

## TUESDAY, 24 NOVEMBER 2009

IN THE CHAIR: MR BUZEK

*President*

### 1. Opening of the sitting

*(The sitting was opened at 09.05)*

### 2. Debates on cases of breaches of human rights, democracy and the rule of law (announcement of motions for resolutions tabled): see Minutes

### 3. Preparation of the Copenhagen Summit on climate change (debate)

**President.** – The next item is the statements by the Council and the Commission on preparation of the Copenhagen Summit on climate change.

**Andreas Carlgren, President-in-Office of the Council.** – (SV) Mr President, honourable Members, the last time I was here in Parliament to discuss climate issues was just before I met with my colleagues at the October meeting of the Environment Council. At that meeting, we agreed on the EU's strong and collective mandate in preparation for the UN climate conference in Copenhagen. We established, among other things, that by 2050, the EU's emissions need to be reduced by 80–95% compared to 1990 levels. We also determined that the EU will, in any event, reduce emissions by 20% by 2020, but that we will reduce them by 30% if a sufficiently ambitious agreement is reached in Copenhagen.

In comparing this with other countries' emissions reductions, we will place particular importance on the objective of limiting the temperature increase to two degrees – that must be the yardstick for comparing our emissions reductions with those of other countries. Emissions from international transport must be reduced. We have set a reduction target for aviation of 10% and for shipping of 20% by 2020 compared with 2005 levels. I would also like to make it clear that the EU is also demanding that taxes on shipping and aviation be used to pay for measures in developing countries, particularly in the poorest countries and those that are hardest hit. That must be one of the results of Copenhagen.

The destruction of the rainforest must be halved by 2020 and have ceased by 2030. The EU will demand that the Copenhagen Summit take a decision to stop the deforestation of rainforests, support reforestation and create sustainable forestry. This is the only way we can reduce emissions sufficiently quickly and achieve a successful outcome in Copenhagen. The EU has clarified and advanced its positions each step of the way and has thus been able to make demands and put pressure on other parties all the way along. A lot of this has been achieved in cooperation with the European Parliament, with the climate and energy package forming the basis for the EU's ambitious positions.

Now there are just two weeks left before the climate summit in Copenhagen. We are surrounded by a lot of pessimists, who have been lining the finishing straight over the last few months. However, in reality, what counts is the political will for leadership – and that is something that the EU has. In order to achieve the result that we have worked for for so long, we must now mobilise all forces within the European Union. In this regard, Parliament, in particular, will continue to have an important role.

Thus, let me first establish that the EU's goal for an agreement has not changed. We need to reach an ambitious and comprehensive agreement in Copenhagen. The Earth's climate has waited long enough. Now it is time for an agreement.

Yesterday, we held an extraordinary meeting of the Environment Council in order to be able, with combined force, to make Copenhagen the milestone in our work on climate change that we want it to be. In the EU's decision ahead of the Copenhagen conference, the Heads of State or Government have determined that the EU's goal is for the Copenhagen process to lead to a legally binding agreement for the period starting 1 January 2013, based on the Kyoto Protocol and containing all of the essential elements. It requires an agreement in Copenhagen which, overall, achieves large enough reductions in emissions for the target to keep the Earth's temperature increase to below two degrees to be within reach. An agreement with all countries that will result in each developed country undertaking to reduce its total emissions, in other words, an

economy-wide target; we need all developed countries to link their commitments to the agreement in Copenhagen, including the US. An agreement that will result in developing countries committing to take measures to reduce emissions to below what they would have been if no measures were taken, particularly in those countries belonging to the major economies, and developed countries providing immediate financial aid for necessary measures in developing countries, particularly in the poorest countries, during 2010, 2011 and 2012. An agreement that results in the creation of a system of long-term support for reduced emissions, adaptation, technical cooperation and technology transfer.

Finally, the agreement must include a review mechanism so that it can be adapted to whatever science shows to be necessary to manage the climate.

There is now talk of a 'two stage solution'. However, for the EU, the agreement in Copenhagen is the crucial step. It is in Copenhagen that the decision should be taken, and that decision should include everything that is important for the climate. The binding agreement should be transferred, according to a clear timetable, to a ratifiable text, which is more of a technicality, as the content should be provided in an ambitious agreement.

Thus, an agreement in Copenhagen will open the way for immediate measures to be taken instead of waiting until 2013. In fact, we could also instigate measures quicker through this kind of agreement than through what would otherwise have been the case. It will also be crucial in us achieving the two degree target.

The EU has, in particular, been a driving force for the rapid provision of money for adaptation measures and measures to prevent the deforestation of rainforests. Rapid action is required to enable us to change the Earth's emissions curve to a downwards trend quickly.

What is currently on the table is not sufficient overall to achieve the two degree target. The most ambitious offers on the negotiating table are those tabled by us in the EU, just as we have been a driving force to get other parties to raise their offers. This has also happened. We have seen that the fact that we have used our 30% target as a leveraging tool has also put pressure on others parties. It is gratifying that developed countries like Norway and Japan have increased their offers, as has Russia recently, and that developing countries like South Korea, Brazil and Indonesia have also recently presented ambitious plans. We will continue to press forward on this. Our 30% shall also continue to be used as a leveraging tool. We are now waiting in particular for the US and China.

We note that President Obama has said that an agreement should neither contain only certain elements nor merely be a political declaration. He has also agreed that it should contain all of the key elements as well as the measures that can be initiated immediately. An agreement in Copenhagen must cover all of the world's emissions. Without an offer from the US and China, only half of this is covered. Let me say this very clearly: an agreement may entirely depend on the US and China tabling sufficiently ambitious offers.

The EU will continue to press for adequate measures to be tabled in the negotiations. Two weeks before the final negotiations, we will continue to maintain our leadership. I look forward to the continued cooperation with Parliament, particularly through the COP15 group that will be on site in Copenhagen. I look forward to the dialogue. With our joint forces, we will together work to bring about a very successful, ambitious and genuine agreement in Copenhagen.

**Stavros Dimas**, *Member of the Commission*. – (EL) Mr President, we are fast approaching the crucial Copenhagen Summit and there is little time left. I totally agree with Minister Carlgren that we need to step up our efforts and cooperate closely to ensure that we do not waste this historic opportunity before us, namely to achieve in Copenhagen a global, overall, ambitious, scientifically-based agreement on climate change. As Mr Carlgren said, we need to agree in Copenhagen on the entire content, on the entire substance of the agreement and for the legalities to be processed immediately afterwards, in the next few months, within the first six months of 2010, so that we have a full, legally binding agreement, which the European Union has been fighting for since the outset.

I should like to thank the European Parliament for the resolution on the EU strategy for Copenhagen. It is an ambitious resolution which confirms the importance which the European Parliament attaches to the question of climate change. I am also counting wholeheartedly on the support of the members of Parliament in Copenhagen. Of course, I should also like to stress the importance of our contacts with third country parliaments, with civil society and with companies, in order to make the positions of the European Union known and, in this way, convince other countries to adopt binding declarations on reductions in greenhouse gases.

I particularly endorse the call by Parliament for an agreement which reflects the 2° Celsius objective. In order to achieve this objective, action is needed both by developed and developing countries. It is a good thing that, in its resolution, Parliament has voted in favour of the solutions based on market mechanisms and supports a review of the clean development mechanism in a future agreement. As far as this issue is concerned, as you know, the Commission takes the view that the existing tools of the carbon dioxide emissions system should be extended by introducing a sectoral credit mechanism.

As regards reducing emissions from deforestation and the degradation of forests in developing countries under the UN-REDD programme, the Commission will make every possible effort to promote strong social and environmental standards which take account of the impact on biodiversity and ecosystems.

However, we face major challenges. In Copenhagen, we must aim high so as to achieve an agreement based on scientific findings. In other words, we must go beyond 2° Celsius. We must also ensure that every country makes the necessary commitments in accordance with the principle of joint but differentiated responsibilities. We also expect the United States, eight full years after they walked out of Kyoto, to take their share of the responsibility.

Finally, we must address a series of detailed issues, such as ensuring that emerging economies will actually make a contribution in line with their capabilities and the principle of differentiation which I referred to earlier and that the amount of funding needed is predictable and stable. Furthermore, funding will need to be secured in Copenhagen for fast-start, so that what needs to be done immediately can be done without waiting for the 2010-2013 period. This will allow immediate action and the necessary adaptations, especially in very sensitive areas of the planet such as poor countries.

Now is the time that the European Union is being called upon to set an example and confirm its leading role. At the preparatory talks held in Copenhagen last week, we had a crucial exchange of views with many of our international partners. As Mr Carlgren said, certain countries, such as Brazil and South Korea, have announced that they will be taking measures. Similar announcements are expected by the time the summit starts from other countries, such as China and India. This morning, there were reports in the news that the United States would be submitting its proposal for reductions and – I hope – funding.

We also had an interesting exchange of views on the question of transparency and, more specifically, the MRV or monitoring, reporting and verification systems. It is still extremely important that we secure more commitments on specific measures and action towards an economy based on less intensive carbon dioxide emissions. Developing countries must, as a group and depending on their capabilities, make reductions in the order of 15-30% compared with business as usual.

As far as action by developed countries is concerned, unfortunately, progress is not satisfactory. Spain, Australia and Norway have improved their commitments. However, the other countries do not appear to be prepared to follow suit. It has also now become clear that the United States will, unfortunately, not be able to adopt internal legislation by the end of the year. Of course, this does not mean that they will not be able to set specific quantitative targets in Copenhagen. As I said earlier, according to our information, this is precisely what will happen, but – I fear – on condition that internal legislation is passed, which is not expected by the end of the year and it will therefore be conditional. A positive move on the part of the United States will affect the stand taken by the other countries and, by extension, will be instrumental to the outcome of the Copenhagen Summit.

It is now clear that measures by developed countries alone will not suffice. Whatever else happens, developing countries will have to make a contribution, with the emphasis on developing an economy with low carbon dioxide emissions. As I said earlier, developing countries will need to reduce their emissions by 15-30% compared with business as usual.

Our fundamental objective in Copenhagen is still to achieve a legally binding agreement. Despite the fact that negotiations have not progressed as fast as we would have wished up to now and there is little time left, we must not depart from this objective. We also want this agreement to be a global agreement that covers all elements of the Bali action plan, incorporates progress made to date and contains quantitative factors for reductions in emissions and funding.

As far as the architecture of the agreement is concerned, it will need to cover all elements relating to adaptations, reductions in emissions and fast-start funding. We shall also need to agree in Copenhagen on the procedures and timetable for completing negotiations, with a view to achieving a legally binding agreement as quickly as possible, within the first months of 2010; Chancellor Merkel mentioned the first half of 2010.

A substantial and global agreement will give considerable political momentum to the negotiating procedure and make it possible to complete legal processing within a reasonable period of time after Copenhagen. Within this framework, funding is a decisive factor. Copenhagen will fail unless we manage to mobilise the investment and funding resources needed.

To close, I should like to refer once again to the decisive role played by the European Parliament in promoting the EU's ambitious climate policy. It has been at the forefront in the European Union and internationally and has helped to encourage our strategic international partners. This close cooperation will continue in the run-up to Copenhagen and I must say that I am delighted that Parliament will be represented by a strong delegation.

**President.** – Thank you, Commissioner, for a very interesting speech in which you spoke about the important problems we are facing before Copenhagen. You spoke for slightly longer than we expected, so I expect we will have shorter remarks from yourself at the end of the debate. It was so interesting that it was not possible to stop it!

**Corien Wortmann-Kool, on behalf of the PPE Group.** – (NL) The clock is ticking. We are faced with the important challenge of ensuring that an ambitious agreement is concluded in Copenhagen with regard to climate change and, now that December is drawing nearer, we are experiencing setbacks. President Obama is not yet able to keep his election promise. Yet there are also hopeful signs, such as the ambitions of the new Japanese Government.

I should like to commend the efforts of the Swedish Presidency and the European Commission, particularly Commissioner Dimas. We are your allies. I should also like to commend your efforts to get the European leaders singing from the same song sheet, as it is more important than ever, in these crucial negotiations, that Europe speak with one voice.

On behalf of the Group of the European People's Party (Christian Democrats), I can say that we share your hope that an ambitious agreement will be reached that leads to binding reduction targets not only for the European Union, the United States and Japan, but also for countries such as China, Brazil and India. It is important that we share the same ambitions if we are to tackle climate change effectively whilst also creating a global level playing field.

Mr President, it is crucial that agreement be reached in Copenhagen on a financial package to help fund the climate projects in developing countries. Europe must take its fair share of this responsibility. Yet I echo your sentiment that it is very important to get this funding off the ground quickly, as projects are ready and waiting, and can be started immediately. This would constitute a tangible, visible outcome of the Copenhagen Summit, an encouraging sign. At the same time, it is essential to conclude agreements to ensure that these funds make an active, effective contribution to reducing climate change, and also agreements on technology transfer and the protection of intellectual property rights.

Only together can we mobilise the knowledge and skills needed to prevent climate change and the irreparable damage to ecosystems. The climate agreement has the potential to give an important boost to this, and also to us in Europe, to ensure that our social market economy increasingly becomes a sustainable social market economy.

**Jo Leinen, on behalf of the S&D Group.** – (DE) Mr President, Mr President-in-Office of the Council, Commissioner, ladies and gentlemen, in recent years, the European Parliament has been a driving force in the debate on climate protection, and we have also achieved a large percentage of the EU's climate protection package. The resolution that we are putting forward today has all the elements for an ambitious agreement in Copenhagen. Yet what we are proposing is also realistic. It is both ambitious and realistic at the same time, and we hope that the Council and the Commission will join forces with us to form a single lobbying body at the conference in order to get other partners on board.

The EU has taken on the leadership role in these issues and we want that to remain the case in Copenhagen. We must therefore stand by our offer of a 30% reduction in CO<sub>2</sub> by 2020. The science tells us that we need to be in the upper end between 25% and 40%. 30% would therefore still not be enough, we know that, and that is why we must actually offer this target, as it will drive up the ambition of other countries.

We know that global climate protection is not possible without financing. In contrast to the Council, Parliament has given specific figures in this regard. The global framework is around EUR 100 billion, and Europe needs to take on around a third of that. So why do we not say that we will provide EUR 30 billion in

2020? Parliament has committed itself to this and I hope that the Council and the Commission will be equally specific in two weeks time.

Mrs Wortmann-Kool has already mentioned the kick-start. We need EUR 5 to 7 billion straight away. When I look at how much money we made available for the banking crisis, we are really talking about peanuts to overcome the climate crisis – and there will be no second chance at this. Once the climate has been broken, it will be broken forever and we will not be able to fix it. This really has to deserve a major effort from us all, therefore.

I also note that some countries are moving, but others are not. It must not be the case that the two greatest climate polluters, China and the United States, play a giant game of ping-pong where each accuses the other whilst dragging its own feet. That is irresponsible and I hope that the US, in particular, will also show leadership in Copenhagen, with specific information on reductions in its own climate-change gases and also a share of the financing.

Without these two countries and without India, there will be no agreement. We emphasise forestry policy once again – deforestation is a major factor – as well as aviation and maritime transport. If railways are included in the emissions trading and have to pay, I can no longer see why aviation and maritime transport should have such special privileges.

At long last, Parliament will be represented in the EU pavilion for the first time. That is a new beginning, and I hope we are able to take part in the briefing between the Council and the Commission since, under the Treaty of Lisbon, we have joint legislative power on the Copenhagen agreement.

**Corinne Lepage**, *on behalf of the ALDE Group*. – (FR) Mr President, Mr President-in-Office of the Council, Commissioner, on 26 September 2009, 44 citizens' panels were organised in 38 countries representing the various stages of development.

91% of citizens worldwide believed that there was an urgent need to reach an agreement in Copenhagen, including 93% of Europeans. 89% believed that we needed to go beyond the 25% target for reducing greenhouse gas emissions in industrialised countries, and 92% of Europeans follow this line of thinking.

We, the MEPs representing the peoples of Europe, have a duty to use our influence to respond to the request of our fellow citizens, but above all to shoulder the responsibility that we have, so that we can meet the IPCC's target of a 25-40% reduction by 2020.

To achieve this, the target of a 30% reduction must be upheld, as Mr Leinen just said, and obviously with the necessary financial resources, estimated at EUR 100 billion for 2020. To this end, a tax on financial transactions will probably have to be introduced, as will green technology transfers to the South.

Europe's leadership on this crucial issue for the future must result in an agreement being reached, but not an agreement at any price, in other words, not one that falls short of its objectives, that has no financial resources, controls or constraints. It would be better to have nothing at all than to have a vague commitment that puts this issue on the back-burner, making people believe that it has been dealt with.

Our responsibility is not only that of being jointly responsible for the climate debt, but of doing everything possible to convince people of the only sensible solution and of being a tireless defender of the fair and effective collective effort.

In this regard, upholding the 30% target means giving all of the countries that have already proposed lower and upper limits for their emissions the means to aim for the upper limits and not to stay at the lower ones.

Everyone will answer to the international public and to future generations for the position they adopt in Copenhagen. The position of we Europeans must be clear, unambiguous and extremely robust.

**Satu Hassi**, *on behalf of the Verts/ALE Group*. – (FI) Mr President, ladies and gentlemen, Minister, the meeting at Copenhagen will be the most important conference in mankind's history. It concerns the future of the entire human race. The importance of the meeting is highlighted by the fact that, as it approaches, the publicity game has even been enough to blacken the reputations of climate researchers.

There is, however, no time to lose: global emissions have to be reduced within the next 10 years. The ministers and prime ministers that convene at Copenhagen must take their responsibility seriously and make decisions to ensure that the temperature of the earth will not rise by more than two degrees. The decision must embrace

all the main questions, it must be binding, and it must include a binding timetable for the drafting of an eventual international agreement.

I am pleased that Minister Carlgren also spoke of a binding decision and a binding international agreement. The agreement needs to contain long-term emission targets, though it is even more important to agree on emission limits for the year 2020. The cuts in emissions in the industrialised countries should be closer to 40%, rather than the 25% threshold.

EU leadership is now crucially important, as before. The best way we can demonstrate leadership is by committing now to a 30% cut in emissions for 2020 and by making a clear offer of financing to the developing countries. As the Committee on the Environment, Public Health and Food Safety said, the EU's share of funding should be around EUR 30 billion a year up to 2020. Moreover, as Minister Carlgren has said, the recession has made it cheaper to reduce emissions. We need to take advantage of this opportunity and raise our sights.

I want to remind those who are keen to question the whole notion of climate protection that the planet will not wait. You cannot say to the planet: 'Could you please give us another year or two; there's a recession on', or 'The climate sceptics made us hesitate'. Climate change is progressing according to the laws of physics and chemistry, and we will take responsibility for our decisions and, furthermore, for not doing anything at all.

(Applause)

**Miroslav Ouzký**, *on behalf of the ECR Group*. – (CS) Minister and President-in-Office of the Council, Commissioner, ladies and gentlemen, I agree with most of the previous speakers that the Copenhagen Summit is probably the most important summit of the entire year for the European Union and also for the whole world. I would like to thank the Commissioner for being among the politicians emphasising the importance of the European Parliament to the forthcoming summit and to climate policy and climate change in themselves. I would also like to thank him for emphasising the importance of funding. You know, in the Czech lands we often say – and in Czech it sounds rather ironical – that money always comes first and in this case it is doubly true. I would also like to stress that if the EU cannot come forward as one body with a strong and clear mandate and cannot reach a clear agreement on funding, it will weaken our position in the world enormously.

Several previous speakers here have emphasised that as the EU, we have a leading role in this area and that we should retain this leading role. I would like to say again that I would be very happy to see someone even more ambitious at the summit, someone who was further ahead than us, who had better legislation, and who would be willing to put more funding into the issue. It would not bother me in the slightest if we lost our number one position because I believe that it is time for the common burden to assume a genuinely global scale. I share the belief that without a global agreement, all of our efforts will come to nothing. There is no point here in constantly reiterating the importance of states such as the US, India or China. I am afraid that President Obama is not able to fulfil all of his pre-election promises and that is regrettable.

I would also like briefly to mention an issue I often talk about, namely deforestation and water management in the world, which we always tend to undervalue. In all of our declarations, we call for agreements with states such as Brazil, India and others on halting the felling of the rain forests. I say, however, that it is not enough simply to agree and to make declarations. We discovered in the past that the relevant governments often do not have or do not exercise control over these activities and therefore, I would like to state here that it is not enough to agree; we must devise control mechanisms, we must have an overview of real policies and I agree that we must not enter into a treaty at any price.

**Bairbre de Brún**, *on behalf of the GUE/NGL Group*. – (GA) Mr President, I completely agree that we must push to find a legally binding agreement in Copenhagen. The agreement must be strong enough to combat the challenge of climate change and, at the same time, it must be balanced and fair with regard to developing countries.

Industrialised countries must promise a reduction of at least 40% in greenhouse gas emissions by 2020 and a reduction of between 80% and 95% by 2050 compared to 1990 levels.

By 2020, the EU must commit EUR 30 billion a year as climate funding for developing countries, on top of foreign development aid.

Unfortunately, there are people in Europe who are very interested in using other countries' reluctance to take the necessary steps as an excuse for the EU not to fulfil its obligations. This type of approach is extremely short-sighted.

Irrespective of the results of the Copenhagen talks, the EU must carry on and lay down and implement effective targets for the reduction of emissions, develop new clean technologies and commit itself to climate justice, so that developing countries will not be saddled with reaping what the developed world sowed.

**Anna Rosbach**, *on behalf of the EFD Group*. – (DA) Mr President, Council and Commission, it is one month today until Christmas Eve. I have one big Christmas wish, and that is that when the climate conference is over and all the participants have stopped acting like administrators and technicians who talk only of details and quotas, we can then finally have a political debate about what can realistically and practically be done to improve conditions for our planet and its inhabitants. If we open our eyes, we will see all too clearly that the US, Russia, China and many other countries around the globe do not really have climate change on the agenda. Instead, they are simply making fine-sounding declarations of intent and empty promises.

**Angelika Werthmann (NI)**. – (DE) Mr President, ladies and gentlemen, the still ongoing economic and structural crisis has shown how the international community can quickly make large sums available in order to take the sting out of an acute situation, even if the way it actually does that is sometimes questionable. The crisis also shows that the most varied of States are able to cooperate when there are larger, superordinate objectives at stake.

Like the structural crisis, the dramatic effects of climate change are largely man-made. However, it must be the objective – and I am talking about an objective for humanity – to run our Earth and its resources sustainably and sensibly. We must maintain the diversity of the biosphere for future generations. If we succeed in creating a framework at European level that promotes science, innovation and modern, environmentally friendly technologies – green technologies – and renewable energy sources, we Europeans can achieve two objectives. First of all, we will all be making a positive contribution to reducing climate-damaging CO<sub>2</sub> emissions, enabling us to bring an end to our major dependence on fossil fuels. If, secondly, we increase our support for science and environmentally friendly technologies, it will mean that Europe will remain a centre for innovation in the long term. Only in that way will we create new jobs in Europe in the long term.

**Andreas Carlgren**, *President-in-Office of the Council*. – (SV) Mr President, I must say that I really appreciate the broad support that the EU's approach has received from almost everyone in Parliament. That means, has meant and will mean a great deal for the EU's strength in Copenhagen and also in the very important climate work that we will have to do afterwards.

I would also like to say to Mr Dimas that I appreciate very much what he said today. The Commission has played a vital role as the backbone of the EU's climate policy and Mr Dimas in particular has played a decisive role in the Commission taking the position that it has done. There have been times when not all Member States have supported this as strongly as they do today and, in the crucial situations, the Commissioner has always stood very firm. I appreciate that very much and I wanted to make that point here in Parliament.

I would like to say to Mr Leinen, as leader of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, but also as chairman of the committee, that I very much look forward to cooperation with Parliament in Copenhagen, too. I am certain that Parliament can play a very important part there, too, in reaching out to representatives of other countries.

I would like to say to everyone here in the debate who has mentioned the issue of financing – Mr Leinen, Mrs Hassi, Mrs de Brún and others – that of course the specific figures are important, too. That is why the EU has been the group of developed countries that has so far presented both the most ambitious and the most detailed figures. Let me also say, with regard to rapid measures – measures to stop the deforestation of rainforests and measures to take money from aviation and shipping, which damage the climate, to put towards important measures in the poorest EU countries in particular – that they need to produce results right now.

Someone asked about the practical side. The EU has shown the way here. We have, in fact, already got half way towards our 2020 target of 20%. We have achieved a third of what we need to do to attain the 30% target. That is why, in the final sprint, we are pressing for other parties to raise their offers, while also saying 'look at us, we have shown a practical way to actually reduce emissions'.

Some people are saying 'go 10% further. I would very much like to do that, but it requires a global agreement. Otherwise, this extra 10% from the EU would be eaten up by only two years of emissions increases in China, and we will still not have saved the climate. That is why the global agreement is so important and why Parliament's role is so vital, as this is an important political basis on which to build further.

**Stavros Dimas**, *Member of the Commission*. – Mr President, after what you said, I did not expect you to give me the floor, but I will take this opportunity to say two words about the main argument that was put forward for the 30% target.

Of course I agree with Mr Ouzký that we need a global agreement, meaning all the countries of the world participating in a comprehensive agreement and all sectors of the economy to participate in the reductions. And, of course, this must be science-based.

In order to have such a global agreement, in order to persuade other countries to come forward, we have to keep pressing by our example, an example which has its moral importance. The moral leadership of Europe is important, but it also acts as an example by showing that green business is very important for our competitiveness. In yesterday's Financial Times, there were reports about how European businesses – including very important corporations in the European Union – are gaining from going green and actually foresee, by 2020, that their green business will surpass all the other business. So we have these two ways of pressing other countries to come forward with ambitious commitments and agree in a legally binding agreement.

For the 30% reduction, I have to add the following. First of all, it is in accordance with what science is telling us to do, so it will be sincere on our part to go along with what science is telling us. Secondly, it is cheaper today, much cheaper than when we were discussing our climate and energy package: it is cheaper by about 30-40% now to achieve this target.

Thirdly, it is not just going to give us what Andreas Carlgren said previously, a lever to persuade the others, but also and most important, will be the pressure by example; public opinion around the world will appreciate what the European Union is doing. It will also, as I heard a lady colleague here say, be very important for our technologies. Of course, because it will provide a better price for carbon, which is very low today, and in this way it will be an important incentive for eco-innovation and for development and deployment of new technologies.

Another aspect which is very important is that the European Union is in a privileged position because we already have the legislation you voted which provides the European Union and the Member States with the means and measures to achieve the higher target by just upgrading certain of the caps we have in our legislation.

**Karl-Heinz Florenz (PPE)**. – (DE) Mr President, I would like to start by commenting on what Commissioner Dimas said. Of course we need a binding agreement, for the entire issue of climate protection, but in Europe, too, for our European industry. It is not only green industry that we have, of course. We also have industry in other sectors, and we must also think about the competitiveness of that industry beyond Europe.

Industry needs certainty of planning, and in that regard Europe has very much surged ahead. That was the right approach to take and it had my express support at the time. Now, however, we need to ensure, in Copenhagen, that the positive result of the last year is also carried on up to the Copenhagen level. We need to nail our colours to the mast of a global carbon budget. That has already been said, but we need now to really drive the message home to other States and continents. Once we have done that – and it will not be easy – then the emissions trading scheme must be developed further. If this remains a purely European story, time will start to run out. I can therefore only beg the Commissioner and the President-in-Office of the Council to push forward with exporting this message in a really committed way.

We have identified a second problem – and it has already been mentioned today – namely, the issue of deforestation. In Borneo, Mr Leinen, an area twice the size of the Saarland is cleared by burning each year. That is a disaster. 8% of the whole world's CO<sub>2</sub> emissions are released in so doing, and we can savage our industry as much as we want, it cannot deliver that. Nor do I want it to deliver it. We therefore need to develop a completely different focus.

I am absolutely astonished about the financing – it is a numbers race. For me, it is important that the well from which we draw our money is not treated as bottomless, and I am not certain that that is the case. Please, Commissioner, can you give me some reassurance on that front? The developing countries must be included, with adapted figures and targets. That is my appeal. Europe was serious, and that seriousness – including on



the part of the Commission and the Council, I want to make that clear – is our strength, and it is a strength we should continue to work on.

**Dan Jørgensen (S&D).** – (DA) Mr President, a couple of months back, I was in Greenland. I visited a small town there called Ilulissat, and just north of Ilulissat is a glacier. This glacier is now melting and it is moving at two metres an hour – two metres an hour! You can see it with the naked eye. You can hear it, because when a huge chunk of ice falls off, it sounds like a clap of thunder. The meltwater coming from this glacier each day is equal to the annual consumption of a whole city the size of New York. Per day! That is an indicator of the urgency of what we are dealing with. And that is before the effects of climate change really hit us.

That is why I feel bound to say to Mrs Rosbach and others who have said today ‘we have to be level-headed’, ‘we have to look at what is politically possible’, ‘we have to look at the compromises that can be reached’: there are some things on which you cannot compromise. There are some objectives that we cannot compromise on and one of these is the 2° C goal that the EU is supporting. That is why, Minister Carlgren and Commissioner Dimas, I am very, very pleased at the signals that you are sending today. We cannot compromise on 2° C. This means that all the developed countries of the world must make reductions of between 25% and 40%. It also means that massive pressure must be put on the US to bring that country to support this goal. I would like to see some indication in your comments of the level of reduction that the US must deliver from a purely practical point of view. I think that is something that is lacking in the public debate.

What we in the EU are focusing on – apart from the fact that we must have a reduction target that is ambitious enough – is a financing plan. The rich countries of the world must help to pay for the transfer of growth to the poorest countries of the world, so that we are not demanding that they stay in poverty but rather that they continue their growth. This growth must be green growth, however, based on a technology shift, and it must be sustainable. For the time being, I regret to say that although the EU has shown leadership in a number of areas, where financing is concerned we are still not in a position to put the figures that will be required on the table. I know that this is not the fault of these two gentlemen. Unfortunately, it has not been possible to get the support of the Heads of Government in Europe. I very much hope, however, that we can get this support before Copenhagen; it is a matter of urgency.

Finally, I would like to say that it is extremely important that we in Europe take the lead in arguing that this does not mean that living standards must fall – in either the rich world or the poor world. It will not lead to our industries becoming uncompetitive. On the contrary, our demands will make them more innovative, which will make them more competitive in the world. If you read the newspapers or watch television or follow the global media at all, you will see that pessimism is the order of the day. There are many people who have already decided that Copenhagen will be a fiasco. That is why it is more important than ever for Europe to take the lead, for the EU to be in the driving seat. I would therefore like to wish you the best of luck with the negotiations in Copenhagen.

**Chris Davies (ALDE).** – Mr President, if you look out of the window today, you will see a rather miserable Strasbourg day, which is nothing out of the ordinary. Even the floods which are devastating parts of my region in Cockermonth and Workington, where we have had the highest rainfall on record, are nothing special; they cannot be specifically attributed to climate change, although they are in line with the science.

It is hard to take the political decisions necessary when there is doubt about whether climate change is taking place. We have to take a step back; we have to recognise that during the course of one lifetime, the human population has quadrupled and our use of fossil fuels, our energy consumption, has grown enormously. Perhaps, as our atmosphere retains the same depth, we also must wonder whether climate change should not be taking place faster than it is.

I think it is important to recognise that climate change is not a religion. It is not a faith. We have to take on board the arguments of the sceptics and we have to challenge them. We have to ensure that our science is put to the fore. I just wish some of the sceptics would not take such delight in putting forward proposals to delay action, proposals which might end up costing the lives of millions.

There has been a downplaying of the ambitions for Copenhagen, but if you had heard Minister Carlgren at the Committee on the Environment, Public Health and Food Safety yesterday, you would have heard no such downplaying. The ambitions could not have been reinforced more strongly. We have 65 Heads of Government attending. We need the leaders of the United States and China to be there too, but we have an opportunity here to take some major political decisions.

I welcome the fact that the European Union has given such leadership. We are delighted with this. The question is: is it enough? The situation is fluid. We have four weeks and negotiations have a momentum of their own. Are we giving you enough room for manoeuvre? The Commissioner has suggested that we need to move from 20% to 30%. Now, is this a shift in our negotiating position? Are we strengthening this? Are we saying that we are prepared to make this gesture even before we get a final agreement? Before this debate finishes, can we hear more from the Council and the Commission about what room there is for upping our game?

**Bas Eickhout (Verts/ALE).** – (NL) We have two weeks left until the start of the conference in Copenhagen: a crucial opportunity to reach an ambitious climate agreement.

The European Union rightly states that it is essential to conclude an agreement in Copenhagen; our climate will brook no delay. The science is clear. In order to meet the two degree target that the European Union has been saying for years it wants to meet, rich countries must reduce their emissions by 40%. Therefore, the European Union must tighten up its own targets if it wants to meet this two degree objective. This is essential for our climate.

Yet the European Union also holds the key to bringing the United States on board. Until the EU states clearly how much money it intends to make available to developing countries, the United States will have something to hide behind. Therefore, let us now present a clear offer of EUR 30 billion for developing countries, and then the onus will be on the United States to come forward with its own reduction target. Copenhagen can succeed, Copenhagen must succeed, and the European Union still holds the key to its success.

**Derk Jan Eppink (ECR).** – (NL) Ladies and gentlemen, Copenhagen has failed even before the conference has begun. A deal may be struck, but there will be no legally binding agreement.

President Obama is not going to get an emissions trading scheme through the Senate; his priority is health care rather than cap and trade. This means that Europe is faced with a choice: should we continue to go it alone or not? Should we, or should we not, continue to operate a compulsory emissions trading scheme on our own? We need to give this some careful thought. The price of going it alone would be very high: it would cost European industry hundreds of billions of euros in the period up to 2020, resulting in the loss of hundreds of thousands of jobs in Europe.

I should like to give an example. After Houston, Antwerp has the highest concentration of chemical companies in the world, providing work for 64 000 people directly and 100 000 indirectly. Antwerp's chemical industry would not survive if Europe were to go it alone, and perhaps it takes a Dutchman to stand up for the economic interests of that city. By 2020, its chemical industry would have gone, a victim of excessive production costs.

Emissions trading also has many disadvantages. It is highly volatile; the price has plummeted from EUR 30 to EUR 8. What should we do, then? We should ensure sound development of environmental technologies, make environmental investments tax deductible, promote research, and develop environmentally friendly production technologies. This House needs a reality check. Sometimes I have the impression of being in a religious community rather than a parliament. It is technological innovation that will be our saviour, not trade in hot air.

**Kartika Tamara Liotard (GUE/NGL).** – (NL) I should like to give a rough list of actions that emit CO<sub>2</sub>, from someone I bumped into on the street yesterday.

She is alive (remember that one!)

She took a shower. She drove her car to work. She bought a bunch of greenhouse flowers, wrapped in plastic. She had her laptop on the whole day. She cooked a huge, delicious steak and turned the heating up a little.

After such a nice day of luxury, how can we insist that an indigenous woman driven from her country as a result of deforestation for the sake of our luxury must reduce her CO<sub>2</sub> emissions, when all her list contained was: 'I was alive'?

Industrialised countries are responsible for high CO<sub>2</sub> emissions, so they must pay for this and support developing countries. We cannot leave it at a pathetic pittance. We must leave behind the urge to move only if somebody else does. The United States and China must be called to account forcefully on this matter. Ambition is one thing, but taking responsibility is what really matters.

**Oreste Rossi (EFD).** – (IT) Mr President, ladies and gentlemen, let us draw a merciful veil over the unbelievable sum of EUR 30 billion per year until 2020 that the EU would be committing itself to paying out to the emerging countries, basically without any security. To us Italians, that is reminiscent of the notorious Italian *Cassa del Mezzogiorno*.

Our amendments are concerned with three points. Firstly, we are calling for legally binding and equally ambitious commitments, not just for the other industrialised countries, but also for the emerging economies and, in particular, China, India and Brazil.

Secondly, we are asking that any European allocations from which those countries benefit be made conditional on the use of 'made in the European Union' technology, so that our businesses can be at least partially repaid for the further onerous emissions reduction commitments that the EU is imposing on them, to be borne entirely at their own cost.

Thirdly, we call for action to ensure that the invention of innovative financial mechanisms – such as ETS-based derivatives or debt-for-nature swaps – does not in fact conceal fresh financial speculation similar to the very serious crisis from which we have not yet emerged.

For this reason, if our amendments are rejected, our delegation – the Northern League delegation – will vote against this resolution.

**Nick Griffin (NI).** – Mr President, everyone agrees that climate change is the biggest challenge facing humanity: that is the constant claim of the political elite, and it is a lie. Everyone does not agree. Thousands of scientists dispute the very existence of man-made global warming, citing natural cyclical changes that saw vineyards in Roman northern England and a Swedish army march over the frozen Baltic to Copenhagen in 1658.

As an army of global-warming zealots marches to Copenhagen, the truth is that their Orwellian consensus is based not on scientific agreement, but on bullying, censorship and fraudulent statistics. In the words of leading climatologist Professor Lindzen, 'Future generations will wonder in bemused amazement that the early 21st century's developed world went into hysterical panic over a globally averaged temperature increase of a few tenths of a degree and, on the basis of gross exaggerations of highly uncertain computer projections [...], contemplated a rollback of the industrial age'.

In fact, there will be no bemused amazement, for the reason for this hysteria is clear. It is designed to provide the excuse for a political project of the globalists to replace national democracy with new world order global governance. It has nothing to do with science and everything to do with the globalist common purpose to tax and control us, while making billions for corporations in the green industrial complex. The anti-Western intellectual cranks of the Left suffered a collective breakdown when Communism collapsed. Climate change is their new theology, a secular religious hysteria complete with Pope – Al Gore – carbon-credit indulgences and the persecution of heretics. But the heretics will have a voice in Copenhagen and the truth will out. Climate change is being used to impose an anti-human utopia as deadly as anything conceived by Stalin or Mao.

**Richard Seeber (PPE).** – (DE) Mr President, Albert Einstein once said, 'Make things as simple as possible, but not simpler'. We must be careful to avoid falling into that trap. We are fooling ourselves that certain weather phenomena – such as the flooding in Ireland – are directly linked to climate change. We also say that the global rise in temperatures that has indisputably occurred across the different continents is directly linked to the anthropologically generated slight rise in the CO<sub>2</sub> content of the Earth's atmosphere.

There are scientists who doubt these causalities and we should keep that in the back of our minds as we now go to Copenhagen. We should approach the conference with optimism but also realism. Europe, remember, is only responsible for 10% of the CO<sub>2</sub> emissions. There is no room for doubt there. At the same time, we know that the United States, China and the APEC countries, which together are responsible for two thirds of the world's CO<sub>2</sub> emissions, take a very critical stance on this issue.

It is now less about holding a numbers race and wanting to have 20% or 30% cuts and more about trying to bring about a global agreement, not solely a European one, and we must attempt to obtain binding targets for everyone which can then be monitored and, above all, complied with. It is just as important that we take our citizens and also businesses with us. It is to no one's benefit if Europe is threatened with 'carbon leakage' and businesses move elsewhere, when businesses here in Europe produce twice as energy-efficiently as those

in other parts of the world. It is likewise to no one's benefit for various countries around the world to clear rainforests – 12 500 km<sup>2</sup> of rainforest was cleared in Brazil last year. Mr Florenz mentioned Borneo.

It is therefore much more important to curb this deforestation than to take part in such a numbers race. I therefore ask the negotiators to head to Copenhagen with realism, but also great optimism, in mind.

**Marita Ulvskog (S&D).** – (SV) Mr President, I am pleased to see the Swedish minister's commitment. However, he is still very much alone. World leaders, the European Council and even the Prime Minister heading the Swedish Presidency seem to be prioritising short-term political gains on the domestic front instead of long-term environmental benefits on a global scale. That is unacceptable.

We need, among other things, clear information on the financing of the climate work in the developing countries. To promise to pay a reasonable proportion, as you have done up to now, is not acceptable. These are just words, there are no commitments and therefore I am going to keep asking. Can Mr Carlgren promise to give us clear information before Copenhagen?

Secondly, while we are on the subject of financing, it is intended that a large proportion of the money will come from trade in emissions allowances. At the same time, we risk undermining the system by opening the way for a large proportion of the emissions reductions to be made in the developing countries through clean development mechanism (CDM) projects. On top of this, it is also being discussed whether rich countries should be allowed to carry over unused emissions allowances from previous years. What do Mr Carlgren and the Presidency intend to do to ensure that the emissions trading system functions properly? Can we expect this game of cat and mouse that is currently going on between the countries involved in the Copenhagen Summit to stop?

**Gerben-Jan Gerbrandy (ALDE).** – (NL) I should like to thank Mr Carlgren and Commissioner Dimas for both the substance and, in particular, the tone of their speeches. It is a positive tone, a tone that conveys a belief that an international agreement can really be reached; that is, an agreement containing internationally binding standards.

Mr President, a minimum of 60 Heads of State or Government will be travelling to Copenhagen. Let their journeys not be in vain. Let them become aware of their great responsibility. Let them surpass themselves and look beyond economic interests in the short term. Let them take a big step towards tomorrow's economy, an economy involving minimum use of raw materials.

Copenhagen will not succeed unless Europe plays a strong leading role, as we all know. Mr Carlgren, Commissioner Dimas, let the big players stop holding each other to ransom. There is no more time for the game of 'Who can sit still the longest?' Let us stir them into action and drag them along to the internationally binding agreement we all want so badly.

**Yannick Jadot (Verts/ALE).** – (FR) Mr President, as we know – according to a number of scientific studies and also Yvo de Boer – emerging countries are today making at least as much effort as Europe with a view to 2020.

We also know that, in the negotiations, there is already a right of scrutiny regarding emerging economies, and that this is exercised more and more through the emissions inventory, through the report on the measures taken. The World Resources Institute has published statistics showing that China stands at around 70 tonnes per capita, a cumulative figure since 1950, whereas the United States stands at 810 tonnes and the EU-27 stands at 413 tonnes.

We therefore kindly ask you to have the good sense, first and foremost, to use the European Parliament resolution as a negotiating mandate. This would be the best thing we could do for the sake of both the climate and our emergence from the crisis in Europe.

Next, I call on the Group of the European People's Party (Christian Democrats) to have the intelligence and the credibility to withdraw its amendment that says that emerging countries must do the same thing, must make the same commitments as rich countries. That is not acceptable, that is not serious.

**Konrad Szymański (ECR).** – (PL) Mr President, in the case of Kyoto, we gave developing countries concessions and exclusions which caused the loss of a significant part of our competitiveness. Meanwhile, in 2005, developing countries exceeded Europe's level of CO<sub>2</sub> emissions. Today, Parliament not only wants to burden the economy with still more drastic climate regulations. The proposed resolution places a burden

on our national budgets of EUR 30 billion a year for the next 10 years, which will be used to help developing countries. In the case of Poland, the proposed method of calculating the contribution could mean a cost of even EUR 40 billion over 10 years until 2020. The doubtful effects of the Kyoto Protocol, the privileged position of developing countries and the rising costs of this policy make us opposed to this resolution. We are responsible not only for the climate but also for the prosperity of our citizens.

**Sabine Wils (GUE/NGL).** – (DE) Mr President, in many parts of the world the consequences of climate change are visible. The most recent calculations assume a global temperature rise of up to 4° C by 2060, and up to 10° C in the Arctic. It is primarily Europe's soot emissions that are responsible for the significantly faster melting of the ice in the Arctic – they are borne there by the wind. The rich industrial States of the EU are now obliged to support the poorer countries financially so that immediate measures can be taken to counter the consequences of climate change. USD 100 billion will be needed every year from 2010 to 2050. Of that amount, it is fair to say that USD 30 billion is not too much for the European Union.

The transfer of technology must also not be linked to patents, or else some of the money will simply be flowing straight back to the corporations in the industrialised countries. The EU has an obligation to take a lead at the climate change conference in Copenhagen.

**Paul Nuttall (EFD).** – Mr President, I have just heard a Socialist colleague over there talking about Greenland and the ice melting in Greenland.

The question I would like to ask on this subject is: why is Greenland called Greenland? Is it perhaps because Greenland was once green when the world was hotter?

It seems that the British people are onto this, because a recent opinion poll in *The Times* newspaper clearly shows that the British people no longer believe in so-called man-made global warming.

The British people are very astute and they are clear that politicians have hijacked the environmentalist agenda. It is being cynically used to raise taxes, to exert control, and now it is being used by the European Union to justify its own existence.

This week, we have also had the spectacle of one of the leading climate-research centres in the UK, which advises the government, being caught altering data and stifling debate. It is an absolute disgrace.

I look forward to Copenhagen, when the political class is sitting around the table awkwardly failing to mention the giant elephant in the room, which is that the globe has not actually warmed for the past 10 years.

**Pilar del Castillo Vera (PPE).** – (ES) Mr President, I would firstly like to recognise the effort made, and also the enthusiasm shown by both the Commission and the Council and, of course, Parliament over such a long period throughout this programme to combat climate change.

I would like to say that there are a series of certainties that should map out our route for us. The first one is this: we need everyone to take part, especially all the countries that are major polluters. The second near-certainty is this: based on all the information we have, it appears that it will be very difficult for a legally binding agreement to be reached in Copenhagen, in the same way as the agreements on the percentage of emissions are, of course, binding.

This reality should not, however, cause us to give up, because pessimism results from failing to acknowledge reality. On the contrary, optimism is based on acknowledging reality.

What should we do in Copenhagen, essentially? Of course, we should not forget the possibility of reaching that general agreement. As we are aware of the situation and the possibilities that exist, however, I think we should concentrate on sectoral agreements that are really valid, with viable objectives. I have in mind an agreement on deforestation, an agreement on aid for emerging countries and developing countries, but most importantly, an agreement on technology transfer. I also think it would be an extremely good idea to have agreements to promote programmes so that the industrial sectors that consume the most energy worldwide can reach agreements on emissions, whichever country they are in. This would also make our economies more competitive.

To conclude, I would like to stress that optimism is based on realism and effectiveness is based on setting viable objectives. This should be our guide at all times.

**Linda McAvan (S&D).** – Mr President, once again the House has been treated to two speeches by the BNP and UKIP, and once again the two parties are united in their belief in conspiracy theories, showing there is very little difference between them.

But I want to congratulate the minister first of all this morning for remaining ambitious about Copenhagen and sticking to the idea of a legally binding agreement.

This morning, the BBC is reporting that the White House is saying that it will come to Copenhagen with targets for cutting US emissions. Those of us who have met US Members of Congress know that there is a serious move afoot and thus a very serious prospect of legislation in the United States, so I think there is still real hope for a deal in Copenhagen.

But Copenhagen will just be the beginning, because when we come back from Copenhagen, we in Europe will have to continue our work to cut our emissions. We have got to keep investing in energy efficiency, in renewables and in low-carbon technology. I am very pleased that last week we agreed as a European Union that there will be investment in technologies like carbon capture and storage, and that one of those plants will come to my constituency in Yorkshire, at Hatfield.

Commissioner Dimas, I want to thank you. I do not know whether this will be the last opportunity on the floor of the House to thank you for the work you have done as Commissioner over the last few years, but the Commission has really done a very good job in putting Europe in the lead, and your work has to be commended to this House.

We will see you in Copenhagen. We might see you here in January, but I just wanted to put that on the record.

Finally, I hope that this House will vote for a good resolution on climate change, and I hope we will reject the amendments put down by Members of the House on the opposite side who seem to want to water down our commitments. They want to reduce our targets and they want to offset more of our emissions. If we are serious about climate change, if we want a good deal, we have to vote those amendments down.

**Fiona Hall (ALDE).** – Mr President, I welcome the positive and determined stance being taken by the Swedish Presidency, and particularly the Minister's determination that the agreement in Copenhagen should be upgradable and include monitoring mechanisms so that it can be adjusted in the light of new scientific research.

The EU climate package passed in December 2008 was important in showing the seriousness of our commitment to climate change, and what has been agreed in recent months under the Swedish Presidency has also been important – particularly the recast Energy Performance of Buildings Directive, which will slash the carbon footprint of both new and renovated buildings.

However, there is one glaring gap in Europe's plans, and that is investment. It is a startling fact that the US, despite not having passed legislation, has committed more than USD 100 billion to clean-energy spending and China has pledged USD 200 billion in its economic stimulus plan, whereas the EU commitment is little more than USD 50 billion. We should bear that in mind and not be too self-congratulatory in the run-up to Copenhagen.

#### IN THE CHAIR: MRS ROTH-BEHRENDT

*Vice-President*

**Claude Turmes (Verts/ALE).** – (DE) Madam President, I have a specific question for Commissioner Dimas. If my information is correct, it is as follows. If we, in the European Union, implement the targets that we have set ourselves – 20% renewable energy sources by 2020 and a 20% increase in energy efficiency by 2020 – then the EU's energy models show that this alone will achieve a CO<sub>2</sub> reduction of 18 to 21%, based on the continued use of coal and gas-fired power stations.

On that basis, I do not understand why we are spending so much time discussing reaching a 30% target since, by implementing efficiency measures, renewable energy sources and also the emissions trading scheme and a little bit of carbon offsetting, we can easily achieve 30 or 35%.

I would be very grateful, Mr Dimas, if you, as a staunch conservative, could finally clear up this mess of Messrs Seeber and Florenz and others, who are once again bowing down before the old industries.

**Ryszard Czarnecki (ECR).** – (PL) Madam President, I would like to appeal for a sense of proportion. Despite what we have heard here, these are not the most important negotiations in the history of mankind, and in fact, the future of mankind does not depend on these negotiations as some of our fellow Members are saying. The decisions on specific limits in the climate package were not made in a precise and detailed way.

One can only express regret that it has already been settled that, in fact, the effects of this package, the financial effects, will principally concern the poor countries, the new countries of the EU. The decision to make financing in this matter dependent, not on income per resident, but on the pollution limit, is a decision which hits the economies of the new countries of the EU, including my country, Poland.

**João Ferreira (GUE/NGL).** – (PT) Madam President, ladies and gentlemen, a consistent approach to the problem of climate change, which goes beyond simply setting emission reduction targets, requires a realistic explanation of the means by which they can be achieved.

We believe that it is significant and revealing that the majority of the members of the Committee on the Environment, Public Health and Food Safety have rejected the inclusion of amendments in the draft resolution on Copenhagen which advocate – and I quote – the diversification of the instruments used to achieve emission reduction targets, avoiding being dependent on market-based instruments, and the need to carry out an evaluation of the effectiveness of these market-based instruments, along with their social and environmental effects.

The importance that the European Union attaches to market solutions is indicative of a fundamentally political and ideological choice. The purpose of this is to construct a scheme to create billions, fantasy financial assets at the service of a system that appears to have learnt nothing from the crisis in which it is currently embroiled.

The experience of implementing the European Union Emission Trading Scheme has completely discredited the value of regulation through the market and clearly demonstrated the ineffectiveness and perversity of its instruments.

**Timo Soini (EFD).** – (FI) Madam President, we should be protecting employees, small entrepreneurs and industry. Environmental action is only possible in a healthy economy. Only if the economy is healthy can we invest in the environment.

Things will not go well with the present target percentages. The current trade in percentages, although I say so myself as a Catholic, is the modern-day equivalent of selling indulgences, and that is not a good thing. We must introduce a system of specific emissions, as with cars, allowing us to measure what has happened and drawing the appropriate conclusions.

Why is the left not standing up for the workers, not just in Finland but in Europe generally? Support for the left is melting away faster than the icebergs. There are other options: duties can be imposed on products that exceed specific emissions. If we establish a system where environmental dumping originating in the developing and less industrialised countries is not possible, we can protect jobs and superior products, and we will be able to continue to do this in the future too.

**Romana Jordan Cizelj (PPE).** – (SL) I am an optimist and I agree with Swedish Minister Carlgren who said that we must succeed. Let me also add that, in order to succeed, we must also act seriously and pursue our objectives in a way that is clear and transparent.

The first point I would like to make is that cutting greenhouse gas emissions is both a European and a global objective. Let us not assume the right to stand in judgment over technologies, offering support to some, while condemning others. When it comes to technologies, we must remain impartial. We must have our doors wide open to using low-carbon technologies and to developing new ones.

We must not allow our efforts to combat climate change to create a rivalry between individual low-carbon technologies. If we want to be successful, we must seriously consider using all the technologies available.

Secondly, at the COP15, we, representatives of the European Union, have to send a clear message: that there needs to be more money for third countries to meet their commitments, and that sustainable development requires package solutions. However, how do we explain to our taxpayers that we have undertaken to finance the sustainable development of third countries without requiring from them any commitment whatsoever that would reassure us that they are using these funds for their intended purpose. We need commitments and we need supervision.

Thirdly, at one of our debates in November, I alerted this House to the fact that we must send a message to President Obama to the effect that we wanted him to attend the COP15. This morning, I heard the news that Mr Obama has confirmed his attendance in Copenhagen and that he would push for binding targets to be adopted for greenhouse gas emissions. To me, this seems to be proof that our decision to persist with political pressure was the right one.

In conclusion, I wish to send out a clear message. We have to act and we have to do so immediately. We want a legally binding agreement and we want other countries to behave responsibly.

**Saïd El Khadraoui (S&D).** – (NL) I should like to discuss the transport aspect. I believe that, along with the energy issue, transport is actually the toughest of the climate-change challenges.

It is tough because it necessitates a reconsideration of the logistical organisation of our trading system and of the way we move and travel around. Of course, we shall have to take a combination of measures if we are to meet the targets. These include continuing to invest in research and development, imposing stricter technical standards, laying down and disseminating the best standards, implementing the internalisation of external costs so as to foster efficiency in the system and establish a level playing field between the various modes of transport, and also, of course, setting enforceable, ambitious targets at global level. This is particularly important in the case of the aviation sector and maritime transport, where there is still a great deal of progress to be made in the field of sustainability.

