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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 8 by Mairead McGuinness (H-0221/09)**

Subject: Dairy sector

Is the Council aware of the deep economic problems facing the EU dairy sector and if so, why hasn't more action been taken to address the problems as a matter of urgency?

#### *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 May 2009 part-session of the European Parliament in Strasbourg.

The Council shares the concern expressed by the Honourable Member regarding the difficult situation on the milk market. After an unprecedented period of record prices for milk and dairy products in 2007 and early 2008, European producers now face weak and uncertain markets characterised by a sharp drop in global dairy product prices.

On 23 March the Council held an extensive exchange of views on the difficult situation on the milk market and took note of a memorandum presented and supported by a number of delegations.

The legal framework regulating the milk and dairy market has changed considerably over the course of the last two years, with the adoption by the Council of the so called "mini-milk package" in September 2007, the increase of national quotas for milk by 2% as from 1 April 2008 and the adoption of the "Health Check" package in January 2009.

This new legislative framework was set with the long term competitiveness of European producers in mind. Short-term market effects have to be countered by the existing instruments of market support measures.

The Honourable Member will be aware of a number of market support measures taken by the Commission. These include the reactivation of export refunds for all dairy commodities, the introduction of private storage aid for butter and intervention for butter and skimmed milk powder. The Commission updates the Council regularly on the situation in the milk market.

It is for the Commission to present further proposals to the Council on this matter. The Commission has declared its readiness to examine the possibilities for extending the dairy products eligible for the "school milk scheme". However it stated that it was not ready to re-open any discussion on the "health-check" package.

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**Ερώτηση αρ. 9 της κ. Ρόδης Κράτσα-Τσαγκαροπούλου (H-0223/09)**

Θέμα: Αδιέξοδο στις διαπραγματεύσεις για τη σύναψη συμφωνίας ελεύθερων συναλλαγών μεταξύ ΕΕ και των κρατών του Συμβουλίου Συνεργασίας του Κόλπου (ΣΣΚ)

Μετά από 20 χρόνια διαπραγματεύσεων, η ΕΕ και το ΣΣΚ ακόμη δεν έχουν συνάψει συμφωνία ελεύθερων συναλλαγών, ενώ τον περασμένο Δεκέμβριο τα κράτη του ΣΣΚ αποχώρησαν μονομερώς από τις διαπραγματεύσεις.

Πώς σκοπεύει το Συμβούλιο να αναζωογονήσει το ενδιαφέρον των χωρών του Κόλπου για τις διαπραγματεύσεις προκειμένου να ολοκληρωθεί η συμφωνία το συντομότερο δυνατόν; Ποια ειδικότερα ζητήματα εκκρεμούν και δεν επιτρέπουν την επίτευξη της συμφωνίας; Πώς σκοπεύει να εμπλέξει πιο δυναμικά τα κράτη του Κόλπου στη συζήτηση για την αναμόρφωση των διεθνών οικονομικών θεσμών, ιδίως του Διεθνούς Νομισματικού Ταμείου και της Παγκόσμιας Τράπεζας, δεδομένου ότι η Σαουδική Αραβία συμμετέχει στη σύνοδο G-20 και έχει μάλιστα εκφράσει το ενδιαφέρον της για την αναμόρφωση των θεσμών αυτών; Ποια ζητήματα θα απασχολήσουν ιδίως το προσεχές 19ο Κοινό Συμβούλιο και την Υπουργική Σύνοδο μεταξύ της ΕΕ και των χωρών του Κόλπου;

*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 May 2009 part-session of the European Parliament in Strasbourg.

The conclusion of the negotiations on a Free Trade Agreement with the Gulf Co-operation Council (GCC) remains high on the agenda of the Council and has been a priority for both the former Presidencies and the present Czech Presidency of the Council. The Presidencies and the Commission, that negotiates the Agreement on behalf of the EU, have been in close contact with the GCC side in order to take forward the negotiations. At the 19<sup>th</sup> EU-GCC Joint Council and Ministerial Meeting in Muscat on 29 April 2009 both sides reviewed their recent consultations on a Free Trade Agreement and agreed to continue these consultations between them on all outstanding issues towards the resumption of negotiations.

The discussions at the ministerial meeting included issues of common interest such as the Middle East Peace Process, Iran and Iraq as well as number of global issues including counter-terrorism and non-proliferation. In the light of the importance of the global financial crisis, the EU and the GCC have expressed their deep concern at the impact of crisis on the global economy. They also welcomed the six key messages and recommendations of the G-20 summit and called for immediate and decisive measures to implement these decisions and recommendations in order to restore confidence to global markets and stability to financial markets.

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**Zapytanie nr 14 skierowane przez Ryszard Czarnecki (H-0235/09)**

Przedmiot: Szczyt USA - UE

Jak Rada ocenia wyniki szczytu USA - UE w kontekście walki z protekcjonizmem gospodarczym?

*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 May 2009 part-session of the European Parliament in Strasbourg.

At the EU Heads of State and Government informal meeting with President Obama on 5 April 2009 in Prague, three topics were discussed, namely the economic and financial situation, climate change and energy security and external relations (Peace in the Middle East, Afghanistan, Pakistan and Iran). As far as the economic and financial situation is concerned, Heads of State and Government expressed satisfaction with the results achieved at the London G20 meeting on 2 April, while stressing the importance of implementing the measures agreed at that meeting as soon as possible. The Heads of State and Government agreed on the need to fight all forms of protectionism and expressed their support for an early

conclusion of the Doha Round. In the context of keeping trade and investments flows open, the role of co-operation within the Transatlantic Economic Council was also highlighted.

The Council is satisfied that the informal discussions with President Obama were fully in line with the language agreed by the European Council on 19-20 March on the leading international action necessary to promote a swift return to sustainable economic growth.

In particular, as concerns the need to combat economic protectionism, the European Council agreed to keep markets open and avoid all forms of protectionist measures (no new barriers to investment or to trade and no new export restrictions), and to strive to swiftly reach agreement on modalities for the Doha Development Agenda with an ambitious and balanced outcome.

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**Question no 15 by Kathy Sinnott (H-0237/09)**

Subject: Exceptional occurrences

While Article 103 of the Treaty on European Union says that neither the Community nor the Member States shall be liable for or assume the commitments of central governments without prejudice to mutual financial guarantees for the joint execution of a specific project, Article 100 states that where a Member State is seriously threatened with severe difficulties caused by exceptional occurrences beyond its control, the Council, acting by a qualified majority, may grant, under certain conditions, Community financial assistance to the Member State concerned.

Has the Council considered what these exceptional occurrences may be and does it have a definition of this? Does the Council foresee in the current economic situation that these circumstances will occur for any of the Member States?

*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 May 2009 part-session of the European Parliament in Strasbourg.

The second paragraph of Article 100 of the Treaty establishing the European Community, which appears to be the paragraph to which the Honourable Member is referring in her question, has never been the legal basis for any proposal examined by the Council. Similarly, the Council never examined any proposal based on the second paragraph of Article 103a of the EC Treaty as inserted by the Maastricht Treaty, which was the corresponding provision prior to the paragraph in question.

No definition of "exceptional occurrences beyond the control of a Member State" exists and the Council has never discussed it. Similarly, the Council has never discussed the possibility of invoking "exceptional occurrences" in the context of the current economic situation.

The Council stands ready to examine any proposal from the Commission based on Article 100(2) of the EC Treaty, should the Commission present such a proposal. In accordance with Article 114(2) of the EC Treaty, the Economic and Financial Committee would be involved in the preparation of the Council's examination of any Commission proposal based on Article 100(2).

The Council recalls the terms of the Declaration on Article 100 of the Treaty establishing the European Community, which is attached to the Nice Treaty. According to this declaration, "decisions regarding financial assistance, such as are provided for in Article 100 and are compatible with the 'no bail-out' rule laid down in Article 103, must comply" with the provisions of the inter-institutional agreement on budgetary discipline and financial perspectives.

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**Ερώτηση αρ. 16 του κ. Νικόλαου Βακάλη (H-0239/09)**

Θέμα: Η πολιτική της ΕΕ για τους σεισμούς - ποιες οι ενέργειες του Συμβουλίου μετά τον πρόσφατο καταστροφικό σεισμό στην Ιταλία

Το Νοέμβριο του 2007, το Κοινοβούλιο ενέκρινε ψήφισμα (P6\_TA(2007)0507) με στόχο την ολοκληρωμένη αντιμετώπιση των σεισμών από την ΕΕ (πρόληψη, αντίδραση και αποκατάσταση), με το οποίο ζητούσε τη λήψη συγκεκριμένων μέτρων σε θέματα πολιτικής προστασίας, θωράκισης των κτιρίων (με ειδική έμφαση στα κτίρια ιστορικής και πολιτισμικής σημασίας), χρηματοδότησης, έρευνας, ενημέρωσης του κοινού κ.ά.

Πώς έχει ανταποκριθεί το Συμβούλιο στο παραπάνω ψήφισμα; Σε ποιες ενέργειες έχει προβεί μέχρι σήμερα και ποιες πρωτοβουλίες προτίθεται να αναλάβει για να υλοποιήσει τις προτάσεις του; Αντέδρασε άμεσα στον πρόσφατο φονικό σεισμό στην Ιταλία και πώς; Ενεργοποιήθηκε ο μηχανισμός αντίδρασης της ΕΕ σε φυσικές καταστροφές; Έχουν δρομολογηθεί μέτρα αποκατάστασης της ΕΕ, σε πολιτικό και οικονομικό επίπεδο;

*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 May 2009 part-session of the European Parliament in Strasbourg.

