of the route for the first three years of the service? This is based on the immense added value in terms of public service, support to the tourism sector and the reduced environmental impact vis-à-vis the use of alternatives such as road freight and air travel.

Answer

Each Member State is free to set up public service contracts on maritime routes, be it within this Member State or between the latter and another Member State, as is the case in the question raised by the honourable Member, provided that these contracts comply with the Maritime Cabotage Regulation (Council Regulation n° (EC) 3577/92) and meet the four criteria established by the Altmark case-law, in which case the contracts in question will not be qualified as State aid within the meaning of the EC Treaty. The undertaking which is to discharge public service obligations, is chosen pursuant to a public procurement procedure which would allow for the selection of the tenderer capable of providing those services at the least cost to the community or if this is not the case, the level of compensation needed must be determined on the basis of an analysis of the costs which a typical undertaking, well run and adequately provided with means of transport, would have incurred. Quite often public service contracts have been awarded on the basis of public tenders in order to be considered as not falling under State aid rules. Otherwise, public service compensation is subject to the State aid rules of the Treaty, and here in the present case, to the Community Guidelines on State aid to maritime transport, and in particular their Section 10 concerning start-up aid for short-sea shipping.

In addition, Member States can award aid to ship-owners for the start-up of a new maritime line, after the Commission, notified of the intended aid, has taken a decision allowing it to do so. Indeed, under the Community guidelines on State aid to maritime transport⁽³⁴⁾, start-up aid can be considered compatible with the common market, provided that certain conditions are met.

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Question no 59 by Jim Higgins (H-0729/08)

Subject: European Road Safety Charter

The European Road Safety Charter has been a great success for the EU and has shown that communities and businesses are willing to play their part in helping reduce road deaths. Given that the Road Safety Charter plans submitted have a termination date of 2010 will the Commission be working with and encouraging the signatories of the Charter to re-evaluate their schemes with a view to extending them as part of the next road safety strategy?

Answer

The Commission shares the opinion expressed by the honourable Member that the European Road Safety Charter is a great success. 1130 signatories are currently registered and the number is constantly increasing.

⁽³⁴⁾ OJ C 13/3 of 17.01.2004.

During the first phase, from 2004 to 2007, the main objective was to create a "Charter Community" engaging civil society on road safety actions. This phase successfully triggered commitments from all countries and all sectors of civil society.

During the second phase, ending in 2010, the main objectives are to create a network for exchange of best practices between members and to stimulate a systematic evaluation of the actions undertaken in order to get more efficient commitments.

The Charter initiative will certainly be evaluated for the complete period 2004-2010.

Nevertheless, the Commission does not envisage terminating this initiative in 2010. On the contrary, it expects the participation of civil society in general and of the Charter's signatories in particular in the public consultation which will be launched in order to prepare the 4th European Road Safety Action Programme.

With their inputs and with the evaluation of the Charter actions the next Commission could consider the continuation and the new content of the initiative.

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Question no 60 by Silvia-Adriana Țicău (H-0735/08)

Subject: Promotion of secure rest and parking areas for goods transport drivers

Road haulage accounts for 72.2% of all land-based goods transport in the Community. Around 600 000 enterprises and 4.5 million people work in the European road transport sector, which is therefore of importance for the economic development of the Union. In these circumstances, road traffic safety and the improvement of drivers' social conditions are matters of extreme importance. Under European regulations, drivers must comply with certain conditions as regards driving time, working time and rest times. However, there are insufficient secure parking areas. Statistics published by the incident reporting service show that 8.2 thousand million euros are lost every year in the Union as a result of thefts of goods in transport, with 70% of the incidents reported taking place when vehicles are at a standstill.

Can the Commission state what Community measures and initiatives are envisaged for the construction of secure parking areas, especially for Romania and Bulgaria, and how are these reflected in the EU budget?

Answer

The Commission shares the view of the honourable Member that the lack of parking areas and secure parking areas is a problem for the European transport and logistic sector. However, with respect to the principle of subsidiarity, the technical planning for the development of the transport infrastructure is to be carried out within the Member States, mostly at local or regional level.

Unfortunately, not every Member State has taken all the necessary measures and therefore professional drivers may still face at certain parts of the road network problems to find in due time appropriate rest places.

In order to raise the awareness of the Member States to the problematic situation and in order to encourage the investments to improve the situation, the Commission launched in 2007, with the assistance of Parliament, a pilot project to develop along the trans-European network five secure rest places that can serve as models for the exchange of best practice. The first model site was handed over to drivers already in June 2008 (<http://www.setpos.eu>). In a follow-up project, standards for labelling parking sites are to be elaborated.

In addition, the Commission took the initiative to propose a new directive on road infrastructure safety management. The Directive will oblige Member States to take into account the provision of safe parking areas when planning and constructing road infrastructure projects to develop the trans-European road network. The Directive has recently been adopted by Parliament and Council⁽³⁵⁾.

Moreover, Member States that are eligible for Cohesion and Structural Funds can apply for respective Community financial support to improve their transport infrastructure. In the context of the preparation of a Green Paper on the future of trans-European network policy, due to be adopted early next year, the Commission is also examining how to further promote the development of adequate parking areas.

⁽³⁵⁾ COD/2006/0182

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Question no 61 by Sarah Ludford (H-0739/08)

Subject: Cross-border enforcement of road traffic offences

With the growing interest among Europe's cities and regions in forms of road pricing and green zones, what action is the Commission taking to facilitate the cross-border enforcement of non-compliance by foreign drivers with such schemes? Does the Commission recognise that an effective enforcement regime which applies fairly to all drivers is essential if such schemes are to be accepted by citizens?

Answer

On 19 March 2008, the Commission has proposed a Directive facilitating cross-border enforcement in the field of road safety⁽³⁶⁾. The purpose of this legislation is to significantly reduce the number of road victims through a better enforcement of traffic rules. Against this background, the scope of the proposal is restricted to the four most dangerous offences in terms of road safety: speeding; drink-driving; non-use of a seat-belt; and, failing to stop at a red traffic light. It excludes other offences which are not safety-related. As for the "green zones" and the road pricing for private vehicles (regulatory or congestion charges, in particular in urban areas), there is no Community competence and no specific common rules on low emission zones or environmental zones exist at Community level. Nevertheless, the Commission is following closely the increasing number of initiatives that are taken at national, regional or local level. The objective is to ensure that a fair implementation of rules in force does not lead to a discrimination against foreign users entering occasionally in such areas. This issue will be addressed in the forthcoming Action Plan on Urban Mobility to be adopted by the Commission before the end of 2008.

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Question no 62 by Krzysztof Hołowczyc (H-0763/08)

Subject: Improving road safety

Rising living standards and passenger transport innovations are bringing new types of vehicles onto EU roads. These include quad bikes, the number of which is rising at a dramatic rate. In some Member States, there are no laws governing the registration and use on the roads of such vehicles. As a result, quad bikes are being used on roads by children or adults without the necessary qualifications and skills to drive them. There have been a large number of accidents in which both the drivers of such vehicles and third parties have been killed.

What steps can the Commission take to ensure that appropriate amendments are made to road traffic legislation in the Member States in response to the introduction of new types of vehicle, with reference to Article 71(1)(c) of the EC Treaty and the measures set out in the Commission communication on a European road safety action programme (COM(2003)0311) and the White Paper entitled 'European transport policy for 2010: time to decide' (COM(2001)0370)?

Answer

The Commission shares the concerns of the honourable Member about the so-called "off road quads" which may be dangerous if they are used in an inappropriate manner.

The problem should be considered from several points of view: the type-approval of quads; the right to drive such vehicles; the access to public roads; and the controlling and sanctioning of illegal behaviour.

As for the type approval, the current EU legislation⁽³⁷⁾ may possibly be revised. For the time being, the Commission is investigating the possible content of such a revision which is planned for 2009. It may then provide for a more comprehensive framework for the type approval of these vehicles.

⁽³⁶⁾ COM(2008)151: Proposal for a directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety

⁽³⁷⁾ Directive 2002/24/EC of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles - which also covers 4-wheel motor vehicles

As for the driving licence, the current EU legislation does not cover the driving of quads. This is due to the lack of harmonisation of national rules about quads. Once the legislation of type approval, just mentioned, has clarified the situation, and in particular once it has defined the characteristics of quads allowed on public roads, an inclusion of quads in the Directive on driving licences may be envisaged.

As for the access to public roads and the organisation of controls of, and sanctions for illegal behaviour, these issues do fall within the competence of the Member States.

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Question no 63 by Bernd Posselt (H-0772/08)

Subject: Brenner base tunnel

What is the current state of financial planning for the Brenner base tunnel, and what are the implications for this priority project's construction timetable?

Answer

(FR) The financial plan for the Brenner Base Tunnel is at a final and decisive stage. The two Member States, Austria and Italy, have made firm political commitments to carry out this project, which is part of the 'Berlin-Palermo' priority project. This commitment has already materialised, with the joint request of the two Member States to receive Community cofinancing under the TEN-T budget. This cofinancing, which was decided on by the Commission, following consultation with Parliament, amounts to EUR 786 million for the period 2007-2013 and links up substantial national budgets. 50% of the Community cofinancing will be spent on research and 27% on works.