In this regard, I must say that the targets drawn up by the Council – a 10% reduction by 2020 for aviation and a 20% reduction for maritime transport – actually lack sufficient ambition. I think that we can go even further in this regard.

On the other hand, I note that the resolution refers to the matter of selling half of the emission allowances by auction. That is inconsistent with what we ourselves proposed two years ago, when we had 15%, and so I would focus on an ambitious agreement. Let us aim for this.

**Frédérique Ries (ALDE).** – (FR) Madam President, we fully understand the situation, the tone has been set, I believe, and Minister Carlsson has even criticised the prevailing pessimism. The countdown has really begun to save the Copenhagen Summit and to ensure that the main polluting countries of the planet sign an ambitious agreement and make a commitment to future generations.

An agreement is a good thing. Achieving success, of course, is even better. We know that this success necessarily hinges on the support of the industrialised countries – primarily of China and the United States – for what will be the future Copenhagen Protocol, and on the equally necessary support of the developing countries. In this regard, Parliament's Committee on the Environment, Public Health and Food Safety has done its job by proposing EUR 30 billion of annual direct aid until 2020 to help those countries in their transition to a lower carbon economy.

This leads me to mention what I consider to be a flaw in our resolution, namely the lack of consideration given to the impact of climate change on people's health. It has a crucial impact if we listen to the appeals and the warnings of the WHO.

I therefore call on all of you to endorse the two amendments on this subject that I have inserted in our resolution.

**Caroline Lucas (Verts/ALE).** – Madam President, there is a new film on climate change called *The Age of Stupid*. It is set in 2055 and focuses on a lone survivor of climate catastrophe. I am haunted by some words from that film, where the actor, looking back to 2009 – looking back to now – says 'Why, knowing what they knew then, didn't they act when there was still time?'

In other words, why have we failed to galvanise sufficient political will? Partly it is because we do not talk enough about the benefits of shifting to a post-carbon world – the millions of jobs in green energy, the better-insulated homes, the improved public transport. That is the message the EU must champion.

Yet even the most ambitious target the EU is currently proposing – a 30% cut by 2020 – will give us only a 50/50 chance of avoiding the worst of climate change. If you were told that a plane that you were about to get on had a 50/50 chance of crashing, you probably would not get on. And yet the stakes we are playing for in Copenhagen are a lot higher than that. So my message to you is: please, be more ambitious. Do not let the epitaph for Copenhagen be that this was the Age of Stupid.



**Paweł Robert Kowal (ECR).** – (PL) Madam President, once again in a matter which is very important for the European Union, we are constantly hearing the magic word ‘success’. The Presidency wants to achieve success, and it wants this above all else. Meanwhile, the press in Europe is full of information saying that the Copenhagen Summit will not be a success. Let us consider why it will not be a success. It is because governments have a feeling that, if everything was said clearly, and if the citizens of EU Member States knew the consequences, if they knew the reasons why we want to make such important decisions, the uncertainty of those reasons and the uncertainty of the consequences of our actions, they would be opposed to it all.

I want to say just one thing, and it is the most important thing – the European Union is responsible, the EU Member States are responsible for what happens in the world, but they are responsible first and foremost for their own nations, states and citizens, the people who set their hope on what we do, the people who also hope that things will develop well for them in the future. We must take this into account. When we want to take responsibility for matters on a global scale, and I am not going into details here, then that responsibility must affect everyone equally, some in terms of reduction, others in terms of protection of the environment, and yet others in terms of something else – this is what we need today.

**David Campbell Bannerman (EFD).** – Madam President, in my English constituency this week, it was discovered that scientists from the University of East Anglia were allegedly manipulating data to try and prove man-made global warming.

What a giveaway that was! It is clear now that the scientific consensus on man-made global warming is fast eroding: 30 000 sceptical scientists in the Manhattan Declaration; 600 scientists in a US Senate report; even German scientists this year writing to Chancellor Angela Merkel.

Meanwhile, the author of the key UN report on this, Sir Nicholas Stern, urges us to become vegetarian to stop cows farting. Maybe it is not just certain cows that have gone mad.

I am on the Committee on International Trade. I am deeply concerned with the WTO talks starting this week. I worry about a drift towards green tariffs justified on the basis of such spurious claims. These new tariffs are just barriers to trade, they punish the poor and have no justification whatsoever. This is just enviro-imperialism.

**Herbert Reul (PPE).** – (DE) Madam President, ladies and gentlemen, in the context of the climate debates, we have seen a variety of views here in Parliament on the causes and impact of climate change. I do not wish to pursue this, but a number of my fellow Members who have made reference to this are right: there are an increasing number of new voices in the scientific community, and I would want us to debate these new voices with each other in a fair way.

My second point is that Parliament has adopted a clear position for the Copenhagen Summit. There is a clear remit for what is to be achieved. There is also a remit for everyone here in Parliament to look after the wellbeing of the people of the European Union, and to do so in every respect. In these debates, we must ensure that we do not view one project as the only political project that is significant for us. I therefore wish, sometimes, that, in our aims for Copenhagen, we would take care to refrain from indulging in conjuring or a numbers race – as another Member said – but instead look at what we can tangibly and effectively achieve. What can we shrewdly achieve? What are the consequences, including for European industry? We need to also take that into account. It is not the only criterion, but it must be a criterion, and for that reason I would like to see us try to reach agreements that are really as tangible as possible. That also requires being fair and the participation of the other industrialised nations so that this is not just a European project.

Another Member also pointed out that our contribution is 10%. The rest of the world, the emerging economies, the developing countries, must pay their share. If we do not obtain any precise stipulations in this regard in Copenhagen, I would rather that we obtain a political consensus and assign mandates in order to reach specific agreements in the following months. We should not take refuge in whatever formal compromise can be scrambled to in Copenhagen and kid ourselves that that would be a result that could lead automatically to 30% cuts. Realism and negotiating on specifics, then, are what is needed – then we will probably make progress.

**Teresa Riera Madurell (S&D).** – (ES) Madam President, combating climate change also requires a radical change in the production and consumption of energy. We need a new model that balances these three needs: security, sustainability and competitiveness. With this objective in mind, we are working on a common response.

2007 was a decisive year, because we set out our precise objectives. A decision was taken to prevent the temperature from rising to a point of no return, but it was taken in the knowledge that failure to act would create other costs for the global economy, while investing in efficiency and renewable energy sources could be profitable.

In order to convince citizens and the market of our strong desire to achieve these objectives, we needed a sound, stable legislative framework to provide legal certainty for investment, which is the reason for the six legislative initiatives of the green package.

The Committee on Industry, Research and Energy has made a significant contribution. I would like to highlight the agreement regarding the renewables directive and the recent agreements regarding two very important directives: the Directive on the energy performance of buildings and the Energy Labelling Directive. These are measures that involve changes, but they are also a genuine, decisive stimulus for economic growth through job creation. They represent savings of EUR 50 billion on imports of oil and gas, a million more jobs in the renewables sector and the same number in energy efficiency by 2020.

The eco-industry now represents more than three million jobs, and environmental technologies are a growing part of a sector with a turnover of more than EUR 200 billion per year.

We have done a great deal in Europe. It is not enough. We need action on a global scale. The socialists in the Committee on Industry, Research and Energy therefore want the international negotiations to get back on the path of understanding, so that a genuine global agreement can be reached in Copenhagen.

*(The President cut off the speaker)*

**Holger Krahmer (ALDE).** – (DE) Madam President, European climate policy should leave its reverie behind and take note of the international realities.

First of all, Kyoto was a failure. It was very symbolic, but delivered no reductions in emissions. Secondly, on the eve of Copenhagen, it is clear that important states in the world are not prepared to accept binding targets for reductions. Thirdly, politics must take note of a debate emerging in science. The same scientists who signed the conclusions of the IPCC panel two years ago today talk of natural influences on the climate – something that the IPCC categorically ruled out two years ago.

We should already know how sure we can be of what influences climate change when we make political decisions. I therefore call for a change of strategy. First of all, we need to adapt to inevitable changes to the climate, while we should also move beyond all the ideological discussions about CO<sub>2</sub> and look for international allies in order to accelerate research into new energy sources and clean technologies.

**Michail Tremopoulos (Verts/ALE).** – (EL) Madam President, we are at a crucial turning point for the planet. The scientific community, via the IPCC, is calling on the European Union and the Member States to commit to a 40% reduction in greenhouse gas emissions by 2020 compared with 1990 values. Current commitments by the European Union are just 50% of what IPCC reports are calling for as the absolute minimum commitment.

The IPCC is to climate change what the International Monetary Fund is to the economy. My question is: would the Commission ever be able to deviate by 50% from objectives recommended by the International Monetary Fund as absolute minima? Moreover, the European Union is insisting on an increase in the target for reducing emissions to 30% in 2020, provided that other developed countries commit to comparable reductions in emissions. Given the current situation, which, what type and what size of commitments and by precisely which countries are needed in order to activate the above offer, precisely what climate policies will be revised in such an eventuality and exactly what preparations have been made for this?

**Bogusław Sonik (PPE).** – (PL) Debates, discussions and negotiations on an international climate agreement in Copenhagen have been going on without a break for months. In the clamour of information, where some countries are bidding and competing with each other in declaring ever more ambitious goals, others are announcing grand expectations, and yet others have an entirely passive attitude, and it is easy to lose sight of the main purpose of what is, quite simply, a historical agreement.

For we are talking about combating climate change – change which could lead to a true ecological disaster. We are talking about the common future of the planet – the future of all of us. This is why educational work is also so important. I have the impression that the opinions of European citizens are increasingly diverging from those of the political elite. There is a danger, here, that proposals which are put forward in the

Copenhagen forum may be treated simply as a kind of divine intervention or a fabrication of the political elite.

We need to work at educating the citizens, and the European Commission should be responsible for this. Combating climate change must not be treated as a whim of wealthy countries which want to force their point of view on others. I think that in this matter, the Commission and the Representations must maintain a permanent policy of information and education.

Also needed is a strong policy supporting the search for effective technologies to capture the carbon dioxide produced from coal used as an energy source. This technology should be given the same political status as other renewable energy sources. This should be a priority in the work of the European Institute of Innovation and Technology, which we established recently in Budapest.

The last thing – the costs of establishing a special fund to support the fight against climate change, should be spread equally across the Member States depending on the level of their wealth.

**Edite Estrela (S&D).** – (PT) Madam President, only a few days before Copenhagen, it appears more difficult than ever to come up with a legally binding agreement. We will have what someone has already called a two-way agreement, but this does not mean that we can afford to be complacent. The European Union must continue to lead the negotiations and apply pressure to the other parties.

Copenhagen should give rise to more than a mere declaration of intent. At the very least, Copenhagen should result in binding political commitments and a schedule that will allow the adoption of a post-Kyoto agreement in June 2010 in Bonn. The US, Japan, the BRIC countries and many others must take on commitments which are comparable to those of the European Union, since the sole efforts of the EU cannot come close to achieving the objective of limiting the temperature increase to 2° C.

Funding for the adaptation of developing countries must not be allowed to jeopardise the Millennium Development Goals, particularly in African countries, which are most affected by climate change.

Copenhagen should also help to change the global energy paradigm by supporting renewable energy and energy conservation. This is the way of the future, not only for combating climate change, but also for creating jobs.

**Vladko Todorov Panayotov (ALDE).** – (BG) Two years ago, Europe took the initiative to lead the battle against climate change. There is a legislative framework in place at European level and the initiatives for developing the relevant technological platform need to be promoted, which will facilitate the transformation towards a low-carbon economy. European leaders have great ambitions for the negotiations in Copenhagen. Even though the conditions for a definitive agreement are not yet in place, it is important that the foundations are laid for a global consensus on a successful agreement. Following my inclusion in the parliamentary delegation which travelled to Washington in connection with the negotiations in Copenhagen, I learnt that the economic effectiveness of the measures envisaged to combat climate change needs to be discussed. As soon as all the participants in the negotiations are convinced that the measures for combating climate change will have a beneficial economic effect and that their economies will not be vulnerable, a global strategy will be reached.

**Françoise Grossetête (PPE).** – (FR) Madam President, everyone is hoping and praying today for an ambitious agreement in Copenhagen, but it has to be said that the ambitions of the Copenhagen Summit have, in fact, been watered down over the last few weeks, due in particular to the reservations of the United States and China.

In order to prevent the planet's temperature from rising by more than 2 degrees at the end of the century, all of the countries really must be willing to accept the same obligations, the same binding obligations. However, we are seeing something of a figures race, a finance race, in our debates. What I am asking for is for Europe not to be naive but to be a realistic and firm negotiator with those of its partners that have not made significant efforts to reduce their emissions.

It would be unacceptable for the efforts of the most ambitious countries to be compromised by carbon leakage resulting quite simply from the non-existent or insufficient action of some.

Europe must not be naive with regard to China and India. True, Brazil and Korea have already decided to commit themselves, but while Europe wants to set an example, it cannot do so at any cost, and especially not at the cost of its deindustrialisation.

The negotiations must act as an opportunity to boost the development of new technologies, to enable significant funds to be invested in research and development. Indeed, there is a risk of European knowledge being lost forever to countries benefiting from technology transfer. Therefore, in Copenhagen, it is imperative that we create the conditions for a lasting exchange among countries, on the basis of mutual interests, while protecting the investments made in research and development by European companies.

Success will consist in promoting the dissemination of technologies in developing countries, in return for the recognition of intellectual property rights and the opening up of their markets to these technologies.

We have, after all, an incredible opportunity in Europe, which is, at the same time as combating climate change, to launch a genuine technological programme for encouraging innovation and, hence, for creating new jobs.

**Gilles Pargneaux (S&D).** – (FR) Madam President, Mr President-in-Office of the Council, Commissioner, allow me to address a few major points relating to our resolution, but also to the debate that we are going to have in the next few weeks in Copenhagen.

Firstly, in relation to the first point: combating the increase in temperature. Earlier I heard a number of my fellow Members understate the extent of this global warming. It must be remembered, however, that many hundreds of millions of human beings in the world are going to become what one might call climate change casualties as a result of this increase. Copenhagen must halt this temperature increase.

Secondly, we must equip ourselves with a binding agreement that states that greenhouse gas emissions must be reduced by 30% by 2020, and by 80% by 2050.

We must also ensure that we guarantee some kind of clarity in terms of financing. In our resolution, it is proposed that the poorest countries be granted EUR 300 billion for the next 20 years. We need to go further than that. EUR 500 billion has also been quoted as a figure and, in this case too, we, the European Union, must set an example.

Also, we must introduce a universal carbon tax with this possibility of a tax on financial transactions. To conclude, I am very surprised by the doublespeak of my fellow Members from the Group of the European People's Party (Christian Democrats) regarding what I have heard said in my country, France, by the President of the Republic, and again this morning, by Minister Borloo.

**Werner Kuhn (PPE).** – (DE) Madam President, ladies and gentlemen, for all the noble objectives for the Copenhagen conference – when it comes to climate protection, we must not forget, of course, that our Europe, its companies and businesses, are in competition every day with the major economic and trading locations of North America and South-East Asia. This relates just as much to industrial production and energy generation, but also, to a special extent, to transport.

Many transport firms are also global players. If they are to be competitive, all those involved in this area must have the same opportunities. What that means is that climate protection does cost money. We, in Europe, really are the pioneers when it comes to cutting greenhouse gases in the transport sector. I would simply remind you all on this point that we, in this House, together agreed that we were going to undertake to include aviation, in particular, but also maritime transport, in emissions trading.

Rail transport has been mentioned. Rail transport, via the environmental levy on energy generation, has certainly been included in CO<sub>2</sub> reduction measures, while road transport is included via various potential forms of road charging. We also have to fulfil European Union technical requirements in relation to catalytic converters through the tightened-up Euro standards Euro 4 and Euro 5. If we want to achieve something in maritime transport and aviation, however, it is necessary to re-intensify our negotiations with the 20 Annex I states. What has taken place in aviation with ICAO has so far failed to produce any results. We must push on with our activities in this regard. It will be very important that this is discussed at the Copenhagen conference and the same applies to maritime transport which, of course, is also – when you look at the specific energy consumption per tonne and kilometre – very environmentally friendly. In so doing, it is necessary, however, for us to also reach agreement with the IMO on joint concepts.

**Andres Perello Rodriguez (S&D).** – (ES) Madam President, I would like to congratulate the members of the Committee on the Environment, Public Health and Food Safety, and its Chairman, Mr Leinen, on the work that they have done in order for us to have a resolution such as this, which we must emphatically adopt. We cannot content ourselves with saying that sectoral agreements are enough, because talking about what could be called a remnant agreement is admitting partial failure.

We need to adopt this resolution, which has three noble aspirations. The first is more obvious: avoiding climate change, with tangible proposals to reduce emissions and a commitment to funding, which aspires to a binding agreement, not a remnant agreement. There are also two underlying aspirations: the first is to start working towards a common energy policy sooner rather than later, just as, in the past, we equipped ourselves with a common agricultural policy because we needed it. There is also, of course, the aspiration to regain the citizens' confidence in politics and politicians, which is somewhat lacking in Europe.

Success at the summit will, therefore, amount to success regarding the three aspirations. Consequently, I urge the President-in-Office of the Council to maintain his optimism and to apply pressure and negotiate as much as he can to draw the others towards this success.

I do not know whether the leaders of this multipolar world want to be judged by history for not being capable of achieving a binding agreement, but I do not think that I, as an MEP, along with all the representatives of the people, should be judged by History for not being capable of taking forward in Copenhagen the binding commitment we have with humanity to prevent climate change.

**Anne Delvaux (PPE).** – (FR) Madam President, firstly I should like to commend the Swedish Presidency's efforts to reach an ambitious agreement in Copenhagen, despite the very strong wind of pessimism prevailing over these forthcoming negotiations.

Personally speaking, I do not believe that it is realistic to admit at this stage that the Copenhagen Summit is destined to fail or that it will not result in a conclusive agreement to be ratified by all the parties.

Let us not give in too quickly to pessimism. I urge us, at this stage, not to level down our ambitions in terms of either targets or deadlines. We must continue to believe in a comprehensive, ambitious and binding global political agreement, paving the way for the conclusion of a legal treaty as soon as possible. It really is too soon to mention the deadline of the COP16 in December 2010.

We must now turn our rhetoric into genuine political will. We need to clarify our commitment in financial terms and in terms of aid granted to developing countries, in particular, through technology transfer. At this stage, a full, collective commitment by the European Union is essential.

Moreover I note, on paper, the recent but exemplary boost given to the negotiations by Brazil, South Korea, Indonesia and Norway, in particular, which have quantified their ambitions to reduce their pollutant emissions.

While one can understand the flexibility requested by the United States, which is only just beginning to take the climate issue into account, we shall nonetheless have to obtain binding and ambitious quantified commitments in the short, medium and long term from major polluters such as the United States and China. Without those commitments, we are heading for a climatic, political and moral disaster.

**Vittorio Prodi (S&D).** – (IT) Madam President, Mr Carlgren, Mr Dimas, ladies and gentlemen, this morning I would like to talk about an 84-year-old missionary, Father Ettore Turrini, who has spent 59 years in the north-west of the Amazon. He has always fought to protect the indigenous people and their forest from anyone seeking to destroy them in the name of short-term interests.

In travelling round the forest, Father Ettore has had seven air accidents, but he has carried on and has obtained tens of thousands of signatures through his activities, which he will submit to President Lula, to many ministers and to the Italian President, Mr Napolitano. He has been indefatigable.

We met last Sunday and I told him that I fully shared his position, but that perhaps the world is coming to its senses and reaching the conclusion that these forests are essential as the world's lung, for the local climate and also for carbon capture and storage.

I told him that in Copenhagen, we will also find resources to compensate those countries that keep the forests intact. I told him that we are setting up monitoring instruments – GPS and INSPIRE – to measure how governments behave and that by 2030, we will put a stop to deforestation.

In Copenhagen, we will be able to do all this and I will participate in the summit on behalf of Father Turrini as well.

**Christine De Veyrac (PPE).** – (FR) Madam President, we are all aware – and we have all said as much – of the importance of the Copenhagen negotiations but, while we all hope for an agreement, we cannot accept one at any price.

If the conditions for an ambitious agreement are not met, I sincerely hope that the European Union is capable of saying 'No' and refuses to sign a cut-price agreement. The European populations that we represent in this House expect an agreement, an agreement that will enable all of the climatic disturbances that we observe around us every day to be combated effectively. Europeans will not be satisfied with publicity stunts, with non-quantified declarations of intent, with non-binding targets that can be disregarded once the media spotlight is off them.

The States will have to commit themselves in Copenhagen!

The European Union, as the only continent that has seen its CO<sub>2</sub> emissions fall since 1990, and as the only continent that has made precise, binding and ambitious commitments for the future, cannot assume the burden of the task on its own. That is why, if other industrialised and emerging countries do not wish to assume their share of the responsibility, they will have to accept the full consequences of this in the form of the introduction of a tax at our borders to protect our industry from the competition of those who decide not to be part of a global agreement.

We Europeans ask for a little more each day from our manufacturers. As evidence of this, I would cite the climate change package that was signed under the French Presidency. I would also cite the national initiatives that, like the carbon tax, to which Mr Pargneaux paid tribute just now – and I am glad that he did so – encourage the introduction of environmental taxation.

A sector such as the transport sector, which is one of the biggest emitters of CO<sub>2</sub> – even if some modes of transport, such as aeroplanes, emit fewer greenhouse gases – is contributing more and more to the fight against climate change. However, this is a sector that has suffered greatly from the after-effects of the crisis. If, as I hope, maritime and air transport are included in the Copenhagen negotiations, let us make sure that what is demanded of European industries is demanded of the industries of the other industrialised countries too.

In Copenhagen, the eyes of the international public will be glued on its ruling class. We say to it today: 'Do not disappoint us'.

**Åsa Westlund (S&D).** – (SV) Madam President, Mr Carlgren warned us that we are surrounded by a lot of pessimists. That is true and I am pleased that Mr Carlgren is not one of them. However, the Swedish Prime Minister, who is presiding over the Council, and the Danish Prime Minister, who is hosting the Copenhagen Summit, are, unfortunately, among these pessimists. Both of these conservative leaders have, for short-term party-political reasons, played down expectations ahead of Copenhagen, thereby making it more difficult to attain a good agreement. This is embarrassing and utterly irresponsible, as there will never be a better opportunity, as Mr Carlgren also said.

It is in Copenhagen that three things in particular need to be clearly specified and turned into legally binding commitments:

1. The amount by which each developed country intends to limit its emissions by 2020. According to scientific estimates, the reductions should be close to 40%, something that is not only achievable, but that will also result in us strengthening our competitiveness and creating more green jobs.
2. What developing countries must do to limit their emissions, and this applies to China and India in particular.
3. How much short-term financing is to be provided to the developing countries by the rich nations and in what form. This financing must be in addition to the resources that the rich nations have already promised for fighting poverty. In this regard, it is important that the Swedish Presidency is also prepared to change its view and to fight to prevent those hardest hit by climate change from also being affected even more by hunger.

**Eija-Riitta Korhola (PPE).** – (FI) Madam President, last week some information was leaked: the Commission had begun an initiative, on the quiet and in collaboration with some Member States, to move towards a 30% cut in emissions right away. The argument is that the price of carbon dioxide could be kept reasonable – which is to say at a level that would promote measures to reduce emissions – if the cut were 30%. The big electricity producers, who have been lobbying hard, are delighted with the plan, which would increase the profits of listed energy companies and would, at the same time, make European industry vulnerable to carbon leakage.

I would, however, like to remind the Commission that, under the Emissions Trading Directive, the EU's target of 20% for cuts in emissions will only change to 30% if other industrialised countries make 'comparable reduction efforts', and if the advanced developing countries have some obligations. Achieving a political agreement at Copenhagen will still not be enough. Nevertheless, a legally binding agreement will not be enough either before all the countries ratify it. Only after ratification will the EU be able to say whether the condition it imposed regarding comparable reduction efforts has been implemented.

Changing political consensus into a binding agreement is no mean feat, technically speaking. A legal agreement on global climate policy would be precisely worded and deal with hundreds of issues, with headings such as Quantitative Targets for Emission Cuts in the Industrialised Countries for 2020 and Beyond, Specific Emission Targets for the Developing Countries for 2020 and Beyond, Financial Aid for the Developing Countries from the Industrialised Countries, Technology Development and Transfer, and Sinks and their Accounting Rules. There are dozens of single issues in connection with all these areas, which the countries will need to reach mutual agreement on.

The main consideration, however, is that it will only be through a synchronous cut in emissions that we can guarantee an overall reduction, instead of simply moving them about from one place to another, doing more to increase total emissions. That is why the environmentally responsible policy is making reductions in the EU conditional on the efforts of others. Otherwise, Mr Verheugen's ominous forecast that we will only be exporting pollution and importing unemployment might come true.

*(Applause)*

**Maria Da Graça Carvalho (PPE).** – *(PT)* Madam President, Mr Carlgren, Commissioner, it is crucial that Copenhagen results in a binding political agreement. This agreement must contain operational elements that can be implemented immediately and a schedule which will allow the drawing up of a legally binding agreement during the course of 2010.

The agreement must involve all countries that signed the Convention, and it is vital that any commitments, whether in terms of reducing emissions or in terms of funding, are clearly set out.

While, on the one hand, industrialised countries should lead the way in reducing greenhouse gas emissions, economically more advanced developing countries also have a role to play, contributing in accordance with their responsibilities and respective abilities. Comparable efforts should be required of industrialised countries and emerging countries with more advanced economies. Only then will it be possible to reduce distortions in international competitiveness.

The new agreement should facilitate the creation of low-carbon plans on a national level, supported by legislation. For their part, commitments undertaken in national plans should be made known to the international community, thus guaranteeing greater transparency over all processes. These plans should be obligatory for all the countries involved, with the exception of the least developed. Yet if this strategy is to lead to a real third industrial revolution, one based on low carbon, we need to adopt a holistic approach which will cover all the sectors responsible for emissions.

It is also crucial that we define the structure of the funding so that this will prove sustainable in the medium and long term. The funding must come from the private sector, the carbon market and the public sector of industrialised countries, but also from economically more advanced developing countries.

As for the allocation of the funding, priority must be given to training and adaptation, with particular focus on the least developed countries.

To sum up, I would like to acknowledge the excellent work carried out by Commissioner Dimas in heading this dossier.

**Iva Zanicchi (PPE).** – *(IT)* Madam President, Commissioner, ladies and gentlemen, in a few weeks, I will have the honour of forming part of the official delegation that this Parliament is to send to Copenhagen to the United Nations conference on climate change.

Following the fundamental stages of Rio de Janeiro in 1992 and Kyoto in 1997, on 7 December work will start at a new global climate conference that could prove to be historic in scope. Madam President, I said 'could' because in the final days of the APEC Summit, the United States and China seemed to have decided to change the scope of the Copenhagen meeting.

However, there is still time before the summit, and it is in the interests of all those involved to arrive there with specific objectives and programmes, so that the great expectations of making further progress in combating climate change are not disappointed.

The polluter pays principle must apply to all. Europe has always taken a leading role and the climate-energy package in the previous legislature is a clear example of this. We have already said it on many occasions: the United States, China, India, Russia and Brazil must also assume their responsibilities, as countries that are major polluters. If this does not happen, we will have imposed needless costs on our European businesses and, above all, without contributions by these countries, Copenhagen too risks being a lost opportunity.

To conclude, the fight against climate change is also a necessary prerequisite in achieving – or perhaps I should say in bringing closer – the Millennium Development Goals.

We must combat desertification, climate upheaval and violent natural phenomena if we wish to halve extreme poverty, combat epidemics and ensure that everyone has access to water, which is an essential requirement.

**Elie Hoarau (GUE/NGL).** – (FR) Madam President, ladies and gentlemen, the Copenhagen Summit is an historic opportunity to change the fate of the planet.

We must reach decisions that are even more binding than those taken in Kyoto. Therefore, we must call on our leaders to create an international organisation like the WTO, which will be in charge of regulating climate change and environmental issues; to create a climate change adjustment fund – in addition, of course, to official development assistance; and to introduce a carbon tax for sea and air travel, which must also be introduced for financial transactions.

We can clearly see the urgent need for international regulation of the environment, just like that of the financial markets and of the internet. We have an opportunity to take this historic step with the environment. Let us do so by reflecting our greatest human inspirations, otherwise we will seem like decision-makers who have no grasp of the reality of matters.

**Rachida Dati (PPE).** – (FR) Madam President, Mr President-in-Office of the Council, President of the Commission, ladies and gentlemen, with the Copenhagen Summit less than two weeks away, concerns are growing as to the success of the negotiations on climate change. Some, moreover, are already saying that the summit will be a failure.

Major international powers are still reluctant to demonstrate the full ambition that the climate change emergency requires of us. By adopting, tomorrow, the motion for a resolution on the European Union's strategy before the Copenhagen Summit, we MEPs must show that we are, firstly, totally determined, and that the summit must culminate in an agreement – one which is precise, certainly, but which is, above all, binding.

Moreover, it must not be possible to undermine or call into question the binding nature of this agreement that will be reached. One cannot put off taking decisions forever, otherwise it will be too late, hence the need to create an international environmental organisation, which today seems not only necessary but urgent too, since its role, under the auspices of the UN, will be to oversee the application of the commitments made in Copenhagen.

Starting in Copenhagen, we must be able to expect more lucidity and more responsibility from the major powers of this world.

**Csaba Sándor Tabajdi (S&D).** – (HU) The EU's Member States in Central Europe wholeheartedly support the European Union's climate policy objectives. The simple reason is that without their contribution, the European Union could not achieve its climate policy objectives. In fact, between 1990 and 2005, these Member States restrained their industrial production to an exceptional extent. This is why the new Member States feel that it is very important that they play a reasonable role in this regard in the future as well. As a result of this, they have taken on extremely heavy economic and social responsibilities. In the global emission reduction agreement, consideration must be given to the new Member States' economic clout and GNA. It is also very important that these Member States do not lose the tools for implementing their green investments and developing renewable energy sources.

**Rareș-Lucian Niculescu (PPE).** – (RO) The European Commission and Member States financed a study published recently, which criticises the European Union's climate policies for being limited to reducing industrial greenhouse gas emissions without attaching importance to the natural capacity for capturing



carbon dioxide. On the other hand, this study indicates that the intensive method of farming developed by the European Union bears a great deal of responsibility for climate change.

In actual fact, this study is an indictment of European agriculture. In my view, if we want to talk about agriculture in this context, we should mention some other things as well. For example, European agriculture has an outstanding record when it comes to its contribution to cutting greenhouse gas emissions, with a 20% reduction in the 1990-2006 period. Bearing in mind that the general average for this period was a mere 6%, I believe that it is wrong for us to put agriculture in the dock two weeks before the Copenhagen conference.

**Marc Tarabella (S&D).** – (FR) Madam President, I have heard a great deal said about industry in this debate, and I would not like Copenhagen to make the mistake of forgetting about agriculture.

Following on from the comments made by my fellow Member, Mr Niculescu, I would obviously like to confirm them by saying that agriculture should not be regarded as a constraint, but as a potential tool for combating global warming in the future.

This activity cannot be sidelined, it cannot even be ignored since – I should probably remind you – it occupies most of Europe's territory and it has huge potential where the fight against global warming is concerned. Agriculture must therefore be central to the debate in Copenhagen, and I hope that the members of the Council and of the Commission will not forget this and will be our spokesmen in Copenhagen, in December.

**Catherine Greze (Verts/ALE).** – (FR) Madam President, ladies and gentlemen, the protection of indigenous peoples plays a vital role in the fight against climate change. When it comes to the environment, poverty and health, they are the first to suffer from climate change.

Above and beyond deforestation and the mining industry, they suffer from the false solutions proposed by industrialised countries. Biofuels are not a clean alternative. They damage the land of indigenous peoples, with the result that they have to relocate.

Similarly, when we promote clean technologies, the multinationals appropriate ancestral technologies so as to resell them at a high price to the same populations that invented them. I regret the fact that no reference has been made to the United Nations Declaration on the Rights of Indigenous Peoples in the resolution submitted today.

We should have also referred to biopiracy and the autonomous property right of indigenous peoples as being fundamental tools for combating climate change. I will bring up these issues when we discuss future resolutions. The forest issue is not just about carbon, but about people's lives.

Lastly, to conclude, I should like to thank Mrs Dati for her determination, and if I have understood her correctly ...

*(The President cut off the speaker)*

**Zoltán Balczó (NI).** – (HU) The European Union has ample moral grounds for taking decisive action in order to achieve a reduction in emissions from the United States and China. This is based on the fact that the European Union and its 27 Member States have fulfilled the commitments made in the Kyoto Protocol. The former socialist countries made a significant contribution to this too, at great sacrifice. The collapse of their heavy industry resulted in a significant reduction in carbon dioxide emissions, but we paid a social price for this. It is therefore reasonable, when making international commitments and providing finances, to take this fact, that is, economic development, into account. On the other hand, it must be possible – which would be reasonable – for quotas that have not been used up to be transferred to subsequent periods, if they could be used for environmental protection purposes.

**Elżbieta Katarzyna Łukacijewska (PPE).** – (PL) Madam President, the resolution on the EU strategy for the Copenhagen conference on climate change is a very important and ambitious document, but without a global agreement, the summit will end in failure. We know that the United States is trying to establish details and the ultimate level of limits on emissions with international negotiators, but there are many indications that they will not manage to reach a final decision before the summit. It is also being said that even if limits are negotiated, they may not be accepted by the US Congress.

The leading role of the European Union is very important, but I have the impression that it is only the EU which is being ambitious. The question, therefore, arises as to what would happen if the US did not support a 30% threshold, if it were established. What mechanisms are we going to use to ensure that all parties meet

the commitments they undertake? Will we not ultimately be left as a lone warrior, who will make an enormous effort at huge cost, but will not have any effect on climate change or limiting carbon dioxide emissions?

**David-Maria Sassoli (S&D).** – (IT) Madam President, ladies and gentlemen, we are preparing for the Copenhagen conference with a resolution showing our awareness that in order to tackle policies to combat climate change, it is necessary for all the geographical areas of the world to be involved. Also, it is the responsibility of the industrialised countries to establish with developing countries not only targets to be reached, but also the resources to be used to reach them.

On this aspect, good work has been done in Parliament. The resolution sets out specific instruments and it is important that we have quantified the actions. The figure of EUR 30 billion proposed by us between now and 2020 can be viewed as an important figure, although it is a minimum, for supporting the initiatives of developing countries. Yesterday Mr De Boer, the United Nations negotiator, asked for USD 10 billion between now and 2012.

After the choices made by the United States and China, it falls to Europe to take on new responsibilities and lead the fight against climate change.

**Seán Kelly (PPE).** – (GA) Madam President, we had a very good debate this morning and there was much to be learned from all of the speakers.

There are just three points I want to make. Firstly, if a binding agreement is not reached in Copenhagen, then this Parliament and the European Union should use its influence to name, shame and tame those countries responsible, so that sanctions can be imposed on them to bring them into line.

Secondly, there is a need for an educational programme for citizens, as many of them have the willingness to reduce their carbon footprint but may not have the know-how or the economic means.

Thirdly, funding has been mentioned time and time again here this morning. The point about funding is simple. It is not a question of 'can we afford to do it?' but 'can we afford *not* to do it?' Time is moving on and there will be no second chance. This is the time it must be done.

**Mairead McGuinness (PPE).** – Madam President, while our expectations of Copenhagen at this stage are being lowered, it is also true that our ambitions cannot be lowered. As other colleagues have said, if we could accentuate the positives, both for economies and for citizens, in the climate change debate, there might be more traction – because there are positive sides to this debate. While it may be that no binding agreement comes out of Copenhagen, I think there is no doubt that there is a momentum for change, and we have to make sure that this momentum is not lost.

On the issue of land use – agriculture and land use change – this is a key area of concern. Obviously, agriculture is not only part of the problem but also a big part of the solution. We have to link this debate with our concerns about global food security: the answer is to develop sustainable production systems which manage the climate and also provide us with food security. This is a key part of our concern.

**Franz Obermayr (NI).** – (DE) Madam President, climate protection and sustainable development are subjects that – we are supposed to believe – affect us all. Yet there can be no satisfactory progress without close collaboration, in particular, amongst the global players. While the United States and China refuse to lay down common, binding greenhouse gas reduction targets, all that can be adopted in Copenhagen – as the UN's chief climate official tellingly observed – are morally binding resolutions, in other words, toothless ones.

Let me say something about nuclear power. Nuclear power is definitely not the solution to the problem. The benefits are minimal, the costs enormous and the risks very high. I therefore support a resolution that has been drawn up by the anti-nuclear power delegate of my home region of Upper Austria, which calls on the EU to introduce a levy on nuclear power. This idea makes sense, because it would mean that trade in emissions certificates would not be weighted in favour of nuclear power.

**Jolanta Emilia Hibner (PPE).** – (PL) Madam President, in a few days, world leaders, including representatives of the European Parliament, will meet in Copenhagen to discuss the question of climate change. Without doubt, a matter of great importance is the reduction of greenhouse gas emissions, but equally important is the protection of European industry. We must not allow a situation in which European companies go to the wall and industry is transferred to third countries which do not limit their CO<sub>2</sub> emissions.

We should also remember to protect our technology and intellectual property, and so during the Copenhagen Summit, the European Union must play a leading role, but it must not set unrealistic goals for itself or for others. The goal of reducing carbon dioxide emissions by 30% by the year 2020 in comparison with 1990, without the support of the largest polluters, such as the USA, India and China, seems difficult to achieve. This is also the case with the provisions in the draft resolution which aim to achieve an 80% reduction in greenhouse gases by 2050. A 20% reduction in emissions of greenhouse gases by 2020 will allow (...)

*(The President cut off the speaker)*

**Liisa Jaakonsaari (S&D).** – (FI) Madam President, the debate here has been very interesting, and it seems that the European Parliament is very committed to support for the climate conference in Copenhagen.

The importance of agriculture has also been emphasised as a solution to the problem. I myself would also like to stress how important forest policy and forests are, as forests are carbon sinks which absorb carbon dioxide. It would appear that the United States of America is to bring good news along to Copenhagen, which is a very significant move.

Now we also need to start talking seriously about how the bill for preventing climate change is to be paid. Here, the matter of income distribution is extremely important, because we cannot make the poor people in Europe pay the bill either.

**Axel Voss (PPE).** – (DE) Madam President, I would like to encourage the head of negotiations for Copenhagen to fight for a successful outcome. The ambitious targets are good and, ultimately, the efforts that we are making today will also represent a contribution to tomorrow with a view to the consequences and the future damage in the form of migration, damage to coastal areas or also, perhaps, in the form of stable regions becoming more unstable as a result of climate change.

We should also set an example. Yet if other States and, in particular, the really major States, do not pull in the same direction, we should only do so on a proportional basis. With that in mind, I would point out that our businesses are, in the main, already suffering from quite a high burden.

There is one more point I would like to make, and that is that we are also fighting for the overall credibility of the EU, to provide an argument for the new generation that there is a need for the EU.

**Andreas Carlgren, President-in-Office of the Council.** – (SV) Madam President, I would genuinely like to thank Parliament for a long and intensive debate and also for the strong and broad commitment that has become apparent during the debate. It has been said that the optimism that we are showing must be rooted in realism. However, I would go further than that and say that it is, in fact, rooted in real experiences. The EU has succeeded in reducing emissions. We have reduced them by half of what we need to achieve, whatever happens, by 2020 and by a third if we aim for what we all hope will be the outcome of the Copenhagen agreement, which is to say, a 30% reduction in emissions on the EU's part. This is due, in particular, to the fact that we have created common rules established by an internationally binding agreement – the Kyoto Protocol. That is why we have been so strongly committed to ensuring that the Copenhagen process leads to this legally binding agreement. It will not happen straight away in Copenhagen. We will need to agree on all of the content of the agreement. Then we will have the technical part, which includes transferring this to a legally binding text. As far as the EU is concerned, we want this to happen within months of the Copenhagen conference.

I would also like to say that the financial crisis throughout the world certainly had nothing to do with too much being spent on saving the climate. On the contrary, large green investments are also part of the economic changes, in other words, the move towards a 'greener' economy, which will also lead countries, both rich and poor, out of the economic crisis. The carbon dioxide markets in fact provide a way of creating sufficient room for investment. They ensure that the polluter has to pay, that we set a ceiling on emissions and that the money that the polluter pays for emissions can also be transferred to developing countries to make green investments there. That is sometimes called into question. Some people wonder why we should invest in the clean development mechanism (CDM), but that is nevertheless precisely what it is all about, namely that the polluter must pay for green investments in developing countries. I think that is a good thing and it is important, but we must also reform these rules so that the environmental effects are even greater and clearer and so that we can be even more certain that this also reaches those who are poorest.

An agreement will also be needed in order to avoid carbon leakage. The concern that there has been must therefore be transformed into even greater commitment to making the agreement a reality.

Finally, I think that it should be said loud and clear that if an agreement in Copenhagen is not sufficient to allow the EU to go up to 30%, in other words, if we get such a watered-down result that the EU, for reasons of propriety, quite simply cannot go up to 30%, then it will have been a failure. Therefore, it should also be said loud and clear that there is something worse than no agreement and that is a poor agreement. That is why the EU has set the bar so high. That is why we are working so hard right now with regard to the content. It is also because, when we talk about the two degree target, we are conscious of the fact that it is the highest level we need to achieve. We know that we are, in fact, already seeing unacceptable results today. Talk to the government of the Maldives, for example, that recently held its cabinet meeting under water to show the consequences that will be very nearly unavoidable in some parts of the world. It would be cynical, then, not to take very forceful action. The world has waited long enough. It is time that we reached the necessary agreement in Copenhagen for the sake of the planet. That is also why Parliament's commitment and that of the whole of the EU is so important.

**Stavros Dimas**, *Member of the Commission*. – (EL) Madam President, this was a very interesting debate with some exceptional and constructive interventions. Numerous views on various issues have been heard. Very possibly certain people do not agree. For example, I cannot understand why anyone would be opposed to clean, green, non-polluting industries based on new technologies which perform well. And yet, I have heard even that today. I cannot understand why anyone would prefer polluting, old-technology industries which, if they make a profit, do so because they do not pay the cost of pollution; however, such profits will be short-term because these industries will not be competitive. However, in a democracy and in a democratic parliament, all sorts of views are heard.

I should also like to comment on the World Environmental Organisation. This organisation, on which I know that France, in particular, has made a great deal of effort, was in fact one of our ambitions and I hope that it will become a reality in coming years. Without doubt, an organisation such as this is needed, so that there is an environmental organisation at international level which will promote environmental issues in the same way as economic or social issues and which will also provide better coordination of international environmental agreements. This can be done relatively easily by upgrading the existing UN environmental programme and efforts are indeed being made in this direction.

I should also like to talk about the Kyoto Protocol, which was referred to several times. I am happy about the performance of the European Union, because the 15 countries which have the collective objective of reducing carbon dioxide emissions by 8% in the period 2008-2012 will achieve their target, but the EU of the 27, with the 10 new countries which have a target and Cyprus and Malta which do not have, will also achieve the target. Thus, the European Union has the moral argument that we keep our word and this has, without doubt, been achieved with the measures we have taken either at national level or at European level, which include the carbon dioxide emissions trading scheme.

I must stress, as Mr Carlgren said, that the European Union will achieve an even bigger reduction than we originally undertook to achieve on the basis of our forecasts, alongside economic growth. I shall quote just one statistic: between 1990 and 2007, the period for which we have statistics, economic growth was 44% and the reduction in carbon dioxide emissions was 5% for the 15 countries and 9% for the 27. Of course, the forecasts are that, by 2012, we shall have well exceeded the target, which will make it easier to achieve the target of a 30% reduction by 2020.

It should be noted that, in 2008, we also had a significant reduction of 1.6% in greenhouse gases in the European Union, alongside continuing economic growth, and it was only in the last part of 2008 that we were hit by the economic crisis, which also had an impact on the issue of greenhouse gases.

There are only a few days left and I beseech you to extend your efforts and bilateral contacts. Following consultations by ECOFIN, the Environment Council and the European Council, we now have clear instructions to promote specific proposals for sources of financing, for operational structures and for the criteria which must be used in order to determine serious contributions by everyone. Let us try, in the time we have left, to make use of these means in the most effective way possible.

There is broad consensus on the need for efforts to be made on a global scale in order to achieve the 2° Celsius target. There is a general conviction that the basic foundations of a climate agreement for the period after 2012 will and must be laid in Copenhagen. These foundations are mainly ambitious commitments to reduce emissions on the part of developed countries, including the United States, adequate measures by developed countries to reduce their increase in emissions and financial assistance to developing countries to moderate their emissions and adapt to climate change.

We are fast approaching the finishing line. Let us make the best possible use of Copenhagen and crystallise the main commitments of all the countries in what will be an historic agreement. What we shall need to achieve in Copenhagen is a substantial agreement on all elements of the Bali action plan. All these elements need to be agreed in Copenhagen on a binding basis and immediately afterwards, in the next three to six months at the latest, the legalities will need to be processed, so that we have the binding agreement the European Union has been seeking and which will safeguard the target of limiting the greenhouse effect to 2° Celsius.

I consider it goes without saying that the members of the European Parliament will assist in efforts made over these days, especially at the crucial meetings in Copenhagen, and I should like to thank you for that and, once again, for all the efforts you have made.

**President.** – I would remind the Members once again that the Blue Card system created by the Working Party on Parliamentary Reform does not apply to the Commission and the Council, but only to debates amongst Members of this House.

A motion for a resolution to close this debate has been tabled by the Committee on the Environment, Public Health and Food Safety<sup>(1)</sup>.

The debate is now closed.

The vote will take place tomorrow.

**Luís Paulo Alves (S&D), in writing. – (PT)** No one can ignore the extreme urgency of achieving an international post-Kyoto agreement to substantially reduce carbon dioxide emissions.

We must make sure that the earth does not heat up by more than two degrees. If we are to achieve this, global emissions must be reduced by at least 30% over the next 10 years. The future of humanity hangs in the balance, and time is running out. This is our one chance to alleviate the effects of climate change, which are already making themselves felt, and which may come to be the most severe problem of the 21st century.

As we who live on islands are those who contribute least to these changes, we are seriously concerned by this issue.

The European Union must continue to play a leading role and to speak with one voice on environmental issues. It will have to use all its political clout to ensure that a firm agreement is reached by the major global powers at the forthcoming summit in Copenhagen. Taking decisive steps and changing the global model of energy use – as Portugal and the Azores have already done – is vitally important, along with investment in renewable energy and energy efficiency.

**Nessa Childers (S&D), in writing. –** Over the last number of days, Ireland has been struck by severe flooding causing devastation for ordinary families, for small businesses and for farmers across the island. Flooding from the River Barrow, the second longest river in Ireland, has meant much of Carlow has been under water for over four days! The deluge in neighbouring Kilkenny is the worst in 60 years! While flooding has always been a fact of life in Ireland, its increasing frequency and severity is another real reminder of the effects of climate change caused by the reckless abuse of our environment. No matter what happens at the UN climate conference in less than two weeks in Copenhagen, extreme weather conditions, like the flooding in Ireland, will become more frequent. We must build up our resilience to the effects of climate change. Madam President, I call on the Irish Government to immediately apply for natural disaster aid relief under the European Solidarity Fund. The Irish people only recently displayed their commitment to the EU by voting strongly for the Lisbon Treaty. The EU needs to show its commitment to the Irish people, including the people of Carlow and Kilkenny, by fast-tracking these relief funds.

**Diogo Feio (PPE), in writing. – (PT)** A political agreement in Copenhagen is crucial, but it needs to be global. Putting European industry in a situation which is greatly disproportional to that of other developed economies would be a mistake for the economy and of little use in ecological terms. European efforts should be directed towards seeking an agreement that places an obligation on all parties.

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<sup>(1)</sup> See Minutes

Europe must also find effective and reasonable solutions to the issue of funding. This precludes the idea of a tax on international financial transactions (Tobin tax) to fund adaptation to climate change in developing countries.

That kind of support, necessary though it is, must not be given at the expense of the economy, trade and wealth creation.

The cost that such a tax would have for society in general (increasing the tax burden, with consequences for all taxpayers and consumers) and its impact on the financial market (decreasing the necessary liquidity and flow of credit to businesses and households) cannot be ignored.

In addition, the implementation of a global tax would lead to technical problems and complex administration. In a crisis, the way out cannot involve yet more, new taxes which would be difficult to collect. We need to forget this idea of a new tax.

**José Manuel Fernandes (PPE)**, *in writing*. – (PT) The EU should continue to lead by example in combating climate change. It is worth noting that the EU has surpassed the goals drawn up in Kyoto.

I believe that the Copenhagen agreement to reduce global carbon emissions should be binding. In view of this, I have presented an amendment to Parliament's resolution on this matter, requesting an international set of sanctions to be set out in the final text.

I believe that the agreement must be global, ambitious and with a clear timeline. If we are not ambitious, we will end up with a useless instrument that will be even less effective than the Kyoto Protocol, which already provides for international sanctions. We hope that there will be effective regulation and that the agreement will include a review clause so that it can be easily updated.

We must also send a clear signal to emerging industries in Asia. China and India cannot be exempted of all responsibility when they produce a large percentage of global emissions while our industries are going to great lengths to reduce their emissions.

The US has a great responsibility for ensuring the success of this summit. I hope that the President of the United States, Barack Obama, will show that he deserved the Nobel Peace Prize, because combating climate change will contribute to peace and happiness for all nations!

**Adam Gierek (S&D)**, *in writing*. – (PL) The climate is changing. This has happened many times in the past. There are over 6 billion of us, and what was once an extreme phenomenon and went unnoticed is, today, evident. What is more – elaborately built infrastructures, of power generation and supply for example, often fail, and the effects of this include blackouts and breakdowns of IT networks. There is also the problem of the desertification of vast areas of the Earth. This is causing a humanitarian and economic catastrophe. The first signs of this are the unrest in Somalia and predictions of future conflicts over water. The wave of migration is growing. Will these problems be resolved by restrictive limitations on CO<sub>2</sub> emissions? No.

Firstly, no one has proved that it is CO<sub>2</sub> emissions which are the cause of climate change. Secondly, the effects of these limitations of CO<sub>2</sub> emissions can be expected only at the end of the century. Thirdly, restrictions in the area of CO<sub>2</sub> emissions will only weaken humanity economically, and so will make the catastrophe worse. As for emissions trading, it is an anti-social proposal, and its costs will be borne by ordinary people. The profits, however, will be swept up by the financial world, including the world of speculation. Therefore, for humanitarian and social reasons, the most important matter is not to combat the highly unlikely causes of climate change, but to combat the results of climate change. It is not a matter of adapting to climate change, but of proactive action. For example, in my country, security of water supply is already an important matter.

**Rovana Plumb (S&D)**, *in writing*. – (RO) Global warming currently poses two major problems to humankind: on the one hand, the need to cut greenhouse gas emissions dramatically and, on the other hand, the need to adapt to the effects of climate change. Bearing in mind that we are dealing with a global phenomenon and that the EU is responsible for only 10% of the emissions produced by greenhouse gases worldwide, it is important that we reach a mandatory, global legal agreement in Copenhagen in two weeks' time. I welcome President Obama's attendance in Copenhagen with a mandate including clear targets for reducing emissions, which the US is going to commit to. In order to adapt to the effects of climate change, we need a funding mechanism, providing exact figures for the sums which need to be invested in green technologies which create new jobs, something which is so necessary during this crisis period.

**Silvia-Adriana Țicău (S&D), in writing.** – (RO) The aim of the international climate change conference which begins in Copenhagen on 7 December is to establish a post-Kyoto agreement which will make the countries of the world reduce polluting emissions. The EU has unilaterally committed to cut polluting emission levels by 20% compared to 2005 levels, as well as to ensure that 20% of the energy consumed comes from renewable sources. However, these efforts must be coordinated with the efforts of all developed or developing countries. Energy consumption and polluting emissions can be reduced quickly and cheaply by boosting energy efficiency on a global scale. This is why the EU and Member States must increase energy efficiency, particularly in the buildings and transport sectors. For the EU to be able to cut the polluting emissions produced by energy-intensive industries in line with the commitments made, the financial resources need to be provided for modernising European companies. This is the only way we are going to maintain production and, by extension, jobs in the European Union. During the EU's budgetary review, we must ensure that sufficient financial resources are available for adopting measures to protect against climate change and adapt to its effects. The development of an eco-efficient global economy will generate new investments, create new jobs and raise living standards.

*(The sitting was suspended at 11.50 pending voting time and resumed at 12.00)*

#### IN THE CHAIR: MR LAMBRINIDIS

*Vice-President*

### 4. Voting time

**President.** – The next item is voting time.

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

#### 4.1. Electronic communication networks and services (A7-0070/2009, Catherine Trautmann) (vote)

#### 4.2. Statistics on pesticides (A7-0063/2009, Bart Staes) (vote)

*- Before the vote:*

**Bart Staes, rapporteur.** – (NL) Just by way of explanation, this is the third in a triad of reports on the use of pesticides.

Earlier this year, in the last Parliament, we adopted a Regulation concerning the placing of plant protection products on the market. At that time, we also adopted a Directive on sustainable use of pesticides, and the present Regulation concerning statistics on pesticides is the third component.