The Council is aware of the European Parliament's Resolution on an integrated approach to earthquakes by the EU. It had already on 5 March 2007 adopted a decision establishing a Civil Protection Financial Instrument aimed at providing financial assistance to improve the effectiveness of response to major emergencies as well as to enhance preventive and preparedness measures for all kinds of emergencies. Following the resolution, the Council adopted on 8 November 2007 the Council also adopted a new Decision establishing the Community Civil Protection Mechanism aimed at providing support in the event of major emergencies and to facilitate improved coordination of assistance intervention provided by the Member States and the Community. In addition, the Council adopted in November 2008 conclusions which called for the strengthening of the civil protection mutual assistance between Member States and for the establishment of a European Disaster Management Training Arrangements. The Presidency believes that those acts and initiatives will improve significantly the technical and financial resources available for better needs assessments, joint interventions of Member States' civil protection teams as well as their transport and coordination.

After the earthquake that hit the Abruzzo region in Italy, on 6 April 2009, the Presidency wishes to express its condolences with the relatives of those who lost their lives and to pay tribute to all first responders, other professionals and volunteers who worked constantly and risked their lives during the whole campaign in order to save lives and limit the damages on properties and the environment.

On 10 April 2009 the Italian Civil Protection Department requested through the Monitoring and Information Centre (MIC), established according to the Community Civil Protection Mechanism, technical experts to support Italy in assessing the stability of buildings. Following this request, 6 technical experts started their assessment of the situation on 18 April. As the MIC is established and managed by the Commission, the Honourable Member is invited to raise any additional questions to the Commission.

Finally I would like to draw your attention your attention of the fact it is for the Commission to decide whether assistance can be granted through the European Union Solidarity Fund which can be mobilised in case of natural disasters, such as earthquakes.

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**Ερώτηση αρ. 17 του κ. Αθανασίου Παφίλη (H-0243/09)**

Θέμα: Παρεμπόδιση των αντιμπεριαλιστικών και φιλεργινικών διαδηλώσεων στο Στρασβούργο

Στις 3 και 4 Απρίλη, στη διάρκεια της Συνόδου Κορυφής του NATO στο Στρασβούργο, οι γαλλικές αρχές παρεμπόδισαν με κάθε τρόπο τις εκδηλώσεις που είχαν προγραμματιστεί από φιλεργινικές οργανώσεις από όλη την Ευρώπη, τρομοκρατώντας τους κατοίκους της πόλης ώστε να μη συμμετάσχουν σε αυτές, ενώ -σε συνεργασία με τις γερμανικές αρχές- απαγόρευσαν την είσοδο στην πόλη σε χιλιάδες διαδηλωτές της ειρήνης. Μετέτρεψαν το κέντρο του Στρασβούργου σε απαγορευμένη ζώνη κυκλοφορίας με πολυάριθμα αστυνομικά μπλόκα. Είναι χαρακτηριστικό ότι σε ένα τέτοιο μπλόκο, μακριά μάλιστα από το χώρο των εκδηλώσεων, αστυνομικοί σταμάτησαν ως ύποπτο και τον ερωτώντα ευρωβουλευτή, τον οποίο -παρότι τους ανέφερε την ιδιότητά του και τους επέδειξε ταυτότητα του Ευρωπαϊκού Κοινοβουλίου και διπλωματικό διαβατήριο- κράτησαν «υπό έλεγχο» για πάνω από μισή ώρα!

Πώς κρίνει το Συμβούλιο αυτή τη συμπεριφορά των γαλλικών και γερμανικών αρχών που παραβιάζει βάνανυσα το δικαίωμα του φιλειρηνικού κινήματος να εκφράζει την αντίθεσή του στα επιθετικά σχέδια του NATO σε βάρος των λαών; Είχε συμμετοχή, και εάν ναι ποια, στο σχεδιασμό και την υλοποίηση αυτών των μέτρων καταστολής;

*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 May 2009 part-session of the European Parliament in Strasbourg.

The Council can confirm that the French and German authorities have notified their EU partners and the Commission in advance that controls at their common land border would be reintroduced for a few days, for safety reasons related to the organisation of the NATO summit, based on the provisions of Title III, Chapter II of the Schengen Border Code<sup>1</sup>.

Otherwise, the Council did not discuss the issues raised by the Honourable Member.

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**Ερώτηση αρ. 18 του κ. Γεωργίου Τούσσα (H-0246/09)**

Θέμα: Απαράδεκτη αντικομμουνιστική νομοθεσία της Λιθουανίας

Πρόσφατα, στο χωριό Σβιρπλιάι της Λιθουανίας, βρέθηκε ζωγραφισμένο το πορτραίτο του ιστορικού ηγέτη της Οχτωβριανής Επανάστασης Βλαντιμίρ Λένιν. Αμέσως, η Αστυνομία διέταξε έρευνα, προκειμένου να ασκήσει δίωξη σε βάρος των «δραστών», με την κατηγορία της «δημόσιας προβολής κομμουνιστικών συμβόλων». Πρόκειται για ενεργοποίηση της γνωστής αντικομμουνιστικής νομοθεσίας, με την οποία ήδη από το 1991 τέθηκε εκτός νόμου το Κομμουνιστικό Κόμμα της χώρας, ενώ το 2008 απαγορεύθηκε η χρήση συμβόλων της Σοβιετικής Ένωσης και του κομμουνισμού.

Οι ενέργειες αυτές εντάσσονται και έρχονται να προστεθούν στην αντικομμουνιστική υστερία στην οποία πρωτοστατούν θεσμικά όργανα της Ε.Ε., με την ανιστόρητη προσπάθεια ταύτισης του φασισμού με τον κομμουνισμό, την επιχείρηση ποινικοποίησης της κομμουνιστικής ιδεολογίας, την απαγόρευση χρήσης κομμουνιστικών συμβόλων, δράσης και λειτουργίας των ΚΚ. Η ιστορία έχει αποδείξει ότι ο αντικομμουνισμός και οι διώξεις των κομμουνιστών αποτελούν πάντα τον προπομπό μιας συνολικής επίθεσης ενάντια στους εργαζόμενους, τα δημοκρατικά δικαιώματα και τις λαϊκές ελευθερίες.

Καταδικάζει το Συμβούλιο την εξελισσόμενη αντικομμουνιστική ενεργοποίηση αλλά και την ίδια την ύπαρξη της απαράδεκτης αντικομμουνιστικής νομοθεσίας, που επιχειρεί ναβάλει φραγμό στην ελεύθερη διακίνηση των ιδεών και την απρόσκοπτη πολιτική δράση στη χώρα αυτή, αλλά και σε άλλα κράτη μέλη της ΕΕ;

*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 May 2009 part-session of the European Parliament in Strasbourg.

The Council has not discussed this issue as it is an internal matter of the Member State concerned.

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**Question no 19 by Marusya Ivanova Lyubcheva (H-0249/09)**

Subject: Maritime piracy

During recent months we have been witnessing intense maritime piracy activity and several cases of ship seizures. At present, 16 Bulgarian citizens are being held as hostages and their whereabouts is unknown.

<sup>1</sup> Regulation (EC) N° 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders, OJ L 105 of 13.4.2006, p.1

Having regard to the Resolution of the European Parliament of 23 October 2008 on piracy at sea (P6\_TA(2008)0519 - B6-0537/2008) and the recent debates on the third maritime safety package, what measures is the Council taking to improve cooperation in the field of maritime traffic safety and to ensure the release of the kidnapped European citizens? Since 22 of the EU Member States are coastal countries, does the Council envisage the consolidation of common measures to counter this form of maritime terrorism?

*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 May 2009 part-session of the European Parliament in Strasbourg.

The issue of piracy off the coast of Somalia and within the Gulf of Aden is a matter of considerable concern, and has been raised in the Council on a number of occasions, most recently on 30 March when there was agreement on the need to step up all possible measures in order to make this important sea package safe for all merchant fleets and ships carrying humanitarian aid.

Combating piracy is also being extensively discussed within the framework of the International Maritime Organization (IMO) Maritime Safety Committee.

Following the adoption of UNSCR 1816 (2008), the Council decided on 8 December 2008 to launch a European Union maritime operation (Atalanta) to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast. The purpose of this operation is to contribute to the security of maritime traffic in the area.

This operation is part of a wider effort by the international community that involves a number of countries affected by piracy, as well as the maritime community. The headquarters of the operation have established the necessary structures and processes to ensure maximum coordination with other actors in the region and with representatives from the maritime industry.

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**Question no 20 by Laima Liucija Andrikiienė (H-0250/09)**

Subject: Cooperation in the field of accidental or deliberate marine pollution

When it comes to shaping and implementing EU responses to the issue of sea-dumped chemical weapons, how does the Council assess and utilise the existing international documents and arrangements including the London Convention of 1972 and its Protocol of 1996 prohibiting disposal of chemical and biological agents, the Chemical Weapons Convention, the Convention for the Protection of the Marine Environment of the North-East Atlantic (the OSPAR Convention), the work of the Helsinki Commission and the decision of the European Parliament and of the Council (Article 2 (b), Decision 2850/2000/EC<sup>2</sup>) in setting up the Community framework for cooperation in the field of accidental or deliberate marine pollution?

How could the Council support the promotion of cooperative activities with governments and the relevant international organisations and interested partners with a view to improving their capabilities for response in the case of incidents with sea-dumped chemical weapons in various parts of the world, as well as national and international responses to them?

How will the Council promote cooperation between the Baltic Sea States in exchanging and furthering the experience of those states in dealing with chemical weapons dumped in the Baltic Sea?

*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 May 2009 part-session of the European Parliament in Strasbourg.

The Community and Member States are active parties to most major conventions and agreements covering regional seas around Europe, such as the 1992 Helsinki Convention for the protection of the Baltic Sea, the 1983 Bonn Agreement for

<sup>2</sup> OJ L 332, 28.12.2000, p. 1.

the protection of the North Sea, the 1976 Barcelona Convention for the protection of the Mediterranean Sea and the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR).