Implementation of the financial plan goes hand in hand with the progress of the project. For the moment, the Member States have carried out preparatory studies, including on exploratory tunnels. The procedures that will result in planning permission being issued for the Base Tunnel have been under way since March 2008, and the project is scheduled to begin in early 2009. By this time, the two Member States shall have to have incorporated the Brenner Base Tunnel project into their multiannual programming and shall have to have provided firm guarantees regarding the finalisation of this work.

The Commission, together with the European Coordinator appointed by the Commission in July 2005, Professor Karel Van Miert, has always emphasised the need to have the necessary guarantees from the two Member States. The Commissioner for Transport is personally convinced that these guarantees will be achieved in spring 2009. Genuine progress has been made with the project and with the lines of access to the tunnel, and the Commissioner personally inspected the work under way, and the tunnel access lines in particular, at the beginning of October 2009.

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Question no 64 by David Martin (H-0780/08)

Subject: Commission investigation into subsidies paid to Scottish ferry companies

Does the Commission have all the necessary information to sufficiently complete its investigation into subsidies paid to Scottish ferry companies NorthLink and CallMac?

Does the Commission know when the results of the investigation will be available?

Answer

(FR) The Commission has received a very large volume of documents and contributions from the United Kingdom authorities, as well as from many interested parties. All of this information is being analysed.

Formal investigation procedures last 18 months on average but may sometimes take longer in difficult cases. The Commission will, however, do its utmost to prepare a final decision as soon as possible. This decision will explain the results of the investigation launched on 16 April 2008. Once adopted, this decision will be included in a press release on the same day in which it is adopted, and will subsequently be published in the Official Journal of the European Union in a non-confidential version.

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Question no 65 by Manolis Mavrommatis (H-0784/08)

Subject: Compensation for passengers in the event of flight cancellation

Having contacted the major European airlines, I have discovered that the compensation provided under Regulation (EC) No. 261/2004⁽³⁸⁾ concerning the rights of European passengers is never granted. This is because the airlines classify the three basic reasons for cancelling a flight, i.e. a strike by employees of the company or the airport, a technical fault of the aircraft, or weather conditions, as extraordinary circumstances which, therefore, exempt them from the obligation to pay compensation (on a per kilometre basis for the journey) to passengers. Thus, the derogation which the Commission provides from passengers rights operates as a get-out clause for the airlines to avoid paying passengers compensation.

Does the Commission consider that the term 'extraordinary circumstances' should be clearly defined in relation to the cancellation of a flight in order to determine precisely when passengers are to be compensated? How are passengers ultimately protected when, even in regard to their 'rights', the airlines receive more protection?

Answer

(FR) The aim of the regulation on air passenger rights is above all to provide passengers who are delayed with sufficient assistance and information in situ and at the time of the incident, in order to enable them to arrive as quickly as possible at their destination and to do so in the best conditions. The compensation provided for in Article 5 of the regulation concerns in fact only a very small number of passengers in comparison to the volume of air passengers who encounter problems when travelling.

The European legislator preferred not to include the notion of 'exceptional circumstances' as an exhaustive definition in the text of the regulation. This gave rise to differences of interpretation between the airlines and the Member States of which the Commission is well aware.

This is why the Commission, inter alia, raised this matter with the airlines and the control bodies for more than a year and drafted a series of questions and answers that addresses the subject of 'exceptional circumstances'. The guidelines proposed by the Commission within this document, which is accessible to the public⁽³⁹⁾, have been discussed with the Member States, which have accepted them.

Nevertheless, it is the Court of Justice and not the Commission that may provide an interpretation of the legislative texts, when this proves necessary. Moreover, the Court is due to give its verdict on this matter very soon (probably at the beginning of 2009) within the context of two preliminary issues. The Commission will then analyse whether the Court's interpretation is sufficient to properly define circumstances that may be regarded as exceptional.

The honourable Member is kindly asked to send the Commission all the information he has available to him that will make it possible to prove the repeated wrongful conduct that he is denouncing on the part of airlines and the Member States' failure correctly to apply the regulation.

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Question no 66 by Claude Moraes (H-0704/08)

Subject: Expansion of airports in the EU

Given the Commission's commitment to reducing the negative environmental effects caused by the rapid growth of air traffic and its recommendation that better use should be made of existing airport capacity, could the Commission clarify its position regarding the proposed expansion of Heathrow Airport in the UK?

(38) OJ L 46, 17.2.2004, p. 1.

(39) www.apr.europa.eu.

Furthermore, what does the Commission plan to do in order to reconcile the apparently conflicting objectives of reducing the 'capacity crunch' at EU airports and meeting strict environmental targets such as those set out in the Kyoto Protocol and the Ambient Air Quality Directive (2008/50/EC⁽⁴⁰⁾)?

Answer

The decision on the expansion of Heathrow is a matter of the national competence. The Commission expects that in the preparation of the decision and its implementation all relevant Community legislation will be respected. This means for example compliance with the obligations under the Environmental Impact Assessment Directive 85/337/EEC⁽⁴¹⁾, the Strategic Environmental Assessment Directive 2001/42/EC⁽⁴²⁾, and with the environmental standards such as those set in the ambient air quality directives (Directive 1999/30/EC⁽⁴³⁾, to be replaced by Directive 2008/50/EC⁽⁴⁴⁾).

As regards the climate change impacts of aviation, the Commission has adopted a comprehensive approach to addressing aviation emissions. This includes improving air traffic management and the inclusion of aviation in the Emissions Trading Scheme (ETS)⁽⁴⁵⁾.

The Single European Sky initiative and SESAR⁽⁴⁶⁾ will enhance the efficiency of the European air traffic system.

The Council and Parliament have recently agreed legislation to include the aviation sector in the EU ETS. This policy should lead to more effective management of CO₂ emissions by the aviation industry and will ensure that the aviation sector contributes to efforts being made by other sectors to reduce emissions.

Decisions on specific measures to ensure the compliance with the ambient air quality standards next to the EU airports is a matter of national competence. The Commission is helping Member States to meet the standards by developing and enforcing Community measures addressing emissions at source (see Commission Declaration attached to publication of Directive 2008/50 in the Official Journal). In addition, the Commission is supporting further research into reducing the environmental impact of planes, vehicles and transport infrastructure under 7th Framework Programme for Research and Technological Development, and investigating the environmental and human health impact of air pollution including transport related air pollution.⁽⁴⁷⁾

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Question no 67 by Liam Aylward (H-0706/08)

Subject: New detailed socio-economic impact assessment of plant protection products

Today, we are facing global food insecurity and increased costs for foodstuffs. Since the original impact assessment of the plant protection products package was completed in 2004, environmental issues have changed considerably. Given the fact that world food prices are rising and this has repercussions for EU citizens and developing countries, notably on constraints on food production, can the Commission complete a detailed impact assessment of the Pesticides (plant protection products) package with a focus on the socio-economic elements of the current Common Position with the Council? Also, can the Commission give us an opinion on whether food prices would be greater or less if a risk-based approach was adopted?

⁽⁴⁰⁾ OJ L 152, 11.6.2008, p. 1.

⁽⁴¹⁾ Directive 85/337/EC, OJ L 175, 5.7.1985, p.40-48, as amended by Directive 97/11/EC, OJ L 73, 14.3.1997

⁽⁴²⁾ OJ L 197, 21.7.2001

⁽⁴³⁾ OJ L 163, 29.6.1999

⁽⁴⁴⁾ OJ L 152, 11.6.2008

⁽⁴⁵⁾ Commission Proposal COM(2008) 221 final; Common Position 2006/0304 (COD); EP 1st reading position of 13 November 2007 P6_TA(2007)0505

⁽⁴⁶⁾ Single European Sky ATM Research

⁽⁴⁷⁾ http://cordis.europa.eu/fp7/environment/home_en.html, click on 'Find a call'

Answer

The Commission is of the opinion that its original impact assessment was thorough and is still valid. It concentrated on the main differences of the proposed Regulation compared to the current legislation: provisional authorisations, mutual recognition, comparative assessment, data protection and information of neighbours on the use of plant protection products.

The Commission is satisfied that the Common Position, like its initial Proposal, aims to reinforce the high level of protection of human health and the environment whilst at the same time safeguarding the competitiveness of agriculture in the Community. It contains measures, such as the zonal authorisation system and obligatory mutual recognition, simplified rules on data protection, clear deadlines for the approval and authorisation procedures and facilitated authorisation for minor uses, which are measures in favour of agriculture and which will increase availability of pesticides to farmers.

The Commission has examined the effect of the proposed criteria and concluded that they might lead to the withdrawal of a limited number of active substances. The Commission will monitor the situation carefully.

The Commission rejects the criticism that the criteria are cut-off criteria, because exposure is in fact taken into account: these highly hazardous substances can be approved if exposure to them is negligible (e.g. closed system).

Finally, concerning the evolution in food prices during the last years, the Commission believes that it is impossible to make a statistically robust projection about the influence of this measure on food prices against a multiplicity of other factors such as energy prices or climate change.

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Question no 68 by Mairead McGuinness (H-0731/08)**Subject: Discussions on the strategic aspect of GMOs**

President Barroso invited Member States to nominate high-level officials to participate in discussions on the strategic aspects of GMOs. The issues being addressed within the group include the functioning of the approval procedures, the impact of asynchronous GM authorisation, and debate within the general public on the question of GMOs. The first meeting of the high-level group was held on 17 July, with another scheduled for this month.

Can the Commission provide advice as to the expected timing for the high-level group to report?

Could the Commission comment on how the objectives of this high-level group might differ from those of the GM working group put in place by the Environment Council?