This proposal had to be dealt with by the Conciliation Committee, as something went wrong in the last Parliament. A great many people were not there and, at second reading, too few people were present for us to obtain sufficient votes to conclude that second reading.

In this connection, I wanted to take the floor to thank the Swedish Presidency and, in particular, the Czech Presidency, as they could have totally ruined the second reading: they could have refused to go to conciliation. Thanks to their good relations with Parliament, and also thanks to the chairmen of the political groups, who joined me in writing a letter to the Presidency immediately after the elections, it has proved possible to save this report and, via the conciliation procedure, to ensure that we can today vote on the text in the form agreed at second reading. I should like to thank everyone involved.

#### 4.3. Community financial aid in the field of trans-European networks (codification) (A7-0057/2009, Lidia Joanna Geringer de Oedenberg) (vote)

#### 4.4. Rules on the confidentiality of Europol information (A7-0065/2009, Timothy Kirkhope) (vote)

**4.5. Implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information (A7-0064/2009, Sophia in 't Veld) (vote)**

**4.6. List of third States and organisations for Europol agreements (A7-0069/2009, Jan Philipp Albrecht) (vote)**

**4.7. on the draft Council Decision adopting the implementing rules for Europol analysis work files (A7-0068/2009, Agustín Díaz de Mera García Consuegra) (vote)**

**4.8. European Crime Prevention Network (EUCPN) (A7-0072/2009, Sonia Alfano) (vote)**

**4.9. Accreditation of forensic laboratory activities (A7-0071/2009, Timothy Kirkhope) (vote)**

**4.10. Macro-financial assistance to Georgia (A7-0060/2009, Vital Moreira) (vote)**

**4.11. Macro-financial assistance to Armenia (A7-0059/2009, Vital Moreira) (vote)**

**4.12. Macro-financial assistance to Serbia (A7-0061/2009, Miloslav Ransdorf) (vote)**

**4.13. Macro-financial assistance to Bosnia and Herzegovina (A7-0067/2009, Iuliu Winkler) (vote)**

**4.14. Common system of value added tax (A7-0055/2009, Udo Bullmann) (vote)**

**4.15. Amendment of Annexes II and III to the OSPAR Convention (A7-0051/2009, Anna Rosbach) (vote)**

**4.16. EC-Denmark Agreement on the service of judicial and extrajudicial documents in civil or commercial matters (A7-0058/2009, Lidia Joanna Geringer de Oedenberg) (vote)**

**4.17. EC-Denmark Agreement on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (A7-0056/2009, Lidia Joanna Geringer de Oedenberg) (vote)**

**4.18. Recovery plan for Greenland halibut (A7-0046/2009, Carmen Fraga Estévez) (vote)**

**4.19. Accession of the European Community to the Convention concerning International Carriage by Rail (COTIF) (A7-0053/2009, Dieter-Lebrecht Koch) (vote)**

**4.20. Protocol on the Law Applicable to Maintenance Obligations (A7-0062/2009, Diana Wallis) (vote)**

**4.21. Request for defence of the immunities and privileges of Tobias Pflüger (A7-0054/2009, Tadeusz Zwiefka) (vote)**



#### 4.22. Adaptation to the regulatory procedure with scrutiny - Part Five (A7-0036/2009, József Szájer) (vote)

- Before the vote on the draft legislative resolution:

**Stavros Dimas**, Member of the Commission. – Mr President, I think that we shall not withdraw the proposal.

(Parliament decided to refer the proposal back to committee)

#### 4.23. Use of information technology for customs purposes (A7-0052/2009, Alexander Alvaro) (vote)

- Before the vote:

**Petru Constantin Luhan (PPE)**. – Mr President, I would like to ask you, from the side of the PPE Group, to vote separately on Amendment 27. It is about granting Eurojust and Europol full access to the database. I would like to ask all colleagues not to vote in favour.

(Parliament rejected the proposal)

### 5. Explanations of vote

Oral explanations of vote

#### - Report: Catherine Trautmann (A7-0070/2009)

**Zuzana Roithová (PPE)**. – (CS) As one of the shadow rapporteurs for the telecommunications package, I would like to say, following the successful vote, that I am delighted that this important amendment to internal market regulations in the field of electronic communications in particular will bring another fair process in respect of disconnections from the internet. I am gratified that the Council has finally agreed to our proposals. Our guarantees will ensure that disconnections from the internet will apply to real criminals such as terrorists or distributors of child pornography and not to ordinary users.

**Hannu Takkula (ALDE)**. – (FI) Mr President, in my opinion, this legislation is necessary, as we move towards a single market in electronic communications. It has already been decided under the Treaty of Lisbon that this is the direction to take.

I am nevertheless very concerned about the importance of ensuring the basic rights of users of the internet and free access to it. One worry is its illegal use and its abuse, and, as we know, one of the biggest issues and problems at the moment is piracy. Piracy is increasing greatly all the time, and one of the main areas in which it operates is the internet.

I hope that in future, we can invest in ensuring that those who produce creative work are properly remunerated for it and that piracy does not endanger their livelihood, as is common at present on the internet when files are downloaded illegally. This is the right step and direction to take, though in future we should pay special attention to the rights of creative artists and prevent piracy.

#### - Report: Timothy Kirkhope (A7-0065/2009)

**Daniel Hannan (ECR)**. – Mr President, see how stealthily, how silkily, by how many small steps, how insidiously and invidiously we have moved towards the establishment of a pan-European federal police force.

When Europol was first established in the early 1990s, it was presented as a clearing house – as a regional branch of Interpol, if you like. Since then, bit by bit, it has been given executive and policing powers.

First these were portrayed as being narrowly restricted to the field of cross-border counter-terrorist activities. That, of course, is how the FBI got started, and bit by bit it eventually extended its remit and agglomerated powers until it had become a federal pan-continental police force.

A similar process is now at work with Europol, which has gradually extended its remit to cover a whole series of crimes that are national in nature – but with the rather fascinating oversight that its personnel still have diplomatic immunity; in other words, they cannot be held to account for abuse of police powers.

When did we ever vote for this? When did we ever agree to set up a pan-European system of criminal justice with its own arrest warrant, its own police force, its own prosecuting magistracy and its own pan-European public prosecutor?

I think we ought to have the courtesy to ask our people, our voters, whether they approve.

**- Report: Vital Moreira (A7-0060/2009)**

**Daniel Hannan (ECR).** – Mr President, the best thing we could do for the Balkan and Caucasian republics is to admit them unconditionally into a customs union, to open our markets to their products. Those are countries ideally placed to price themselves into the market. They have educated and industrious workforces but they have relatively cheap costs and therefore competitive exports.

Instead of doing that, we are freezing out their produce in a number of key areas, and then to salve our consciences, we are giving them government to government financial assistance. In doing so, we of course make them dependencies; we make them satrapies. It is not only the Russians who think of these countries as their 'near abroad'. This is a phrase that also seems to apply sometimes in Brussels.

We drag their politicians and their decision makers into a system of the massive redistribution of wealth and we thereby Europeanise them in advance because they are learning what we in this House know all too well, which is that the primary function of the European Union these days is to act as a massive device to take money away from taxpayers and give it to the people lucky enough to be working inside the system.

**- Report: Alexander Alvaro (A7-0052/2009)**

**Zuzana Roithová (PPE).** – (CS) Ladies and gentlemen, I firmly believe that we need an advanced information system for the civilian administration linking the customs and police authorities of the Member States. We owe it to the citizens of the Union to combat more effectively imports of counterfeit and also hazardous products into our market from third countries. In contrast to most Members, I believe that the Commission's proposal will ensure greater protection for personal data and, at the same time, a more effective fight against organised crime. I therefore did not vote for the 90 draft amendments of the committee or for the report as a whole.

I would, of course, like to call on the Commission to negotiate a similar early warning system to RAPEX China with other states as well, such as India, Vietnam, Russia or Turkey, so that hazardous or counterfeit products can be seized before entering European countries. I note that since 2006, it has been possible to conclude international agreements with third countries concerning the cooperation of supervisory bodies in the field of consumer protection and I am very disappointed that the Commission has so far failed to make use of this option.

*Written explanations of vote*

**- Report: Catherine Trautmann (A7-0070/2009)**

**Maria Da Graça Carvalho (PPE), in writing.** – (PT) I am pleased that the European Parliament has approved the Telecoms Reform Package, thus consolidating the rights of consumers and contributing to greater access to information and freedom of expression. In order to achieve the objectives of the Lisbon Agenda, we need to provide sufficient incentives for investment in new high-speed networks, so as to support innovation in content-based internet services and to enhance the EU's competitiveness at international level. Promoting sustainable investment in the development of such networks is absolutely crucial, as this will both ensure competitiveness and increase consumer choice. In order to guarantee investment in new technologies in less developed regions, regulations relating to electronic communications should be streamlined with other policies such as State aid policy, cohesion policy or the objectives of a broader industrial policy.

**Carlos Coelho (PPE), in writing.** – (PT) I support the Telecoms Reform Package because I think that the internet is an essential tool for education, the exercise of freedom of expression and access to information. This initiative definitively establishes the idea that internet access and usage fall within the fundamental rights of European citizens. I would like to thank Mrs Bastos, who was the only Portuguese MEP involved in this process. I advocate freedom on the internet, without this meaning a lack of any regulation whatsoever. As

in the real world, the virtual world of the internet is the setting for illicit and illegal activities, including downloading video and music files, inciting terrorism and child pornography. Despite the opposition of many national governments, Parliament has ensured that all users can benefit from the rights and guarantees enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). This means that any restriction of rights or fundamental freedoms of internet users, such as cutting off access, must respect the ECHR and the general principle of the law, and must, first and foremost, have been authorised by a court order, so as to uphold the procedural safeguards, presumption of innocence and the right to privacy, without prejudice to specific mechanisms in cases which are deemed urgent in the interests of state security.

**Marielle De Sarnez (ALDE)**, *in writing*. – (FR) Prior court approval: that is what we wanted to obtain. With this compromise, we have at least guaranteed the best legal protection possible at this stage. The EU's message is now clear: access to the internet is a fundamental right, and precise and binding procedures will have to be followed to ensure that internet users can actually be sentenced for copyright infringement. It is now up to the national judges and to the European Court of Justice judges to enforce the right of all internet users to enjoy a 'prior, fair and impartial procedure'. The lack of clarity of many provisions will require close monitoring during the process of transposing and applying this important legislation. With the Treaty of Lisbon now ratified, the European Parliament will be able, as colegislator, to continue to defend the neutrality of the internet. Today's vote is just one stage in a long process. We will have to continue to defend internet users' rights and, in particular, to define them better. We will also have to urgently take up the crucial issue of internet copyright.

**Edite Estrela (S&D)**, *in writing*. – (PT) I voted in favour of Mrs Trautmann's report as I believe that the current agreement goes far beyond what was possible in the earlier stages of the process, particularly with regard to consumer rights. I believe that the introduction of measures to safeguard rights and guarantees on freedom of expression and information given to users with landline or mobile telephones and internet users is absolutely essential. It is important to streamline the internal telecoms market by encouraging competition between companies while, at the same time, consolidating the autonomy of national regulatory bodies from their respective governments. It was equally important to ensure more modern management of the radio spectrum by devising techniques which allow the easier provision of these services in rural areas.

**Diogo Feio (PPE)**, *in writing*. – (PT) I welcome the compromise reached between Parliament and the Council on introducing into the framework directive adequate protection for users in cases of restriction of access to services and applications through electronic communication networks.

I think that the rule of law dictates that no one's access to information and use of electronic communication networks can be made subject to conditions without this being done in strict accordance with the principle of the presumption of innocence, and restriction of access must be preceded by prior fair and impartial proceedings which safeguard the right to be heard and the right to effective judicial protection.

Furthermore, I believe that it is especially important to support the independence mechanisms of national regulatory authorities, so that these can regulate the market effectively, promoting fair competition between operators, as well as cooperation mechanisms between the various European regulatory bodies, so that we can bring about a more transparent and more competitive market, which will represent a step up for users in the quality of services offered.

**Ilda Figueiredo (GUE/NGL)**, *in writing*. – (PT) At the end of October, the Council adopted the majority of the texts negotiated with Parliament on the so-called Telecoms Package, with a few exceptions, which were included in the Trautmann report.

This text continued to be negotiated in the Conciliation Committee, where the text which we are now to vote upon was accepted.

It is true that the agreed text contains some of the proposals tabled by our group, defending the rights of users. However, it does not go far enough, as it allows exceptions to the procedural safeguards in urgent cases, although these must be substantiated and in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Yet the principal problem with the text is its scope, as it refers only to the restrictions that may be imposed by Member States, and not the restrictions imposed by private companies.

Indeed, the European Union seems to be more interested in creating an internal telecoms market solely to serve the interests of the economic groups which dominate the sector than in defending the rights and fundamental freedoms of the end users. We have no choice but to disagree with such an attitude.

**Bruno Gollnisch (NI)**, *in writing*. – (FR) I abstained from the vote on this final version of the telecoms package because it is unsatisfactory. It is, however, better than nothing. It does not protect internet users from the abuses of freedom-destroying laws such as the first version of the Hadopi Law in France, or from the wrath of administrative authorities duly authorised to carry out such abuses. Nevertheless, it does give internet users legal means of defending themselves. It is, unfortunately, alarming that it has come to this: that we should have to rely on the European Union, which could not care less about what the citizens think and of which the vast majority of acts are essentially aimed at satisfying the interests of lobbies of all kinds, to provide Europeans with a minimum level of freedom of information and of expression.

**Sylvie Guillaume (S&D)**, *in writing*. – (FR) Although the telecoms sector is going through an unprecedented period of development, it was crucial to support the report by my colleague, Mrs Trautmann, as it will mean that consumers are offered better services at fairer prices.

I welcome the fact that this text will increase users' rights to universal services, via clearer contracts, a more accessible emergency telephone number, a hotline for missing children, greater consideration of the rights of disabled people, and a guarantee of number portability. It will also make it possible to protect privacy better and to combat illegal practices on the internet by improving the security and the integrity of electronic communication networks.

Lastly, it is gratifying to have obtained a legally sound solution offering European citizens procedural safeguards such as observance of the inter partes principle, the presumption of innocence and the right to be heard, and which obliges the Member States to comply with those safeguards before taking any measures aimed at restricting internet access.

**Małgorzata Handzlik (PPE)**, *in writing*. – (PL) Adoption of the Trautmann report means that the provisions of the Telecoms Package will shortly enter into force. This is good news for consumers, whose rights are strengthened by this legislation. The possibility of moving a telephone number to another network in one day, the increase in transparency of tariffs and the strengthening of personal data protection are some of the many positive results of the package.

What is more, the European Parliament has taken account of the fears of European citizens concerning internet users being cut off from the internet. The European Parliament upheld the view that access to the internet is the right of every citizen. In relation to this, disconnecting a citizen from the internet will be possible only in justified cases, while respecting the principles of innocence and the right to privacy, and following a fair and impartial trial. This solution will certainly please the supporters of open access to the internet.

**Jacky Hénin (GUE/NGL)**, *in writing*. – (FR) I have to say that the proposed compromise between the Council and Parliament offers no adequate legal safeguards for users.

Although the text maintains that the Member States cannot impose restrictions on internet end-users, it does pave the way for consumers to be restricted by access providers without any prior decision by a judicial body.

This state of affairs undermines people's rights.

Our group's amendments aimed at upholding citizens' rights have not been adopted.

Lastly, the package is subject to the 'law' of the internal market. It is therefore the European Court of Justice that will decide on 'conflicts of interest'. Freedom of expression will therefore, in all likelihood, be subject to the law of the internal market, as too many recent examples show.

Thanks to strong pressure from users and citizens, user safeguards have been gained, but they remain inadequate in the opinion of the left. We cannot accept dishonest compromises where the citizens' freedom of expression is concerned.

**Ian Hudghton (Verts/ALE)**, *in writing*. – I voted in favour of the compromise package on telecommunications. Whilst, as is the nature of compromises, the package is not perfect, I believe that it is a step in the right direction and will bring about an improvement in consumers' rights.

**Nuno Melo (PPE)**, *in writing*. – (PT) An affirmative vote may be justified simply by the fact that the new European legislation on the telecoms sector supports the rights of landline and mobile telephone and internet users, and boosts competition.

The most pertinent of these new rules is the reinforcement of consumer rights, guarantees of internet access and the protection of personal data, given that the EU is increasingly an area of rights and freedoms.

**Willy Meyer (GUE/NGL)**, *in writing*. – (ES) I voted against the framework directive on electronic communications networks and services because I think that it represents an attack on freedom of expression and the civil rights of citizens. By adopting this directive, the European Union is allowing internet services to be cut off without the need for a judicial order. As a defender of civil rights, I am bound to be opposed to this decision. It gives powers to private companies to introduce restrictions on the use of the internet, and is one more example of the liberalisation of the European telecommunications market.

Also, the fact that non-judicial bodies (the nature and composition of which has not been specified) can decide to cut off internet services due to alleged illegal practices (which have not been determined either) is a breach of the principle that citizens are innocent until proven guilty, and opens the door to operators being the ones who restrict users' rights, establish content filters and make some pages faster to the detriment of others, which would mean a *de facto* end to the neutrality of the Web.

**Rareș-Lucian Niculescu (PPE)**, *in writing*. – (RO) I voted in favour of this package because of its unquestionable usefulness. However, I appreciate that it is unclear as to what a fair and impartial procedure will mean in practice in terms of the possible situations for restricting internet access. I believe that it would have been preferable to make a prior judicial ruling compulsory.

**Teresa Riera Madurell (S&D)**, *in writing*. – (ES) I voted in favour of a report that is the culmination of all the work done around the 'telecommunications package', two directives and a regulation that represent a fundamental step forward in the development of the information society and the protection of users' rights.

This new legislation also provides clear rules and the necessary legal certainty to encourage new investment, which, in turn, will make it possible to offer new services and develop new economic activities. These provisions will therefore have a major economic impact. The text that was finally adopted also guarantees greater respect for the fundamental rights and freedoms of consumers to access the Web, by providing legal certainty in Amendment 138.

The compromise reached refers to the European Convention on Human Rights and Fundamental Freedoms, while Amendment 138 opted for the Charter of Fundamental Rights of the European Union.

The latter option has a clear disadvantage: the United Kingdom, Poland and now the Czech Republic have introduced a derogation protocol that prevents the Court of Justice of the European Union and the respective national courts from acting in the event of a breach, while all the Member States are signatories to the Convention and there is no interference with national legal structures.

**Georgios Toussas (GUE/NGL)**, *in writing*. – (EL) The centre left and centre right political forces in the European Parliament voted in favour of the legislative 'package' on telecommunications and the internet on the basis of the criteria of competition and security, in other words, to secure the profits of the monopolies and restrict workers' freedoms and rights. The same political forces, while referring with demagogic bombast to users' rights and free access to the internet in the face of the highhandedness of monopoly business groups, supported the Commission's reactionary proposals, thereby helping to promote the interests of capital.

The decision by the European Parliament promotes capitalist restructurings that will enable companies to grow to gigantic proportions and develop the 'green economy', so that they will reign supreme at European and global level, thereby multiplying their profits to the detriment of the workers and users of their services.

The monopolies are being given legal rights to monitor and restrict users' access to the internet. At the same time, their profits are being secured thanks to the harmonisation of the radio spectrum and the 'operating divide' between landline and internet services and the necessary infrastructure. We voted against the motion for a resolution by the Council and the European Parliament and we stand by the workers and users of electronic communications who continue to claim their rights and freedoms against the reactionary policy of the EU and the parties of capital.

**- Report: Bart Staes (A7-0063/2009)**

**David Casa (PPE)**, *in writing*. – In this case, the proposal aims at creating a framework that will provide for the harmonisation of rules relating to the collection and dissemination of statistics when it comes to the use as well as the selling of pesticides. There are a number of important definitions and clarifications that have been made and, therefore, I have decided to vote in favour of this report.

**Edite Estrela (S&D)**, *in writing*. – (PT) I welcome the agreement reached on the joint text approved by the Conciliation Committee for a regulation of the European Parliament and of the Council concerning statistics on pesticides which will allow for the creation of a legal framework and the establishment of harmonised rules for the collection and dissemination of statistics on the sale and use of pesticides, with a view to the sustainable use of the latter.

**Peter Jahr (PPE)**, *in writing*. – (DE) I welcome the fact that the regulation concerning statistics on plant protection products will complete the legislative package of European plant protection policy, which can then enter into force. In order to minimise the risks to people and the environment involved in the use of plant protection products, we need harmonised risk indicators based on comparable and reliable data from all the Member States. That is exactly what will now be possible. However, the collection of this data must not lead to more bureaucracy and thus to greater burdens for our farmers and administrations. Where possible, the existing data should be used and there should be no new data collection. It will be our responsibility to ensure, when monitoring the implementation of the regulation, that bureaucratic expenditure is kept to an absolute minimum. On another note, I would have preferred the term 'plant protection products', as originally used in the regulation, to have been retained. In German, the term 'pesticides' has completely negative connotations and generally refers to the improper use of plant protection products. Unfortunately, the regulation will now contribute to this misinterpretation.

**Elisabeth Köstinger (PPE)**, *in writing*. – (DE) I very warmly welcome the fact that the regulation concerning statistics on plant protection products will ensure that there is now a common legal framework for the collection and distribution of data on the marketing and use of pesticides. It is beyond doubt that minimising risks to human health and environmental protection take priority. Harmonised risk indicators and reliable data from all the Member States will now make that possible. That said, I would like to emphatically point out that any additional administrative expenditure on the collection of data must not be a cost borne by our farmers. By refraining from re-collecting data that has already been taken, we can exploit synergies that will lead to a reduction in bureaucracy and additional burdens.

**Miroslav Mikolášik (PPE)**, *in writing*. – (SK) Pesticides, especially pesticides used in agriculture, have an important impact on the health of humans and the environment and there should therefore be significant further reductions in their use. Lengthy experience with the collection of data on the sale and use of pesticides has shown the need for harmonised methods of collecting statistical data, not only at the national level but also at the Community level. This regulation creates, in conformity with the principle of subsidiarity and proportionality, a common framework for the systematic creation of Community statistics on the marketing and use of pesticides.

I therefore consider the joint text of the regulation of the European Parliament and the Council concerning statistics on pesticides, which has been approved by the Conciliation Committee, as an appropriate measure which, in the final analysis, will contribute to the sustainable use of pesticides and a huge overall reduction in the risks to health and the environment, as well as adequate protection for crops.

**Rovana Plumb (S&D)**, *in writing*. – (RO) I want to emphasise that pesticides must be used in a more viable manner, which also entails a significant overall reduction in the risks involved. Pesticides must also be used in a manner compatible with the need to protect the harvests. However, pesticides can only be used without close monitoring of both their quantity and quality if a reliable database is available. The availability and use of harmonised, comparable Community statistics on pesticide sales play an important role in the drafting and monitoring of legislation and Community policies in the context of the Thematic Strategy on the Sustainable Use of Pesticides. Such statistics are necessary for evaluating the European Union's sustainable development policies and for calculating the significant indicators concerning the risks to health and the environment associated with the use of pesticides. This is why I voted in favour of this report.

**Oldřich Vlasák (ECR)**, *in writing*. – (CS) I voted in favour of the draft legislative resolution of the European Parliament on the joint proposal for a regulation of the European Parliament and the Council concerning statistics on pesticides, which was approved by the Conciliation Committee, because in my view, it will bring

significant benefits. It harmonises and, in particular, simplifies legislation in the area of statistics on pesticides. It harmonises statistical surveys and thereby enables greater comparability of data, offering the possibility of better and broader use of the administrative resource of collected data, which will reduce costs and the administrative burden on farmers and other entities in the agricultural sector. The draft will also provide greater protection for confidential data. Moreover, this standard will, in the final analysis, lead to greater awareness of pesticides and their impact on public health which I personally consider to be a key issue.

**- Report: Lidia Joanna Geringer de Oedenberg (A7-0057/2009)**

**Jean-Pierre Audy (PPE)**, *in writing*. – (FR) I voted in favour of the legislative resolution on the codification of the 1995 regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks. I am sorry that, in view of the development and the complexity of the texts, the Commission has not revised its position dating from 1 April 1987 consisting of instructing its staff that all legislative acts should be codified after no more than 10 amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible. In this particular case, we are consolidating the regulations from 1999, two regulations from 2004 and one regulation from 2005. I consider that the policy of consolidating Community law should be one of the European Commission's priorities and that the current situation is unsatisfactory, particularly in relation to the Member States, the citizens and, more generally, all users of the law: magistrates, lawyers, advisers, authorities, and so on.

**Andreas Mölzer (NI)**, *in writing*. – (DE) I voted in favour of the proposal for a regulation of the European Parliament and of the Council laying down general rules for the granting of Community financial aid in the field of trans-European networks. These networks are very important to the development of Europe's traffic infrastructure. The new regulation will clearly regulate the conditions and procedures for granting Community financial aid, which will provide the corresponding legal certainty, in particular, for the States and regions that plan such projects.

**- Report: Timothy Kirkhope (A7-0065/2009)**

**Diogo Feio (PPE)**, *in writing*. – (PT) As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. In view of this, I am voting in favour of this report requesting the Council withdraw its proposal.

**Bruno Gollnisch (NI)**, *in writing*. – (FR) We voted against the rejection of this series of reports by the Committee on Civil Liberties, Justice and Home Affairs, not because of the content of the regulatory proposals concerned, which relate to Europol and other criminal police activities, but for the sake of form. Indeed, the only reason why the majority of this House wants to refer these reports back to committee is so that it can wait for the Treaty of Lisbon to enter into force. With this treaty, these matters will fall under the ordinary legislative procedure, which means equality between Parliament and the Council in legislative terms, exclusive right of initiative for the European Commission and, worse still, jurisdiction for the European Court of Justice.

This is unacceptable as far as we are concerned. In the borderless world that you have created, and of which criminals, illegal migrants and traffickers take full advantage, police cooperation is vital. However, it is crucial that it remains within the scope of intergovernmental cooperation.

**Nuno Melo (PPE)**, *in writing*. – (PT) As the third pillar, this is an extremely pertinent matter for the security of the European area, so I agree that this issue should be assessed under the Treaty of Lisbon, given its future bearing on cooperation policy.

**Andreas Mölzer (NI)**, *in writing*. – (DE) In principle, close cooperation between the various authorities to fight crime is a desirable thing. However, there is a complete lack of any regulation of data protection in the planned unrestricted access for all authorities and it is not even clear what rights of investigation the proposed

data protection officer will actually have. The SWIFT agreement, too, has major data protection concerns associated with it. The European Parliament must be given the chance to curb this data protection rights fiasco on behalf of the citizens of Europe. I therefore voted in favour of the report.

**- Report: Sophia in 't Veld (A7-0064/2009)**

**Vilija Blinkevičiūtė (S&D)**, *in writing*. – (LT) I support the opinion of the rapporteur and agree that legislation on EUROPOL should be considered by common accord together with the European Parliament and the Council. Especially important attention should be paid to personal data protection. Indeed, it is not sufficiently clear whether there are strong protection safeguards for the transfer of personal data to third parties. Does this not infringe citizens' rights to privacy and can people have faith in the protection of their data? This matter should be thoroughly investigated. Therefore, the Council should submit a new proposal following the entry into force of the Treaty of Lisbon.

**Diogo Feio (PPE)**, *in writing*. – (PT) As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. In view of this, I am voting in favour of this report requesting the Council withdraw its proposal.

**Nuno Melo (PPE)**, *in writing*. – (PT) Without forgetting the importance of the European Police Office (Europol) and notwithstanding the general support which it should have, as the third pillar, this is an extremely pertinent matter for the security of the European area.

Hence, I agree that this issue should be assessed under the Treaty of Lisbon, given its bearing on cooperation policy.

**- Report: Jan Philipp Albrecht (A7-0069/2009)**

**Diogo Feio (PPE)**, *in writing*. – (PT) As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. In view of this, I am voting in favour of this report requesting the Council withdraw its proposal.

**Petru Constantin Luhan (PPE)**, *in writing*. – (RO) The Albrecht report brings up for debate the list of third States and organisations with which Europol is intending to conclude agreements. The list of third States also includes the Republic of Moldova, for example, while the list of organisations with which Europol is intending to conclude agreements should also include the Regional Centre for Combating Cross-border Crime, with its headquarters in Bucharest, which is in negotiations with Europol aimed at concluding a cooperation agreement. The Group of the European People's Party (Christian Democrats) has decided to vote against this report as a group during this plenary session so that it can review the dossier after the Treaty of Lisbon has come into force. It is precisely because this is such an important topic that we have decided to devote a huge amount of attention to it and we will debate it starting from next year on a codecision basis with the Council.



**- Report: Agustín Díaz de Mera García Consuegra (A7-0068/2009)**

**Carlos Coelho (PPE)**, *in writing*. – (PT) Within the framework of Europol, we have been presented with four initiatives which aim to introduce new rules on information confidentiality, implementing matters relating to the regulation of Europol's relationships with its partners, including the exchange of personal data and classified information, determining the list of third countries and organisations with which agreements may be made, and implementing rules for the analysis work files.

Given that the Treaty of Lisbon will enter into force in a matter of days, and new prerogatives relating to police cooperation are to be conferred on Parliament, the four rapporteurs have sought the rejection of the proposals on legal grounds. I therefore support their stance of not commenting on the substance of these proposals, rejecting them and asking the Commission and the Council to make a declaration in plenary pledging to present a new decision within a period of six months from the entry into force of the Treaty of Lisbon. In practical terms, it is worth recalling that in relation to the current incentives, being a mere matter of consulting Parliament, the Council will be able to establish a position before the end of the year, since the four steps for implementation will enter into force from 1 January 2010.

**Diogo Feio (PPE)**, *in writing*. – (PT) As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. In view of this, I am voting in favour of this report requesting the Commission withdraw its proposal.

**Nuno Melo (PPE)**, *in writing*. – (PT) Without forgetting the importance of the European Police Office (Europol) and notwithstanding the general support which it should have, as the third pillar, this is an extremely pertinent matter for the security of the European area.

Hence, I agree that this issue should be assessed under the Treaty of Lisbon, given its future bearing on cooperation policy. I therefore believe any decision on this sensitive matter is premature as long as the treaty is not yet in force, as it deals with the security of the European area.

**- Report: Sofia Alfano (A7-0072/2009)**

**Elena Oana Antonescu (PPE)**, *in writing*. – (RO) Crime is continually on the increase in the European Union. We are facing a host of organised crime networks, as well as computer crime, which is becoming ever more widespread. As a result, the European crime prevention policy must be consolidated and strengthened, while Member States need to cooperate better and more closely, based on a powerful common strategy in this area. The progress made by the crime prevention network over the last few years has been rather limited. In fact, its potential is far from having been achieved as yet. Widening the network's responsibilities, establishing a clear, simple, effective administrative structure, as well as ensuring the involvement of civil society, universities and NGOs, are the conditions which are key to the successful operation of such a network.

Parliament is going to acquire proper law-making power and will be able, along with the Council, to make decisions on measures, in accordance with the codecision procedure, aimed at encouraging and supporting the actions of Member States in the area of crime prevention. I therefore support the rapporteur's proposal to reject the initiative and debate this important dossier after the Treaty of Lisbon has come into force.

**David Casa (PPE)**, *in writing*. – The report in question asks that the modifications to the current system of the European Crime Prevention Network be rejected. I believe and agree with the rapporteur that there are a number of areas that require improvement even with regard to the proposal. Nevertheless, the interim measures are adequate in order to effect important alterations as soon as possible. It is for these reasons that I have decided to vote against this report.

**Carlos Coelho (PPE)**, *in writing*. – (PT) The European Crime Prevention Network was created in 2001, yet up until now, it has still not produced particularly good results, due to numerous organisational failures which have prevented it from effectively reaching its full potential, having already been subject to internal

review on two occasions. The present initiative attempts to revoke that decision made in 2001, proposing the restructuring of the network, which I see as being somewhat limited and clearly inadequate as a solution to the current problems.

In view of this, we need to embark upon a reform of the network that is more serious and more ambitious in terms of its organisation. The Swedish Presidency's insistence that Parliament make a decision before the Treaty of Lisbon enters into force is, therefore, unacceptable, not only because it is a weak initiative, but also because it asks Parliament to renounce the institutional prerogatives related to crime prevention conferred upon it by the Treaty of Lisbon a matter of days before the new treaty enters into force.

**Diogo Feio (PPE), in writing. – (PT)** As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. I am therefore voting in favour of this report, and ask that the Council does not formally adopt the initiative prior to the imminent entry into force of the Treaty of Lisbon.

**Nuno Melo (PPE), in writing. – (PT)** The European Crime Prevention Network (EUCPN) was created in 2001 due to a need to establish measures and exchange activities to prevent criminality, as well as strengthening the network of national authorities responsible for preventing crime.

Seven years later, following an external assessment of the EUCPN, the conclusion was that there was much room for improvement in the way the institution works.

The development of different aspects of crime prevention is extremely important at EU level, as is supporting the prevention of, and fight against, instances of national and local crime.

In view of the sensitive nature of the matters touched upon in this report, I agree with the decision to seek a new proposal from the Council under the codecision procedure, in accordance with the Treaty of Lisbon.

#### **- Report: Timothy Kirkhope (A7-0071/2009)**

**Diogo Feio (PPE), in writing. – (PT)** As an MEP who has always paid particular attention to issues relating to crime prevention, security and police cooperation, I acknowledge the fundamental importance of Europol in creating a secure European area and preventing crime throughout Europe, along with the need for it to be reinforced at various levels, including those under discussion here.

However, the principal question being debated here today is whether Parliament, less than a week before the Treaty of Lisbon enters into force, should renounce its new institutional prerogatives relating to crime prevention and police cooperation and thus do away with the possibility of playing a part in the decision-making process for all these issues under the codecision procedure.

I do not believe that this is the right course. This Parliament must fully assume its new powers in these matters. In view of this, I am voting in favour of this report, and request that the Kingdom of Sweden and the Kingdom of Spain withdraw their initiative.

**Europol package (Timothy Kirkhope (A7-0065/2009), Sophia in 't Veld (A7-0064/2009), Jan Philipp Albrecht (A7-0069/2009), Agustín Díaz de Mera García Consuegra (A7-0068/2009), Sofia Alfano (A7-0072/2009), Timothy Kirkhope (A7-0071/2009))**

**Sylvie Guillaume (S&D), in writing. – (FR)** I voted in favour of the in 't Veld report, of the Kirkhope, Albrecht and Díaz de Mera García Consuegra reports on a package of measures concerning Europol, and of the Alfano report on the European Crime Prevention Network, calling for the rejection of the Council's proposals on these matters. The aim of rejecting the proposals was to defend the European Parliament's prerogatives on such sensitive issues as police and judicial cooperation in criminal matters. The European Parliament has been asked to give its verdict within a particularly short timeframe on what are, nonetheless, very sensitive

matters. However, nothing justifies such hasty action, unless, after 1 December, the procedures carried out under the third pillar will lapse and will have to become the subject of a new procedure under the ordinary 'legislative procedure'. We are rejecting these proposals in order to send out a strong message to the Council that we are unhappy with the pressure being put on the MEPs and with the obvious desire to circumvent the new procedures for including the European Parliament in the legislative debate.

**Ian Hudghton (Verts/ALE), in writing.** – In line with the recommendation of the Committee on Civil Liberties, I voted against the draft decision. With the entry into force of the Treaty of Lisbon imminent, decisions in this area should be taken under the new legislative procedures.

**Jörg Leichtfried (S&D), in writing.** – (DE) I am voting against the adoption of the EUROPOL package. I voted in favour of rejecting the entire package as I think it is scandalous that the Commission and the Council should still be attempting to push the package through before the Treaty of Lisbon enters into force.

**- Report: Vital Moreira (A7-0060/2009)**

**David Casa (PPE), in writing.** – Georgia has been subjected to an incredible downturn, especially following the 2008 conflict with Russia. Due to Georgia's strategic importance, among other reasons, the Commission has proposed providing macro-financial assistance to Georgia. Although I agree that the Parliament requires more information on the matter, I have decided to support the rapporteur's recommendation and thus vote in favour of the report.

**João Ferreira (GUE/NGL), in writing.** – (PT) We have always advocated the need for the EU to give solidarity aid to countries that need it, and argued that this aid should be directed towards projects which are of real interest to the people of the country.

Yet the 'aid' given by the EU seems to have had little to do with solidarity. The interests of big money, whether economic or financial, and the major powers always supersede the interests of solidarity.

This is also the case for the aid to Georgia, upon which we have just voted. Financial assistance is predominantly aimed at funding the recommendations made by the International Monetary Fund and its policy of structural adjustment, that is, its insistence on the very same neo-liberal policies that brought about the economic and financial crisis that this country is now facing.

These same reasons are also behind our abstention on the remaining reports. Moreover, there is no guarantee that the funding decided upon will not go towards the rearmament of Georgia, albeit indirectly, following the attack carried out by Georgian troops against the people of the provinces of South Ossetia and Abkhazia, which led to war with Russia.

We could not condone a decision that could lead to greater militarisation in the relations between countries in the Caucasus region, whose energy, wealth and geostrategic value is important to the EU and its monopolies.

**Jacek Olgiert Kurski (ECR), in writing.** – (PL) Georgia was brutally attacked in August 2008 by the armies of the Russian Federation and, besides suffering damage on a large scale and numerous fatalities, has also experienced a serious deterioration of its economic condition. The European Union cannot remain passive in the face of Georgia's economic problems, and should be ready to give Georgia special macro-financial assistance to enable the country to rebuild after last year's Russian invasion. Financial assistance from Brussels will also help Georgia combat the effects of the world economic and financial crisis. Taking into account the above circumstances, as well as Georgia's strategic significance for the European Union in the European Neighbourhood Policy and the newly established Eastern Partnership, I endorsed the resolution on a Council Decision providing macro-financial assistance to Georgia.

**Nuno Melo (PPE), in writing.** – (PT) The macro-financial assistance programme is vital for improving the financial stability of European nations that have recently emerged from armed conflict, the vicissitudes of which have left them with financial difficulties in terms of budget deficits and their balance of payments.

This assistance is crucial for the process of reconstruction in these countries, provided that it is carried out in a peaceful manner, something that is possible only with international assistance. This assistance also ensures that these areas of instability do not jeopardise security and peace in Europe, particularly owing to the refugees and displaced people produced by such conflicts.

In this way, the EU must be an area of solidarity, combining this assistance to Georgia with the aforementioned appropriate aspects.

**- Report: Vital Moreira (A7-0059/2009)**

**Nuno Melo (PPE)**, *in writing*. – (PT) The macro-financial assistance programme is also vital for improving the financial stability of European nations that have endured the recent global crisis and suffered from the effects of this crisis on their main commercial partners, particularly Russia in the case of Armenia. Financial imbalances are due to issues surrounding budgets and the balance of payments.

This assistance is important if Armenia is to face the crisis in a more consistent manner, and to prevent social instability, which could precipitate a mass exodus of emigrants, leading to problems within Europe.

In this way, the EU must act as an area of solidarity, combining this assistance to Armenia with the aforementioned appropriate aspects.

**- Report: Miloslav Ransdorf (A7-0061/2009)**

**Nuno Melo (PPE)**, *in writing*. – (PT) In the specific case of Serbia, the macro-financial assistance programme is vital for improving the country's financial stability, as, in addition to the global crisis, Serbia has also emerged from an armed conflict whose effects are still being felt.

This assistance is an important tool for financial stability in Serbia, and for consolidating the stabilisation of the situation throughout the Balkan region. Serbia and its economy play a role of paramount importance in the process of regional integration, and its participation in European integration is also essential.

In this way, the EU must act as an area of solidarity, combining this assistance to Serbia with the aforementioned appropriate aspects.

**Andreas Mölzer (NI)**, *in writing*. – (DE) Over the next year, it is planned that Serbia will receive macro-financial assistance totalling up to EUR 200 million in the form of a loan. This money is intended to support the economic stabilisation of that country, finance its external balance-of-payments needs and help it meet the consequences of the global economic and financial crisis. I see the macro-financial assistance for Serbia, which will support the country's economic stabilisation programme in the current crisis, as an important tool for promoting stabilisation across the Balkan region. Serbia and its economy have a key role to play in regional integration and Serbia's participation in European integration is likewise of major importance. For these reasons, I voted in favour of Mr Ransdorf's report and thus in favour of the granting of macro-financial assistance to Serbia.

**- Report: Iuliu Winkler (A7-0067/2009)**

**Nuno Melo (PPE)**, *in writing*. – (PT) The macro-financial assistance programme is vital for improving financial stability in Bosnia and Herzegovina and for combating the detrimental effect of the global crisis on the country's economy. This aid will be reflected in an improvement in the country's economy in terms of the budget deficit and the balance of payments.

Bosnia is also situated in a sensitive region, so its economic and financial stability is especially important, as it will contribute to bringing about greater stability throughout the Balkan region.

In this way, the EU must act as an area of solidarity, combining this assistance to Bosnia with the aforementioned appropriate aspects.

**- Macro-financial assistance**

**Jean-Luc Mélenchon (GUE/NGL)**, *in writing*. – (FR) We do not accept European loans and subsidies being subject to restrictions imposed by the IMF. We shall vote against the MFA (macro-financial assistance) being presented today to the European Parliament. You can see what kinds of conditions are involved: impossible deadlines, a lack of information ... Whichever way you look at it, this defies the democratic demands that should characterise the European Union.

Nevertheless, we still support the peoples of Serbia, Bosnia and Herzegovina, Armenia and Georgia. We do not want them to suffer any more than they already do from the obsolete and dangerous neo-liberal system that the IMF is seeking to perpetuate.

**- Report: Udo Bullmann (A7-0055/2009)**

**Diogo Feio (PPE)**, *in writing*. – (PT) I see this report on the draft Council Directive which aims to amend the common system of value added tax as a way of achieving a more simplified and harmonised system. In fact, by combining certain aspects relating to VAT on the supply of natural gas, electricity and heat or refrigeration with the tax treatment of joint undertakings established in accordance with Article 171 of the Treaty on the Functioning of the European Union, with the identification of certain consequences of EU enlargement, and with the conditions for exercising the right to deduct input VAT, we will be moving towards greater effectiveness in applying VAT.

**Ilda Figueiredo (GUE/NGL)**, *in writing*. – (PT) The Council's proposal aims to clarify certain matters relating to the import and place of taxation of gas and electricity supplies to include the amendments agreed for the accession of Bulgaria and Romania to the EU within the scope of the directive, and to clarify and emphasise the basic rule of law to deduct, which states that this right only arises if the goods and services are used by a taxable person and for the needs of his/her business.

However, the text adopted today does not correspond with certain specific features of national markets, such as the use of butane and propane gas. In Portugal, as in other European countries where citizens have low incomes and whose relatively recent inclusion in the European natural gas networks is extremely expensive, the use of butane and propane gas in households and micro and small enterprises is an unavoidable reality.

Moreover, as a rule, the people who resort to this type of energy are the most deprived, meaning that the VAT directive discriminates against this group rather than those with higher incomes.

Furthermore, the changes to the report seem to restrict the Member State's scope for action.

**Ian Hudghton (Verts/ALE)**, *in writing*. – I abstained on the Bullmann report. Whilst I do believe that the Council has a duty to listen to the views of this House, the EU's only directly elected institution, I do not believe that VAT systems should be harmonised. The principle of subsidiarity dictates that taxation is a matter best left to the nations of Europe.

**- Report: Anna Rosbach (A7-0051/2009)**

**Luís Paulo Alves (S&D)**, *in writing*. – (PT) I voted in favour of the report on the protection of the marine environment of the North-East Atlantic in relation to the storage of carbon dioxide streams in geological formations as I believe that the existence of a regulatory framework and guidelines on the storage of carbon dioxide streams in geological formations will contribute to the protection of the maritime area, both in the short term and the long term, provided the aim is to permanently hold the carbon dioxide in these formations, and provided that this will not have significant adverse effects on the marine environment, human health and other legitimate uses of Europe's maritime areas, specifically those of Portugal and, in particular, the Azores.

**Edite Estrela (S&D)**, *in writing*. – (PT) I voted in favour of the Rosbach report on the proposal for a Council Decision concerning the approval on behalf of the European Community of the Amendments to Annex II and Annex III to the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention) in relation to the storage of carbon dioxide streams in geological formations. Nevertheless, it is important to ensure that geological capture and storage technology for carbon dioxide, which has been little tested, is applied in accordance with the strictest safety standards, as set out in the directive on this issue.

**João Ferreira (GUE/NGL)**, *in writing*. – (PT) The geological storage of carbon dioxide has been identified as a possible solution for mitigating the effects of an increase in the anthropogenic concentration of this gas in the atmosphere. Nevertheless, this solution raises a number of questions about its future applicability, particularly given that the development of the technology required is still in its early stages, it is expected to be expensive, and there are potential risks associated with it. It is worth following the studies that have been carried out on this subject, bearing in mind that some of the results obtained up to this point are positive in this respect.

It is, however, worth noting that under no circumstances must the pursuit of studies on this option or its possible implementation in the future compromise the necessary change of energy paradigm, which aims at a significant reduction in the current dependence on fossil fuels. On the other hand, both the environmental

effects and the safety of the technologies used in storage must be thoroughly investigated. The approved resolution ensures that this will be done, and that is why we voted in favour of it.

**Ian Hudghton (Verts/ALE)**, *in writing*. – I voted in favour of the Rosbach report. Carbon capture and storage can make a significant contribution to efforts aimed at tackling global warming and my own country, Scotland, will play an important role in developing the necessary technology. This amendment to the OSPAR Convention will mean that the EU and Scotland can take a lead in this area.

**- Report: Geringer de Oedenberg (A7-0058/2009)**

**Bruno Gollnisch (NI)**, *in writing*. – (FR) I must admit that I learnt something new from these two reports by Mrs Geringer de Oedenberg: I learnt that those countries that chose not to participate in judicial cooperation in civil matters had, nonetheless, also lost their sovereignty.

Indeed, Denmark, which was able to negotiate an exemption, but which also sought, as a sovereign country, to conclude a treaty with the Community so as to participate in certain aspects of this cooperation, is today obliged to ask for the Commission's permission in order to conclude new international agreements of this kind with others! In other words, it has lost its right to take entirely independent decisions in one area of its external relations.

While, from an intellectual point of view, I can understand that consistency within and outside the Community is required in order to establish this cooperation, I do have more difficulty in accepting that the Commission is solely responsible for these kinds of international treaties, that it controls, even in part, a Member State's ability to conclude treaties, and even more so that European law takes precedence over all others.

We have only voted in favour of these reports because there is no reason to prevent Denmark from concluding the agreements that it wants to conclude, and there are few opportunities to do otherwise in the current circumstances.

**- Report: Carmen Fraga Estévez (A7-0046/2009)**

**Ian Hudghton (Verts/ALE)**, *in writing*. – I voted in favour of this report relating to recovery plan changes within the framework of the North Atlantic Fisheries Organisation. International fisheries organisations are essential to the management of global marine resources. I consider it unfortunate, however, that it is the EU that negotiates with our North Atlantic neighbours. Whilst the Treaty of Lisbon has now enshrined this principle, I still consider that there is scope for fisheries management to be returned to the fishing nations and maritime regions.

**- Report: Dieter-Lebrecht Koch (A7-0053/2009)**

**Andreas Mölzer (NI)**, *in writing*. – (DE) Specifically when it comes to rail freight and long-distance transport, the last few years have witnessed some change for the better. Passengers must not be left behind in this, however. Rules on compensation for delays to international rail services are not enough. We must ensure that, in the rush to globalise, regional transport is not completely marginalised, with whole regions being cut off.

Equally, we must ensure that the delusional emphasis on privatisation hitherto does not lead to UK-style massive delays and safety failings. It is important to overcome obstacles and technical difficulties in the way of cross-border rail traffic, and not only for environmental purposes. That is why I voted in favour of this report.

**- Report: Diana Wallis (A7-0062/2009)**

**Miroslav Mikolášik (PPE)**, *in writing*. – (SK) I welcome the decision of the Community to sign the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations because the protocol brings a long-awaited and much-needed clarification of the rules determining the applicable law, which are supplemented by the Hague Convention of 23 November on the International Recovery of Child Support and Other Forms of Family Maintenance.

The harmonisation of the rules will provide legal certainty to persons entitled to maintenance and the possibility of taking action without being subject to differing legal systems. Thanks to the special rules, it will also limit the avoidance of maintenance obligations, where entitled persons are unable to secure maintenance on the basis of the law of the country in which they normally reside. The possibility of refusing

to apply a right established on the basis of the protocol is restricted only to cases where the effects would clearly be contrary to public order in the country of the court in question. I would also like to express my profound regret that the United Kingdom is not participating in the decision of the Council for the protocol to be signed by the Community.

**- Report: Tadeusz Zwiefka (A7-0054/2009)**

**Sabine Lösing (GUE/NGL)**, *in writing*. – On 9 November 2009, the report on the request for the defence of the immunity and privileges of Tobias Pflüger (A7-0054/2009) was voted and adopted in the Committee on Legal Affairs (JURI) in the European Parliament.

This report is based on incorrect facts.

The central point is that the report cites a judgment at first instance which has been repealed. The judgment is invalid, because the regional court in Munich <http://dict.leo.org/ende?lp=ende&p=5tY9AA&search=dismiss> ed <http://dict.leo.org/ende?lp=ende&p=5tY9AA&search=action> against Tobias Pflüger on 21 July 2009 in the second and final instance. A conviction was not made. For this reason, all reproaches are invalid.

It is politically unacceptable that this report, which contains incorrect facts, was voted in Plenary today (24 November 2009).

We have tried to get this incomplete and therefore incorrect report taken from the agenda, unfortunately without success.

This kind of proceeding by the European Parliament creates the impression of supporting the persecution of politically active persons, in this case, the Munich II Public Prosecution Service against a former Member of the European Parliament.

**Jean-Luc Mélenchon (GUE/NGL)**, *in writing*. – On 9 November 2009, the report on the request for the defence of the immunity and privileges of Tobias Pflüger (A7-0054/2009) was voted and adopted in the Committee on Legal Affairs (JURI) in the European Parliament.

This report is based on incorrect facts.

The central point is that the report cites a judgment at first instance which has been repealed. The judgment is invalid because the regional court in Munich dismissed the action against Tobias Pflüger on 21 July 2009 in the second and final instance. A conviction was not made. For this reason, all reproaches are invalid.

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This kind of proceeding by the European Parliament creates the impression of supporting the persecution of politically active persons, in this case, the Munich II Public Prosecution Service against the former Member of the European Parliament, Tobias Pflüger.

**Willy Meyer (GUE/NGL)**, *in writing*. – On 9 November 2009, the report on the request for the defence of the immunity and privileges of Tobias Pflüger (A7-0054/2009) was voted and adopted in the Committee on Legal Affairs (JURI) in the European Parliament. This report is based on incorrect facts. The central point is: the report cites a judgment at first instance which was repealed in the meanwhile. The judgment is invalid because the Munich regional court dismissed the action against Tobias Pflüger on 21 July 2009 in second and final instance. A conviction was not made. For this reason, all reproaches are invalid. It is politically unacceptable that this report, which contains incorrect facts, was voted in the Plenary today (24 November 2009). We have tried to get this incomplete and therefore incorrect report taken off the agenda, unfortunately without success. This kind of proceeding by the European Parliament creates the impression of supporting the persecution of political active persons, in this case, the Munich II Public Prosecution Service against the former Member of European Parliament, Tobias Pflüger.

**- Report: József Szájer (A7-0036/2009)**

**Peter Skinner (S&D)**, *in writing*. – I consider the role of Parliament to be only effective if it can sustain the effect of legislation. In this context, the application of the rule of 'regulatory procedure with scrutiny' allows for ex ante consideration of proposals brought into law. This report nuances Parliament's role and enhances our ability to control and monitor the implementation of legislation in Member States.

**6. Corrections to votes and voting intentions: see Minutes**

*(The sitting was suspended at 12.30 and resumed at 15.10)*

**IN THE CHAIR: MR BUZEK**

*President*

**7. Approval of the minutes of the previous sitting: see Minutes**

**8. Question Hour with the President of the Commission**

**President**. – The next item is the Question Hour with the President of the Commission.

*Free questions*

**Joseph Daul**, *on behalf of the PPE Group*. – (FR) Mr President, is Europe going to have to face a new gas crisis this winter? Let us remember the conflict between Russia and Ukraine, suffered by millions of Europeans. I welcome the agreement reached on 19 November in Yalta. However, we know that Ukraine had great trouble in settling its gas bill with Russia last month. We also know that the political context will be particularly difficult in January, with the staging of the presidential elections.

What preventive measures can be proposed by the Commission and implemented at European level so as to protect our fellow citizens from the effects of a potential new crisis, and what lessons have been learnt from the events of winter 2009?

Will the agreement reached on 16 November between the EU and Russia on an early warning system and the draft regulation on the security of gas supply, which I welcome, be enough?

**José Manuel Barroso**, *President of the Commission*. – (FR) Mr President, Mr Daul, thank you for your question. Like you, I wish to prevent a repetition of last year's crisis.

We have worked closely – I myself have done a great deal of work – with President Yushchenko, Prime Minister Tymoshenko and the Russian authorities, as well as with the international financial institutions, to support Ukraine.

What more can be done?

In the short term, the early warning system that we agreed on last week with Russia should help us to identify the problems in time. In fact, I can tell you that there was an excellent atmosphere during this summit with Russia, which President Medvedev attended, a much better atmosphere than there has been on other occasions.