At Community level, the framework established by the European Parliament and the Council for cooperation in the field of accidental or deliberate marine pollution, for the time period 2000-2006 provided support to Member States in their efforts to protect the marine environment. This framework concerned in particular discharges of harmful substances into the seas, including substances linked to the presence of dumped material such as munitions.

Under this framework a Community information system, hosted by the Commission, was set up with the aim of exchanging information amongst Member States on intervention capacities and measures in place in the event of marine pollution.

In October 2001, a Community Civil Protection Mechanism was set up by the Council in order to improve coordination of assistance provided by Member States and the Community and to mobilise assistance from them when inter alia marine pollution accidents occur. The Community Civil Protection Mechanism was recast by the Council Decision on 8 November 2007.

Particular reference should be made, in this specific area, to the role of the European Maritime Safety Agency (EMSA), established by Regulation (EC) N° 1406/2002 of the European Parliament and of the Council of 27 June 2002. To reduce the risk of all kinds of marine pollution from ships, including sea dumped chemical weapons; this agency provides technical assistance to the Commission and to the Member States of the EU on the implementation, monitoring, development and evolution of relevant EU and international legislation.

The Presidency would like also to recall that the Council, in its conclusions of December 2008 on the integrated maritime policy, welcomed progress on the proceedings on the proposal for a Directive of the EP and the Council<sup>3</sup> on pollution caused by vessels and the introduction of penalties for infringements, currently examined by the Council.

Furthermore, the Council encouraged Member States to begin work required for the implementation of the Marine Strategy Framework Directive, adopted in 2008, which establishes a framework within which Member States shall take the necessary measures to achieve or maintain good environmental status in the marine environment by the year 2020 at the latest.

As regards the specific question raised by the Honourable Parliamentarian of promoting Baltic States cooperation, the European Council in December 2007 invited the Commission to present an EU strategy for the Baltic Sea region at the latest by June 2009. Such a strategy should, inter alia, help to address the urgent environmental challenges related to the Baltic Sea. The Council, in its conclusions of 8 December 2008, reiterated the importance of the future strategy for the Baltic Sea for the integrated maritime policy of the European Union.

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#### **Question no 21 by Rumiana Jeleva (H-0253/09)**

Subject: EU-Egypt Association Council: Egypt's non compliance with EU-Egypt Action Plan by broadcasting Al-Manar TV into Europe

The broadcasting of the outlawed terrorist media 'Al-Manar TV' into Europe by the Egyptian satellite provider Nilesat continues to be in direct violation of the EU-Egypt Action Plan and constitutes a threat to European security.

Did the Council take steps to raise the broadcasting of 'Al-Manar TV' into Europe via Nilesat during the EU-Egypt Association Council meeting on 27 April 2009? If not, when does the Council intend to raise this violation of the EU-Egypt Action Plan with Egypt?

#### *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 May 2009 part-session of the European Parliament in Strasbourg.

<sup>3</sup> COD/2008/055

The Council understands the concern of the honourable Member that some material broadcast by the Al-Manar television station in question might amount to incitement to hatred.

The Council addressed these concerns in its statement for the last EU-Egypt Association Council, which took place on 27 April 2009. It was stated that "The EU encourages Egypt to continue to pursue efforts aimed at fighting discrimination on all grounds and at promoting tolerance in matters related to culture, religion and beliefs and minorities. In this context, the EU is concerned about the discriminatory content in some of the broadcasts of the Al-Manar television channel distributed by the Egyptian satellite Nilesat. The EU condemns any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

Furthermore, the EU raised its concerns during the EU-Egypt expert meeting on Counter-terrorism, which took place on 31 March in Brussels. The Egyptian side took note of this issue.

The Council believes that dialogue with Egypt, through the institutional structure of the sub-committees and political dialogue, is the most effective way to encourage the Egyptian government to progress in the area of human rights. The sub-committee on political matters with Egypt, whose second meeting is scheduled for 7 July, might also allow for issues related to the fight against racism, xenophobia and intolerance to be raised. These include the undertaking in the joint EU-Egypt Action Plan to "strengthen the role of media in combating xenophobia and discrimination on the grounds of religious belief or culture" and encouraging the media "to assume its responsibilities in this regard".

The Council will continue to pay close attention to this issue and may raise it on other occasions within the EU's regular political dialogue with Egypt.

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**Question no 22 by Alexander Alvaro (H-0255/09)**

Subject: Freedom of speech and the Czech Act limiting the freedom of the press

An unprecedented law limiting freedom of speech and freedom of the press has recently been introduced in the Czech Republic, namely the Czech Act of 5 February 2009 which amends Act No 141/1961 Coll., on criminal court proceedings (Criminal Code), providing for up to five years in prison and a heavy fine of up to EUR 180 000 for publishing any account from police wiretapping.

Is the Council aware of whether the recently adopted Czech Act has a precedent in any other EU country?

Does the Council recognise that the newly-adopted Czech Act is in clear contradiction with the European Human Rights Court Judgment of 19 March 2007 in the case of *Radio Twist, A.S. v. Slovakia* stating that publishing police wiretapping records in the public interest overrides the right to privacy protection?

Does the Council think that the aforementioned Czech Act complies with the basic principles of freedom and liberties, as outlined by the Charter of Fundamental Rights and Article 6 of the TEU on which the European Union is based?

*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 May 2009 part-session of the European Parliament in Strasbourg.

The Council considers that freedom of expression is a fundamental right as recognised by Article 6(2) of the Treaty on the European Union and reflected in the Chapter of Fundamental rights of the European Union. Member States are answerable for restrictions imposed in respect of the exercise of this freedom to the European Court of Human Rights in Strasbourg.

The Council cannot take a position on the issue raised by the Honourable Member, which concerns an internal matter of the Member State concerned.

The Presidency can only inform that a constitutional complaint on this issue has been lodged to the Czech Constitutional Court in April 2009.



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**QUESTIONS A LA COMMISSION****QUESTIONS TO THE COMMISSION****Klausimas Nr. 35, pateikė Justas Vincas Paleckis (H-0220/09)**

Tema: Dėl ES-Rusijos partnerystės transporto srityje

Šiuo metu rengiama Baltijos jūros strategija. Svarbus vaidmuo šioje strategijoje yra numatytas Šiaurės matmens politikai, kuri yra regioninė ES bendradarbiavimo su Rusija, Norvegija ir Islandija išraiška. Kuriamoje Šiaurės matmens transporto logistikos partnerystėje Rusijos Federacija yra labai svarbus partneris. Tačiau šiuo laikotarpiu Rusija rezervuoti žiūri į bendradarbiavimą su ES transporto srityje, pvz, nuo kovo mėnesio ji įvedė kelių mokesčius ES vežėjams. Tai sunkus smūgis, ypač kaimyninių ES valstybių transporto kompanijoms.

Kokia EK pozicija šiuo klausimu? Kaip EK planuoja skatinti bendradarbiavimą su Rusija visose transporto srityse, tarp jų ir Šiaurės matmens transporto logistikos srityje? Kaip EK siekia paskatinti Rusiją atsisakyti protekcionistinės politikos transporto srityje?

*Answer*

As requested by the European Council the Commission is currently preparing an EU Strategy for the Baltic Sea Region. Some parts of the Strategy and in particular of its Action Plan will call for cooperation with our external partners, such as the Russian Federation. Northern Dimension policy and the structures within it, especially existing and future Partnerships, will provide good formats for pursuing this cooperation.

The Northern Dimension is a common policy between the EU, Russia, Norway and Iceland. In addition it is the regional reflection of the four Common Spaces agreed between the EU and Russia. It is clear that the issues of transport and logistics form an important part of this cooperation.

The Northern Dimension Ministerial meeting which took place last October 2008 in St. Petersburg decided to establish a Northern Dimension Partnership on Transport and Logistics. Work is still underway to solve the few outstanding issues with the aim of the Partnership becoming fully operational as from 1 January 2010. The Partnership will play a crucial role in addressing various transport/logistics related bottlenecks as well as facilitating key infrastructure projects agreed by all partners.

An important concern remains the imposition of a new road user charge scheme by Russia, which it has implemented as of 1 February 2009. The Commission urged Russia to remove these discriminatory tariffs, which give an unfair advantage to Russian hauliers in a market that should be balanced and fair. In this context, agreeing to revitalise the EU-Russia Transport Dialogue and the discussion of Commissioner in charge of Transport on this issue with Russian Transport Minister Levitin in February are two steps in the right direction. The Commission is presently in contact with Russia with a view to re-energising our Transport Dialogue and convening Working Group meetings covering all areas of mutual concern. The Commission will make further efforts to stop implementation of the scheme so as to avoid raising new barriers in our trade and transport relations.

The Commission is determined to pursue constructive cooperation with Russia also in the field of transport and logistics. Our bilateral transport dialogue as well as the Northern Dimension Partnership will be important tools in this regard.

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**Question no 36 by Eoin Ryan (H-0230/09)**

Subject: Air travellers' rights

A recent report published in Ireland highlighted the fact that only 5% of Irish citizens are aware of their rights when they travel by plane.

What is the Commission doing to ensure that European air travellers are fully protected and aware of their rights?

*Réponse*

La Commission s'est engagée depuis des années dans de multiples initiatives et actions visant à sensibiliser les passagers sur les droits qui leur sont conférés par le droit communautaire et à assurer leur respect effectif.

Tout d'abord, la Commission a distribué à large échelle en 2007 de nouvelles affiches et des brochures, disponibles dans toutes les langues officielles de l'Union. Par l'intermédiaire de l'ACI (l'association internationale des aéroports), l'affiche de la Commission, qui offre un aperçu des différents types de droits dont les passagers sont bénéficiaires, est désormais présente dans la large majorité des aéroports communautaires. Ces affiches et brochures sont gratuites et peuvent, en outre, être commandées via internet sur le site web de la Commission.