Answer

In 2003 the Parliament and the Council adopted a new regulatory framework governing the marketing of Genetically Modified Organisms (GMOs). The legislation established a very strict pre-market authorisation regime whereby only GMOs that have been proved to be safe for the environment and for human and animal health could be placed on the market.

At the same time, the European Union (EU) adopted strict traceability and labelling rules for GMO products. This legislation ensures that GMO products can be recalled - if necessary - and that consumers can choose to avoid genetically modified (GM) food if they so wish. The EU GMO legislation is now widely recognised to be the most comprehensive and probably the strictest in the world.

Under this legal framework, the European Food Safety Authority (EFSA) plays a central role as it is responsible for assessing the risk of the GMOs before their commercialisation while the Commission, in its quality of risk manager, has the responsibility to approve or not a given GMO in the light of EFSA opinion and taking into account other legitimate factors where appropriate.

The GMO debate is too often portrayed as being only about environment and food safety. But the issue is a lot more complex. It is also about trade policy, food security – more specifically feed security for Europe - research and competitiveness of a European bio-based industry. It cannot be ignored that the EU has been condemned in the World Trade Organization (WTO) for failing to apply its own rules.

Against this background, the Commission held in May 2008 an orientation debate on GMOs to thrash out all the facets of the issue. During the debate, the Commission took note that the policy on GMO remains a very sensitive issue, for the Commission but also for most of the Member States. There was a general agreement that the existing legal framework is appropriate but its implementation needs to be improved.

The Commission reiterated its confidence in the high quality of the scientific advice provided by EFSA and confirmed that it will continue to fulfil its institutional responsibilities, while respecting its international obligations.

The Commission agreed also that it would be useful to have an informal political discussion with the Member States to take stock of the experience and to seek with them whether there are ways of facilitating the decision-making process, including making improvements to it if appropriate. The objective is to have a better understanding where Europe stands on GMOs and if and how the discussion could be brought forward.

The group met on 17 July 2008 and on 10 October 2008 and discussed on an informal basis. The discussion touched upon a whole range of political issues relating directly or indirectly to the policy area of GMOs: food price, food and feed security, WTO, trade aspects – including the issue of asynchronous approval between the EU and third countries – as well as public opinion.

In parallel, an ad hoc Working Party on GMO has been established in the Environment Council under the auspice of the French Presidency. On the basis of the work of this Working Party, the French Presidency aims at having Council conclusions adopted at the Environment Council on 4-5 December 2008. The Presidency and the Commission are working in close cooperation to ensure a good coordination between the two initiatives.

While the work of the Council working group is focused on specific issues, mostly related to the environmental risk assessment and risk management of GMOs, the discussions of the high level group are broader in nature.

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Question no 69 by Paulo Casaca (H-0741/08)

Subject: Al-Aqsa TV terrorist broadcasting into Europe

In its reply to question H-0485/08⁽⁴⁸⁾ concerning the broadcasting of the terrorist TV-station Al-Aqsa on European satellite capacity via the French broadcaster Eutelsat, the Commission has pointed out that it intended to 'raise the issue of Al-Aqsa TV in the context of the next meeting with national regulatory authorities before the summer break in 2008'. Can the Commission outline the results of this meeting and the steps it intends to take to stop Al-Aqsa from broadcasting on European satellite capacity in violation of Article 3b of the Audiovisual Media Service Directive (Directive 2007/65/EC⁽⁴⁹⁾)?

Answer

At the meeting of the Commission and the national regulatory authorities on 4 July 2008 the issue of hate speech broadcasting channels originating from third countries was discussed. It was pointed out that the European Platform of Regulatory Authorities (EPRA) did not have the statutory power to adopt binding rules for its Members. Attention was also drawn to the draft of a declaration on content regulation of the Mediterranean Network of Regulatory Authorities (MNRA). This declaration was adopted on Friday 3 October 2008 at their annual meeting in Italy and addresses, inter alia, the respect for fundamental values, principles and rights, such as the respect of human dignity and otherness and the protection of law.

However, not all of the third countries concerned are a member of EPRA or MNRA. Bilateral cooperation between the authorities of a Member State and of the third countries was considered as a way forward. At the same time, the Commission intends to enhance this kind of cooperation by inviting all parties occasionally to common meetings.

⁽⁴⁸⁾ Written answer, 9.7.2008.

⁽⁴⁹⁾ OJ L 332, 18.12.2007, p. 27.

The Commission would like to reiterate that – apart from general allegations of violation of Article 3b of the Audiovisual Media Services Directive⁽⁵⁰⁾ – it has not received so far any formal complaint regarding the programmes broadcast by Al Aqsa TV. It should be stressed that no steps vis-à-vis any regulator can be taken without concrete allegations naming at least date, time and nature of the violation. Nevertheless, the Commission has referred the issue to the responsible regulatory authority, the French Conseil Supérieur de l'Audiovisuel (CSA). An answer is expected by November 2008.

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Question no 70 by Olle Schmidt (H-0742/08)

Subject: Increase in aid to Eritrea

There have been several reports in the press that the Commission is finalising a new strategy for Eritrea. Some reports claim that aid will be increased in the forthcoming five-year plan from the current level of € 80 million to € 110 million. Given that there are a number of question marks over the manner in which the aid is used and that the regime in Asmara constantly violates human rights - the Swedish journalist, Dawit Isaak, for example, has been held prisoner for seven years - how can the Commission justify an increase in aid to that country? Should the opportunity not be seized to demand that countries uphold democratic and human rights in order to receive aid?

What measures will the Commission introduce to attach conditions to aid for Eritrea?

Answer

Eritrea is one of the poorest countries in the world with an estimated GDP per capita of US\$ 200. The United Nations Development Fund's Human Development Index ranks Eritrea 157 out of 177 countries in 2008 and a majority of Eritreans live below the poverty line. Additionally, Eritrea suffers particularly from the food price crisis. The prime objective of EC cooperation with Eritrea is to improve the plight and the living conditions of these populations.

Taking into account, population, per capita income, ranking on the human development index, demographic evolutions, and vulnerability, but also economic and social performance, the allocation for Eritrea under the 10th European Development Fund (EDF) is €122 million for the period 2008-2013. The allocation is not an entitlement, but an indicative amount, and may be revised at the occasion of the mid- and end-of-term review.

The Government of the State of Eritrea and the European Commission are finalising a cooperation strategy and the multiannual National Indicative Programme to be financed from the 10th EDF.

The planned strategy for the 10th EDF, which will focus on interventions in the food security and infrastructure area, with complementary activities for the accountability sector and towards cooperation with non state actors, is in response to the important development challenges in Eritrea.

The human rights situation in Eritrea is a strong concern. The Commissioner responsible for Development and Humanitarian Aid had the opportunity to raise concerns on the situation in Eritrea especially on human rights and notably the individual case of Mr Dawit Isaak with President Isaias, on several occasions and most recently during his visit to Asmara in June 2008. The Commission is also in regular contact with Eritrean opposition and diaspora movements.

Since then a formal dialogue under Article 8 of the Cotonou Agreement has been re-established and suggestions have been made to improve aspects of the EU/Eritrea relationship, including the Commission's cooperation programme, and the governance situation in Eritrea, including the case of the prisoners of conscience and other human rights issues.

The Commission together with the Member States keep the EU policy under review at all times.

The Commission is looking forward to learning the results of Parliament mission to the Horn of Africa, including Eritrea. The members of the fact-finding mission have met the Commission services in preparation

⁽⁵⁰⁾ Council Directive 89/552/EEC as amended by Directive 2007/65/CE of the Parliament and of the Council of 11 December 2007 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services, OJ L 332, 18.12.2007.

of their visit. The members of the mission will also meet with the Commissioner responsible for Development and Humanitarian Aid shortly before their departure.

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Question no 71 by Ari Vatanen (H-0745/08)

Subject: Conflict between the ban on distance selling of alcohol and Article 28 of the EC Treaty

A ban on distance selling, under which offenders are liable to prosecution, applies to sales which involve either the vendor or a proxy acting on his behalf sending or transporting to Finland the alcohol which has been sold. The interpretation applied by Finland is based on the principle that only a holder of a licence for the retail sale of alcohol may surrender alcohol to a consumer. By law, only the State alcohol monopoly can obtain such a licence.

Do Finland's law and its administrative application violate Article 28 of the EC Treaty, bearing in mind that they deny vendors operating in other Member States the right to engage in distance selling of alcohol to consumers in Finland?

Answer

According to the question, the distance selling of alcohol from other Member states to buyers in Finland is restricted, as only the holder of a licence for retail sale can deliver goods to a buyer in Finland, and apparently only the State alcohol monopoly can obtain such a license.

In this context it should be noted that according to a judgement of the European Court of Justice in case C-170/04 Rosengren, a provision in a national law establishing a commercial monopoly, prohibiting private individuals from importing alcoholic beverages directly without personally transporting them, constitutes a quantitative restriction on imports within the meaning of Article 28 EC, which in the particular system of the Swedish monopoly did not seem to be proportionate.

In another case concerning a prohibition on the sale by mail order of medicinal products (C-322/01 DocMorris), the Court of Justice held that a national prohibition on the sale by mail order of medicinal products, the sale of which is restricted to pharmacies in the Member State concerned, is a measure having an effect equivalent to a quantitative restriction prohibited under Article 28 of the EC Treaty.

In the view of the case-law cited above, the ban on distance selling of alcohol in Finland may constitute the infringement of Article 28 EC.

