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QUESTIONS AU CONSEIL

(La Présidence en exercice du Conseil de l'Union européenne est seule responsable de ces réponses)

QUESTIONS TO THE COUNCIL

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

Question no 6 by Seán Ó Neachtain (H-0052/09)

Subject: Economic crisis

What initiatives is the Czech Presidency putting in place to ensure that the European Union will adopt a united front in the face of the economic crisis?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Czech Republic took over the Presidency of the Council in very difficult times for the European and global economy. As a consequence of the global financial crisis and slowdown in economic growth, we are faced with unprecedented economic challenges to which a swift, adequate and coordinated response is required. The present situation will test European economic and political integration. We are fully committed to ensuring that the EU emerges from this crisis stronger and more united.

The Presidency considers that co-ordination and proper implementation of agreed measures remain key elements for further action. Where rapid economic and financial development opens up new challenges, co-ordination enables immediate exchange of views and concerted action. Where political steps were taken by previous Presidencies, the Czech Presidency focuses on proper implementation and close monitoring of these decisions so that tangible results are delivered.

On coordination, several initiatives have been undertaken in the Council under the leadership of the Czech Presidency with the aim to tackle new challenges.

Question no 7 by Eoin Ryan (H-0054/09)

Subject: Volunteerism in sport

In its work programme, the Czech presidency emphasised the importance of sports. What concrete measures is the Council taking or will the Council take to assist and encourage volunteerism in sport and to ensure that sports that rely on the input of volunteers for their operation and survival are supported?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

While fully recognising the importance of volunteering in sport, the Council would like to draw the attention of the Honourable Member to the fact that the EC Treaty provisions do not give the EU a specific competence for sport. The Council is therefore not in a position to take concrete measures related to the issues mentioned by the Honourable Member.

The Presidency, on the other hand, plans to continue the regular informal cooperation between Member States in this field. An informal meeting of Directors of Sport will be organised in the Czech Republic in April 2009. Volunteerism in sport, especially in the context of day-to-day sports activities, will be one of the central themes addressed during that meeting.

Visions and concepts of volunteering in sports vary considerably across different Member States. In many of them, volunteers hold positions of information officers and organizers of main sports events – such as EURO (football), World Cups or Olympic Games. In others, volunteers work regularly as coaches in non-profit sport organizations, guide children, youth, grown-ups and seniors in physical activities etc. The aim of the informal meeting is to cover the whole range of activities of volunteers and to map the current situation in volunteering in the respective Member States. In order to achieve that, we intend to distribute a brief questionnaire, the results of which will be presented in April. The questionnaire was prepared together with the ENGSO and European Commission. At the same time we plan to present best practice examples from national level, including the UK one on preparation of volunteers for London Olympic Games 2012.

Our goal is to support the work of volunteers, to improve its recognition in society and to recommend improvements of legal environment for their work. All of this is in accordance with the efforts to establish the year 2011 as the European Year of Volunteering, which enjoys our full support.

Question no 8 by Jim Higgins (H-0056/09)

Subject: Funding of Libertas political group

Is the Council concerned at the decision by the Libertas political party to sponsor candidates in all the Member States and is it of the opinion that the EU funding should be made available to Libertas?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Honorable Member's attention is drawn to the fact that the funding of parties and candidates at European Parliament elections is regulated at the national level, and is therefore a matter for each Member State. It is not therefore appropriate for the Council to comment on the decision made by Libertas to sponsor candidates to European Parliament elections in different Member States.

The Council would nevertheless point out that, in conformity with Article 191 of the EC Treaty, the European Parliament and the Council adopted regulation 2004/2003 covering the funding of political parties or political foundations at the European level, which was amended in December 2007.

This regulation sets out the possibility of funding from the EU budget of political party or foundations that, through their activities, respect the principles on which the European Union is founded, namely the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, and attain a certain level of representation in at least one quarter of Member States.

In this context, I would recall that, on the basis of this regulation and in order to receive funding from the general budget of the European Union, a political party at European level has to file an application with the European Parliament and it is for the European Parliament to adopt a decision whether or not to authorise funding.

Question no 9 by Avril Doyle (H-0058/09)

Subject: Progress at the Tenth Global Ministerial Environment Forum

The Tenth Global Ministerial Environment Forum was scheduled for Nairobi, Kenya, from 16 to 25 February 2009. Could the Czech Presidency please report back on the progress made at this meeting and particularly on the climate change agenda?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The 25th session of United Nations Environment Programme's Governing Council/10th Global Ministerial Environment Forum (GC UNEP/GMEF) took place at UNEP Headquarters in Nairobi (Kenya) from 16 to 20 February 2009, against a backdrop marked by the global economic and financial crisis, on the one hand, and the recent change in US administration on the other hand.

In this meeting, environment leaders acknowledged the need to rethink the economy in environmental terms, as captured in UNEP's motto for that session: "Green is the new big deal."

The most important decision taken was the agreement to set up an Intergovernmental Negotiating Committee tasked with preparations of a global legally binding instrument to control the use of mercury, to start in 2010 with a goal of completing its work by 2013. This instrument will seek to reduce the supply of mercury, its use in products and processes, and also mercury emissions.

The other salient point of the session is in the form of a decision to establish a small group of ministers and high level representatives to examine ways of improving the overall architecture of international environment governance and re-launch the debate at a political rather than technical or diplomatic level. In this framework, it should be recalled that the EU regularly promotes the strengthening of international environmental governance.

Another point that should be underlined is the decision on the confirmation of the continuation of the process to explore mechanisms to improve the science-policy interface for biodiversity and ecosystem services that offers an opportunity to bring the scientific community closer together in order to deliver better options for future international environmental cooperation.

Regarding climate change in particular, it should be recalled that this issue was not on the agenda for this 25th session. Nevertheless, it is important to note the adoption of decisions on developing cooperation and in particular the decision on Support to Africa in different environmental issues. All these decisions were actively supported by the European Union.

The support for closer environmental cooperation was also demonstrated by the EU and African Ministers during the Environment Meeting on the margin of the 25th session of the UNEP, organized by the Presidency, where the climate change was also touched as Africa is, regarding this issue, a particularly vulnerable continent.

Anfrage Nr. 10 von Bernd Posselt (H-0060/09)

Betrifft: Europafahne und Europahymne

Was tut der Rat, um die Europafahne und die Europahymne noch stärker als bisher in den EU-Mitgliedstaaten bekanntzumachen und zu popularisieren, und was hält die Präsidentschaft von der Idee, der schon 1926 von dem tschechoslowakischen Staatsbürger Richard Graf Coudenhove-Kalergi proklamierten Europahymne auch einen Text zu geben?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

As the Honourable Member is surely aware, the emblem of a circle of gold stars on blue background was initially adopted in December 1955 by the Council of Europe. Subsequently, the Communities' institutions began to use that emblem on 29 May 1986, following an initiative of the Heads of state and government at the European Council of June 1985.

The same goes for the Beethoven's prelude to the "Ode to Joy", which was adopted by the Council of Europe in 1972 as its own anthem. Subsequently, following the abovementioned initiative in June 1985, it was adopted as the anthem of the European institutions.

Let me stress that the question of increasing familiarity with, and the popularity of the emblem and anthem in each Member State remains entirely under the responsibility of the respective Member State and that the Council has not undertaken any particular action to communicate expressly on this issue. Nevertheless, the Council uses, when appropriate, the emblem and the anthem.

Finally, the question of providing the European anthem with words has never been discussed within the Council.

Ερώτηση αρ. 11 της κ. Μαρίας Παναγιωτοπούλου-Κασσιώτου (H-0062/09)

Θέμα: Πολιτικές φιλικές για την οικογένεια

Κατά τις προγραμματικές της δηλώσεις, η Τσεχική Προεδρία τονίζει ότι κάθε άνθρωπος δεν αποτελεί μόνο μέρος του εργατικού δυναμικού, συμβάλλοντας με τον τρόπο αυτό στην οικονομική ευημερία της κοινωνίας, αλλά και ως γονέας επενδύει χρόνο, ενέργεια και χρήματα για τη φροντίδα και την ανατροφή των παιδιών, του μελλοντικού δηλαδή ανθρώπινου κεφαλαίου.

Στο πλαίσιο αυτό, ερωτάται το Συμβούλιο με ποιά μέτρα προτίθεται να προωθήσει την ποιότητα πολιτικών φιλικών για την οικογένεια και να ενισχύσει το δικαίωμα των ευρωπαίων πολιτών για ελεύθερη επιλογή και αυτονομία στον τρόπο ανατροφής και εκπαίδευσης των παιδιών;

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Honourable Member has raised a very important question. We all recognise the difficult challenges involved in seeking to balance professional commitments with family responsibilities and private life.

Firstly, I would like to recall that the reconciliation of work and family life is an issue that the Council has visited on a number of occasions. The Czech Presidency is no exception. During the informal meeting of the Ministers for Family Affairs (Prague, 4-5 February 2009), we have opened the discussion on Barcelona targets in the area of childcare for children in the pre-school age, which were set only quantitatively in 2002. The Czech Presidency puts emphasis on the qualitative aspects of childcare as well as the implementation of the so far neglected principles of the best interest of the child and the autonomy of the family pertaining to decisions on reconciliation of professional, private and family life. The Czech Presidency also emphasises the indispensable role of parents in early childcare.

The Council has also already adopted legislation aiming to make the world of work more family-friendly. In this sense, Council directive 92/85/EEC concerning maternity leave guarantees female workers a minimum of 14 weeks of maternity leave. The Parliament and the Council are currently working together as co-legislators on a new Commission proposal to update the maternity leave Directive, the Commission having proposed to extend the minimum period of maternity leave from 14 to 18 weeks, so as to help the worker to recover from the immediate effects of giving birth, while also making it easier for her to return to the labour market at the end of her maternity leave. The Czech Presidency considers this legislative proposal to be one of its priorities and would like to find a consensus of the Member States within the Council in the following months.

The Council moreover looks forward to working with the European Parliament on the Commission's proposal for a new Directive to replace the existing Council directive 86/613/EEC concerning equality between women and men in the area of self-employment. In its Report on the implementation of Directive 86/613/EEC, the Commission concluded that the practical results of the implementation of the Directive were not entirely satisfactory when measured against the prime objective of the Directive, which was a general improvement in the status of assisting spouses.

The Commission has therefore proposed that so-called assisting spouses should, if they choose so, be granted the same level of social protection as self-employed workers currently enjoy. Moreover, personal choice as regards the reconciliation of work and family life is at the centre of the discussion, the Commission having proposed giving self-employed workers the option of enjoying the same maternity leave rights as employees.

As the Honourable Member has said, our children are our future. Reconciling work and family life is one of the hardest challenges faced by working families in Europe today. The Council is determined to play its part in helping our citizens to make their own choices as regards the reconciliation of work and family life.

Question no 12 by Gay Mitchell (H-0064/09)

Subject: Gaza and the West Bank

What plans does the Council have for trying to bring peace and humanitarian aid to Gaza and the West Bank?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council takes the humanitarian situation in both Gaza and the West Bank very seriously. Favourable living conditions are crucial to the stability on the Palestinian territories. It therefore agreed on 26 January 2009 that the European Union would focus its support and assistance on the following: immediate humanitarian relief for the population of Gaza, prevention of illicit trafficking in arms and ammunition, sustained re-opening of crossing points on the basis of the 2005 Agreement on Movement and Access, rehabilitation and reconstruction and the resumption of the peace process.

The actual delivery of EU humanitarian assistance is a matter for the Commission, which can provide detailed information about its activity and those of its partners, in particular UNRWA and other UN agencies and the ICRC. The EU has called on Israel on a number of occasions to allow for the unobstructed delivery of humanitarian assistance into Gaza. In its conclusions of 26 January 2009, the Council expressed the EU's readiness to reactivate the EU Border Assistance Mission EUBAM Rafah as soon as conditions allow and to examine the possibility of extending its assistance to other crossing points as part of the EU overall engagement. Furthermore, the EU supported and actively contributed to the "International conference in support of the Palestinian economy for the reconstruction of Gaza" hosted by Egypt on 2 March 2009, where the international community pledged almost 4500 million USD, with the EU as a major donor. Here, again, the essential prerequisites for a successful and sustained reconstruction of Gaza were stressed both by the Czech Presidency, speaking on behalf of the 27 Member States, and by the High Representative for the CFSP Mr. Solana. The PEGASE mechanism, presented at the Donor Conference by the Commission (Mrs. Ferrero-Waldner), represents a particular EU initiative aimed at a targeted channelling of the aid to Gaza under the control of the Palestinian National Authority.

As far as the West Bank is concerned, the EU resumed relations with the institutions of the Palestinian Authority in mid-2007. It is the largest donor providing direct financial and technical assistance to the Palestinian Government. Its mission EUPOLCOPPS focuses on advice and training in the fields of security and judicial sector reform. The Palestinian

Authority has proved to be a reliable and efficient partner, preventing further escalation of the situation in the West Bank during the Gaza war.

The Council strongly encourages intra-Palestinian reconciliation behind President Mahmoud Abbas, which is a key for peace, stability and development and supports the mediation efforts of Egypt and the Arab League in this respect.

Moreover, the Council is convinced that peace in the region can only be achieved through the completion of the peace process leading to an independent, democratic, contiguous and viable Palestinian state in the West Bank and Gaza, living side by side with Israel in peace and security. In order to fulfil this perspective the Council reiterates its call on both parties to comply with their obligations under the Roadmap and at Annapolis. Considering the Arab Peace Initiative to be a solid and appropriate basis for a comprehensive resolution of the Israeli-Arab conflict, the EU is committed to work with the Quartet, the new US-administration and Arab partners to this end. The Council welcomes the immediate nomination and engagement of the new US-special envoy for the Middle East, Mitchell, in the region and is ready to closely cooperate with him.

Ερώτηση αρ. 13 του κ. Δημητρίου Παπαδημούλη (H-0066/09)

Θέμα: Πολιτικά, διπλωματικά και οικονομικά μέτρα εις βάρος του Ισραήλ

Ο Γεν. Γραμματέας των Ηνωμένων Εθνών (HE) δήλωσε σοκαρισμένος από τις ανθρώπινες απώλειες και τον βομβαρδισμό της κύριας υπηρεσίας αρωγής των HE προς τους Παλαιστίνιους (UNRWA) στη Γάζα. Ήδη η Διεθνής Αμνηστία ζήτησε έρευνα για την ισραηλινή επίθεση στο κτήριο των HE, καθώς και για τις συνεχείς στοχευμένες επιθέσεις εναντίον του άμαχου πληθυσμού, υποστηρίζοντας ότι πρόκειται για εγκλήματα πολέμου. Εκφράστηκαν επίσης φόβοι για την χρήση από το Ισραήλ βομβών λευκού φωσφόρου, μιας τοξικής ουσίας που προκαλεί βαθιά εγκαύματα, και απαγορεύεται η χρήση της εναντίον πληθυσμών, σύμφωνα με Πρωτόκολλο της Σύμβασης της Γενεύης για τα συμβατικά όπλα.

Ποιες πρωτοβουλίες θα αναλάβει το Συμβούλιο για την παραπομπή του Ισραήλ στο Διεθνές Δικαστήριο της Χάγης για εγκλήματα πολέμου εναντίον των Παλαιστίνιων, παρότι το Ισραήλ δεν το αναγνωρίζει; Ποια πολιτικά, διπλωματικά και οικονομικά μέτρα θα λάβει εις βάρος του Ισραήλ για να σταματήσει την πολιτική γενοκτονίας των Παλαιστίνιων και να απαιτήσει αποζημιώσεις για τις καταστροφές υποδομών που έχει χρηματοδοτήσει η Ευρωπαϊκή Ένωση στα παλαιστινιακά εδάφη;

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

From the very beginning of the Gaza conflict the Presidency of the Council has repeatedly expressed its grave concerns about the civilian casualties and has condemned attacks on UN facilities.

The Honourable Members' attention is drawn to the following conclusions adopted by the Council on 26-27 January 2009: "The European Union deeply deplores the loss of life during this conflict, particularly the civilian casualties. The Council reminds all parties to the conflict to fully respect human rights and comply with their obligations under international humanitarian law and will follow closely investigations into alleged violations of international humanitarian law. In this regard it takes careful note of the statement by UNSG Ban Ki-moon to the Security Council on 21 January."

The Council continues to raise its serious human rights concerns with Israel in the framework of all high-level meetings, most recently during the EU Foreign Ministers' dinner with Israeli Foreign Minister Tzipi Livni on 21 January 2009. Furthermore the Presidency of the Council, together with the European Commission and the High Representative for the CSFP, have jointly called upon Israel on several occasions to facilitate the access and delivery of humanitarian and reconstruction aid into Gaza.

In general, the Council considers it vital to keep all channels of diplomatic and political contact open and believes that positive persuasion and dialogue is the most effective approach for conveying messages from the EU.

Întrebarea nr. 14 a doamnei Silvia-Adriana Țicău (H-0067/09)

Subiect: Promovarea eficienței energetice și a energiilor regenerabile

La Consiliul European din primăvara anului 2008, șefii de stat și de guvern au stabilit revizuirea viitoare a directivei privind taxarea energiei pentru a promova creșterea procentului pe care îl reprezintă energiile regenerabile din totalul energiei utilizate.

Creșterea eficienței energetice este una dintre soluțiile cele mai rapide, sigure și ieftine pentru reducerea dependenței UE față de sursele de energie din țări terțe, pentru reducerea consumului de energie, a emisiilor de CO₂ și a cheltuielilor cetățenilor europeni pentru plata facturii la energie.

În contextul necesității de a crește eficiența energetică, aș dori să întreb Consiliul Uniunii Europene dacă are în vedere ca pe ordinea de zi a Consiliului European din primăvara anului 2009 să fie incluse și revizuirea directivei privind taxarea energiei, revizuirea cadrului european de reglementare pentru TVA și revizuirea cadrului european de reglementare a fondurilor structurale, având ca obiectiv promovarea eficienței energetice și a energiilor regenerabile.

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The 2009 Spring European Council will be invited to agree on a set of concrete orientations, aimed at enhancing the Union's energy security in the medium and longer term. This will include efforts aimed at promoting energy efficiency in the framework of the 2nd Strategic Energy Review. However, it is not the intention, at this stage, for the European Council to address specifically issues such as the review of the Energy Taxation Directive, of regulatory framework for VAT and of the framework for Structural Funds.

Regarding the review of the Energy Taxation Directive, the Commission has indicated that it will present a communication and proposals on "green" VAT rates for the beginning of April 2009, after the Spring European Council. The exam of the Communication will start in the competent instances of the Council as soon as the Council will receive it.

As for the regulatory framework for VAT, the Council reached yesterday an agreement on reduced VAT rates that should apply to Labour Intensive Services. This issue will be further discussed at the Spring European Council on 19th and 20th March.

Finally, as to the Framework for structural funds, the Council has reached an agreement on a Commission proposal on the European Regional Development Fund in order to allow additional energy efficiency products to be eligible. Energy efficiency is the most cost-effective way of reducing energy consumption while maintaining an equivalent level of economic activity.

In this context it is imperative to intensify action to improve the energy efficiency of buildings and energy infrastructure, to promote green products and to support the automotive industry's efforts to promote more eco-friendly vehicles.