A travers le "Contact Center Europe Direct" les passagers peuvent aussi recevoir par téléphone, e-mail ou "chat" l'information qui leur est nécessaire. Ce centre d'information, financé par la Commission, répond aux demandes d'information dans toutes les langues officielles de l'Union.

Le Commissaire chargé des Transports a mis en place au mois de novembre 2008 un nouveau point de contact accessible sur son site web et celui de la DG TREN<sup>4</sup> où les passagers peuvent adresser leurs demandes d'information sur tous les règlements communautaires portant sur leurs droits. Ces demandes d'information obtiennent une réponse dans des délais très courts via le service Europe Direct.

Ensuite, la Commission a vérifié que la très large majorité des autorités compétentes nationales (les NEB) ont aussi établi des sites web qui fournissent dans leur langue nationale l'information nécessaire sur le règlement 261/2004, concernant les droits des passagers en cas d'annulation, de longs retards et de refus d'embarquement, et sur le règlement 1107/2006, en matière de droits des passagers handicapés et des passagers à mobilité réduite lors d'un trajet aérien.

Les NEB effectuent aussi des inspections afin de vérifier que les compagnies remplissent leur obligation d'information écrite aux passagers, directement à l'enregistrement et en cas d'incident dans le cadre du règlement 261/2004.

Enfin, la Commission a lancé une vidéo en 2008, au moment de l'entrée en vigueur du règlement 1107/2006 sur les droits spécifiques des personnes à mobilité réduite lors d'un trajet aérien, qui a également été distribuée comme outil de communication à tous les aéroports membres de l'ACI. L'information sur le règlement 1107/2006 et son application est régulièrement à l'agenda des réunions du Groupe à Haut Niveau, auquel participent les représentants les plus directement concernés de la société civile au niveau européen.

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### **Ερώτηση αρ. 37 του κ. Γεωργίου Τούσσα (H-0247/09)**

Θέμα: Σκάνδαλο οι επιδοτήσεις των εφοπλιστών

Το διάστημα 2000-2008, οι εφοπλιστές στην Ελλάδα εισέπραξαν 226.822.254,98 ευρώ, ως επιδοτήσεις για τα ακτοποϊκά δρομολόγια τους στα νησιά των «άγονων γραμμών». Οι επιδοτήσεις εκτοξεύτηκαν στα ύψη με την εφαρμογή του Ν.2932/2001 της κυβέρνησης του ΠΑΣΟΚ, σε εφαρμογή του Κοινοτικού Κανονισμού (ΕΟΚ) αριθ. 3577/92<sup>5</sup>. Το 2003, που μπήκε σε εφαρμογή ο νόμος, οι επιδοτήσεις από 12.000.000 το 2002 εκτινάχτηκαν στα 25.180.000 ευρώ. Το σκάνδαλο των επιδοτήσεων των εφοπλιστών με χρήματα του ελληνικού λαού συνεχίζεται και από τη σημερινή κυβέρνηση της ΝΔ, που μόνο για την περίοδο 2008-2009 εξασφάλισε στους εφοπλιστές πάνω από 100.000.000 ευρώ, κέρδος δηλαδή 267.315, 41 ευρώ ανά δρομολόγιο. Την ίδια χρονική περίοδο οι τιμές των εισιτηρίων αυξήθηκαν κατά 376%.

Ποια είναι η θέση της Επιτροπής απέναντι στις τεκμηριωμένες παραπάνω καταγγελίες πακτωλού επιδοτήσεων των εφοπλιστών με την «πατέντα» των «άγονων γραμμών»; Γιατί δεν δημοσιεύει την σχετική έκθεση για τις ακτοποϊκές συγκοινωνίες στα κράτη μέλη της ΕΕ;

*Answer*

En vertu du règlement du Conseil 3577/92 (sur le cabotage maritime) des contrats de service public peuvent être conclus si le marché ne fournit pas un niveau de service approprié de transport maritime vers les îles. Les Etats membres disposent d'une marge d'appréciation très large quant au caractère 'approprié' du service.

<sup>4</sup> Direction générale Energie et Transports

<sup>5</sup> EE L 364 της 12.12.1992, σ. 7

En contrepartie de services fournis, les Etats membres octroient à l'armateur en charge du service public une compensation financière. La compensation ne peut excéder ce qui est nécessaire pour couvrir les coûts du service, en prenant en compte les recettes des opérateurs et un profit raisonnable.

Les Etats membres ne sont tenus de notifier à la Commission ni les contrats de service public conclus, ni les compensations associées. Pour cette raison la Commission ne dispose pas de données détaillées concernant les montants accordés aux armateurs dans les Etats membres. La Commission relève toutefois que ces compensations sont accordées par tous les Etats membres ayant des îles et faisant recours à ce type de contrats de service public.

L'honorable parlementaire suggère que certaines lignes seraient considérées comme déficitaires afin justifier les compensations, alors qu'elles seraient rentables. Si tel était effectivement le cas, la Commission estime que les lignes en question devraient être assujetties à un régime purement commercial. La Commission serait très reconnaissante à l'honorable parlementaire s'il était en mesure de lui fournir des informations détaillées portant sur les lignes en question.

Finalement, s'agissant du rapport sur l'application du cabotage maritime, une consultation est en cours avec les autorités maritimes nationales et les autres parties intéressées, visant à recueillir des informations permettant d'évaluer le fonctionnement du cabotage maritime et les effets de sa libéralisation. Le rapport auquel fait référence l'honorable parlementaire devrait être publié avant la fin de l'année.

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#### **Question no 38 by Gay Mitchell (H-0208/09)**

Subject: Green-collar jobs

In the context of both economic recovery and climate change there has been a lot of discussion and promotion of the idea of 'green-collar' jobs as a part of the solution to both challenges.

In what way is the Commissioner for Energy working in a coordinated way with the Commissioner for Employment to ensure that these proposals become a reality, rather than mere rhetoric?

#### *Answer*

The Commission recognises the importance of moving to a resource-efficient, low-carbon economy<sup>6</sup>. Progress made towards this structural change will depend principally on the development of new up to date and coordinated policies in various fields, on the pace of implementation of existing policies including those aimed at reducing carbon dioxide in the Member States, the speed at which markets and technologies mature, and the degree of responsiveness of the labour markets to accommodate all these changes.

In order to mitigate and adapt to climate change and meet other environmental challenges, a comprehensive strategic approach and coordinated action by policy-makers involved are needed in several fields in addition to energy and employment (such as the environment, industry, R&D, transport and education). In relation to adaptation, the ingredients for coordinated action across different sectors and levels of governance were set out recently by the Commission in its White Paper 'Adapting to climate change: Towards a European framework for action'<sup>7</sup>. With regard to mitigation, the climate and energy package adopted last December is a fundamental step in the right direction and its implementation will create employment opportunities in the energy sector. E.g. the renewable energy sector is expected to have between 2,3 to 2,7 million jobs by 2020, with a high contribution from small and medium sized enterprises.<sup>8</sup>

Further efforts to facilitate the transition to a low-carbon economy may be facilitated under the Lisbon Strategy to help speed up the restructuring process and ensure it runs smoothly. The Economic Recovery plans for most, if not all, Member States, contain a focus on investment in green technologies, and on the aim of creating green jobs. EU policy in this area seeks to create more and better jobs and to make employment cost-effective and sustainable. Reducing the carbon footprint at the workplace would make all jobs in the EU economy greener.

<sup>6</sup> The European Economic Recovery Plan adopted by the Commission in November 2008 ('A European Economic Recovery Plan', COM(2008) 800 final) provides for policies that are good for the environment, reduce the energy bill, increase energy security, create jobs, support low-earning households, and may boost exports and innovation.

<sup>7</sup> COM(2009) 147 final.

<sup>8</sup> See study "The impact of renewable energy policy on economic growth on employment in the European Union", prepared for European Commission, DG Energy and Transport in 2009, which will be available at [http://ec.europa.eu/energy/renewables/studies/index\\_en.htm](http://ec.europa.eu/energy/renewables/studies/index_en.htm) in the first half of May 2009.

Information on skills profiles in a 'green' economy is scarce, partly because not enough awareness exists of the potential effects of structural change. It is reasonable to assume that the 'greening' of skills will involve, first, the application of traditional qualifications and skills to the production/use of new 'greener' techniques, material and products, and secondly, specific 'green' skills, such as for reducing the carbon footprint. The Commission has therefore recognised two measures as important, namely developing a capacity to identify skills for the green economy and to match labour-market requirements, and the organisation of training programmes to develop the skills needed to fill new positions.

In its Communication to the Spring European Council<sup>9</sup>, the Commission underlined the importance of improvements in monitoring and anticipating skills needed, and matching and upgrading skills in line with future labour-market needs, such as for jobs required by the green economy. It will therefore support the Member States and the social partners in anticipating the forthcoming changes linked to the greening of the economy and the associated labour-market challenges. The Commission's 'New Skills for New Jobs' initiative<sup>10</sup> sets out a number of activities to improve knowledge of current and future labour-market demand and mobilise various Community instruments to support skills upgrading. In 2009 the Commission will accordingly step up cooperation with the ILO<sup>11</sup> and Cedefop<sup>12</sup> on the development of tools and methods for anticipating skills required, in particular from a 'green skills' perspective.

The Restructuring Forum which the Commission will host in June will consider issues relating to the easing of adverse effects on workers and employers due to the mitigation of and adaptation to climate change. It will also look at the issue of skills and at how to provide retraining for those affected or those who can take advantage of the opportunities associated with low-carbon technologies.