We are also working with the Gas Coordination Group – a group that includes the Member States and industry – on the storage of gas. We are continuing to work with the international financial institutions on the reform and modernisation of the gas sector in Ukraine. However, as you said, the situation within Ukraine is not easy. In any case, I shall be in Kiev next week with the President-in-Office of the Council, Mr Reinfeldt, to show once again the importance we attach to the reform of this sector in Ukraine.

**Martin Schulz**, *on behalf of the S&D Group*. – (DE) I would like to ask you whether, in the past, you had any difficulties with the Bulgarian Government of Sergei Stanishev or with Ivaylo Kalfin as the country's foreign minister? Did you have any reason to doubt the democratic legitimacy of Mr Stanishev or Mr Kalfin or their loyalty to the institutions of the European Union?



If not, how do you view the statements by the current Bulgarian Prime Minister, Mr Borisov, who has said that the Bulgarian Socialist Party needs to be prohibited? Mr Borisov has said that they – meaning the delegates of the Congress of the Bulgarian Socialist Party – are a bunch of impudent bandits.

Thirdly, there is this week's statement by Mr Borisov that 'everyone who hates the Socialists in Bulgaria must be with us.' How do you evaluate this standpoint from a member of the European Council?

**José Manuel Barroso**, *President of the Commission*. – (FR) Thank you for your question, Mr Schulz. However, you will appreciate that I must exercise restraint when commenting on the remarks made by the various Heads of State or Government within the context of their domestic policy. It is not my place to get involved here and now in this domestic dispute.

What I can say, to give you a concrete answer to your question, is that my relationship with the Bulgarian Government, when Sergei Stanishev was prime minister, was always characterised by extremely loyal cooperation. I can also say here, as I have told him personally, that Mr Stanishev has always been a very loyal partner of the Commission and of all the institutions where the advancement of the European project is concerned. I will not forget about the loyal cooperation and the commitment to Europe that he showed just because he is no longer in power.

**Martin Schulz (S&D)**. – (DE) I understand that you do not want to interfere in Bulgaria's domestic politics. I sympathise with that position. Can I interpret your answer to mean that you believe that there is no need for the party of Mr Stanishev – the Chairman of the Bulgarian Socialist Party, for whom you have expressed your personal high regard in respect of the work that he has done – to be banned?

**José Manuel Barroso**, *President of the Commission*. – (FR) Mr Schulz, obviously I believe that all democratic parties have a place in democratic countries. Since Bulgaria is, as we all know, a democratic country, all of its democratic parties have a place in the democratic system.

This applies to all of the parties in Bulgaria that respect, of course, the rules of our Community.

**Guy Verhofstadt**, *on behalf of the ALDE Group*. – (FR) Mr President, I am going to ask a question about the structure of the Commission, which is normal, given that we are very soon going to have a new Commission.

Firstly, I have some misgivings about the fact that the environment portfolio is going to be divided into three areas: climate change, energy and the environment. I have some misgivings in this regard, and this is a point that I wish to make.

However, the most important question that I wish to put to you concerns fundamental rights and the fight against discrimination. I believe that it was agreed that there would be a commissioner responsible for this subject. Now, it is a matter of ensuring that we do not have a 'home affairs' portfolio that incorporates asylum and immigration issues, because 'asylum and immigration' would then be a security issue and not a home affairs issue.

Mr Barrot has proposed the creation of three commissioner posts: fundamental rights, home affairs and security, with asylum and immigration being separate. My question is simple: how do you view this issue?

**José Manuel Barroso**, *President of the Commission*. – (FR) Firstly, concerning the question of the climate change, or rather the 'action in the field of climate change' portfolio, I see this responsibility as being very important. It is a horizontal responsibility, a dimension to be integrated into all of the Union's policies. The commissioner for climate change policy will clearly be responsible for following up the work done in Copenhagen, with all that that entails in terms of internal and external action.

With regard to the justice and home affairs portfolio, yes, I have decided to cut that in two, also. One portfolio will be devoted to justice and fundamental rights, and the other to home affairs. Moreover, this division is commonplace in many of our Member States in which there is a minister for justice and a minister for the interior.

Obviously I wish to discuss the exact definition with the commissioners concerned, but I can already tell you that I want the commissioner responsible for justice and fundamental rights to pay particular attention to eliminating the obstacles that European citizens face when exercising their rights.

**Daniel Cohn-Bendit**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, I would like to continue along the same sort of lines as Mr Verhofstadt, since the Commission is currently under construction.

We are reading and hearing rumours that are rather dangerous. Do you think that it is you, the President of the Commission – you have been elected and confirmed President – who makes the Commission, who organises the Commission and who defines the commissioners' remit, or is it the countries of the Union and the large countries that impose, or otherwise, a certain position on you?

I find it unacceptable – but perhaps I am wrong – to read in the newspapers that France wants this, that the United Kingdom wants that, that Mrs Merkel wants the other. Mr Sarkozy and Mrs Merkel appointed you, they have nothing left to say, you have to create your Commission!

Is this how you see the role of President of the Commission, or do you see it another way, which is more like the way that Mrs Merkel and Mr Sarkozy see it?

**José Manuel Barroso, President of the Commission.** – (FR) The way I see things is very simple: it is about respecting the Treaty of Lisbon, and respecting the current treaty, for that matter. From 1 December, this Treaty of Lisbon declares very clearly – I have the English version here, specifically Article 17 – that it is the President of the Commission who shall decide on the internal organisation of the Commission, and that is what I am of course going to do, including as regards the allocation of portfolios.

Let us be clear, there is always pressure, as you know. We all have demands made of us. However, I am the one who ultimately takes full responsibility for the composition of the Commission and I believe that this Commission will also benefit from fairly strong support within the European Parliament.

I have worked hard to obtain a fairly strong consensus. Moreover, I have some good news – as well as some words of thanks – to give you today: the next Commission will include nine women, so one more than at present. A week ago, only three women were prospective candidates. Many of you have helped me to impress upon the Member States the importance of this request to nominate more women. This is a practical example that shows my commitment to forming a college that can benefit from the support of your Parliament.

**Daniel Cohn-Bendit (Verts/ALE).** – (FR) Mr Barroso, since you are talking about the Commission and about women, do you not think that it would be easier for a President of the Commission in the long term if each country put forward two commissioners, presented two candidates, to him: a man and a woman?

That way, you would be able to form a balanced Commission, not with nine women, but made up of half women, half men.

**José Manuel Barroso, President of the Commission.** – (FR) You are quite right. I would very much like to achieve that. Unfortunately, it is not provided for by the treaty.

I agree with your fellow Member, Mr Verhofstadt.

The serious issue is this: this obligation is not provided for by the treaty. As you know, I even made public a letter in which I called on the Member States to help me in regard to this issue of gender balance. Ideally, we would have a Commission that is even more balanced.

In any case, I am happy with the situation that we have reached in the end, and I should like to thank everyone in Parliament who has helped me in this task.

**Michał Tomasz Kamiński, on behalf of the ECR Group.** – (PL) Mr Barroso, I would like to thank you very much for being with us today, and I would like to start by saying that it seems we should give more encouragement to our fellow Members to participate in these debates with you, because some Members are more interested in other attractions of Strasbourg than in the possibility of a meeting with you.

My question concerns the objectives of the Lisbon Strategy, which, for the European Conservatives and Reformists, has always been very important. This is particularly true of what you said not long ago, when you presented it as part of your strategy: a new start for the common market. We do, truly, think that Europe needs a common market. The recently adopted Lisbon Treaty gives more authority to European institutions in a political sense, and it seems to me that a particular kind of divide is opening between political integration, which is making progress, and economic integration. Mr Barroso, I would very much like you to give attention to the question of the start of the new market from the beginning of your new term of office.

**José Manuel Barroso, President of the Commission.** – I have good news for Mr Kamiński: today, at the meeting of the Commission here in Strasbourg, we adopted a Commission working paper launching the consultation on what I call the 'European 2020', the successor to the Lisbon Strategy, which is, of course, for consultation with Parliament and with European governments and societies at large.

There is great emphasis in the working paper on the need to deepen the internal market, and I have even asked Mario Monti, a well-known European figure, to send me a report on the ways in which we can address the missing links in the internal market. I hope that the first draft of this report is ready before the European Council in March at which, by the way, the Spanish Presidency of the Council is also keen to contribute and lend urgency to these developments.

Development of the internal market is one of the ways we can find new sources of growth to respond to the challenges of competitiveness from other parts of the world.

**Lothar Bisky**, *on behalf of the GUE/NGL Group*. – (DE) What I found pleasing about the special summit was that there was a gender balance. We would like to pay tribute to that achievement. I would also like to add that we will continue to support you if you continue to maintain this gender balance.

We now have two new figureheads for the European Union to deal with, about whom all sides have said that they will have to grow into their roles. That, of course, will always be the case. There is also talk of lightweights and heavyweights. I see it like this: today's lightweights are tomorrow's heavyweights, and *vice versa*. Many a heavyweight one day is a lightweight the next.

That notwithstanding, we also have a severe economic crisis to overcome. The social consequences, especially, are giving us lots to deal with. In Europe, tens of millions of people are affected by unemployment, poverty and social exclusion. The number of crisis victims is going through the roof. In the developing world, the consequences are much worse.

Are you prepared, Mr Barroso, together with the new Commission, to learn the lessons of the wrong turns taken through radical free-market policies? Are you prepared to bring about an urgently needed change of policy to put people ahead of profits and social interests ahead of competitive ones?

**José Manuel Barroso**, *President of the Commission*. – In the new European Union 2020 strategy that I announced just now, there is a strong emphasis on the social matters that you have just mentioned, Mr Bisky. I believe that we now have an urgent situation regarding social matters, particularly in view of rising unemployment. There is a risk of a decade of low growth and high unemployment, and that would put severe strain on our social models and our living standards. That is why I think it is important to work on matters relating to social inclusion.

We also need to make sure that our people are equipped with the right skills to succeed in this new economic model. One of the priority areas of the European Union 2020 strategy will thus be to empower people. Emphasis should be put on education and skills, lifelong learning, mobility of workers, supporting entrepreneurship and self-employment, but also on fighting exclusion and poverty. I think we, as the European Union, have a duty to make the fight against exclusion and poverty one of our priorities.

**Rolandas Paksas**, *on behalf of the EFD Group*. – (LT) Mr President, back in September, I approached you about the continuation of operations at Ignalina Nuclear Power Plant. From your answer, I received the impression that the Commission is either unaware of the true situation, is not informed, or is trying to brush off MEPs.

Therefore, Mr President, I think you know that no nuclear fuel repositories have been built and spent fuel rods will be kept in the reactor, reducing nuclear safety in the region. This is the first thing. Secondly, I think you know that replacement generators will only be built three years from now and Lithuania will have a shortage of electricity. That is the second thing. Thirdly, I believe you are aware that the circumstances I have mentioned permit the continuation of the nuclear power plant's operations and that it is not ready to be shut down.

My question, Mr President, is who will take responsibility for the reduced nuclear safety in this region and for the increased risk to European Union citizens?

**José Manuel Barroso**, *President of the Commission*. – Regarding the Ignalina question, as you know, this is a matter concerning the Treaty of Accession of Lithuania. We have to respect that Treaty of Accession, which was signed by all the Member States, including Lithuania.

What we are doing now is looking at not only the economic aspects but also the safety aspects. I believe all this is taken into consideration in our decision and that we can work with the Lithuanian authorities to assure the safety of the nuclear situation there.

By the way, at my recent meeting with President Medvedev, I once again made the point about the supply of energy from Russia to Lithuania. I asked him why they cannot be more cooperative regarding the issue of the Druzhba pipeline. So we are working actively with our Lithuanian friends, and also with other partners important to the security of energy supplies to Lithuania.

**Hans-Peter Martin (NI).** – (DE) President of the Commission, the issue of the continuing existence of the Opel factories exercises the European public, and it was also a key issue in the German federal election campaign. Long before the election, it was already clear that a sale to the consortium led by Magna was planned, yet it was not until 16 October that the Commission hinted that it had some misgivings.

Why did you wait until after the German election? That decision did have an important impact on the outcome of the election in Germany. How can you refute the suspicion that this came down to political considerations, particularly given that your close relationship with Chancellor Merkel is well known? Are you prepared to open up your written and oral dialogue on the Opel issue dated prior to the German federal election on 27 September to public scrutiny?

**José Manuel Barroso, President of the Commission.** – Taking your last question first, of course I am happy to give you all my correspondence with Chancellor Merkel. There is no problem about that.

Having said this, we organised two meetings before the German elections with all the countries involved with General Motors/Opel, and yesterday we organised the third one. It was the third ministerial meeting on Opel organised by the Commission, and the first since General Motors decided not to sell Opel.

Other than being a facilitator, mainly by ensuring that all stakeholders have the same information, the Commission will continue to ensure that internal market and State aid rules will be respected. This is very important to avoid a ruinous race to subsidies between Member States which will, in the end, benefit no one.

But the ball now is clearly in GM's court. Indeed only after the GM business plan is known, and our Member States might be willing to provide State aid, can the Commission assess whether competition rules are being respected. We cannot act on suppositions. Only in the face of business plans can we say whether they are or are not compatible with our Community rules.

**Hans-Peter Martin (NI).** – (DE) I am very grateful for your offer, Mr Barroso, and I will be happy to take you up on it. Your oral dialogue is also at issue though, of course. I am sure that we can come to an arrangement in this regard. In the second part of your answer, you mentioned an absolutely key issue, namely that there is not only a race to carry out wage dumping, but also a subsidies race. It was a very clever move to convene the summit yesterday. What conclusions have you drawn from it? How, in future, can we combat the emerging danger of a subsidies race, as we have experienced time and again between various EU Member States at the cost of European taxpayers, while also, of course, intervening in the economic process of these dynamics?

**José Manuel Barroso, President of the Commission.** – It is precisely by strict implementation of State aid rules, and this case is indeed a very interesting one for all of us – apart from those parties involved – because, as your question suggests, if every Member State were to start competing with the others to see who can give more money to a company, we would have something that is bad for the Member States, that is not good for consumers, and not good for taxpayers' money.

The guarantee I can give you is that the Commission will be strict in the implementation of State aid rules, not because we are fundamentalists as regards the market or competition rules, but because we believe it is important to have a strict Community approach and to have a level playing field for all companies and all Member States – the big and the small, and the rich and the not-so-rich. That is the best way to ensure that we remain fair in our Union.

*Follow-up to the European Council of 19 November 2009*

**Kinga Gál (PPE).** – Mr Barroso, I warmly welcome your statement just now that you intend that there should be a portfolio within the Commission dealing with fundamental rights.

I would add a further question to this. As you are perfectly aware that a significant number of autochthonous national minorities and language minorities live in the EU – 15 million people, 10% of the population – do you intend to incorporate the issue of these communities, these national and language minorities, into the portfolio of the new Commissioner dealing with fundamental rights?

I think that especially after the Lisbon Treaty and the Charter of Fundamental Rights enter into force, the EU should further elaborate its approach towards these communities.

**José Manuel Barroso**, *President of the Commission*. – The answer is simple: yes. My intention is precisely to place non-discrimination issues – including, of course, issues of minorities – under the responsibility of the Commissioner for Fundamental Rights.

**Glenis Willmott (S&D)**. – I was also going to ask a question about gender balance in the Commission, so I would like to take this opportunity to congratulate Cathy Ashton on her appointment. I am sure you will agree with me that she is a great talent. I am delighted that the first High Representative role is going to someone from Britain, and I am particularly pleased that it is going to a British woman. It is something that we, the women in the Socialist Group, have, for some considerable time, been calling for.

Cathy Ashton was the leader in the Upper House in the UK when the Lisbon Treaty was steered through – no mean feat. She has great political skills and has accomplished a great deal since being a Commissioner. Her quiet diplomacy, rather than an ‘ego on legs’, has ensured agreements where others have failed and where it has proved difficult in the past. I would say to Cathy Ashton that she is not there to stop the traffic, but actually to create the traffic system. I know she will do a fantastic job.

**José Manuel Barroso**, *President of the Commission*. – I am extremely proud and happy that Catherine Ashton has been designated as the first Vice-President of the Commission and High Representative. It is an appointment that I very much supported and approved during the European Council. Of course, we all know her well as someone who has both the political skill and the sense of direction to take on the demanding task of High Representative and Vice-President of the Commission.

We all know that this is an innovation. It will take time for all of us to learn how to use new arrangements to deliver the best results in terms of the European Union’s increased role in the world. What is clear is that we will only achieve this by a real partnership between institutions. That is what the double head is designed to provide and what I am determined that the Commission will offer: to have the best possible role in the world.

Of course I am extremely happy that she comes from Britain – I think it is essential that Britain remains at the centre of the European Union – and also that she is a woman because, as you know, I have been very committed to the gender balance. So for all these reasons, and also because she is my colleague in the Commission, I was – as you can imagine – extremely happy with that decision.

**Andrey Kovatchev (PPE)**. – (BG) First of all, I want to make one clarification for Mr Schulz. The Bulgarian prime minister has never called for the Bulgarian Socialist Party to be banned. Now for my question to Mr Barroso. After 19 November, is it clear which areas of foreign policy will remain as part of the Commission’s competences and which will be transferred to the External Action Service, such as enlargement, trade or aid to developing countries?

**José Manuel Barroso**, *President of the Commission*. – Yes, the High Representative will, at the same time, be Vice-President of the Commission, so it is a great opportunity to put together the CFSP competences – which lie with the High Representative – and the traditional Community competences in external relations. To put it simply, we have the same person performing the task of Javier Solana and Benita Ferrero-Waldner. That person will be doing this as Vice-President of the Commission but also as President of the Council of Foreign Affairs. I think it is extremely important to have this idea at that level.

In general, at the level of Heads of State or Government, as the Treaty of Lisbon states very clearly, it is for the President of the Council to represent the European Union in CFSP matters at this level and in that capacity, and for the Commission to represent the European Union in all other external matters, as set out in Article 17 of the Lisbon Treaty.

**Derek Vaughan (S&D)**. – Mr Barroso, you may or may not wish to comment on the recently leaked budget review paper, but you will no doubt be aware that it has caused great concern in many regions across Europe. Indeed, the First Minister for Wales, Rhodri Morgan, has recently written to you expressing his concerns.

In view of this, can I ask you if you will be bringing forward new proposals that ensure regions across Europe will have access to structural funds post-2013? And, if you do intend to bring forward such proposals, will it be under this existing Commission or under the new Commission, when it is appointed?

**José Manuel Barroso**, *President of the Commission*. – I can tell you that I have read the letter from the First Minister for Wales, but I have never read the document mentioned.

There are some working documents in the Commission, drawn up by all its services, but they do not reflect the Commission's views. It is only the College of Commissioners that takes positions that are binding on the Commission. We are at a preparatory work stage. I can tell you that personally, I am extremely committed, as you know, to social, economic and territorial cohesion, and that regional policy remains a top priority of the next Commission.

Regarding the budget review, I have decided in agreement with Parliament – in the person of the Chair of the Budgetary Committee – to present the budget review at a later date. It makes sense first to have an agreement on the broad outlines of the European Union 2020 strategy, with the budget review then being presented by the new Commission so that the new College will have full ownership of that proposal in order to work with you very closely on the future financial perspectives.

**Sarah Ludford (ALDE)**. – Chris Patten said the danger in the Balkans is that they pretend to reform and the EU pretends to believe them.

That seems to be happening in Bosnia, which is sliding alarmingly towards dysfunction if not destruction. The international community and the EU are perceived in Bosnia as failing to insist on reforms and failing to stand up to Milorad Dodik, Republika Srpska leader. The office of High Representative, while it still lasts, has been undermined and the authority of the international community weakened.

How would you answer the charge that the EU is running an agenda in the Western Balkans which is to the benefit of the Serbs in Belgrade and Bagna Luca – with the Bosniacs the losers?

Will you encourage the new High Representative and, when she is confirmed, Vice-President of the Commission, Cathy Ashton, to make Bosnia an absolutely top priority? How will you ensure that the EU's special representative has real leverage, a clear mandate and the united support of the EU behind him or her?

**President**. – I would like to say something which is very serious. We are talking about the outcome of the last Council meeting, of 19 November 2009. I know that almost anything could have been said or could have happened during the Council meeting, but this was probably not an issue at the last Council meeting, so please keep to the topic, because it is necessary.

**Sarah Ludford (ALDE)**. – I asked about Cathy Ashton, the High Representative, who was appointed last week. That is very much 'follow-up to the European Council'.

**President**. – OK, fine, if President Barroso would like to answer that, but I would like to ask you, colleagues, to keep to our topic, which is very clearly defined.

**José Manuel Barroso**, *President of the Commission*. – First of all, let me tell you that I fully share the concerns expressed regarding the situation in Bosnia. In fact, it is becoming an extremely difficult matter. We are discussing this with the Bosnian authorities and with all the relevant players, within and outside of Europe.

Of course my answer to you is yes, I hope that Cathy Ashton will devote great attention to it, together with the Commissioner for enlargement, because Bosnia, as you know, is in the European Union's area of potential enlargement. Certainly we have to do everything to be sure that the country establishes itself on its own feet and that it is able to consolidate its existence as a full state, a democratic state, that has aspirations one day to join our Union.

**Elisabeth Schroedter (Verts/ALE)**. – (DE) You just spoke of how you have now opened the consultations for the post-Lisbon process. The post-Lisbon process will, then, be taken care of by the new Commission collectively.

There is a great deal of irritation that the consultation process has been so long in coming. There is also a serious fear that it is only a formality and that the results of the consultations will not have any serious influence on the post-Lisbon process.

What is your proposal for how all the stakeholders and a fundamental analysis of the consultation process can be integrated into this process and into the Commission documents? Which Commissioners will you give the task of ensuring that this takes place, and what is your own responsibility in this regard?

**José Manuel Barroso**, *President of the Commission*. – My responsibility is the overall coordination of the Commission and of the strategy, but I will be working with several Commissioners because, as you know, this European Union 2020 strategy is, by nature, a transversal strategy, covering very important sectors, from economic competitiveness to sustainability – i.e. the environment – as well as social inclusion aspects. So it is a very broad remit of competences.

Regarding the delay, you are right: there is some delay. Unfortunately, this is due to the fact that the European Council did not take its decision any sooner, with the result that we cannot have the Commission in place.

So we are launching the working document today so that everything can be ready for the Spring European Council in March, because we ought to have had a new Commission by now and we have not got one yet. I hope to have it by the end of January.

Anyway, I have only today – and this is another piece of news I want to give you – received the final name of the 27 Commissioners-designate. Only today. That is why we are running a little late, but nevertheless I think we have to make the most of the consultation period so that we have a serious consultation about the future European Union 2020 Strategy.

**Isabelle Durant (Verts/ALE)**. – (FR) Mr Barroso, I would like to go back to the question that my colleague asked just now. The timetable that you are giving us is extremely tight. How can we define a strategy for now until 2020 in three months? We have to draw up a strategy for the whole of the European Union on social, economic and environmental matters, and we are given three months and a consultation period that starts today.

I would therefore like to draw your attention, Mr Barroso, to the fact that I believe that we must wait for the Commission itself to be formed, so that we can put our questions to it, but above all, that we should take the time to create a real project. We cannot define a project for the European Union in three months.

**José Manuel Barroso**, *President of the Commission*. – (FR) I share your concern on this issue. That is why, moreover, we have decided to do this now and not to leave it until a later date. You will therefore have more time. If we wait for the new Commission to take up office, you will probably have to wait until the end of January, and so we are already doing it. The details will be published on the internet today, if they are not already on there. I am also hoping for a commitment from you on this point. I myself am ready to make a commitment.

In any case, the spring European Council marks the beginning, not the end, of the process. However, the rotating Presidency of the Council – which the Treaty of Lisbon preserves, as you know – the Spanish Presidency, has urged us to draft an initial document that will serve as a basis for discussion. That is why I was keen to present it now. I will do my level best to ensure that all those who are affected by this issue can participate in and make a contribution to the revision of what is, as you yourself have emphasised, a highly important strategy.

**Ryszard Czarnecki (ECR)**. – (PL) Mr Barroso, if we look at the main executive positions at the top of the European Union, in the match between the new EU and the old EU, the result is 3:0 to the old EU. From 1 January 2012, when there will be a new President of the European Parliament, there will be no one at the top of the European Union who will represent the 12 new Member States. How would you defend this decision?

**José Manuel Barroso**, *President of the Commission*. – First of all, the President of the Council and the High Representative are not there representing a part of Europe: they represent all of Europe.

Let me say that I was very happy also with the nomination of Herman Van Rompuy. When Prime Minister Reinfeldt put forward his name, it was evident that this was the name that could secure consensus around the table. And the fact that he comes from Belgium, bringing instinctive support to the Community method and being instinctively pro-European – that is a very good tribute to Belgium as well.

Having said this, with regard to the importance of the new Member States, I think you have already made their importance clear by the election of Mr Buzek as President of the European Parliament: someone coming from a new Member State, someone who has given so much for the reunification of Europe.

So, when we are in these positions, I am not here representing one country or one region: we are representing the whole of Europe.

**Miguel Portas (GUE/NGL).** – (PT) Mr President, last week, the Council acknowledged the agreement between the institutions on the budget for 2010. The consequences of the decisions made in Copenhagen should not form part of this agreement or commitment. Rather, they should be the subject of an amending budget.

The question I would like to put to you is a very simple one: bearing in mind the difficulties we have seen in funding the second tranche of the economic recovery plan for this very budget, where does the Commission suppose that it will get the funds to finance the first year of combating climate change, which will call for EUR 2 billion, at the very least? Moreover, this total will increase year on year, so where does the President suppose the money will come from?

**José Manuel Barroso, President of the Commission.** – (PT) Mr Portas, thank you for your question. It is true that getting Parliament to agree to approve a specific budget for some of the actions relating to energy efficiency, energy security and the fight against climate change proved extremely difficult, and I am very happy that this has been achieved. I would like to thank all those who made the approval of this budget possible.

If, as I hope, we come to an agreement in Copenhagen, we will then have to work to find the funds necessary to implement that agreement within the budget.

We are not quite there yet, but I am absolutely certain that if the Member States come to an agreement on future funding for mitigation actions needed for developing countries, then they will also have to come to an agreement on the funds that will have to be made available to meet this objective.

**Lena Kolarska-Bobińska (PPE).** – (PL) Mr Barroso, the designation of Mrs Ashton and Mr Van Rompuy, and the Lisbon Treaty itself, will cause changes in the way the Commission works. Some changes are set down in the Lisbon Treaty, but other changes are imprecise and unclear, and will be shaped by certain practices and decisions. I would like to ask what changes you foresee in the work and function of the European Commission in the immediate future and in the next few years. Now is a good time to introduce such changes and, as I said, there are currently possibilities which are not fully specified in the Lisbon Treaty. You spoke of the designation of certain Commissioners. I am talking about policies and actions which are not just limited to the designation and division of function of new Commissioners.

**José Manuel Barroso, President of the Commission.** – I agree with your general point that the institutions are also the way we shape them in practice. That is why I was so happy with the designation of Cathy Ashton and Herman Van Rompuy, because I know that both of them are committed to a real European spirit and to Community matters.

Regarding the practicalities, Cathy Ashton will become High Representative and Vice-President of the Commission, by virtue of the European Council Decision, on 1 December. On the same day, she will become responsible for the external relations portfolio as Vice-President of the Commission. As Vice-President of the Commission, she is accountable to Parliament, and Parliament knows how much Cathy Ashton is committed to parliamentary democracy. I know that she is anxious to meet as quickly as possible with the Committee on Foreign Affairs so that her new role can be launched on the right footing.

With regard to the next college, Catherine Ashton will also have a hearing alongside the other Commissioners-designate and will be subject to your collective vote on the next college.

**Mitro Repo (S&D).** – (FI) Mr President, Commissioner, with reference to last week's meeting, I would like to ask if you yourself are happy with the selection process by which two important top posts were filled, or do you also agree that some of the Union's decision-making procedures could still do with a large dose of extra transparency and democracy?

I would like to ask you if the selection method applied, where the candidates appeared as if out of thin air, was a way to confirm the EU's authority, and did it boost confidence in EU decision making? Should the big political groups be thinking seriously about what sort of candidates to put forward for top positions in the future, whether the selection process can be revised and improved in some way, and who should do it? Presumably, that will be the task of the European Parliament and its Members. This time, Finland had highly qualified candidates and we should be glad about that.

**José Manuel Barroso, President of the Commission.** – First of all, as you know, the provisions of the Lisbon Treaty were fully respected and I, of course, support the implementation of the Treaties. We have to respect the rule of law in the European Union.



Regarding the persons that were chosen, honestly I think we have to respect them because Minister van Rompuy is Prime Minister of Belgium and Lady Ashton is a Member of the Commission. So I believe they have the qualities to fulfil their responsibilities.

Regarding the institutions, it is important to note that the President of the Council has to be selected by the Heads of State or Government. It is not an election like that for the President of France or the President of Portugal. It is the President of the European Council, and that President is selected by the Heads of State or Government. It is different from the President of the Commission, who was selected by the Heads of State or Government and elected by this Parliament. So we have to respect the different logic of the different institutions.

**Jens Rohde (ALDE).** – (DA) Mr President, Mr Barroso, in this item, there has been a lot of discussion of the composition of the Commission and the portfolios that the Commissioners will be given. One thing that we in the Group of the Alliance of Liberals and Democrats for Europe Group are very concerned about is what portfolio the new climate commissioner will be given, since that will be crucial in deciding whether it is all just a load of hot air or whether we will have a commissioner who can really make a difference when it comes to climate change – while at the same time safeguarding Europe's competitiveness.

I would therefore like to ask what the President of the Commission is doing and will do to ensure that the post of climate commissioner will have the weight that the President of the Commission has indicated that it should have. In this connection, I have two specific questions: will the climate commissioner be responsible for the area of energy, and will the climate commissioner have his or her own directorate?

**José Manuel Barroso, President of the Commission.** – First of all, I think it is fair to welcome the fact that we are going to have a Commissioner for Climate Action. So far, that position has not existed. It is precisely because there is a lot to do and I want to give weight, to use your expression, to this function that I have decided and have announced to Parliament the creation of the post of Commissioner for Climate Action. That Commissioner will have a lot of responsibilities. He or she will have to mainstream climate action, because climate action has to do with energy but also with the environment, research, agriculture and industry. So this is a very important coordinating role for climate action, both internally and externally.

It is quite evident that Copenhagen will not be the end of the process. I hope we will have an operational agreement at Copenhagen, but there will also be a lot of things to do after Copenhagen, including the work with our main partners.

The Commissioner for Climate Action will therefore have a very important role, externally and internally, to fulfil all our expectations for a strong climate policy in the European Union.

**John Bufton (EFD).** – Mr Barroso, following the appointment of the new President, Herman van Rompuy, there has been a lot of speculation over whether direct EU taxes will be introduced. Can you tell me please, honestly, if this is the case, and how you intend to raise such taxes?

**José Manuel Barroso, President of the Commission.** – First of all, I do not see what the relation is between taxes and Herman Van Rompuy because it is not for the Council to propose taxes. That is a competence of the Commission.

My answer is the following. Firstly, I always give honest answers; you do not need to ask me to give an honest answer. Secondly, I intend to look at all issues of taxation in the European Union. We have to look at this. We have to look at own resources of the European Union. We have promised it to Parliament. The programme with which I was elected was to look at possible own resources, and this is in the programme that was adopted by this European Parliament.

**Franz Obermayr (NI).** – (DE) The Commission is pushing on with the accession negotiations with Turkey in an extremely uncritical way. In so doing, it is paying scant regard to the mood of the Member States and their residents. The appointment of Mr Van Rompuy as President of the European Council is the appointment of a clear opponent of Turkey's accession and I will quote him now, 'Turkey is not Europe and never will be Europe. The universal values that prevail in Europe, which are also the fundamental values of Christianity, would lose vigour with the accession of a large Islamic country such as Turkey.'

I therefore ask, what is the Commission's position on this unambiguous statement? Furthermore, if the concerns of the public in this regard are not to be taken seriously, what about those of the President of the European Council?

**José Manuel Barroso**, *President of the Commission*. – The Commission respects the position taken by the Member States, and the Member States have decided unanimously to have negotiations with Turkey. We are fulfilling the mandate we received for negotiating on behalf of the Member States with Turkey and with other candidate countries.

It is important to know that this was a unanimous decision by the Member States. It was not an invention of the Commission. There was a unanimous decision by the Member States to negotiate with Turkey, and others, the possibility of their accession.

It is quite clear that Turkey is not ready for accession – neither are we to give them membership – but we should keep negotiating in the spirit of good faith with all the candidate countries.

Regarding the comments made by Mr Van Rompuy, I usually do not comment on comments. As President of the Council, he was very clear that he will also respect the mandate that he receives from the Member States.

**Cristina Gutiérrez-Cortines (PPE)**. – (ES) Mr President, I am going to talk about two concepts, namely coordination and flexibility.

A problem has been found with all the matters that were discussed in the Council. In recent years, there has been an extraordinary lack of coordination between the different Directorates-General in the Commission. Climate change policy has frequently been considered independently of the scientific knowledge of the Directorate-General for Research. It has also been conducted independently of land use, for example, which is linked to climate change.

My first question is as follows. Are you prepared to organise and strengthen internal coordination, in such a way that, when we appoint our commissioners, we can be assured that internal coordination is guaranteed?

My second question relates to the fact that we are talking about competitiveness, about an economic crisis. Is the Commission also prepared to be more flexible on some matters such as REACH and its implementation, which is going to cause extraordinary damage to our own competitiveness? Is it prepared to be more flexible?

My last idea on this coherence policy is that we cannot talk about the economy and recovery without talking about opening up the energy markets. There are countries that do not have an energy market, such as Spain in the case of gas. This means that prices rise and development becomes impossible.

**José Manuel Barroso**, *President of the Commission*. – (PT) I will do everything within my power to improve internal coordination within the Commission, but I must say that I think that coordination has been good. Proof of this is the fact that decisions by the Commission have always been taken by consensus.

It is perfectly natural that when we look at different commissioners, we see that each tries to make a priority of the issue that is his most pressing concern. It is no surprise that the Environment Commissioner shows a greater interest in environmental issues than the Industry Commissioner who, in turn, will show a greater interest in issues of industrial development. What counts, however, is the decision of the College, and here there has been effective coordination.

Moreover, we want to develop an advanced environmental policy while, at the same time, guaranteeing the competitiveness of our businesses. I believe that the proposals put forward by the Commission ensure that we will have appropriate solutions should other countries not subscribe to our high level of ambition in matters of environmental protection. We do not wish to outsource European jobs to countries that do not have the same level of environmental requirements that we have here.

**Juan Fernando López Aguilar (S&D)**. – (ES) Mr President, Mr Barroso, I would like you to clearly express your point of view on two matters associated with the composition of the next Commission.

Firstly, I heard you saying in this House that you were planning to subdivide the Justice and Home Affairs portfolio into two separate portfolios: one for Fundamental Rights and Justice, and another for Security and Immigration. This afternoon, however, I heard you talking about a Fundamental Rights and Justice portfolio and a Home Affairs portfolio, which I think is a much better combination, because it means immigration will no longer be perceived as a threat to security or as an issue that is subordinate to security. In my view, focusing on immigration in that way is not only wrong but also dangerous.

I would like to know if this approach will be adopted and if it is going to affect the structures of the Directorates-General – currently the Directorate-General for Justice and Home Affairs. I would also like to

hear a commitment from you in relation to the legislative programme that the Stockholm Programme will implement in the area of justice, security and freedom. With the Treaty of Lisbon entering into force, Parliament is going to be decisive from the start, and I want to hear a clear commitment from you that you will involve this House in developing the legislative programme arising from the Stockholm Programme.

**José Manuel Barroso**, *President of the Commission*. – (PT) Mr López Aguilar, to answer your second question, yes, we do wish to closely involve Parliament, which is why this will be one of the priorities of the next Commission and something which is already expressed in the constitution, not least because Parliament will have greater powers of decision on this matter.

As for the question of the portfolio, I would like to say the following: there will be a Justice and Fundamental Rights Commissioner and a Home Affairs Commissioner.

Issues relating to immigration have a security aspect. For instance, the Frontex agency will remain under the authority of the Home Affairs Commissioner. It does not make sense to make it the responsibility of any other commissioner. When it comes to matters of inclusion and integration, however, my idea is to make this the responsibility of the Social Affairs Commissioner.

After all, just like Mr López Aguilar, I believe that we should not view immigration solely through the prism of security. Another aspect is combating illegal immigration and trafficking networks. Frontex takes care of this. It must be under the authority of the commissioner who deals with these matters. However, I will place all immigration issues relating to integration and inclusion under the authority of the Social Affairs Commissioner, because these are matters of social inclusion.

**Reimer Böge (PPE)**. – (DE) The European Council has expressed its hope that an agreement on the structure of the European External Action Service might be reached, wherever possible, by the end of April. The Commission must give its approval to these proposals, and I would like to ask you, Mr Barroso, whether the Commission, before approving such proposals, will put forward suitable proposals and take these into the negotiations, specifically with regard to the adaptation of multiannual financial planning, the adaptation of the interinstitutional budgetary agreement and – where there are shifts of responsibility for foreign policy programmes – the adaptation and re-negotiation of these programmes which are, of course, already subject to codecision. This is necessary because, unless there is resolution of the issues I have mentioned, the External Action Service will be just a torso without the requisite budgetary provision and without the requisite abilities to determine content. How will the Commission accomplish these tasks with Parliament over the coming months?

**José Manuel Barroso**, *President of the Commission*. – Thank you, Mr Böge, for your question. I know how committed you are to the rules of the budget and the competence of Parliament.

My answer to you is yes, of course we will come at the proper time with proposals for this Parliament to adopt the necessary adjustments so that this new entity, the European External Action Service, can have the means, the budgetary means, to implement all its actions.

As I have said before, we want this to be one of the great successes of the Lisbon Treaty. I think it is a very important innovation and of course, based on the proposal that will be made by Vice-President Ashton, as High Representative, we will work on this matter together with Parliament.

**Malika Benarab-Attou (Verts/ALE)**. – (FR) Mr Barroso, I would like to inform you that, in a few days' time, we will be observing the International Day of Solidarity with the Palestinian People.

The situation of the crushed, colonised, wounded, killed Palestinian population must not continue.

We Europeans, through our values of solidarity and fraternity, have a responsibility to find a solution to this situation quickly, before it turns into a bloodbath.

The Israeli Government is continuing its colonisations by forced march, and this after it committed war crimes at the start of this year. Symbols and tears are no longer enough. Today, the only solution to stop this deadly policy of the Israeli Government is the recognition and, above all, the existence of the Palestinian State.

The Palestinian people, like other peoples, have a right to a dignified existence that fulfils their aspirations.

As President of the Commission, and together with Mrs Ashton, will you take action along these lines and, if so, how?

**José Manuel Barroso**, *President of the Commission*. – (FR) Firstly, I would like to echo your comments about showing solidarity with the Palestinian people, who are in fact suffering from a lack of respect for their right to self-determination.

With regard to the specific question that you asked me, it is the responsibility of the Member States to decide whether or not they recognise another state.

Our position – the position that the Commission has always upheld – consists in supporting the coexistence of two states: the right of the State of Israel to exist freely and without its security being threatened and, in parallel to that, the right of the Palestinian people to build their own state.

We want the coexistence of these two states to be able to create a new situation, not only for the Israeli people and the Palestinian people, but for the entire region too, since the situation there is really very serious. It is jeopardising not only the hope of the Palestinian people but also peace in the region and peace in the world.

**President**. – Thank you, Mr President of the Commission. We achieved much more than last time, one month ago. Thank you very much, too, for keeping perfectly to your time. We understand that it is not always easy to answer sometimes complicated questions in one minute.

I think it is very helpful for all of us in the two institutions to understand each other. This is very responsible, and it is a very important signal for our citizens that the two institutions can discuss matters and communicate with each other.

We will see you again for Question Hour next month.

(Applause)

#### IN THE CHAIR: MR VIDAL-QUADRAS

*Vice-President*

### 9. Multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm Programme) (debate)

**President**. – The next item is the Council and Commission statements on the multi-annual programme 2010-2014 regarding the area of freedom, security and justice (Stockholm Programme).

**Beatrice Ask**, *President-in-Office of the Council*. – (SV) Mr President, committee chairmen, honourable Members, at the European Council on 10-11 December, a new five-year programme for the area of freedom, security and justice will be adopted. The programme is intended to supersede the current Hague Programme from 2004. The new programme has been preceded by a long preparatory process that was started more than two years ago by the future groups.

The programme will be based on the Commission communication, but also on the many opinions that have been put forward by national parliaments, civil society and various EU bodies and agencies during the process. The programme is, of course, also a result of intensive contact and in-depth negotiations with the EU Member States and also with the European Parliament. The European Parliament's attitude to the future cooperation is important, particularly in view of the greater role that Parliament will have as a result of the Treaty of Lisbon.

On the basis of the previous Tampere and Hague Programmes, significant progress has been made by the EU in the area of freedom, security and justice. However, Europe is still facing challenges that we need to deal with jointly at European level. The entry into force of the Treaty of Lisbon will give us new opportunities to do that and the new multi-annual work programme – the Stockholm Programme – will therefore be based on the new opportunities that the Treaty of Lisbon provides.

The vision of the Stockholm Programme is for a safer and more open Europe where the rights of individuals are protected. The needs of citizens, of individuals, will form the basis for future cooperation in this area in a way that is much more evident than it was previously. We are working on behalf of the citizens, and they need to feel that future EU cooperation is important to them. It should therefore be based on real problems, ask relevant questions and focus on specific measures that will provide added value to people's everyday lives.

Future cooperation in this area must also be based on a better balance between measures aimed at creating a safe and secure Europe and measures aimed at protecting the rights of individuals.

From the citizens' perspective, combating crime is important. Citizens expect EU cooperation to make it easier to prevent cross-border crime, but they also expect freedom and justice. As I have emphasised to the European Parliament previously, measures aimed at providing increased security and measures to ensure legal certainty and the rights of individuals go hand in hand and, of course, this is also possible.

When it comes to combating cross-border crime, the challenges are great. Drugs trafficking, people-trafficking and terrorism are a reality on our continent, while at the same time, we have new types of crime, as a result of the internet, for example. We cannot allow national or administrative borders to prevent the crime-fighting authorities from carrying out their work efficiently.

Cross-border crime-fighting cooperation has been developed, but we still have more to do to achieve effective European police and criminal law cooperation. We need common solutions to common problems. Well-developed police cooperation, an efficient exchange of information and experience and well-developed working methods are fundamental in dealing with these problems.

A key element of combating crime is, of course, an efficient exchange of information, tailored to our needs. At European level we should, in certain cases, standardise the exchange of information, adapt it to our needs and make it more efficient. At the same time, it is extremely important to ensure that the exchange of information complies with the basic requirements for data protection and the protection of privacy that we must impose and that no more information is gathered and stored than is needed to serve the purpose. We must create a secure Europe in which cross-border crime is combated effectively, while at the same time, the privacy of individuals is respected. It is completely possible and absolutely necessary to do both of these things. It is a matter of finding the right balance for the various measures.

The principle of mutual recognition must continue to be a fundamental principle in our legal cooperation. A prerequisite for Member States wishing to recognise and enforce the judgments and decisions of other States is that there is mutual trust in one another's legal systems. It is also a question of trust between our national authorities, and citizens should have trust in the measures that are decided on. One way of increasing trust is to increase our knowledge of one another's legal systems. It may be a matter of providing training, exchange programmes, strengthening existing networks and well-developed evaluation mechanisms.

However, perhaps the most important measure for developing trust is to guarantee certain minimum rights irrespective of where someone is within the European Union. These are simple things such as being able to find out, in a language that you understand, what you are accused of and what rights you have as a suspect or victim in a legal process. It is very gratifying that, within the Council, we have been able to agree on a road map for how the procedural rights for suspects and defendants are to be dealt with and implemented step by step. It would be desirable for the road map to be included in the Stockholm Programme and I believe that it will be.

The Stockholm Programme should also clearly take the perspective of the victims of crime. Citizens who become victims of crime in their own country or in another Member State should receive relevant information in a language that they understand and be offered adequate support, information and protection prior to, during and after criminal proceedings. Victims should also be offered adequate compensation for the damage or injury they have suffered.

Finally, I would like to say a few words about the civil law issues which, to a large extent, affect the everyday lives of individuals. One specific issue is the review of the Brussels I Regulation on recognition and enforcement of judgments from other Member States. They may seem like very technical issues, but they are very important for individual citizens.

One of the most important issues is the abolition of the exequatur procedure. Currently, anyone who wishes to have a judgment enforced in another Member State must first apply for and then be granted enforcement by a court in that country. It takes time and incurs costs for the individual. We have noted that there is a high level of support for the abolition of the exequatur procedure, but it must be compatible with procedural guarantees and rules on the choice of law.

These are some of the major and important issues that have been highlighted by Sweden and by many Member States. Thank you very much for your attention and I look forward to listening to your comments and answering your questions. However, before I do that, I will pass the floor to my colleague, Mr Billström,

who is responsible for some of the asylum and migration issues that will be important in the forthcoming Stockholm Programme and he will present these to you now.

**Tobias Billström**, *President-in-Office of the Council*. – (SV) Mr President, honourable Members, I would like to begin by thanking the European Parliament for its very constructive cooperation in respect of the European Asylum Support Office. There are still a few formalities to iron out, but the conditions will soon be in place for this office to be set up. The Council has a very positive view of the constructive cooperation with the European Parliament that has led to us achieving this result. It bodes well for the increased cooperation that we will experience once the Treaty of Lisbon enters into force. The fact that we have been able to arrive at a quick decision with regard to the Support Office is a good example of an efficient and well-functioning codecision process.

What we are to debate here today is, of course, the forthcoming five-year programme for the work in connection with justice and home affairs. I will start by saying that much has happened within the EU in the area of asylum and migration over the last few years. For example, we have taken decisions on joint legislation with regard to the first foundations of a common immigration policy and a common asylum system. Incidentally, that is an objective that was stated in both of the previous work programmes from Tampere and The Hague. When the European Council adopted the European Pact on Immigration and Asylum last year, this policy area was given new political force. Now it is time to set the course for the continued development of the policy in this area. The basic premise for our work is that well-managed migration can be a positive thing for all parties concerned, not only for the individual Member States and for the EU as a whole, but also for the countries of origin and the individual migrants. If we are to be able to meet the objectives of the Lisbon strategy that the EU should be a dynamic and competitive economy, we will probably need to allow the immigration of workers on a larger scale than we are currently doing, particularly in view of the demographic challenge we are facing.

In order to emphasise the international dimension of migration, the issue of cooperation with the countries of origin and transit within the framework of the global approach to migration and development should have its starting point in the Stockholm Programme. The instruments that have been developed, such as the partnership for mobility, should continue to be developed and consolidated in a strategic way. The link between migration and development must be utilised better and appropriate measures for better utilising the positive effects of migration on development must be stepped up.

During the work on the Stockholm Programme, it emerged that there is agreement on the need for the Member States to prevent illegal immigration into the EU in a joint and coordinated way. The development of an effective repatriation policy is an important element of this work. There is no doubt that Frontex has an important role to play in this regard, and it is clear that the Member States want to see the agency strengthened. Increasing cooperation with the countries of origin and transit is also of major interest. However, I would like to emphasise that, in the work to prevent illegal immigration, it is important that we maintain a balance, so that security measures are not implemented at the cost of making lawful immigration to the EU complicated or access to the asylum process more difficult for asylum seekers. The risks to vulnerable groups, for example, children coming alone, must also be minimised. The Commission is going to produce an action plan containing measures that take account of the best interests of the children.

The issue of solidarity and division of responsibility will be dealt with in the Stockholm Programme. There are no simple solutions. Our starting point should be to seek broad and sustainable solutions, based on the global approach to migration and the awareness that joint cooperation with third countries is a crucial factor. Some form of solidarity mechanism needs to be developed to be able to help those Member States that find themselves under particular pressure and that receive a disproportionate number of asylum seekers. The Member States must also receive support for further capacity building. Frontex must be strengthened and be given a greater role in repatriation. The aim is for us to be better able to show solidarity with both the Member States and the third countries that are subject to the greatest migration pressure. At the same time, we must be clear that we need a comprehensive approach that is sustainable in both the short and the long term.

It is important for it to be stated in the Stockholm Programme that the goal previously set of creating a common European asylum system by 2012 at the latest remains. The mainstay of the common asylum system must be that an individual asylum seeker should experience the same reception and have his or her application assessed according to the same criteria irrespective of which Member States he or she arrives in. Well-functioning practical cooperation is fundamental to us being able to achieve this. In this connection, the Asylum Support Office will have an important role to play.

Another important element of the common asylum system is what is known as the 'external dimension'. I am thinking primarily of the resettlement of refugees from third countries. The Commission has recently presented a proposal for a joint EU resettlement programme. This is one aspect that the majority of Member States would like to see reflected in the Stockholm Programme.

In order to be able to meet the objective of having a common asylum system by 2012, we need close cooperation between the Council and Parliament. There are a number of proposals for legislative acts on the table. We need, first and foremost, to make progress on these.

The link between the EU's internal work on justice and home affairs and the Union's external relations has become more and more important to enable progress to be made, and not only within asylum and migration policy. The EU's role as a global player in this area should therefore be strengthened, and particular focus should be placed on partnership and cooperation with third countries. The justice and home affairs perspective in the EU's external relations needs to be developed.

This is the main feature of the Presidency's draft of the Stockholm Programme. We are now at the end of a very intensive period of negotiation and the programme will hopefully be adopted in a couple of weeks' time.

Finally, I would like to say a few words about the Treaty of Lisbon. The new treaty will bring major changes in the area of freedom, security and justice as a result of the introduction of a number of new legal bases. The ordinary legislative procedure that is being introduced will mean that the European Parliament is given a greater role in the legislative process in a number of areas. Mrs Ask and I are looking forward to increased cooperation with the European Parliament. I also believe that the new tasks conferred on the national parliaments will be important in strengthening the democratic control over this policy area. Thank you very much for your attention. As my colleague Mrs Ask said, we now look forward to hearing your views.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, following the excellent reports by Mrs Ask and Mr Billström, I am going to focus on the main issues.

Firstly, I wish to thank the Presidency for having kept the spirit of the Stockholm Programme and for having put Europeans at the heart of its action, in its communication. We hope that this text, which should be adopted by the next JHA Council and then submitted to the December European Council, will be an ambitious and balanced text and obviously one that reflects the new institutional balance.

You are going to become colegislators now in virtually all areas of justice and home affairs, and it is therefore true that this parliamentarisation of the European Union represents increased powers for the European Parliament in the decision-making process, but also greater control by the national parliaments of their respective governments. This involvement of the parliaments is an opportunity for this major area of security, justice and freedom.

I now come to the priorities highlighted in your draft resolution. You emphasise respect for fundamental rights. You are right to emphasise this freedom of movement, which is a major asset and which obviously must not be called into question.

With regard to fundamental rights, we have achieved two major breakthroughs with the Treaty of Lisbon: the Charter of Fundamental Rights becomes binding, and the door is open for the Union to become a party to the European Convention on Human Rights. As you stress in your resolution, we must come up with a comprehensive data protection system that incorporates technological developments. The Commission will present a communication on this subject in 2010. I also believe that we will have to cover all of the Union's policies with this comprehensive data protection system.

You emphasise child protection. With the Swedish Presidency, we have celebrated once again the International Convention on the Rights of the Child, which is in its 20th year. The Union must remain at the forefront on this issue. That is why we will present an action plan on unaccompanied minors in early 2010.

Generally speaking, the Commission and Parliament share the same will when it comes to combating all forms of discrimination and to promoting equality between men and women. I welcome the fact that Parliament and the Commission take the same approach, which is to put Europeans at the heart of their action with regard to freedom of movement, electoral rights, consular protection, and so on. We are now going to be able to put all of this into practice. The Treaty of Lisbon authorises the citizens' initiative procedure, and the Commission has just published a green paper on this point. A proposal will be submitted in 2010 on the basis of the outcome of the consultations carried out.

As Minister Ask explained very well just now, we need to make the judges in our Member States share a common European judicial culture. This hinges on training. We have made a commitment in the Stockholm Programme: at least half of the judges and the prosecutors in the Union will have to have received European training or have taken part in an exchange with another Member State.

You also stress the need to facilitate access to justice and to support the proper functioning of the economy. You emphasise the protection of victims – victims of domestic violence and victims of terrorism. The Commission will also submit proposals on this issue, taking advantage of the opportunities offered by the Treaty of Lisbon.

With regard to the security and protection aspect, you highlight the lack of a comprehensive strategy on security architecture and border management. That is why, as Mrs Ask explained very well, the Stockholm Programme contains a genuine internal security strategy – a strategy that respects, of course, fundamental rights, and that complements the external security strategy.

This comprehensive internal security strategy is based on police and criminal justice cooperation and on managing access to European territory.

As Mr Billström rightly pointed out just now, immigration policy must be part of a long-term vision for optimising the contribution that migrants make to economic and social development. We must provide legal immigrants with a clear and common status. We must also prevent and reduce illegal immigration while showing respect for human rights and human dignity. I would add that we have outlined in this part the elements of the overall approach that will enable development and migration to be linked.

On the subject of asylum, I support your call for genuine solidarity between the Member States. The Union must become a true common and united area of protection, based on respect for fundamental rights and for high standards of protection, and asylum must be offered, as Mr Billström said, in accordance with the same criteria in Europe. Solidarity among Member States and, in particular, towards those who receive the largest numbers of refugees, must be demonstrated in full.