Zapytanie nr 15 skierowane przez Bogusław Sonik (H-0071/09)

Przedmiot: Zróżnicowane progi alkoholu we krwi u kierowców na terenie Unii Europejskiej

Już w 1988 r. Komisja Europejska zaproponowała zmiany w zakresie minimalnego poziomu we krwi dla prowadzących pojazdy mechaniczne, które w kolejnych latach nie zostały zaakceptowane. W wielu krajach Unii Europejskiej, na przykład na terenie Wielkiej Brytanii, Włoch, Irlandii czy Luksemburga górne limity poziomu alkoholu we krwi dla kierowców to 0,8 mg/l. Na Słowacji czy na Węgrzech, które zabraniają prowadzenia pojazdu po spożyciu nawet najmniejszej ilości alkoholu, prowadzenie pojazdu pod wpływem takiej ilości stanowiłoby poważne przestępstwo. Zasady prowadzenia pojazdów mechanicznych, określone w Polsce ustawą z 20 czerwca 1997 r. Prawo o ruchu drogowym Dz.U. z 2005 r. nr 108, poz. 908 z późn. zm., ustalają, że dopuszczalna ilość alkoholu we krwi u kierowcy to 0,2 mg/l.

Czy w kontekście tendencji do ujednolicania przepisów ruchu drogowego na terenie Unii Europejskiej Rada Unii Europejskiej ma zamiar podjąć działania w celu ujednolicenia dopuszczalnych progów alkoholu we krwi u kierowców na terenie państw Unii Europejskiej?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

One of the main objectives of the common transport policy is to contribute effectively to the reduction of traffic accidents and resulting casualties, and to the improvement of traffic conditions. In its resolution of 26 June 2000, the Council underlined that it was essential to achieve progress on a certain number of road safety measures including ones relating to the problem of drunken driving. In April 2001, the Council adopted conclusions on the Commission Recommendation of 17 January 2001 on the maximum permitted blood-alcohol content (BAC) for drivers of motor vehicles. In these conclusions, Member States were encouraged to consider carefully the measures mentioned by the Commission recommendation, which suggested inter alia to set a maximum blood-alcohol limit of 0,2 mg/ml for drivers who are at much higher risk of accident because of their lack of experience in driving on the roads. At the same time, in the aforementioned conclusions of April 2001, the Council noted that some Member States considered that the maximum permitted blood-alcohol content falls under the principle of subsidiarity and should thus be regulated at national level.

In its conclusions of 8-9 June 2006, the Council agreed on the need to strengthen road safety measures and initiatives at Community or Member States' level to combat drink/drug driving, inter alia through measures concerning cross-border enforcement of offences. In this context, the Council considered measures to combat drink/drug driving as being particularly relevant.

Otázka č. 16 od Zita Pleštinská (H-0077/09)

Vec: Harmonizácia preukazov zdravotne postihnutých osôb v rámci EÚ

Mottom českého predsedníctva je "Európa bez bariér". V súčasnosti však stále existujú v rámci EÚ rôzne pravidlá pre uznávanie preukazov ZŤP (zdravotne ťažko postihnutých osôb). Systém vzájomného uznávania v tejto oblasti nefunguje. Mnohí postihnutí spoluobčania majú problémy v zahraničí napr. pri parkovaní, keď nemôžu zaparkovať na vyhradených parkoviskách pre postihnuté osoby.

Neuvažuje predsedníctvo nad možnosťou harmonizovať preukazy ZŤP v rámci EÚ na podobnej báze, ako je vydávaný Európsky preukaz zdravotného poistenia?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Honourable Member has raised a very important question. The mobility of our citizens lies at the heart of the European project and the Council is aware of the special needs of persons with disabilities in this area.

As regards the harmonisation of identity cards which may also indicate that the holder has a disability, it is recalled that the question of general identity cards, as such, remains a national responsibility, some Member States not issuing such cards at all.

Medical data and information regarding the holder's disabilities are not contained in the European Health Insurance Card either, as such a card has been established with a view to simplifying procedures, without impinging upon areas of national competence in respect of the organisation of health care and social security.

As the Honourable Member may recall, the Council already took action ten years ago to facilitate the cross-border mobility of persons with disabilities within the EU. Based on the Commission's proposal, the Council adopted a Recommendation introducing a standardised parking card that lends itself to EU-wide recognition. The Council amended the Recommendation last year, to take into account the enlargements of the EU in 2004 and 2007.

The Council's goal has been to ensure that the holder of the standard disability parking card can use disabled parking facilities in any Member State.

Klausimas Nr. 17, pateikė Justas Vincas Paleckis (H-0080/09)

Tema: Dėl ekonominės krizės pamokų

Europos Sąjungos ateitis daug priklausys nuo naujos biudžeto perspektyvos 2013 – 2019 metams, kuri dabar formuojama, prioritetų.

Koks Tarybos požiūris į šiuos svarbius ES šalims ir visai ES klausimus: kaip biudžeto perspektyvoje atspindės dabartinės finansų, energetikos, maisto krizės, kurią dabar išgyvename, pamokos? Kaip turėtų būti formuojama biudžeto perspektyva, kad ateityje tokių krizių grėsmė būtų sumažinta ar net visai pašalinta?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Honourable Member is of course right in pointing to the need for the European Union to draw the lessons from the financial, energy and food crises.

However, work on the next financial perspectives is not expected to begin until 2011. It is therefore too early for the Council to take a specific position on how exactly they should reflect these lessons.

It should also be borne in mind that the Commission will be producing this year a review of the current financial perspectives and it is most likely that the ensuing debate will touch upon these issues.

In the meantime, the Council, working closely with the European Parliament, has been active in seeking to take appropriate measures to deal with the present crisis as well as to prevent future ones.

In some cases these measures have entailed budgetary support from the Union. For instance we are mobilising additional funds to support investment in energy and broadband infrastructures in response to the economic and energy crises. We also established a "Food Facility" to assist developing countries in boosting their agricultural productivity, in response to last year's food crisis.

But the Union's response to these crises should not be reduced to its financial input, which is necessarily limited in sheer volume.

And indeed, a large part of our action aimed at preventing future financial crises is of a regulatory nature. For instance, the Solvency II Directive, the revised Capital Requirements Directive and the UCITS Directive will contribute to strengthening the rules on the prudential supervision of financial institutions. Another example of our regulatory response, in this case in reaction to the energy crisis, is the forthcoming revision of the Gas Supply Directive, which will increase the Union's resilience to disruptions of gas supply.

In other cases yet, the role of the Union in responding to crises has been focused on promoting a cooperative framework, between the 27 Member States, but also more widely, on the global scene. Whether in response to the financial crisis, to the energy crisis or to the food crisis, the EU has sought to work closely with the international community in order to devise a global response.

Question no 18 by Marianne Mikko (H-0083/09)

Subject: Declaration on the proclamation of 23 August as European Day of Remembrance for Victims of Stalinism and Nazism

This summer, 70 years will have passed since the notorious Molotov-Ribbentrop Pact. The Molotov-Ribbentrop Pact of 23 August 1939 between the Soviet Union and Germany divided Europe into two spheres of interest by means of secret additional protocols. Declaration 0044/2008 to preserve the memory of the victims of the consequences of this Pact got the support of 409 Members of the European Parliament from all political groups. It was announced by the President of the European Parliament on 22 September 2008 and was forwarded together with the names of the signatories to the parliaments of the Member States. The influence that the Soviet Union occupation had on the citizens of the post-Soviet States is not well known in Europe.

On 18 September 2008, the Bulgarian Parliament adopted a resolution making 23 August the remembrance day for victims of Nazism and Communism. What steps has the Presidency taken to encourage other Member States to commemorate this sad day?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council and its Presidency are aware of the European Parliament's Declaration proposing that 23 August be proclaimed European Day of Remembrance for victims of Stalinism and Nazism. As the Honourable Member herself recalls, this Declaration was addressed to the parliaments of the Member States. Other than the information supplied by the Honourable Member regarding the Bulgarian parliament, the Council has no information on how the national parliaments of the other Member States may have reacted to this proposal, nor has this question been raised in the Council.

The Czech Presidency is very committed to this issue – support for the proclamation of the Remembrance Day for victims of Nazism and Communism is in accordance with its long term effort to strengthen the European dimension of commemoration of the totalitarian past. The Presidency is organizing a Public Hearing in the European Parliament on “European Conscience and Crimes of Totalitarian Communism: 20 Years After”, which will take place in Brussels on 18th March. Totalitarian experience will be discussed by experts from EU Member States, as well as top representatives of the Presidency and the EU Institutions.

The 20th Anniversary of the Fall of Iron Curtain is closely linked to the Presidency's motto “Europe Without Barriers”. The Presidency has therefore initiated this theme to become one of the EU's communication priorities for 2009. The Presidency firmly believes that one should not only commemorate the “20 years” as an important milestone of the European history, but also use this historical experience to educate on and promote human rights, fundamental freedoms, the rule of law and other values on which the EU is founded.

Ambition of the Czech Presidency is to reinforce the common European dimension of recalling the totalitarian past prior to 1989 also via strengthening the Action 4 - Active European Remembrance of the Europe for Citizens program, which aims to commemorate victims of Nazism and Stalinism.

The long-term goal is to create at the European level a platform of European memory and conscience linking up existing national activities and promoting joint projects and exchanges of information and experience, preferably with the EU support. This year's 20th anniversary of the fall of the Iron Curtain and the Czech Republic's EU Council Presidency is a perfect occasion for launching such an initiative. Nevertheless, this is almost certain to be a long-term process extending beyond the Czech Presidency.

Question no 19 by Jens Holm (H-0089/09)

Subject: Anti-Counterfeiting Trade Agreement (ACTA)

ACTA will contain a new international benchmark for legal frameworks on what is termed 'intellectual property' right enforcement. ACTA is de facto legislation. A spokesman for the US Government has said that treaty language will only be

made public after the parties have agreed to the actual text¹. If this is true, parliaments will not be able to scrutinise ACTA. ACTA will set a precedent of secret legislation, whereas legislation has to be as open as possible in the EU.

I would like to ask the Council the following questions:

Will the final draft be published prior to political agreement in the Council? Will parliaments have enough time to scrutinise ACTA prior to political agreement in the Council? Can the Council ensure that ACTA is not quietly passed during parliamentary recess?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The multilateral Anti-Counterfeiting Trade Agreement (ACTA) aims to establish a common standard for enforcement of Intellectual Property Rights (IPR) in order to combat global infringements to those rights - in particular counterfeiting and piracy - and to provide an international framework that improves the enforcement of intellectual property rights. These goals are pursued through three key components of ACTA: international cooperation, enforcement practices and a legal framework for enforcement of IPRs.

On 14 April 2008, the Council authorised the Commission to negotiate the agreement. However, for matters falling within the competence of Member States, including inter alia the provisions on the enforcement of intellectual property rights in criminal law, the Presidency shall endeavour to conclude a common position with a view to taking forward the negotiations on behalf of the Member States.

The Commission conducts the negotiations in consultation with the competent committees appointed by the Council. The matters falling within the competence of the Member States are coordinated by the Presidency within the competent preparatory bodies before every negotiating Round, to ensure that the views of Member States are reflected in the negotiations.

The Honourable Member can be assured that, as with all international agreements, Parliament will be involved in the conclusion of the agreement in accordance with the relevant provisions of the Treaty. Since the stage of the final determination of the legal basis has not yet been reached, it is not possible for Council to reply in detail to the procedural questions raised by the Honourable Member.

The Council is nevertheless aware of the adoption by the Parliament on 18 December 2008 of a Resolution on this issue based on a Report by Mr Susta. The Council has taken note of this important Resolution and of the views in general of the EP on this issue.

The Council understands that the INTA Committee of the European Parliament receives copies of all documents sent by the Commission to the Article 133 - Committee and that the Parliament is therefore kept fully informed on the ACTA negotiations.

The INTA Committee is also regularly briefed by the Commission on progress in the negotiations. In addition Minister of Industry and Trade of the Czech Republic Říman addressed this issue, on behalf of the Council, during his appearance before the INTA Committee on 20 January and responded to a number of questions raised by Honourable Members.

Question no 21 by Kathy Sinnott (H-0093/09)

Subject: Copyright legislation

I and many of my constituents have concerns in relation to proposed legislation on copyright. I was recently informed that these proposals may be shelved due to the opposition they have faced. Could the Council update me on the current situation on copyright legislation, in particular with reference to the proposal for a European Parliament and Council Directive amending Directive 2006/116/EC² on the term of protection of copyright and related rights? Will the Council ensure that proposals will not have a negative impact on ordinary individual musicians, actors, artists, etc.?

¹ <http://ictsd.net/i/news/bridgesweekly/30876/>

² OJ L 372, 27.12.2006, p. 12.

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The proposal for a European Parliament and Council Directive amending Directive 2006/116/EC of the European Parliament and of the Council on the term of protection of copyright and related rights is currently being examined by the Council.

The principal objective of the draft Directive is to improve the social situation of less privileged performers, and in particular sessions musicians.

The Council has taken good note of the opinions expressed by the European Parliament on this proposal, in particular the amendments voted by the Legal Affairs Committee, and will take them into account in future deliberations.

Given that the proposal is still being examined, the Council is not able at this stage to provide a definitive position on the issue.

Question no 22 by Proinsias De Rossa (H-0098/09)

Subject: EU-Belarus agreement allowing children to travel for recuperation programmes

Could the Council Presidency indicate what action it is taking or planning to take in the light of paragraph 5 of the European Parliament's resolution of 15 January 2009 on the EU strategy towards Belarus (P6_TA(2009)0027), which urged the Czech Presidency to make it a priority to negotiate an EU-wide agreement with the Belarusian authorities allowing children to travel from Belarus to EU Member States organising rest and recuperation programmes?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council is aware of the recent problems with regard to Belarusian children travelling on aid trips and holidays to various European countries. The importance of finding a long-term solution to this issue had been raised on a number of occasions in contacts with the Belarusian authorities, most recently at the EU-Belarus Ministerial Troika meeting on 27 January 2009. The Council notes that consultations are on-going between the concerned countries and the relevant Belarusian authorities to address bilaterally the concerns that have arisen in this context, and that several Member States had already concluded agreements ensuring the continuation of such trips. The Council will continue to follow the issue closely, and raise it again – if necessary – in its contacts with the Belarusian authorities.

Ερώτηση αρ. 23 του κ. Γεωργίου Τούσσα (H-0101/09)

Θέμα: Αύξηση καρκινοπαθειών από τη χρήση βλημάτων απεμπλουτισμένου ουρανίου στο Κοσσυφοπέδιο

Στο βόρειο Κοσσυφοπέδιο, την τελευταία δεκαετία, διαπιστώνεται αλματώδης αύξηση των κρουσμάτων καρκίνου. Συγκεκριμένα, μόνο στην περιοχή της Κοσόβσκα Μιτρόβιτσα οι καρκινοπάθειες έχουν αυξηθεί μέσα στα τελευταία 10 χρόνια κατά 200% σε σχέση με το αντίστοιχο διάστημα έως και την πραγματοποίηση των νατοϊκών βομβαρδισμών στην πρώην Γιουγκοσλαβία.

Εξάλλου, μέσα σε λίγα χρόνια από τον τερματισμό των νατοϊκών βομβαρδισμών στην περιοχή, είναι γνωστό ότι πέθαναν τουλάχιστον 45 ιταλοί στρατιώτες της νατοϊκής δύναμης του Κοσσυφοπέδιου (KFOR) και ασθένησαν σοβαρά 515 άλλοι διάφορων εθνικοτήτων από το λεγόμενο «σύνδρομο των Βαλκανίων", δηλαδή από τη μόλυνση του οργανισμού τους από τα βλήματα απεμπλουτισμένου ουρανίου που χρησιμοποιήθηκαν στους βομβαρδισμούς του 1999.

Πώς τοποθετείται το Συμβούλιο στις συνεχώς αποκαλυπτόμενες τραγικές συνέπειες της χρήσης βλημάτων απειμπλουτισμένου ουρανίου από τους ιθύνοντες του NATO στο Κοσσυφοπέδιο ; Θεωρεί ότι η χρήση τους αποτελεί έγκλημα πολέμου, οι δράστες του οποίου πρέπει, επιτέλους, να λογοδοτήσουν στους λαούς;

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council is not competent for the issue and is not in a position to give an opinion on the question raised by the Honorable Member.

Question no 24 by Jim Allister (H-0103/09)

Subject: John Calvin

Having regard to the immense contribution of John Calvin to Europe's religious, political and social history and to the enlightenment and development of Europe, what plans has the Council to mark the 500th anniversary of his birth in July 2009?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council has not discussed this question, because it is not falling within its competence.

Ερώτηση αρ. 25 του κ. Κωνσταντίνου Δρούτσα (H-0108/09)

Θέμα: Αίτημα άμεσης απελευθέρωσης των 5 κουβανών πατριωτών που κρατούνται από τις ΗΠΑ

Εξακολουθούν να κρατούνται στις φυλακές των ΗΠΑ, ενώ ήδη έχουν συμπληρωθεί δέκα χρόνια από τη σύλληψή τους, οι πέντε κουβανοί πατριώτες Γκεράντο Χερνάντεζ, Αντόνιο Γκερέρο, Ραμόν Λαμπανίνο, Φερνάντο Γκονζάλεζ και Ρενέ Γκονζάλεζ –με χαλκευμένες ανυπόστατες κατηγορίες- κατά παράβαση βασικών κανόνων δικαίου, κάτω από βάντσες συνθήκες κράτησης, με απαγόρευση επίσκεψης ακόμη και στους συγγενείς τους.

Ήδη, βρίσκεται σε εξέλιξη νέα διεθνής πρωτοβουλία για την άμεση απελευθέρωσή τους, ενώ το σχετικό αίτημα έχουν μέχρι τώρα υπογράψει πάνω από 500 σημαντικοί διανοούμενοι και καλλιτέχνες από όλο τον κόσμο.

Καταδικάζει το Συμβούλιο τη συνεχιζόμενη παράνομη φυλάκιση των πέντε κουβανών;

Πώς τοποθετείται στις εκκλήσεις εθνικών κοινοβουλίων, εθνικών και διεθνών μαζικών φορέων και προσωπικοτήτων για την άμεση απελευθέρωση των πέντε φυλακισμένων κουβανών πατριωτών;

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council is aware of the imprisonment of five Cuban citizens as well as of the decision by US authorities to grant visa to the overwhelming majority of their family members, while refusing to grant visa to two of them on immigration grounds.

The judgements delivered and decisions on whether or not to grant a visa to individual family members are matters of the internal competence of the United States. As far as the treatment of the Cuban prisoners and their families is concerned, this is a bilateral issue between the US and Cuba, since the protection of the rights and interests of nationals abroad is, pursuant to international law, the individual responsibility of the State concerned.

The Council would like to stress that the United States are obliged to adhere to international human rights law; particularly, as a State Party, to the UN Convention on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ensuring human rights of people deprived of their liberty.

Question no 26 by David Martin (H-0109/09)

Subject: Seizure of generic medicines in transit in the Netherlands

With reference to the seizure in the Netherlands of generic medicines in transit, can the Council clarify why the medicines were seized given that the footnote to Article 51 of the TRIPS (Trade Related aspects of Intellectual Property Rights) Agreement does not impose an obligation to inspect for alleged patent infringement for goods in transit?

Does the Council consider that this seizure contravenes Article 41 of the TRIPS Agreement, which states that IP enforcement should not create barriers to trade?

Would the Council support the inclusion of similar IP rights provisions in any of the new generation of FTAs (Free Trade Agreements) or other bilateral trade agreements?

What steps will the Council take to ensure that the supply of generic medicines to developing countries is not thwarted by similar seizures in future?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The incident referred to by the Honourable Member was discussed at the meeting of the WTO General Council on 3 February 2009.

At this occasion, 19 WTO members took the floor asking questions or commenting. Following these interventions, the European Commission underlined the fact that

- the consignment had been temporarily detained and had therefore not been seized;
- apparently, an arrangement was made between the rights holder and the owner of the medicines to return the goods to India.

The Commission also explained that the legal basis for the action - Council Regulation n. 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rules - is compatible with WTO Law including of course the TRIPS agreement.