A measure which is held to be contrary to Article 28 of the EC Treaty may however be justified on the grounds of public morality, public policy, public security or protection of health as referred to in Article 30 of the EC Treaty or under the so-called mandatory requirements acknowledged by the Court of Justice. However, the national measure must, in order to be justified, be necessary to achieve the objectives pursued and be proportionate to those objectives.

On the basis of the information available, the Commission can not fully assess the measure at issue.

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Question no 72 by Georgios Toussas (H-0748/08)

Subject: Shipwreck of the 'Sea Diamond' continues to pollute the waters of the Santorini caldera

Sixteen months have passed since the sinking of the cruise liner, the 'Sea Diamond', at Santorini and there is still no conclusion as to the reasons for the shipwreck. The Greek Government, the Ministry of Mercantile Marine and the competent local authorities have all failed to hold the shipping company, 'Hellenic Louis Cruises', to account, whereas that company has already received 55 million dollars in compensation. The wreck of the ship still lies on the bed of the caldera and continues to pollute the waters of Santorini despite vigorous protests from the local inhabitants and authorities and despite promises given by the responsible Greek authorities.

In what way will the Commission contribute towards the rehabilitation of the marine environment of this historic island and satisfy the demands of local inhabitants and organisations for the recovery of the vessel,

which still contains oil, lubricants and other toxic liquids? Has the Greek Government submitted a request to that effect?

Answer

During the recent months, the Commission has closely monitored the situation with regard to the Sea Diamond shipwreck off the coast of Santorini, with a view to ensuring that Community legislation is correctly applied. After having examined the relevant provisions of the applicable legislation (i.e. Directive 2004/35/EC⁽⁵¹⁾ on environmental liability with regard to the prevention and remedying of environmental damage, Directive 2000/60/EC⁽⁵²⁾ establishing a framework for Community action in the field of water policy and Directive 2006/12/EC⁽⁵³⁾ on waste), the Commission concluded that, given the specific circumstances, it was not possible to establish a breach of the provisions in question. It should be noted that, to date, there is no EC legislation regarding the removal of shipwrecks. The reply given to written question E-1944/08 by Mr Papadimoulis⁽⁵⁴⁾ includes further information in this regard.

However, the Commission has insisted on the need to prevent a significant deterioration to the environment. Following requests for information from the Commission, the Greek authorities indicated that they had taken all necessary measures to avoid pollution, including undertaking a study of the pollution's impact and the continuous monitoring of the affected zone. The study of the Greek Centre of Marine Studies concluded that the effects from the wreck were negligible. Despite that, the Ministry of Mercantile Marine has confirmed that sampling and measuring will continue and that corrective measures will be taken, if required. In parallel, the Ministry has imposed appropriate sanctions.

As regards the rehabilitation actions, there might be a possibility for co-financing within the National Strategic Reference Framework for Greece for the period 2007-2013, which has been approved by the Commission (e.g. the Operational Programme "Environment and Sustainable Development 2007-2013" or the Regional Operational Programme "Crete and Aegean Islands, 2007-2013"). However, the choice of specific actions to be included in these programmes is up to the competent authorities of the Member States, the Commission only verifies the general eligibility criteria and the respect of EU legislation including environmental legislation. In addition, the Operational Programme Environment for the period 2000-2006 co-financed the purchase of 4 oil-recovery ships aiming at the protection of specific protected areas.

Should there be any marine pollution or an imminent threat of such pollution, Greece can request assistance from the Community Civil Protection Mechanism (established by Council Decision 2007/779/EC, Euratom⁽⁵⁵⁾). Such assistance may also involve, if so requested by the national authorities, the mobilisation of pollution-response ships contracted by the European Maritime Safety Agency. So far no specific request for assistance has been issued by the Greek authorities.

As regards the EU Solidarity Fund, it should be noted that this instrument is normally limited to major natural disasters and can be activated only upon request of the State concerned if damage exceeds a threshold, defined for Greece as 0.6% of Gross National Income (GNI) (i.e. € 1.066 billion). Damage for which there is an insurance coverage or third party liability may not be compensated.

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Question no 73 by Philip Claeys (H-0754/08)

Subject: Freedom of religion in Turkey

On 13 August 2008 the Alevi Bektaşî Federation lodged a complaint with the Committee of Ministers of the Council of Europe against Turkey concerning compulsory religious instruction in Turkish schools. In particular, Turkey has still not yet enforced the judgment of the European Court of Human Rights of 9

(51) OJ L 143, 30.4.2004

(52) OJ L 327, 22.12.2000

(53) OJ L 114, 27.4.2006

(54) <http://www.europarl.europa.eu/QP-WEB>

(55) OJ L 314, 1.12.2007

October 2007 in which the Court clearly stated that compulsory religious instruction contravenes Article 2 of Protocol no. 1 to the European Convention on Human Rights.

How does the Commission view Turkey's failure to enforce this judgment in the light of the principle of freedom of religion? What measures will the Commission take to ensure that this judgment is enforced? By what date should the judgment be enforced? What influence does such refusal have on the current negotiations?

Answer

The Commission is aware of the case mentioned by the honourable Member.

In October 2007, the European Court of Human Rights considered that the religious instruction syllabus in Turkey could not be considered to meet the criteria of objectivity and pluralism necessary in a democratic society. Also, it considered that there was no appropriate method to ensure respect for parents' convictions.

Consequently, the Court requested Turkey to bring its educational system and domestic legislation into conformity with the European Convention on Human Rights.

Turkey needs to implement the Court's ruling. The Commission follows this process closely and raises the issue in its dialogue with the Turkish authorities at all appropriate levels; furthermore, the issue has been raised in the context of the Turkey 2007 Progress Report.

Turkey needs to secure full respect of the rights and freedoms guaranteed under the European Convention of Human Rights and the case-law of the European Court of Human Rights, including freedom of religion. This is a condition for the country's accession to the European Union.

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Question no 74 by Konstantinos Droutsas (H-0756/08)

Subject: Pollution of drainage channel 66 in the municipality of Irinoupolis caused by dumping of untreated industrial waste

Uncontrolled dumping of untreated industrial waste into drainage channel 66 in the municipality of Irinoupolis (prefecture of Imathia) is causing severe problems for the environment in the area and for the health of local residents. The peach processing factories in the prefectures of Imathia and Pellas are equipped with biological treatment systems but, in order to reduce their operating costs, they do not use them and discharge their waste into the drainage channel. This arbitrary method of disposal constitutes a longstanding environmental crime. Dead fish number in their thousands, the water in the channel is contaminated and the stench is unbearable. Water from channel 66 flows into the River Aliakmonas, which supplies water to the city of Thessaloniki, and ends up in the delta of the Rivers Aliakmonas and Axios (an area protected by the Ramsar Convention), compounding pollution in the Thermaic Gulf. Furthermore, this water is also used to irrigate the fields in the region as a whole, thereby adversely affecting stockfarming and, through the food chain, humans and public health.

Will the Commission take measures to put an end to the pollution of drainage channel 66 caused by the arbitrary disposal of industrial waste, restore the natural environment in the area and protect public health?

What is the Commission's position on the continued pollution of drainage channel 66 caused by the arbitrary disposal of industrial waste and on the need to restore the natural environment in the area and protect public health?

Answer

Directive 2008/1/EC⁽⁵⁶⁾ concerning integrated pollution prevention and control (the IPPC Directive, codified version of Directive 1996/61/EC⁽⁵⁷⁾) lists the categories of industrial activities which fall within its scope. The list includes the treatment and processing intended for the production of food products from vegetable

⁽⁵⁶⁾ Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (Codified version) (Text with EEA relevance), OJ L 24, 29.1.2008.

⁽⁵⁷⁾ Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control, OJ L 257, 10.10.1996.

raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis).

Based on the information presented in the question, it is unclear whether the peach processing factories in the prefectures of Imathia and Pellas fall under the scope of the IPPC Directive.

The Commission has already taken action in order to ensure that existing IPPC installations comply with the requirements of the Directive. In May 2008, an infringement procedure under Article 226 of the EC Treaty was initiated against nine Member States, including Greece. On the basis of the information received from the Greek authorities, it appears that at least four installations producing food from vegetable raw material operate in the prefecture of Imathia without an appropriate permit. The Commission is currently assessing the information gathered in relation to installations in Greece and will take all necessary steps, including the continuation of the infringement procedure, to ensure that the IPPC Directive is correctly applied.

As regards the overall water quality of rivers, the Water Framework Directive⁽⁵⁸⁾ obliges Member States to ensure good water quality ('good status') as a rule by 2015. The necessary plans and programmes must be developed by 22 December 2009.

Furthermore, the delta of rivers Axios-Loudias-Aliakmon is a site included in the Natura 2000 network established pursuant to the Habitats Directive 92/43/EEC⁽⁵⁹⁾. The Habitats Directive requires that activities which may lead to a deterioration of the conservation value of the site should be avoided.

The Commission will request further information from the Greek authorities about the nature of the pollution, in particular the results of measurements of emissions or of the water quality in the vicinity of the plants in question, and about its impact on the above-mentioned Natura 2000 site.