Simplifying the European Social Fund rules in line with the European Economic Recovery Plan will also make it easier to fund such measures as training and skills upgrading, activation measures for unemployed and redundant workers, and support for self-employment. The flexicurity approach<sup>13</sup> may also assist in the process of adaptation to the structural challenges of climate change.

With ambitious spending on green economy and environmental projects (€105 billion for the 2007-2013 period), Cohesion Policy is making a considerable contribution to sustainable growth and jobs in Europe as well as to the EU objectives in the fight against climate change. In particular, Cohesion Policy is contributing €3 billion to the promotion of environmentally-friendly products and production processes in SMEs<sup>14</sup> and to new "green-collar" jobs. One of the clear aims of funding for research and innovation is to boost overall investment in green technologies.

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#### **Question no 39 by Mairead McGuinness (H-0222/09)**

Subject: Retailers and businesses in border areas

Is the Commission aware of the extreme difficulties facing retailers and businesses in border areas in the Republic of Ireland due to the dramatic reduction in the value of sterling, resulting in an unfair competitive advantage being given to retailers in Northern Ireland?

What action or assistance, if any, can be given to these ailing businesses?

Is the Commission aware of similar situations occurring in Member States within the Eurozone, that border non-Eurozone Member States?

#### *Answer*

Exchange rates are subject to significant fluctuations, which are generally, although not always, related to changes in economic fundamentals. The recent fall in the British pound can be related to a number of economic factors. These include financial market participants' concern about the United Kingdom's twin deficit (a large trade deficit coupled with a growing budget deficit, including large contingent liabilities), fears that the recession will be deeper in the United Kingdom than in other advanced economies and sharp interest rate cuts by the Bank of England. In addition, although to a lesser extent than the United States dollar, the euro has benefited from flight-to-safety flows since the outbreak of the

<sup>9</sup> 'Driving European recovery', COM(2009) 114 final.

<sup>10</sup> 'New Skills for New Jobs: Anticipating and matching labour market and skills needs', COM(2008) 868.

<sup>11</sup> International Labour Organisation

<sup>12</sup> European Centre for the Development of Vocational Training

<sup>13</sup> Flexicurity includes: (i) comprehensive lifelong learning strategies; (ii) effective active labour-market policies; (iii) flexible, reliable contractual arrangements; and (iv) modern security systems.

<sup>14</sup> Small and Medium-sized Enterprises

financial market crisis. Furthermore, the depreciation of the pound in 2007 and 2008 started from a level where the pound was clearly above its long-term historical average.

The Commission is not aware of similar situations in other border areas, although they cannot be excluded.

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#### **Ερώτηση αρ. 40 της κ. Ρόδης Κράτσα-Τσαγκαροπούλου (H-0224/09)**

**Θέμα:** Αδιέξοδο στις διαπραγματεύσεις για τη σύναψη συμφωνίας ελεύθερων συναλλαγών μεταξύ ΕΕ και των κρατών του Συμβουλίου Συνεργασίας του Κόλπου (ΣΣΚ)

Μετά από 20 χρόνια διαπραγματεύσεων, η ΕΕ και το ΣΣΚ ακόμη δεν έχουν συνάψει συμφωνία ελεύθερων συναλλαγών, ενώ τον περασμένο Δεκέμβριο τα κράτη του ΣΣΚ αποχώρησαν μονομερώς από τις διαπραγματεύσεις.

Πώς σκοπεύει η Επιτροπή να αναζωογονήσει το ενδιαφέρον των χωρών του Κόλπου για τις διαπραγματεύσεις προκειμένου να ολοκληρωθεί η συμφωνία το συντομότερο δυνατόν; Ποια ειδικότερα ζητήματα εκκρεμούν και δεν επιτρέπουν την επίτευξη της συμφωνίας; Πώς σκοπεύει να εμπλέξει πιο δυναμικά τα κράτη του Κόλπου στη συζήτηση για την αναμόρφωση των διεθνών οικονομικών θεσμών, ιδίως του Διεθνούς Νομισματικού Ταμείου και της Παγκόσμιας Τράπεζας, δεδομένου ότι η Σαουδική Αραβία συμμετέχει στη σύνοδο G-20 και έχει μάλιστα εκφράσει το ενδιαφέρον της για την αναμόρφωση των θεσμών αυτών; Ποια ζητήματα θα απασχολήσουν ιδίως το προσεχές 19ο Κοινό Συμβούλιο και την Υπουργική Σύνοδο μεταξύ της ΕΕ και των χωρών του Κόλπου;

#### *Answer*

The Commission regretted the decision of the last Summit of the Gulf Cooperation Council (GCC, 29 December 2008) to suspend the negotiations for an Free Trade Agreement (FTA) with the EU.

Despite the suspension, the Commission, as negotiator of the Agreement, considers that an agreement is within reach if there is sufficient flexibility on the remaining issues (i.e., the political clauses, and the prohibition of export duties). It remains, therefore, committed to continuing the discussions.

The signals emerging from the 29 April 2009 EU-GCC Ministerial Meeting in Oman were positive : the GCC and the EU reviewed their recent consultations on the FTA and agreed to continue such consultations on all outstanding issues, so as to permit the resumption – and ideally the conclusion - of these long-running negotiations.

The Commission remains determined to make further efforts to find mutually acceptable solutions.

The results of the London G20 summit are very significant and deliver a strong message of global unity on both the diagnosis and the solutions in the face of the ongoing crisis. Saudi Arabia's role was very constructive, especially with regard to regulatory reform and the reform of the International Financial Institutions. The Commission welcomes, in particular, Saudi Arabia's support of the increase in International Monetary Fund resources.

In the light of the current international political environment, EU and GCC Ministers discussed the global economic and financial crisis and the way to address it at their Ministerial meeting in Oman held last week (29 April 2009). A detailed discussion on the current global imbalances will be the subject of the next economic dialogue between the Commission and the GCC on 15 June 2009 in Brussels.

The agenda of the EU-GCC Joint Council and Ministerial meeting (Oman, 29 April) included, like in previous years, cooperation issues and political matters of common interest for both the EU and the GCC:

Implementation of the 1989 Cooperation Agreement: state of play and prospects of cooperation activities in fields of mutual interest, such as energy, environment/climate change, research, higher education;

regional questions such as the Middle East Peace Process, Iran and Iraq;

a number of global issues such as counter-terrorism and non-proliferation, climate change, human rights and the global economic and financial crisis.

On all these issues, and on the FTA, the EU and the GCC exchanged views in Oman. A Joint Communiqué was agreed between the two parties. The main outcomes of the meeting were the decision to revitalize the bilateral relation between

the two parties on the basis of the existing cooperation agreement, and the decision to continue talks on the FTA with a view to resume the negotiations.

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**Zapytanie nr 41 skierowane przez Bogusław Sonik (H-0225/09)**

Przedmiot: Centrum Chrześcijaństwa Orientalnego przy Papieskiej Akademii Teologicznej w Krakowie

Przy Papieskiej Akademii Teologicznej w Krakowie powstała inicjatywa powołania Centrum Chrześcijaństwa Orientalnego. Centrum ma odpowiadać zapotrzebowaniu na badania dotyczące świata islamu i obecnego tam chrześcijaństwa, w tym pragnie zwrócić szczególną uwagę na dialog międzykulturowy oraz poszanowanie praw mniejszości na Bliskim Wschodzie. Obszar ten jest szczególnie interesujący w kontekście rozwoju i integracji Europy. Powołanie Centrum pozwoli na badanie wyżej wymienionej tematyki. Należy nadmienić, że Centrum będzie częściowo finansowane przez uczelnię, umożliwi to prowadzenie badań naukowych oraz nadawanie stopni naukowych. Czy Komisja może udzielić informacji na temat możliwości stałego dofinansowania prac Centrum?

*Answer*

With regard to the Structural Funds and in according with the principle of subsidiarity, the Commission is not involved in the selection of projects, with the exception of so-called major projects (above €25 million for environment and €50 million for all other sectors) which the Commission appraises in accordance with Article 41 of Council Regulation (EC) No 1083/2006. The responsibility for the selection of projects rests with the national or regional authorities in Poland. Since the value of the project in question does not exceed the thresholds for major projects, any decisions taken on whether the project will receive support from the Structural Funds is the responsibility of the Member State. For projects being implemented within the framework of the Regional Operational Programmes, the institution responsible for their selection is the Marshal's Office, in its role as the Managing Authority of the operational programme.

The Commission therefore suggests contacting the Malopolskie Marshal's Office.<sup>15</sup>

According to the Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund, Cohesion policy should contribute to increasing growth, competitiveness and employment by incorporating the Community's priorities for sustainable development as defined at the Lisbon European Council of 23 and 24 March 2000 and at the Göteborg European Council of 15 and 16 June 2001.

More generally, with regard to culture and its funding at national level it should be remembered that such funding is a responsibility of the Member States. Action at EU level is undertaken in full respect of the principle of subsidiarity, with the role of the EU being to support and complement actions of the Member States and not to substitute these.

However, the EU Culture Programme 2007-2013 promotes the transnational mobility of cultural professionals, of works of art as well as cultural and artistic products and it stimulates intercultural dialogue. More information on the Programme can be provided by the Cultural Contact Point in Poland.<sup>16</sup>

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<sup>15</sup> Urząd Marszałkowski Województwa Małopolskiego  
Departament Polityki Regionalnej  
Ul. Raclawicka 56  
30-017 Kraków  
Tel.: (012) 299-0700 Fax: (012) 299-0726 [http://www.wrotamalopolski.pl/root\\_FEM/](http://www.wrotamalopolski.pl/root_FEM/)

<sup>16</sup> Cultural Contact Point Poland  
Adam Mickiewicz Institute  
Alexandra Zajac  
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**Question no 42 by Colm Burke (H-0226/09)**

Subject: EU database of struck-off medical professionals

Can the Commission comment on the modalities of setting up an EU register of struck-off medical professionals, in light of the fact that the European Parliament has sought to include provision for such measures in its reading of the cross-border healthcare proposal?