The European Commission reiterated its position to the TRIPS Council on 3 March 2009.

The EU remains committed to ensuring access to medicines and does not see any conflict with WTO rules and its efforts to catch shipments of counterfeits. The representatives of the European Commission stressed that the Dutch actions were both in line with international trade rules and consistent with the Dutch government's responsibility to protect against poor quality medicines and ultimately to the benefit of public health in general.

The European Union is of the opinion that goods control in transit regime must be possible when there is a reasonable suspicion of IPRs infringement. In 2007, of all detained counterfeit medicines, 40 % were detained in transit regime.

As to the question of intellectual property enforcement in trade agreements, this matter is currently under discussion within the Council.

As far as the supply of affordable medicines to developing countries is concerned, the European Community has been at the forefront of efforts within the WTO to establish a permanent, legally sound framework for such supply, in particular through the first amendment to the TRIPS agreement. This amendment has been ratified by the European Community and a significant number of WTO Member States. Furthermore, the EU has adopted a number of internal measures designed to achieve the same objective. The EU also participates in many programmes in developing countries enabling these countries to have a wider access to medicines.

Question no 27 by Sajjad Karim (H-0111/09)

Subject: Israel and Palestine

What measures will the Council take in order to support the cessation of the sale of arms to Israel in parallel with the actions already taken by the EU to prevent arms reaching Hamas?

Will the Council bring pressure to bear on Hamas and Fatah to implement the 'Unity Government Agreement' drawn up with the aid of Saudi Arabia (the Mecca Agreement, February 2007)?

Will the Council support peace initiatives coming from the USA if more positive negotiating policies are forthcoming?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council does not consider that a parallelism can be drawn between the two issues raised by the Honourable Member. The Council has repeatedly recognised Israel's right to protect its citizens against terrorist attacks but equally consistently recalled, most recently in its conclusions of 26-27 January 2009, Israel's obligation to exercise this right within the parameters of international law.

As far as relations between Hamas and Fatah are concerned, the Council strongly encourages inter-Palestinian reconciliation behind President Mahmoud Abbas, which is key for peace, stability, and development. It has supported the mediation efforts of Egypt and the Arab League in this respect, which led to the meeting of all Palestinian fractions on 26 February in Cairo.

The involvement of the new US Administration is crucial for driving the Peace Process out of the deadlock. The Council therefore welcomed the early engagement of the new US Administration, manifested by the nomination of Senator Mitchell as a Special Envoy for the Middle East as well as the recent visit of the new Secretary of State Clinton to the region. The first meeting of the Quartet with the Secretary of State Clinton on the margins of the Donors' conference in Sharm-al-Sheik on March, 2 confirmed the determination of both the EU and US to work together with the other Quartet members and Arab partners towards a resolution of the Middle East Peace Process.

Zapytanie nr 28 skierowane przez Ryszard Czarnecki (H-0113/09)

Przedmiot: Kryzys finansowy i załamanie gospodarek państw członkowskich

Jak Rada reaguje i jak będzie reagować na załamanie gospodarek krajów członkowskich, szczególnie Łotwy, a także częściowo Węgier?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The Council remains confident that adequate structures, procedures and instruments are in place to prevent the collapse of Member State economies in the future, and recalls its decision of 2 December 2008 to amend Council Regulation (EC) No 332/2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments³ so as to increase from EUR 12 billion to 25 billion the ceiling for the outstanding amount of loans available to Member States outside the euro area under the facility. The Council has already decided to make use of the facility on two occasions in order to address the financing needs of Latvia and Hungary.

Moreover, as the Honourable Member is aware, on 1 March 2009, Heads of State or Government discussed in an informal meeting the current financial and economic crisis and agreed to take action notably along these lines: restore the appropriate and efficient financing conditions in the economy; deal with impaired banking assets; improve the regulation and supervision of financial institutions; ensure the long-term sustainability of public finances.

Heads of State or Government also recognised the clear differences between the Member States in Central and Eastern Europe and undertook to review the assistance already made available. As far as the banking sector is concerned, they confirmed that support for parent banks should not imply any restrictions on the activities of subsidiaries in EU host countries. They also acknowledged the importance of the EIB in providing finance to the region and welcomed, in this context; the recent announcement by the EIB, World Bank and EBRD of a joint initiative to support the banking sectors in the region and to fund lending to businesses hit by the global economic crisis.

Finally, the Council would like to assure the Honourable Member that, working closely with the Commission, it will keep the situation under active review and draw up elements to help countries facing temporary imbalances, if required, on the basis of all available instruments.

Question no 29 by Laima Liucija Andrikiienė (H-0121/09)

Subject: Visit to Belarus by Javier Solana, EU High Representative for the CFSP

Javier Solana, EU High Representative for the CFSP, visited Belarus on 19 February 2009, where he met President Lukashenko and Foreign Minister Martynov, as well as opposition leaders and representatives of civil society.

How does the Council evaluate the content of those meetings? Do they give insights for future EU-Belarus relations? What are the next steps which Council is planning to take in response to the outcome of the meetings referred to above?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The assessment of the meeting by HR Solana was that it was positive, open and frank. As HR Solana indicated at the press conference after his tête-à-tête meeting with President Lukashenko, "all was said that had to be said, all was criticised that had to be criticised and all was commented that had to be commented". Well-known messages were conveyed and constructive answers received. At the meeting with the representatives of the civil society and opposition leaders, which took place before the meeting with the President and the Foreign Minister, all representatives thanked HR Solana for his visit and encouraged further engagement, to which they saw no alternative.

The Council has now started work on the review of the suspension of the visa-ban, with a view to taking a decision by 13 April. In this context it considers the input provided by the high level visits very valuable in taking forward this work, and will continue to follow closely developments in Belarus. Belarus is considered for a participation in the Eastern Partnership initiative which shall be launched by the Czech Presidency at the Eastern Partnership Summit in the beginning of May 2009.

As agreed at the meeting of HR Solana and FM Martynov, a Human Rights Dialogue will be launched between the EU and Belarus. Work on setting up an exploratory mission to Belarus is underway within the Council's preparatory bodies, and taking into account its outcome, discussions will begin on the modalities of such a dialogue, which then should be approved by the Council.

³ OJ L 352, 31.12.2008, page 11.

Pergunta n° 30 do Pedro Guerreiro (H-0124/09)

Assunto: Fim dos "paraísos fiscais"

Algum Estado-Membro propôs o fim dos "paraísos fiscais", nomeadamente na União Europeia?

A UE adoptou alguma decisão no sentido de propor aos seus Estados-Membros o encerramento dos "paraísos fiscais" existentes nos seus territórios?

Que medidas vai o Conselho tomar para acabar com os "paraísos fiscais", para combater a especulação financeira e para pôr cobro à livre circulação dos capitais, nomeadamente ao nível da UE?

Answer

The present answer, which has been drawn up by the Presidency and is not binding on either the Council or its members as such, was not presented orally at Question Time to the Council during the March I 2009 part-session of the European Parliament in Strasbourg.

The European Community has adopted a number of measures in the field of taxation.

In 1977 the Council adopted Council Directive 77/799/EEC concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation⁴. That Directive recognises that tax evasion and avoidance extending across the frontiers of Member States lead to budget losses and violations of the principle of fair taxation and affect the operation of the common market. This Directive was a complement to Council Directive 76/308/EEC on mutual assistance for the recovery of claims relating to certain levies, duties, taxes and other measures. In February 2009 the Commission proposed an overhaul of these two directives with a view to ensuring an increased efficiency and transparency in the cooperation between Member States as regards the assessment and collection of direct taxes, especially by removing the obstacles related to the bank secrecy, sharing information from the third countries and setting up a new administrative framework based on time limits and fully electronic communication. Those proposals are under discussion within the Council.

Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments⁵ (the Savings tax Directive), which entered into force in July 2005, seeks to prevent individuals from evading taxes on the interest received on their savings, by providing for the exchange of information between Member States. The Savings tax Directive addresses both intra Community and extra Community situations.

– In intra Community situations the Savings Tax Directive provides for Member States to exchange information on the interest received by non resident investors. On 2 December 2008 the Council welcomed a proposal from the Commission to extend its scope of application and called for rapid progress in the discussions.

– In extra Community situations the savings tax agreements which were concluded by the Community with five third countries put in place similar or equivalent measures as those that apply within the Community. The Commission is engaged in talks to extend the savings tax network to other third countries.

In addition to those Directives, the Council has mandated the Commission to negotiate so called "anti fraud" agreements between the European Union and its Member States on the one part and third countries on the other part in order to ensure effective administrative assistance and access to information with regard to all forms of investment, in particular foundations and trusts.

An agreement with Switzerland in this matter is provisionally applied waiting to be ratified by all Member States, and an agreement with Liechtenstein is being negotiated.

Finally, in May 2008 the Council adopted Conclusions concerning the need to reinforce efforts to combat tax fraud and evasion throughout the world by ensuring the implementation of principles of good governance in the tax area such as principles of transparency, exchange of information and fair tax competition. Subsequent to these conclusions the Commission is negotiating the inclusion of good governance articles into the bilateral agreements with 14 countries

⁴ OJ L 336, 27.12.1977, p. 15

⁵ OJ L 157, 26.6.2003, p. 38

(Indonesia, Singapore, Thailand, Vietnam, Brunei, Philippines, Malaysia, China, Mongolia, Ukraine, Iraq, Lybia, Russia, and South Korea) and 8 regions (Caribbean, Pacific, 4 African regions, Central America, Andean Community).

QUESTIONS A LA COMMISSION

QUESTIONS TO THE COMMISSION

Zapytanie nr 37 skierowane przez Zdzisław Kazimierz Chmielewski (H-0073/09)

Przedmiot: Problem "przypadkowego roamingu"

W toku prac nad dokumentem dotyczącym wspólnych ram regulacyjnych sieci i usług łączności elektronicznej (COM(2008)0580 – C6-0333/2008 – COD 2008/0187) wyborcy z mojego okręgu wyborczego (dwa przygraniczne województwa przy granicy z Niemcami) zwrócili moją uwagę na problem tzw. „roamingu przypadkowego”.

Uszczegóławiając: problem dotyczy niezamierzonego połączenia z zagraniczną siecią przy korzystaniu z telefonu komórkowego na terenach przygranicznych. Mieszkańcy tych terenów nie przekraczając granicy mogą uzyskiwać sygnał operatora komórkowego z kraju sąsiedniego, co skutkuje dużo wyższymi kosztami rozmów, wysyłania wiadomości tekstowych lub przesyłania danych.

Czy Komisja jest świadoma tego problemu? Jakie kroki zostaną, lub też zostały już podjęte, aby wyeliminować tę istotną niedogodność związaną z korzystaniem z telefonii mobilnej w regionach nadgranicznych?

Answer

The Commission is aware of the problem mentioned by the Honourable Member of inadvertent roaming for some users, especially in border regions. In this respect, under Article 7 (3) of the current Roaming Regulation⁶, national regulatory authorities are required to be alert to the particular case of involuntary roaming in the border regions of neighbouring Member States.

In that context, at the behest of the Commission, the European Regulators Group has included involuntary roaming in its Benchmark Reports, the latest of which was published in January this year. According to those reports, the issue of inadvertent roaming has been acknowledged by the majority of operators. However, operators claim that it was not a significant problem as only few consumers were adversely affected.

Many providers have adopted a number of mechanisms to deal with inadvertent roaming. Information was generally available on provider websites, and where a particular issue was identified (for example between Northern Ireland and the Republic of Ireland) providers generally took additional steps to ensure consumers were aware of the issue, in some cases even offering specific bespoke tariffs. According to the above mentioned reports, the majority of providers also reported that where roaming genuinely occurred inadvertently, charges may be waived as a goodwill gesture. In addition, the Commission believes that the initiative undertaken by the Irish and UK authorities, who set up a joint working group to examine this issue, provides a very good example for others to follow.

The issue of involuntary roaming was also considered by the Commission in the context of its review of the functioning of the Roaming Regulation, which was presented in a Communication from the Commission adopted on 23 September 2008⁷. The Commission noted that the transparency obligation introduced in the current Roaming Regulation to inform customers of the price when they are roaming has helped to make consumers aware that they are inadvertently roaming. In view of this situation, and that NRAs and Member States' administrations have also responded by working bilaterally to tackle the issue and several agreements have been reached, the Commission did not consider it appropriate to introduce further provisions in the Regulation in this respect. However, the Commission will continue to monitor the situation to ensure the smooth functioning of the single market and consumer protection.

⁶ Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the outcome of the review of the functioning of Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC (COM(2008)580 final).

Vraag nr. 38 van Lambert van Nistelrooij (H-0102/09)

Betreft: Bereikbaarheid noodnummer 112 in grensstreek

Problemen met mobiele telefonie in de grensstreek kunnen leiden tot gevaarlijke situaties doordat ongewenste netwerkswisselingen het contact met het alarmnummer 112 kunnen vertragen, afbreken en ervoor kunnen zorgen dat men ongewild een buitenlandse meldkamer aan de lijn krijgt.

Weet de Commissie dat mobiele bellers, die in de grensstreek van hun thuisland onbewust via een sterker buitenlands netwerk naar het Europese alarmnummer 112 bellen, in de huidige situatie een buitenlandse meldkamer aan de lijn krijgen?

Kent de Commissie het probleem dat de verbinding kan worden verbroken wanneer de mobiele telefoon een sterker buitenlands netwerk vindt en zich daar aanmeldt?

Is de Commissie zich ervan bewust dat de meldkamer geen pro-actief terugbelbeleid heeft, waardoor het bijvoorbeeld voor kan komen dat een beller, die in paniek zijn verhaal doet aan een Nederlandse 112 meldkamer, halverwege onderbroken wordt en na het terugbellen bij de Duitse meldkamer uitkomt, met alle mogelijke linguïstische problemen van dien?

Welke maatregelen (behalve een pro-actief terugbelbeleid) stelt de Commissie voor om ervoor te zorgen dat bewoners van grensstreken in hun eigen taal te woord worden gestaan wanneer zij het Europese alarmnummer 112 draaien?

Answer

The responsibility for the organisation of the emergency services and the response to 112 calls rests with the Member States, including their policy on handling interrupted calls, language capabilities or protocols for handling emergencies in border areas between countries or regions.

The Commission has been monitoring closely the implementation of the EU provisions related to 112 in the Member States, and it has launched 17 infringement proceedings against Member States that have not complied with the relevant requirements of EU law^{89]}. Thirteen of these cases have now been closed following corrective measures in the countries concerned. In other areas where there are no concrete requirements under EU law, such as the handling of 112 calls in different languages, the Commission has been promoting best practice amongst Member States through different bodies, such as the Communications Committee and the Expert Group on Emergency Access.

The Commission is aware of the potential problem mentioned by the Honourable Member arising from the fact that some mobile subscribers calling 112 in case of emergency may be affected by inadvertent roaming and that a communication with an emergency centre in a neighbouring Member State may be established. While cases of complete loss of coverage and lack of appropriate response should be rare, the Commission intends to raise this issue with the Member States in the Communications Committee and in the Expert Group on Emergency Access, with a view to ensuring that appropriate measures are in place to deal with such occurrences.

In addition the Commission is monitoring the issue of inadvertent roaming in the context of the implementation and Review of the Roaming Regulation. As mentioned in the Commission reply to question H-0073/09 by Mr Zdzisław Kazimierz Chmielewski, according to Article 7(3) of the current Roaming Regulation^{101]}, national regulatory authorities are required to be alert to the particular case of involuntary roaming in the border regions of neighbouring Member States and to communicate the results of such monitoring to the Commission every six months.

Furthermore, in the context of the review of the Roaming Regulation^{11]}, the Commission noted that the transparency obligation introduced in the current Roaming Regulation to inform customers of the price when they are roaming has helped to make consumers aware that they are inadvertently roaming. In view of this situation, and given that fact that national regulatory authorities and Member States' administrations have also responded by working bilaterally to tackle

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⁹ Mainly, Article 26 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

¹⁰ Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC.

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the outcome of the review of the functioning of Regulation (EC) No 717/2007 of the European Parliament and of the Council of 27 June 2007 on roaming on public mobile telephone networks within the Community and amending Directive 2002/21/EC (COM(2008)580 final).

the issue and several agreements have been reached, the Commission did not consider it appropriate to introduce further provisions in the Regulation in this respect. However, the Commission will continue to monitor the situation to ensure the smooth functioning of the single market and consumer protection.

The Commission ultimately aims to ensure that European citizens in distress can effectively access emergency services in all Member States by using the 112 number.

Zapytanie nr 39 skierowane przez Krzysztof Holowczyc (H-0118/09)

Przedmiot: Wdrażanie europejskiego numeru alarmowego 112

Według ostatnich badań Eurobarometru z 11 lutego 2009 roku, rozpoznawalność numeru 112 na terenie Wspólnoty jest daleka od satysfakcjonującej. Jeszcze gorzej jest z dostępnością do tego numeru w krajach członkowskich, choć w ramach wdrażania programu i2010 („Nowe impulsy dla systemu eCall – Plan działania (Trzeci komunikat na temat e-Bezpieczeństwa)”(COM(2006)0723)) numer ten powinien być ogólnie dostępny i stosowany w Unii Europejskiej.

Jakie działania podejmie Komisja, które mogą skutkować efektywnym wprowadzeniem tego projektu na terenie całej Wspólnoty?

Answer

The Commission has been working very actively in order to ensure that the single European emergency number 112 is available and working effectively across the EU.

The Commission has been monitoring closely the implementation of the EU provisions related to 112 in the Member States, and it has launched 17 infringement proceedings against Member States that have not complied with the relevant requirements of EU law¹². Thirteen of these cases have now been closed following corrective measures in the countries concerned.

The Commission has also been promoting Member States' cooperation and exchange of 112 best practice through different expert bodies, such as the Communications Committee and the Expert Group on Emergency Access, and it is also working to make 112 more accessible for all citizens through the reform of the EU's telecommunications rules and by financing research projects, such as 'eCall' and 'Total Conversation'.

As the Honourable Member points out, the last results of the Eurobarometer survey on 112 have shown that there is significant room to better inform EU citizens, as only one in four respondents could identify 112 as the phone number to call for emergency services across the EU. That is why the Commission has also contributed to raising awareness of 112 by providing information to EU citizens, particularly people travelling within the EU and children, about what 112 is, how to use 112 and how 112 functions in each Member State by means of a dedicated website¹³. Last month, the Commission, together with the Parliament and with the Council, declared 11 of February as the European 112 Day. On that day, different awareness and networking activities were organized, and will be organized each year, to promote the existence and use of the single European emergency number throughout the EU.

As regards the implementation of the i2010 initiative, it is well on track and supported by all Member States. The Commission would like to refer the Honourable Member to the Commission reply to written question E-6490/08 for further details. In particular, eCall standards are almost ready and the recently established European eCall Implementation Platform will coordinate and monitor the progress of eCall across Europe.

The Commission acknowledges the interest of the Parliament expressed, among others, by the signature of a Written Declaration on 112 in September 2007 by 530 of its Members. The Commission will continue monitoring closely the efficient implementation of 112 in the Member States, but today 112 is one of the concrete results that Europe can offer to its citizens.

¹² Mainly, Article 26 of Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

¹³ <http://ec.europa.eu/112>

Interrogazione n. 40 dell'on. Elisabetta Gardini (H-0115/09)

Oggetto: Ritardi nell'adozione dei servizi basati su tecnologia UMTS

Con oltre 115 reti HSPA (la tecnologia più recente per favorire la velocità di scaricamento dati per gli utenti dei servizi mobili) e oltre 35 milioni di utenti in Europa, la tecnologia UMTS, come estensione della GSM, detiene un ruolo di primo piano ed è riconosciuta dai consumatori soprattutto per i suoi numerosi vantaggi.