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Question no 75 by Zbigniew Krzysztof Kuźmiuk (H-0759/08)

Subject: Equalising of payments per hectare in the old and new Member States

Annex 8 to the proposal for a Council Regulation establishing common rules for direct support schemes for farmers under the common agricultural policy of 20 May 2008 lays down ceilings for financial resources under the common agricultural policy in the individual Member States up to 2013 and beyond. Converting the amounts set out in this Annex to hectares of agricultural land used reveals huge differentiation in support per hectare among the individual Member States. The approximate figures are € 489 in Belgium, € 388 in Denmark, € 344 in Germany, € 263 in France and € 237 in the UK. In the new Member States, however, support levels are considerably lower: € 213 in the Czech Republic, € 227 in Hungary, € 200 in Slovakia and just € 187 in Poland.

At a time when production costs in the new and old Member States are very quickly converging and the Commission is proposing decoupling financial support from production, there is no substantive justification in maintaining such differentiation, which is viewed as blatant discrimination against farmers in the new Member States. Maintaining such differentiation in support levels over many years amounts in principle to the existence of two common agricultural policies.

What action does the Commission intend to take in order to eliminate this disproportion?

Answer

The level of decoupled support is determined on the basis of the same principles for the EU-15 and the EU-12, namely fixed reference levels for budgetary outlays and area. In the EU-15 the reference is past production, area and support under the Common Agricultural Policy (CAP) whereas in the EU-12 support levels were agreed in the Accession Treaty taking into account various factors such as recent production levels and the production potential of the Member State.

⁽⁵⁸⁾ Directive 2000/60/EC, OJ L327 of 22.12.2000, as amended.

⁽⁵⁹⁾ OJ L 10, 14.1.1997.

Due to the fact that historic references were used to determine the payments, direct aid is differentiated not only between EU-12 and EU-15 Member States, but between all Member States as well as between regions and between individual farmers (depending on the model of decoupled payment chosen).

In the Health Check we are proposing to give Member States the possibility to harmonize these differences internally. However, moving towards a harmonization across all Member States would not achieve its intended policy objectives. Direct payments are a tool of income support to farmers, and their level has to be evaluated in relation to the general economic level and developments in the EU Member States.

An alignment of the level of direct payments for all 27 Member States would, on average, boost farm incomes in the EU-12 and lower incomes in the EU-15. This would increase existing divergences in the development of agricultural incomes and incomes in other sectors of the economy. Agricultural incomes in the EU-12 have already grown strongly since EU accession and would surge ahead of other incomes with an EU-wide flat rate payment. In the EU-15, where agricultural incomes are already lagging behind those in other sectors, a flat rate payment would increase this gap.

Furthermore, when the various components of EU expenditure are put into the context of their share of Gross Domestic Product (GDP), it becomes clear that the EU-12 are not disadvantaged compared to the EU-15 with respect to agricultural support. In 2007, direct payments as well as market support were roughly at the same level in EU-12 and EU-15 Member States in terms of share of GDP. Rural development expenditure in the EU-12 was seven times higher than for the EU-15, and structural actions four times higher, when measured as shares of GDP.

These considerations show that flat rate direct payments would not be in line with the purpose of direct payments, which is to provide an adequate level of income support to farmers, because they would distort the relation between incomes in agriculture and in other sectors of the economy in the EU-12 as well as in the EU-15.

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Question no 76 by Jacky Hénin (H-0761/08)

Subject: Threats to the cohesion of the euro zone

The latest developments in the financial crisis on the other side of the Atlantic, and particularly the slump in the dollar against the euro, could sound the death knell for the high-added-value industries of the euro zone countries. Monetary dumping from the dollar area will destroy hundreds of thousands of skilled and highly-skilled jobs in the euro zone. The acuteness and extent of the crisis is such that it raises question marks over the cohesion and sustainability of the euro zone. Only the enormous cost to a state of leaving the euro zone is preserving the cohesion of the system.

What economic and political measures does the Commission plan to take to avert the future risk of a break-up of the euro zone?

Answer

Although the euro zone has been hit by a combination of severe external shocks, the euro has proved to be a powerful shield against them. Unlike in the seventies, these shocks are not amplified by the instability of internal exchange rates and interest rates. The emergency liquidity management by the European Central Bank (ECB) has been a major asset in the current extraordinary juncture. Moreover, no later than in the October ECOFIN Council, all EU ministers have called for a coordinated response to the current shocks, mirroring the Commission's call to strengthen economic governance expressed in its Communication on EMU@10⁽⁶⁰⁾. The Commission has proposed to broaden macroeconomic surveillance to better detect and monitor such divergences within the euro zone. For instance, this could imply a better assessment of competitiveness trends for each euro-zone Member State. In the same Communication, the Commission has called Member States to strengthen the economic governance of the euro zone, both on the domestic and external front, by making better use of the existing framework for economic policy coordination. In particular, domestic policies, given their prominent role, should not be conducted without consideration of their impact on neighbouring euro-zone countries.

⁽⁶⁰⁾ 'EMU@10: successes and challenges after 10 years of Economic and Monetary Union' COM(2008) 238 (final) of 7 May 2008.

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Question no 77 by Katerina Batzeli (H-0764/08)

Subject: Monitoring of agricultural subsidies for Greece

The Commission has announced its intention of cutting agricultural subsidies for Greece because of shortcomings in its national monitoring arrangements, indicating that it will proceed with this measure unless the Greek Government provides the necessary guarantees backed up by proof that the monitoring arrangements have been improved. Furthermore, it has recently been revealed that the Greek Audit Council has detected errors and lack of transparency regarding the administration of CAP subsidies and the national reserve, a situation for which the farmers themselves are not responsible.

What stage has been reached by consultations between the Commission and the Greek Government and what progress has been made in implementing the measures needed to avoid jeopardising subsidies for Greek farmers?

Has satisfactory progress been made in improving national monitoring arrangements so as to avoid subsidy cuts by the Commission?

What are the implications for Greek farmers of subsidy cuts resulting from administrative errors and shortcomings in the monitoring arrangements, a problem for which they themselves are not responsible?

Answer

The Greek authorities committed themselves in the context of an action plan established in spring 2006 to set up a new operational Land Parcel Identification System (LPIS) by the end of 2008.

An accurate LPIS is essential to ensure the correct management and control of area-based payments.

By letter of 16 July 2008, a letter was sent to the Greek authorities in view of launching the procedure aimed at suspending part of the payments to Greece for area-based agricultural and rural development aid measures because of continued shortcomings in its control system, mainly concerning the Land Parcel Identification System (LPIS). The Greek authorities have replied to this letter on 28 August 2008.

An audit mission in September 2008 showed that – despite some progress made – the setting up of this key element is not on schedule.

On this basis, the Commission continues to prepare for the suspension of payments as announced in July 2008.

It has to be stressed that a suspension will apply to the monthly reimbursement made by the Commission to the Greek paying agency. This does not reduce at all the obligation for the Greek authorities to pay to the farmers the amounts which they are entitled to at farmer level.

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Question no 78 by Catherine Stihler (H-0766/08)

Subject: The EU and the global financial crisis

We have recently seen unprecedented turmoil in the financial markets. Each day has brought an extraordinary development that would have seemed astonishing just the day before. The US investment bank Lehman Brothers was allowed to go bust while one of the world's largest insurers, AIG, was bailed out. A takeover of the UK's biggest mortgage lender, HBOS, was approved by the government to forestall a run on it by customers. Share prices crashed and then shot up again, and at the time of writing the United States administration is trying to put together a massive 3 trillion dollar rescue package.

Within its areas of competence, what action is the Commission taking to safeguard the interests of EU citizens with regard to the impact of the global financial crisis?

Answer

The Commission is committed to and active in safeguarding the interest of EU citizens both during and after the financial crisis. Citizens need adequate consumer, investor and deposit protection; well-functioning and

liquid banking markets able to lend to consumers, homeowners and businesses; and a productive economy based on growing businesses.

With this in mind, the Commission has been active on a large number of issues:

It has helped to establish a clear diagnosis on the roots of the crisis and the measures in order to remedy the weaknesses identified in the financial system. It has developed a Road Map agreed by Economic and Finance Ministers in October 2007 to improve market transparency, valuation, prudential requirements and to address the problems related to credit ratings and other market functioning issues;

The Commission has cooperated with finance ministries and supervisors, notably through the Economic and Finance Committee as well as through the Committees of Supervisors (Committee of European Banking Supervisors, Committee of European Insurance and Occupational Pensions Supervisors and Committee of European Securities Regulators) in order to ensure, as much as possible, concerted actions by Member States and the European Institutions. One important result is the euro area action plan of 12 October 2008 and its extension to the whole European Union. Thereby Member States are guaranteeing banks' funding and the functioning of the interbank market during an interim period, with the aim to restore confidence in financial markets;

The Commission has promptly initiated legislative action in order to improve the existing regulatory framework and has continued to work with the Council and Parliament to find compromises on important initiatives under negotiation:

- Solvency II: the Commission is working to achieve a compromise solution in the negotiations on the proposal. This Directive will modernise the solvency rules for EU insurance companies and strengthen the supervision of cross-border insurance groups.
- Capital Requirements Directive (CRD): The proposal for amendments to the CRD was adopted on 1 October 2008. This initiative covers critical areas, such as large exposures, supervision of cross-border groups, quality of banks' capital and risk management. It will fundamentally strengthen the regulatory framework for EU banks and the financial system.
- Deposit Guarantee Schemes: On 15 October 2008 the Commission made a proposal to revise EU rules on deposit guarantee schemes that puts into action the commitments made by EU Finance Ministers on 7 October 2008 in Luxembourg.
- Accounting: On the basis of a Commission proposal, Member States voted unanimously on 15 October 2008 on changes to accounting regulation including more guidance on fair value and examination of IAS-39 to reclassify financial instruments from the trading book to the banking book.
- Credit Rating Agencies: The Commission is finalising a legislative proposal concerning the conditions for the authorisation, operation and supervision of credit rating agencies in the EU for adoption by the College in early November 2008.
- Derivatives: The Commissioner responsible for Internal Market has announced that he wants to examine closely the derivatives markets and wants a solution in place for the clearing of credit derivatives before the end of the year.
- Future of European supervision: The Commission decided to establish a High Level Group on cross-border supervision in the EU chaired by Jacques de Larosière. The mandate and composition of the group will be published shortly.
- Finally, the Commission is ensuring that the work is internationally coordinated. The Commission is planning a conference with our international partners to reform the global financial system based on the principles of transparency, financial stability, responsibility, integrity and global governance.