*Answer*

Member States have established their own registers in which health professionals' members of a regulated profession are listed and where mention of disciplinary actions or criminal sanctions against them are included, where appropriate.

Furthermore, Directive 2005/36/EC<sup>17</sup> on the recognition of professional qualifications has reinforced the administrative cooperation between competent authorities, as exchange of information between the home and the host Member State has become an obligation. More specifically, it concerns the exchange of information with regard to disciplinary actions or criminal sanctions taken or any other serious, specific circumstances which are likely to have consequences for the pursuit of the activities in question, as well as any information relevant to the legality of the service provider's establishment and his/her good conduct.

An electronic tool, called IMI (Internal Market Information system), has been developed and facilitates information exchange between the relevant competent authorities on the basis of standard forms, pre-translated into all languages, which contains questions relevant for the effective application of Directive 2005/36/EC. The IMI system is fully operational for the health professionals, such as doctors, dentists, nurses, midwives, pharmacists and physiotherapists.

This exchange of information between Member States has to respect personal data protection legislation provided for in Directive 95/46/EC<sup>18</sup> on the protection of individuals with regard to the processing of personal data and on the free movement of such data and Directive 2002/58/EC<sup>19</sup> on privacy and electronic communications.

In 2012, the Commission will provide a report on the application of Directive 2005/36/EC in which an assessment of its provisions will be made. If it then becomes clear that the various obligations and means of exchange of information remain inadequate to deal with the problems at stake, the obligations (and their modalities) related to the exchange of information may have to be reconsidered.

The Commission's proposal for a directive on patients' rights in cross border health care focuses on the rights and mobility of patients. This proposal sets out the obligation for healthcare professionals to provide all relevant information to enable patients to make an informed choice. This may include confirmation of this registration status.

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**Question no 43 by Liam Aylward (H-0228/09)**

Subject: Child labour

In November of last year, the ACP-EU JPA adopted a report on child labour, which I co-authored, calling for the European Commission to oblige all large companies operating in the EU to take responsibility for labour practices at all levels of the supply chain, and noting that in order to support this, supply-chain compliance should be ensured by regular thorough inspections and independent audit at all levels.

What measures is the Commission taking to fulfil its responsibilities in this regard?

*Answer*

The question relates to the follow-up note provided by the Commission to the JPA Report on child labour.<sup>20</sup> As indicated in the follow-up note, the definition of corporate social responsibility used by the Commission and EU Member States

<sup>17</sup> Directive 2005/36/EC of the Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (Text with EEA relevance), OJ L 255, 30.9.2005.

<sup>18</sup> Directive 95/46/EC of the Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995.

<sup>19</sup> Directive 2002/58/EC of the Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), OJ L 201, 31.7.2002.

encompasses measures undertaken by firms themselves on a voluntary basis, not as a response to compulsory regulation. Thus obligatory measures such as supply chain monitoring by public bodies or other independent audits are not foreseen.

The Commission has engaged with the private sector through the European Alliance for Corporate Social Responsibility (CSR) and has supported a series of workshops or "laboratories" addressing social and environmental themes. These workshops have resulted in a number of recommendations and tools to support the corporate sector, including a new web portal providing guidance for companies on social and environmental issues in the supply chain.

The Commission hosts a Multistakeholder Forum for CSR involving employers, Non-Governmental Organisations (NGOs), Trade Unions, academic representatives and investors. It also participates in the OECD<sup>21</sup> initiative to develop and promote Multinational Guidelines, as well as encouraging EU industry to join the United Nations (UN) Global Compact. More recently, the Commission and Member States are examining the framework developed by John Ruggie, the UN Special Representative on Human Rights and Business, in his 2008 UN report entitled Protect, Respect, and Remedy. In particular, the Commission intends to launch, in cooperation with the UN Special Representative, a study on the legal framework regarding human rights and environmental issues applicable to EU companies when they operate in 3<sup>rd</sup> countries.

As indicated during the presentation of the follow-up note at the meeting of the JPA Social Committee in February 2009, the Commission would be happy to participate in the September 2009 meeting of the JPA Social Committee to discuss new developments and the outcome of further follow-up measures. One such follow-up measure will include the next meeting of the European Forum on the Rights of the Child<sup>22</sup> (a permanent advisory forum on children rights in internal and external action), which is being organised for 18 June 2009 and which will focus on child labour. One of the items on the agenda will be Corporate Social Responsibility and its contribution to fighting child labour. The Commission believes that these developments provide a sound basis for the continuing discussion on Children's Rights and Corporate Social Responsibility.

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#### **Question no 45 by Kathy Sinnott (H-0238/09)**

Subject: Link between cancer and night work

Working the overnight shift has been linked to an increased risk of developing cancer. Research has found that men who work night shifts have higher rates of prostate cancer, while women have higher rates of breast cancer.

The World Health Organisation declared night work a probable carcinogen. The designation was also endorsed by the American Cancer Association.

Is the Commission aware of this link between cancer and night work? Will the Commission step up support for research on how night work is contributing to cancer in the EU? Will it look into best practices and research on how night work can be made safer and what the maximum amount of safe night work is? In terms of employment, will the Commission publish guidelines on how night work is a risk factor for cancer so that employers and employees are aware of the risk?

#### *Answer*

The Commission is aware of the suggestions of a link between cancer and night work, considered to be "probable" by the WHO International Agency for Research on Cancer.

The Commission recognises that this "probable" link is known to the scientific community, whose research is based on the preliminary assumption that night shift work can impair normal rhythmic biological cycles. This has an impact on the production of melatonin which, in turn, induces an abnormal increased production of hormones, and thus the risk of developing certain types of cancer.

The Commission is actively involved in trying to reduce the negative impact of working conditions in relation to cancer. The European Agency for Safety and Health at Work and the European Foundation for the Improvement of Living and Working Conditions are also actively engaged in investigating the affects of disrupted sleep patterns on health.

<sup>20</sup> [http://www.europarl.europa.eu/intcoop/acp/60\\_17/pdf/suivi\\_en.pdf](http://www.europarl.europa.eu/intcoop/acp/60_17/pdf/suivi_en.pdf)

<sup>21</sup> Organisation for Economic Cooperation and Development

<sup>22</sup> [http://ec.europa.eu/justice\\_home/fsj/children/forum/fsj\\_children\\_forum\\_en.htm](http://ec.europa.eu/justice_home/fsj/children/forum/fsj_children_forum_en.htm)



Nevertheless, the main scope for preventing cancer remains through taking preventative actions based on major health determinants, as set out in the European Code against Cancer. It has been estimated that around one third of all cancers could be prevented by modifying or avoiding key risk factors, such as tobacco smoking and alcohol consumption.

More generally, to support the Member States in their efforts to tackle the burden of cancer more efficiently, the Commission plans to launch the European Partnership for Action Against Cancer in September 2009. The Partnership will provide a framework for identifying and sharing information, capacity and expertise in cancer prevention and control, by bringing together relevant stakeholders across the EU in a collective effort to address cancer.

Actions regarding workers' protection from the risks triggered by any working conditions are covered by Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (Directive 89/391/EEC).

In addition, the Working Time Directive (Directive 2003/88/EC)<sup>23</sup> contains a number of specific protection measures for night workers. Member States must take the necessary measures to ensure that night workers are entitled under the Directive to a free health assessment, before they are assigned to night work and at regular intervals afterwards. They must also ensure that workers who suffer from health problems connected to their night work are transferred, whenever possible, to day work for which they are suited. Employers who regularly use night work must inform the competent authorities, if the authorities so request. And Member States must also ensure that employers who are setting work patterns take account of the general principle of adapting work to the worker, and of safety and health requirements.

The Commission will continue to follow the important issue of the suggested link between cancer and night work.

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#### **Question no 46 by Alojz Peterle (H-0241/09)**

Subject: Stem cells

Directive 2004/23/EC<sup>24</sup> of 31 March 2004 sets standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells. The Directive is considered to be the basic framework for the procurement of cells and tissue in the European Union. The transposition of the Directive into national legislation has been seriously delayed by some Member States. As a result, certain activities related to cells and tissues are less developed in some Member States. Moreover, patients and medical practitioners are often also unaware of recent medical developments in, and the advantages of, stem cells.

Has the Commission received an up-to-date report from all Member States before 7 April 2009 on the transposition of the different provisions of the Directive, as stipulated under Article 26 of the Directive?

In view of the European Patients' Rights Day on 18 April, is the Commission also considering stepping up its efforts to inform patients and medical practitioners about the advantages of stem cells?

#### *Answer*

The Commission sends every year a questionnaire to the Member States in order to assess the transposition and implementation process of Directive 2004/23/EC on quality and safety of human cells and tissues. The results of the questionnaire are discussed with Member States at a meeting of Competent Authorities. Summary tables of results are published on the website of the Directorate General for Health and Consumers.

The results of 2009 questionnaire will also be the basis for the report on the implementation of the requirements of Directive 2004/23/EC as established in its Article 26(3). The Commission is currently receiving the answers which will be compiled for the next meeting that will take place on 27-28 May 2009.

The aim of Directive 2004/23/EC and its implementing directives is to establish minimum standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells. It does not cover research using human tissues and cells neither does it interfere with decisions made by Member States concerning the use or non-use of any specific type of human cells, such as stem cells.

<sup>23</sup> 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 of 18.11.2003, p. 9.

<sup>24</sup> OJ L 102, 7.4.2004, p. 48.