In tale ambito, per garantire la continuazione dello sviluppo dei servizi UMTS, il quadro regolamentare richiede l'apertura della banda GSM 900M hz per servizi UMTS. Ma la revisione della direttiva GSM 87/372/CEE¹⁴ è in forte ritardo, mentre gli Stati membri rimangono in attesa che Commissione, Consiglio e Parlamento forniscano chiarezza giuridica.

Vista la critica situazione finanziaria europea, sarebbe auspicabile una soluzione veloce e responsabile per l'allocazione di questa banda e per la riforma della direttiva correlata, in modo da sostenere il *business* delle comunicazioni mobili. Rientra quindi nella responsabilità di tutte le parti coinvolte nel processo legislativo impegnarsi per una soluzione paneuropea.

Quali sono le misure politiche e tecniche che la Commissione intende proporre, in modo da evitare ulteriori ritardi, suscettibili di avere ripercussioni sull'intera industria europea delle comunicazioni elettroniche?

Answer

In reply to the Honourable Members' question, the Commission firmly believes in the importance of opening up the 900 MHz GSM band for other mobile technologies, to benefit consumers and provide an important boost to the EU economy.

In recognition of its strategic importance, the Commission already proposed in mid-2007 to repeal the GSM Directive and to open up the GSM band.

This was fully in line with the "better regulation" policy of President Barroso and gave a clear signal to the mobile industry and the Member States.

Although there was support for our initiative from the Council and the European Economic and Social Committee, it became clear from exchanges between the Commission and the Industry, Research and Energy Committee that the procedure proposed by the Commission was not acceptable to the Parliament.

In view of the need for progress on this urgent issue, and taking into account the concerns expressed by Parliament, the Commission made a new proposal to amend the GSM Directive.

The Commission believes that we must distinguish clearly between this policy measure – making the use of the 900 MHz bands more technology neutral by opening them to other systems, such as UMTS – and the technical measures that clarify the technical conditions for new systems to coexist alongside GSM as well as avoiding interference in general.

This policy proposal is now in the hands of the co-legislator, while the technical measures are carried out using the Radio Spectrum Decision, under which the Commission has already checked the compatibility of UMTS. A technical Decision to this effect, agreed with Member States experts, is ready for adoption as soon as Parliament and Council adopt the amending Directive.

The Commission has shown its commitment to finding a constructive solution by tabling the appropriate policy and technical proposals. It is now up to the Parliament and Council to take their responsibilities and to adopt the amending Directive rapidly.

Question no 47 by Laima Liucija Andriekienė (H-0126/09)

Subject: Development of the EU's accession negotiations with Turkey

As European Enlargement Commissioner Olli Rehn said, 'the EU's accession negotiations with Turkey are proceeding at a modest but steady pace'.

What are the most problematic issues on which Turkey must carry out necessary reforms in order to comply with the Copenhagen criteria? Turkey is a country which has the possibility of providing energy security for the EU. What

¹⁴ GU L 196 del 17.7.1987, pag. 85.

guarantees are there that the Commission will not turn a blind eye to any outstanding problematic issues in Turkey, in particular in the human rights field, during the accession negotiations, in order to solve the EU's energy security problems?

Answer

Indeed, the accession process continues to be on track.

However, progress on negotiations depends first and foremost on Turkey's ability to meet opening benchmarks and to adopt and implement EU-related reforms.

Turkey's on-going work in the areas of taxation and social policy for instance should be complemented by similar efforts in the areas of environment, competition, public procurement as well as food safety, vet. & phytosanitary policy.

Turkey's political reform efforts need to pick up momentum, including for instance on the freedom of expression or the fight against corruption.

As regards energy, Turkey and the EU have both much to gain from closer energy co-operation. However, under no circumstances, can the EU's energy security prejudice the accession criteria, neither in the area of human rights nor in any other area.

Zapytanie nr 48 skierowane przez Ryszard Czarnecki (H-0114/09)

Przedmiot: Rozszerzenie Unii Europejskiej a kryzys finansowy

Czy zdaniem Komisji kryzys finansowy może opóźnić tempo akcesji oficjalnych, nowych krajów kandydujących?

Answer

The European Union (EU) has repeatedly committed itself to the European perspective of the Western Balkans and Turkey. The perspective of EU membership, as well as significant pre-accession support, provide these countries with an anchor of stability, in particular in these times of international financial crisis.

Today's crisis has indeed reached the Western Balkans and Turkey, to varying degrees. The EU has presented a crisis support package for their small and medium-sized enterprises and is ready to consider possible further means of support for certain enlargement countries, would this appear necessary and possible. In this context, it is important to emphasize that a speedy recovery of the emerging market in our neighbourhood is crucial for the EU.

The timetable for joining the EU is set primarily by the pace at which aspiring countries fulfill the established conditions for membership and implement the relevant reforms. The present crisis may even strengthen their motivation to join.

The EU's commitment to the European future of the Western Balkans and Turkey stands. The Commission will continue to spare no efforts to support these countries on their paths towards the EU.

Question no 52 by Jim Higgins (H-0057/09)

Subject: Production of organically produced foods

Can the Commission indicate if it is prepared to make additional funding available in order to encourage greater production of organically produced foods?

Answer

The Commission is pleased to answer the question of the Honourable member on organic production.

The Honourable member is asking for additional support for organic farmers. At first it must be explained how organic farmers can benefit from the CAP. Organic farmers benefit from the direct payments under the first pillar like any other European farmer. The new Article 68 offers the possibility to Member States to pay a specific supplementary aid to organic farmers.

In the second pillar, several measures under the Rural Development Programmes can be used to target organic farmers. In particular agro-environment measures are used either to help the conversion from conventional to organic production techniques or to compensate for supplementary cost deriving from organic production, or both. Almost all Rural Development Programmes for the period 2007-2013 include such measures.

The Commission knows that organic producers were afraid that the rise in food prices in the last year could lead to a decrease of demand for organic products. However, there are no alarming signs on the demand side, the demand for organic products remains strong. The Commission is also active on this front: last year it launched a promotion campaign on organic farming, with a fully renovated web site. This also includes an open competition for a new EU organic logo, which should be used as from July 2010, and which will facilitate the marketing of organic products across the EU.

The Commission's policy for the organic sector was agreed in 2004 around a plan of 21 actions. The Council and the Parliament both recognised that the development of this particular production sector should be demand driven. This means that introducing specific incentives like production subsidies would in fact change the policy for the sector. A move which the Commission thinks is inadequate for the moment. However, the Commission is open to a further strengthening of the measures on organic farming in the Rural Development Programmes.

To conclude, the Commission considers that the current policy mix delivers a balanced support for organic production and that no additional funding is necessary.

Klausimas Nr. 53, pateikė Justas Vincas Paleckis (H-0075/09)

Tema: Dėl finansinių instrumentų žemės ūkio srityje

Žemės ūkio sektorius, kaip ir kiti verslo sektoriai ES, šiuo metu susiduria su kredito išteklių (ypač apyvartinėms lėšoms) trūkumu.

EK ypač skatina mikrokreditų, kreditų garantijų, rizikos kapitalo ir kitų instrumentų naudojimą skatinant smulkų ir vidutinį verslą. Tačiau žemės ūkio sektoriaus veikla paprastai yra netinkama finansuoti pagal Europos investicijų fondo (EIF) programas (pergarantavimui, mikrokreditams).

Ar Europos Komisija ketina inicijuoti pokyčius šioje srityje? Ar neketinama didinti sričių, kurioms EIF teikia finansinę paramą, skaičiaus?

Kokios būtų galimybės pasinaudoti ES parama siūlant finansinę pagalbą žemės ūkio subjektams ir verslams kaime finansinių instrumentų (mikrokreditų, garantinio portfelio pergarantavimo) forma?

Answer

The new regulation on Structural Funds (SF) for 2007-2013 includes provisions to develop financial engineering instruments in the Member States and regions of the European Union. The Joint European Resources for Micro to Medium Enterprises (JEREMIE) initiative has been designed in this context with the view to meet the needs of medium to micro-enterprises as regards access to finance. It is however up to the Management Authorities (MAs) of the SF operational programmes to decide whether to make use of this instrument or not.

If their answer is positive, they have to take appropriate measures to set-up JEREMIE Holding Funds at national or regional level. It is also their main responsibility to decide where the support should go, although they receive assistance from the Commission to achieve the best possible results in the long run.

The Holding Fund Manager may be the European Investment Fund or a national candidate. The Holding Fund should identify financial intermediaries, who will in turn organise Funds (loans, guarantees, venture capital) to provide support to final beneficiaries. Final beneficiaries could potentially include enterprises from the agricultural sector. However, if such case is displayed, a clear demarcation between the supported activities under the JEREMIE programme and the rural development programme should be made.

The rural development policy does provide opportunities to Member States and regions to develop financial engineering actions and ensure in this way better financial possibilities for their beneficiaries under rural development programmes. This covers a wide spectrum of actions such as the co-financing by the European Agricultural Fund for Rural Development (EAFRD) of expenditure in respect of an operation comprising contributions to support venture capital funds, guarantee funds, loan funds, and even interest rate subsidies for loans co-financed by the EAFRD.¹⁵

Member States and regions have already put in place several financial engineering schemes. Examples could be given with the rural development programmes for Portugal, Saxony-Anhalt (Germany) or Corsica (France). Other guarantee fund proposals are currently under discussions.

The usage of these provisions under rural development programmes can help mitigate the negative impacts of the crisis and provide for better funding opportunities to potential agricultural beneficiaries.

Anfrage Nr. 54 von Michl Ebner (H-0076/09)

Betrifft: Integrierte EU- Strategie für eine nachhaltige Entwicklung und Nutzung der Ressourcen der Berggebiete

Aufgrund des Initiativberichts vom 23. September 2008 „Situation und Perspektiven der Landwirtschaft in den Berggebieten“ fordert das Europäische Parlament die Europäische Kommission auf, „im Rahmen ihrer Kompetenzen eine integrierte EU-Strategie für nachhaltige Entwicklung und Nutzung der Ressourcen der Berggebiete (EU-Strategie für die Berggebiete) binnen sechs Monaten nach Annahme dieser Entschließung auszuarbeiten“.

Wie steht die Kommission zu diesem Projekt? Wie plant die Kommission sicherzustellen, dass diese Strategie in künftige Arbeitsprogramme eingebaut wird?

Answer

As the Commission has already stated in its reaction to the Honourable Member's report the Commission does not envisage proposing at this stage a specific and integrated strategy for mountain areas as suggested by this report¹⁶.

However, this does not mean that the Commission will just doing business as usual with regard to the mountain farming.

There is evidence of a progressive withdrawal of agricultural management in some areas, particularly on permanent pasture and steeper slopes. Portugal and Italy are among those Member States where such marginalisation could lead to a cessation of agricultural activity.

We have to take these signals seriously. Without mountain farming not only families who over decades dedicated their lives to this farming activity will loose their existence but also the impact on the broader economic activity in these regions will be devastating. In many of the mountain regions' farming is the backbone of the rural economy; if you take this out the existence of the whole region is under threat. Take as an example tourism which needs the mountain farming.

Therefore, the Commission wants to have a closer look together with all interested parties like the Parliament and the Committee of the Regions but also the mountain farmers themselves into the policy framework for mountain farming currently in place. The Commission wants to assess the particular problems, new challenges and the potential for further developments – yes, further developments, because it is convinced that there is still a lot of potential for mountain farming in connection with tourism (production of quality products like cheeses on the farm, local and regional marketing strategies, wellness on the farm etc.).

Once, this is done we can check whether our policy responses are still sufficient and efficient enough. We have actually quite a tool box at our disposal: Direct payments under the first pillar, compensation payment for mountain areas classified as less favoured and agri-environmental payments; following the Health Check Member States are allowed to maintain some of the coupled support schemes in order to sustain economic activity in regions where other economic alternatives are few or do not exist; assistance to regions and sectors with special problems (so-called 'Article 68' measures) may be

¹⁵ According to Article 71(5) of Council Regulation (EC) No. 1698/2005, the contribution from the EAFRD may be made in a form other than a non-repayable direct assistance. This is further elaborated in Articles 49 – 52 of Commission Regulation (EC) No. 1974/2006 where options and conditions for development of a number of financial engineering actions are provided.

¹⁶ Follow up fiche to the Ebner report on the situation and outlook for hill and mountain farming (2008/2066(INI)) send to the EP on 29.01.09.

provided by Member States by retaining 10 percent of their national budget ceilings for direct payments and using these funds for environmental measures or improving the quality and marketing of agricultural products; in addition to the measures mentioned above, under the 2nd pillar of the Common Agricultural Policy (CAP) hill and mountain farming is supported through aid for forestry, processing and marketing, quality production, diversification (for example in the tourism sector or the implementation of local development strategies by mountain communities).

What we have to find out is whether this tool box delivers on the main objective which is to provide a sustainable future for our mountain farming and to strengthen this type of farming. If this is not the case, we have to find ways to adapt the policy framework.

What are now the next steps? On the 31st of March 2009 in Brussels following an initiative of several mountain regions of the EU and tremendous personal efforts of some Honourable Member's of this Parliament we will establish the framework for our discussions. This will be followed up by a conference to be held in the beginning of July 2009 in Garmisch-Partenkirchen where we will present first results of the discussions.

It is important for the Commission that all interested parties play an active role in these discussions in order to get a clear and complete picture about the current situation and what kind of measures are needed for strengthening the mountain farming.

Question no 55 by Evgeni Kirilov (H-0117/09)

Subject: Bulgaria and Romania deprived of resources for rural development

Does the Commission envisage additional rural development packages for Bulgaria and Romania bearing in mind the fact that these countries do not receive any funds through modulation and that they should be given the same financial opportunities to tackle the new challenges defined in the Health Check discussions as the old Member States?

Answer

Under the Health Check agreement, additional funds for rural development would be available from 2010 for the 15 "old" Member States. Most "new" Member States would get additional Health Check funds for rural development from 2013, and Bulgaria and Romania from 2016 when compulsory modulation will apply to them due to the full phasing-in of the direct payments. Allow the Commission to recall that the additional modulation funds come from a reduction of direct payments.

The Health Check agreement does in no way exclude that Bulgaria and Romania can utilise the currently available funds under their rural development programmes to tackle new challenges. It is possible to strengthen the actions related to biodiversity, water management, renewable energy, climate change and restructuring of the dairy sector. They can further modify their programmes to address correctly their needs including proposals for new actions, currently not displayed in their programmes.

In the context of the European Economic Recovery Plan, the Commission has proposed to strengthen the Community efforts in the energy sector, broadband in rural areas and climate change, including the new challenges as identified under the Health-Check of the Common Agricultural Policy (CAP).

If the Commission's proposal is endorsed by the Council and the Parliament, Bulgaria and Romania will receive significant amounts already in 2009, part of which they can spend on new challenges.

In total, €1.25 billion are foreseen for the moment for rural development, of which €250 million for new challenges as identified under the Health-Check of the CAP. This money will be distributed among all Member States and should be committed in 2009.

Furthermore, the Commission would like to remind the Honourable Member that with the Health Check all new Member States (EU12) will benefit from an increase of their financial envelopes for direct payments by a total of € 90 million. This additional money can be made available, within the commonly agreed rules, for specific support, for example for the protection or enhancement of the environment, to address disadvantages in the dairy, beef or goat and sheep sector, or to contribute to risk management instruments.

Question n° 56 de Alain Hutchinson (H-0122/09)

Objet: Subventions à l'exportation

En 2001, l'UE s'était engagée à diminuer progressivement les subventions à l'exportation de ses produits agricoles, pour les supprimer d'ici à 2013. Cependant pour 2006-2007, l'UE a encore dépensé 2,5 milliards d'euros en subventions à l'exportation. Si ce montant représente une diminution, il demeure encore beaucoup trop élevé. Dans un contexte international marqué par la crise alimentaire et la flambée des prix agricoles, il serait pourtant nécessaire d'avancer beaucoup plus rapidement vers la suppression de telles subventions qui constituent un dumping intenable pour des millions de petits producteurs des pays en développement.

La Commission peut-elle préciser, chiffres et calendrier à l'appui, quelles sont ses intentions en la matière?

Answer

The re-introduction of EC export refunds for dairy products is a response to a dramatic 60% decrease in world market prices over recent months, a result from shrinking demand. And contrary to the current situation in the EU, dairy production increases in certain competing exporting third countries such as New Zealand, Brazil and the United States.

These export refunds have therefore to be considered as a safety-net and certainly not as a setback of the course set out in the 2003 Common Agricultural Policy reform and the subsequent Health Check.

The EU has always respected its international commitments on export refunds and will continue to do so.

The Ministerial Declaration adopted at the Hong Kong World Trade Organisation (WTO) Ministerial Conference on 13-18 December 2005 lays down that: "We agree to ensure the parallel elimination of all forms of export subsidies and disciplines on all export measures with equivalent effect to be completed by the end of 2013." The EC as WTO member will respect its political commitments in the declaration, including on the deadline for the elimination of all forms of export subsidies. This commitment however is conditioned on the successful completion of the Doha Round.

The EC remains committed to concluding the Doha Round and hope that an agreement can be achieved during 2009. Following an agreement the EC will specify in its schedule the details on the elimination of export refunds by 2013.

In 2006/2007 the EC notified to the WTO the spending of €1.4 billion in export refunds and not € 2.5 billion. This is less than one fifth of the agreed WTO ceiling for export subsidies.

Ερώτηση αρ. 57 της κ. Κατερίνας Μπατζελή (H-0123/09)

Θέμα: To Farm bill των ΗΠΑ

Η οικονομική ύφεση πλήττει τις παραγωγικές και οικονομικές τάξεις σε ευρωπαϊκό και διεθνές επίπεδο, καθιστώντας υποχρεωτική τη διαμόρφωση νέων πολιτικών για την αντιμετώπιση των επιμέρους προβλημάτων. Πρόσφατα, η κυβέρνηση των ΗΠΑ κατέθεσε νέο νομοσχέδιο για την αγροτική πολιτική (farm bill) στο οποίο προβλέπει ενισχυμένα μέτρα στήριξης του γεωργικού εισοδήματος και κάλυψης των κινδύνων, καθώς και νέα ασφαλιστικά συστήματα, που στο σύνολό τους, με συντονισμένες και ολοκληρωμένες δράσεις (new ACRE και CCP), θα καλύπτουν την απώλεια εισοδήματος των γεωργών από πιθανή διατάραξη των αγορών.

Κρίνει η Επιτροπή σκόπιμο, στα πλαίσια της αναζήτησης νέων μέτρων στήριξης του αγροτικού εισοδήματος, να προωθήσει παρόμοια μέτρα και για τους ευρωπαίους παραγωγούς, έτσι ώστε να μην υπάρχει ελλιπής στήριξη των ευρωπαίων γεωργών σε σχέση με εκείνους των ΗΠΑ;

Θεωρεί η Επιτροπή ότι οι υπάρχοντες μηχανισμοί της ΚΑΠ και οι συμφωνίες του ΠΟΕ εξασφαλίζουν την περίοδο αυτή διαρκή πρόσβαση των αγροτικών προϊόντων στη διεθνή αγορά;

Σκοπεύει η Επιτροπή να εξετάσει το γεγονός ότι η αμερικανική γεωργία, παρά τα διαφορετικά οικονομικά και κοινωνικά χαρακτηριστικά της, στηρίζεται με προϋπολογισμό μεγαλύτερο του ευρωπαϊκού;

Answer

The influence of the financial crisis on the real economy has resulted in significant slowdown in economic activity that affects simultaneously all major economies. Although the agricultural sector is generally more resilient than other sectors, it is also expected to face significant challenges, especially in demand growth and farm income. None of these challenges indicate to us that anything in the existing WTO-rules would impede our access to international markets.