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Question no 79 by Mikel Irujo Amezaga (H-0769/08)**Subject: ESF in Navarra (Spain)**

In its reply to my oral question H-0929/07⁽⁶¹⁾ on irregularities in the administration of the ESF on the part of the regional government of Navarra (Spain), the Commission said it would ask for further information from a number of authorities. Has the Commission received that information?

Has the Commission also examined whether there has been a breach of Articles 32, 34 and 36 of Regulation (EC) No 1260/1999⁽⁶²⁾ or of the requirements of paragraph No 1.7 in respect of expenditure eligible for subsidy in the Annex to Regulation (EC) No 1685/2000⁽⁶³⁾? In the absence in general terms of a mechanism for the validation and control of invoices and supporting documents, and in particular of those corresponding to expenditure charged to diverse operations, has the Commission examined whether there has been full compliance by that administration with Article 7(2) of Regulation (EC) No 438/2001⁽⁶⁴⁾? It may be recalled that it was the Cámara de Comptos (the audit tribunal for Navarra) which drew attention to the failure of the regional administration to equip itself with financial and accounting systems capable of ensuring the correction and separate registration of ESF expenditure, payments and revenue.

Answer

As indicated in the reply to the written question P-0619/08 of the honourable Member concerning the report of the Court of Auditors of the Autonomous Community of Navarra on "Funds received in Navarra from the European Union - Social Fund Area 1997-2003", the Commission asked the Managing Authority of the European Social Fund in Spain (UAFSE) for additional information on the content of the report and on the measures to remedy the irregularities detected by the Court of Auditors of Navarra.

The Commission underlines that the government of Navarra has withdrawn the amounts considered as non eligible for ESF part-financing corresponding to the controls performed under article 10 of Regulation (CE) 438/01 mentioned in the report of the Court of Auditors of the Autonomous Community of Navarra. Furthermore, UAFSE has informed the Commission that the Government of Navarra has already taken measures to improve the management of ESF in line with the conclusions and recommendations of the findings of the Court of Auditors of the Autonomous Community of Navarra. UAFSE has also underlined that the verifications carried out in the context of the UAFSE's annual control plan showed that the remedial measures were being applied.

However, in order to confirm whether Spain has taken the appropriate measures, the Commission has asked UAFSE to receive copy of the report on the verifications carried out by UAFSE as well as all the reports of the Regional Control Authority on the ESF in Navarra.

Lastly, the European Anti-Fraud Office (OLAF) has decided to open a monitoring case. The Commission recalls that OLAF has to ensure that economic operators are not being controlled by both the Commission and Member States' authorities at the same time on the basis of the same facts according to Community sectoral regulations or national legislation and therefore can open monitoring cases to follow national ongoing action.

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Question no 80 by Carl Schlyter (H-0770/08)**Subject: New research concerning bisphenols**

On 16 September 2008, new research (JAMA study) concerning bisphenol A was published showing that this substance can cause diabetes and heart damage. Bisphenol A is, inter alia, a key monomer in the production of polycarbonate plastic and epoxy resins. Polycarbonate plastic is used to make a variety of common products including baby and water bottles. Epoxy resins are used, inter alia as coatings on the inside of almost all food

⁽⁶¹⁾ Written answer of 11.12.2007.

⁽⁶²⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁶³⁾ OJ L 193, 29.7.2000, p. 39.

⁽⁶⁴⁾ OJ L 63, 3.3.2001, p. 21.

and beverage cans. New restrictions are currently to be imposed under Directive 76/769/EEC⁽⁶⁵⁾ in codecision. This Directive will be repealed by REACH on 1 June 2009. It will be practically impossible to prepare and conclude a co-decision process from now until the end of the legislature. Thus, there is currently a legislative paralysis at EU level with regard to the possibility of adopting new restrictions. Temporary national bans could possibly fill the gap.

Will the Commission ask its scientific committee to review its opinion on bisphenol A based on the new research?

Would a national ban be in accordance with EU-legislation, in particular considering the temporary incapacity of the EU to propose restrictions on substances that are not yet restricted?

Answer

The Commission is aware of recent research into the possible effects of Bisphenol A on human health. The use of substances in baby and water bottles is regulated by Commission Directive 2002/72/EC relating to plastic materials and articles intended to come into contact with foodstuffs⁽⁶⁶⁾, which sets a migration limit for Bisphenol A of 0.6 mg/kg food based on the risk assessment performed by the European Food Safety Authority (EFSA) in 2006. Following a request from the Commission, EFSA has confirmed the tolerable daily intake for Bisphenol A in its statement from 23 July 2008 taking note of the Canadian government's recent Draft Screening Assessment and the US National Toxicology Program's draft brief. In addition EFSA is asked to assess the relevance and implications of the recently published studies in the Journal of the American Medical Association⁽⁶⁷⁾. At this moment the Commission is of the opinion, on the basis of current scientific knowledge, that the migration limit is sufficient to protect the consumer from possible risks to health originating from Bisphenol A. Epoxy resins coating food and beverage cans are covered by national legislation.

Restrictions for other uses would indeed have to be adopted in the framework of Directive 76/769/EEC, which will be repealed and replaced by Title VIII and Annex XVII of REACH as of 1 June 2009. Currently, Directive 76/769/EEC does not contain any restrictions on Bisphenol A. A comprehensive risk assessment performed in the framework of Regulation (EEC) 793/93 was published in 2003 on the website of the European Chemicals Bureau, and an updated assessment was published in April 2008⁽⁶⁸⁾. The conclusions are that with regard to consumers there is no need for risk reductions measures beyond those already applied, but that there is a need for limiting the risks to worker involved in the manufacture of Bisphenol A, the manufacture of epoxy resins and in all occupational exposure scenarios where there is the potential for skin contact with high concentrations of Bisphenol A. As the risk assessment and the risk reduction strategy were not formally adopted under Council Regulation 793/93 (EEC), which was repealed on 1 June 2008, the Member State Rapporteur, in accordance with Article 136 (3) of REACH, has to submit all relevant documentation, including the risk assessment, and the strategy for limiting the risks to the European Chemicals Agency before 1 December 2008.

The Commission would like to clarify that there is no temporary incapacity of the EU to propose restrictions for substances that are not yet restricted by Directive 76/769/EEC. Whilst it is correct that pending the repeal of Directive 76/769/EC it is too late to complete a full co-decision procedure for a proposal for new restrictions under the Directive, the transitional provisions under Article 137 (1) (b) REACH would ensure the follow-up by the Commission of such a proposal, if not yet adopted by 1 June 2009. Rather than preparing national legislation, a Member State can start preparing a restrictions dossier in accordance with Annex XV of REACH, should this be deemed necessary. Following the procedures in REACH, the Member State could then notify its intention to the Agency and submit the Annex XV dossier immediately after entry into force of Title VIII (1 June 2009) in order to initiate the restriction process. Taking into account the deadlines provided in Articles 69 to 73 of REACH the overall time frame would be comparable to a full co-decision procedure.

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⁽⁶⁵⁾ OJ L 262, 27.9.1976, p. 201.

⁽⁶⁶⁾ OJ L 220, 15.8.2002, as last amended by Directive 2008/39/EC, OJ L 63, 7.3.2008.

⁽⁶⁷⁾ Lang et al. 2008: Journal of the American Medical Association, 300, 1303-1310

⁽⁶⁸⁾ Reports available at: <http://ecb.jrc.ec.europa.eu/esis/index.php?PGM=ora>, EINECS Number 201-245-8

Question no 81 by Ivo Belet (H-0774/08)**Subject: Job losses in the textile sector and EU Globalisation Fund**

In recent weeks a total of more than 1 000 redundancies have been declared or carried out in Belgian textile businesses (Bekaert Textiles: 281; Domo Zwijnaarde: 150; Ralos: 200, UCO: 351; Prado: 182; Beaulieu: 387 and so on). These job losses are the result of a combination of factors: the bad economic climate and competition from low-wage countries.

Can the Commission state whether use can be made in this case of the EU Globalisation Fund for the retraining, outplacement and reorientation of the workers concerned?

Answer

Article 2(b) of Regulation (EC) No 1927/2006⁽⁶⁹⁾ establishing the European Globalisation Adjustment Fund (EGF) provides for the possibility for the Member States to apply for EGF support in cases where at least 1 000 workers are made redundant over a period of nine months in a specific sector in one region or in two contiguous regions (defined at NUTS II level).