This area of freedom, security and justice does, of course, demand a strong external dimension that is consistent with the Union's foreign policy. You mention on several occasions, in your resolution, the importance of monitoring, the conducting of assessments. We share your view on this point too. We must reduce the considerable gap between the standards and policies adopted at European level and their application at national level. We must also give thought to the possible impact of legislative proposals on citizens and we must improve the way in which the evaluation of the instruments adopted is used.

To conclude, the Commission is fully involved in negotiating the Stockholm Programme. I said how satisfied I was with our cooperation with the Swedish Presidency, with which we have really done a thorough, serious job. Obviously, Parliament's opinion is very important to us, not least in these final moments before the Stockholm Programme is adopted by the European Council. That is why I thank you most sincerely, and that is also why I, in turn, will listen to you very carefully. Thank you, Parliament.

**Manfred Weber**, *on behalf of the PPE Group*. – (DE) Mr President, Mr Vice-President, Ministers, ladies and gentlemen, I have been here in the European Parliament for 5 years now, and I work in the field of internal affairs and the law. Today, therefore, is a day of joy for me, when we have the opportunity to debate the programmes for the next five years, when we will be able to deliberate on this future as a European Parliament on an equal legislative footing.

We are discussing a dossier, a subject area, that exercises the public, where the public expect answers from us, where they even say that this is an area where we need more Europe. That is not so for every subject area, but in this case it is. They are making demands of us. They want answers from us. I therefore want to very briefly describe the change that will result from the new working basis and these subjects.

The first point is working with the Council. We always have representatives of the Council here and they always tell us, as Presidents-in-Office of the Council, that Parliament is very important and that we must work together. When they leave that role, however, that understanding often crumbles away. It will be our job, as parliamentarians, to demand of the Council that it no longer allow this understanding to slip away, or for it – as with the SWIFT agreement, for example – to create precedents, despite not involving us here in Parliament in the approval process. That cannot, and in future, will not, be the situation any longer. It was a bad example of the institutions taking each other seriously.



My second point is that we must be creators of ideas. The new treaty gives us the opportunity to table legislative initiatives. If we want to strengthen Frontex, we cannot just call for things to happen and just make proposals, we must also put legislation on the table. In future, we will have the opportunity to do that.

My third point is that we also need to be a serious partner, one that does not just draw up wish lists. If, for example, we are dealing with the fight against illegal migration, we must not just take on NGO positions, we must be a serious partner. Finally, the European Parliament must take subsidiarity seriously. If we have competence, we must also consider which subject areas would be better dealt with at the national or regional level.

These are four subjects that I think are important for the forthcoming few years. The Group of the European People's Party (Christian Democrats) would have liked the proposals for the Stockholm Programme to have been much more ambitious still, but today is a day to rejoice that we are entering this new phase, and all that remains to be said is let us get on with the work!

**Monika Flašíková Beňová**, *on behalf of the S&D Group*. – (SK) The introduction of the Lisbon Treaty will make an important contribution to the success of this entire initiative.

The process brought in by the treaty will strengthen the Union from within and also in a global context, and is also very closely linked to strengthening cooperation in the area of the current third pillar. The Union will be more open, more effective and more democratic. The main challenge and priority is to secure fundamental rights and freedoms as well as integrity and security in Europe through fully supporting effective implementation and sufficient respect for and improvement of existing legal instruments, while taking into account the protection of human rights and civic freedoms.

The Stockholm Programme emphasises the assertion of these rights, especially in the areas of justice and security. We must give precedence to mechanisms which facilitate the access of citizens to the courts so that their rights and lawful interests can be enforced throughout the Union. It must also be our strategy to strengthen police cooperation and the enforcement of rights as well as improving security in Europe.

I would hereby also like to thank all of the rapporteurs for their conclusions and you, Mr President, for the time.

**Jeanine Hennis-Plasschaert**, *on behalf of the ALDE Group*. – Mr President, officially I could now sum up the parts of our 27-page resolution that are most relevant for the other groups, but I will not. I would like to share the following story with you.

On a British Airways flight from Johannesburg, a well-off, middle-aged white South African lady found herself sitting next to a black man. She called the stewardess over to complain about her seating. 'What seems to be the problem, Madam?' 'Well, can't you see?' she said, 'I can't possibly sit next to this disgusting human. Find me another seat!' A few minutes later, the stewardess returned. 'Madam, unfortunately, as I suspected, economy class is full. I have spoken to the cabin services director and Club is also full. However, we do have one seat in first class.' Before the South African lady had a chance to answer, the stewardess continued, 'It is quite exceptional to make this kind of upgrade, but given the circumstances the captain felt that it was outrageous that someone should be forced to sit next to such an obnoxious person.' She then turned to the black man sitting next to the South African lady and said, 'Sir, if you would like to get your things, I have a seat ready for you in first class up at the front.' The surrounding passengers gave a standing ovation while the black man walked up to first class.

Now, what has this got to do with us? Do we consider others inferior? The white South African lady would shock us all. But that was obviously an extreme example. However, I do think that some of our colleagues in the EPP in particular, but also in the Council, understand perfectly what I am trying to say here. The other group, my group, firmly believes in a Europe which people can understand, trust and believe in. Such a Europe must be based on human rights, fundamental freedoms, democracy, the rule of law and, yes, true equality for all. It is high time to tackle all forms of discrimination on all grounds, including on the basis of sexual orientation.

**Jan Philipp Albrecht**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, we in the Group of the Greens/European Free Alliance are already very much asking ourselves how it can be that we are deciding here about a resolution on a programme that is already out of date? Only yesterday, the Swedish Presidency tabled a new and highly amended proposal for the Stockholm Programme. I would assume that the vast

majority of Members of this esteemed Chamber have not had the opportunity to read the proposal in question. In my opinion, that is an unacceptable situation for this highly sensitive matter.

What is more, the procedure within Parliament that led to this resolution was largely opaque and, at times, chaotic. The smaller groups were excluded from the process of drawing up the resolution as far as possible, and the abundance of amendments to the procedures of the joint committees posed significant obstacles to democratic decision making. Please make allowance, then, for our requests for a whole series of split votes. Parliament seriously needs to consider how it wants to deal with these conditions, both in respect of the Council and of its own Members.

I will turn now to the content of the Stockholm Programme. Parts of this work programme are undoubtedly to be viewed as progress. When it comes to justice and the common construction of civil law rules, we Greens, too, see positive beginnings for the coming years. However, when it comes to the relationship of the citizens to the State, the programme is a manifestation of an utterly badly erected framework. In relation to migration and asylum policy, civil rights and data protection, the need for security in Europe has been prioritised ahead of human rights and freedom. It is being openly suggested that more freedom in Europe would automatically lead to less security.

I ask you, what happened to the founding myth of the European idea, in this case? Fear is being stoked here, and not – as it says in the programme – justified fear of organised crime or terrorism, but fear of our fellow human beings here in Europe, fear of those who want to come to Europe and, above all, fear of anything that we think in some way foreign.

The Stockholm Programme, and regrettably also the proposed resolution, continue the linking of internal and foreign policy in order to facilitate the monitoring of everyone in Europe and the depriving of the people on our external borders of their rights, which is to be enforced by Frontex. Europe must finally leave this trend behind it and put the wrong moves of recent years under the microscope.

That also means consciously standing up and advocating what you believe in. This applies, for example, to our debates about the SWIFT agreement. Why are we once more giving way to US policy when it comes to security policy matters – as in the case of the SWIFT agreement – without reason, and without having a comprehensive debate on the matter in this House once again. Why do we, Parliament, allow the Council to run rings around us time and again? We, Parliament, very much need to do something about that. Send out a message here and now in favour of human rights and in favour of freedom – including to your governments – and vote in favour of all our amendments. We Greens cannot vote ‘yes’ to the resolution as it stands.

**Timothy Kirkhope**, *on behalf of the ECR Group*. – Mr President, the motion for a resolution to which we are referring in this debate is a perfect example, I have to say, of the European Parliament at its worst. Whilst I acknowledge the hard work of the rapporteurs, and no doubt their noble intentions, by trying to include everything in the 27-page text, the motion is confused and, in my view, a lot less valuable than the Stockholm Agenda and the Swedish Presidency deserve.

Let me stress that we, too, want to see greater cooperation in the quest to find solutions, and to have solidarity on immigration and in fighting corruption and exchanging information, but this should not necessarily be at the cost of national sovereignty, nor should it be overly prescriptive.

Applying the 1951 United Nations Convention on Refugees all over Europe in a proper manner is still the best way of dealing with asylum issues. We support exchange of information to ensure that we have a true JHA approach to the use of data, underpinned by strong data protection, founded on principles of proportionality, necessity and transparency.

We also support the principle of mutual recognition, and free movement rights should be assured for European citizens, but abuse of those rights must be curtailed through strong border controls and by using the EU's weight to secure quicker returns, and through the development of Frontex protecting the EU's external borders. The exchange of information helps combat terrorism.

We also support the EU's serious organised crime strategy, targeting gangs who trade on the trafficking of people, guns and dogs, confiscating profits illicitly gained and working with European organisations on the EU border. However, we cannot support items that we see as blatant encroachments on sovereignty, unless they are in themselves leading to greater cooperation. Surely there is a certain irony in calling for compulsory and irrevocable solidarity: surely solidarity is something that is offered and not compulsory.

In the main, I think the Swedish Presidency, and indeed the motion itself, have good ideas, but unfortunately, as usual, we go on providing ourselves with massive Christmas trees where very little can actually, therefore, be achieved.

**Cornelia Ernst**, *on behalf of the GUE/NGL Group*. – (DE) Mr President, ladies and gentlemen, the Confederal Group of the European United Left – Nordic Green Left will not be giving the resolution its backing. The Stockholm Programme completely fails to address the real challenges of the present day. Its main error is that a Europe of rights is being created to which EU citizens will be granted access but others who live in Europe will not. These other people will not be entitled to the same human and civil rights.

The EU wants to accede to the European Convention on Human Rights – something that we welcome – yet, at the same time, migrants are to be separated out according to the ‘legal or illegal’ principle. Frontex is therefore being tooled up to wage war on so-called illegal migration, completely obscuring the idea of an unprejudiced immigration policy from view. This is where Stockholm fails.

Another problem is the complete imbalance between freedom and security. It is true that there is no freedom without security, but it is also the case that there is no security without freedom. Freedom is not something to be negotiated, it is a universal right for every human being. Stockholm, in contrast, symbolises the EU’s manic lust for security, in which giant supranational databases are to be created without adequate opportunities for control, which will then mix intelligence service and police data on a pan-European basis. This will mean the shredding of people’s right to self-determination in relation to their data and that the vision of a see-through human being will actually be the reality.

Allow me, as an MEP from eastern Germany, to conclude by observing that I find it insufferable, 20 years after the fall of the Berlin Wall, that Europe is coming more and more to resemble a fortress.

**Mario Borghesio**, *on behalf of the EFD Group*. – (IT) Mr President, ladies and gentlemen, the document on the Stockholm Programme is reductive when compared with the European Council’s conclusions and does not, for example, include significant requests made by the Italian Government on specific subjects. In fact, the document does not deal with a series of European strategies to attack the assets of organised crime.

Today, I have heard much said – and I have heard it on many previous occasions – about various worrying aspects of crime. We need to move from words to deeds. Europe should act like Italy, which is setting an example for the whole of Europe in attacking Mafia assets, thanks to Minister Maroni. Europe seems not to want to move in the same direction.

We need to create a single European legal system if we want to combat, at European level, crime that has become international and moves easily between banks, tax havens, financial markets and movable and fixed assets markets.

Furthermore, little attention is being paid to combating immigration on Europe’s southern border where, for instance, the agreement with Libya, which is now operating as far as Italy concerned, could run into difficulties. This would happen if the European Union did not continue with its commitment to cofinance the satellite survey system of the southern Libyan border, across which enormous numbers of illegal immigrants pass.

Finally, with regard to the incident of racism against a non-white person, I would like to point to the huge numbers of equally serious anti-white racism incidents occurring in the enclaves of illegal immigration, not to mention the ‘white-hunting’ taking place under President Mugabe’s reign and also even in South Africa. Those who talk so much about racism against black people ought to be aware of anti-European and anti-white racism too.

**Andreas Mölzer (NI)**. – (DE) Mr President, the fight against terror, against organised crime and against illegal immigration is certainly an important concern for Europe. It must be said, however, that the Stockholm Programme, regrettably, is a consistent continuation of the path of constant degradation of and interference with guaranteed human rights, civil rights and freedoms that we have been pursuing since September 11, 2001. Concerns in relation to data protection law are simply brushed aside in the fight against purported terror.

When this happens, it is the individual citizens, the very people who the EU pushes to the top of the agenda time and again, who have their data recorded and collected, even where there is no suspicion of criminal activity, and whose data is then potentially subject to misuse. Officially, the aim here is to combat organised crime. That is all well and good, but there are already first signs and tendencies, expressions of opinion, that

do not correspond to the consensus of what has come to be called political correctness, to restrict, to prohibit and, who knows, sooner or later, to punish. George Orwell warned us of this – and we must prevent it from occurring.

**Carlo Casini (PPE).** – (IT) Mr President, ladies and gentlemen, the Committee on Constitutional Affairs, which I have the honour of chairing, gave me the task of acting as rapporteur on this document, together with the rapporteurs from the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Legal Affairs, sitting jointly.

This is the first time that Rule 51 of the Rules of Procedure has been applied and I must say that, in my view, the result has been very satisfactory with regard to the cooperation between the three rapporteurs in carrying out their work.

There have, in fact, been problems, some of them serious, with regard to the timeframe and, above all, the involvement of the shadow rapporteurs and the timely translation of the amendments, of which there were nearly 500. However, all that is due not to Rule 51 itself, but rather to the very short deadlines that we gave ourselves in order to have a document that we could submit to the Council summit taking place on 10 December. It was thus inevitable that there would be these problems linked to the pace of work. For the rest, I believe that we should acknowledge that Rule 51, which has been used for the first time, is useful.

The document under consideration by this Parliament cannot be explained in the few seconds that remain to me. However, I must express my satisfaction that the codecision system has been extended to become the normal system of legislation, that immigration is now understood to be a European issue – and I hope that this is how the Commission and the Council interpret it – and not a problem for individual Member States acting in solidarity with each other, that the view taken of cooperation with the national parliaments is not that they are guardians laying down limits, but rather positive collaborators in the legislative process, and finally, that there is that reference to human rights which is extremely important, and which is the spirit of the European Union.

I therefore believe that, in view of the fact that it was not supposed to detail down to the finest particulars the implementation of the Stockholm Programme, but only to formulate general outlines, this document is certainly a positive step. There will be time and a way in which to make it more comprehensive, and to include more details.

**Juan Fernando López Aguilar (S&D).** – (ES) Mr President, I would like to start by acknowledging the work done by the Swedish Presidency of the Council and the Commission to drive forward the multi-annual programme for the next five years in the area of freedom, security and justice.

Above all, however, I would like to highlight the work of this Parliament, because three committees, the Committee on Legal Affairs, the Committee on Constitutional Affairs and the Committee on Civil Liberties, Justice and Home Affairs, have worked shoulder to shoulder under the Article 51 procedure for the first time, and we have done so in order to be ready on time. This is because it is important, really important, to drive forward the area of freedom, justice and security, keeping in mind that the Treaty of Lisbon is going to enter into force, which represents a great step forward. It will be a great step forward because it will strengthen Parliament, which is going to be a legislator and decision maker in a whole area that, until now, had been the domain of intergovernmental cooperation, but also because the European Charter of Fundamental Rights and the mandate to ratify the European Convention on Human Rights are entering into force, which will strengthen the harmonious relationship between freedom and security.

Security is not subordinate to freedom, nor is it a threat to freedom. Security is a citizen's right, as is freedom. This is the case in many of the constitutions of the Member States, and they must come together in a single effort to cover the status of European citizenship, the fundamental rights of citizens, immigration, asylum, refuge, managing the EU's external borders and judicial cooperation. This needs to be done in order to strengthen mutual trust, mutual recognition of our civil rights, of the law of contracts, which boosts economic growth and job creation, and, above all, police and criminal judicial cooperation in order to combat real common enemies together: organised crime and terrorism.

Parliament has worked hard, and has improved the document produced by the Council. It has improved it by strengthening the anti-discrimination clause, in particular, with regard to women and children, and there is a commitment to combat gender violence and to protect the victims of gender violence by strengthening the solidarity clause in terms of asylum. This demonstrates that neither immigration nor asylum are a problem

affecting just one Member State, but that they require cooperation between all the Member States, because otherwise we will not be able to tackle them.

Parliament has also improved the text by highlighting the importance of training legal professionals to cooperate and to bring our legal structures closer together through mutual recognition and trust, so that we can integrate the response instruments in order to make the European Union a true area of freedom, justice and security.

This is why I think that it is worth Parliament sending a clear message to the citizens who are watching us when we vote tomorrow on the parliamentary report that the three Committees have drawn up together. The message is that their fundamental rights matter to us, their freedom matters to us, their security matters to us, it matters to us to work together to fight trans-national organised crime, violence and terrorism, and to protect all victims of these types of crime, especially the victims of terrorism.

I do not think that citizens would understand if we let them down on this. I therefore ask for the broadest possible support from this House for the report that we are presenting tomorrow and which must be voted on in this part-session.

#### IN THE CHAIR: MR MARTÍNEZ MARTÍNEZ

*Vice-President*

**Sophia in 't Veld (ALDE).** – (NL) First of all, I welcome the warm words the Council has spoken about the cooperation with Parliament, but I should prefer to see it taking on board Parliament's recommendations. After all, like Mr Albrecht, I note that the Council is actually turning a deaf ear, to some extent, and simply continuing to go its own way, whilst Parliament is working hard to take a position, without this subsequently ending up in the Council programme.

My second point is the one illustrated very well by my colleague Mrs Hennis-Plasschaert. I should like to remind Parliament, particularly the two large groups, that equality is indivisible. We cannot give a bit of equality to some groups and not to others. In the past, the State would interfere in people's choice of partner and ban marriages between people of certain religions and between people of different races. Fortunately, those days are gone; and so, in my opinion, no Member State of the European Union should be refusing to recognise a marriage legally contracted in another Member State, and that includes marriages between two people of the same sex. Therefore, I would appeal to the two large groups to withdraw the compromise by which they seek to weaken the rights of homosexual couples. Here, I am looking in particular at our friends in the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament.

This is the 21st century, and I believe that all European citizens, irrespective of racial origin, religion, age or sexual orientation, deserve our protection. It is high time Parliament recognised this for once.

**Rui Tavares (GUE/NGL).** – (PT) Mr President, I believe that this Parliament would welcome a concrete and concise Stockholm Programme which is capable of really promoting a Europe of citizens.

Unfortunately, I think we are a little short of where we could be. The Stockholm Programme does have an unfortunate tendency towards vagueness, woolliness and generalities, and I am bound to say that Parliament's lack of democratic control or power to intervene in any real way which might bring about change or have a practical impact is part of the problem that has led to an inconclusive and oversimplified programme.

One example is the immigration policy. We have all followed the implementation of the European Asylum Support Office with great interest, but I believe, for instance, that very few steps have been made towards opening legal channels of immigration, which are absolutely necessary, or towards the directive on seasonal immigrants, which we have been anticipating for so long, but which does not even seem to have been considered by the Stockholm Programme.

**Gerard Batten (EFD).** – Mr President, the Stockholm Programme is part of creating a common legal and judicial system across the European Union. The document talks about 'making people's lives easier: a Europe of law and justice'.

Let me tell you what your common legal system has done for the life of one person. Andrew Symeou, a 20-year-old London man, was extradited to Greece this summer on a manslaughter charge. He now languishes in a Greek prison awaiting trial. The evidence against him would not stand up for five minutes if examined by a British court. The identification evidence is contradictory. Witness statements have all the signs of having

been written by the police. Two witnesses claim they were beaten and mistreated and forced to sign statements which they later immediately withdrew.

The appeal court in London knew very well there was no real evidence against Mr Symeou but they were forced to extradite him because, under the European arrest warrant, they had no power to stop it. The British courts cannot now protect British citizens from unjust arrest and imprisonment by foreign courts.

We had a perfectly good area of freedom, security and justice in Britain before we joined the European Union. The European Union is destroying the legal protections that we enjoyed in England for centuries. In the process, it will destroy people's lives. The Stockholm Programme may be about law, but it is not about justice. If the British people want to preserve their liberties, then they have to leave the European Union.

**Franz Obermayr (NI).** – (DE) Mr President, the Stockholm Programme doubtless contains a number of useful initiatives, and I am all in favour of pushing forward the fight against child pornography and terrorist networks on the internet. Measures against illegal immigrants and against organised crime also have my support. Unrestricted access for the security services to the EU fingerprints database is justified in this regard. However, monitoring must not go so far that the EU becomes a surveillance state which then also passes on its data to the United States.

There is therefore a need to ensure that the data collected is not abused. Ultimately, this is about the key fundamental right of every EU citizen to have his or her privacy protected, and in this context we must observe the fact that freedom means freedom from the State and not freedom through the State.

I also want to say something about the harmonisation of EU asylum law. This is definitely the right thing to do. We need to make absolutely clear, though, that without harmonisation of the economic conditions in the different countries, this will not work, as people will, naturally enough, go to where they can find the best social security, the highest incomes, the cleanest streets and the safest towns and cities. One thing is clear, and that is that we should indeed have harmonisation, but Europe must not become a land of self-service asylum policy.

**Simon Busuttil (PPE).** – (MT) We consider the issue of justice, freedom and security as the European Union's next big project. I would say that this project has to be tackled along the same lines as we tackled the large internal market project of the European Union. We need to create an area of justice, freedom and security for all European Union citizens.

How are we going to get there? We will succeed by means of the Stockholm Programme, which is a five year work programme. It is a far reaching programme which covers several areas falling under the umbrella of justice, freedom and security. Parliament's resolution defines the European Parliament's political priorities in this area. For example, our priorities in the area of immigration lie in the fight against illegal immigration as well as a common asylum policy that is built upon true and obligatory solidarity. I must also add that the European Parliament has a very significant and constructive role to play by way of the codecision powers it will enjoy once the Lisbon Treaty comes into force.

There are also certain political differences within the internal dimension of this Parliament. Why not? There are different political groups and there are differing political views. However, allow me to say, with particular reference to my fellow Member, Jeanine Hennis-Plasschaert, for whom I have a lot of respect, that human rights are a political priority for the European Popular Party Group too, and that they do not pertain to the monopoly of the Liberal Group in this Chamber. We cannot accept the Liberal Group's presumption to the right to monopolise the principle of non-discrimination. We believe in this principle; however, we also believe in the subsidiarity principle, meaning that we are also under obligation to respect national sensitivities in the European Union's Member States. We must not forget that this Union is built upon unity in diversity and not unity in homogeneity.

**Luigi Berlinguer (S&D).** – (IT) Mr President, ladies and gentlemen, two innovations have been introduced by the Stockholm Programme as compared with the Hague Programme: a fair balance between rights and security and legal protection in both the criminal and the civil spheres.

Security is a right: it means not being attacked in one's own workplace, walking the streets without risking one's life, not being the object of violence as a woman, not being exposed to acts of terrorism.

The Member States and Europe must guarantee security. However, security measures that diminish the guarantees of freedom are measures that remove certainty from the law, and are thus the source of insecurity and barbarities. Think of Guantánamo.

Europe is the fatherland of rights. The Stockholm Programme defines them today with an abundance of detail. There is a fair balance between, on the one hand, the discipline of measures to prevent crime and, on the other, the daily lives of citizens and their family, social, economic, work and study relations, which are all regulated by civil law and the civil justice system.

That is the citizen's Europe. It should be constructed within the Member States and the Community institutions. European society is more united, and mobility is more pronounced than is commonly believed. Mobility is now a right. The borders between the Member States are not impermeable walls, but nets through which society filters daily. The Stockholm Programme constitutes the institutional cornerstone that provides for judicial cooperation and mutual recognition, a European justice system (made up of the national systems and the Community system), both national and Community law, European citizens and European courts (both national and Community courts).

European rules are dictated by Community rules and by the case-law of the European courts, but they also derive from the conduct of workers, businesses, students, and judges, both national and belonging to the European networks between operators of justice. It is a bottom-up process that the Stockholm Programme wishes to support.

Parliament has done a great job with this resolution, which I hope will be adopted here by a large, unanimous vote, for which we have worked extremely hard. The Council should take it into proper account. The Treaty of Lisbon has not yet entered into force, but it is here, and present. Minister, may the Council be ambitious, and may it take to heart what we have drafted here and the many demands arising from it.

**Sarah Ludford (ALDE).** – Mr President, the Swedish Presidency is to be congratulated for the way they have pushed the overdue question of defendants' rights to fair treatment across Europe. This is absolutely essential to accompany the European arrest warrant. We need to ensure that mutual recognition really can be based on mutual confidence in all the national criminal justice systems. This is not the case at present and there are severe weaknesses.

I also have a constituent, Andrew Symeou, who has been in jail in Greece since July, refused bail because he was a foreigner. His Greek lawyer has made a complaint about police abuse and destruction of evidence. An application will be made to the European Court of Human Rights, and it is pretty shameful that this is necessary, because this is about the treatment of one EU citizen by another Member State. It is shocking that this has to go to Strasbourg.

So I support the European arrest warrant, but we absolutely must have the defendants' rights to go with it. Otherwise, we will have scandals like that of Andrew Symeou which destroy public support for the European arrest warrant, as is happening in my country.

**Kyriacos Triantaphyllides (GUE/NGL).** – (EL) Mr President, for some months now, we have been talking about the need to strike the right balance between maintaining security and defending citizens' personal rights, emphasising that citizens must be at the epicentre of the Stockholm Programme. However, the European Union is adopting and applying measures which upset the balance between security and rights, result in the creation of bodies to monitor and collect all sorts of personal data and insult our dignity by making suspects of us all. Furthermore, it is unacceptable for immigrants to be treated as criminals and possible terrorists. We disagree with the draft resolution, because it lays the foundations for us to build a modern European Panopticon in which, like the prison designed by Jeremy Bentham, everyone's actions are constantly monitored without the detainees' knowing the extent of their supervision, thereby giving them a false sense of privacy.

**Tadeusz Zwiefka (PPE).** – (PL) Mr President, I do not hesitate to say that in the area of justice in the European Union, the Stockholm Programme is the most ambitious initiative of the last few years. I am all the more pleased because one of the fundamental ideas of the programme is to make life easier for the residents of the European Union. Of course, proper implementation of the Stockholm Programme in the area of justice will depend on the establishment of a truly European judicial culture, changes in the practical approach to establishing new legislation, and also on the proper function of the e-justice portal.

The principle of mutual recognition, which is, to me, a fundamental one, requires mutual trust, but also confidence in the legal systems of other countries, as has been talked about here today. These values can only come from mutual recognition and understanding, which will then give rise to a European judicial culture. Mutual acquaintance and understanding can themselves only come about as a result of active, favourable policy, including exchange of experience, visits, sharing information, and courses for people

working in the justice system, especially judges in courts of first instance. It also includes thorough modernisation, and this is extremely important, of university education programmes within the European Union.

Another matter is to stress the significance of the multilingual e-justice portal. The portal should have access to legal databases and to judicial and non-judicial electronic means of appeal. It should also give access to intelligent systems developed as aids to citizens who are seeking ways to resolve legal problems or who are using extensive registers, lists of people working in the justice system or just simple guides to the legal system of each Member State. So I am very pleased that Mrs Ask and Mr Barroso have spoken about this.

I would also like to stress the need to develop European legislation of the highest quality in the area of judicial cooperation in civil cases, which would be based on suitably made impact assessments, to give citizens and businesses effective instruments allowing them to solve a variety of legal problems in the internal market.

At a time of growing euroscepticism in many EU Member States, the Stockholm Programme offers us the opportunity to show the citizens that the EU institutions can respond to their current needs.

**Zita Gurmai (S&D).** – Mr President, my special thanks to the three secretariats who got this resolution ready for this plenary.

The Stockholm Programme can be regarded as a pragmatic action plan for a more secure and open Europe based on common values, principles and actions. It contributes to practical cooperation between law enforcement institutions, courts and immigration services. It balances measures, sustains common security, the rule of law and the rights of the individual. However, it is also an extremely complex issue.

I would like to emphasise the introduction of the convergence principle. It is another step in the building of the EU state. It is nothing other than the pooling of sovereignty. It is based on the principle of availability of all data, information and intelligence held by all agencies across the European Union.

The interoperability of EU information systems must be achieved so that all agencies can access each other's data. Parliament gives added value to the Commission proposal. All areas of equality, gender and discrimination-related issues are mentioned and well described in the document.

After the Treaty of Lisbon enters into force, we can seize the historical moment to create a vital and strong area of freedom, security and justice. Parliament rightly highlights its new role as colegislator on the same footing as the Council after the Treaty of Lisbon comes into force. I am satisfied to get a bunch of European common values into the text like: freedom, liberty, justice, fundamental rights, democracy, quality and, in this context, privacy.

I know these values have different meanings depending on the general political climate, but this resolution has found the right balance between them. I would like to reflect on the PES campaign 'Put the Children First'. I gladly note the children- and family-related paragraphs in the paper. My political intention is to assure equal rights and engagement within the European Union to all citizens.

Our citizens need a pragmatic, forward-looking and comprehensive European migration policy based on common values and rules, including the principles of solidarity and transparency.

Well-managed migration can be beneficial to all stakeholders and contributes to the economic growth of the EU and of the other Member States that need labour migrants.

**President.** – Thank you, Zita. You succeeded in speaking for two minutes but I do not know whether the interpretation followed you because I was permanently getting the red light. In any case, let us congratulate the interpreters if they succeeded in following you.

**Pascale Gruny (PPE).** – (FR) Mr President, Ministers, Commissioner, ladies and gentlemen, I will not repeat all of the key points made by my fellow Members in relation to justice and immigration, but I did wish to point out that a European judicial area can only be established by enhancing mutual confidence among Member States, since that will improve the principle of mutual recognition, the cornerstone of the Europe of justice.

Considerable progress has been made over the last 15 years, but there are still many weaknesses. I am delighted that the Treaty of Lisbon was finally ratified by all of the Member States during the negotiation of this text. The European Parliament will be able to have an equal say with the Council on matters relating to justice and home affairs; democratic legitimacy will be increased for the benefit of the citizens.



As rapporteur for the opinion of the Group of the European People's Party (Christian Democrats) on behalf of the Committee on Petitions, I should like to stress that far too many complaints are referred to the Committee on Petitions concerning barriers to the freedom of movement of citizens within the European Union itself.

I would also mention the problems linked to the mutual recognition of qualifications and to the right to social welfare benefits, as well as discrimination problems. The recognition of same-sex marriages, on the other hand, is an area that comes under the jurisdiction of the Member States. The Union must respect this national competence.

I call on the European Commission to publish its guidelines as soon as possible so as to help the Member States' authorities effectively combat breaches of the principle of free movement. Citizens must be able to move freely and to make full use of their rights in this area without internal borders.

I am delighted to see that, in the resolution, the European Union's anti-drug strategy has a place in the creation of this European judicial area. However, I hope that the European Union will show more initiative in this regard. Why does the Union not equip itself with new weapons for combating this growing trend, which affects our children at an increasingly early age? They are the future. What are we doing to protect them? Let us finally show some sense of pragmatism in our institutions! That is what our fellow citizens expect from us.

**Claude Moraes (S&D).** – Mr President, this has been a long journey, from Tampere, where we saw just the outlines of an area of freedom, security and justice – and perhaps we talk too much – to this extraordinary position where we have Stockholm and Lisbon colliding. I say respectfully to all of those who believe that we do not need a blueprint to fight our corner for the area of freedom and security and justice that we want: we do not take our players off the field when the game begins. We fight our progressive corner and, for our group, we will fight for our progressive policies.

But we must have a Stockholm blueprint in the first place. We have Lisbon, so we – all Members here, however they vote – will have to assume our responsibility to legislate after Christmas on the things that matter to us. This is a serious responsibility and my group – as our hard-working rapporteurs Mr López Aguilar and Mr Berlinguer have set out – has its priorities. We will then have an area of freedom, security and justice in a democracy that we win or we lose.

Regarding our priorities, on anti-discrimination, we send a message to the Council. We want a horizontal directive. We must fight for this progressive line. On criminal justice, we say: mutual recognition is important so that the European arrest warrant will actually work. On asylum, we say 'yes' to solidarity between Member States but, for us, a progressive solution means that those asylum seekers who are vulnerable must have the best representation.

So these are our group's priorities, this is our added value on the subject of hate crime, on amendments on migration policies, on violence against women, on a European protection order. All of these issues illustrate how we as a political group – how all political groups – can add value to the Stockholm Programme and can create legislation which is meaningful.

Ultimately, we play the game because, for our citizens, this is not a game. This is about delivering at last – at long last – the rights that they have asked for for so long: fundamental rights on data protection, on security and on anti-terrorism. All of these things will mean something when we assume the responsibility in this House to legislate. We will only do that when we vote through the Stockholm Programme. We will then fight for a progressive Stockholm Programme and progressive legislation.

**Carlos Coelho (PPE).** – (PT) Mr President, I would like to give a warm welcome to Vice-President Barrot and the Swedish Presidency for the Stockholm Programme. The Stockholm Programme is good news for those who support the idea of Europe as more than just a common market.

The building of a Europe of citizens means a real area of freedom, security and justice. I welcome the equal weighting given to the three sides of this triangle. Contrary to certain more radical views, I believe that all three are necessary. Security without freedom is dictatorship, freedom without security is anarchy, and justice is impossible without freedom or security.

This five-year programme goes back to the aims of Tampere, seeking real progress in many areas. Nevertheless, it is important to ensure that these targets are met. The legislation and instruments that have been adopted must be implemented effectively. The people of Europe will not take us seriously if we do not pass this test

of our effectiveness. It is, for instance, impossible to push for an entry/exit system, inviting the Commission to present a proposal for this system to begin operations in 2015, when we do not know whether the Schengen Information System II or the Visa Information System will begin operations, as they are beset by problems and massive delays.

I am hoping for the creation of a common European asylum system before 2012, and an immigration policy with a common approach, both with regard to the reception and integration of immigrants and the effective combating of illegal immigration.

Finally, much work remains to be done together towards creating a Europe of citizens. There is no point in wasting time on matters that are not our responsibility. Trying to interfere in family law, which is the preserve of the Member States, is not only legally useless, it is also politically perverse, because it draws us into meaningless conflicts and distracts us from really essential matters, namely the crucial Stockholm Programme.

**Ramón Jáuregui Atondo (S&D).** – (ES) Mr President, I would also like to congratulate the Swedish Presidency and the whole House on the report that we have drawn up. I would, however, like to give three warnings that I think are important for the future.

The first is that if there is no legislative initiative, if the Council and the Commission do not bring legislative acts to fill up the programme, then obviously the programme cannot succeed.

The second warning, which my fellow Members have already rightly given, is that this House is going to have a new role. It is not going to produce reports merely to be heard, as was the case until now. It is going to legislate, it is going to agree, it is going to have to exercise that balance, which is so difficult at times, between security and freedom. This is a new task and a new responsibility for all Members of the European Parliament.

Finally, I would like to give a warning about fundamentalist application of the principle of subsidiarity. I hear my fellow Members talking about the need for the national parliaments to be respected, and this is true, but I have to warn you that a rigid and fundamentalist interpretation of subsidiarity will not allow progress to be made in the Stockholm Programme. If the Member States hold on to an exaggerated interpretation of the principle of subsidiarity, there will be no joint legislation on the Stockholm Programme.

**Monica Luisa Macovei (PPE).** – Mr President, I wish to refer briefly to the section on economic crime and corruption in the Stockholm Programme. The text has lost some of its teeth during the negotiations in Coreper. For instance, today's text refers to GRECO standards on anti-corruption, with GRECO being a Council of Europe body. While cooperation with GRECO and the Council of Europe is essential, the European Union's standards on anti-corruption are higher than those of the Council of Europe which, as we all know, has 47 Member States.

Consequently, I kindly ask, and at the same time urge, the Council to maintain a text with a strong commitment to anti-corruption. We need an EU policy and an EU mechanism to combat corruption and fraud in a robust way within the EU, and the Stockholm Programme must reflect that need and commitment.

**Michael Cashman (S&D).** – Mr President, congratulations to all of those concerned with this report and congratulations to the Swedish Presidency. Societies are changed not by mediocrity but by courage, conviction and vision. And that has been displayed here in Parliament this afternoon.

We are talking about freedom, security and justice: three fundamental principles. Yet without equality and equality of treatment, you will never have freedom, you will never have security and you will certainly never have justice. That applies most particularly to minorities, who are so often maligned and misrepresented.

Equality and equality of treatment are the only durable building blocks of any civilised society. And that is why I am proud to promote and associate myself with a Europe where we are all equal, regardless of race, ethnicity, religion, belief, age, disability, gender or sexual orientation – a Europe of equals; a Europe of fundamental values.

**Zbigniew Ziobro (ECR).** – (PL) Mr President, the Stockholm Programme is a response to the important matter of ensuring the security of EU citizens. It is not always, however, a satisfactory response, for we do not need full standardisation of criminal and civil law. We only need harmonisation of these areas of law, and only in clearly defined, limited areas.

Europe needs, most of all, good cooperation between police forces and judicial authorities, so that judicial sentences will be efficiently executed and criminals effectively prosecuted, irrespective of the EU's internal borders. The Stockholm Programme should, therefore, establish a number of incentives, and should concentrate on these areas. I would like to draw attention, today, to three matters related to coordination of the action of Member States.

Firstly, in relation to freedom of movement, which is one of our great values, it is essential that we have cooperation on exchange of information about crimes which are a special threat to public order. I am thinking, here, particularly about crimes of a sexual nature which endanger the weakest and most defenceless, I mean children, and the Stockholm document rightly draws attention to this.

It is necessary to start work, as quickly as possible, on the establishment of a European register of sex offenders, and especially of people who commit these aggressive and most dangerous crimes against children. Interested parties and organisations should have the broadest possible access to this information. Freedom of movement must go hand in hand with the movement of knowledge and information about possible dangers, in order to give adequate protection to society, including those most at risk, in this case children.

Secondly, we need to ensure the effective execution of rulings concerning confiscation of the assets of criminals. This especially concerns making the fight against organised crime effective, and means that rulings made in one country would allow assets hidden by a criminal in another country to be traced and then confiscated effectively. It also equally concerns profits made directly from crime as well as profits arising indirectly from crime at a later time.

Thirdly, while I agree that non-custodial sentences are an appropriate reaction to minor crimes, we must not lose sight of the fact that a custodial sentence, which isolates the offender from society, is, in some particularly justified cases, the only real and practical way to protect society from the most dangerous crimes. Therefore, it is also necessary to bear in mind that this kind of penalty is also a just response to crimes of the greatest cruelty.

In closing, I would like to express my esteem for the document which has been prepared, and to stress that the aim of the programme should be to improve the cooperation of Member States while retaining the national character of their legal systems.

**President.** – It is now time for the ‘catch-the-eye’ period. I am going to adhere absolutely strictly to the Rules of Procedure.

I would like to say that five Members are going to have the floor for one minute each, and we will cut off the microphone when the minute has ended. As more than fifteen Members have asked for the floor, we are going to hear the first five.

**Anna Maria Corazza Bildt (PPE).** – Mr President, first I would like to welcome the Stockholm Programme as the best way forward to a citizen-centred Europe, and to thank both Minister Ask and Minister Billström for their vision. Finally, we can go home and tell everybody, without distinction, that Europe is for them; Europe is with them; Europe is us.

Of course, the Stockholm Programme will be what we make it. Let us give it a chance. Let us support it as broadly as possible and get down to work to implement it.

I would like to say a special thank you for the focus on children, which means that we can finally work on enhanced action to protect children, including migrant children. It is also very good that we have a greater possibility to combat cross-border criminality while respecting individual rights.

*(The President cut off the speaker)*

**Anna Hedh (S&D).** – (SV) Mr President, I am pleased that the issues of children's rights, violence against women and the prevention of people trafficking have been dealt with more thoroughly in the latest version of the Stockholm Programme from the Council. I was a little concerned that the Presidency was going to abandon its priorities. Now we also have the opportunity to make improvements in line with Parliament's vote.

However, I am disappointed that nothing has been mentioned about developing a children's rights strategy for Europe, as proposed by Parliament quite recently. Just as Commissioner Barrot said, the European Union must continue to stand up for children's rights. As regards the wording concerning people trafficking, I am

also disappointed that the Presidency has not stuck to its guns with regard to the link to the purchase of sex, the purchase of services and the possibility of legislating in this area. The EU also needs a legal basis for combating violence against women.

**Franziska Keller (Verts/ALE).** – Mr President, just two points that my group thinks are very crucial about the Stockholm Programme. First, we believe that the method of balance very often used in this programme goes a bit in the wrong direction. Security, to us, is only a tool for reaching freedom; it is not its opponent. When we are not free, we are not secure. We find that balance a bit misleading.

Then secondly, on Frontex, Minister Wallström, what do you actually mean when you talk about strengthening Frontex? What do you mean by that? Because that has not been clarified in any of the versions of the Stockholm Programme I have seen.

And would you not think that it may be extremely important – more important even – to strengthen the parliamentary control over Frontex and stop Frontex from sending back people that might very well have a reason to ask for asylum as Frontex has been doing this year. I would prefer to see a strengthening there. I believe that the Stockholm Programme should serve all the residents of the EU, not just a few.

**Teresa Jiménez-Becerril Barrio (PPE).** – (ES) Mr President, today there is no doubt about the European Union's commitment to the fight against terrorism, and thanks to the Stockholm Programme, we will continue to make progress on this essential area of freedom, security and justice.

In my view, this fight has been based on mutual trust between the Member States, but now, with the possibilities opened up by the Treaty of Lisbon, it is high time to harmonise national legislation so that there is no time limit on prosecuting terrorist crimes, which should be considered as crimes against humanity.

When this happens, nobody in this Parliament or in any other will defend terrorists, as has happened, is happening and may continue to happen, to the detriment of victims of terrorism, who watch those who murdered their loved ones being treated like heroes, while they suffer in silence.

I therefore ask Parliament to drive forward or adopt a European charter for the rights of the victims of terrorism, based on defending the memory...

*(The President cut off the speaker)*

**Sylvie Guillaume (S&D).** – (FR) Mr President, from their comments today, many of the speakers believe that the Stockholm Programme is worthy of efforts to seek the broadest possible consensus and to devise an ambitious programme. This will be the aim of tomorrow's resolution, which will be put to the vote.

I regret that the reference to the right of non-EU nationals to vote and to the guarantee of access to health care for ill migrants has been left out of the resolution. However, I would mention the adoption of some important points, such as the requirement for the directive on non-discrimination to be adopted; freedom of movement for European citizens and families – I understand this to mean all families; the request to remove obstacles to the exercise of the right to family reunification; and the ban on placing unaccompanied minors in detention, to name but a few.

In my opinion, the success of the Stockholm Programme can be gauged by the respect shown for four issues: the existence of concrete achievements benefiting the citizens; scrupulous respect for the new role of the European Parliament – codecision being an element of added value; the quality of the application of the Stockholm Programme by the national parliaments; and the awareness of its values among the citizens, and especially among Europe's young people.

From now on, there must be as much momentum behind the adoption as there is behind the future implementation ...

*(The President cut off the speaker)*

**President.** – We have now finished the speeches under the 'catch-the-eye' procedure. I regret that a further ten or twelve Members were not able to speak, but it is impossible given how late we are running and the Rules of Procedure we are bound by.

**Beatrice Ask, President-in-Office of the Council.** – (SV) Mr President, thank you for all of your points of view. In fact, I am not sorry that ten Members did not get the floor. I am very pleased to see the commitment that you are showing in respect of these important issues.

Someone said that this programme is ambitious. I am pleased to hear that, because the work has been ambitious, but also practical in that we wanted to combine the vision with a pragmatic approach to how to improve things from the perspective of the citizens. As I was listening, it seemed that many of you share at least the main idea of the draft programme that we are dealing with today.

Allow me to comment on two areas. The first one is the question of form. Today's debate has been a little bit confused – if I may say so – as some people have been referring to the Stockholm Programme but they were really talking about the interesting proposal for a resolution that you will debate and take a decision on in Parliament, in other words, your views on the draft that the Presidency has tabled.

Someone said at the start of the debate 'why are we discussing one draft when there is already a new one?'. The truth is that the European Parliament is mid-way through the discussions and negotiations that are ongoing. It is changing all the time and on Friday, or at the weekend, there will be another draft. However, to the Member who thought that he had an old document, I can say that we have always presented the most recent draft on the Presidency's website. Those Members who wish to keep up to date and see what is happening with this and also how your debate affects the final result should, of course, ensure that they obtain the documents that we publish.

As far as the Presidency is concerned, it has been of the utmost importance to work with transparency and openness. That is why we have very many discussions. The ten of you who did not have the opportunity to present your views here are very welcome to email me or Mr Billström. It is very simple; the address is [beatrice.ask@justice.ministry.se](mailto:beatrice.ask@justice.ministry.se) and Mr Billström's address follows the same format. You can then send us your points of view so that they are taken into account. We must start to work in a modern way, and openness is the modern way for the Swedish Presidency. I look forward to the resolution and its outcome, as I detect a lot of support for some of the views, nuances and emphases that the resolution contains. We will, of course, give these careful consideration.

There are also a few political issues that I would just like to mention. Firstly, two Members, one of whom was Mr Batten, mentioned specific examples of how citizens are affected – perhaps in another country – and it is their opinion that conditions are not very good. Those are typical examples of a lack of trust in one another's legal systems. In this case, we have two choices: the first is to tell our citizens to stay at home, because we always have the best legal systems at home. However, if we believe that our citizens will continue to take advantage of the opportunity for free movement, then it is perhaps time to think about how we can improve procedural rights and other aspects across the Union as a whole. That is precisely the aim of the Stockholm Programme. That is why I am so very pleased that we have been able to take the first step in strengthening procedural rights in order to guarantee that anyone who is suspected of a crime or is a victim of a crime and is involved in a legal process in Europe will now actually receive help with translation and interpretation. This fundamental right can be found in the conventions of the European Council and elsewhere, but is not found in practice. Now we can make a difference and that is exactly what we should do.

Mrs Macovei raised the issue of corruption and financial crime and was of the opinion that the wording was too weak on this. I would like to say that this is a very clear section, which makes high demands. The fact that we mention the Group of States against Corruption (GRECO) has nothing to do with us intending to adopt a lower level of ambition on account of their views – nor is that what is stated in the Stockholm Programme. What is stated is that, along with many other tasks, we aim to cooperate closely with this important body on these matters, as we need to go for the money if we are to combat organised crime. I believe that this is important.

Many people mentioned subsidiarity. I think that the proposal that is currently under discussion takes a very clear position in that EU cooperation in the areas of justice and home affairs should constitute an added value. Anything that is dealt with just as well at national level should be allowed to remain there. It is when we need cooperation that we must use the European institutions. I do not think that we are taking away the rights of the nation states, but instead we are providing an added value that could benefit all citizens.

Lastly, I would like to talk about the issue of privacy and data protection, which is a major and important debate. I believe it was Mr Borghezio who mentioned this and felt that there was a great deal of concern about the Stockholm Programme as it stands. He expressed concern about monitoring and large databases, among other things. He also compared what we are working on in this area with the situation in the former East Germany and in the communist states that used to exist in Europe. I think that this type of argument is completely irrelevant. In East Germany, there was no data protection, no democracy and there were no fundamental rights for citizens – three important factors that are fundamental to our cooperation. As regards the Stockholm Programme, we are strengthening and tightening up the regulations for data protection and

respect for the rights of individuals, and democracy, too, in a number of different respects. The fact is that the information strategy that we want the EU to draw up balances a methodical and effective exchange of information with stringent requirements for the protection of privacy and secure data management, but also the requirement for information not to be retained for a long period. Please feel free to read these sections again, as they are very clear. This represents progress, for which we have also received praise from the EU ombudsman, who is working on this.

Finally, someone said that we should make the Stockholm Programme more tangible. The programme contains a lot of very tangible and practical elements, but the real work starts now. Some Members pointed out that the resolution had to be drawn up within a tight deadline and that it was very difficult to do it all in time. I can say to you that it will get worse yet. Once we have adopted the Stockholm Programme, you will be involved in the important work that needs to be done in implementing and dealing with the details of the various proposals. This will involve a lot of time pressure and a lot of stress, but also great challenges and great opportunities to make a difference. Thank you very much for your views and, as I said, please use the internet if you want to contact the Presidency in the coming days.

**Tobias Billström**, *President-in-Office of the Council*. – (SV) Mr President, honourable Members, naturally, I fully agree with what Mrs Ask has just said about the general conclusions regarding the programme. Thank you for all of the constructive points of view that you have presented here today.

I would also like to thank the chairmen of the three committees, the Committee on Constitutional Affairs, the Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs, for their very constructive cooperation on these matters. As I said in my introductory speech, this really indicates a major accepting of responsibility on the part of all parties involved, which I think is something we have reason to be very proud of.

I would like to emphasise the importance of cooperation in all significant areas within this programme. In his speech, Mr Busuttil made comparisons with the magnitude of the internal market, which I think is not so far from the truth, as this is a similar project in terms of its size and importance. One word that has, of course, come up time and again in the political talks on asylum and migration issues in recent years has been solidarity. All the Member States agree that solidarity must be increased, and not only solidarity between Member States, but also solidarity between the EU and third countries. That is the message that we want to send out through the Stockholm Programme.

As I said in my introduction, we believe that this complex issue needs very broad and sustainable solutions permeating the whole policy area. That is one of the reasons why there is no specific section on solidarity in the Stockholm Programme. Instead, all of the points contain a solidarity element.

The global approach to migration should be one of the important starting points in this connection. The role of Frontex should be strengthened. Mrs Keller mentioned this in her speech. I would like to make it very clear that Frontex alone is not the answer to this problem. Frontex is responsible for the coordination of the Member States' border controls, but it has no mandate within sea rescue, for example. The situation in the Mediterranean is not primarily a border control problem. It is a problem that requires several different types of measure. Increased cooperation between the countries of origin and transit is of the utmost importance. We also need to invest in development cooperation in the form of aid. I think it is important to emphasise that the European Parliament will be involved to the very highest degree in all of these aspects now that we have the Treaty of Lisbon in place, and democratic control will increase in these areas.

Based on everything that has been said here today, I also think that it is important to point out that the Treaty of Lisbon really will bring about a genuine and important change. It is, of course, a major change that will see the ordinary legislative procedure being replaced by one that gives the European Parliament a stronger role in the legislative process in a number of areas. Thus, I do not share any of the concern that Mrs Keller expressed here today with regard to these issues. On the contrary, I think that we are seeing huge progress towards increased democratic control in this policy area.

Mr President, like my colleague Mrs Ask, I would like to finish by saying that you are more than welcome to send your opinions to us by e-mail if you did not have an opportunity to present them here today.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, I would like to emphasise the quality of the work carried out by your three committees: the Committee on Legal Affairs – Mr Casini is here; the Committee on Civil Liberties, Justice and Home Affairs – Mr López Aguilar is here; and also the Committee

on Constitutional Affairs. Theirs is an extremely interesting piece of work and it will help us, and the Swedish Presidency, to provide a definitive version of this Stockholm Programme.

As Mr Busuttill said, it is true that the citizens have an internal market, but they do not really have an area of justice, security and freedom, even if, thanks to the Schengen area, freedom of movement has now been established. We must retain the benefits of this. I would add that the guidelines against misuse have been published.

I would like to say that this text seems fairly balanced to me. Having heard the different aspirations of various people, this text strikes a certain balance. I should also say that we are drafting the Stockholm Programme in a world in which organised crime, cybercrime and terrorism are spreading, and in which we obviously need to protect ourselves. This is where Europe can bring added value.

I would also like to say that, increasingly in this judicial area, we have citizens, couples, who have dual nationality, and therefore, here too, they must be able to exercise their rights in the various Member States in which they find themselves.

I am also keen to stress that we have made progress in terms of procedural guarantees, as Mrs Ask explained very well, and this is a very important element of the Stockholm Programme. You gave the example of a British citizen in Greece. If there were minimum procedures, it would make things much easier. Moreover, repeating a phrase used by Mr Coelho, I would say that a long road has been travelled since Tampere.

I would add that we cannot accept the term 'fortress Europe' either. Mr Billström has covered this. This, too, is the guarantee of a balanced European migration policy. If we are rejecting illegal, clandestine immigration, it is because of all the trafficking and all the organised crime behind it. There is no denying that this is the case. Furthermore, however, it is true that we have succeeded, I believe, in presenting an asylum policy that is in keeping with European values of generosity.

Obviously I cannot answer all of the questions, Mr President, because time is pressing. I simply wish to say that this Stockholm Programme is, as Mrs Ask said, very pragmatic, that it will thus lend itself to an action plan that the Spanish Presidency is going to implement, and you, ladies and gentlemen, are henceforth going to be colegislators. I certainly see this as a powerful means of driving forward this area of freedom, security and justice that the citizens so very much want.

I am grateful to Parliament for what it has already done and for what it will do in the future, now that it will colegislate on the area of justice and security.

**President.** – To conclude the debate, I have received one motion for a resolution<sup>(2)</sup> tabled in accordance with Rule 110(2) of the Rules of Procedure.

The debate is closed.

The vote will take place tomorrow at 12.00.