European farmers receive a stable level of income support through the Single Payment Scheme. It is an efficient tool for ensuring continuity of agricultural production throughout the EU. It is also a market oriented solution where the farmers make their production decisions based on market signals. American farmers have access to several different kinds of risk management tools, so do the farmers in the EU, but in the EU we have chosen to tackle the issue of dealing with risks differently. This depends on factors such as production structures, budget planning, and the objectives of agricultural support.

We have looked at what an income insurance scheme would imply for the EU both through internal and external studies. The conclusion is that such a scheme would necessitate a harmonised definition of what constitutes income throughout all 27 Member States, it would pose a major administrative burden, and it would be very expensive and variable in budgetary costs, while the CAP has a fixed budget over set budget periods. Besides, several instruments geared to dampen the effects of substantial price or production variations already exist within the CAP, such as disturbance clauses and intervention mechanisms for several agricultural sectors, and in exceptional circumstances state aid for agricultural insurance schemes and for disaster relief payments. In addition, with the Health Check we provide Member States with the possibility of using part of their direct payment envelopes for risk management measures.

As regards the future financial perspective the European Commission is currently undertaking a budget review process. This process aims at formulating the appropriate objectives for the future budget. Once these objectives have been agreed on, a discussion on the actual amounts necessary to meet the set objectives can take place. Naturally, an important aspect for the Commission in this process is the aspect of how to best contribute to European farmers' competitiveness. Farmers' competitiveness is not however necessarily dependent on the level of the budget dedicated to agricultural policies, but is also dependent on the kind of policies that are supported and on the overall environment in which farmers are operating.

Ερώτηση αρ. 58 του κ. Εμμανουήλ Αγγελάκα (H-0038/09)

Θέμα: Δημιουργία ευρωπαϊκού φορέα MME και εκλαϊκευση ευρωπαϊκών πληροφοριών στα κράτη μέλη

Η Επιτροπή, με τις πολιτικές της για την καταπολέμηση του δημοκρατικού ελλείμματος, έχει προβεί σε σημαντικό αριθμό δράσεων ενημέρωσης των πολιτών της ΕΕ και ενίσχυσης του ευρωπαϊκού χαρακτήρα των ΜΜΕ. Τόσο η ιστοσελίδα Europa, όσο και παραδείγματα όπως το Europarl TV, το Euronews κλπ. αποτελούν αξιόλογες προσπάθειες για τον εξευρωπαϊσμό της πληροφόρησης. Η παρατηρούμενη τάση είναι "to go global" (σφαιρικής κατεύθυνσης) και σε αυτήν ανταποκρίνονται κυρίως υποψιασμένοι για τα ευρωπαϊκά θέματα πολίτες με ανώτερο επίπεδο σπουδών και γνώση τουλάχιστον αγγλικών.

Ποιές οι προβλέψεις της Επιτροπής "to go local" (τοπική κατεύθυνση); Θα αντιμετώπιζε την πιθανότητα της δημιουργίας ενός επίσημου ευρωπαϊκού μέσου ή και φορέα μέσων ανά κράτος μέλος στην εθνική γλώσσα του κράτους μέλους, με αποκλειστικά ευρωπαϊκή θεματολογία και εκλαϊκευμένη ενημέρωση και με σύνδεση της ευρωπαϊκής αυτής ενημέρωσης με την τοπική πραγματικότητα υπό την αιγίδα της Επιτροπής;

Answer

A medium term audiovisual strategy was adopted in April 2008 with a view to create the tools allowing better understanding of the audiovisual (AV) market; reinforce the existing AV services for professionals and journalists and develop new services; contribute to the developing of an audiovisual European public sphere by setting up networks of AV operators that would create, produce and broadcast programmes on EU affairs on radio, TV and internet media which citizens already use at local and national level and in the language which they prefer.

The Commission does not envisage creating an official European media channel, as many media, technologies and operators already exist. A new media able to appear on all technological platforms would have difficulties to find its market. Therefore, the policy is to try to be present on existing media, using the various technological platforms to maximise the reach and the audiences of EU information programmes. The Commission has organised the creation of

three EU-wide networks (of which two are operational) to better meet citizens' needs at national, regional and local level, while respecting full editorial independence of the participating stations.

The European Radio Network (Euranet), created in December 2007, started to broadcast in 10 EU languages in April 2008, reaching weekly 19 million EU citizens and 30 million non EU citizens around the world every week. Its interactive website www.euranet.eu started to operate in 5 languages in July 2008 and in 10 languages in November 2008. The network is open to new members, being international, national, regional or local as long as they fulfil quality and independence criteria. It will progressively increase the number of broadcasting languages to 23 during the duration of the contract.

Another network of websites, called www.PRESSEEUROP.eu was created in December 2008 and will be operational in May 2009. It aims to be an interactive website that will daily make a selection of the best papers published in the international press. Its first dossier will cover the European elections. This network will reach at least 3 million unique visitors in ten languages per month and around 1 million readers of the papers that form the network per week.

The EU TV network will reassemble international, national, regional and local TV to produce and broadcast EU information programmes in at least 10 languages at the beginning (up to 23 at the end of the contract). The selection procedure is on course. It is expected to be operational before mid-2010.

Synergies between the various networks and websites are organised to ensure a maximum of visibility and reach citizens, to organised cross-boarders debates and let citizens from the most remote parts of the Union express their opinions, needs and requests

Once fully operational, the three networks together with Euronews will reach between 60 and 90 million EU citizens in all EU languages every week.

All media, although fulfilling the precise mission of informing EU citizens in a participative way, work in full editorial independence with the aim to facilitate access to EU information and democratic debate.

Question no 59 by Mairead McGuinness (H-0039/09)

Subject: Biodiversity loss in the EU

The Commission Communication, A Mid-Term Assessment of Implementing the EC Biodiversity Action Plan, published at the end of 2008, outlines that the EU is 'highly unlikely' to meet the target of halting biodiversity loss by 2010. The Commission states that an 'effective legal framework for the conservation of soil structure and functions' will need to be put in place. Can the Commission elaborate on this?

At a time when the demand on the productivity of agricultural land is greater than ever, does the Commission have any immediate plans to address biodiversity loss with regard to soil, and not simply wait until 2010 to assess the situation?

Answer

Soil biodiversity contributes to most of the known ecosystem services, such as nutrient, gases and water cycling as well as soil and biomass formation; hence, without soil biota, terrestrial ecosystems would collapse rapidly.

The Commission has made a proposal for a Soil Framework Directive¹⁷, which has the objective of ensuring a sustainable use of soil and protecting soil functions. These include soil as being a biodiversity pool, comprised of habitats, species and genes. Since the first reading of the proposal by the Parliament in November 2007, the Commission has been working with the Council to attempt to make progress towards its swift adoption. Once the Directive will be implemented, an effective legal framework for the conservation of soil structure and functions will finally be put in place across the Community. The provisions therein to combat erosion, organic matter decline, desertification, salinisation and contamination will greatly contribute to the protection of soil biodiversity.

While waiting for the adoption of the Soil Framework Directive, the Commission is actively involved in the protection of soil biodiversity using other existing instruments, such as the possibilities offered in rural development to support

¹⁷ COM(2006) 232, 22.9.2006.

appropriate agricultural practices (e.g. crop rotation, buffer strips, ploughing-in of crop residues, organic farming) in the context of agri-environment measures pursuant to Council Regulation (EC) No 1698/2005¹⁸. Some of the standards of good agricultural and environmental condition under cross-compliance can also contribute to the protection of soil biodiversity, in particular the standards addressing the issues of soil erosion, soil organic matter and soil structure. Efforts are also being made to enhance the profile of soil biodiversity in the context of the United Nations Convention on Biological Diversity. In addition, the Commission is well aware that there are many knowledge gaps as regards soil biodiversity. To overcome these deficiencies, it is giving increasing attention to soil biodiversity and soil fertility in the Seventh Framework Programme for Research, in particular under theme 2 ("Food, agriculture and fisheries, and biotechnologies") and theme 6 ("Environment"). Furthermore, it has recently launched a 12-month study specifically dedicated to an exhaustive overview of the state of play as regards the level of knowledge on and around soil biodiversity and the link between soil biodiversity and soil functions.

Ερώτηση αρ. 60 του κ. Ιωάννη Γκλαβάκη (H-0042/09)

Θέμα: Ανταγωνιστικότητα ευρωπαϊκών τροφίμων

Σε προηγούμενη απάντησή της η Ευρωπαϊκή Επιτροπή (P-5307/08) επιβεβαιώνει την αύξηση των εισαγωγών τροφίμων από τρίτες χώρες, γεγονός που προκαλεί ανησυχία τόσο στους ευρωπαίους παραγωγούς όσο και στην ευρωπαϊκή βιομηχανία τροφίμων.

Έχει υπόψη της η Επιτροπή κάποια μέτρα τα οποία θα καταστήσουν ανταγωνιστικότερα τα ευρωπαϊκά τρόφιμα, και σκέφτεται να εκπονήσει κάποια στρατηγική για την ενίσχυση της προώθησης των ευρωπαϊκών τροφίμων;

Answer

The Commission aims to maintain the competitiveness of Europe's food industry while taking into account the demands of the Common Agricultural Policy (CAP) and the EU's international obligations in both bilateral and multilateral trade agreements.

It has set up a High Level Group on the Competitiveness of the Agro-Food industry under the chairmanship of Vice – President Verheugen which aims at addressing the following issues:

The future competitiveness of the Community agro-food industry

The factors that influence the competitive position and sustainability of the Community agro-food industry, including future challenges and trends likely to impact on competitiveness

The formulation of a set of sector-specific recommendations addressed to policy makers at the Community level. The final report will be presented in April 2009.

Moreover, many programmes supporting the competitiveness of industry exist at European level and some are more particularly dedicated to the food industry. Their aim is to improve the competitiveness of this sector i.e. its ability to grow and prosper. 90% of the companies operating in the food industry are small and medium-sized enterprises (SMEs) and one of the main programmes designed for SMEs is the Competitiveness and Innovation Framework Programme (CIP). The main aims of this instrument are to provide better access to finance, support innovation activities and the use of information and communications technologies (ICT). The programme is in place for the period 2007-2013.

Furthermore, an amount of €26.4 billion from the European Regional Development and Cohesion funds for the period 2007-2013 has been dedicated to SMEs.

The Enterprise Europe Network is another instrument which has been created in order to support businesses across Europe and to promote innovation and competitiveness. It is made up of almost 600 partner organisations in more than 40 countries.

The Commission adopted in December 2008 a Communication on Food Prices in Europe which offers a preliminary analysis of the role and potential problems of the different actors in the food supply chain. In the context of the follow-up to this Communication, further investigation will be carried out concerning the enforcement of competition at EU and

¹⁸ OJ L 277 du 21.10.2005.

national level (with a specific targeting at practices and restrictions that are particularly harmful in this domain), the improvement of the transparency along the supply chain and better information for consumers, as well as further analysis of the functioning of the food supply chain and of the conditions for the competitiveness of the food industry.

The regulatory framework in which the EU food industry businesses operate is a key determinant of their competitiveness, growth and employment performance. The Commission helps businesses to improve their competitiveness by reducing red tape, and by producing better regulation. These actions are an important part of the EU's Partnership for Growth and Jobs strategy, which reinforces the Lisbon agenda's drive to make Europe the world's most competitive economy.

In line with this, the Commission has proposed a major simplification of the Common Agricultural Policy (CAP), based on the improvements brought by the recent CAP reform (Health Check), which aims mainly at creating a more market oriented agricultural sector.

Pergunta n° 61 do Armando França (H-0043/09)

Assunto: Apostas ilegais

O desporto é hoje, também, uma actividade económica que movimenta muitos milhões de euros. Há que ter em conta que tem havido um desenvolvimento exponencial do mercado de apostas desportivas e que com a internet se tem verificado uma influência crescente desta actividade, por exemplo, no futebol. É, por isso, fundamental proteger os clubes e todos os agentes deste desporto, que continuam a ver os seus produtos utilizados sem autorização, sendo por isso, espoliados de uma fonte de receita legítima, pondo assim em causa a indústria do futebol e a sua própria viabilidade económica. Este mercado de apostas continua sem regulamentação e sem incidência fiscal. Continua a proliferar o jogo por parte de menores, a falta de privacidade dos consumidores, a inexistência de uma eficiente "data protection" e "inside betting". Que projectos de regulamentação deste mercado tem a Comissão Europeia, e para quando?

Answer

The Commission has no plans to regulate the gambling market. The Honourable Member may as well recall that Member States and the European Parliament did not favour the Commission's proposal for such a regulation during the debate on the services Directive. The recent exchange of views in the Competitiveness Council on 1 December 2008 also demonstrated that Member States continue to favour national regulation in this area.

The Commission accepts that Member States are free to regulate such activities at national level, but they must do so in conformity with the EC Treaty. In such circumstances the Commission insists that restrictions imposed by Member States must be justified by a valid public interest objective, necessary and proportionate to protect the relevant objectives. It must also be applied consistently both to domestic operators and operators licensed in another Member State who wish to offer their services cross border.

On the broader issue of sport the Commission is planning to launch, in the first quarter of 2009, a call for proposals for a study to analyze differing systems of funding of grassroots sport across the EU. The study will look across the whole spectrum of sources of funding, including direct and indirect financial flows between professional and grassroots sport through the solidarity mechanisms.

Question no 62 by Brian Crowley (H-0045/09)

Subject: Trading relations with Balkan region

What initiatives is the European Union putting in place to improve the level of exports from the 27 European Union Member States that are sold within the Balkan region? And in general what programmes are in place to improve trading relations between the European Union and countries in the Balkan region?

Answer

The Western Balkans as a region is a key and valuable partner for the EU. The EU has repeatedly reiterated its commitment to this region's European perspective, leading eventually to EU membership.

The EU is the Western Balkans' main trading partner. Deeper economic ties between the EU and the region are therefore vital for boosting the region's economic growth, to the benefit both of these countries and of the EU and its exporters. Trade liberalisation and integration is a cornerstone in the Stabilisation and Association process. The EU has pursued this objective with the Western Balkans at three levels.

Firstly, the Commission has negotiated Free Trade Agreements as part of the Stabilisation and Association Agreements. These provide for mutual free access of exports to the EU and the Western Balkan country concerned. These agreements create the conditions for political and economic reforms and set the basis for the Western Balkans' integration in the EU by means of the alignment to the *acquis*. The Stabilisation and Association Agreements were preceded by unilateral trade preferences granted by the EU to the Western Balkans.

Secondly, at the regional level, the Commission acted as a facilitator of the negotiations on the Central European Free Trade Agreement (CEFTA). It has also provided financial support and technical assistance to the CEFTA Secretariat and to the Parties as to help with the implementation of the agreement. At the same time, the Commission values highly the regional ownership of the agreement and acknowledges that CEFTA is fundamental for deeper regional economic integration, including in preparing the ground for the full participation of the Western Balkans in the EU single market.

Thirdly, at the multilateral level, we have supported the accession of the countries in the region to the World Trade Organisation, as a fundamental step towards effective participation in the globalised economy.

Ερώτηση αρ. 63 του κ. Γεωργίου Παπαστάμκου (H-0049/09)

Θέμα: Δικαιώματα τηλεοπτικής μετάδοσης ποδοσφαιρικών αγώνων

Ποιά είναι τα σημεία τριβής των καθεστώτων πώλησης δικαιωμάτων τηλεοπτικής μετάδοσης των ποδοσφαιρικών αγώνων σε ευρωπαϊκό (Champions League) και σε εθνικό επίπεδο (εθνικές Leagues) με το ευρωπαϊκό κοινοτικό δίκαιο;

Answer

The main antitrust issue in the area of sport media rights in recent years has been the question of whether, and under what circumstances, the collective sale of media rights is compatible with Article 81 EC. The Commission has taken in the recent past three decisions involving the collective selling of media rights, namely UEFA Champions League¹⁹, German Bundesliga²⁰ and FA Premier League²¹.

In these three decisions, the Commission has consistently taken the view that the collective selling of media rights in the area of sports –i.e. when sports clubs (e.g. football clubs) entrust the selling of their media rights exclusively to the respective sports (league) association which then sells these rights on their behalf- constitutes a horizontal restriction of competition under Article 81(1) EC. However, the Commission has recognized that this practice creates efficiencies and could therefore be accepted under Article 81(3) EC if certain conditions are met.

Such conditions were for instance the obligation for the joint-seller of media rights to organise a competitive, non-discriminatory and transparent bidding process, the obligation to limit the duration and the scope of the exclusive vertical contract, the prohibition of conditional bidding, and the imposition of a no single buyer clause (for the FA Premier League Decision only).

In the White Paper on Sport²² and the accompanying annexes the Commission has outlined its position with regards to the sale of broadcasting rights to sport events as well as the application of the Community Law, and in particular the Competition law, to media rights.

¹⁹ Commission decision of 23 July 2003, Case 37398, Joint selling of the commercial rights of the UEFA Champions League, OJ 2003 L 291, p.25.

²⁰ Commission decision of 19 January 2005, Case 37214, Joint selling of the media rights to the German Bundesliga, OJ 2005 L 134, p. 6.

²¹ Commission decision of 22 of March 2006, Case 38173 Joint selling of the media rights to the FA Premier League, available at: http://ec.europa.eu/comm/competition/antitrust/cases/decisions/38173/decision_en.pdf

²² White Paper on Sport, COM(2007) 391 final of 11 July 2007; Commission Staff Working Document SEC(2007) 935 of 11 July 2007

Question no 64 by Avril Doyle (H-0059/09)

Subject: Plant protection products and humid countries

Does the Commission, from an agricultural perspective, have any ongoing concerns with the outcome of the Pesticides package, namely the Klass and Breyer reports? Does it have complete confidence that the cereal, potato and soft fruit industries in humid countries – like Ireland – will continue to have access to all necessary plant protection products for these very important crops?

Answer

The Commission is convinced that the new Regulation, which might lead to the withdrawal of a limited number of active substances, will not significantly affect the market.

On the contrary, the Commission believes that it is an incentive for the development of new safer products. It also streamlines the authorisation procedure to give quicker access to the market to new pesticides, thus improving opportunities for innovation with new solutions ensuring sustainable plant protection and food safety at the same time.

This Regulation provides for the possibility to approve active substances under restrictive conditions for a limited time in order to control a serious danger for plant health, even if they do not meet the approval criteria for carcinogenicity, toxicity to reproduction or endocrine disruption.

Furthermore, the zonal system for authorisations will increase the availability of pesticides to farmers between Member States and give incentives to industry to develop products for small cultures. It will reduce the administrative burden for producers of plant protection products and the competent authorities. Therefore the Commission is of the opinion that farmers in the EU will also in future have access to all plant protection products which are necessary for a sustainable and economically viable crop production.

Întrebarea nr. 65 a domnului Magor Imre Csibi (H-0074/09)

Subject: Centrala atomoelectrică de la Kozlodui

Credeți că o decizie de redeschidere a reactoarelor 3 și 4 ale centralei atomoelectrice de la Kozlodui (Bulgaria) ar putea afecta în vreun fel securitatea în regiune?

Answer

For the European Union, nuclear safety has constantly been a priority issue in the context of enlargement since the 1990s. Kozloduy units 1–4 are VVER 440/230 reactors, on which the Commission's position has remained consistent that these first-generation reactors of Soviet design are considered inherently unsafe by nuclear experts and cannot be economically upgraded to a required level of safety. This position is in line with the G7 multilateral action programme for improving the safety of all Soviet-designed reactors in Central and Eastern Europe adopted at the Munich G7 summit in 1992²³.