When applying for EGF support, the Member States must establish a link between the redundancies in the sector concerned and major structural changes in world patterns. This can be demonstrated by means of trade statistics indicating a substantial increase of imports into the EU or a rapid decline of the EU market share or by information demonstrating a delocalisation of production outside the EU.

Since the entry into force of the EGF Regulation, the Commission has received and positively assessed six applications for EGF support relating to redundancies in the textiles industry (four from Italy, one from Malta and one from Lithuania).

Training and re-training, outplacement and re-orientation of the workers concerned are active labour market measures that fall within the actions eligible for EGF support as defined in Article 3 of the EGF Regulation.

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Question no 82 by Gianluca Susta (H-0776/08)**Subject: Shoes**

In the last week of September, Italy's Guardia di Finanza (police whose duties include customs and excise enforcement) confiscated 1,700,000 pairs of shoes. The shoes seized bore counterfeit trademarks and 84,000 of them were wrongly labelled 'made in Italy'. Many of them were found to contain alarming levels of hexavalent chromium, a carcinogenic substance.

What is the Commission's opinion of the above incident? What measures does the Commission intend to take to prevent any further such incidents, which benefit certain kinds of commercial operators to the detriment of consumers?

What anti-dumping proceedings have the Commission opened against China with regard to textiles and shoes in the last two years?

Does the Commission consider that it should submit proposals to amend the existing legal framework to strengthen quality standards for textiles, shoes, cosmetics and similar goods imported from third countries and require them to be traceable?

Answer

The Commission is collaborating closely with the Presidency, on the establishment of a customs action plan to ensure effective border enforcement of Intellectual Property Rights. This action plan is part of a more global strategy as defined by the Council in its resolution on a comprehensive European anti-counterfeiting plan⁽⁷⁰⁾.

⁽⁶⁹⁾ OJ L 406, 30.12.2006

⁽⁷⁰⁾ OJ C 253, 4.10.2008.

As China is an important source of counterfeited goods, it is considered essential to strengthen customs cooperation with this country. The Commission is therefore also involved in the negotiating of a customs Action plan with China, to combat counterfeit and piracy.

Regarding anti-dumping, the Commission had imposed a definitive anti-dumping duty on imports of certain footwear with uppers of leather originating in the People's Republic of China and Vietnam in October 2006 which lasted for 2 years until October 2008. Currently, the Commission is conducting an expiry review of these anti-dumping measures. As to textiles originating in the People's Republic of China no anti-dumping proceedings have been carried out during the last two years.

Concerning the legislative framework and the safety of substances used for the production for clothing and footwear products, there is an obligation to label the fibre composition in textiles and clothing products placed in the EU market and to label materials used in footwear⁽⁷¹⁾. In addition, any textile or footwear product circulating in the EU have obviously to comply with the chemical legislation, in particular, with the provisions of the Limitations Directive⁽⁷²⁾, relating to restrictions on the marketing and use of certain dangerous substances and preparations. The Commission has urgently contacted the Italian authorities asking them for detailed information on the actual chromium content in the shoes seized.

It is important to note that whilst the current legal framework is considered adequate, both customs controls before goods are released for free circulation into the EU as well as market surveillance of products which are already in the market, are the sole responsibility of the Member States. Nonetheless, the Commission facilitates Member State efforts in both areas through a variety of activities, ranging from ensuring the operation of the RAPEX system (EU rapid alert system for dangerous consumer products established under the General Product Safety Directive⁽⁷³⁾) to training for enforcement officials and to financially supporting joint market surveillance actions.

Regarding cosmetics, the Cosmetics Directive⁽⁷⁴⁾ provides the safety requirements applicable for cosmetic product placed on the Community market, and this whatever its origin. In this field too, the Commission is supporting the coordination between Member States authorities for market surveillance and in particular at the borders controls.

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Question no 83 by Karin Riis-Jørgensen (H-0777/08)

Subject: Government guarantee to Irish banks

The Irish Government adopted emergency legislation this week giving six Irish-owned banks a government guarantee. This measure will presumably give those banks an advantage over foreign-owned competitors not covered by the guarantee, which are now watching their customers switch to Irish banks capable of providing depositors with a stronger, government-backed guarantee.

Is this a case of distortion of competition, with the Irish Government giving preferential treatment to nationally-owned over foreign-owned banks?

Answer

In view of the current situation in financial markets, the Commission shares Member States' concern to ensure financial stability and fully understands the need to take appropriate action.

This need was recognised in the Economic and Financial Affairs Council (ECOFIN) meeting of 7 October 2008, where the Ministers of Finance acknowledged the following principles:

– Interventions should be timely and the support should in principle be temporary;

⁽⁷¹⁾ Directive 96/74/EC, OJ L 32, 3.02.1997 & Corrigendum OJ L 5, 10.01.2006; Directive 96/73/EC, OJ L 32, 3.02.1997; Directive 73/44/EEC, OJ L 83, 30.03.1997; Directive 94/11/EC, OJ L 100, 19.04.1994 & Corrigendum OJ L 47, 24.02.1996

⁽⁷²⁾ Directive 76/769/EEC, OJ L 262, 27.09.1976

⁽⁷³⁾ Directive 2001/95/EC, OJ L 11, 15.01.2002

⁽⁷⁴⁾ Council Directive 76/768/EEC, OJ L 262, 27.09.1976

- The interests of taxpayers should be safeguarded;
- Existing shareholders should bear the due consequences of the intervention;
- The government should be in a position to bring about a change of management;
- The management should not retain undue benefits – governments may have inter alia the power to intervene in remuneration;
- Legitimate interest of competitors must be protected, in particular through the State aid rules;
- Negative spill-over effects should be avoided.

In order to achieve this objective without jeopardising the internal market, national measures must be well designed, necessary and proportionate to the challenge faced, and they must avoid harmful spill-over effects on competitors, and other Member States.

On 14 October 2008, the Commission issued guidance on the application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis. This will permit rapid assessment of the State aid compatibility of national recapitalisation or guarantee schemes, and of individual cases in which such schemes are applied.

The Commission has been in close contact with the Irish authorities on this case, in order that concerns about discrimination and a lack of appropriate limits and controls can be put aside. The Irish measures are now in line with the guidance issued by the Commission and consistent with the coordinated European response to the financial crisis agreed at the 7 October 2008 ECOFIN and the 12 October 2008 Eurogroup meeting and they have been approved by the Commission on 13 October 2008.

The case confirms the value of prior contact and ongoing dialogue with the Commission in order to design, from the beginning, schemes that can achieve their objective of preserving financial stability while also preserving a fair level playing field for other banks and Member States.

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Question no 84 by Rodi Kratsa-Tsagaropoulou (H-0779/08)

Subject: Medical checks on migrants entering and residing in the EU

According to the Portuguese Presidency's report on 'Health and Migration in the EU' (last six months of 2007), migrants and refugees arriving in the EU exhibit a higher rate of communicable and non-communicable diseases which they either bring with them from their countries of origin or develop later as a result of the sudden change in environment or difficult living conditions in the host countries.

In the light of the above data and the conclusions of the December 2007 Council meeting, and given the concern of local residents about public health in those regions taking in waves of illegal immigrants, will the Commission say which of the Portuguese Presidency's proposals it has implemented? Which are under consideration? What is the current situation in the Member States and what measures are being developed or planned in the EU in regard to monitoring and combating diseases when migrants enter the host countries and thereafter? What proposals or plans are there for protecting the health of those who work in reception centres for migrants?

Answer

(FR) The Commission has very carefully examined the important conclusions on health and migration within the EU under the Portuguese Presidency and continues to cooperate closely with the Member States in its monitoring.

As part of the revival of the social agenda and in the Community strategy on health, the Commission has announced its intention to present a communication on tackling health inequalities, in which the health requirements of migrants and other vulnerable groups will be an important consideration.

With regard to entry, the Schengen Borders Code stipulates that third-country nationals may enter if (inter alia) they are not considered to represent a threat to public health.

With regard to the legal residence of third-country nationals, all the existing directives contain provisions pursuant to which the Member States may refuse entry to their territory to third-country nationals for public health reasons. It should be noted that it is the responsibility of the Member States to define the notion of 'public health'.

In the case of asylum seekers, the Member States are obliged to ensure that these persons receive necessary medical care. The same applies in the case of third-country nationals granted international protection status. Furthermore, the Member States may stipulate that asylum seekers undergo a medical examination for public health reasons.

With regard to illegal immigration, the approach consists in providing for 'necessary health care' (which lies somewhere between emergency health care and full access to all health care).

Lastly, the Commission should like to remind the honourable Member that these subjects must be dealt with in full accordance with fundamental rights, in particular with Article 35 of the Charter of Fundamental Rights, which stipulates that everyone has the right to receive medical care under the conditions laid down by national laws and practices.

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Question no 85 by Pedro Guerreiro (H-0782/08)

Subject: Protection of production and employment in the textile and clothing sector in various EU Member States

The European Union and China have agreed to a joint surveillance system relating to exports of certain categories of textile and clothing products from China to EU Member States. As 31 December 2008 draws near, will the Commission state how it intends to avoid a recurrence after 2008 of what occurred in 2005 when textile and clothing imports from China rose exponentially? Does it intend to propose extending the double surveillance mechanism beyond 31 December 2008?

Thus far in 2008, which textile and clothing imports into the EU have shown the greatest increases in overall terms and specifically from China, and, in the latter case, within or outside the double surveillance system?