#### **Written statements (Rule 149)**

**Elena Oana Antonescu (PPE), in writing.** – (RO) The defence and promotion of human rights have seen a decline in their importance on the EU agenda in recent years, with Member States' security becoming the political priority. The EU's area of freedom, security and justice is entering a decisive phase. The Treaty of Maastricht introduced aspects relating to justice and internal affairs at Community level, which had been dealt with strictly at intergovernmental level until then. The Tampere and the Hague Programmes provided major political impetus in consolidating these policies. The Stockholm Multiannual Programme, in turn, sets out priorities for the next five years so that the benefits of an area of freedom, security and justice become a reality for citizens. The programme will be implemented after the Treaty of Lisbon comes into force. By introducing the codecision procedures as an ordinary legislative procedure, Europe's justice and internal affairs policies and the measures adopted to comply with them will be subject to parliamentary scrutiny.

**Kinga Gál (PPE), in writing.** – (HU) During the drafting of the Stockholm Programme, our aim was to make Europe's citizens aware of the tangible benefits of an area of freedom, security and justice. However, creating a Europe for its citizens goes far beyond simply drafting a programme. The Treaty of Lisbon opens up a new dimension for citizens to assert their interests. The rights, freedoms and principles enshrined in the Charter

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(2) See Minutes

of Fundamental Rights are given binding force. The European Union can now sign up to the Council of Europe's agreement on the protection of human rights. This legal act must come into force as soon as possible. We need to have a clear implementation plan for fulfilling these commitments so that the new legal structures available are given proper substance.

This will be the task of Spain's forthcoming EU presidency. The process of human rights, including minority rights, under Community law has started with the Treaty of Lisbon coming into force. The Stockholm Programme will convert this into political priorities to give substance to the specific action plans envisaged for the coming years. As part of the whole process, not only will the European Union's opportunities have increased after 1 December, but its responsibilities as well.

**Kinga Göncz (S&D), in writing. – (HU)** One of the priority areas of the Stockholm Programme will be the enforcement of basic rights. With the Charter of Fundamental Rights becoming binding and the EU signing up to the European Convention on Human Rights, the European Union's duty is to strengthen Europe's commitment to human rights and to contribute to making Europe's citizens as aware as possible of their rights.

These are certainly useful measures, since the basic principles of human rights require constant attention, and we still have a great deal to do in this area in the EU as well. The growth in discrimination and intolerance are increasingly serious social problems. National and ethnic minorities, especially the Roma, gays and people with disabilities, face some form of discrimination every day. It is therefore important for every Member State to implement existing directives consistently and for the Council to extend protection to every group at risk by accepting the new, comprehensive draft directive.

As a consequence of the economic crisis, there is a rise in racism and xenophobia, as well as in the number of crimes caused by these problems. According to the Fundamental Rights Agency, the statistics do not give a true picture of the real situation, as in most cases, the victims are not aware of their rights and do not go to the authorities. It is the joint responsibility of the EU's institutions and Member States to change this situation. We must draft regulations at European level capable of ensuring that Europe and its Member States continue to protect diversity and do not leave any scope for violence.

**Joanna Senyszyn (S&D), in writing. – (PL)** The Stockholm Programme obliges the European Commission to present a proposal for accession of the European Union to the European Convention on Human Rights. This is an important and significant step, which will allow us to develop a uniform, minimum level of protection of fundamental rights in Europe. Thanks to accession to the convention, EU institutions will be subject to external, independent supervision in terms of conformity of the legislation and activities of the EU with the European Convention on Human Rights. At the same time, the EU will be able to defend its position before the European Court of Human Rights. This will eliminate the possibility of discrepancies arising between decisions of the European Court of Justice and the European Court of Human Rights.

In reference to point 16 of the motion for a resolution, I appeal for a prompt commencement of negotiations on accession of the EU to the European Convention on Human Rights. In the context of the resolution under discussion, I call for the immediate withdrawal of Poland from the Protocol on the Application of the Charter of Fundamental Rights to Poland and to the United Kingdom. With the coming into force of the Lisbon Treaty, the Charter of Fundamental Rights will apply to all measures undertaken concerning the Common Space on Freedom, Security and Justice. It is disgraceful that the right-wing authorities in the Republic of Poland, by succumbing to pressure from the hierarchy of the Catholic Church, are denying Poles rights to which they are entitled. The citizens of Poland should be able to enjoy these rights in the same way that the citizens of other EU Member States enjoy them. If we do not want Poles to be second-class citizens in the EU, the Charter of Fundamental Rights must be adopted in its entirety.

**Csaba Sógor (PPE), in writing. – (HU)** An important part of the Stockholm Programme concerns the increased protection of disadvantaged groups at risk. The creation of an area of freedom, security and justice is inconceivable without a ban on all forms of discrimination. However, a ban does not go far enough. The European Union must take specific action against any discriminatory measures, as this is the only possible way of properly serving all Europe's citizens in this area. I would like to mention just one of these discriminatory measures, which affects traditional national minorities. Linguistic genocide is going on in two EU countries as well at the moment. This is why I am asking the European Council and the future Spanish Presidency to devote greater attention to preventing discriminatory measures during the implementation of the Stockholm Programme. Otherwise, this programme will not serve the interests of every EU citizen, but only those of the members of the majority peoples.



**IN THE CHAIR: MR SCHMITT***Vice-President***10. Joint removals of irregular migrants to Afghanistan and other third countries (debate)**

**President.** – The next item is the statements from the Council and Commission on the joint removals of irregular migrants to Afghanistan and other third countries.

**Tobias Billström, President-in-Office of the Council.** – (SV) Mr President, honourable Members, I would like to begin by thanking you for the opportunity to come here today to debate this important issue. Judging by the questions that have been raised by some Members, it is clear that this is an issue that gives rise to a certain amount of concern. I hope that I can clarify the Council's view on this matter today and answer your questions.

The rule of law and respect for human rights and the fundamental freedoms are fundamental principles for cooperation within the European Union. They must be the guiding principles for the Member States' cooperation within the Union. These principles are, and must also continue to be, the starting point for cooperation in the area of asylum and migration.

The EU's cooperation in the area of migration has developed quickly over the last few years and includes a number of different legislative acts and other types of measures. With regard to the rights of asylum seekers, I would like to draw your attention to the basic aim of cooperation on asylum. The goal of this work is to create a common European asylum system that will provide people with protection in accordance with the Geneva Convention relating to the status of refugees and other international treaties relating to people in need of protection. Within the framework of this cooperation, there are provisions for being able to offer subsidiary protection and provisions relating to the asylum procedure, reception and return. The provisions cover the whole asylum area and form the basis of the common European asylum system.

The key legislative acts in the area of asylum are the Dublin Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection, the Reception Directive, which lays down minimum standards for the reception of asylum seekers, the Qualification Directive, which concerns minimum standards for when a third country national should be regarded as in need of international protection, and the Asylum Procedure Directive on minimum standards on procedures in Member States for granting and withdrawing international protection.

All of these legislative acts are currently under review with a view to further approximating the Member States' legislation in this area in order to make it more complete and efficient. The proposed amendments will be decided on by means of the codecision procedure, which means that we will have a broad political basis for the development of the common European asylum system.

Well-managed migration involves both creating opportunities for people to lawfully enter the European Union and being able to send back those who do not fulfil the conditions for entry to, and presence in, the territory or who have no grounds for asylum. With regard to the fundamental rights of those who do not have the right to stay within the Union, I would like to refer, firstly, to the general legal principles that must form the basis for all of the EU's activities and, secondly and more specifically, to the rules that apply to the return of third-country nationals who do not have the right to enter and stay legally in a Member State. These rules are laid down in the Return Directive, which was adopted by the European Parliament and the Council in 2008. The directive is the first important step towards legislation that aims to provide justice and transparent procedures to achieve a more effective policy on return at European level. One fundamental principle for the work relating to return is that it must have legal certainty and be humane and efficient.

The work relating to return also includes provisions on joint removal flights. The Council Decision on the organisation of joint flights for removals of third-country nationals who have not been granted a residence permit or asylum was adopted in 2002 within the framework of the return action programme. The arrangement of joint flights is an efficient use of resources and helps to improve the operational cooperation between Member States. However, I would like to emphasise that it is not about enforcing collective deportation decisions. It is a cooperative measure designed to utilise the capacity of the Member States more efficiently. The common guidelines that accompanied the Council Decision state that joint flights can be organised for persons who do not or no longer fulfil the conditions for entry to, presence in or residence on the territory of a Member State of the European Union. The organising Member State and each participating

Member State shall ensure that the legal situation of each and every one of the returnees for which they are responsible allows for removal.

The Regulation establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union also permits this authority, namely Frontex, to provide the Member States with the necessary support in organising joint measures for removal. In October of this year, the European Council also called on Frontex to examine the possibility of financing joint flights for removals.

All of these measures are intended to ensure that international protection is available for those who need it and that the return of third-country nationals who are unlawfully present within the EU is carried out in a legally certain and lawful manner. The use of joint flights for removals does not entail the violation of the principle of non-refoulement or the circumvention of the requirement for cases to be examined on an individual basis. The Member States are expected to take account of the particular circumstances of each person who is the subject of removal, including any application for international protection. This, of course, also applies to people who have come from Afghanistan.

Mr President, honourable Members, the Community policy for removal is, of course, important, but it is only one aspect of a comprehensive migration policy. The European Pact on Immigration and Asylum, which was adopted by the European Council in September of last year, confirms the Union's commitments to the global approach to migration. This means that migration issues should be an integrated part of the EU's external relations and that efficient management of migration must be uniform. This also requires a close partnership between the countries of origin, transit and destination.

The Stockholm Programme that we debated earlier this afternoon will, of course, confirm and further develop this overarching strategy.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, I am going to try to mention the main principles governing our approach to these migration and return problems.

European legislation obliges the Member States to ensure that third-country nationals present on their territory can request international protection if they so desire. With regard to the possibility of these nationals, Afghans in this case, being granted one form or another of international protection, the Member States must examine each asylum application by applying the criteria laid down by European legislation to the specific individual circumstances of each asylum seeker. The Member States must decide whether the asylum seeker can claim refugee status and, if he does not meet the criteria required to be considered a refugee, they must verify whether he can receive so-called subsidiary protection.

I am going to run through the principles. Firstly, third-country nationals must not be sent back to their country if they are at risk of serious attacks. European Union legislation and, more specifically, the Asylum Qualification Directive, states that the Member States must respect the principle of non-refoulement, in accordance with their international obligations. Therefore, Member States cannot send back to Afghanistan persons who are refugees within the meaning of the Geneva Convention or who have been granted subsidiary protection. Moreover, the Member States are bound to ensure that no return operations are carried out in violation of Article 3 of the European Convention on Human Rights, which obliges the Member States to guarantee that a person will not be sent back to his country if he is liable to suffer persecution or serious attack upon his return.

The second point is that one cannot generalise the applications as far as the appropriateness of return operations to Afghanistan is concerned. Afghanistan is one of the main countries of origin of the asylum seekers present in the European Union. I should add that the Union accommodates only a small fraction of the total number of Afghan refugees, most of whom are residing in neighbouring countries, primarily Iran and Pakistan.

One cannot draw general conclusions about whether the forced return of Afghans to their country of origin would infringe Community law, the European Convention on Human Rights or the Charter of Fundamental Rights of the European Union. It is up to the Member States in which the applications are made to decide on each application in the light of its individual circumstances. When examining the applications, the Member States must look at the relevant specific individual circumstances so as to determine each applicant's need for protection, if any.

This involves examining the political and humanitarian security conditions and the human rights conditions in Afghanistan. It also involves examining the specific situation of the part of the country that the applicant

comes from, as well as the individual circumstances of that person, such as his family situation, his activities in the country of origin or any other specific characteristic that may make him more vulnerable.

One cannot draw general conclusions about Afghan asylum seekers' need for protection, but statistics show that the recognition rate for this group has increased over the last few months. In the first half of 2009, almost 50% of Afghan asylum seekers received international protection in the European Union, compared with less than 30% in the last quarter of 2008.

I come now to another question: which conditions have to be met before the decision is taken to conduct a return operation? In my recent statement on the operation to return Afghans to Kabul, conducted jointly by the United Kingdom and France, I indicated that the Member States had to take three precautions before returning an individual to a third country such as Afghanistan.

They had to ensure, firstly, that the migrant concerned did not wish to apply for international protection; secondly, if an application for international protection was made, that that application had been the subject of a thorough, individual examination and had been rejected following an appropriate evaluation procedure; and, thirdly, that the life of the migrant returned to his country of origin would not be in danger there.

The Commission has sought to obtain greater clarification regarding the circumstances of this Afghan return operation conducted by France and the United Kingdom. However, the Commission does not, at present, have any information to suggest that these three conditions were not met by the persons concerned.

What about these return operations involving several repatriated persons, insofar as each person's file was assessed individually?

Protocol 4 to the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union prohibit collective expulsions, but there is neither a legal obstacle nor, moreover, an objection in principle to several return measures that have been taken individually being carried out jointly, each on the basis of a separate decision, for example, using the same flight, nor is there a legal obstacle to these operations being organised jointly by several Member States.

Frontex's current mandate already provides for operational cooperation in the field of joint return operations. The European Council has asked for Frontex's operational powers to be strengthened and, in particular, for consideration to be given to the possibility of regularly chartering flights in order to carry out these operations. These joint operations should make return operations more efficient from a logistical point of view and may also derive a number of very desirable benefits with regard to repatriations, which are always distressing.

It should also be noted that, although the Return Directive has not yet been transposed by the majority of the Member States, the Commission encourages them to ensure, at this time, that their return decisions comply with the rules laid down by this directive. This means, in particular, that priority must be given to voluntary returns, that the right to appeal against return decisions must be provided for and that the individual needs of vulnerable persons must be taken into account. This Return Directive is not yet in force. It will be soon, and it will enable some additional guarantees to be given to the persons concerned.

That being said, those are the answers, Mr President, ladies and gentlemen, that I wished to provide, in line with European law. Of course, Mr Billström also explained that, with regard to all of these problems, we are trying to strike the right balance between the desire to accommodate those who are persecuted for political reasons and who genuinely deserve to be protected, and then, at the same time, the need to recognise also that some applications have no reason to be accepted. So there is a difficult balance there, which the Commission is monitoring closely.

That is what I have to say to Parliament, and I will, of course, listen to the speeches that follow this statement.

**Véronique Mathieu**, *on behalf of the PPE Group*. – (FR) Mr President, the Union has a duty to provide dignified reception conditions to people fleeing war and persecution and to offer them international protection systems that are in keeping with its values.

However, for several years the European Union has had to cope with mixed migratory flows and with networks of traffickers who abuse national asylum systems in order to gain entry for persons who do not meet the conditions required to take advantage of those systems.

So what can we do? This question has been asked within each of our Member States. The fact is, there is a limit to the Member States' absorption capacity. Protection systems must be offered to people who meet

objective criteria, and if we want to maintain our tradition of receiving asylum seekers, then we must be firm when it comes to the abuse of these asylum procedures for economic migration purposes.

It is also important to stress that all of the countries that are targeted by illegal immigration networks originating in Afghanistan or Iraq implement forced return measures. They are obliged to do so. I need only mention a number of EU Member States that put such measures into practice, and that do so regardless of their political persuasion.

There is no longer any political disagreement within the Union on these issues, and it is this consensus that will make it possible, in the near future, to carry out joint return operations funded by Frontex. This initiative, as a common tool for managing migratory flows, must be welcomed. Therefore, I should like to point out that group return operations are something totally different from collective expulsions according to the case-law of the European Court of Human Rights.

The Strasbourg Court prohibits any measure obliging foreigners to leave a country in groups, but it does authorise cases in which such a measure is taken at the end of a reasonable and objective examination of the individual circumstances of each of the foreigners.

International and European refugee law is quite complex so as to ensure that these expulsion procedures are strictly controlled and are carried out in line with the fundamental principle of human dignity.

**Sylvie Guillaume**, *on behalf of the S&D Group*. – (FR) Mr President, I have listened carefully to the speakers, but I would nevertheless like to share a number of queries and concerns regarding the matter before us and, to do so, I will inevitably draw on two recent examples.

The first concerns the deportation of 27 Afghans to Kabul, as part of the group deportation organised by France and the United Kingdom. I would like to know whether the Commission and the Council believe that Afghanistan is a country in which the physical integrity of deported persons is guaranteed.

The Commission has just told us that it was unable to guarantee that these deportations were carried out upon verification that the persons concerned had not submitted an application for international protection, or indeed in compliance with each stage of this procedure of examining their application, if it exists.

The second example concerns the deportation by Germany, Belgium and Austria of Roma to Kosovo, with which these countries have concluded readmission agreements even though the UNHCR, in its guidelines of 9 November, considers that, and I quote, 'the Roma, inhabiting any part of Kosovo, continue to face serious restrictions to their freedom of movement and the exercise of fundamental human rights [...] and there are reports of threats and physical violence perpetrated against these communities'.

With this in mind, I would ask for clarification on three points. Why is Article 15(c) of the 2004 Qualification Directive, which grants the right to subsidiary protection to persons who are subject to, and I quote, 'serious and individual threat [...] by reason of indiscriminate violence in situations of international or internal armed conflict' so poorly implemented?

Question two: can the idea that it is legitimate to deport persons who are residing illegally on EU soil because they have not submitted an application for international protection – even though we know that, due to the Dublin II regulation, many potential asylum seekers do not submit these applications in the State in which they first arrive because their chances of seeing the procedure succeed are slim and the reception conditions are appalling – be deemed sufficient?

Lastly, question three: should the Member States confirm the decision of the Council of 29 and 30 October to examine the possibility of chartering regular common return flights financed by the Frontex agency, do they intend, at the same time, to agree on a European list of safe countries and to take swift action in regard to a common asylum system that will enable the conditions for examining, granting and exercising refugee status to be harmonised at a higher level?

**Marielle De Sarnez**, *on behalf of the ALDE Group*. – (FR) Mr President, Commissioner, firstly I wish to inform you of the sadness felt by many Europeans when, on 20 October, two EU Member States organised the forced return of Afghan immigrants: three from France, and 24 from the United Kingdom. Those men, who left a country at war in order to come to Europe, thinking that they could seek asylum and protection here, have thus been sent back to a country that is still at war, in which their safety cannot by any means be guaranteed.

This turns our idea of human rights on its head. And imagine my surprise, a few days later, when I saw – obviously there is a link – the European summit make provision not only for the organisation of common charter flights but also for their financing – which is a new development – out of the European budget!

Commissioner, this is not the Europe that we love. Europe is not there to legitimise national practices that violate fundamental rights. It is too easy to put the blame on Europe. When I hear, for example, the French immigration minister declare that forced returns should be carried out under the banner of Europe, I tell you now that the founding fathers did not invent Europe for that purpose.

You asked Paris and London to ensure that the deported Afghans did indeed have an opportunity to seek asylum, that this request was rejected and that their lives were not in danger in the region to which they were returned. I would therefore like explicit confirmation from you that an individual examination of each of the asylum applications was indeed carried out.

I would also like to know whether the Commission regards Afghanistan as a safe country, and if it does not, I would like to know whether the Commission agrees that this forced return was carried out in violation of Article 3 of the Geneva Convention.

I am very grateful for any explanations you can give us.

**Hélène Flautre**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, firstly I would like to say how pleased I am that we are having a debate today on this issue because it is clear that the Heads of State or Government had expected the deportation of irregular migrants from the European Union to Afghanistan to be carried out without any fuss, and that is not the case.

It is not the case for two reasons: firstly, because the European Commission has requested information from the United Kingdom Government and the French Government, which is a good thing, and, secondly, because we are having a debate on this subject today.

Questions have already been asked. Is Afghanistan a safe country? Well, we should ask Mr Obama that, as he has just decided to send 34 000 soldiers there. No army is able to guarantee the survival of its men in Afghanistan, and are we supposed to be able to guarantee that the lives of the migrants that we send back to that country will not be endangered? This situation is a joke, and the UNHCR is not putting up with it either, as it has warmly recommended to the Member States that they do not proceed with deportations of this kind.

Secondly, there is ambiguity surrounding collective expulsions. Everyone – and I most of all – welcomes the future binding character of the Charter of Fundamental Rights. Article 19(1): ‘Collective expulsions are prohibited’.

You tell us that this is not a collective expulsion. Mr Billström has a charming way of putting it, since he tells us that this is a reasonable mobilisation of resources. Soon, common charter flights are going to be sold to us in the same way as car pooling to combat global warming is. There are limits! And what are those limits?

Well, I can tell you, as an elected representative from Pas-de-Calais, where there are many Afghans – who have given rise, moreover, to these deportations organised by Mr Besson in France – that, when the French Government decides, for communication purposes, to organise a collective return operation and to turn it into a media event, there are arrests in Pas-de-Calais: collective arrests, which are therefore illegal because they are discriminatory.

Therefore, we absolutely cannot guarantee what you are saying, Mr Barrot, namely, that this is a joint operation for people who, following individual assessments, have been found to be irregular migrants. This is indeed a case of collective expulsion because there was a collective arrest.

**Marie-Christine Vergiat**, *on behalf of the GUE/NGL Group*. – (FR) Mr President, ladies and gentlemen, one could be pleased that this debate has been held. I, however, am appalled by the waffle that we have been fed. Let us stop playing with words. Yes, collective expulsions were indeed organised.

The European Union takes great pride in defending human rights. The right of asylum is one of those fundamental rights. However, today, it is Afghans who have been deported to a country at war, a war in which many European countries are taking part.

I am sorry, Mr Barrot, but the legislation in question is as much European legislation as it is national legislation, and please do not refer us to every single one of the national situations. A large proportion of the situations

thus brought about are due to the Return Directive, which I prefer to call the 'Shame' Directive, because it is a directive of shame as far as all human rights defenders are concerned. You know that asylum seekers are treated very differently in each of the European countries and, precisely because of these differences, Afghans are unable to seek asylum in good conditions.

I therefore add my voice to all of the questions that have been asked by my fellow Members and I would ask you to ensure that the results of all of these policies are assessed on a case-by-case basis, if possible.

**Christine De Veyrac (PPE).** – (FR) Mr President, I would like to offer my support to the joint initiative of the UK Labour Government and the French Government to deport illegal Afghan immigrants to their own country.

Indeed, contrary to what some people have said, these people had had their political asylum applications rejected, and this bilateral initiative must now be extended at European level. The pressure of migration is a challenge that we must take up collectively, and that is the logic behind the Pact on Immigration and Asylum adopted a few months ago during the French Presidency. We need to go further now by pooling our resources and organising common return flights financed by Frontex.

The decision of the 27 to ask the Commission for a study on this issue is a first step, and, Commissioner, I hope that the Commission will give its support to this proposal, since our combating illegal immigration is what the public and, in particular, legal immigrant populations, expect.

**Sari Essayah (PPE).** – (FI) Mr President, within the context of the definition of refugee in the Geneva Convention, the prerequisites for receiving asylum have to be examined separately for each individual. As we heard in the previous speech, applications for asylum were processed properly and combined operations to return these people have been possible, provided that these prerequisites have been examined separately for each person.

What is worrying this House and me is that the situation regarding security in Afghanistan is such that we do not know whether anyone can be returned there. In Finland, for example, this situation has been resolved by issuing temporary residence permits, even though the personal definitions for refugee status have not been met – so asylum has not been granted – because we do not want to return people to a country at war. The security situation in Afghanistan is too dangerous to return anyone there at present, but afterwards, when things have quietened down, these people will be returned.

**Janusz Władysław Zemke (S&D).** – (PL) Mr President, I want to begin with the following matter – I worked for several years in the Ministry of National Defence of the Republic of Poland, and in connection with this, I have been to Afghanistan many times, because 2 000 soldiers from Poland are serving there. The drama of the situation concerns the fact that, on the one hand, there are people there who are desperate, who cannot cope in such a difficult situation, because all the time there is a war going on around them. On the other hand, there are people there who, and I do not hesitate to say this, are playing on two sides. During the day they support those who are, today, in power, and at night they help the Taliban. In relation to this, my basic question is as follows: do we have the instruments and the capability to evaluate the real intentions and situations of those who come to Europe? I think that some come simply because they do not see another way out, and because they are desperate, but there may also be individual cases of people playing on several sides.

**Franziska Keller (Verts/ALE).** – Mr President, I found part of the discussion a bit strange. Why are the people here illegally? They are here illegally because there is no way that they can get out of their country, which is at war, in a legal way. There is no way they can get here legally, so it is not really surprising that we find them coming here illegally. We all know how difficult it is to apply for and to get asylum since the Geneva Convention is pretty strict on this and you have to prove that you are personally persecuted which, of course, is difficult when you are fleeing from war. Now you are saying that just because they did not get their asylum claim through, we should send them back to Afghanistan, where there is war and where people cannot live, where they cannot survive, where there is no way of earning a living and where there is, by the way, also a strong war against women. So, just on this last ground, all the women fleeing from there should be given asylum.

I would urge all the Member States and the Commission to fight against sending these people back to Afghanistan.

**Tobias Billström**, *President-in-Office of the Council*. – (SV) Mr President, honourable Members, thank you for your many interesting contributions to this debate. I would like to start by attempting to sum up some of the most important principles in this matter. I will begin with what Mrs Mathieu said in her first point about the issue of mixed migration flows. It is indeed the case that we have mixed flows coming to the European Union and as the Union does not have unlimited capacity to accept these people, as Mrs Mathieu pointed out, it is important to carry out an individual, legally certain assessment in order to be able to determine who should receive protection in accordance with European legislation and international conventions. The Commission monitors this by means of the directives that have been adopted unanimously within the Union.

That leads me nicely on to the views expressed earlier by Mrs Guillaume and Mrs de Sarnez, namely whether Afghanistan is a country in which it is possible to guarantee an individual's safety. Well, yes, that is precisely what this entire debate is about! That is exactly what an individual review aims to clarify and ensure. The purpose of the establishment of a common European asylum system is to achieve this aim. I think that several of the speakers completely overlooked this fact in their speeches, in other words, that a legally certain review, with the purpose of clarifying that 'yes' means 'yes' and 'no' means 'no', is what we must endeavour to achieve. In the case of a 'no', the person must be returned, irrespective – and I will repeat this so that everyone understands precisely what the Presidency's intentions are – of the country concerned. If we have clarified and ensured that a person is not in need of special protection, we can send them back to their country of origin with a clear conscience. Whether this is done, as Commissioner Barrot said, in a coordinated way on a flight with several different people on board whose cases have all been reviewed individually, or whether they travel separately, is actually of secondary importance. It is merely a question of logistics in this context.

I will now turn to Mrs Keller, who always brings interesting arguments to these matters. Yes, I share your view that the question of access is a complicated one. It is difficult when we currently have a system which, in principle, requires someone to be present within the European Union in order to submit an application for asylum, while at the same time, it is perhaps not always particularly easy for them to get to the European Union in order to do this. However, this is precisely why, during the Swedish Presidency, we have pressed on with the work to set up a common European resettlement system, which will make it possible to offer an alternative route, a passage, within the European Union for those who are perhaps the most in need of protection, the most vulnerable and the people who do not have the financial resources to travel to the European Union.

Let me say that if all of the EU Member States could provide as many places as Sweden is currently doing – we have 1 900 places annually – in relation to the size of their populations, the European Union would be able to provide 100 000 places annually to UNHCR, the United Nations High Commissioner for Refugees. It is a major strategic step to be able to close the worst refugee camps around the world and stand up and show the solidarity that we in the Presidency believe that the European Union should be showing to the countries outside our borders which, in fact, contain most of the world's refugees.

**Jacques Barrot**, *Vice-President of the Commission*. – (FR) Mr President, my thanks to all of the speakers.

The major difficulty that we are encountering comes from what Mrs Mathieu called mixed flows, where we have immigrants who come for economic or environmental reasons and, at the same time, people who are persecuted and who are entitled to international protection or subsidiary protection. That is the difficulty, and that is what needs to be understood clearly if these problems are to be managed. It is very, very difficult.

What I want to do firstly is respond. I am going to read some elements of the French response – I cannot respond to everything – since you have questioned me on this issue. I shall read the following, from the French response.

'The interested parties who did not submit an asylum application of their own accord have been questioned as illegal immigrants and placed in administrative detention under the control of the magistrate for custody and release.

Each person was informed in his language of origin of his right to appeal, before the administrative magistrate, the decision to deport him to Afghanistan and his right to seek asylum at the French Office for the Protection of Refugees and Stateless Persons (OFPRA), or to benefit from a voluntary return measure implemented in association with the International Organisation for Migration.

Of those foreigners, only one lodged neither an asylum application nor an appeal before the administrative magistrate, and two others had their applications examined by OFPRA, where they were heard in the presence of an interpreter. They had the opportunity, during a hearing before the administrative court, with the

assistance of a lawyer and in the presence of an interpreter, to explain the risks to which they felt they would be exposed if they returned to their country of origin.

Although OFPRA has granted refugee status or subsidiary protection to several Afghan nationals who have sought protection under similar circumstances, OFPRA considered that, in the case in point, there was no serious or known reason to believe that these persons would be exposed to a genuine risk of suffering persecution or serious threats to their lives or their person if they were deported.'

We also received a response from the UK Government. I have genuinely done what my conscience and my duty demanded; we have made a point of questioning the Member States.

What I would also like to say to you is that, regarding this idea of a safe country, there is Court of Justice and European Court of Human Rights case-law that says that the simple fact of coming from a country or a region in which there is unrest is not reason enough to justify absolute protection against deportation or the right to subsidiary protection, except in exceptional cases in which the level of general violence is so high that anyone is in real danger of suffering threats to their life or their person simply as a result of being in the country or the region concerned. Moreover, it is true that these exceptional circumstances were not cited in the case in point.

That being said, I would also like to respond on the matter of group flights. It must be said that Frontex has already organised group flights and has partly financed those flights. I believe that this must indeed be said. There were such flights in 2008 and in 2009, so they are nothing new. What Frontex is trying to do – and I believe that the director of Frontex is succeeding in this – is to ensure that group repatriations are carried out in decent conditions, where people are respected. The director of Frontex was even telling me recently that he had observed that, in Austria, there was an ombudsman who was specifically monitoring the conditions in which these returns were conducted.

What we also hope to develop is expertise in terms of ensuring that, when these people are deported – after it has been verified that they do not correspond to the definition of persons eligible for international protection or subsidiary protection – they are admitted to their country of origin in decent conditions. It is this point that we are also currently examining at the request of the European Council. Indeed, we have not just thought up the idea of forced return flights without providing any guarantees that people will be respected.

Above all, I would like to remind you – and here I thank Mr Billström and the Swedish Presidency, which has helped us greatly – that, in spring, we began to table texts that are going to help us move towards a Europe of asylum. We have a text on reception conditions, we have reviewed – and Mrs De Sarnez rightly raised this point – the Dublin problem, we have, in fact, raised the issue of adapting the Dublin regulation precisely in order to prevent it from undermining, at times, the interests of vulnerable persons and particularly of children, and we have endorsed the principle of introducing certain derogations from the Dublin regulation.

On 21 October, the Commission adopted two other important texts: one on the Qualification Directive and the other on the Directive on asylum procedures. It is in this new draft Directive on asylum procedures that we are trying to lay down criteria that are genuinely objective, that are the same everywhere. We will need the Support Office to verify specifically that the practices are more or less the same throughout Europe, so that this Europe of asylum can finally come about.

I wish to thank the Swedish Presidency. It has, I believe, done a good job of presenting these various texts to the Council, but they are still a long way away from being adopted. And we have some problems. I am doing everything in my power to try to get this Europe of asylum up and running, with the help of the Swedish Presidency, which has set an example – Mr Billström pointed out, moreover, just how much of an example his country had set in Europe. With regard to this problem, too, the Member States are showing more solidarity when it comes to receiving these refugees and guaranteeing their protection. All of the countries need to start doing this. We are not there yet, and there are still some countries that do not receive refugees.

That is what I wished to say. I am well aware that I have not responded to every single question. What I can say to you is that, in spite of everything, we in the Commission have done everything we can to enforce respect for European law and, I would say, even more to enforce respect for the values of Europe.

**President.** – That concludes the item.



## 11. 2007 discharge: EU general budget - Council (debate)

**President.** – The next item is the second report on discharge in respect of the implementation of the European Union general budget for the financial year 2007, Section II – Council (C6-0417/2008 - 2008/2277(DEC)) – Committee on Budgetary Control. Rapporteur: Søren Bo Søndergaard (A7-0047/2009)

**Søren Bo Søndergaard, rapporteur.** – (DA) Thank you, Mr President. Seven months ago – on 23 April to be precise – a large majority in this House refused to grant discharge to the Council's budget for 2007. Why? It was because the Council's behaviour in respect of Parliament and the Committee on Budgetary Control was completely unacceptable. The Council refused to answer written questions that we put to it about its budget and refused to meet with the Committee on Budgetary Control and answer questions. The situation was so absurd that representatives of the Council immediately left any meeting at which questions concerning the Council's budget were asked.

In reality, this was nothing new. It had, in fact, been going on for many years. What was new was that in April, Parliament put a stop to it. I think that in April, most Members asked themselves a simple question: how can I, as a Member of the European Parliament, be responsible to my voters for the Council's budget if the Council will not even answer the questions put to it by Parliament? I believe that this was the question that resulted in a large majority of Members of this House refusing to grant discharge for the Council's budget. Perhaps some people thought that Parliament would become more amenable after the elections in June, or that Parliament's demands for openness and transparency smacked of election promises rather than a real change of attitude. If so, they will have been disappointed.

Even after the election, we on the Committee on Budgetary Control have been united in our very simple stance: if the Council wishes us to grant discharge for its budget, then it must meet with us and answer our questions. At the end of September, something finally happened. On 24 September, a meeting was held between the Council and the Chairman of the Committee on Budgetary Control, the committee's rapporteurs and the coordinators. At the same time, the Council answered the committee's questions – albeit indirectly – and these answers were also published on the Council's website.

Let me make myself clear: that was a smart move by the Council – a very smart move. It is the reason why we on the Committee on Budgetary Control are today able to recommend that Parliament grants discharge for the Council's budget for 2007. However, let me also clearly state that we both expect and require that this step expresses a change of attitude on the part of the Council with respect to Parliament.

Where the Council's budget for 2008 is concerned, we do not expect the absurd theatre of 2007 to be repeated. On the contrary, we assume that we will be starting from the point that we have finally reached. In other words, we expect the Council to provide, without undue delay, written answers to questions put by the competent committees and rapporteurs within Parliament. We expect a willingness on the part of the Council to meet with the competent committees and to answer questions.

To ensure that there is no doubt concerning this, it is stated clearly in the report that we are discussing today, and which I hope Parliament will adopt tomorrow – if not unanimously, then with a very large majority. In granting discharge for the Council's budget for 2007, we have demonstrated our positive attitude. The ball is now in the Council's court.

**Cecilia Malmström, President-in-Office of the Council.** – (SV) Mr President, honourable Members, the issues that we are debating are extremely important. Openness and transparency are the democratic tools we have available. What promotes the trust of the citizens is whether they are able to have an insight into the process, and that is good for the Union's activities. In this regard, Parliament and the Council have the same objectives, and this, of course, applies everywhere, in all areas and to all institutions.

Today we are talking about discharge for 2007. In this connection, I would, of course, like to emphasise the importance of external auditing in general and of the implementation of the budget in particular and, in this context, also highlight the role of the Court of Auditors and the very good work that forms the basis for the annual determination of accountability.

As regards the specific issue of this particular report on discharge in respect of the 2007 budget, I would like to express my satisfaction that you are now recommending that the Council be granted discharge. If we look closer at the main issues, there is actually no reason not to grant discharge. The Council has always endeavoured to follow the rules and to apply openness with regard to economic management. This will be the case in future, too. I understood that the informal meeting in September between the delegation from

the Committee on Budgetary Control and the Council delegation enabled a number of points to be clarified and that this was what made it possible – as the rapporteur also mentioned – to grant discharge to the Council for the 2007 budget.

This quite simply highlights the importance of dialogue between our institutions in future, too. I am therefore very pleased that we have found a way to move forward on these issues, with the result that discharge can be granted, and I look forward to this being confirmed in the vote tomorrow.

**Ingeborg Gräßle**, *on behalf of the PPE Group*. – (DE) Mr President, Mrs Malmström, Mr Barrot, a miracle has occurred. For the first time in five years, I am witnessing the Council taking part in this debate, and I would like to offer my sincere thanks to the Swedish Presidency of the Council for this major signal.

(Applause)

A warm welcome to you to the plenary session, the first time the Council has been represented at the debate on its discharge.

All's well that ends well, as we say in Germany? No, not this time. The discharge procedure with the Council has shown itself to be ineffable and in urgent need of a place on the interinstitutional agenda, which, incidentally, needs to be extended to include the President of the European Council. We have a new player on the European stage, and the existing procedure cannot, and must not, continue as it is. The way that Parliament has to beg for information and dialogue partners in order to get answers for its outstanding questions is unworthy of a parliamentary democracy. The Council styles itself as the ultimate and absolutist body and I, as a citizen of the European Union, stand before the voters of my constituency ashamed of this behaviour. The procedure that we have had so far is simply absurd and it must not be allowed to carry on in future.

I would like to thank the Swedish Presidency once again. We have made interesting beginnings. Firstly, there was this conversation, a new and unprecedented milestone, and the fact that you are present here today is a fantastic signal. The Presidency of the Council, like all the other EU institutions, must put itself forward for discharge by Parliament, and the same applies, now more than ever, of course, to the new High Representative, as head of the new External Action Service. We MEPs must now show that this issue is important to us and that we have to drive it forwards together. This issue must be on every agenda, and I would like to ask the Commission to put it on the agenda.

We do not like how the debate has been going so far. The fact that we have nothing, not one single proposal, for how things should be in the future, disturbs us. Lisbon must not become a synonym for an opaque European Union in which parliamentary supervision has been steamrollered. It is an opportunity for a new beginning with strong participation on the part of the elected representatives of the people, and the granting of discharge for the future President of the European Council is the first acid test.

**Bogusław Liberadzki**, *on behalf of the S&D Group*. – (PL) Mr President, I would like, at the outset, to express my gratitude to the rapporteur, Mr Søndergaard, who began his work in difficult circumstances, has shown great patience, and who has also demonstrated a tendency to be very balanced in his evaluations and opinions.

Mrs Malmström, I agree with you that it is good that the principles of transparency are being observed, including financial transparency, but I agree with those remarks which speak about something more. We have, today, reached a crucial moment in the way we operate. On the eve of the coming into force of the Lisbon Treaty, the Council is acknowledging, as it were, that Parliament is the only body which is elected because Parliament works openly. For Parliament and the Council to be compatible bodies, the Council, too, should, to a great extent, work more openly, and that is exactly what is happening at the moment. We are overcoming the Council's aversion to working with Parliament. I think this is going to happen not only in this area of our work, but that it is also going to happen in other areas of our work, including the parliamentary committees.

My political group will therefore definitely support the proposal for a decision on discharge of the budget, as indeed the honourable Council has the opportunity to see in today's debate. We are not going back to the numbers, we are not pointing to the left-hand column, the right-hand column, incomes, expenditures or sound management. We do not have significant reservations here. However, we are glad that this debate is taking place and about the way it is being conducted.

**Luigi de Magistris**, *on behalf of the ALDE Group*. – (IT) Mr President, ladies and gentlemen, as Chairman of the Committee on Budgetary Control, I must acknowledge the very important work accomplished by the

committee and the excellent job done by the rapporteur, as well as the political solidarity that has been on show.

This is because, from the outset, we wished to send a very clear message: we intend to work with great rigour to ensure transparency, accuracy and legality in the management of public funds and, therefore, in auditing the budgets.

Very significant progress has been made with the Council, which at first did not want to respond. I would like to personally congratulate the Swedish Presidency on this. It has always set out to act to promote transparency and accuracy.

From that point of view, we therefore expect further progress, because obviously it is absolutely unacceptable, particularly with the entry into force of the Treaty of Lisbon, that Parliament should not have the information and details required to monitor budgets and public funds, in the interest not only of the European Union but also of all European citizens.

**Bart Staes**, *on behalf of the Verts/ALE Group*. – (NL) Let us be honest, this remains a difficult exercise, and I am delighted that the President-in-Office of the Council is present. This represents a breakthrough. Indeed, it is the first time that the Presidency has attended this kind of debate, and I welcome this. Yet we must admit that this remains a difficult exercise.

The Council is actually continuing to hide behind a kind of gentlemen's agreement concluded at some point in the early 1970s – forty years ago – whereby Parliament and the Council agreed not to interfere in each other's budgets, not to look into each other's books and to let everything pass, like respectable gentlemen. This is a thing of the past, as the Council budget has changed fundamentally. Forty years ago, it consisted of nothing but administrative expenditure, whereas now operational expenditure has been added. Therefore, we must strive towards a breakthrough.

We have broken the deadlock provisionally. We are prepared to grant discharge, but now we really must go a step further. After all, the problems have not been solved. We have the task of ensuring that transparency and democratic control apply to the Council's budget and also to the budget of our own Parliament. Therefore, I agree with all those – speakers, rapporteur, speakers from the political groups – who have said clearly: look, this is a warning shot, we must go a step further in the next Council discharge exercise. The Annual Report of the Court of Auditors contains suggestions in this regard, and once again mentions matters concerning the SESAME Programme. Mrs Malmström, you may soon no longer be involved, but we are going to continue pushing for transparency.

**Richard Ashworth**, *on behalf of the ECR Group*. – Mr President, may I firstly take this opportunity to give credit to Commissioner Kallas for the real progress which has been made in addressing the issues and reservations expressed by the Court of Auditors. In my view, this outgoing Commission has made more positive progress than any preceding Commission in recent times and I thank him for his efforts.

It is widely accepted that the adoption of accrual-based accounting systems has been a success and that that installation has been responsible for much marked improvement. I also want to acknowledge good progress made with the common agricultural policy and, in particular, the IAC system, which has given great benefit as well.

However, I do have two areas of concern which I must mention. Firstly, the Court of Auditors, in its annual report, makes repeated criticism of 'the accuracy and reliability of underlying transactions'. I agree, and in this respect, 2007 was no different from previous years. Their message is perfectly clear: there is still a great deal of work to be done.

Secondly, I want to mention that the Court of Auditors was critical of the lack of controls in joint managed programmes. This Parliament has repeatedly called on the Member States to devote far greater urgency to addressing the auditors' concerns, and in particular, we have called on the Member States to meet the terms of the 2006 interinstitutional agreement.

For the sake of fiscal integrity and for public accountability, they must now show more resolve and so, for those reasons, and until we see real progress being made by Council in this matter, I and my colleagues in the British Conservative delegation will vote against discharge of the 2007 general budget.

**Marta Andreasen**, *on behalf of the EFD Group*. – Mr President, we are elected Members of the European Parliament, but our voters do not know what is going on behind the scenes. In April 2009, the Budgetary

Control Committee decided to postpone discharge to the Council. Even if the Court of Auditors had not criticised the accounts, the Committee claimed to have enough reasons to proceed that way. However, after this Committee met with the Swedish Presidency in September, and some written answers were given to Parliament's questions, Mr Søndergaard, the rapporteur on the Council discharge for 2007, still issued a report which, even with much goodwill, would not have allowed discharge to be given. However, a political decision was taken to give discharge and the compromising paragraphs were watered down.

The Committee intends to recommend discharge on expectations for the future. If the people who bothered to vote for us in June knew the following: that there is a consensus not to rock the boat on the basis of a gentleman's agreement from 1970; that the internal auditor of the Council would not be invited to the Budgetary Control Committee because then, the Council would be able to invite the internal auditor of the European Parliament, with uncertain consequences; and that the politically appointed Court of Auditors did not have any comments on the Council's internal auditor's report of April 2008, what would they say?

Back in 2002, when I was Chief Accountant of the European Commission, the then Director-General for Budgets stated, in a letter to the then internal auditor of the Commission, that the discharge procedure was an interinstitutional game and nothing more. Are we going to continue to avoid talking about the gorilla in the middle of the room because we are afraid to lose privileges obtained after years of silence? We can choose to expose and end hypocrisy when we vote for the 2007 Council discharge. I think you know what I choose, and I hope that you will join me in refusing discharge to the Council.

**Martin Ehrenhauser (NI).** – (DE) Mr President, the European Security and Defence Policy is not, at present, a navy, but it is a ship of war in international politics. Every year, when it comes to discharging this budgetary warship of the Council, it suddenly disappears into the Bermuda triangle and the European Parliament seems happy to apply the motto 'everything that is not on our radar screen does not exist in reality, either'.

Last spring, extra-budgetary accounts suddenly emerged and the Council was not granted discharge. Four reasons were cited for this. The first was that the Council refused to accept any kind of official, formal meeting with Parliament. The second was that the Council refused to provide any comprehensive written answers. The third was that the Council failed to supply either an activity report or a complete list of budgetary transfers. The fourth reason was that it is impossible to determine whether the expenditure items in the Council budget are of an operational nature.

Now, suddenly, tomorrow – a few months later – there is a will to grant the Council discharge, all of a sudden. Yet not one of these four grounds for refusing to grant discharge has really been cleared up or satisfied. The representatives of the Council still refuse to have any kind of formal meeting with Parliament. Likewise, no activity report has been forthcoming and the extra-budgetary accounts have not been closed or got rid of, as we demanded.

I would remind the rapporteur that his initial report put a total of twenty queries and questions to the Council. Yet where are the precise answers to these questions? Can you tell me that? No, you cannot. Instead of increasing the pressure on the Council at this point, what do we do? We turn ourselves into supplicants, and these demands become requests in the new report. Anyone who votes in favour of granting discharge to the Council now will be giving their support to precisely this situation, where Parliament stands before the Council making meek requests.

**Sidonia Elżbieta Jędrzejewska (PPE).** – (PL) Mr President, I endorse the draft decision of the European Parliament granting discharge to the Secretary-General of the Council in respect of implementation of the budget for the financial year 2007. I am pleased that the Swedish Presidency and Mr Kallas have demonstrated they have the commitment to resolve this problem.

I would like to draw attention to several matters, which are still, however, outstanding, and which are something which we must tackle in the next few years. The difficult and laborious process of granting discharge to the Council shows what the European Parliament wants. The European Parliament wants transparency, and open but also formal dialogue with the Council. These demands of the European Parliament are persistent and stubborn, but they are not an expression of malice on the part of MEPs, they are an expression of concern for public money and are, as indeed they should be, an expression of concern for transparency in spending taxpayers' money.

I would like to stress that the procedure of granting the Council discharge also shows the way in which Parliament finds out about new areas of the Council's work, and that Parliament does not want to be excluded from monitoring and supervising the Council's spending in any area of its activity.

In my opinion, granting the Council discharge for 2007 is a step in the right direction, but we should also say clearly that there are still certain matters which have not yet been fully explained, and we should continue to remind the Council of this. I hope there will be constructive dialogue here, with increasing transparency and openness, so that public money can be monitored in the best way.

**Jens Geier (S&D).** – (DE) Mr President, ladies and gentlemen, I, too, would like to thank Mr Søndergaard for his successful work, as a result of which the Council ultimately accommodated Parliament in the discharge procedure. The Council refused, for a long while, to provide pertinent answers to Parliament's questions, citing the Gentlemen's Agreement – an agreement of an informal nature which is now, in any case, 40 years old. This seems downright bizarre when Council officials, after 40 years, clearly no longer know what exactly the Gentlemen's Agreement states, since the version provided by the European Parliament contains precisely the opposite of what the Council claimed again and again in the negotiations.

The first resolution of the Gentleman's Agreement stated that the Council would not attempt to make any changes to the European Parliament's expenditure. The third resolution states that there should be close cooperation between the two institutions on budget issues. The Council takes this to mean that each institution will leave the budgetary activity of the other alone. At this point, I will refrain from commenting on the seriousness of this line of argument. Instead, I would like to thank the Swedish Presidency of the Council for having begun the process of bringing an end to this ignoble state of affairs.

The solution is an addendum to the interinstitutional agreement that clearly regulates the procedure for the granting of discharge to the Council by Parliament, as the proposed motion for a resolution demands. I therefore ask the House to support the motion.

**Jorgo Chatzimarkakis (ALDE).** – (DE) Mr President, Commissioner Kallas, first of all, I very much welcome the fact that the Swedish Presidency of the Council is present, and I would also like to personally thank Mrs Malmström for having made the procedure more transparent. Everything that my fellow Members have said is true – the procedure is more transparent, and even if she expressed herself in a somewhat more cautious manner today, we can still say that we will be granting discharge. There is still a very long way to go. We ask the Council to follow this first step with further steps, especially given that the Council's competences in the field of foreign and security policy have been much more clearly defined under the Treaty of Lisbon. In future, this policy will also have a face, in the shape of Baroness Ashton. The citizens, however, did not previously know Baroness Ashton, and they, the European taxpayers, will still not know, in future, exactly how much money she has at her disposal and what she does with it. We must change this state of affairs. This, indeed, is an absolute must in a time where we are actually fighting for a transparent, democratic Europe.

I would like to thank the rapporteur, Mr Søndergaard for having applied pressure in our – Parliament's – name, and we will maintain that pressure.

**Ville Itälä (PPE).** – (FI) Mr President, ladies and gentlemen, I also wish to thank the rapporteur, who has done a tremendously good job. When we are discussing discharge in respect of common funds for 2007, we are not talking about the Council's money, or the Commission's money, or Parliament's money, but the taxpayer's money. It is money that belongs to our citizens, and they must have a right to know what it is being spent on.

More than anything, Parliament represents the people, and Parliament must have the right to receive all the information it needs when it asks for it. We cannot have a situation where Parliament actually has to beg for it. That is why openness and transparency are the only way in which the institutions of the EU can win the trust of the people.

I want to join those who have praised the excellent progress that has been made in this matter and the splendid work that the Swedish Presidency has done, on account of which we can now grant discharge. I would also like to thank Commissioner Kallas, who has done such excellent work in the last five years. Progress has been made in these areas. This is the right step in the right direction.

(Applause)

**Aldo Patriciello (PPE).** – (IT) Mr President, ladies and gentlemen, on 23 April, this House postponed its decision relating to the Council's accounts because the Council had refused to supply Parliament with its annual activity report, preventing its expenditure being scrutinised in the same ways as are applicable to the other institutions.

It is, in fact, our duty to intensify efforts to promote transparency within the Community institutions by increasing awareness regarding the use of the Community budget and by making the European institutions and, first and foremost, the Council, more answerable to the public.

I believe that since Parliament's refusal to give discharge to the Council, many efforts have been made. In particular, we have welcomed the publication on the Council's website of its annual activity report and the increased level of transparency in the common foreign and security policy sector. We also welcomed the meeting in September at which, finally, there was a constructive discussion between the representatives of the Committee on Budgets and those of the Swedish Presidency. The efforts made by the Council to supply appropriate replies to the requests made by Parliament in April are equally welcome.

Mr President, to conclude, the text that we will be voting on constitutes a significant step in the dialogue between Parliament and the Council, and a strong signal that this House wished to send in order to protect taxpayers through clear, transparent and timely reporting on the Council's expenditure.

**Cecilia Malmström**, *President-in-Office of the Council*. – (SV) Mr President, thank you for debating this extremely important matter. I am pleased that we agree on the importance of openness and transparency. These things are, of course, the foundation not only of constructive cooperation between us, but also for enabling citizens to have confidence in the European institutions. Like Parliament, the Council is keen to accept its responsibility for guaranteeing the greatest possible transparency when it comes to taxpayers' money, and these issues become even more relevant, of course, with the new treaty, which will enter into force in just one week's time.

The broader discussion of the form that the auditing of the Union's financial management is to take should be carried out in connection with the review of the regulations and the annual procedure for the EU's budget that will be necessary on account of the entry into force of the Treaty of Lisbon. However, the Council endeavours, and will continue to endeavour, to follow the rules and to apply openness with regard to its economic management. In relation to the European Parliament, we will continue to apply the practice established over the years and also next year hold talks with Parliament on an informal basis to clear up any questions there may be about the implementation of the budget. In this connection, I look forward to continuing the dialogue with the European Parliament on the question of discharge and I am certain that we will also have a constructive, informal dialogue next year on the Court of Auditors' report for 2008. Thank you very much for this debate.

**Søren Bo Søndergaard**, *rapporteur*. – (DA) Mr President, I would like to thank all those who have contributed to this debate. I would particularly like to touch on what was said by Mrs Andreasen and Mr Ehrenhauser, and point out that when we began this process there was no agreement whatsoever. When we began this process, we got no response when we put questions to the Commission and requested written answers. When we began this process, the Commission left meetings whenever we started asking questions. That was the position we started from.

Our task today is to decide whether we have moved a step closer or whether we are still in the same situation. The question is not whether we have achieved everything we wanted to. I agree that we have not achieved everything we wanted to. You only have to read my report, and now the committee's report, to see that we are still unhappy. I would also ask the Council to read the report very thoroughly, because it contains many good points that could be useful for next year.

We have come a step closer, however. When we start on the 2008 discharge – and we are doing that even now – we will not be starting from a blank sheet. We will be starting from the point we have reached this year. I therefore believe it is right to defend what we have achieved by voting in favour, thereby continuing this struggle – which is, after all, what it is. Time will tell – when we see how things go this year and next year and the year after that – whether we made the right decision. That is why it is crucial that we as a committee, and as Parliament, are capable of standing together and sticking to what we set out to do all along.

I would like to take this opportunity to thank the secretariat, the shadow rapporteurs and the entire committee, including its chairman, for enabling us to show a united front. If we can maintain this solidarity – including when it comes to the 2008 discharge – then in 2008, we will be able to move a step further, beyond what we achieved in 2007. Then we will be in a position to achieve what we all want to achieve.