The closure of Kozloduy units 1–4 was negotiated as part of the conditions of accession of Bulgaria to the European Union and included as such in the Treaty of Accession. Any unilateral decision by Bulgaria to reopen Kozloduy 3-4 would be a breach of the Accession Treaty.

Otázka č. 66 od Zita Pleštinská (H-0078/09)

Vec: Harmonizácia preukazov zdravotne postihnutých osôb

Asi 50 miliónov Európanov, desatina európskej populácie, trpí nejakým zdravotným hendikepom. Približne každý štvrtý Európan má zdravotne postihnutého člena rodiny. Napriek pokroku v oblasti sociálnej inklúzie osôb so zdravotným postihnutím ustále existujú v rámci EÚ rôzne bariéry, napr. pri vzájomnom uznávaní preukazov ZŤP (zdravotne ťažko

²³ <http://www.g7.utoronto.ca/summit/1992munich/communique/nuclear.html>

postihnutých osôb). Mnohí postihnutí spoluobčania majú problémy v zahraničí napr. pri parkovaní, keď nemôžu zaparkovať na vyhradených parkoviskách pre postihnuté osoby.

Neuvažuje Komisia nad možnosťou harmonizovať preukazy ZŤP v rámci EÚ na podobnej báze, ako je vydávaný Európsky preukaz zdravotného poistenia?

Answer

The Commission is in favour of the mutual recognition of disability status between the EU Member States for the purpose of awarding benefits to people with disabilities. However the absence of an agreement at European level on the definition of disability, the diversity of national practices and the reluctance of some Member States do not make it possible for the Commission to propose, at this stage, an EU-wide identity card for persons with disabilities or the mutual recognition of national disability identity cards for granting special benefits.

With regard to parking cards for people with disabilities, the Commission recalls that Council Recommendation 2008/205/EC²⁴ provides for a standard Community model. Under this Recommendation, the holder of the standard Community parking card issued by a Member State can benefit from parking facilities available to people with disabilities in any other Member States.

However, the Commission underlines that recommendations do not have any binding force in the Member States and that the latter remain responsible for defining disability, setting the procedures for granting the card and defining the conditions under which the card can be used. To facilitate the use of the parking cards across the EU, the Commission set up a website²⁵ and published a booklet²⁶ providing information to citizens and national authorities on the standard Community model and the conditions of use of the parking cards in the Member States.

Fråga nr 67 från Jens Holm (H-0079/09)

Angående: Fiskeavtalet mellan EU och Marocko

Det fiskeavtal som ingicks mellan EU och Marocko 2006 omfattar de ockuperade västсахariska områdena. Avtalet ger Marocko tillstånd att sälja fiskelicenser inte enbart i sina vatten, utan även i Västсахara. FN klargjorde redan 2002 att Marocko som ockupationsmakt inte har rätt att sälja Västсахaras naturresurser för sin egen vinning, utan bara i samråd med och till fördel för det sahariska folket.

Kan kommissionen redogöra för hur många fiskelicenser för specifikt det västсахariska området som sålts till europeiska fartyg sedan avtalets ingående och ange vilka ekonomiska värden dessa licenser uppgår till? Hur bedömer kommissionen rent konkret att avtalet varit till fördel för det sahariska folket?

Answer

The question of Western Sahara in the framework of the EC/Morocco Fisheries Partnership Agreement (FPA) has been discussed in detail, inter alia the FPAs conformity with international law, during the process of the Agreement's adoption in the Council and in the Parliament.

The EU considers that the issue of the international status of Western Sahara is a complex question that should be solved in a bilateral and multilateral context in the framework of the United Nations. It is for this reason that the FPA does not include any reference to the status of Western Sahara.

As foreseen in the FPA and in line with international law, the Government of Morocco is responsible for the implementation of the fisheries sector policy and for the use of the financial contribution of the Agreement. This annual financial contribution amounts to € 36.1 million, of which at least € 13.5 million is to be used to support the fisheries policy and the implementation of responsible and sustainable fisheries. The EU and the Government of Morocco monitor

²⁴ Council Recommendation 2008/205/EC of 3 March 2008 adapting Recommendation 98/376/EC on a parking card for people with disabilities, by reason of the accession of the Republic of Bulgaria, the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, Romania, the Republic of Slovenia and the Slovak Republic.

²⁵ <http://parkingcard.europa.eu>

²⁶ http://ec.europa.eu/employment_social/docs/en_bookletparkingcard_080522.pdf

and examine the results of the implementation of the fisheries sector policy in the Joint Committee which has been established under the FPA. Support for the fisheries sector in the Western Sahara is one of the elements of the aforementioned policy and is taken into account in the programming of measures to be undertaken within the framework of the Agreement.

There are no data with regard to the issuing of licences specifically to fish in the Western Sahara region. However, most of the pelagic vessels fishing under category 6 of the FPA are active in this region and make a substantial contribution to local landings. In 2008, landings in Dakhla have accounted for 44% (25,920 tonnes) of the catches of this category.

In Layoune, demersal trawlers and long-liners (category 4) and tuna purse-seiners (category 5) landed 488 tonnes and 13 tonnes respectively. Total licence fees for categories 4 and 6 amounted to € 350,711 in 2008 but, again, there is no breakdown available on the basis of the actual location of the relevant fishing activities.

The European pelagic operators landing in Dakhla estimate that they employ around 200 people in connection with their investments in processing and transportation there and the Moroccan sailors embarked on their vessels are local sailors from Dakhla.

Zapytanie nr 68 skierowane przez Bogusław Sonik (H-0081/09)

Przedmiot: Dramatyczna sytuacja finansowa Muzeum Auschwitz- Birkenau

Muzeum Auschwitz-Birkenau znalazło się w dramatycznej sytuacji finansowej. Jeśli w najbliższym czasie nie znajdą się środki finansowe, które umożliwią przeprowadzenie konserwacji i zabezpieczenie obiektów byłego Obozu Koncentracyjnego Auschwitz-Birkenau, w ciągu najbliższych lat na jego terenie nastąpią nieodwracalne zmiany, na skutek których to Miejsce Pamięci na zawsze straci swoją autentyczność i popadnie w ruinę. Na liczącym blisko 200 hektarów terenie Muzeum Auschwitz-Birkenau znajduje się 155 obiektów i 300 ruin. Znajdują się tam także zbiory i archiwalia zagrożone zniszczeniem. Do tej pory Muzeum Auschwitz utrzymywało się głównie ze środków pochodzących z budżetu państwa polskiego oraz przychodów własnych. W roku 2008 pomoc zagraniczna stanowiła zaledwie 5 procent budżetu Muzeum. Ratowanie tego miejsca i pielęgnowanie pamięci o zagładzie setek tysięcy obywateli europejskich jest moralnym obowiązkiem Europy.

W związku z dramatyczną sytuacją byłego Obozu Koncentracyjnego Auschwitz-Birkenau zwracam się do Komisji Europejskiej z zapytaniem o ewentualne rozwiązanie tego problemu na poziomie Wspólnoty Europejskiej i o pomoc dla muzeum.

Answer

The Commission considers that the continuous process of building Europe requires the development of a European awareness amongst its citizens, based on common values, history and culture, and preserving the memory of the past, including its dark sides.

In early February 2009, the Auschwitz-Birkenau Memorial and Museum received a grant of approximately € 4.2 million from the European Regional Development Fund. The grant was awarded by the Ministry of Culture in Poland under the "Infrastructure and Environment" European Operational Programme.

In this context the Commission draws attention to the fact that the Community Action programme "Europe for Citizens" also supports projects related to preserving the memory of mass deportations during Nazism and Stalinism era. This programme does not provide means for large-scale preservation projects such as the one mentioned in the question, but it offers an important contribution to keeping the memory alive and in transmitting it to future generations.

Question no 69 by Charlotte Cederschiöld (H-0082/09)

Subject: Crossborder healthcare

The Commission is the guardian of the Treaty (i.e. Art. 49) and has to defend European citizens' rights.

Will the Commission withdraw the whole proposal on patient mobility if patients' rights according to the present *acquis* are not met?

Answer

The Parliament has not yet voted its first reading on the COM proposed Directive on the application of patients' rights in cross-border healthcare²⁷. Discussions are ongoing in the Council, with only a progress report issued by Health Ministers in December.

The Commission is thus not in a position to assess whether the co-legislators' positions are likely to affect in a fundamental manner the objectives of its proposal – and, in particular, the enforcement of patients' rights as recognised by the European Court of Justice.

Patient's rights are directly derived from the fundamental freedom to receive services guaranteed by Article 49 EC Treaty. They have been confirmed on many occasions by the European Court of Justice. One of the objectives of the proposal is to clarify these rights and to provide more legal certainty for patients, Member States and health care providers. The Commission is committed to defend those rights and not to have them reduced or removed, respecting the European Court of Justice jurisprudence and the existing *acquis communautaire*, particularly Regulation 1408/71 on the coordination of social security.

Question no 70 by Marianne Mikko (H-0084/09)

Subject: Declaration on the proclamation of 23 August as European Day of Remembrance for the Victims of Stalinism and Nazism

This summer will mark the passage of 70 years since the signing of the notorious Molotov-Ribbentrop Pact. The Molotov-Ribbentrop Pact of 23 August 1939 between the Soviet Union and Germany divided Europe into two spheres of interest by means of secret additional protocols. Declaration 0044/2008 on commemorating the victims of the consequences of this Pact received the support of 409 Members of the European Parliament from all political groups. It was announced by the European Parliament's President on 22 September and was forwarded, together with the names of the signatories, to the parliaments of the Member States. The influence that the Soviet occupation had on the citizens of the post-Soviet states is little known in Europe.

What initiative, if any, has the Commission planned in response to the declaration?

Réponse

La Commission considère que la Déclaration du Parlement sur la proclamation du 23 août comme Journée européenne de commémoration des victimes du stalinisme et du nazisme est une initiative importante pour la préservation de la mémoire des crimes totalitaires et la sensibilisation du public, notamment des jeunes générations.

La Commission espère que les parlements des Etats membres, à qui est adressée cette Déclaration, la mettront en œuvre de la manière la plus appropriée au regard de leur propre contexte historique et sensibilité.

La Commission procède aux travaux préparatoires à l'élaboration du rapport demandé par le Conseil lorsque celui-ci a adopté la décision-cadre sur la lutte contre certaines formes de manifestations de racisme et de xénophobie au moyen du droit pénal. La Commission présentera ce rapport en 2010 afin d'avoir un débat politique sur la nécessité de nouvelles initiatives de l'Union.

En vue de préparer ce rapport, une étude a été lancée pour avoir une vision d'ensemble factuelle des méthodes, des législations et des pratiques utilisées dans les Etats membres pour traiter les questions de la mémoire des crimes totalitaires. L'étude sera achevée avant la fin 2009. En outre, les travaux de la Commission s'appuient aussi sur les contributions reçues à l'occasion de l'audition qu'elle a organisée avec la présidence le 8 avril 2008. La Commission va aussi examiner comment les programmes communautaires pourraient contribuer à une meilleure sensibilisation sur ces questions.

²⁷ COM(2008)414 final

La Commission est déterminée à poursuivre le processus lancé et à avancer étape par étape, sachant, bien entendu, que c'est aux Etats membres de trouver leur propre chemin afin de répondre aux attentes des victimes et de réussir la réconciliation. Le rôle de l'Union européenne est de faciliter ce processus en encourageant la discussion et en renforçant le partage des expériences et des bonnes pratiques.

KYSYMYKSET NRO 71 Esko Seppänen (H-0085/09)

Aihe: Vapaa-ajan kalastus

Komissiossa valmistellaan asetusluonnosta, jonka mukaan vapaa-ajan kalastajien pitää ilmoittaa yli 15 kilon kalansaaliit viranomaisille. Esitys on absurdi ja sen laatijat ovat totaalisen ymmärtämättömiä siitä, miten pohjoisten jäsenvaltioiden elämä on yhteydessä luontoon ja sen antimiin. Onko komissiolla todella tarkoitus tehdä itsensä samaan aikaan sekä naurunalaiseksi että pohjoismaisen elämänmuodon inkvisitiolaitokseksi määräämällä vapaa-ajan kalastajille kalansaaliiden ilmoittamispakon?

Answer

In contrast to what has been widely reported, the Commission has not made any proposals to submit all recreational or amateur anglers to quotas or controls similar to those applying to professional fishermen.

The Commission has proposed to address some recreational fisheries in a Regulation establishing a Community control system to ensure compliance with the rules of the Common Fisheries Policy (Article 47). The draft regulation does not, however, aim to place a disproportionate burden upon individual anglers or on the leisure fishing industry. What is proposed is to subject recreational fisheries on certain specific stocks, namely those subject to a recovery plan, to some basic conditions on permits and catch reporting. The scope of this is to obtain more accurate information to allow the public authorities to evaluate the biological impact of such activities and, where required, to prepare the necessary measures. As is the case for commercial fishery activities, Member States would be responsible for the enforcement and monitoring of such measures.

However, as the member of Commission in charge of Fisheries and Maritime Affairs has already said publicly, the Commission does not intend to submit all recreational fishermen to quotas as is the case with professional fishermen. The Commission's proposal would not cover shore anglers, including those wading in the sea, or anglers fishing from a pier, from a canoe or from a kayak. It would in fact only cover recreational fishermen who fish from a vessel in the open sea and who catch fish, which are under multi-annual plans, i.e. fish that are threatened by extinction. The normal hobby angler who catches an insignificant number of fish when he goes out fishing and uses it exclusively for his private consumption will not be covered by the control regulation, even if he catches fish like cod which is under a recovery plan.

The establishment of the precise catch threshold from which controls will have to apply, whether it be 5, 10 or 15 kilos or some other yard stick, will depend on the kind of fish caught. The member of Commission in charge of Fisheries and Maritime Affairs announced in his speech at the European Parliament on 10 February that this threshold will be determined on a case by case basis after the Commission has received relevant advice from the Scientific, Technical and Economic Committee on Fisheries (STECF), which should provide it with the necessary information with respect to proportionate threshold figures that are fair and just.

It should be recalled that recreational sea fishing is already subject to Member States' regulation by the Member States and there are many cases where permits and catch reporting are currently obligatory. In fact, it is the Commission's hope that this proposal will help harmonise such requirements, and ensure that we have similarly good data on the relevant fisheries wherever they take place.

The Commission welcomes further dialogue with stakeholders on how to further restrict the proposal's application to recreational fisheries which have a significant impact on stocks under a recovery plan. The Commission, of course, wants to ensure that the final regulation adopted by Council achieves a fair balance between, on the one hand, obtaining adequate information on the impact of recreational fisheries on sensitive (recovery) stocks (following a case by case analysis) and, on the other, ensuring that recreational fishers whose catches clearly have a negligible biological impact are not burdened with disproportionate requirements.

Vraag nr. 72 van Bart Staes (H-0086/09)

Betreft: Het stopzetten van EU financiële steun aan Bulgarije omdat te weinig vooruitgang geboekt werd in de strijd tegen corruptie

Twee jaar geleden deelde de Commissie ons mee dat ze voldoende garanties gekregen had van kandidaat lidstaat Bulgarije dat de financiële steun vanuit de Europese begroting goed beheerd zou worden. Maar nu blijkt dit niet het geval te zijn. Bulgarije verliest 220 miljoen euro, en nog eens 340 miljoen euro financiële steun voor reeds goedgekeurde projecten is bevroren. Dit terwijl volgens de Europese Commissie de politieke wil om corruptie te bestrijden er bij Bulgarije wel is.

Kan de Commissie uitleggen uit welke elementen deze 'garanties' destijds bestonden en waarom deze toch onvoldoende waterdicht bleken?

Answer

The Commission takes a close interest in the sound financial management and control of EU funds and the correct execution of the EU budget. The implementation of funds is closely scrutinised by the different services managing EU funds in Bulgaria. The implementation of these funds follows separate legal regulations. The Commission reports to the Parliament annually on the execution of the budget.

As a result of considerable shortcomings in the management of EU-funds in Bulgaria which were identified at the beginning of 2008, the Commission suspended the reimbursement of certain funds under all three pre-accession funds PHARE, ISPA and SAPARD. In addition, the Commission withdrew the accreditation of two government agencies in charge of managing PHARE funds. These decisions remain currently in force. The services of the Commission are at present assessing whether corrective actions by Bulgaria would merit unfreezing funds under certain conditions. It is in particular important for Bulgaria to demonstrate concrete results in addressing irregularities and fraud.

The Commission services are in close contact with the Bulgarian authorities and support them on a continuous basis in their efforts to overcome the current implementation problems of EU funds. The Commission and the Bulgarian authorities share the common objective of implementing EU assistance in full conformity with sound financial management and controls and for the benefit of the Bulgarian people.

Furthermore, the European Anti-Fraud Office (OLAF) has a strong presence and commitment in Bulgaria and works closely with a wide range of Bulgarian authorities (the National Investigation Agency, public prosecutors, the State Agency for National Security, the tax administration, the Deputy Prime Minister, etc.) to discuss measures in order to improve the effectiveness of the fight against fraud and corruption detrimental to EU's financial interests. In particular, OLAF is following with a great interest the on-going judicial proceedings concerning SAPARD cases.

In addition, the Commission cooperates closely with Bulgaria in the context of the Cooperation and Verification Mechanism (CVM) which was set up upon Bulgaria's accession to the EU in order to help Bulgaria remedy shortcomings in the areas of judicial reform, the fight against corruption and organised crime. To ensure the efficient absorption of EU funds, Bulgaria must also curb corruption and vigorously fight organized crime.

Pergunta nº 73 do Joel Hasse Ferreira (H-0087/09)

Assunto: Discriminação de trabalhadores europeus no Reino Unido

Recentes incidentes no Reino Unido, envolvendo trabalhadores britânicos, constituem uma tentativa de discriminação de trabalhadores, portugueses e de outros Estados-membros, evidenciando comportamentos com traços anti-europeus preocupantes. As formas como os manifestantes se referem aos trabalhadores portugueses e a outros europeus são inaceitáveis.

Pensa a Comissão Europeia, neste caso do investimento das empresas Total e IREM em Lindsey, no Leste da Inglaterra, desencadear as diligências necessárias para garantir não só o completo respeito pelas normas europeias de circulação de trabalhadores em vigor, ou já as terá mesmo iniciado em contacto com o Governo britânico?

Answer

The Commission is aware of the strike in the UK at the Total plant in Lindsey (Lincolnshire). The Commission understands that Italian and Portuguese workers were brought to Lindsey in the framework of a subcontract awarded by Total UK to the Italian firm IREM.

The situation referred to by the Honourable Member relates to the free movement of services, which includes the right of undertakings to carry out services in another Member State in the context of which they may send ("post") their own workers temporarily. It therefore appears that the industrial action has put in question the right to provide services.

The Commission is of the opinion that the posting of workers directive is an essential instrument, giving companies the benefit of the internal market, while allowing Member States to take the necessary measures to protect workers' rights.

The Commission is determined to continue to ensure the balance between protection of workers and economic freedoms and avoid unfair competition. Free movement of workers and free movement of services are key conditions to achieve economic growth, strengthen competitiveness and promote living standards and prosperity in the EU.

The Commission understands the anxiety of European workers fuelled by the current crisis. The Commission adopted a European Economic Recovery Plan in November 2008 to limit the impact of the crisis on the real economy and on jobs. Last week, the Commission adopted a further contribution to the March 2009 European Council to help cushion the negative impact of the crisis and prepare the EU for future sustainable growth. An employment and social summit in May 2009 will be a further opportunity to discuss these important issues. As previous experience has shown, the way out of the crisis is not through erecting barriers or pandering to protectionism but upholding the values of openness and free movement.