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**Ερώτηση αρ. 47 του κ. Αθανασίου Παφίλη (H-0242/09)**

Θέμα: Μόλυνση του Μαλιακού Κόλπου από το τοξικό φύκι *Chatonella*

Εδώ και δύο τουλάχιστο μήνες, στο Μαλιακό Κόλπο της περιφέρειας της Στερεάς Ελλάδας, το τοξικό φύκι *Chatonella* που εντοπίστηκε στα νερά του, προκαλεί πρωτοφανείς μαζικούς θανάτους ψαριών. Συνέπεια αυτής της οικολογικής καταστροφής είναι οι ψαράδες της περιοχής να βρίσκονται σε απόγνωση και να διαμαρτύρονται δικαιολογημένα. Η ανάπτυξη αυτού του τοξικού φυκιού οφείλεται, όπως αναφέρουν οι επιστήμονες, στην αυξημένη και πολύμορφη ρύπανση του Σπερχείου ποταμού που εκβάλλει στον Κόλπο, από βιομηχανικά και άλλα απόβλητα και λύματα. Ο Κόλπος, όπως χαρακτηριστικά λένε οι κάτοικοι της περιοχής, έχει μετατραπεί σε μια μεγάλη «τοξική σούπα».

Τι θέση παίρνει η Επιτροπή για την αντιμετώπιση αυτού του σοβαρού οικολογικού προβλήματος, την ανάγκη στήριξης των ψαράδων που πλήττονται οικονομικά και γενικότερα την αποκατάσταση της οικολογικής ισορροπίας της περιοχής που έχει διαταραχθεί εξαιτίας της ρύπανσης;

*Answer*

The Honourable Member refers to pollution of the river Sperchios and of the Maliakos Gulf, and to related impacts on fish population and fishermen in the area.

EU environmental legislation provides clear mechanisms for protecting our waters by:

addressing pollution at the source through Directives such as the Urban Waste Water Treatment Directive<sup>25</sup> and the Directive on Integrated Prevention and Control of Pollution (IPPC)<sup>26</sup>,

setting environmental objectives for all waters (rivers, lakes, groundwaters and coastal waters) through the Water Framework Directive<sup>27</sup>.

The Urban Waste Water Directive required Member States to collect and treat waste water from all settlement areas of more than 2000 inhabitants (or the equivalent in waste water pollution) by either 1998, 2000 or 2005 (depending on the size of the settlement area and the characteristics of the affected waters). The Directive on Integrated Prevention and Control of Pollution (IPPC) requires industrial installations within its scope to be subject to an integrated permit, including conditions based on the best available techniques. Existing installations were required to be covered by permits compliant with the Directive by 30 October 2007.

The Commission has scrutinised implementation by Greece of both Directives and concluded that the obligations have not been adequately implemented. Therefore, the Commission has started legal infringement procedures against Greece in respect of both Directives.

The Water Framework Directive provides for an obligation to achieve/maintain good water quality ('good status') for all waters by 2015 as a rule. Member States were required to carry out an environmental analysis of pressures and impacts by December 2004 and are required to develop plans and programmes for achieving 'good status' by 22 December 2009.

The environmental analysis of pressures and impacts for the Sperchios river specifically addresses water quality problems in that river. As mentioned by the Honourable Member for the Maliakos Gulf, disturbance of the ecosystem by pollution may also lead to mass growth of certain algae including with toxic impacts on fish. 'Good status' for rivers and estuaries ('transitional waters') is defined by a range of criteria including composition and abundance of fish fauna. The plans and programmes due by December 2009 will have to address existing problems and set out measures to achieve the environmental quality objective both for the river Sperchios and the Maliakos Gulf.

As regards possible support for the fisheries sector in that area, under the European Fisheries Funds Regulation<sup>28</sup>, in the event of a natural disaster or other exceptional occurrence, Member States are allowed to take appropriate measures to contribute to the financing of aid measures for the temporary cessation of fishing activities. Whilst the general modalities and principles are defined by the Regulation, it is the responsibility of the Member States to decide whether the fishing activity concerned has to be closed as well as whether support can be given.

<sup>25</sup> OJ L 135 of 30.5.1991

<sup>26</sup> OJ L 24 of 29.1.2008

<sup>27</sup> OJ L 327 of 22.12.2000

<sup>28</sup> OJ L 223 of 15.8.2006

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**Question no 48 by Karin Riis-Jørgensen (H-0244/09)**

Subject: Sports betting right

On 8 March the French government notified the Commission and EU Member States (under Directive 98/34/EC<sup>29</sup>) of its draft law on online gaming and betting. For the first time in the EU the proposal makes provision for the introduction of a 'sports betting right', supposedly to preserve the integrity of French sporting competitions. This right would force sports betting operators to enter into compulsory financial agreements with French sport federations.

Could the Commission clarify whether such restrictions in the French online betting market are acceptable and compatible with EU law?

What evidence (statistical or other) has been provided by the French authorities to support the need for this measure? In what way does such a right safeguard 'Sports integrity'?

*Answer*

The Commission is in the process of analysing the draft law in question and has not finalised its position yet, but will do so before the expiry of the standstill period on 8 June 2009.

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**Ερώτηση αρ. 49 του κ. Κωνσταντίνου Δρούτσα (H-0248/09)**

Θέμα: Εξόντωση των μικρομεσαίων και αυτοαπασχολούμενων αλιέων

Η αντιλαϊκή Κοινή Αλιευτική Πολιτικής της ΕΕ ενισχύεται σε ακόμη πιο αντιδραστική κατεύθυνση με την πρόταση κανονισμού του Συμβουλίου «Περί της θέσπισης κοινοτικού συστήματος ελέγχου για την εξασφάλιση της τήρησης των κανόνων της κοινής αλιευτικής πολιτικής» (COM(2008)0721). Η Κοινή Αλιευτική Πολιτική, συναντά τις έντονες αντιδράσεις των μαζικών φορέων των αλιέων, καθώς κατευθύνεται στη στήριξη των μεγάλων επιχειρηματικών ομίλων. Προμηνύει νέο μεγάλο «φαγοπότι» για τα μονοπωλιακά επιχειρηματικά συμφέροντα που δραστηριοποιούνται στο κλάδο, θίγει τα δικαιώματα των μικρών και μικρομεσαίων αλιέων, οδηγεί στην αύξηση των τιμών των αλιευμάτων για τους εργαζόμενους, στην εξόντωση των αυτοαπασχολούμενων και μικρομεσαίων αλιέων. Ταυτόχρονα, δεν λαμβάνει κανένα απολύτως μέτρο για τον έλεγχο της θαλάσσια ρύπανσης από τα ιχθυοτροφικά, βιομηχανικά, αστικά, γεωργικά, ναυτιλιακά και στρατιωτικά απόβλητα.

Πώς τοποθετείται η Επιτροπή στα ζητήματα αυτά και στις δίκαιες αντιδράσεις των αλιέων;

*Answer*

The proposal for a new fisheries control regulation (COM C (2008) 721) intends to ensure the respect of the rules of the Common Fisheries Policy (CFP), the purpose of which is to preserve the health of fish stocks for the benefit of all fishermen. The Commission does not share the view that the proposal supports the interests of major business concerns to the detriment of small and medium-sized enterprises. It is expected that the new control regulation will bring about a better compliance with the rules. Over time this will result in better fishing opportunities for all sectors of the fishing fleet including, in particular, for small and medium-sized enterprises, and will ensure a better supply for the market.

As the proposal deals with the control of fishing activities, it is not the proper instrument to address marine pollution from fish farming or industrial, urban, agricultural, shipping and military waste. These issues are addressed in the appropriate legislation relating to them.

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<sup>29</sup> OJ L 204, 21.7.1998, p. 37.

**Question no 50 by Laima Liucija Andrikiene (H-0251/09)**

Subject: Cooperation in the field of accidental or deliberate marine pollution

The European Parliament and the Council adopted Decision 2850/2000/EC<sup>30</sup> setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution and of the Community mechanism in the field of civil protection assistance interventions.

What has been done so far by the European Commission concerning the improvement of the 'capabilities of the Member States for response in the case of incidents involving spills or imminent threats of spills of oils or other harmful substances at sea and also to contribute to the prevention of the risk'? What does the European Commission intend to do in this field in the short- and long-term?

*Answer*

The Commission adopted on 22 December 2006 a Communication<sup>31</sup> presenting the state of Community action in terms of marine pollution preparedness and response, and the enhancement and continuation of preparedness and response action from 1 January 2007 (after the expiry of the Community framework for cooperation<sup>32</sup>).

In the event of an accident, when the scale of the disaster is such that national reaction capacity is insufficient, the affected country may call on the services of the Community Civil Protection Mechanism and the Monitoring and Information Centre (MIC), laid down by Council Decision 2007/779/EC, Euratom<sup>33</sup>. The Civil Protection Mechanism was established in 2001 to provide support in the event of major emergencies and contribute to and improve the coordination of assistance provided by the Member States and the Community.

The European Maritime Safety Agency (EMSA) was established by Regulation (EC) N° 1406/2002 of the European Parliament and of the Council<sup>34</sup>. The Agency is required to provide the Member States and the Commission with technical and scientific assistance in relation to accidental or deliberate pollution by ships and to support, following a request for assistance, the pollution response mechanisms of Member States. Since March 2006, affected Member States have been able to call on the Agency to charter anti-pollution ships to supplement their efforts to combat pollution with additional resources.

The EU provided in December 2006 a multiannual funding of €154 million to the Agency in the field of response to pollution caused by ships for the period 2007 to 2013<sup>35</sup>. In line with its plan for pollution preparedness and response activities, the Agency has established a network of anti-pollution vessels covering all EU regional seas. At three occasions so far, Member States requested the mobilisation of these vessels.

Finally, it should be noted that the EU has developed other legislative measures which contribute to the prevention of pollution by vessels, the latest example being the recently adopted third maritime safety package<sup>36</sup>.