**President**. – The debate is closed. The vote will take place on Wednesday, 25 November 2009.

**Written statements (Rule 149)**

**Georgios Stavrakakis (S&D)**, *in writing*. – (EL) Mr President, ladies and gentlemen, I, too, should like to start by congratulating the rapporteur, who has done an exceptional job, directly raised crucial questions and insisted on the need for us to obtain clear answers before proceeding to recommend discharge. Congratulations also to the Committee on Budgetary Control, which stood by its position and supported the rapporteur and, despite initial difficulties, managed to persuade the Council to give us answers to the most important questions. For how can we recommend discharge for a budget, how can we responsibly argue that the budget in question is correct, without knowing what is behind the numbers? That would be completely absurd. Following the Council's replies, we are now ready to recommend discharge but, at the same time, we have included substantial comments in the accompanying resolution, which the Committee on Budgetary Control approved with a very large majority. We want and believe in open procedures, we want and believe in transparency and we want to have full knowledge of how European taxpayers' money is spent.

*(The sitting was suspended at 19.25 until the start of Question Time and resumed at 19.30)*

#### IN THE CHAIR: MR McMILLAN-SCOTT

*Vice-President*

### 12. Question Time (Commission)

**President.** – The next item is Question Time (B7-0223/2009).

The following questions are addressed to the Commission.

Question 25 by **Silvia-Adriana Ticau** (H-0372/09)

Subject: Commission action to foster an environment that spurs corporate investment in research and encourages banks to finance that investment

2009 is the European Year of Creativity and Innovation. The Lisbon Strategy, which was adopted in 2000, aims to make the European economy 'the most competitive and dynamic knowledge-based economy' by 2010. That aim has given rise to two other objectives: raising the employment rate to a minimum of 70% of the labour force and increasing the level of investment in research to at least 3% of GDP, with two-thirds of that amount coming from the private sector. Unfortunately, 2009 has been marked by an economic and financial crisis affecting all the EU Member States and restricting private companies' access to financing instruments. Overall research investment is no greater than 1.85% of GDP, and only five Member States have invested over 2% of GDP in research. Member States will only recover economically if the EU manages to remain competitive, and that is dependent on there being investment in research and education.

What action does the Commission have in mind to foster an environment that spurs private companies to invest in research, and particularly in applied research, and encourages banks to finance investment in research and innovation?

**Günter Verheugen**, *Vice-President of the Commission*. – (DE) Europe's policy on research and innovation is essentially based on the Seventh Framework Programme for Research, which runs from 2007 to 2013, the Competitiveness and Innovation Framework Programme, which runs for the same period, and the cohesion funds, which likewise run over the same period. In preparation for these three major programmes, the Commission put forward a long-term strategy and an action plan in 2005 and 2006. The action plan was put forward in 2005, while the broadly-framed innovation strategy dates from 2006. The results of these different programmes are set out in comprehensive documentation from the Commission and have often been discussed here in Parliament. I would be happy, Mrs Țicău, to provide you with all these documents once again. Within the confines of Question Time, it is not possible to spell out their contents to you, but I do want to attempt to highlight the key points.

Through the Seventh Framework Programme for Research, we did experience a truly remarkable rise in European expenditure on research and development whilst a series of new instruments, in particular, the joint technology initiatives, were also created and these have proven their worth extremely well.

The cohesion funds are new and better suited to the aim of promoting research and innovation and it is really remarkable if you look at the figures – the provision for these areas in the cohesion and structural funds for the stated period is EUR 86 billion, which, in any case, is 25% of the total structural and cohesion funds. A

new instrument has been created within the scope of European structural policy, the JEREMIE support initiative, which, above all, is about providing easier access to capital for small and medium-sized enterprises. This is being done in collaboration with the European Investment Fund.

The programme to promote innovation and competitiveness, which I am responsible for, is also essentially a programme that creates funding instruments. The major share of the money is actually spent on facilitating access for small and medium-sized enterprises to funding instruments that are designed to improve their capacity to innovate.

I am sure you know that our European growth and employment policy does not have very many quantitative targets. We do have one quantitative target, however, which has been unchanged since the year 2000. That target is to spend 3% of gross domestic product on research and development. We can already say, today, that this target will not be achieved. Just looking at the percentages, however, is a little misleading, since, after all, the absolute figures for spending on research and development in the European Union from 2000 to 2006 rose by 14.8%. That is a greater rate of increase than, for example, the United States. Despite that, we have to say that the results are not satisfactory, for which reason the Council adopted a document entitled 'Vision 2020' for the European Research Area as far back as December of last year, which was concerned with the issue of whether we could mobilise greater funding for European research and development policy.

I do not want to hide from you my concern that the current economic recession threatens the long-term strategy of driving forward research and development. The Commission reacted very quickly to this threat in November 2008. The European Economic Recovery Plan, which complements the Member States' measures to combat the economic crisis and aims to provide impetus and counter the difficult situation in the financial sector, is heavily focused on the areas of investment in research and development and promoting investment. I will give you three examples: the Factories of the Future initiative, which relates to the modernisation of Europe's industrial base, with EUR 1.2 billion in funding; the Energy-efficient Buildings initiative, for which EUR 1 billion has been allocated; and the Partnership for Building Green Cars, which has also been allocated EUR 1 billion in the field of research, topped up with expenditure amounting to EUR 4 billion from other economic measures.

The Commission has already begun preparations for the next growth and employment strategy. Without giving away any secrets – as President Barroso has already discussed this in his guidelines – I can also say that research, development and innovation will play an absolutely key role in the next growth and employment strategy.

I have another comment to make on innovation. Europe is actually in a pretty good position when it comes to research policy. We have good, and in some cases outstanding, research capacities. We also have very good results when it comes to technological development. We could certainly be better, though, when it comes to innovation. If we understand innovation to be the practical application of research and development work for products, services, design and methods – in other words, anything where a practical application is possible – we still see a huge potential to create additional growth and additional employment in Europe. The Commission therefore announced this year that it is to bring forward an 'innovation act'. An 'act' in this sense is a new political instrument that we developed for the first time in connection with small and medium-sized enterprises – you will remember the Small Business Act – and we will be bringing forward an innovation act that brings together legislative measures, policy initiatives and politically-binding guidelines in a major package.

I have endeavoured to direct this work in such a way that the new Commission will be free to decide when it wants to bring forward this innovation act. You will understand that I cannot pre-empt that – it will be for the new Commission to decide. The preparatory work, however, has already made good progress and I think I can say with certainty that Parliament will be dealing with the subject of this innovation act within the next year.

Allow me, in concluding, to say that we have seen good progress overall on a broad front over the last few years, although it has been very erratic. It is necessary, in this regard, however, to take an even-handed view. We cannot, for example, expect the new Member States to match the spending proportion of gross domestic product of the older Member States on research, development and innovation straight away. I am very pleased to see, however, that the new Member States – especially those that are in greatest need of catching up – are also making up ground the quickest, so that I see developments overall as positive.

**Silvia-Adriana Țicău (S&D).** – (RO) Thank you for the information and answer you have provided. I would like to ask the Commission whether it is intending to hold discussions with Europe's banking institutions



about the possibility of providing guarantees and loans at a preferential rate of interest for the research and innovation companies and projects which are currently considered to be a major risk. In addition, European research programmes such as the Seventh Framework Programme, which apply for up to 50% cofinancing, are not very suitable for small and medium-sized enterprises. I would like to ask the Commission whether it is intending to modify these programmes to increase the involvement of small and medium-sized enterprises.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mrs Țicău, that is a very worthwhile point, and I am pleased to be able to tell you that this is exactly what the Commission thinks and is therefore exactly how it has acted. I want to reiterate that the crucial problem for our small and medium-sized enterprises is attaining the necessary venture capital in order to be able to pay for research and development. Two important instruments have been created in this area, namely the Competitiveness and Innovation Framework Programme and the JEREMIE programme.

In both cases, the issue at hand is the same, namely the ability to mobilise cut-rate credit via the European Investment Bank and the European Investment Fund, respectively, with the aid of venture capital – in other words, the direct participation of business capital – and with the aid of guarantees, in order to facilitate access for small and medium-sized enterprises to this credit. These are major investment programmes in which many hundreds of thousands of European businesses take part.

I am sure you understand that the European Investment Bank and the European Investment Fund are not able to manage the details of each individual granting of credit. That is why this takes place via intermediaries, usually banks in the Member States. According to the most recent information I have, the situation is that we have reached a position in all the Member States whereby the national banking system is integrated into this policy and businesses that are seeking access to the funds provided from the Community budget are able to get said funds via the national banking system in question.

**Paul Rübzig (PPE).** – (DE) My question relates to the concept of eurostars, something that we implemented in EUREKA, which, in particular, facilitated quick and efficient allocation for small and medium-sized enterprises. Do you believe that the said programme can be extended? Furthermore, how do you see the challenge for the Eighth Framework Programme for Research, where the idea of us providing EUR 50 billion in future for research into energy efficiency, in particular, in relation to SMEs, is being discussed.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr Rübzig, you know my answer, of course, but I am grateful for your question. Yes, I do believe that all the programmes that we have that facilitate access to funds for small and medium-sized enterprises can be extended. These programmes are creating very positive experiences and we should extend them for that reason. I have to ask for your understanding for the fact that I do not want to make any comments about the priorities for the Eighth Framework Programme for Research. For one thing, it is not my responsibility, as you know, but for another thing, it would be inappropriate for me to pre-empt the new Commission which is about to be formed.

I can only say, as a view from the current Commission on the fundamental premise of your question, that there will have to be a focus in our research, development and innovation policy over the next ten years on the fields of energy efficiency, renewable energies and, in a broader sense, on the field of technologies that pave the way for a sustainable lifestyle and economy.

You know me well enough to know that I have always pointed out that increasing energy efficiency is probably the cheapest and most effective kind of sustainability programme, as it enables us to achieve a lot with relatively little expenditure. If, therefore, the new Commission tables specific proposals moving in this direction, it will, in fact, be able to draw upon the preparatory work carried out by the current Commission and its policies.

**Andreas Mölzer (NI).** – (DE) Mr President, particularly in the pharmaceuticals industry, of course, research and development are key when it comes to innovation and fighting diseases, which in turn, benefit EU citizens. What action will the Commission take against pharmaceuticals companies that attempt to curtail parallel trading in the medicines sector? Will it categorise such measures as anti-competitive?

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr Mölzer, this question simply does not arise, as it was comprehensively examined and decided upon in connection with the pharmaceuticals package that the Commission proposed last year. We have clear and unambiguous case-law on this matter from the European Court of Justice, which includes parallel trade in medicines in the freedom of the internal market, and there is therefore no legal scope to counter this.

The pharmaceuticals package proposed by the Commission over the last year does not set out any specific rules that negatively affect parallel trade in any way. In the very important and far-reaching proposals that relate to protection against counterfeit medicines in the legal supply chain, exactly the same rules apply to the manufacturers of medicines as to those carrying out parallel trading. There is no discrimination at all. I am not aware of there being anyone in the Commission with the intention of dealing with this subject.

**President.** – Question 26 by **Marc Tarabella** (H-0377/09)

Subject: Information on energy prices for consumers

The Commission recently opened the second meeting of the 'Citizens' Energy Forum' in London. In her statement, the Commissioner for consumer protection emphasised how important it is for energy consumers to have gas or electricity bills – the best indicator of energy consumption – that are simple and accurate and that allow comparisons between providers.

Going beyond these major annual public events, can the Commission indicate specifically how it intends to compel energy producers and distributors to meet this objective, which is essential for citizens, despite having refused to adopt the Energy Consumers' Charter proposed by Parliament?

**Meglana Kuneva**, *Member of the Commission.* – In response to the first question, from Mr Tarabella, on energy prices, I can state that with the adoption of the third internal energy market package, the importance of the citizen in the internal energy market has been elevated considerably. The new measures are intended to improve the operation of the retail energy market and provide additional consumer protection. These topics are discussed and followed up at the Citizens' Energy Forum, established with the aim of improving the functioning of the retail market to the benefit of individual consumers.

The Forum, involving the representatives of consumers, industry, national energy regulators and national administrations, seeks to improve implementation of energy legislation and may develop elements for codes of conduct with self-regulating and even quasi-binding effects on the industry. In this context, a working group on billing was established at the first meeting of the Forum in 2008. The working group's recommendations are examples of good billing practice and were presented and endorsed at the second meeting of the Forum in 2009. Energy regulators and industry will report on the implementation of the billing recommendations in the next Forum, which is expected to be in the autumn of 2010.

The third internal energy market package also brought a new instrument intended to inform consumers – the European energy consumer checklist. The checklist is a tool that will help inform consumers in the Member States of their rights – notably on billing – and assist with the implementation and enforcement of energy legislation. It aims to provide consumers with simplified, accurate and practical information on local energy markets. The harmonisation of the competences of energy regulators in relation to consumer protection, which will result in active market monitoring, will further enhance their protection.

**Marc Tarabella (S&D).** – (FR) Mr President, Commissioner, in your response, you are actually talking about the outcome of a second report in autumn 2010, of a third energy package, which will be monitored closely.

In the meantime, you know full well that thousands of complaints lodged with consumer organisations and national regulators concern the total lack of transparency of gas and electricity bills, in terms of both prices and of real consumption. This, at a time when the Commission and the Member States alike are emphasising in their energy plans the need to reduce consumption and the possibility of comparing prices with the aim of potentially changing supplier. This was the main objective of liberalisation.

Therefore, Commissioner, I will get straight to the point by asking you what measures – and I use the plural here – the Commission intends to take in the short term to deal with these shortcomings. I would also point out that the Commission has rejected an energy consumers' charter proposed by Parliament – it was Mrs De Vits who proposed it – which you yourself had previously recommended.

**Meglana Kuneva**, *Member of the Commission.* – Mr Tarabella, your question is very much concentrated on why the Charter was dropped. The public consultation entitled *Towards a Charter on the European Energy Consumers* was launched in July 2007. The results of the consultation showed that there was little knowledge of existing energy consumer rights.

The idea of a charter that would create a single piece of legislation covering consumer rights that are currently included in a number of European directives and numerous national implementation instruments was

rejected for legal reasons. The energy consumer rights that are in the existing European legislation are already legally binding.

You ask why there cannot be a standard bill for all consumers. Our working group on billing, set up by the first Citizens' Energy Forum, confirmed that industry's right to self-regulation, promoting innovation in billing, should be preserved. At the same time, greater transparency and comparability of offered prices and services to consumers should be ensured.

Billing accuracy is closely related to metering frequency. Meter-reading frequency is not defined by EU legislation. However, this is indirectly addressed by smart metering.

I would like also to stress that during the Citizens' Energy Forum, we endorsed the recommendations for good practice in billing, which aims to provide consumers with simple and clear information on gas and electricity bills.

Through the consumer market scoreboard, where we investigated different consumer markets, we spotted that the markets from where we had most complaints is the electricity market. The second is financial markets, and the third is local transport.

That is why the Commission has launched a major study on the retail electricity market and will present the results to the Forum in 2010. This is the second layer of implementing the results of the consumer markets scoreboard and I believe that in the future, this one will remain as one of the strongest instruments to make our diagnosis on how the retail market is functioning, especially in this case, which is of such an important and basic interest and also very much related to services.

**Chris Davies (ALDE).** – If I can follow up the question: we know there is huge potential for energy saving in domestic households. I look at my electricity bill, I look at it with interest because I want to make these savings, and frankly I find it confusing.

If I find it confusing, then I suspect many of my constituents do. Self-regulation is not sufficient. Clarification is an area in which the European Commission could make a genuine difference which I think would be welcomed by people everywhere and would provide some significant assistance to us in trying to reduce our global warming emissions.

Please take this back to the Commission and think again.

**Franz Obermayr (NI).** – (DE) In the first half of this year, gas suppliers' fuel oil prices fell by up to 40%. Yet this development had only a marginally positive impact for consumers, something that is particularly important in the colder parts of the year.

What steps will the Commission take to ensure that consumers, too, are able to benefit from these positive price movements?

**Meglana Kuneva, Member of the Commission.** – We are aware that the Commission is not a price setter. What we can do and what we are committed to doing is to make prices transparent.

In one of the recent directives – the 2007 Consumer Credit Directive – we asked the banks to establish a common methodology to calculate the interest rate, on the basis of which consumers could compare the offers and find the best solution for them. We have several tools to work with; this is about unfair commercial practices and it is precisely the transparency of prices that is core to that directive.

We also have another horizontal directive, on unfair commercial terms, which concerns whether the terms relate to undue and unjust enrichment. That is what I believe you hinted at when you asked the question about prices.

This matter is in our hands and we also need to do everything possible to ensure that enforcement in all Member States across Europe is equally well implemented, because all these directives depend very much on how they are implemented. That is why I am proposing to the European Commission a communication on enforcement. Here we are breaking new ground, because enforcement is normally in the hands of the Member States, but we need to compare the results and to have benchmarks, which, by the way – concerning the previous question on metering and on understanding – is why we are strongly encouraging the project on smart metering. This may not be a pan-European initiative, but countries like Sweden, which is holding the Presidency, are among the pioneers in this area. I can only encourage everyone to look at this example

and make maximum use of it. This could also lead on to other questions, such as how to calculate the carbon footprint all of us leave through energy consumption.

Turning to other areas, the Commission has recently been doing much more on labelling in respect of energy efficiency and more price comparison, encouraging the use of consumer indexes, such as has been the case in Italy and other countries, because this is also a very good service, provided through the internet, which helps consumers to fight for a better price.

However, in order to make this happen, we need to have cross-border shopping and availability. Cross-border trade via the internet currently stands at only nine per cent in the European Union, so we really have a call of duty to complete the second phase of the internal market, which is the retail market. This area is one of the missing links in the internal market, and I very much hope that Parliament and the Commission will speed up one of the important directives proposed under the Consumer Rights Directive, which aims to have a set of rules that will bring more certainty and more confidence – from the point of view of consumers and of businesses – to improve this really very poor level of cross-border trade in Europe.

**President.** – Question 27 by **Jim Higgins** (H-0401/09)

Subject: Food labelling for consumers

Could the Commission outline what investigations or reports it has carried out regarding food products which claim health benefits? Has a range of these foods been investigated or tested to verify whether the claims they are making are valid, in order to protect consumers?

**Androulla Vassiliou**, *Member of the Commission.* – Following the request of Member States and stakeholders, the Commission proposed the Regulation on Nutrition and Health Claims, which was adopted in December 2006 by Parliament and the Council.

The aim of the Regulation is precisely to ensure that nutrition and health claims made on foods are truthful, clear and based on generally accepted scientific evidence, so that the consumer is adequately protected. The Commission therefore aims to establish lists of permitted health claims as well as to update permitted nutrition claims. The regulation sets authorisation procedures to ensure that only scientifically substantiated health claims are made.

These procedures involve firstly the European Food Safety Authority, which assesses the substantiation of health claims; secondly, the Commission, which proposes draft measures authorising or rejecting health claims accordingly; and thirdly, the Member States, which give their opinion on the measures in the regulatory committee.

The Commission has so far adopted four regulations authorising or rejecting health claims. Similar measures will continue to be adopted according to the evaluation of the health claims from the European Food Safety Authority, thereby ensuring that consumers are not misled.

**Jim Higgins (PPE).** – (GA) I would like to thank the Commissioner for her answer. I welcome the study and the inquiry into food manufacturing that is being carried out by the European Food Safety Authority as it has now been proven that shoppers are happy to pay more money for food which has related health benefits.

At the end of the day, the most important thing is that we comply with the new rules and put pressure on the different companies to be completely honest as regards the amount of information they provide so that they will not be telling any falsehoods to the people who purchase these items.

**Androulla Vassiliou**, *Member of the Commission.* – I can only agree with the honourable Member. This is exactly the reason why we put forward this regulation.

I must say we were amazed by the number of applications received. We were expecting a few hundred and we received 44 000 claims. We consolidated this 44 000 into a group of 4 000, which we submitted to the European Food Safety Authority (EFSA) for an opinion. That is the reason why EFSA is not in a position to complete the examination of all 4 000 claims within the time limit of December 2010.

But I think it is very important for the consumers that we finish this process and that they know exactly when they see a claim, and they see some food in the supermarket with a claim, they will know for sure that this is based on science and is not misleading.

**Janusz Władysław Zemke (S&D).** – (PL) I would like to thank the Commissioner for this information – what you are doing is, indeed, very important.

Over 40 000 firms have applied for a decision confirming that their products comply with the highest requirements and criteria. However, what will happen if they receive this confirmation, whereas in practice, the products, after a certain time, do not comply with all the requirements or all the parameters described on the labels? What will be done, especially in the case of large, international concerns? They have obtained consent and approval, and they say this on the label, but the reality is completely different. What will happen then?

**Paul Rübzig (PPE).** – (DE) I would be interested to hear how, in future, you intend regional products offered for sale on site to be labelled and placed on the market with the corresponding freshness and high quality?

**Androulla Vassiliou, Member of the Commission.** – My answer to the last question is no, this is a completely different thing. It is about the origin of the product. We are talking now about health claims. When a producer makes a claim that a product is good for your health, for this or that reason, then it has to be scientifically substantiated that this really is so.

As regards the other question, of course EFSA examines health claims made at the time of application, on the basis of the scientific evidence given at the time of application.

Obviously, if a claim is made on the basis of certain scientific evidence and the producer then alters the product, this is clearly a question of fraud, and action will be taken against that producer, because they are not only misleading the public but also defrauding the public.

**President.** – Question 28 by **Gay Mitchell** (H-0366/09)

Subject: Varying consumer rights

It is very often the case that constituents come to their MEPs with problems regarding their consumer rights while living or travelling in another Member State. What is the Commissioner doing to promote knowledge and understanding of consumer rights, which vary across the Member States of the European Union?

**Meglena Kuneva, Member of the Commission.** – The question is about varying consumer rights and is very timely. In all Member States, there are institutions and organisations that have the task of promoting knowledge and understanding of consumer rights for their citizens.

An overview of these national institutions and organisations is available on the website. I could of course provide you with the website. It is [http://ec.europa.eu/consumers/empowerment/cons\\_networks\\_en.htm](http://ec.europa.eu/consumers/empowerment/cons_networks_en.htm), and it is really very interesting to browse around.

The Commission promotes awareness of consumer rights through various instruments. We sponsor an EU-wide network of consumer centres that provides consumers with information on their rights when shopping across borders and supports them with seeking redress when something goes wrong. The centres' websites, leaflets and brochures explain to consumers what their rights are, for example, when shopping online, renting a car or booking holidays in another Member State.

The Commission would therefore recommend that Members of the European Parliament refer their constituents to the European consumer centre located in their respective country. Moreover, the Commission conducts information campaigns in Member States who newly joined the EU to raise awareness of consumer rights and promote national organisations and institutions where consumers can find further help and assistance.

The Commission also promotes knowledge of rights through its consumer education initiatives such as the 'Europe diary' that targets students aged between 15 and 18 and Dolceta – a website targeting adults and teachers.

Last but not least, in October 2008, the Commission presented its proposal for a directive on consumer rights, which is currently the subject of negotiations in Parliament and Council.

This directive, if adopted, will reduce the current fragmentation of the consumer *acquis* and ensure that all consumers in the EU will benefit from a single simple set of consumer rights, and this would make it easier to conduct pan-European education campaigns on consumer rights.

The Commission is currently carrying out research and fact-finding on information to consumers at the point of sale, and it intends to consult retail experts, consumer organisations and other stakeholders on the ground before proposing concrete measures.

I also have some news which is very important for us. We have two new extensions to the Dolceta information website. We have added two more areas to it: one is sustainable consumption, and the other is services of general interest, so we are expanding.

**Gay Mitchell (PPE).** – I thank the Commissioner for her response. Can I ask the Commissioner whether she is aware that people who, as she mentions, purchase on the internet, say, loyalty cards for hotels, or whatever it happens to be, have real difficulty finding someone to actually take a complaint? There might be some sort of a box number, but rarely a telephone number or proper email address. Commissioner, will you require anybody selling goods to have a direct contact number where people who have difficulties can make direct contact with those who have sold them defective goods or services?

**Meglena Kuneva, Member of the Commission.** – This is very much in the domain of the public authorities in the Member States. The Commission could ask to see that there are public authorities engaged with this. We have a network of such authorities. We gather information from time to time, but our focus is, on the subsidiarity level, on what we could do at cross-border or pan-European level. Otherwise, it is very much divided from country to country. This is part of education, and as we know, education is very much in the hands of Member States.

Regarding complaints, what I do is gather together all the complaints and, within the framework of the Consumer Market Scoreboard, see what level those complaints are at, compare them with consumer satisfaction, and then draw the necessary conclusions as to how consumers are treated. You are absolutely right that we need to compare how many complaints are coming in different domains. That is why we propose – and are working on – a common complaint form in Europe, because the information which currently comes to the public authorities in country ‘X’ is not filed in the same way as it is filed in country ‘Z’. If we have this common complaint form, it is not so that the Commission will become a kind of ombudsman on consumer affairs, but to develop our policy from these complaints and be more relevant to citizens. I believe that this really is an important project for the future.

We do really have quite limited rights to intervene in how the Member States deal with national complaints and how they respond. We could make a scoreboard and we can set a benchmark, but we cannot substitute the presence of the particular Member State.

I am very eager to continue in the European Commission, together with Parliament, to benchmark and measure how consumers are treated and how much Member States invest in this policy. I think it is a very good investment, especially now in difficult economic times, to see how consumers are treated, because this gives good information about the market.

**Malcolm Harbour (ECR).** – Mr President, I particularly wanted to be here this evening because I think that this is Mrs Kuneva’s last opportunity to speak to us as Commissioner, and I wanted to pose two questions.

First of all, would she agree with me that consumer information and sweeps and her work have been dramatically increased during her tenure as the first Commissioner whose responsibility focused specifically on consumers?

Secondly, would she also agree with me that it is absolutely crucial that in the next Commission, we continue to have a Commissioner who is dedicated to consumer affairs? We have heard disturbing rumours that this might not be the case in the new Commission, and I wanted to give her the opportunity to give us her views this evening.

**Meglena Kuneva, Member of the Commission.** – I had the privilege of working with Mr Harbour, which I very much enjoyed, so please let me thank you specifically and personally for this opportunity over the last three years. Believe me, I will remain a very dedicated market economy politician because the market is not simple, but a kind of laboratory for civil rights. I am very glad that we are so close to the same rights that are now so important for the whole of mankind, these being environmental rights.

The consumer portfolio is really very important. It is about the market and the retail market, but there is something more, something in addition, which is the issue of rights, enforcement, consumer complaints, and how to devise a more relevant policy.

I am absolutely certain that President Barroso will find the right balance, because in his speech, he said that we need to find the missing links in the internal market. I think that one of these missing links is the retail market. I am absolutely certain that the President will pay full attention to consumer issues one way or another, and I am convinced the policy will remain very stable. I shall, however, certainly pass on the message.

**President.** – Question 29 by **Pat the Cope Gallagher** (H-0412/09)

Subject: Car rental companies

Does the Commission approve of the practice by car rental companies that require consumers to pay for a full tank of fuel prior to rental, irrespective of the fact that the consumer may return the car to the rental company with, for example, half a tank of fuel remaining, and the consumer will not be reimbursed?

Is this practice in compliance with the Package Travel Directive (90/314/EEC<sup>(3)</sup>)?

**Meglana Kuneva**, *Member of the Commission.* – The Commission is well aware of this practice by car hire companies and has responded to a number of other parliamentary questions and citizens' complaints about it. I personally receive many of them.

I have said before that such a practice is unacceptable if it results in consumers paying for fuel they have not used without their being clearly informed in advance. The Package Travel Directive would only apply if car rentals are included in a holiday package. However, the Package Travel Directive does not regulate this particular issue. On the other hand, these practices could be contrary to the Unfair Commercial Practices Directive and the Unfair Contract Terms Directive.

First of all, under the Unfair Contract Terms Directive, standard terms and conditions must not be significantly unbalanced to the detriment of consumers. Moreover, contract terms should be drafted in plain and intelligible language. It may be argued that a clause resulting in consumers paying in practice for something they have not consumed is unfair.

Secondly, the Unfair Commercial Practices Directive obliges traders to live up to the standard of professional diligence. Traders must be open and up-front about the main characteristics of the service provided. Car hire companies who do not inform customers that unconsumed fuel will not be reimbursed may be in breach of this directive. This practice might also be considered as contrary to the standard of professional diligence which this directive requires traders to live up to.

However, the honourable Member should be aware that it is up to national enforcement authorities to determine whether such practices are unfair and to pursue the offending companies. The Commission does not have any enforcement powers; consumers who have purchased cross-border services can, however, complain to the European consumer centre in their home country, which should be able to help them receive redress from traders in other EU countries.

But I believe that we need to do everything possible to ensure that there are no loopholes in the legislation and that consumers are not left with a sense of unfairness, hopelessness or helplessness.

**Pat the Cope Gallagher (ALDE).** – Let me thank the Commissioner for her response and wish her well in whatever she decides to do after this Commission.

This practice is prevalent throughout the Union, that consumers hiring a car feel they have got a reasonable deal – we understand the issue about insurance, which is all important – but are then told that they must return the car empty.

There must be some directive which the companies are breaching. I believe it is not sufficient for the Commission to say that this can be dealt with by communicating with the consumer centre in various countries. I think this is a major problem. A very clear message should go out that this is extortionist. People who go on holiday often just take a car to their destination and return; I know many of my constituents have used EUR 15 worth of petrol but it costs them EUR 60. EUR 45 is the difference since, for the average car, it costs EUR 60 to fill the petrol tank.

This is something I believe we should deal with and I would hope that an incoming Commission and Commissioner will take responsibility for this and do something practical about it.

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<sup>(3)</sup> OJ L 158, 23.6.1990, p. 59.

**Meglena Kuneva, Member of the Commission.** – As stated, it is up to the national authorities to enforce the relevant law and, however critical we might be vis-à-vis our European institutions, I think that we need also to bear in mind that we are acting under the principle of subsidiarity and there are certain areas where the Commission cannot take direct action.

I think it would be very proper if we also stressed the responsibility of the Member States; otherwise I think that we have a good story coming from Parliament, because the Committee on the Internal Market and Consumer Protection (IMCO) is presently involved in an own-initiative report on consumer protection, for which the rapporteur is Ms Anna Hedh. As agreed during the last IMCO Committee meeting, this own-initiative report will cover both the consumer-market scoreboard and the legislation enforcement which we are talking about, for which the Commission had issued a communication on 2 July 2009.

We are tackling enforcement, but without the Member States it will be very difficult to succeed. But I fully recognise the seriousness of the problem – believe me, I share the same anxiety, receiving lots of complaints and not being able to have one practical line and solve the issue instead of a Member State.

**Seán Kelly (PPE).** – I hired a car in Frankfurt for my first day in Parliament here. The tank was full and was paid for by the company. I had to return it full again. That is straightforward best practice. Can the Commission ensure or recommend that that practice will be applied right throughout the European Union? It is fair, it is transparent and it is proper.

**Malcolm Harbour (ECR).** – This is an area that I personally have had discussions with the car rental companies about. There are other issues apart from this: for example, damage claims of an unexpectedly high nature and cars not inspected. I wonder, therefore, if the Commissioner would agree with me that, under the provisions of the Services Directive for the cross-border supply of services, Member States are explicitly encouraged to promote proper codes of conduct for cross-border service supply. This seems to be exactly the sort of area where we should be encouraging Member States, perhaps facilitated by the Commission, to get the car rental operators together to produce a code of conduct that reputable operators would have to sign up to, which would cover the issues that my colleagues are talking about, plus other serious consumer issues as well.

**Meglena Kuneva, Member of the Commission.** – I think that this is one of the most important ideas which we need to develop in the future. First of all, the Services Directive because, clearly, our economy and our lives depend so much on services, and we cannot just leave companies with a bad reputation to spoil an entire sector of industry.

We need to fight against bad practices and we need to always protect consumers. But, *est modus in rebus*, we really need to find the responsibility of the Member State and that of the Commission.

We have a network of public authorities through which we are making our sweeps around the Member States. If we have some kind of a code of conduct, to which Mr Harbour referred, or we detect a breach of legislation of unfair commercial practices, the centres and the different public authorities might be advised to check all the rental car services in the Member States and clean up the market.

We did it with airlines, whose websites were offering tickets, we did it with ring tones, we did it with electronic goods. Why not step up our efforts and do some kind of enforcement sweep in the car rental industry also?

**President.** – Question 30 by **Georgios Papastamkos (H-0363/09)**

Subject: Action programme for reducing administrative burdens in the EU

In January 2007, the Commission launched the Action Programme for reducing administrative burdens in the European Union, in order to measure administrative costs arising from legislation in the EU and reduce administrative burdens by 25% by 2012. This programme is financed under the Competitiveness and Innovation Framework Programme (CIP).

What is the Commission's assessment of the progress of implementation of the above Action Programme to date, and its impact on the competitiveness of European enterprises?

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr Papastamkos, this question gives me the opportunity to relate to you a very pleasing tale of success. The Action Programme for reducing administrative burdens in the European Union is one of the pillars of the better lawmaking programme. I first mentioned back in the spring of 2006 that I intended to cut European businesses' bureaucracy costs arising from European



rules by 25% by 2012 and that it would be necessary, in that regard, for the Commission to put forward proposals to that effect by the end of 2009.

The Commission has not only put forward the relevant proposals, it has gone beyond that. It has done this on the basis of a quantification that we have carried out across Europe. Anyone can say that they are cutting costs by 25% when no one knows how high the bureaucracy costs actually are in Europe. That is why we organised the largest ever quantification, through which we wanted to determine what the actual costs arising from European legal acts and their implementation are for European businesses, insofar as relates to documentation, statistics, information and the like.

The results were roughly what we had expected. European businesses spend EUR 124 billion a year on this bureaucracy, which is approximately half of total bureaucracy costs for European businesses. In other words, we produce 50% of those costs here in Strasbourg or in Brussels.

With regard to the British press and British Members of this Chamber, I want to add, specifically, that it would be completely wrong to draw the conclusion from this that the internal market itself causes bureaucratic costs amounting to EUR 124 billion. If we did not have these European rules, there would be 27 sets of different national rules in all these areas, and the burden on European businesses – insofar as they participate in the internal market – would be much greater. I want to make that point very clearly, strongly even, because I am really tired of hearing downright calumnious comments about the costs of the internal market via certain media outlets in Europe. Nonetheless, we believe that EUR 124 billion is too high a figure and that, through better lawmaking, we can both fully achieve the goals of our legislation and reduce the costs involved.

The Commission has therefore made the appropriate proposals, and the result is as follows – I would just like to give you the figures. The measures that legislators have already adopted – and that are therefore already in force – are cutting the costs of bureaucracy for European businesses by EUR 7 billion a year. The potential savings from those measures that the Commission has proposed and that legislators have not yet adopted amount to EUR 31 billion per annum. The Commission is currently working on further proposals that it will be putting forward shortly and that will offer potential savings of a further EUR 2 billion, meaning that we will have total potential savings of more than EUR 40 billion a year. That would more than meet the target of a 25% cut in these costs, provided that the measures are actually adopted by legislators.

I have one final comment to make, and that is that the programme is being complemented by corresponding national programmes in all the Member States. I am pleased to be able to report to you that all 27 Member States now have comparable programmes in force. It will not surprise you, however, when I say that not one Member State has so far managed to attain the highly successful figures I have been able to relate to you today for the EU's measures.

**Georgios Papastamkos (PPE).** – (EL) Mr President, Commissioner, in the Commission's action programme dated 22 October, you refer, among other things, to the exception for micro entities from accounting requirements. In my opinion, Commissioner, there are other more important obstacles of a legislative, administrative and fiscal nature. Few micro entities have any business with a cross-border reference; there are far more micro entities which need the certainty of an accountant's stamp in order to obtain access to funding from bank accounts and transparency in their transactions. I should like a reply from you to this particular but specific question.

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr Papastamkos, you probably know my personal opinion, which is, in fact, even a little bit more radical than your own. My own, very settled opinion is that micro-businesses that do not operate in the internal market are absolutely no concern of ours – no concern of either European legislators or the Commission.

You will be aware, however, Mr Papastamkos, that you and I are in a minority in this regard. Every time this House sits – and especially during Question Time – I hear a number of proposals that relate to the business conduct of small and micro-sized businesses. In other words, Mr Papastamkos, you have a lot of convincing to do.

However, by introducing the special SME test – in other words the test for small and medium-sized enterprises – for impact assessments, the Commission has taken care to ensure that very specific consideration is given to what the impact will be on small, medium and micro-sized enterprises and, where possible, the principle is that micro-businesses are excluded from the rules.

I will mention a topical example in this regard. The Commission has proposed the exemption of micro-businesses from the European regulations on financial statements. This measure will save such businesses EUR 7 billion a year in costs. I am sorry to report to you that the European Parliament's competent committee has rejected the Commission's proposal, and I regret to have to tell you that there is organised opposition to this proposal – I am sure you can imagine who it is that is organising that opposition. Despite this, the Commission still stands by its proposal. It is an absolutely key element of our policy for small and medium-sized enterprises and on scaling back the costs of bureaucracy for micro-businesses.

**President.** – Question 31 by **Seán Kelly** (H-0368/09)

Subject: Tourism under Lisbon

Can the Commission outline what plans it has developed, in terms of preparatory actions and other initiatives, to prepare the ground for the development of the tourism competence under Lisbon (Article 195 TFEU), assuming Lisbon comes into effect?

Can the Commission comment on the possibility of developing synergies between tourism and regional development policies, with specific reference to geographically and economically marginalised regions of the EU?

**Günter Verheugen**, *Vice-President of the Commission.* – (DE) Mr Kelly, from a strictly legal point of view, the Treaty of Lisbon brings with it a change, in that it deems tourism to be a third-level competence of the Community, in other words, the Community may act to supplement the activities of the Member States but cannot put forward any harmonising legislation in this field. In practice, the Treaty of Lisbon represents no change from the *status quo*, since we achieved everything that the Treaty of Lisbon now provides a legal basis for in this regard a few years ago via a form of voluntary collaboration with the Member States. This means that the Member States agreed to the Commission playing a part in tourism policy a few years ago. We have, in fact, been able to take a whole range of specific decisions together with the Member States.

The fact that tourism is now to occupy its own place in Europe's Treaties, however, will mean that tourism will gain in significance within our overall growth and employment policy. If I could have the incoming Commission inherit, so to speak, one thing from me, it would be this. There is an enormous potential for growth in this area, and it could be better unlocked through adroit and intelligent collaboration between the Member States and the Community institutions. It is absolutely clear that Europe is still the most attractive destination for tourists from all over the world. We do have immense structural changes to deal with, however. We have enormous amounts of competition to deal with, especially from Asia. We must pull out all the stops to ensure that Europe remains the number one tourist destination worldwide.

If you were to ask me what, in my opinion, is the top priority requirement, I would say that all tourism providers – the regions, the Member States and the Community institutions – must do more overall to make Europe better known around the world as a tourism brand and a mark of quality. We have taken the first steps in that direction and I take the view that there is much more that can be done in this regard. I hope that, on the basis of the clear political signal that the Treaty of Lisbon and its inclusion of tourism policy provide, we will, over the next few years, see greater exploitation here in Parliament, in the Council and in the Commission of the opportunities that exist to promote European tourism and boost its visibility. I am absolutely convinced that this is an area in which there is considerable scope for us to provide greater growth and in which, above all, we can provide jobs in regions of Europe where there are no practical alternatives, where only tourism can provide really good jobs.

**Seán Kelly (PPE).** – Initially, I was a bit taken aback by the opening remarks of the Commissioner, but then he clarified the situation. I am quite happy, as he says that the new Commission can look at it. There are great opportunities there to develop tourism right throughout the European Union, and I am quite happy to work with the Commission and to do anything we can because it is an opportunity. It is very important to show that the Lisbon Treaty works for people and that it creates jobs, particularly in tourism, so I am quite happy with the answer and there is no need for a further answer.

**Jörg Leichtfried (S&D).** – (DE) Every time we discuss tourism at the European level – I do now know that there will continue to be no legislative options in this regard in future – we run across a major problem that relates to tourism, transport and environmental protection, namely European holiday times, which have not been harmonised, integrated or aligned. I now have a question that I would like to ask you, with your great experience of many years as a Commissioner, and that is whether you see any opportunities in future for European holidays to be coordinated – perhaps not on a statutory basis initially – but for some sort of

start to be made on an attempt to coordinate them in such a way that this chaos that we currently have of holidays always suddenly starting on a Saturday everywhere and at the same time, and in such a way that we could become more flexible in this regard and that the overall picture could be coordinated to some extent?

**Nikolaos Chountis (GUE/NGL).** – (EL) Mr President, Commissioner, my supplementary question will give you the opportunity to give me a reply, because the questions which I want to ask have also been reinforced by the replies you have given so far. The global economic crisis has also had a negative effect on tourism. Taking account, therefore, of the importance of the tourist product to Europe and to certain countries such as Greece, where I come from, I should like to ask you the following: firstly, what measures does the Commission intend to take in order to strengthen and safeguard jobs in the tourist industry in the European Union? Secondly, what initiatives will the Commission take in order to strengthen internal tourism in Europe? And thirdly, what measures will you take to attract tourists from other countries outside the European Union?

**Günter Verheugen, Vice-President of the Commission.** – (DE) Mr Leichtfried, in relation to the first question, I would say that we can always try. During the Austrian Presidency, there were a number of attempts to coordinate the start of the holiday period, although these met with no success. I would argue in favour of a further attempt being made, but I would also caution against over inflated expectations.

The notion that prevails in certain tourist areas that it is possible to coordinate holiday periods in Europe in such a way that these tourist areas can be at full capacity all year round is an illusion, and incidentally it would not have my support in any case. Everyone has a right to have a holiday at the time of year that best suits them and when the recuperation value is at its greatest. You are absolutely right, however, to say that neighbouring countries should make arrangements so that their holidays do not always have to begin on the same day everywhere. These are things that I believe are achievable and not only from the point of view of tourism policy, but which should be seriously tackled purely and simply in the light of environmental and transport policy.

As for the question from Mr Chountis, we have comprehensively researched the impact of the economic crisis on tourism and we have determined from 50 000 concerned parties across Europe that people are still going away on holiday – they are not doing without their holiday trips – but they are travelling less far, spending less money and are more likely to holiday in their own country. They are still demanding the same standards, though, which means that the ones who will gain at the moment are those who are able to offer a special price/service ratio.

Any measures that the Commission takes in this area can only be complementary to the Member States' measures. We have no autonomous European tourism policy *per se*, and it would be too much, at this point, to itemise the great number of initiatives that aim to spread awareness across the world, and also within Europe, of how attractive Europe is as a tourist destination. I want to mention just one example, as it has recently been very successful. Three years ago, we launched the European Destinations of Excellence (EDEN) competition. The competition encouraged tourist regions in Europe to demonstrate their achievements in certain areas and three years of experience have shown that we have outstanding tourism products in almost every aspect all over Europe. The crucial thing is actually to also generate awareness of these tourism products. That is why we have created a web portal that provides for worldwide access with a single click to all tourist-relevant information from all the Member States.

**President.** – Question 33 by **Konstantinos Poupakis (H-0361/09)**

Subject: Participation by the social partners in devising and implementing employment policies at national and European level

As is well known, the intensity and extent of the economic crisis has added to the severe organisational and operational problems of labour markets in the EU Member States; management of these problems exceeds the powers of national central governments. One of the worst consequences facing the Member States is the reduction in employment and the corresponding rise in unemployment rates and the extreme difficulty of creating new jobs that are stable and of good quality. Moreover, the current restructuring in the way that national labour markets operate is having an unfortunate impact on workers, as collective agreements are circumvented in practice, jobs are becoming less secure, and industrial relations are damaged by the trend towards flexible forms of work without any corresponding reinforcement of the concepts of security and protection at work.

What is the Commission's position and does it envisage more active participation and involvement of social partner organisations in drawing up policies to ensure smooth organisation and functioning of labour markets, combat unemployment and boost employment at national and European level?

**Vladimír Špidla**, *Member of the Commission*. – (CS) Mr President, gentlemen, as you know, it is the Member States that are primarily responsible for creating and implementing political measures in response to the crisis and, more specifically, its impact on employment. Despite this, the Commission has, since the crisis erupted last autumn, undertaken a series of initiatives aimed at alleviating the impact of the financial and economic crisis on the labour market.

The European economic recovery plan submitted by the Commission in November 2008 and approved by the Council is concerned with solving urgent questions and also calls for investments which should bring long-term benefits to the Union. The recovery plan emphasises the importance of implementing the integrated policies summarised under the concept of flexicurity and aimed at protecting European citizens from the worst effects of the crisis. In this context, it emphasises stronger activation regimes, retraining and improving qualifications and better links between skills offered and the needs of the labour market and stresses the need to support the most vulnerable. The aim is to protect employment and particularly long-term employment rather than specific jobs. Experience shows that the basic aims of flexicurity – that is, an ability to adapt to changes and the facilitation of movement between jobs – are supremely important in times of economic downturn and mounting instability on the labour market.

The integrated approach provides a unified policy framework which makes it possible to coordinate efforts aimed at solving the impacts of the crisis on employment and the social area and may help to establish a balance between short-term measures aimed at solving short-term needs, for example, temporary reductions in working hours, and long-term reforms involving, for example, better qualifications and active policies on the labour market.

Following the recovery plan, we had the employment summit in May this year. On this occasion, the key participants displayed a common will to alleviate the impact of the economic crisis on employment in the EU. In connection with the employment summit, the Commission adopted on 3 June a communication entitled 'A Shared Commitment for Employment' which set out three key priorities for action: maintaining employment, creating jobs and supporting mobility, improving qualifications and improving the link between the skills offered and the needs of the labour market and improving access to the labour market. These three key priorities were approved at the June meeting of the European Council.

The Commission firmly believes that cooperation with the social partners and between the social partners is highly important, especially at a time of crisis and where restructuring is involved. The social partners have a vital role in creating and implementing economic recovery measures. At the domestic level, this role arises from the traditions and experience connected with the involvement of the social partners in defining and implementing policies for the labour market. At the EU level, consultations are continuing over the proposed policies, especially within the framework of the tripartite social summit. Cooperation with the social partners of the EU has intensified this year in connection with the preparations for the previously-mentioned employment summit and the communication of 3 June.

**Konstantinos Poupakis (PPE)**. – (EL) Mr President, Commissioner, I am delighted that you too, or so it would appear from your speech, consider active participation by the social partners to be exceptionally important to the democratic nature and effectiveness of social dialogue, especially at this critical time of escalating economic crisis, with reducing employment, unemployment, insecure work and so much else. However, knowing the formal nature of that participation to date, we should like to know if the Commission intends to take specific institutional measures to safeguard fundamental participation as a prerequisite both at European level and at national level, with specific guidelines from the European Union.

**Vladimír Špidla**, *Member of the Commission*. – (CS) Ladies and gentlemen, I have to say that Article 138 of the treaty clearly establishes the position of the social partners and the share of the social partners in negotiating all of the important social questions. The Commission makes full use of this framework and there have therefore also been agreements between the social partners in some areas, which have been transposed or are in the process of being transposed into European directives.

As far as the institutional or legislative changes are concerned, you will be well aware that the Commission has proposed an amendment to the Directive on the European Works Council which has been approved within the framework of these negotiations and which strengthens the position of the European social partners especially in negotiations over restructuring at a trans-national level. You will similarly be aware

that the Commission supports the use of all of these ways of effectively intervening in the labour market. I would similarly like to emphasise that the Commission is being very active within the framework of international organisations, making intense efforts and supporting the application of the main treaties and conventions of the ILO, both on a global level and, of course, on a European level. In any case, over the course of the mandate of this Commission, there has been progress over cooperation with the social partners and I am sure that this will continue because, as I have already stated, debate with the social partners forms part of the treaty and it is a specific feature of European law and, in my view, it constitutes undeniable progress.

**Georgios Toussas (GUE/NGL).** – (EL) Mr President, Commissioner, the EU strategy on employment marks a new package of capitalist restructurings to safeguard and increase the profits of capital by stepping up the exploitation of the workers. Fear and obstacles to hope for the unemployed, women and young people, on the one hand, and profits for capital on the other. What do you have to say, Commissioner, to the unemployed, to workers in flexible, temporary, insecure work who, for over 4-5 years, have worked in the public and private sector, on much-vaunted internships, and have already been given notice of dismissal? What do you have to say to women who, on the pretext of equality between men and women, have been told that their retirement age is to be increased by 5 to 17 years, as is happening in Greece?

**Vladimír Špidla, Member of the Commission.** – (CS) As far as European employment policy is concerned, I would like to say that in the period before the crisis, the number of people in employment reached the highest ever level in Europe. This shows, to some extent, the influence of European employment policies on the labour market. As far as your questions relating to a system of social insurance and social security under the treaty are concerned, these systems are a Member State responsibility.

**Bernd Posselt (PPE).** – (DE) I would just like to thank the Commissioner, in his last appearance before us, for the work that he has done. I regret the fact that he will not be coming back again and I just wanted to say so on the record here. We have often held opposing views, but he has been a good Commissioner.

**President.** – Thank you for that remark, Mr Posselt. I resisted making those same comments to other Commissioners tonight. We are not entirely sure: they may well be back for a few more weeks yet!

I apologise to colleagues who have had the courtesy to attend but whose questions were not taken.

Questions which have not been answered for lack of time will be answered in writing (see Annex).

#### IN THE CHAIR: MR SCHMITT

*Vice-President*

### 13. Mobilisation of the European Globalisation Adjustment Fund: Belgium - textile industry; Ireland - Dell - Relocation of undertakings in the EU and the role of EU financial instruments (debate)

**President.** – The next item is a joint debate on

- the report drafted by Reimer Böge, on behalf of the Committee on Budgets, on the proposal for a decision of the European Parliament and of the Council on mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management

- the oral question to the Commission on the relocation of undertakings in the EU and the role of EU financial instruments by Pervenche Berès, on behalf of the Committee on Employment and Social Affairs (O-0120/2009 – B7-0226/2009)

**Reimer Böge, rapporteur.** – (DE) Mr President, Commissioner, ladies and gentlemen, as rapporteur for the Committee on Budgets, I am today presenting the proposal on mobilisation of the European Globalisation Adjustment Fund in relation to two specific cases, one based on applications from Belgium and one on applications from Ireland. I would, however, like to start by pointing out, once again, that it is the job of the Committee on Budgets to examine whether the conditions for mobilisation of the Globalisation Adjustment Fund have been met, and I would like, at this point, to emphasise that, over recent months, there has always been excellent cooperation, including in similar cases, between the Committee on Budgets and the Committee on Employment and Social Affairs. We have also been at pains to take due account of comments and critical suggestions from the Committee on Employment and Social Affairs and, with that in mind, it is also right

to deal with the oral question from the Committee on Employment and Social Affairs, given the urgency of enquiries on this subject.

You will be aware that the Globalisation Adjustment Fund has a maximum funding amount of EUR 500 million per annum and that it is exclusively for the purpose of providing additional support for those employees affected by globalisation who have lost their jobs and have been affected by the consequences of far-reaching structural changes in world trade patterns. We have made it clear in the resolution, once again, that we continue to challenge the repeated use of funds from the European Social Fund to finance the Globalisation Adjustment Fund and I insist, Commissioner, that you confirm today, once again, that this will not ultimately be at the expense of payments from the European Social Fund.

I would very much like, once again, to call on the Commission to reiterate today the undertaking given to us in the Committee on Budgets – namely to refrain, in future, from tabling applications for the mobilisation of the Fund together, but instead to table them separately, as each case has a slightly different basis and the possibility of a complicated case delaying the approval of another case should be avoided. I hope that you can confirm this again today.

When it comes to the circumstances of the two cases, even on the basis of the altered rules – given that these two applications were submitted after 1 May 2009 – we are talking about the mobilisation of a total of around EUR 24 million. This is intended to provide some cover for the loss of jobs in the textile industry in Belgium and in computer manufacturing in Ireland. In Belgium, there have been a total of 2 199 job losses in 46 companies in the textile industry, all of which were based in two neighbouring NUTS 2 regions, namely East and West Flanders, and in a single NUTS 2 region, Limburg. The Belgian authorities have requested EUR 9.2 million from the Fund in this regard. In respect of Ireland's application, there were, quite properly, a few further follow-up questions from the Committee on Employment and Social Affairs that are being discussed or have already been partially cleared up through additional information. The application relates to 2 840 job losses in the company Dell in the counties of Limerick, Clare and North Tipperary and in the city of Limerick, of which 2 400 were targeted for assistance. A total of EUR 14.8 million is envisaged for this. Following an intensive debate in the Committee on Budgets, we gave the green light to the mobilisation of the Fund in both cases. I would, however, like to remind you of my introductory comment where I requested that the Commission once again take up a clear position on this and I very much welcome the fact that the very fundamental issues of the mobilisation of the financial instruments from the European budget were put on today's agenda by the Committee on Budgets.

I would then ask the plenary session to support this report.

**Pervenche Berès, author.** – (FR) Mr President, Commissioner, the Committee on Employment and Social Affairs wished to combine an oral question on the issue of relocations, notably of multinationals, with the examination of these two requests for mobilisation of the Globalisation Adjustment Fund because, in the Irish case, we recognised the difficulties and the contradictions that could arise as a result of using such a fund. At no time did any of the members of the Committee on Employment and Social Affairs seek to hold hostage or to threaten not to help the Irish workers who are today in a critical situation due to the industrial strategy and the relocation of Dell.