Pergunta n° 74 do Ilda Figueiredo (H-0090/09)

Assunto: Defesa dos direitos dos trabalhadores portugueses no Reino Unido

Os recentes acontecimentos no Reino Unido que impediram algumas dezenas de trabalhadores portugueses de trabalharem na refinaria Total, em Linsey, no Norte de Inglaterra, são consequência do aumento do desemprego e dos sentimentos de xenofobia que são desenvolvidos, tentando fazer crer que a culpa da crise é dos migrantes (emigrantes e imigrantes), o que não é verdade. As causas da crise são outras: resultam das políticas capitalistas e neoliberais que são promovidas pela União Europeia.

Assim, solicito à Comissão Europeia que me informe das medidas que estão a ser tomadas para defender os direitos de todos os trabalhadores, criar mais empregos com direitos e, assim, impedir o desenvolvimento de comportamentos de racismo e xenofobia.

Answer

The Commission is aware of the strike in the United Kingdom (UK) at the Total plant in Lindsey (Lincolnshire). The Commission understands that Italian and Portuguese workers were brought to Lindsey in the framework of a subcontract awarded by Total UK to the Italian firm IREM. The Commission also understands that the British employment relations service, Acas, published a report stating that its inquiry has found no evidence that Total, and its sub-contractors, Jacobs Engineering or IREM, have broken any laws in relation to the use of posted workers or entered into unlawful recruitment practices.

The situation referred to by the Honourable Member does not seem to relate to the free movement of workers based on Article 39 of the EC Treaty. Free movement of workers is to be distinguished from the freedom to provide services based on Article 49 of the EC Treaty, which includes the right of undertakings to carry out services in another Member State in the context of which they may send ("post") their own workers temporarily.

It therefore appears that the industrial action has put in question the right to provide services. The Commission is of the opinion that the posting of workers directive is an essential instrument, giving companies the benefit of the internal market, while allowing Member States, in Article 3, to take the necessary measures to protect workers' rights. The Commission is determined to continue to ensure the balance between protection of workers and economic freedoms and avoid unfair competition. In this context, the Commission, together with the French Presidency of the Council, has asked the European

Social Partners to draw up a joint analysis on this subject. The Commission looks forward to receiving the result of their discussions.

The Commission understands the anxiety of European workers fuelled by the current crisis. The Commission adopted a European Economic Recovery Plan in November 2008 to limit the impact of the crisis on the real economy and on jobs. The Commission has adopted on 4 March a further contribution to the March 2009 European Council to help cushion the negative impact of the crisis and prepare the EU for future sustainable growth. Furthermore, the Czech Presidency of the Council will organise an Employment Summit on 7 May 2009. As previous experience has shown, the way out of the crisis is not through erecting barriers or pandering to protection, but upholding the values of openness and free movement.

Zapytanie nr 75 skierowane przez Zbigniew Krzysztof Kuźmiuk (H-0088/09)

Przedmiot: Otwarcie niemieckiego rynku pracy dla nowych państw członkowskich

Już w dniu 16 lipca 2008 roku niemiecki rząd zdecydował, że niemiecki rynek pracy będzie zamknięty dla pracowników pochodzących z nowych państw członkowskich przez kolejne 2 lata (do końca kwietnia 2011), choć stopa bezrobocia w czerwcu 2008 roku wynosiła tylko 7,5%. W przygotowywanym właśnie uzasadnieniu tej decyzji dla Komisji Europejskiej, jako główny powód wymienia się postępujący kryzys gospodarczy, choć dotyczy on przecież nie tylko gospodarki niemieckiej, a gospodarek wszystkich krajów UE.

Czy takie uzasadnienie Komisja Europejska może uznać za przekonujące i właściwie uargumentowane?

Answer

The Commission is aware of the German Government's decision to extend the restrictions on EU-8 workers' access to its labour market until 2011.

According to the Accession Treaty, a Member State that wants to continue to maintain labour market restrictions during the period 1 May 2009 to 30 April 2011 can only do so if it notifies the Commission before 1 May 2009 of a serious disturbance of its labour market, or threat thereof. The Commission, in its role as guardian of the Treaties, reserves the right to take the appropriate course of action once it receives and reviews the German notification.

Ερώτηση αρ. 76 του κ. Αθανασίου Παφίλη (H-0092/09)

Θέμα: Συνταξιοδοτικά δικαιώματα επαναπατρισθέντων πολιτικών προσφύγων

Όπως είναι γνωστό, από την 1.1.2007, η Ρουμανία και η Βουλγαρία εντάχθηκαν στην ΕΕ, εφαρμόζοντας από αυτή την ημερομηνία τους Κοινοτικούς Κανονισμούς (ΕΟΚ) αριθ. 1408/71²⁸ και (ΕΟΚ) αριθ. 574/72²⁹ στις δικαιοδικές κοινωνικοασφαλιστικές σχέσεις των κρατών μελών.

Αμέσως μετά την ένταξη των δύο αυτών χωρών στην ΕΕ, οι έλληνες επαναπατρισθέντες πολιτικοί πρόσφυγες από τη Ρουμανία και τη Βουλγαρία, υπέβαλαν αιτήσεις- μέσω των ασφαλιστικών φορέων (Ι.Κ.Α., Ο.Γ.Α., Ο.Π.Α.Δ., Λογιστήριο του Κράτους), προς τους Οργανισμούς Σύνδεσης των δύο κρατών για θέματα συντάξεων και διαπίστωσης χρόνου ασφάλισης στις διευθύνσεις: Ρουμανία: Casa Nationala de Pensii si Alte Drepturi de Asigurari Sociale, str. Latina 8, Sector 2., Βουλγαρία: National Social Security Institute 62-64, Alexander Stabilinsky Blvd., Sofia 1303.

Πέρασαν δύο χρόνια και ακόμη δεν έχει χορηγηθεί η σύνταξη για τα δεδουλευμένα στους έλληνες επαναπατρισθέντες πολιτικούς πρόσφυγες από τις δύο αυτές χώρες.

Ποια η θέση της Επιτροπής για την άμεση χορήγηση των συντάξεων στους δικαιούχους επαναπατρισθέντες πολιτικούς πρόσφυγες από τις χώρες τους;

²⁸ ΕΕ L 149 της 5.7.1971, σελ. 2.

²⁹ ΕΕ L 74 της 27.3.1972, σελ. 1.

Réponse

La Commission est consciente du problème concernant les droits à pension des ressortissants grecs ayant travaillé en Roumanie et en Bulgarie et qui ont été rapatriés dans les années 1970.

Sur la base d'accords bilatéraux conclus entre la Grèce et les pays susmentionnés, la législation grecque a reconnu, sous certaines conditions, que les périodes de travail accomplies dans ces pays pouvaient être considérées comme ayant fictivement été accomplies en Grèce. Cette fiction juridique avait pour but de protéger certaines catégories de personnes qui risquaient de perdre entièrement leurs droits en matière de sécurité sociale. Cet avantage, qui a été octroyé uniquement sur base du droit national et dans les conditions prévues par ce dernier, a permis de liquider des droits jusqu'au 1^{er} janvier 2007.

En effet, depuis cette date, les règlements communautaires (CEE) n^{os} 1408/71 et (CEE) 574/72 s'appliquent à la Roumanie et la Bulgarie. Or, l'article 94, paragraphe 1, du règlement 1408/71, dispose que celui-ci n'ouvre aucun droit pour une période antérieure à son application sur le territoire de l'Etat membre concerné.

Question no 77 by Kathy Sinnott (H-0094/09)

Subject: M8 Rathcormac Fermoy bypass and N8 Watergrasshill bypass

I first contacted the Commission in August 2006 on the issue of the M8 and the N8 Watergrasshill bypass. Answers to previous written questions (P-3803/06, P-5555/06 and E-0821/07) were unsatisfactory.

The opening of the new M8 toll motorway on 2 October 2006 resulted in 2.4km of EU-funded roadway (N8) being withdrawn from all free public usage as there is no access or exit point for non-toll-paying citizens. This stretch of road is inaccessible to my constituents unless they pay a toll to a private company. This constituted an unauthorised change of use and a change of ownership. The impact of these changes has been very significant to the village of Watergrasshill and traffic volumes through the village have increased considerably, making it dangerous for people. The situation is ongoing and is causing hardship for many of my constituents.

Will the Commission inform me what it is currently doing about the situation?

Answer

The Commission has carried out extensive consultations with the Irish authorities, following the various questions posed by the Honourable Member on the subject of the Watergrasshill interchange. Previous correspondence between the Commission and the Member State has, as requested, been forwarded directly to the Honourable Member.

The co-funded Watergrasshill interchange is owned by the local authority. The entire Watergrasshill Bypass will remain in public ownership and be maintained by the local authorities.

The Irish authorities have informed the Commission that certain improvements were put in place to discourage drivers of heavy goods vehicles, who were unwilling to use the toll road, from passing through Watergrasshill village. These included:

A one-way system on the road leading to the village centre from the Watergrasshill Junction;

A three tonne limit on vehicles using the main street;

An improved local village bypass that would direct any untolled traffic to an alternative route, away from Watergrasshill village.

Following the Honourable Member's above-mentioned question, the Commission made contact with the Irish authorities in order to ascertain the latest situation with regard to traffic flows through the village. The Irish authorities have informed the Commission that both the one-way system and the 3 tonne limit were removed in mid 2008 by vote of Cork County Council at the request of the local community in Watergrasshill.

The latest traffic counts subsequent to the removal of the restrictions, as mentioned above, indicate the following:

A total of 19,859 vehicles on the N8 south of the Fermoy bypass;

A total of 13,202 vehicles using the toll road;

A total of 6,214 vehicles using the improved local village bypass (mentioned above).

Approximately 6,600 vehicles go through the main street on a daily basis. This includes village retail and local traffic feeding through the village. The Irish authorities estimate that a significant amount of this local traffic might always be present given the development of housing in the area in recent years.

No figures are available on the number of heavy goods vehicles's travelling through the village, but this is likely to have increased since the removal of the one-way system and the 3 tonne limit.

It is worth noting that vehicle flows through the village are considerably lower than the corresponding figure of 10,336 vehicles recorded in November 2006.

In light of the above, the Commission is of the opinion that the Irish authorities have taken all reasonable measures to address the concerns of the residents in Watergrasshill. The Commission trusts that the above information answers the Honourable Member's latest queries on this matter.

Ερώτηση αρ. 78 του κ. Κωνσταντίνου Δρούτσα (H-0096/09)

Θέμα: Απολύσεις και απαγόρευση της συνδικαλιστικής δραστηριότητας

Οι εργαζόμενοι στο χώρο του λιανικού εμπορίου στην Ελλάδα κινητοποιούνται για τη διεκδίκηση των δίκαιων αιτημάτων τους, για καλύτερες συνθήκες δουλειάς, μεροκάματο και ασφάλιση, και απαιτούν την ανάκληση της απόλυσης συναδέλφου τους από το πολυκατάστημα "JUMBO" όπου εργαζόταν, γιατί συμμετείχε σε απεργία του κλάδου. Κυβέρνηση και εργοδοσία προσπαθούν να τρομοκρατήσουν τους εργαζομένους, εξαπολύοντας κύμα συλλήψεων και διώξεων σε βάρος εργαζομένων που συμμετέχουν στις κινητοποιήσεις σε πολλές πόλεις της Ελλάδας. Ειδικότερα η εταιρεία "JUMBO" ζητεί την παύση κάθε συνδικαλιστικής δραστηριότητας, την καταβολή εγγυοδοσίας από τους εργαζομένους, χρηματικές ποινές και ποινικές κυρώσεις και, κυρίως, την απαγόρευση των κινητοποιήσεων των εργαζομένων που διεκδικούν το δικαίωμα στη δουλειά και την επαναπρόσληψη απολυμένων, την κατοχύρωση των συνδικαλιστικών και δημοκρατικών δικαιωμάτων.

Καταδικάζει η Επιτροπή αυτές τις ενέργειες που παραβιάζουν το δικαίωμα των εργαζομένων στην απεργία, τις δημοκρατικές και συνδικαλιστικές ελευθερίες τους;

Answer

The Commission considers that freedom of association should be regarded as a general principle of Community law. It is therefore to be respected in any situation falling within the scope of the latter. In this connection the Commission would refer the Honourable Member to the Court of Justice's ruling in the Bosman case and to Article 12 of the Charter of Fundamental Rights of the European Union, which provides that everyone has the right to freedom of association, in particular in trade union matters³⁰.

However, there is no EC legislation expressly providing for the right of association. Article 137(5) of the EC Treaty stipulates that that Article does not apply to the right of association. Furthermore, there is no EC legislation prohibiting discrimination on grounds of membership of a trade union or participation in a strike³¹.

In addition, the Commission would stress that the Treaty does not empower it to take action against a private undertaking which breaches the right to freedom of association and/or to strike. In such cases, it would be for the national authorities, in particular the courts, to ensure that those rights are respected in their territory on the basis of all pertinent facts and with due regard to the applicable national and international standards.

³⁰ The Charter is, however, not legally binding at present.

³¹ See the Commission's answers to written questions H-0271/07 and E-2091/08.

Vraag nr. 79 van Ivo Belet (H-0097/09)

Betreft: Hoge bunkertoeslagen sinds de afschaffing van de conferences

Sinds de afschaffing van de conferences midden oktober moeten rederijen zelf de tarieven bepalen voor de bunkertoeslag (bunker adjustment factor, BAF) die aangerekend wordt om de risico's van prijsschommelingen van de brandstofprijzen te compenseren.

Wat betreft de bunkertoeslagen voor zeevracht van Antwerpen naar Arica, dient vastgesteld te worden dat - ondanks de recente dalingen van de olieprijsen - de rederijen dezelfde tarieven handhaven als in juli 2008.

Is de Europese Commissie op de hoogte van deze situatie?

Welke maatregelen kunnen genomen worden om de rederijen tot het bepalen van redelijke tarieven te bewegen?

Answer

As the Honourable Member knows, following the abolition of the liner conference block exemption on 18 October 2008 liner companies have to assess themselves whether their business practices comply with the competition rules. To help maritime operators understand the implications of this change, the Commission has adopted guidelines on the application of Article 81 of the EC Treaty to maritime transport services on 1 July 2008. In view of the guidelines and of the current state of the Article 81 case-law, it appears that, on its own, the fact that bunker adjustment factors (BAFs) on the Antwerp to Africa trade are still at their July 2008 levels does not necessarily indicate the existence of anti-competitive practices committed by shipping lines. Indeed, there may be benign explanations for the fact that BAFs are not falling as fast as oil prices (or as fast as base rates), such as bunker hedging and/or market transparency in the shipping sector and in the oil sector. Nonetheless, the Commission has been closely monitoring the evolution of the liner sector since the abolition of liner conferences last October, and will continue to do so. In particular, the Commission will vigorously enforce the competition rules in order to prevent any attempt to compensate the fall in base rates by increasing BAFs and other surcharges and ancillary charges via anti-competitive practices.

Question no 80 by Proinsias De Rossa (H-0099/09)

Subject: Working hours of junior doctors

What is the Commission's response to the recent report published by the Irish Department of Health which indicated that some of the 4 500 junior hospital doctors in Ireland are still working shifts of 36 hours or more four and a half years after the Working Time Directive (Directive 93/104/EC³² as amended by Directive 2000/34/EC³³) took effect, and which concluded that no hospital in Ireland is fully compliant with EC legislation on working time?

What action has the Commission taken or is planning to take to ensure that Ireland is fully in compliance with its obligations under EC working time legislation?

Answer

The Commission is aware of the report published in December by the Irish national authorities, about the situation in practice in Ireland as regards the working hours of doctors in training.

Under the Working Time Directive³⁴, working time should not exceed an average of 48 hours per week. The Directive provides special transitional arrangements for extending this limit to doctors in training, who were not covered by the Directive until 2004. But even under these transitional arrangements, working time of doctors in training should not exceed 56 hours per week on average by August 2007, and 48 hours on average by 31 July 2009. Other provisions of the Directive apply in full since 2004 to doctors in training. These provisions include the requirement for minimum daily rest periods (at least 11 consecutive hours per 24-hour period) and, where applicable, special limits to night work.

³² OJ L 307, 13.12.1993, p. 18.

³³ OJ L 195, 1.8.2000, p. 45.

³⁴ Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.

In the light of these provisions, the Commission views with concern the report mentioned by the Honourable Member, and intends to make contact with the national authorities.

Question no 81 by Jim Allister (H-0104/09)

Subject: John Calvin

Having regard to the immense contribution of John Calvin to Europe's religious, political and social history and to the enlightenment and development of Europe, what plans has the Commission to mark the 500th anniversary of his birth in July 2009?

Answer

Along with other important political and religious thinkers, the work of John Calvin has contributed to the shaping of European values and has had a particular influence in certain regions and Member States. However, the Commission currently has no plans to mark the 500th anniversary of his birth.

Ερώτηση αρ. 82 του κ. Μανώλη Μαυρομμάτη (H-0105/09)

Θέμα: Οικονομική ενίσχυση των Μέσων Μαζικής Ενημέρωσης

Σύμφωνα με την απάντηση P-0189/09 της Επιτροπής σχετικά με την οικονομική ενίσχυση των Μέσων Μαζικής Ενημέρωσης εν μέσω της παγκόσμιας οικονομικής κρίσης, πολλά κράτη μέλη της έχουν κοινοποιήσει κρατικές ενισχύσεις υπέρ του Τύπου τις οποίες έχει ήδη εγκρίνει, στον βαθμό που ήταν σύμφωνες με τις διατάξεις του κοινοτικού δικαίου.

Θα μπορούσε η Επιτροπή να με πληροφορήσει συγκεκριμένα ποιά κράτη μέλη έχουν κάνει ήδη τις αιτήσεις αυτές, ποιές από αυτές έχουν εγκριθεί, ποιο ποσό αφορούν και για ποιά Μέσα προορίζονται. Ποιές είναι οι προϋποθέσεις που κάνουν τις εν λόγω κρατικές ενισχύσεις σύμφωνες με τις διατάξεις του κοινοτικού δικαίου;

Answer

The Commission recognises the need for full editorial independence of the media as well as the importance of media pluralism for the cultural, democratic and public debate in Member States and the importance of newspapers in this context. However, running a newspaper is also a commercial activity and the Commission has a duty to prevent undue distortions of competition and trade resulting from public subsidies.

In this respect, various State aid schemes in support of the press have been notified to the Commission. For example, Finland notified subsidies (€ 0.5 million in 2008) granted to a limited number of Swedish-language and minority language newspapers³⁵, Denmark notified a scheme in favour of the distribution of certain journals and periodicals³⁶ (approximately € 4.6 million per year), and Belgium notified a scheme in favour of the Flemish written press³⁷ (€ 1.4 million per year).

After an assessment of these schemes under Community law, the Commission decided that such aid could be declared compatible with the common market. In particular, the Commission assessed whether the aid pursued an objective of common interest (such as the promotion of media pluralism and diversity of views) in a necessary and proportionate way. The Commission took into consideration factors such as the duration of the scheme, the number and the activities of the beneficiaries, the amount of the subsidies and the aid intensity.

Amendments to the Swedish press aid scheme were also notified by Sweden in September 2008. The Commission decided in November 2008 to follow the procedure applicable to aid schemes which pre-exist a Member State's entry into the European Union. The case is currently pending.

³⁵ Commission decision in case N 537/2007, *Sanomalehdistön tuki*, 20.05.2008, see: http://ec.europa.eu/community_law/state_aids/comp-2007/n537-07-fi.pdf

³⁶ Commission decision in case N 631/2003, *Distribution af visse periodiske blade og tidsskrifter*, 16.06.2004, see: http://ec.europa.eu/community_law/state_aids/comp-2003/n631-03.pdf

³⁷ Commission decision in case N 74/2004, *Aide à la presse écrite flamande*, 14.12.2004, see: http://ec.europa.eu/community_law/state_aids/comp-2004/n074-04-fr.pdf

No Member State has so far notified anti-crisis aid to the press. Member States may, however, use aid schemes approved under the "Temporary Community Framework for State aid measures to support access to finance in the current economic and financial crisis"³⁸ to the press in the same way as for other sectors of activity.