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**Question no 51 by Holger Krahmer (H-0252/09)**

Subject: Expiry dates for the use of lead in Annex II (Decision 2008/689/EC) to the ELV Directive 2000/53/EC

The expiry dates recently set in the revision of Annex II (Decision 2008/689/EC<sup>37</sup>) to the ELV Directive 2000/53/EC<sup>38</sup> (end of 2010 for new vehicle types) for the use of lead in the few remaining applications will jeopardise the introduction of environmental and safety vehicle applications where technical alternatives for lead are not available. Prolonged expiry dates are necessary.

How does the Commission guarantee that the current revision will provide a swift positive decision to give legal and planning certainty to the car industry at the earliest possible date?

<sup>30</sup> OJ L 332, 28.12.2000, p. 1.

<sup>31</sup> COM(2006)863

<sup>32</sup> OJ L 332, 28.12.2000

<sup>33</sup> OJ L 314, 1.12.2007

<sup>34</sup> OJ L 208, 5.8.2002

<sup>35</sup> OJ L 394, 30.12.2006

<sup>36</sup> Not yet published in the OJ.

<sup>37</sup> OJ L 225, 23.8.2008, p. 10.

<sup>38</sup> OJ L 269, 21.10.2000, p. 34.

How, in this context, does the Commission plan to take into account the recommendations made by the Council, the European Parliament and the Commission itself, in light of the difficult economic situation of the automotive industry, notably to avoid unnecessary administrative burdens, to avoid creating new economic burdens, to weigh up costs and benefits, and to consider the main CARS 21 principles by assessing cumulative costs of regulation, and providing predictability and legal certainty?

*Answer*

The Commission is regularly reviewing the list of exemptions from the "heavy metal ban" contained in Annex II to the ELV Directive 2000/53/EC<sup>39</sup>. At the moment, the Commission is running a study preparing grounds for the 5<sup>th</sup> adaptation of this Annex to technical and scientific progress. This study focuses specifically on the two exemptions mentioned by the Honourable Member. The first public consultation on this subject was carried out between 26 January and 9 March 2009 (see: <http://rohs-elv.exemptions.oeko.info/>). Once all the submitted technical and scientific data are verified by the Commission's consultant, a draft Commission decision amending Annex II will be prepared. This draft will undergo a consultation with all Commission Services and with the Member States who will vote on it. In the case of a successful vote, the draft will be subject to a three-month parliamentary scrutiny. After the latter, provided the result is positive, the measure will be adopted. The Commission is aiming at the adoption of this decision by the end of year 2009.

The process of reviewing Annex II does not create new economic burdens as it has been in place since the adoption of the Directive and the industry has always been aware that any of the exemptions may undergo a review process. The Commission services make all possible efforts to ensure the predictability and legal certainty for the industry, within the context of the rules and procedures which need to be applied during any revision process of Community legislation. The Commission is in regular contacts with the industry on this issue and endeavours to provide accurate information about the status of the revision of Annex II at each of its steps.

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**Question no 52 by Rumiana Jeleva (H-0254/09)**

Subject: EU-Egypt Association Council: Egypt's non compliance with EU-Egypt Action Plan by broadcasting Al-Manar TV into Europe

The broadcasting of the outlawed terrorist media 'Al-Manar TV' into Europe by the Egyptian satellite provider Nilesat continues to be in direct violation of the EU-Egypt Action Plan and constitutes a threat to European security.

Did the Commission take steps to raise the broadcasting of 'Al-Manar TV' into Europe via Nilesat during the EU-Egypt Association Council meeting on 27 April 2009? If not, how does the Commission justify the repeated postponement of raising this violation of the EU-Egypt Action Plan with Egypt?

*Answer*

In its statement for the EU-Egypt Association Council meeting on 27 April in Luxembourg, the EU encouraged Egypt to continue to pursue efforts aimed at fighting discrimination on all grounds and at promoting tolerance in matters related to culture, religion and beliefs and minorities. The EU, in this context, expressed its concern about the discriminatory content in some of the broadcasts of the Al-Manar television channel distributed by the Egyptian satellite Nilesat. It condemns any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

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**Question no 53 by Alexander Alvaro (H-0256/09)**

Subject: Freedom of speech and the Czech Act limiting the freedom of the press

An unprecedented law limiting freedom of speech and freedom of the press has recently been introduced in the Czech Republic, namely the Czech Act of 5 February 2009 which amends Act No 141/1961 Coll., on criminal court proceedings (Criminal Code), providing for up to five years in prison and a heavy fine of up to EUR 180 000 for publishing any account from police wiretapping.

<sup>39</sup> OJ L 269, 21.10.2000, p. 34.

Is the Commission aware of whether the recently adopted Czech Act has a precedent in any other EU country?

Would the Commission agree that with reference to Article 6 of the Treaty on the European Union and recognising the legal value of the Charter of Fundamental Rights, this unprecedented law of the Czech Republic raises serious concerns with regard to the impact on freedom of expression (as guaranteed by Article 11 of the aforementioned Charter) arising in particular from the threat of severe penalties of up to five years' imprisonment and a fine of up to EUR 180 000?

Does the Commission consider that this Act may constitute a serious breach by the Czech Republic as outlined by the Article 7 of the Treaty of the European Union?

*Answer*

According to information in the media, the Commission understands that a constitutional complaint has been lodged against the law referred to by the Honourable Member with the Constitutional Court of the Czech Republic in April 2009.

The Commission reiterates that freedom of expression is one of the principles upon which the European Union is founded and it is part of the constitutional traditions common to the Member States. This freedom may be subject to restrictions only if these are "prescribed by law", imposed in order to attain one or more of the legitimate ends referred to in the European Convention on Human Rights and "necessary in a democratic society" in order for these ends to be attained.

The Commission equally recalls that under the Treaty establishing the European Community and the Treaty on European Union, the Commission is not able to examine alleged violations of fundamental rights which do not have any link to Community law.

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**Vraag nr. 54 van Saïd El Khadraoui (H-0258/09)**

Betreft: Schrootpremies bij inleveren oude wagen en aankoop nieuwe wagen

De afgelopen maanden hebben heel wat lidstaten een tijdelijk stelsel van premies ingevoerd dat er voor moet zorgen dat oude personenwagens sneller van de weg gehaald worden ten voordele van nieuwe, meer milieuvriendelijke wagens.

Kan de Commissie een overzicht geven van de effecten van de schrootpremies in de landen waar ze ingevoerd zijn? Wat is het effect op de verkoop van nieuwe wagens? Welk type wagen wordt het meest aangekocht met de premies? Wat zijn de milieuprestaties van de wagens die aangekocht worden met de schrootpremies?

Kan de Commissie inschatten hoeveel oude wagens werden verschoot onder impuls van de premies? Wat is de leeftijd van de ingeleverde wagens? Wat zijn de milieuprestaties van de ingeleverde wagens?

Is de Commissie van plan wetgevende initiatieven te nemen om de schrootpremies in te kaderen? Welke andere initiatieven heeft de Commissie reeds genomen in verband met de schrootpremies?

Welk effect hebben de schrootpremies op het milieu? Gaat het enkel om een versnelde aankoop van nieuwe wagens, of kan men spreken van een verbetering van de kwaliteit, de efficiëntie en de milieuvriendelijkheid van het wagenpark?

*Answer*

The Commission considers that demand-side measures such as scrapping schemes can play an important role in promoting fleet renewal and the replacement of older, more polluting cars with newer, technologically, more advanced vehicles. Therefore the Commission has welcomed relevant Member States initiatives while ensuring that these schemes are in conformity with the Community legislation.

Measures concerning demand-side which aim at improving the demand for new vehicles and assisting with the scrapping of older ones are foreseen by the European Economic Recovery Plan<sup>40</sup> adopted in November 2008. This Recovery Plan sets out the key elements of the public support for the automotive sector.

<sup>40</sup> COM(2008) 800 final

On 16 February 2009 the Commission invited Member States experts for an exchange of best practices in relation to scrapping schemes. Consequently, on 25 February 2009 the Commission has adopted "Guidance on scrapping schemes for vehicles" as part of the Communication "Responding to the crisis in the European automotive industry"<sup>41</sup>. In this paper the Commission has indicated its willingness to strengthen the coordination of national measures with a view to ensuring full effectiveness of the measures and prevent distortion of the Internal Market. The guidance paper gives practical guidance to Member States on how to design scrapping schemes for vehicles and explains the relevant Community legislation. Moreover, Member States have been invited to always notify their scrapping schemes to the Commission in the interest of transparency. The Commission committed itself to assess the schemes quickly and to verify compliance with Directive 98/34/EC<sup>42</sup>, which requires notification of technical regulations at a draft stage. The Commission, therefore, does not currently intend see any necessity for legislative action to establish a framework for scrap premiums at this point of time.

Currently, 10 Member States have scrapping schemes in place and 2 more have announced their prompt introduction in the near term. It is worth remarking that the characteristics of the existing schemes vary, especially with regard to the conditions for the minimum age of the vehicle to be scrapped (from 9 to 15 years) and the requirements for the vehicle to be acquired (i.e. Euro emissions, CO<sub>2</sub> emissions, maximum mileage).

It is too early to assess the overall efficiency of these schemes. However, based on the available information, these schemes have proved to be successful in some Member States with positive spill-over effects to other Member States. The smaller decline of passenger car registrations in Europe recorded in March 2009 has been attributed to the scrapping schemes. Also in March 2009, in some Member States, these incentives boosted sales significantly compared to the same month last year (Germany by 40 %, Slovakia by 18 %, France by 8 %). It is also reported that the schemes increase demand for more compact, environmentally friendly and fuel-efficient cars. However, no systematic assessment is available regarding the impacts on average CO<sub>2</sub> emissions or air pollutant emissions.

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<sup>41</sup> COM(2009) 104 final

<sup>42</sup> OJ L 204, 21.7.1998