Answer

The purpose of the dual monitoring surveillance was to ensure a smooth transition in 2008 in the eight most sensitive categories. The Commission estimates that so far the aim has been achieved. The Commission, while still evaluating the situation, notes that current overall statistics do not suggest any particular disruptive situation in the market. Chinese textiles seem to be absorbed by the EU market as total textiles imports from all suppliers remain stable. This means that as in the past, China's share of EU imports is increasing once the categories are liberalised.

The Commission has been in close contact with all stakeholders and none – apart from a small number of Member States – has called for action. The EU industry has been given extra time to adapt to the new environment and seems to have been overall successful. It does not so far consider that the present situation requires any specific further action. On the other hand, China has also made it clear that it does not consider it appropriate to continue with the dual monitoring surveillance beyond 2008. However both EU and China agree to maintain a smooth development of trade in textiles and should to that end meet within the framework of the China-EU Textiles Dialogue at an early date.

An analysis of the textiles imports in the eight categories under double checking⁽⁷⁵⁾ and of the two categories that were subject to agreed growth levels excluded from the dual monitoring⁽⁷⁶⁾, from China and other main suppliers in 2006 and 2007 show that China has increased its import share in value in all ten categories. China was the first supplier either in value or volume or both in five categories in 2007. In 2008 the same trade pattern of shift is maintained and re-enforced, with China strengthening its position as main supplier overall.

⁽⁷⁵⁾ List of eight categories under dual monitoring surveillance system: Category 4 – T-shirts, Category 5 – pullovers, Category 6 – trousers, Category 7 – shirts, Category 20 – bed linen, Category 26 – dresses, Category 31 – brassieres, Category 115 – flax and ramie yarn.

⁽⁷⁶⁾ Category 2 – cotton fabrics and Category 39 – table and kitchen linen.

The effect of this shift and of the increase of the China factor in the EU textile import equation is mitigated by the fact that the overall EU textile and clothing imports from third countries has increased to a much lesser extent. In 2008, the greatest increases in the ten categories above occurred in imports from China in Categories 5, 26 and 39. Overall imports increases mainly in Categories 5 and 7.

The textiles sector is at the forefront of the Commission attention. The Commission will continue to monitor the market developments on the basis of the actual import statistics and of the customs monitoring.

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Question no 86 by Mihael Brejc (H-0783/08)

Subject: Administrative capacity

Every year the European Union gives considerable financial aid to poor countries to help them develop their economies and combat poverty, but often they do not know how to use it appropriately. A frequent reason for the inappropriate use of these funds is the poor administrative capacity in the countries concerned. In the context of this aid, are funds allocated specifically to improve the administrative capacity of the recipient countries.

Answer

The support to the development of administrative capacity in the partner countries is a major area of work for EC cooperation. It is also a key element of the international commitments on aid effectiveness The Paris Declaration on Aid Effectiveness (2005) and the Ministerial Declaration at the High Level Forum on Aid Effectiveness (Accra Agenda for Action – September 2008).

The Commission's support for the improvement and modernisation of the administrative capacity of the partner countries, currently defined as Technical Cooperation, is mobilized through various channels. Through projects specifically aimed at strengthening local administration. Through technical cooperation components in projects or (sectoral) programmes aimed at wider development results for example in the field of governance or infrastructure. Through sectoral or general budget support. The added value of budget support is that by making use of the partner country's systems at the same time it reinforces the administrative capacity of a partner country rather than creating parallel channels of public service delivery as may be the case for other aid modalities. The improved administration capacity is expected to deliver concrete results: resolve bottlenecks, change incentive structure, improve performance monitoring, adapt distribution of resources etc.

In addition budget support operations always include Technical Cooperation activities aiming directly at the reinforcement of public administration in particular services in charge of public financial management. In many cases the allocation for capacity building is an integral part of the total project/programme/budget support operation: for instance training on road maintenance in an infrastructure programme, capacity support to local government in a decentralisation programme, capacity building to the office of the Auditor General when providing general budget support.

Moreover within the aid effectiveness debate the question of 'how' to support capacity development better is gaining in prominence and attention. The Commission is now changing the way it designs and implements its Technical Cooperation which usually accompanies development programmes. The Backbone Strategy on Reforming Technical Cooperation and Project Implementation Units for External Aid provided by the European Commission⁽⁷⁷⁾ developed by EuropeAid in July 2008 aims at the provision of quality technical cooperation that supports the development of local and national capacities based on partner demand and focused on sustainable results.

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(77) http://www.cc.ccc/dgintranet/europeaid/activities/adm/documents/backbone_strategy_on_tc-pius_final.pdf

Question no 87 by Anne E. Jensen (H-0785/08)**Subject: Situation regarding the resignation of Members of the Commission**

There is an increasing tendency for Members of the Commission to resign before the end of their term of office. This was the case with Commissioner Kyprianou, Commissioner Frattini and now Commissioner Mandelson. This cannot be satisfactory for the continuity of the Commission's work.

Can the Commission provide information on the terms regarding pensions, termination of service, etc. for Members of the Commission who leave their posts early? Would these differ if they had completed their term of office?

Answer

A degree of turnover is not unusual for a political organisation such as the Commission. The Commission always seeks to minimise the disruption caused by such changes in the work of the College. The replacement of Commissioners is governed by Article 215 TEC. It is also covered by the Framework Agreement on relations between the European Parliament and the Commission.

Regarding pensions, transitional allowance and other entitlements, the rights for Members of the Commission who leave their posts early do not differ from those if they had completed their term of office.

A Commissioner is entitled to a transitional allowance for a three year period, family allowances, pension from the age of 65 years onwards, survivor's pension, resettlement expenses, travelling expenses, removal expenses upon leaving office.

Former Commissioners leaving office before the age of 63 continue to qualify for cover under the Joint Sickness Insurance Scheme on condition that they are not gainfully employed and cannot be covered by a national sickness insurance system. Commissioners resigning before the end of their term of office would therefore normally not qualify for cover under the Joint Sickness Insurance system.

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Question no 88 by Athanasios Pafilis (H-0787/08)**Subject: Greek lawyers summoned for questioning**

On the request of the French authorities a number of Greek lawyers were recently summoned to appear before the Athens Examining Magistrate, their business cards having been found in the possession of putative members of the Kurdish PKK fortuitously arrested in France. The Athens Bar Council and other hugely influential bodies have roundly condemned this inadmissible and unprecedented measure which effectively seeks to turn lawyers responsible for defending accused individuals into prosecution collaborators and anti-militant informers or even 'terrorist' suspects.

Does the Commission consider that the freedom on lawyers to engage in their profession and the principle of professional secrecy are being respected? Does it intend to dispense with the 'blacklist' of terrorist organisations and related 'anti-terrorist' legislation, which in fact are seriously undermining basic democratic freedoms?

Answer

The Commission is strongly committed to fighting terrorism.

Countering terrorism must go hand in hand with respect for human rights, including the right of defence and assistance by a lawyer. The freedom of lawyers to engage in their profession and the principle of professional secrecy must be fully respected.

As regards the so called 'blacklists', the Commission notes that Common Position 2002/402/CFSP concerning Al Qaida and the Taliban and Common Position 2001/931/CFSP concerning other terrorist groups and individuals, were approved in implementation of UN Security Council Resolutions which are binding for Member States in accordance with Article 25 of the UN Charter.

The related 'anti-terrorist' legislation concerns the freezing of assets (Regulations (EC) No 881/2002 and 2580/2001) and has been the subject of a judgement of the Court of Justice of 3 September. The Commission

concludes that the Court of Justice found that certain improvements in the designation process are necessary, but that there are no grounds to conclude that asset freezing would be illegal if such improvements are made.

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Question no 89 by Laima Liucija Andrikienė (H-0793/08)

Subject: EU priorities concerning Georgia Donors' Conference

What does the Commission plan to achieve at the Georgia Donors' Conference, which will take place in Brussels on 22 October 2008? What EU input is envisaged in the reconstruction and rehabilitation of Georgia? What are the EU priorities and how does the EU plan to implement them? What functions are envisaged for the Commission in the coordination and implementation of the international financial assistance for the rehabilitation and reconstruction of Georgia?

Answer

As mandated by the extraordinary European Council of 1 September 2008 and the General Affairs and External Relations Council of 15 September 2008, the Commission has been working on contributing to providing support to Georgia. In line with this, the Commission has been preparing an Economic Recovery and Stabilisation package and organising the international donors' conference for Georgia in cooperation with the World Bank on 22 October 2008 in Brussels. EU Member States, key international donors, International Financial Institutions as well as international and United Nations (UN) agencies have been invited to attend the donors' conference. The aim of the conference will be to collect pledges from donors to help Georgia address the key challenges it faces after the August 2008 conflict.

At the Conference, the Commission will present its assistance package of up to €500 million covering the period 2008-2010. This package demonstrates the EU's commitment to address needs related to the conflict.

The Commission has identified priorities and is working on identifying projects, in line with the World Bank-UN Joint Needs Assessment Report and the UN Flash Appeal (which is actually included in the Joint Needs Assessment). Commission's priority areas for assistance are on the most immediate needs such as resettlement of internally displaced persons (IDPs); rehabilitation and economic recovery; macro-financial stabilisation; and infrastructure support. Subsequently, Commission have taken contact with the Georgian government and international donor organisations to discuss and coordinate with their plans. The donors' conference will also provide the opportunity to take stock of individual plans and programmes of all the donors, which would then constitute the basis of Commission's future and continuous cooperation with them.

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