Pregunta nº 83 formulada por Carmen Fraga Estévez (H-0107/09):

Asunto: Catástrofes naturales enero 2009

Los temporales sufridos en España y Francia durante el mes de enero han dejado un saldo muy costoso tanto materialmente como en vidas humanas. En el caso concreto de la comunidad autónoma gallega, los daños causados afectan principalmente al sector de la silvicultura. Desde el inicio de los temporales, la Comisión Europea ha confirmado la existencia de contactos con el Gobierno francés con el fin de determinar los eventuales recursos comunitarios disponibles para paliar las pérdidas.

¿Ha solicitado ya el Gobierno de España ayudas comunitarias a través del Fondo de Solidaridad? ¿Ha entrado en contacto con la Comisión para conocer las vías posibles de ayuda a través de ese instrumento o mediante los programas de desarrollo rural?

Answer

As far as the European Union Solidarity Fund is concerned, the Commission services in charge have not received an application concerning the storm on 24 January 2009. However, Council Regulation (EC) No 2012/2002 of 11 November 2002 requires an application by the national authorities of the Member State concerned to the Commission only within 10 weeks of the date of the first damage (i.e. in the present case on 4 April 2009).

The European Union Solidarity Fund (EUSF) can provide financial aid to Member States and countries engaged in accession negotiations to the EU in the event of a major natural disaster if total direct damage caused by the disaster exceeds €3 billion (at 2002 prices) or 0.6% of the country's gross national income, whichever is the lower. The threshold applicable to Spain in 2009 is direct damage in excess of € 3.398 billion. In exceptional cases, if specific criteria are met, the Fund can be mobilised for disasters that do not reach the normal threshold.

It should be recalled that financial assistance from the Solidarity Fund is limited to specific types of emergency operations carried out by the public authorities (as defined by the Regulation), such as reinstating vital infrastructures to working order, cleaning up, providing temporary accommodation or funding rescue services. The Fund cannot compensate for private losses.

As far as rural development policy is concerned, Article 48 of Council Regulation (EC) n° 1698/2005³⁹ provides for a measure aiming at restoring forestry potential in forests damaged by natural disasters. The Rural Development Programme of Galicia for the period 2007-2013 offers this possibility, with a total financing of € 147,799,420, of which € 81,022,302 co-financed by the EAFRD. So far, the Commission services in charge of Spanish Rural development have not been contacted as regards this matter, as the above mentioned measure is directly applicable.

Question no 84 by David Martin (H-0110/09)

Subject: Seizure of generic medicines in transit in the Netherlands

With reference to the seizure in the Netherlands of generic medicines in transit, can the Commission clarify why the medicines were seized given that the footnote to Article 51 of the TRIPS (Trade-related aspects of Intellectual Property Rights) Agreement does not impose an obligation to inspect for alleged patent infringement for goods in transit?

Does the Commission consider that this seizure contravenes Article 41 of the TRIPS Agreement, which states that IP enforcement should not create barriers to trade?

³⁸ OJ C 16, 22.01.2009, p 1. Amended on 25 February 2009 (amendment not yet published in OJ)

³⁹ Council Regulation (EC) n° 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (OJ L 277, of 21.10.2005, p.1).

Has the Commission included or does it intend to include similar IP rights provisions in any of its new generation of FTAs (Free Trade Agreements) or other bilateral trade agreements?

What steps will the Commission take to ensure that the supply of generic medicines to developing countries is not thwarted by similar seizures in future?

Answer

EU legislation (Council Regulation 1383/2003⁴⁰) provides for customs to detain goods suspected of infringing certain intellectual property rights (IPR), including patents, even when goods are in transit. Article 51 TRIPs foresees these two situations, but only imposes as a minimum standard that WTO members put in place controls on imports of goods suspected of infringing trademarks and copyrights. It does not prevent Members from extending this to goods in transit. The EU legislator opted for the broader scope of application allowed by TRIPs. Consequently, Regulation 1383/2003 is fully in line with WTO/TRIPs requirements, in terms of scope and coverage of customs intervention.

Under the Customs legislation, it is not the customs officers who decide whether goods are infringing IPR. The general procedure is to detain goods for a short and legally limited period, where there is a suspicion of infringement and to contact the right holder. It is then up to the right holder to pursue the matter or not through a court, under national provisions. Article 55 TRIPs, sets out the time-limit of 10 working days for suspending the release of the goods, as well as the possible extension of a further 10 working days.

In the present case, following a request by a company which has patent rights over the medicine in question in the Netherlands, the Dutch customs authorities temporarily detained the drugs in question whilst in transit. In this case, the goods were finally released after the right holder and the owner of the goods came to an agreement not to pursue the case through court proceedings. The intervention of the customs formally ceased when the goods were released and it is important to note in this regard that the decision to send the consignment back to India derived from an agreement between the two parties, not the Customs Regulation itself, which leaves the owner of the goods the total freedom to dispose of them as he sees fit once the goods have been released.

The Commission considers that the proceedings outlined above comply with Article 41 of TRIPs, as well as with Articles 51 to 60 TRIPs and does not constitute a barrier to trade. The temporary detention of goods is limited strictly in time. Furthermore, should the goods be detained on the basis of an unsubstantiated complaint, the owner of the products may claim compensation. Other members of WTO also apply similar customs proceedings and practices in case of detection of suspicious goods in transit.

Council Regulation 1383/2003 has been in place for more than 6 years and has proven to be efficient in order to protect the legitimate interests of manufacturers and right holders, as well as health, safety and consumer expectations against fake products, including pharmaceuticals. As an example, Belgian customs recently stopped a consignment of 600,000 fake anti-malaria pills destined for Togo. Thanks to the fact that EU customs regulation allows for inspection of goods whilst in transit, the action taken by the Belgian customs administration has preserved potential consumers of the potentially harmful effects of these products. Whilst the policy concerning access to medicines for all is not at all questioned, surely all stakeholders have an obligation to protect vulnerable populations from potentially life-threatening practices.

The approach proposed by the Commission regarding the IPR section in the bilateral agreements is to clarify and complement the TRIPs where it is unclear, is not very developed or simply has been overtaken by IP developments elsewhere. The Customs procedure in place in the EU has proven to be effective, balanced and with sufficient in-built guarantees to avoid abuse by bad-faith complainants. Therefore, the Commission is considering introducing similar provisions in the new generation of bilateral trade agreements. However, it should also be noted that these agreements should also include provisions that stress and reinforce the letter and the spirit of the Doha Declaration on the TRIPs Agreement and Public Health. For example, Articles 139.2 and 147.2 of the Economic Partnership Agreement between the EU and Cariforum make it clear that nothing in the agreement should be construed as to impair the capacity of the Cariforum States to promote access to medicines (see the Commission's reply to written parliamentary question E-0057/09⁴¹).

The Commission fully understands the concerns expressed by the honourable Member, and many others, as to the need to ensure the fluidity of trade in generic medicines to developing countries and fully subscribes to this objective. The Commission will therefore monitor the situation and remain attentive to any (mis)application of EU legislation that may lead to undue hampering of the legitimate trade in generic medicines or to the creation of legal barriers to prevent

⁴⁰ OJ L 196 of 2.8.2003.

⁴¹ www.europarl.europa.eu/QP-WEB/home

movement of drugs to developing countries. However, it is not convinced that the incident mentioned in the Honourable Member's question justifies in itself a review of a legal mechanism that has been in place for several years without problems and that, on the contrary, has fulfilled its role of reducing the global traffic of counterfeits.

Question no 85 by Sajjad Karim (H-0112/09)

Subject: Negative impact of the EID Regulation

Council Regulation (EC) No 21/2004⁴² introduces electronic identification (EID) of sheep and individual recording of sheep and goats from 31 December 2009. However, the industry has identified the requirement to record individual details of animals that are not electronically identified on movement documents as too burdensome.

Could the Commission identify benefits that electronic tagging and individual movement recording would bring regarding disease control that are not already available through present systems in the Member States, i.e. the UK ID and batch recording system?

Is the Commission aware that the implementation of this regulation will involve additional costs that, coupled with the recording requirements, will force many producers out of business?

Does the Commission recognise the practical problems arising from the use of EID equipment on farms and the difficulties associated with recording the individual identities of the UK sheep flock?

How will the Commission ensure that the objectives of the EID Regulation are met in the most cost-effective way?

Answer

The current rules on individual identification and traceability of sheep and goats were proposed by the Commission and adopted in Regulation (EC) 21/2004 by the Council after the foot and mouth disease (FMD) crisis of 2001 in the United Kingdom (UK), and the subsequent reports of the Parliament, the Court of Auditors and the report known as "Anderson report" to the UK House of Commons indicated that the existing "batch" traceability system was unreliable.

Electronic identification (EID) is the most cost-effective way to achieve individual traceability and it is now ready to be used under practical farming conditions, even the most difficult ones.

Its costs have considerably decreased. However, these costs should be assessed against the enormous economic losses caused by diseases like FMD as well as the advantages of this system for the daily management of farms. The FMD outbreak in 2001 was dramatically spread by uncontrolled movements of sheep within the UK and from the UK to other Member States and caused a huge negative social and economic impact on the UK farming sector as well as in other Member States. According to the Court of Auditors Report No 8/2004 on the Commission's management of FMD (2005/C 54/01), the impact on the Community budget was € 466 million. According to the so-called "Anderson report" to the UK House of Commons⁴³ the expenditure by the UK Government reached £ 2 797 million. All this does not include the huge direct and indirect impacts on the different economic sectors (farming, food industry, tourism) which are difficult to quantify in exact figures.

As already indicated on several occasions to the Parliament and being aware of the impact on farmers of the relevant Community rules, the Commission has adopted a prudent approach on electronic identification and it is doing everything possible to facilitate its smooth introduction.

The Commission will soon publish an economic study that aims to provide guidance on the most efficient way to ensure implementation of the new traceability system. It is also open to Member States, to make funds available to sheep farmers for the introduction of EID within the framework of Community rules on state aids. In addition, the Community budget provides for financial resources that may be allocated by the Member States within the rural development policy.

⁴² OJ L 5, 9.1.2004, p. 8.

⁴³ "Foot and Mouth Disease 2001: Lessons to be learned inquire report", 22 July 2002

Spørgsmål nr. 86 af Anne E. Jensen (H-0116/09)

Om: Konsekvenser af finanskrisen i Central- og Østeuropa

Finanskrisen har i høj grad ramt de central- og østeuropæiske lande. Udenlandske lån i eksempelvis schweizerfranc, dollar og yen er som følge af fald i de lokale valutakurser blevet en kæmpebyrde for både virksomheder og de enkelte husholdninger. Der er eksempler på husstande, der ikke længere er i stand til at betale el- og gasregninger. I de baltiske lande er væksten gået i minus med 10 procent, og præsidenten for Verdensbanken har anslået, at de central- og østeuropæiske lande har brug for mellem 236 og 266 milliarder kroner. Desuden begynder der at kunne ses sprækker i samarbejdet mellem medlemslandene.

Hvad vil Kommissionen gøre for at sikre fortsat anstændige levevilkår for EU-borgerne i de central- og østeuropæiske lande?

Er Kommissionen enig i behovet for hjælp i den størrelsesorden, som præsidenten for Verdensbanken har foreslået?

Hvad vil Kommissionen gøre for at sikre en fælles europæisk tilgang til de udfordringer, som finanskrisen medfører, så der eksisterer et beredskab til at imødegå valutakriser, og hindre en dominoeffekt på banksystemet, afledt af problemerne i de central- og østeuropæiske lande?

Answer

In November 2008, the Commission responded to the financial and economic crisis with the European Recovery Plan (EERP), endorsed by the European Council of December 2008. Solidarity and social justice are the fundamental principles of this Plan. The European employment support initiative contained in the EERP involves both a mobilisation of EU financial resources and the definition of a number of policy priorities for Member States, aimed at lessening the human cost of the economic downturn and its impact on the most vulnerable.

In operational terms, this means that the available EU financial instruments have been strengthened. The revision of the European Globalisation Adjustment Fund will allow it to be quickly activated to support workers hit by significant job cuts and their communities. The Commission has also put forward a proposal for adoption by the Parliament and the Council, to adapt the ESF programming to the needs of the crisis through the simplification of its functioning, thus allowing for an immediate increase of €1.8 billion in advance payments.

Since most instruments for cushioning the employment and social implications of the crisis are in the hands of Member States, the Commission is advocating a coordinated approach to labour market recovery, to ensure that measures taken in one Member State do not have negative spill-over effects on other countries. In this respect, the Commission has identified a number of policy guidelines for Member States, aimed at 1) supporting employment in the short-term, notably by sustaining temporary flexible working time arrangements, and at 2) facilitating labour market transitions, by reinforcing activation and providing adequate income support to those most affected by the slowdown, and investing in training and employability, so as to ensure rapid re-integration into the labour market and contain the risk of long-term unemployment. These guidelines have been clearly spelled out in the Commission Communication of 4 March 2009 to the Spring European Council.

The Commission and the Member States have decided to hold an Extraordinary Summit on Employment next May, to agree on further concrete measures to mitigate the social and employment impact of the crisis and help accelerate recovery.

2. Estimates of potential bank losses, emergency liquidity and recapitalisation needs, and short-term external debt refinancing needs are subject to great uncertainty and must be treated with caution. At this stage, one should avoid unwarranted alarmism based on the very preliminary and broad-brush estimates of assistance needs that sometimes circulate. The Commission works closely with other international partners in assessing countries' concrete needs for assistance under the EU instruments (e.g. in calibrating balance-of-payments support for Latvia and Hungary).

3. At the informal meeting of Heads of State or Government on Sunday 1 March, EU leaders sent a message of solidarity and joint responsibility. They also highlighted that each country is different in political, institutional and economic terms and has to be assessed on a case-by-case basis and that the idea that the EU is not doing much for Eastern Europe (propagated by some media and some international institutions) is wrong.

Importantly, from an EU perspective, the available policy measures to support macro-financial stability in Central and Eastern Europe depend on whether a country is an EU Member State, and if not, whether the country is an EU candidate or potential candidate, or if it belongs to the wider EU neighbourhood.

The EU has already deployed a large number of instruments to contain risks across the region. Within the EU, a comprehensive set of measures and vast financial resources have been activated to address difficulties in the financial sector and to support the real economy. These measures include:

provision of ample liquidity by central banks and extensive measures to support the banking sector. The EU framework for national rescue packages ensures that the benefits accrue to both home and host countries;

financial assistance to countries experiencing balance-of-payments difficulties (Latvia, Hungary);

national and EU-level measures to support growth in the context of the European Economic Recovery Plan;

additional commitments by the EIB and the EBRD; and

frontloading of structural funds, which should lead to a marked increase in advance payments to the new Member States in 2009.

For non-EU Member States, instruments to manage macro-financial challenges are more limited but action has been taken both at macro-financial level and in support of the real economy. The Commission constantly monitors the effectiveness of these instruments and has stepped up its surveillance of the macro-economy and macro-financial risk. The international financial institutions (the IMF, the World Bank, the EIB and the EBRD) have a strong role to play in this region. The Commission is in close contact with the IMF and other international financial institutions. The EU supports a sizeable increase in IMF resources inter alia to strengthen its abilities to intervene in Eastern European countries.

Ερώτηση αρ. 87 του κ. Γεωργίου Τούσσα (H-0119/09)

Θέμα: Οικολογική καταστροφή υγροβιότοπων στην Ελλάδα

Ένα διαρκές έγκλημα σε βάρος των υγροβιότοπων στην Ελλάδα καταγγέλλουν αρμόδιοι φορείς και περιβαλλοντικές οργανώσεις, υποστηρίζοντας ότι κινδυνεύουν να καταστραφούν ανεπανόρθωτα αν δεν ληφθούν άμεσα μέτρα προστασίας τους από βιομηχανικές δραστηριότητες, παράνομα απόβλητα, εντατική τουριστική ανάπτυξη και μεγάλες εγκαταστάσεις, έλλειψη απαραίτητων υποδομών και ανυπαρξία ολοκληρωμένης διαχείρισης. Οι 10 πιο σημαντικοί ελληνικοί υγρότοποι, όπως τα Δέλτα Έβρου, Αξιού, Νέστου, Αλιάκμονα, οι λίμνες Βιστονίδα, Βόλβη, Κερκίνη, κόλποι και λιμνοθάλασσες που χαρακτηρίζονται διεθνούς σημασίας παρουσιάζουν απογοητευτική εικόνα εγκατάλειψης, όπως η λίμνη Κορώνεια που θεωρείται οικολογικά νεκρή, και πολύ χειρότερη αυτοί που δεν συμπεριλαμβάνονται στις συνθήκες Μοντρέ και Ραμσάρ.

Ποιά μέτρα έχουν ληφθεί για να σταματήσει αυτό το έγκλημα σε βάρος του περιβάλλοντος και της βιοποικιλότητας, να προστατευτούν αποτελεσματικά οι ελληνικοί υγρότοποι, να αποκατασταθούν οι σημαντικές οικολογικές απώλειες και να προληφθούν νέες;

Answer

Wetland areas which have been designated for the European ecological network Natura 2000 by virtue of the Birds Directive⁴⁴ (Special Protection Areas - SPA) or the Habitats Directive⁴⁵ (Sites of Community Importance - SCI), have to be protected and managed in accordance with the applicable provisions of these Directives, so that the biodiversity values they host are maintained or restored. In that context it is the responsibility of the Member States to implement the necessary measures in order to tackle ongoing threats to wetlands and put in place a sound management framework.

In particular, as regards the Birds Directive, following an application by the Commission the European Court of Justice (ECJ) ruled recently against Greece (case C-293/07) for the lack of a coherent, specific and complete legal regime ensuring the sustainable management and effective protection of SPAs, including the 10 wetlands of international importance mentioned by the Honourable Member. In that context the Commission will now assess the adequacy of measures taken or to be taken by Greece in order to comply with the ECJ ruling.

As regards the Habitats Directive, since Greek SCIs were put on the Community list in July 2006⁴⁶, Greece has six years to designate them as Special Areas of Conservation, define conservation priorities and establish the necessary conservation

⁴⁴ Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds, OJ L 103, 25.4.1979, p. 1

⁴⁵ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992.

⁴⁶ 2006/613/EC: Commission Decision of 19 July 2006 adopting, pursuant to Council Directive 92/43/EEC, the list of sites of Community importance for the Mediterranean biogeographical region, OJ L 259, 21.9.2006, p. 1.

measures. In the meantime, Greece should ensure that the sites are not subject to any significant deterioration or disturbance and that their integrity is maintained.

As regards water protection, the Water Framework Directive⁴⁷ (WFD) puts in place a management framework to protect and enhance all surface waters and groundwaters, with the objective of achieving good status of all waters as a rule by 2015. The main tool to achieve this environmental objective is the river basin management plan, the first of which is due in December 2009. Since its adoption in 2000, the Commission has followed closely the implementation of the WFD in the Member States, including Greece. As a consequence of the action by the Commission, the Court condemned Greece on 31 January 2008 for non-communication of the environmental analysis required by Article 5 of the WFD (case C-264/07). Greece submitted the environmental analysis in March 2008. In addition, the Commission has launched an infringement procedure for non-communication of the monitoring programmes for all its river basins, as required by articles 8 and 15 of the WFD. The report was due in March 2007 and has not been received yet. The Commission will closely follow the next steps in the implementation of the WFD in order to ensure that the Greek authorities fulfil their obligations.

⁴⁷ Directive 2000/60/EC of the Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 1