We have simply observed that, in the case in point, even though President Barroso announced, on 19 September, the granting of a EUR 19 million aid package – which we are debating this evening – to Dell, or rather to the workers made redundant from Dell, in order to help them come to grips with the period of retraining ahead of them, the same day, in New York, Dell bought out Perot Systems, which enabled it to increase its share price. A few days later, on 23 September, Commissioner Kroes approved more than EUR 54 million in State aid for the creation of a Dell factory in Poland.

We have questioned both Commissioner Špidla and Commissioner Kroes on this matter. In a long letter, they tell us that they themselves envisaged Dell having two production sites to supply the European market. However, the way I see it, once Dell gave up one of these production sites, we changed nothing as regards the overall evaluation of the company's strategy.

What conclusion can be reached? That, within Dell, none of the European laws that we talk about every day, concerning the rights of workers or of trade unions, is respected. It is therefore genuinely difficult to see the European Union's budget ultimately being used – at a time when we realise the difficulty involved in the budgetary procedure, the difficulty involved in financing the recovery plan – to end up in this paradoxical situation in which we help to increase US shareholders' rate of return on investment but put Irish workers,

within the European Union, in Polish workers' shoes. This is certainly not the philosophy that we supported when we supported the implementation of the Globalisation Adjustment Fund.

Commissioner Špidla is certainly not the only one at fault here, but I do believe that this case obliges us to look very closely at the conditions in which the Community budget is mobilised to support the strategies of large companies. This is all the more true since, in the recovery plan that was drafted under the current President of the Commission, Mr Barroso, one of the key measures announced in relation to employment was that of ensuring, as a matter of priority, that workers who had jobs kept those jobs.

Since the Commission was informed of Dell's strategy concerning the existence of two sites, when the prospect of choosing between them presented itself, I believe that a more proactive strategy by the Commission should have led to a negotiation with Dell aimed at the transformation of the Irish site, given that the company's strategy has been to turn a site manufacturing desktop computers, such as existed in Ireland, into a site manufacturing laptop computers, such as currently exists in Poland. It is our view that, if the Commission comes to the aid of multinationals in a scenario of this kind, we should have a more consistent right to speak.

I believe that, taken as a whole, these considerations should lead the next Commission – and particularly Mr Monti, in the mission entrusted to him – to draw up much more proactive proposals on the way in which we use Community funds at a time when we have to deal with relocations which, once again, pit workers, employees of one Member State against those of another Member State, and all of that as part of a multinational strategy that fails to respect the spirit of social legislation as we wish to implement it, around the concept of the social market economy.

**Vladimír Špidla**, *Member of the Commission*. – (CS) Mr President, ladies and gentlemen, I would first like to thank the rapporteur for supporting the Commission's proposal to mobilise the European Globalisation Adjustment Fund in response to the layoffs in the textile sector in Belgium and the computer manufacturing sector in Ireland. The support of the rapporteur is accompanied by a number of comments and I would like to restrict myself here to questions of a budgetary nature since we will have an opportunity later to discuss the other points you raise in the report.

The first budgetary point you raise relates to funding sources. You tell us that the European Social Fund cannot be the only source of funding. The European Globalisation Adjustment Fund is, from a budgetary perspective, a special instrument, as it does not have its own resources. It is mobilised across accounting periods, although it chiefly involves the designation of available budgetary items and, subordinate to that, the task of proposing to the budgetary authority the mobilisation of sums of money through revisions to the budget. The work is performed on a case-by-case basis, according to need. It is true that the European Social Fund has technically been the main source of funding so far. Here, I would like to state with clear emphasis the word 'technically', for the European Social Fund will not be reduced in any way at the end of the accounting period. That is the principle issue.

The second point you raise is not exclusively budget-related, but relates rather to decision making, since you ask that the Commission submit its proposals for the mobilisation of the European Globalisation Adjustment Fund in individual documents. The Commission is well aware of the advantages of this individual approach which completely eliminates the risk of conflict or of the fund being used as a guarantor.

However, it is necessary to take account of the new criteria for eligibility which we discussed this year and which you approved. With these new criteria, it will be necessary in the months ahead to expect a significant increase in the number of applications and it is not certain that the negotiation of the relevant documents will be faster if they are submitted individually. In any case, however, the Commission would like to state that the more advantageous approach, thereby circumventing the risk of certain technical complications in the work, is the case-by-case approach which offers better quality. The Commission therefore notes your interest and fully agrees to adapt its procedures in future accounting periods. In both of these cases, I have therefore provided a clear statement, I believe.

As far as the second question is concerned, the Commission is delighted that Parliament has adopted the decision mobilising the European Globalisation Adjustment Fund in support of workers who have been made redundant due to over-capacity in the textile sector in Belgium and the computer sector in Ireland. In connection with this, a question was raised about a possible link between the relocation of companies within the EU, the role of EU financial instruments and controls exercised by the Commission over State support.

Firstly, it should be said that the Commission is aware and takes careful notice of the negative consequences of company relocations for workers, their families and regions. It is not up to the Commission, however, to

intervene in the decision making of companies where there has been no breach of Community law. The Commission also notes that it does not have the power to obstruct individual companies in their decisions, or to delay them, and companies do not have any general obligation to inform the Commission concerning the legitimacy of their decisions. In this context, the Commission is also aware of the unease surrounding the fact that regional State support, including possible contributions from the structural funds, might be used as a means of luring away commercial investments from other regions.

The Commission notes that the aim of the Community regulations relating to State support is, among other things, to ensure that aid aimed at influencing the decisions of companies concerning the location of investments should be provided only to disadvantaged regions and that such aid should not be used to the detriment of other regions. This problem is also dealt with in the Regulation establishing the general provisions for the structural funds and the cohesion fund and in the guidelines for regional support in the 2007-2013 period aimed at ensuring that these investments make a real and sustainable contribution to regional development.

According to Article 57 of the general regulation on structural funds, Member States must ensure that projects maintain the investment for which a grant is provided for a period of five years after its completion and for a period of three years in the case of small and medium-sized enterprises. In the event that a project is altered as a result of changes to the ownership of infrastructure or the ending of production activities and this change influences the nature of the project or the conditions under which it is implemented, or where the changes provide the firm or the public body with an unfair advantage, the grant must be returned. Member States are required to inform the Commission every year of such fundamental changes in their reports on the implementation of operational programmes. The Commission must notify the other Member States.

Moreover, in the 2007-2013 programme period, a special legal provision was introduced which is supposed to ensure that companies to which the procedure applies for returning sums of money paid out wrongfully after a relocation of production activities in a Member State or to another Member State cannot receive contributions from the funds. Similarly, point 40 of the guidelines on regional support specifies that support must be conditional on the maintenance of a given investment in the relevant region for a period of at least five years from its completion date. Moreover, if support is calculated on the basis of wage costs, the jobs must continue for a period of three years from the project completion date. All jobs created through the investment must be maintained within the region in question for a period of five years from the date on which the job was first created. In the case of small and medium-sized enterprises, Member States can limit this period to three years.

This provision has the aim of avoiding a scramble for subsidies and the closure of factories exclusively on the basis of higher levels of public support somewhere else, taking account of the fact that State support represents only one of the factors influencing the decisions of companies regarding relocations and that the other factors such as, for example, wages, skills, taxes and geographical location, often play a more significant role.

Ladies and gentlemen, in my opinion, it is clearly correct and natural to discuss issues relating to the use of European funds at a strategic level: there can be no doubt about that. In conclusion, I would like to state that funds that were or will be used within the framework of the European Globalisation Adjustment Fund go to benefit persons who have been adversely affected or to individual workers such as those in Belgium or Ireland or any other European country, and absolutely not to companies. These are resources designated for supporting persons, individual persons and not companies.

**Elisabeth Morin-Chartier**, *on behalf of the PPE Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, I would like to come back to the cases that we are having to deal with under the Globalisation Adjustment Fund. In this regard, we are, of course, working in the interests of workers so as to make them more employable when they are hit by unemployment in their economic sector.

However, let us come back to the Dell case, which Mrs Berès was compelled to talk about. The factory in Ireland focuses on producing desktop computers. The moment that the Commission supported the creation, in Poland, of a factory of the same company focused on producing laptop computers, was the moment – because the market is made that way and because there is a much higher demand for laptop computers – that signalled the collapse of the Irish production plant.

The choice of which of the two sites to produce in was an indication of the difficulties that we were going to have to face on behalf of the Irish workers. Therefore, studying each of the individual cases, we in our working group on the Globalisation Adjustment Fund have called for the Commission to keep a close eye



on all of the aid granted to each of the plants, be it at European or at regional aid level, because the European support policies that we are developing must not be used in an unbalanced way and must not backfire on workers.

Thus, we want greater attention to be paid to these problems early on, so that workers do not have to cope with them.

**Alan Kelly**, *on behalf of the S&D Group*. – Mr President, on 8 January 2009, the mid-west of Ireland, and especially Limerick, Tipperary and North Kerry, experienced an economic trauma they had never seen before. The announcement of over 2 000 jobs leaving the region from Dell, together with thousands of ancillary jobs, represented a loss of historic proportions.

The EU, through the Globalisation Fund, has allocated a fund that will directly help the economically vulnerable in the area. When we vote tomorrow, the EUR 14.8 million will represent a hand-up and not a hand-out to over 2 400 people to help them restart their lives. This will be very welcome.

The money will be used to re-train workers, help start businesses and provide people with job placements, which are very necessary. The very fact that we have Dell workers' committee representatives here tonight watching this shows just how deeply this fund has reached the workers of Dell and how they welcome it so much.

I must, however, stress that we are only halfway there. We now have 18 months in which to spend it, and I am calling tonight on our local Minister in Ireland, the Minister for Enterprise Coughlan, to personally intervene and see that there is a plan in place to spend the money. It is a one-off fund for ordinary working people and they will never get this chance again. Minister Coughlan, please, please get organised and leverage this unique opportunity for the mid-west of Ireland.

I would like to thank the Members, and especially my own colleagues, for their support for the Dell application and ask as well that they will support further applications in similar circumstances coming down the road from Waterford Crystal and SR Technics.

**Marian Harkin**, *on behalf of the ALDE Group*. – Mr President, my first comment is that the European Globalisation Adjustment Fund is a real expression of solidarity between EU citizens and States. Secondly, as an Irish Member, I am indeed very pleased that the workers in Dell who have been made redundant at least now have an opportunity to look forward and to plan for the future. However, as Alan Kelly has said, it is very important to ensure that any programmes or training courses that are put in place are tailor-made to respond to the needs of workers and that the possibility of re-entering the labour market, or setting up one's own business, is the clear objective of any assistance.

Finally, I want to acknowledge the role of Parliament in approving the fund for Dell workers. Despite some of the very serious issues that have been raised here this evening, we did not hold the workers hostage and we approved the EUR 14.8 million application. However, the Commission must ensure that there is coherence in EU industrial policy and that the EU budget is not used to increase shareholder value in some companies, while EU workers pay a price.

**Marije Cornelissen**, *on behalf of the Verts/ALE Group*. – (NL) Ireland's application for European funds for those left unemployed after the company Dell closed its Irish plant has thrown up a number of questions that need answering.

The fact of a company such as Dell closing a plant in one country and opening one in another is, in principle, the result of normal market forces. However, the various kinds of State aid involved changes things. Dell established itself in Ireland a number of years ago with the help of State aid. Now it is shutting up shop there and opening a plant in Poland, yet again with the help of State aid. In the meanwhile, instead of a social plan paid for by Dell for the Irish workers it has left unemployed, these people are resorting to the European Globalisation Adjustment Fund. In my opinion, this exposes a serious inconsistency in industrial and employment policy. After all, when all is said and done, how many jobs have been created with all the State aid that Ireland, Poland and the European Union have pumped into Dell?

Therefore, the question is how will the Commission and the Member States together ensure consistency in their policy? In addition, how can we ensure that the Globalisation Fund supports the efforts a company makes for the benefit of its workers instead of largely replacing them?

**Ilda Figueiredo**, *on behalf of the GUE/NGL Group*. – (PT) Mr President, we have always advocated that the EU policy on the relocation of businesses should be reviewed, and we have always believed that the Globalisation Fund is a mere palliative for workers who are the victims of the strategies of multinationals or the lack of an appropriate industrial policy which targets production and good jobs with rights. We therefore advocate new policies on social development and progress.

We also believe, however, that Irish workers should not be doubly hit by the profit and social dumping strategy of the multinational company Dell, which closed in Ireland and received support to establish itself in Poland.

We therefore support this report.

However, we want some answers from the European Commission about the future. We want a radical change in policies, effective monitoring of the support given to multinational companies, a real industrial policy, and a firm investment in the creation of jobs with rights.

**Seán Kelly (PPE)**. – (GA) Mr President, first of all, I would like to express my sincere thanks to the Commission for providing this generous fund for Dell's unemployed workers. In particular, I would like to welcome Gerry and Denis who are with us this evening.

Without doubt, great credit is due to the European Union and particularly to the Commission for helping the workers in Dell and I would like to pay tribute to them. Also to former colleagues, two of whom are here tonight, Marian Harkin and Brian Crowley, and also my immediate predecessor, Colm Burke, for initiating this fund back in May.

The Commission made two major changes which were very important to us: reducing the 50/50 funding from 35 for the national government and 65 for the Commission and also reducing the numbers from 1 000 to 500, which will hopefully make funding available to people in Waterford Crystal and SR Technics in due course.

There are two caveats I would add. One is that the two-year extension of the time-span should be extended to three, because many people will be doing third-level degree courses which normally take three years; and the second is that the commencement date should not be the date of application but the date of signing-off here in Parliament and Council.

Having said that, there are just two points I want to make. People are very grateful for what has happened. You have given hope where there was despair. You have shown solidarity instead of isolation, and this fund will be well used and I have no doubt it may well be the best fund and the best funding ever given by the European Commission. Thank you very much indeed.

**Frédéric Daerden (S&D)**. – (FR) Mr President, Commissioner, ladies and gentlemen, several points have been raised, but the use of the European Globalisation Adjustment Fund inspires two feelings in me.

Firstly, I am glad that it exists. European workers need to know that Europe is there for them in difficult times such as we are going through right now. Secondly, I am pleased that Belgium has been commended for the quality of the cooperation between its social partners in the preparation of this matter.

Unfortunately, I also have some regrets about the way in which the EGAF works. Firstly, its success reflects a difficult economic situation in Europe, with all too familiar consequences for society.

Secondly, the Fund's consistency with other aid instruments has been called into question in the case of Dell. In this respect, I fully support the comments made previously by my colleague, Mrs Berès.

Finally, in terms of the budget, the payment appropriations for executing the allocations from this fund must be transferred from other budget items and, as far as I know, must be transferred systematically from the European Social Fund. Although this is made possible by the rate of payment of the Structural Funds, which is not as high as one would like, the Structural Funds must be used for their intended purpose.

To conclude, I call for careful thought to be given to EGAF funding and I sense that the Commission is making a concession, if not directly to allocate the EGAF a full financial basis on a par with the other funds, then at least to ensure that it is no longer financed solely at the expense of the social structural funds.

**Ivo Belet (PPE).** – (NL) I should like to make a brief structural remark on the structural effects of the fund. Naturally, we are delighted with the projects that are on the table today and that await approval tomorrow. Yet there is room for improvement in all of them, of course, which is the reason for my brief remark.

Ladies and gentlemen, the fund sometimes overshoots the mark, the simple reason being that the procedure is too cumbersome, Commissioner. After all, the core objective of the fund is for workers who are affected and lose their jobs to receive rapid support and help in finding a new job. This is not always working at present, as we are unable to act quickly enough, and that is very annoying, particularly for older workers. Indeed, outplacement and relief require a rapid, firm approach, which is totally lacking at the moment.

In addition, the Globalisation Fund suffers from a lack of flexibility, and if you are a worker who is made redundant and is unfortunate enough to come from a company that is not on the list, you will simply not be eligible for support. Every day, we are faced with stories like this from workers who have been affected but who are not eligible, and we struggle to explain – since it is so complicated – why it is no go.

It is my view that a practical solution must be found to this as soon as possible, Commissioner, and that we need a much quicker approach and also, if possible, a formula that will enable us to adopt an ‘envelope-oriented’ way of working. In my opinion, action must be taken on this in the next few weeks and months.

**Markus Pieper (PPE).** – (DE) Mr President, Commissioner, ladies and gentlemen, the Globalisation Adjustment Fund helps people to attain further education and qualification. That is the social side of Europe, and it is a good side. The Commission, however, has also examined the subsidies given to Dell in Poland in terms of their compliance with State aid rules. It has approved EUR 54 million in Polish State aid for Dell as this aid supposedly serves to benefit regional economic aid.

This raises the initial question of whether we really have to have competition between ourselves in Europe when it comes to public money. The answer is ‘no’! We should change State aid rules so that relocation subsidies are no longer paid, including by the Member States.

I have another question to ask the Commission directly: does Poland’s EUR 54 million for Dell also include money from Europe’s structural funds? Why, Commissioner, has the Commission not expressed a clear opinion on this? I call on the Commission to truly take its monitoring duty under the Structural Funds Regulations seriously. No European money should be paid out for company relocations within the European Union. What you gave us today, Commissioner, was an evasive answer. You are hiding behind the Polish Government’s reports. You have not examined directly, however, whether the European Structural Funds Regulation has really been complied with.

Let us finally obtain transparency and publish every individual subsidy under the structural fund, as happens with agricultural policy. That is the only way that we can truly obtain trust in Europe’s structural policy.

**Csaba Óry (PPE).** – (HU) I remember very well when we set up this Globalisation Fund, and even back then, there was a great deal of debate about how it would not be a good idea if, instead of mitigating the losses, the aid paid from the fund helped workers who had been made redundant to re-integrate into the labour market, thereby encouraging, as it were, companies to conveniently take advantage of the relocation facility so that the fund covers the losing parties’ costs.

The Dell case is symptomatic of this because our experience shows that, instead of being about mitigating losses and showing solidarity, it seems to act as an incentive, as Dell is receiving assistance both for making redundancies and for relocating. Therefore, what we have here is simply a lack of proper coordination of European funds. The Globalisation Fund is part of competition policy and the Structural Funds. There is no point and no benefit to be gained at all, not to mention that it is contrary to the purposes of the fund, if we use these resources in a contradictory fashion, without any kind of coordination. Therefore, I would draw the Commission’s attention to the fact that it needs to reflect on using Europe’s public funds in a coordinated manner in this type of case so as to avoid such confusion in the future.

**Silvia-Adriana Țicău (S&D).** – (RO) Mr President, Commissioner, the economic and financial crisis has affected and will continue to seriously affect both the iron and steel and shipbuilding industries. Galați, the city I come from, has been hit by the loss of thousands of jobs from the metallurgy industry and shipyards.

Using the European Globalisation Adjustment Fund is a short- and medium-term solution for supporting workers who are in a tough situation after losing their jobs. I would like to highlight the need for investment

in modernising companies from the heavy industry sector so that they can reduce their level of pollution in the future. This will allow us to preserve jobs and therefore protect workers in the long term.

**Brian Crowley (ALDE).** – Mr President, like my colleagues, I want to thank the Commissioner and the rapporteur for their work on this. Indeed, the Commission will remember back in January when I and one of my former colleagues, Colm Burke, met him to try and kick-start the globalisation fund for the workers in Dell.

I think it is a clear indication of how much we, at European Union level, put in with regard to treating people first, ensuring that the people are at the core of what the policies are, trying to ensure that their lives are protected and, when there is trouble or difficulty, that the European Union can respond quickly.

On a personal level, I want to thank the Commissioner personally for his active involvement in this, not just here in Parliament or with me personally, but also for going to Limerick and meeting the workers.

And if I could say to other colleagues, who occasionally try to raise red herrings with regard to other issues, that the Globalisation Fund, for all its faults, is a positive from the European Union and one that we should be encouraging to grow and to prosper and, most importantly of all, to go back to the old saying: give a man a fish, you feed him for a day; teach a man to fish, he can feed himself for life. That is what the Globalisation Fund allows us to do.

**Elisabeth Schroedter (Verts/ALE).** – (DE) Mr President, I would like to return to Commissioner Špidla's second statement. He said that we cannot influence business decisions. That is simply not true. Of course we do influence business decisions by paying subsidies, making European structural fund payments and paying aid.

That is why, when negotiating the regulation, Parliament debated this very issue of relocation. Ultimately, however, Parliament gave way, with the Group of the European People's Party (Christian Democrats) regrettably also voting in favour, Mr Pieper, and laid down only five years in the Structural Funds Regulation, which is clearly nothing like adequate given the scale of the subsidies. The Group of the Greens/European Free Alliance was the only group to say, at the time, that we need at least 10 years for the part of the regulation that the Commissioner cited, which relates to repayment on the part of companies that leave. All I can say here is that this case shows that the Group of the Greens/European Free Alliance was right.

**Joanna Katarzyna Skrzydlewska (PPE).** – (PL) Mr President, by mobilising the European Globalisation Adjustment Fund, the European Union is once again jointly facing up to economic difficulties. This time it is difficulties resulting from structural changes in world trade. As is the case with the financial crisis, only integrated action can be effective in combating the effects of globalisation.

Thanks to financial means obtained for people who have lost their jobs, both Belgian textile workers and workers from the Dell factory in Ireland have been given an immediate opportunity to retrain and find new work. The fund is also intended to promote entrepreneurship and self-employment. This help for particular sectors in different countries is an appropriate expression of social solidarity within the EU.

It is a fact that Dell, which justified moving its production from Ireland by the need to find a country with lower production costs, has found such a country which is still within the boundaries of the EU, for Dell has found a location in Poland, in the city of Łódź. The Łódź area is in a difficult situation in terms of employment levels, and the Dell factory has created around 2 000 new jobs. This investment will have a noticeable effect on improving the situation in and around Łódź, and will increase the pace of development in the entire voivodeship.

**Pervenche Berès, author.** – (FR) Mr President, I would like to reassure my fellow Member, Mr Crowley. No member of the Committee on Employment and Social Affairs has questioned the effectiveness, the usefulness of the Globalisation Adjustment Fund. We simply feel that better use can be made of it.

I would also like to come back to one of the comments made by the commissioner, when he said to us just now that fund shopping had to be prevented. This is precisely the problem that we are facing today.

When, I imagine, you prepare to hand over responsibility for this matter, what will you say to the next commissioner in charge of the Globalisation Adjustment Fund? Since, in the case of Dell, we can clearly see that there is a danger of the procedure being distorted and of misuse of Community funds and of the authorisations granted within the context of competition policy.

**Vladimír Špidla**, *Member of the Commission*. – (CS) Ladies and gentlemen, in my opinion, the discussion can, in principle, be divided into two parallel lines. The first of these states that the European Globalisation Adjustment Fund does function but that there are reasons for optimising its deployment. The issue of time was mentioned, although in my opinion, this issue has been exaggerated to some extent by the fact that the Member States can react immediately and get the costs back. Nonetheless, I believe that it is a matter that needs debating and that there is also a need to look for a solution in this direction.

The issue of individual budget items was also raised. It is true that at the time the fund was created, this was not actually possible. Nonetheless, the fund can operate in this way. In my opinion, it is therefore necessary to submit all of the questions that can be submitted and, where appropriate, to find a better solution for them than we have found so far. However, none of this puts into doubt the fundamental principle that in times of crisis, the fund functions and provides real assistance.

The second issue raised in the debate is a far more complex issue. This is the issue of delocalisation, the issue of potentially competing subsidies and a series of other issues which are related to this and which are extremely complex. In my opinion, it is correct to address these issues and it is correct to do so based on an in-depth understanding of the facts and I would like to mention a few facts relating to the case of Dell and also relating to some of our thoughts on the overall problem.

The first fact is that, contrary to overwhelming opinion, wage costs per unit of production are markedly higher in Poland than in Ireland, according to the OECD. Wage costs in Poland are thus not lower but higher than in Ireland. This is a point well worth bearing in mind, because drawing conclusions from direct comparisons in complex situations is not a reliable method. I would like to emphasise that if we want to debate these issues, it is necessary to deepen some of our insights considerably, at least with regard to some of the points.

The second issue is that of the Dell case itself. It is true that Dell began its activities in Limerick in 1991, in other words, 18 years ago. It is also true that there is no record of it having received support from any European funds for this operation. There is no information on this, although I cannot exclude the possibility that the firm received support from the regional funds because at that time, in 1990, there were no obligations or methods that would enable us to obtain this information. It is also a fact that the decision to relocate to Łódź was taken by Dell in 2007. It is also a fact that the money used as State aid is Polish money and that this aid was notified in December 2007. It therefore does not involve resources from the European structural funds. In this case – and it does not apply in all cases but in cases that are over EUR 50 million, which was the case here – a very detailed assessment takes place which also takes account of labour market issues. The conclusion of the Commission was that these two operations, which are so far apart in time, are not linked. However, this does not mean anything and does not in any way call into question the fact that issues involving the use of European resources must be discussed in depth repeatedly on the basis of our new information and that it is undoubtedly right to secure a higher level of coherence. In my opinion, the Dell case has served as a good springboard and it is surely right to continue with this debate.

Ladies and gentlemen, I would like to thank you for this debate and for the opportunity to consider with you some aspects relating to the use of the European Globalisation Adjustment Fund. In conclusion, I would simply like to state that within the scope of our policies, there is certainly a risk of resources being used in ways that are inappropriate or not entirely optimal, and that this inherent risk will always be present in our policies as they develop. It is therefore up to us to bear this in mind and to have the courage to examine some long-established principles with new eyes and to change these old, long-established and perhaps outdated methods where we find intellectual and technical solutions and a political consensus.

**Reimer Böge**, *rapporteur*. – (DE) Mr President, I would like to reiterate that we were at pains, in the collaboration between the Committee on Budgets and the Committee on Employment and Social Affairs over recent months, to get the procedures up and running as soon as possible on the basis of an opinion from the latter committee – which even set up a special working group for the purpose – in order to make the funds available as quickly as possible, after meticulous examination, in the interests of the affected workers and their close families.

I would like to say, secondly, that, in the course of examining the multiannual financial framework and the new instruments, in the course of the budgetary review and the revision, we also have to examine the functioning and the added value of the European Globalisation Adjustment Fund, like all the other instruments, and specifically with regard to the effect on the management and on the interaction of the institutions at the national and European level. We need to contemplate how this interaction with the European Social Fund

(ESF) could possibly be better shaped. We should therefore be open to all possible discussions that could lead to an improvement.

As far as the sources of funding are concerned, Commissioner, you were, of course, absolutely correct, from a purely technical standpoint, in what you said about the payment appropriations from the ESF. Ultimately, however, I would like the overall picture for the obligations and the payments under the multiannual financial framework, both for the structural funds and for the ESF, to be as we agreed in the overall figures. It must not be the case that, due to deficient implementation, problems in control and management systems and late implementation of these funds, money potentially remains unused and that we then take a slice of that money every year to pay for additional programmes like this. That is not in the interests of the originator.

We will, for the time being, take on board what you said about matters of State aid rules. We did, of course, ask similar questions in another place in relation to Nokia in Bochum and its relocation to Romania. Despite that, I have to say that there is a need, here, to look very closely at the interaction between the Commission and the reporting duties of the Member States. Sometimes I get the impression that, when it comes to these issues, things happen in a similar way to the monitoring of the fishing quotas: each side pushes a little towards the other and there is not, in the end, an efficient system. In this regard, we will stay on the ball and we will also intensively monitor these issues in similar situations and insist that the Commission act in accordance with the regulations and rules that we decided on in 2007.

Finally, my request to you all: please vote in favour of this mobilisation of the Globalisation Adjustment Fund tomorrow.

**President.** – The debate is closed. The vote will take place on Wednesday, 25 November 2009.

#### **Written statements (Rule 149)**

**Iosif Matula (PPE), in writing.** – (RO) Mr President, I support the report submitted by my colleague, Mr Böge, as I believe that many European workers who have lost their jobs require assistance, including from the EU funds. More than EUR 37 million has been given to 10 275 workers in 2009, which is nowhere near the maximum ceiling of EUR 500 million provided annually for this European fund. I must emphasise that these finances are intended for redundant employees and not companies. The EU must not support financially the strategy of companies which relocate and make workers redundant, especially if the company moves outside the EU or receives aid from another Member State at the same time.

It is vital for us to monitor very closely the way in which company relocations take place. The burden of the social costs involved in the closure or relocation of factories must not be shifted to European taxpayers. Let us not forget that the fund was created to provide additional support to workers made redundant as a result of major structural changes in the global business sector, and after 1 May 2009, also to those made redundant as a result of the global financial and economic crisis. I believe that access to European funds can also provide new Member States with considerable assistance, enabling them to overcome difficulties caused by the economic crisis and in adapting to the single European market's competitive structure.

### **14. The state of play of the Euromed Free Trade Area (debate)**

**President.** – The next item is the debate on the oral question to the Commission on the state of play of the Euromed 2010 Free Trade Area (FTA) by Vital Moreira, on behalf of the Committee on International Trade (O-0116/2009 – B7-0222/2009)

**Vital Moreira, author.** – (PT) Mr President, Commissioner, this question was drafted and proposed before we knew that Mrs Ashton would cease to be Trade Commissioner. We nevertheless hope that the Commission will be in a position to respond to our question.

Her remit, as previously mentioned, is the current situation of the Euro-Mediterranean Free Trade Area, initially planned for 2010.

In fact, one of the projects which came out of the Barcelona Process, launched in 1955, was the creation of a free trade area in the Mediterranean region in 2010, which was supposed to be established on a regional basis, and include a North-South network and a South-South network. Nevertheless, this objective remains very distant, and I have the following questions:

Does the Commission believe that the creation of the Euro-Mediterranean free trade area in 2010 was a realistic prospect from the very beginning? Can the Commission back up its response with sound reasons?

Secondly, Parliament is aware that a new Euro-Mediterranean road map will be adopted in the near future, possibly along with a new mechanism to facilitate trade and investment in the region.

Can the Commission provide further details about the practical aspects and implications of such a mechanism?

Thirdly, can the Commission explain the current status of the Agadir Agreement, the EU's contribution to the rewording of this agreement and, in more general terms, the South-South dimension of the Barcelona Process: Union for the Mediterranean?

Fourthly, can the Commission tell us how it incorporated the recommendations contained in the sustainability impact assessment carried out by the University of Manchester, with a view to considering social cohesion and sustainable development in the negotiations, as recommended in that study?

Fifthly, can the Commission explain to Parliament what was at issue in the renegotiation of the EU-Syria Association Agreement after it was put on hold in 2004?

Sixthly, can the Commission tell us about its negotiations with Libya, the purpose of these negotiations and their current status?

Seventhly, several Mediterranean countries have expressed an interest in increasing and/or extending their trade agreements with the European Union.

Can the Commission, first and foremost, tell Parliament about this new generation of association agreements?

Can the Commission, secondly, inform Parliament whether, in the light of the new powers on trade matters granted to Parliament by the Treaty of Lisbon, the Commission will take any prior resolution by Parliament into account when negotiating these new agreements?

Those are my questions, Mr President, Commissioner. Given the current relevance of the Barcelona Process and the area south of the EU, we believe that an answer to these questions is extremely pertinent and timely.

**Antonio Tajani**, *Vice-President of the Commission*. – (IT) Mr President, ladies and gentlemen, Mr Moreira, I am answering on behalf of Commissioner Ashton.

With regard to the Euromed Free Trade Area, its creation by 2010 was a realistic objective, and within the next year we will have made considerable progress towards this, although there clearly still remains much to be done to fully realise the potential of economic integration in the Euromed area.

In particular, progress has been made in the North-South dimension. The European Union has concluded bilateral association agreements with all of our Mediterranean partners apart from Syria, and these focus essentially on trade in goods. Other bilateral negotiations are nevertheless under way to further promote trade in agricultural products, services and the freedom of establishment, and to create a binding dispute settlement mechanism. Some of these negotiations have already ended and others are set to conclude by 2010.

With regard to the fresh negotiations between the European Union and our Mediterranean partners and the role of the European Parliament, I can tell you that, again with reference to the North-South dimension, we expect to reach an agreement at the Euro-Mediterranean Trade Ministerial Conference on 9 December on a Euro-Mediterranean trade road map beyond 2010, reflecting the objective of gradually transforming the current Euromed association agreements into comprehensive, wide-ranging free trade agreements.

We are not talking about negotiating new association agreements, but instead extending and strengthening current ones in order to tackle issues such as trade facilitation, technical barriers and sanitary and phytosanitary matters, as well as public procurement, competition, intellectual property rights, trade and issues relating to sustainable development and transparency.

Bilateral negotiations will be tailored to the situation of each Southern Mediterranean partner. Morocco might be the first Mediterranean country with which we launch negotiations next year. Following the entry into force of the Treaty of Lisbon, Parliament will obviously have an enhanced role in matters of trade. The Commission is ready to work closely with you on the future negotiations which I have just mentioned.

The Euromed Free Trade Area also has a South-South dimension. Our Mediterranean partners are creating a network of free trade agreements among themselves, and the Agadir Agreement, in force since 2007, is also open to other Mediterranean countries. Israel and Turkey have also signed free trade agreements with the Mediterranean partners, while other agreements are still on the table.

It is too early for a full assessment of the current Agadir Agreement. Trade between the four partners has increased, although to a lesser degree than was initially expected. This may be for several reasons, such as the existence of non-tariff barriers, lack of complementarity between the different markets, lack of a regional market capable of attracting investors and last, but not least, the fact that businesses are not sufficiently aware of the opportunities that these agreements offer.

The Euromed Trade road map beyond 2010 should help solve this problem. It also contains a series of practical short-term proposals, one of which is the Euro-Mediterranean trade and investment facilitation mechanism. The creation of this mechanism will provide free, up to date, comprehensive and easily accessible information on trade, investment conditions and regulation in the Euromed region, with the aim of helping businesses, particularly SMEs, operate in Euro-Mediterranean markets.

With regard to sustainability, as with all of our free trade areas, the Commission carried out a sustainability impact assessment, which was completed in December 2007 and which is, and will be, used in both current and future negotiations.

In particular, regarding questions of trade, the Stability Pact highlighted the importance of the long transition periods which were set out in the association agreements for the elimination of industrial tariffs by Southern Mediterranean countries, and the need to lay down similar transition periods in current negotiations on agricultural projects.

It is also evident that we need to take into account the level of development of our Southern Mediterranean partners in ongoing talks on services and establishment.

In addition, in a large number of these countries, the Commission supports fiscal reform programmes which can help lessen the negative effects of the fall in tariff revenue reported in the sustainability impact assessment.

As for the agreement with Syria which I referred to earlier, in 2008, the Commission launched a review of the draft association agreement in order to determine whether, prior to its conclusion, technical amendments or updates were required. One round of talks sufficed, and we agreed with Syria the amendments necessary to take account of the accession to the European Union of Romania and Bulgaria and the tariff changes introduced in both Syria and the Union since talks were suspended in 2004. The deal was sealed in December 2008. Last month, we announced that the Union is now ready to sign. Syria has postponed the conclusion of the agreement in order to analyse its economic implications.

On the other hand, as far as negotiations with Libya are concerned, they were launched in November 2008 in Brussels to conclude a framework agreement centring on an ambitious free trade agreement regarding goods, services and freedom of establishment, as well as regulatory cooperation. Concluding this agreement with Libya will be the final piece of the puzzle. At that point, in fact, the Union will have concluded free trade agreements with all of our Mediterranean neighbours, even though Libya is not covered by the European neighbourhood policy.

The conclusion of this trade agreement will provide EU exporters with new export opportunities in Libya and a more favourable regulatory environment, in particular, in the service sectors and in the oil and natural gas markets. Naturally, negotiations with Tripoli are still at an early stage and we need more time before we can reach an agreement.

During this process, the Commission will pay particular attention to capacity-building in trade and related issues within the Libyan administration. A sustainability impact assessment is currently being finalised for Libya as well.

**Georgios Papastamkos**, *on behalf of the PPE Group*. – (EL) Mr President, we support the strategically important Euromed partnership and the consolidation of political, economic and cultural cooperation and peace, security and stability in the area in general. We call on the ministers to adopt a road map for implementing the Euromed Free Trade Area at the forthcoming conference. The bilateral approach must be accompanied by a regional approach. Similarly, over and above the North-South dimension, I consider the South-South economic regional integration to which both the Chairman of the Committee on International Trade, Mr Moreira, and Commissioner Tajani referred, to be especially important. I would particularly emphasise the



need to incorporate social and environmental privileges and plant health standards which need to accompany the opening of the markets. We must also address certain serious matters relating to imports of agricultural products into the European Union. I personally am in favour of strengthening the Barcelona Process: union for the Mediterranean and of the programmes announced within its framework in strategic sectors, such as cooperation between small and medium-sized enterprises and exploitation of renewable energy sources. Finally, I should like to place particular emphasis on the development of sea corridors and on the proposal submitted by Greece last summer about setting up a transport observatory in the eastern Mediterranean based in Greece.

**Kader Arif**, *on behalf of the S&D Group*. – (FR) Mr President, Commissioner, ladies and gentlemen, I should like to thank Mr Moreira for his speech.

On 9 December, the Euro-Mediterranean trade ministers will meet to debate the revival of our economic and trade cooperation. Firstly, I would like us all to be clear about something: if the aim of the free trade area was indeed to benefit all of the partners, from the North and from the South, setting 2010 as the date on which it will be introduced was neither realistic nor even desirable, given that there are still huge disparities in development terms between the north and the south sides of the Mediterranean.

Moreover, some people are still advocating the fact that, to make progress with the Euro-Mediterranean Partnership – which I would remind you is made up of three pillars: politics, economics, and society and culture – we simply need to brush aside the political difficulties in order to make headway with the economic and trade aspect. As you will have gathered, I do not believe in this magical and pernicious view that trade alone can help us progress towards harmonious integration, peace and stability.

I believe in it even less since the facts speak for themselves. For example, the Union for the Mediterranean, in brushing aside the political conflicts, was supposed to revive stagnant Euro-Mediterranean cooperation with so-called concrete and visible projects. Today, it is the Union for the Mediterranean that is stagnating, and the political disputes that have gone unmentioned have come back to haunt it.

I am among those who are fiercely attached to the spirit of the Barcelona Process, who believe that progress is not measured solely by trade statistics, which are, incidentally, still too unfavourable to our partners from the South, to their populations. Trade for trade's sake – no, I definitely do not believe in it.

On the other hand, trade that is focused on development and aimed at reducing the gap between rich and poor, at ensuring that prosperity really is shared and that regional integration exists – yes, I can conceive of that. However, the negotiations still need to be steered in this direction.

That is why, at this next meeting, I ask that we all be ambitious, that we not just discuss technical matters to do with the removal of barriers to trade, as though that were the aim. It is unacceptable to go on thinking that way.

Regional integration, particularly in terms of the South-South network, the solutions to be adopted for the economic crisis – which is having a severe impact with its associated job losses – human, social and environmental considerations, and the human rights issue must sustain the discussions and become our main concerns once again.

**Niccolò Rinaldi**, *on behalf of the ALDE Group*. – (IT) Mr President, Commissioner, ladies and gentlemen, in view of the time of day, I hope you will permit me to begin with a quotation from 'A Thousand and One Nights', since we are discussing the Arab world.

In these fables, we read: 'Nor gain nor honour comes to him who idly stays at home. Oft have I seen a stagnant pool corrupt with standing still: if water run, 'tis sweet, but else grows quickly putrefied'.

This gives a feel of the heritage of the great Arab tradition, which invites us to rouse ourselves from a certain inertia and to relaunch the Euro-Mediterranean integration process in the best way possible, taking two factors into account.

The first factor is time. Today, 50% of the southern Mediterranean population is under 18, and in less than 30 years, we will have a free trade area that will be made up of nearly a billion consumers and citizens. Therefore, we do not have much time.

The second factor is the nature of the trade agreements that we wish to offer these countries. As liberal democrats, we want to see trade agreements without bureaucratic structures or centralism, and we want

them to remove control of resources and wealth from some oligarchic structures currently holding sway in the partner countries.

**Yannick Jadot**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, after 15 years of negotiating the trade aspect of the Barcelona Process, we have very serious doubts about whether the negotiation of a Euromed-type free trade agreement is the right solution to the social, political and economic problems in the region.

The impact assessment, as has been said, above all revealed that there were some potentially very serious negative impacts, whether social, environmental or in terms of regional integration.

In this context, Mr President, Commissioner, we believe that the proposal being made by the Commission – the road map for 2010 and beyond – is too one-sided, with its bilateral free trade agreement aspect, to be along the right lines.

We support the draft resolution that is being debated today, not least because it asks all these questions relating to social impacts, environmental impacts and impacts on regional integration, and above all because, in paragraph 10, it calls for the aims of the trade agreements to be revisited, particularly in view of these social and environmental issues, and then above all because, by revisiting these agreements, we could perhaps think about reintegrating the trade aspect into the overall Barcelona Process.

**Willy Meyer**, *on behalf of the GUE/NGL Group*. – (ES) Mr President, my group considers that it is impossible to separate the part of the Euromed project that is concerned with trade, immigration or funding from the political part. Our group is therefore against the European Union giving Israel and the Kingdom of Morocco this elevated status, because they are both turbulent areas that are incompatible with a union for peace based on international law.

We think that the European Union and the European Commission should be much more exacting with regard to the values that can lead us towards a project for shared peace and security.

For example, a Saharan leader is currently on hunger strike on the Spanish island of Lanzarote because the Kingdom of Morocco will not allow her to enter the occupied territories. This is an important point, which will require the European institutions to adopt a firm stance in relation to the Kingdom of Morocco.

I believe that the Union for the Mediterranean is not only about trade, but also about defending international law and human rights.

**William (The Earl of) Dartmouth**, *on behalf of the EFD Group*. – Mr President, the UK Independence Party opposes the Euromed agreement, and this is why: the Euromed agreement will offer significant trade concessions, and even subsidies, to non-Member States. This is bound to be at the direct or indirect cost of the British taxpayer. Moreover, when the Commissioner's representative spoke on Euromed to the Committee on International Trade, of which I am honoured to be a member amongst other people here, he said – and I quote here directly – ‘there is no question of implementing all the EU regulations’. He went on to say the application of the EU regulations will be intelligent and selective.

By contrast, we in the UK put up with, and indeed our economy suffers from, all the EU regulations being applied and, moreover, being applied to us in a way which is both unintelligent and universal.

We are not even permitted to have the kind of light bulbs that we would like. But it is not just light bulbs. After Lisbon, we in the UK will be ruled to a greater or lesser extent by the three amigos: the President of the Commission, the newly appointed President of the Council – who must surely be Tintin's grandfather – and, more crucially, the High Representative, Mrs Cathy Ashton, who, in her mature 30s, was one of four paid officials of the far left CND.

This is a serious matter, and these are the people we are stuck with, but the Euromed countries will not have to put up with the three amigos at all.

There is also the matter of human rights. In this instance, I have to ask what is going on here. Syria and Libya, of all countries, have been offered trade concessions and even subsidies to be paid for by us, but where are the safeguards on human rights? Nowhere to be seen for these two countries, both of which have a long and frankly despicable record. As someone who was a teenager in the 1960s, I have to say that the proposers of this part of the resolution must have been smoking something, so we are opposed to this resolution in all its parts.

**Jörg Leichtfried (S&D).** – (DE) Mr President, free trade can be a good thing, where it does not simply stop at free trade. Agreements like this one are about much more than that, and they need to be. They must not just be about setting up a free trade area, but they must also be about lasting effects. They must be about bringing about development. They must be about providing security. They must be about creating prosperity for all. That is much more important than ensuring that pure liberalisation takes place, that markets are opened up and that a few people benefit at the end of the process. If we want to make trade freer, the aim of all these efforts – both here and in our neighbouring countries to the south – must be to combat unemployment. These efforts must aim to create more opportunities, in particular for women, young people and the rural population. If that is our aim, then we are on the right track. If our aim is just to liberalise, open up, and enable a few people to make profits, we are on the wrong track.

**Czesław Adam Siekierski (PPE).** – (PL) Mr President, the fundamental objective of the Mediterranean Association Agreements is principally for the European Union to enter into closer cooperation, chiefly in the area of trade, with Mediterranean states, and also to restructure the economies of these states. In this way, the EU can help the Arab world transform itself into a region of prosperity, and that will create the conditions for closer cooperation and the opportunity to achieve stability in the region.

We must make every effort to accelerate the process which was begun in Barcelona, paying particular attention to questions concerning democracy, maintenance of the rule of law, values, human dignity and economic and social development. Strengthening intercultural dialogue will also play an important role in this context.

In my opinion, liberalising the trade of agricultural products in the Euro-Mediterranean area can contribute to beneficial trade exchange, on condition that the EU concentrates mainly on the export of cereals, meat and milk, and on the import of fruit and vegetables from Mediterranean states. Realisation of such an exceptionally ambitious plan of action as the Euro-Mediterranean partnership will require great effort and many compromises from the states which participate in the process.

**Seán Kelly (PPE).** – Mr President, a few weeks ago, I was at the meeting of the Delegation for relations with Canada. They were discussing a free trade agreement which the European Union was conducting with Canada. Prior to that, we here in Parliament were discussing a free trade agreement with South Korea. Tonight we are discussing a free trade agreement in the Euromed.

Could the Commission answer how many free trade agreements we are negotiating or have negotiated up to now? Secondly, where is the net benefit to the European Union countries? Thirdly, where are the opportunities for businesses and entrepreneurs from a job creation and economic point of view?

Finally, I am not necessarily agreeing with the points made by the Earl of Dartmouth, but I would like to hear his core question answered, leaving aside the personalities.

**Diane Dodds (NI).** – Mr President, this debate has been about the liberalisation of trade, and I stand before this House tonight as a European who believes in the cooperation of nations, but not as one who believes in the federalism of the current project.

For the United Kingdom, Lisbon will decrease our powers to control trade and exercise trade with whomsoever we will. Furthermore, the diminution of our democracy, both in the United Kingdom and in Europe, is apparent with the events of last week where we had the appointment of a President and the anointing of a High Representative of Foreign Affairs who has never held elected office, but who will speak for the people of Europe on foreign affairs. Surely this is not a situation that the Commission can stand over, and it would be interesting to hear its views.

**João Ferreira (GUE/NGL).** – (PT) Mr President, when considering the establishment of a Euro-Mediterranean free trade area, we should remember to bear two things in mind.

One is a general point which applies to countries in the southern and eastern Mediterranean, as well as most developing countries with which the European Union wishes to establish similar agreements, particularly the countries bound by the common agricultural policy.

The words of the Dominican Lacordaire are apt here: 'Between the weak and the strong, between the rich and the poor, between the lord and the slave, it is freedom which oppresses and the law which sets free.' We simply cannot ignore the obvious and important socio-economic parallels at play here, nor the vast differences in the stage of development in production systems between countries north and south of the Mediterranean.

The liberalisation of trade, particularly in vulnerable sectors such as agriculture and fishing, has certainly been an exacerbating factor in the current economic and social crisis, due to the pressure which it has placed on weaker production systems, employment and social rights, due to the increase in dependency, which is especially severe when it comes to food, compromising the free development and sovereignty of every country.

As already mentioned, we can still remember the situation in Palestine and the Western Sahara, and it is one that we should not ignore in this debate.

**Jörg Leichtfried (S&D).** – (DE) Mr President, I think I can say my piece in even less than a minute. I, too, have a question for the Commissioner. We are agreed that free trade agreements and trade agreements should not be limited to trade, but also have other objectives that ultimately benefit us all. To what extent does this process mean that both we and our partners will enjoy more democracy, more human rights and a more equitable distribution of wealth? Is there already some of this to be seen, or will it take some time yet? If so, how long will it take?

**Kader Arif (S&D).** – (FR) Mr President, I had not anticipated having to respond to Mrs Dodds but I would just like to tell her that she should read the Treaty of Lisbon because, if there is one committee that will be strengthened by the Treaty of Lisbon, it is the Committee on International Trade. Therefore I can say that, when that time comes, the European Parliament will have slightly more influence in the months or years ahead.

Mr Moreira put some very precise questions to the commissioner. I heard Mr Tajani answer: Libya and Syria. There was one issue that was, all the same, disposed of very quickly, and that was the whole human rights issue, on which there has been no precise response. I very much want there to be progress in the negotiations with Libya and Syria but, at the same time, precise answers must be given to the EU's questions, enquiries and requests regarding human rights.

My second point is that I feel it is impossible to talk about the Euro-Mediterranean area without raising the Israel-Palestine issue, when we see products being imported today from the occupied territories. I would therefore also like to know where the Commission stands on this issue.

**Antonio Tajani, Vice-President of the Commission.** – (IT) Mr President, ladies and gentlemen, first of all, I would like to stress that Commissioner Ashton's absence is not due to the post that she will take up from 1 December, but to other institutional commitments relating to her current post.

I will attempt to answer your questions, where possible. Any answers that I am unable to provide will be supplied to all Members in writing, as I will forward your questions to Commissioner Ashton and her staff.

I would emphasise that the European Commission's commitment to human rights has always been at the heart of its every action. With regard to my department too, namely transport, we have always made every effort in all of our initiatives in Africa to give priority to ensuring political stability and respect for human rights and the rules. This commitment is part of the European Commission's political project. Furthermore, the free trade agreements always contain cooperation clauses.

I would therefore reassure all Members that the Commission never underestimates the importance of respect for human rights and its obligation to remind countries with which negotiations are under way of this issue. Situations are continuously monitored, and if this is the case for countries which have requested membership of the European Union, there is all the more reason for it to be continued for the negotiating countries.

As for Syria, the association agreement broadly follows the pattern of the other Euro-Mediterranean agreements insofar as it requires regular political, economic and social dialogue and cooperation in many sectors. It lays down the progressive creation of a free trade area over a maximum of 12 years and, at the same time, it contains more wide-ranging and substantive provisions in a vast number of sectors, such as trade-related provisions not covered in other Euro-Mediterranean association agreements. I am thinking of the abolition of the global tariff on agricultural products, the provisions concerning technical barriers to trade, sanitary and phytosanitary measures, trade facilitation, the right of establishment and services, public procurement and, lastly, the trade dispute settlement mechanism.

With regard to Libya, following a difficult period of relations with the international community, this country has taken steps to normalise political and economic relations with its foreign partners.

Even during a trip to Libya as Commissioner for Transport, I noticed the desire to reverse a trend which had always existed in the past. I would say that Libya always agrees to the objectives and the general content of the draft legal texts on trade in goods, services and the right of establishment, trade rules, including rules concerning public procurement, and regulatory cooperation in a range of sectors of the Community *acquis*. Libya has also agreed to uphold other clauses, but I repeat that the Commission will, in any case, continue to be vigilant.

I hope to have been as thorough as possible in answering your questions.

On the other hand, as for the exact number of free trade agreements being negotiated by the Commission, we will provide clearer and more complete answers in writing via Commissioner Ashton's staff.

**President.** – I have received five motions for resolution<sup>(4)</sup> tabled in accordance with Rule 115(5) of the Rules of Procedure.

The debate is closed.

The vote will take place on Wednesday, 25 November 2009.

## 15. Safety and interoperability of the community railroad system (debate)

**President.** – The next item is the debate on the oral question to the Commission on the safety and interoperability of the Community railway system by Brian Simpson, on behalf of the Committee on Transport and Tourism (O-0129/2009 – B7-0227/2009)

**Brian Simpson, author.** – Mr President, I rise on behalf of the Committee on Transport and Tourism to introduce this oral question which has been prompted by recent accidents in Italy and the Netherlands, both of which, sadly, had fatalities.

I think it right, however, to point out that rail is still one of the safest modes of transport and certainly it is the intention of my committee to do all that we can to ensure that this remains the case. Hence this oral question.

We here in the European Parliament have always taken rail safety very seriously. This has culminated in the recent Rail Safety Directive and follows on from a long line of railway initiatives and reports taken by Parliament over many years.

Yet we have a frustration born out of the inability over the years of both railway companies and national governments to act in key areas. This manifests itself when you examine key legislation and, in particular, the implementation of such legislation in international law, which has been at best patchy and at worst downright protectionist.

The Commission's own progress report on the implementation of the Rail Safety Directive says that national standards and rules are creating a barrier to a fully integrated rail system. This then poses the question as to whether those national rules are also compromising safety.

And what about interoperability in the rail sector? Are national barriers preventing progress in this area as well, or is there an unwillingness on the part of the rail industry to embrace the concept of interoperability?

Why is progress on ERTMS so slow and are we going to fail in our attempt to have the ECM scheme in place by the end of next year?

These are all questions that as a committee we seek answers to. And, allied to that, we would like to know from the Commission what national barriers and loopholes are currently halting progress on interoperability, and which Member States are the most obstructive.

Following on from that, will the Commission use any legal powers at its disposal to ensure compliance with Community law?

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<sup>(4)</sup> See Minutes

I know that the problems, particularly in regard to rail freight, but not exclusively in that area, lie firmly at the door of Council. I and my committee want to work with the Commission and the industry to develop a safe, integrated, interoperable railway network.

My committee is now beginning to question whether the safety side, particularly as it refers to freight wagons, is starting to be compromised by this failure to implement European legislation.

If this is so, then action is needed urgently. But action is also needed to deliver both integration and interoperability if passenger railways are to develop to their full potential and if rail freight is, frankly, to survive.

**Antonio Tajani**, *Vice-President of the Commission*. – (IT) Mr President, ladies and gentlemen, before turning to the debate, I would like to make some essential introductory remarks.

Only when the technical investigations carried out by the independent Italian and Dutch bodies have pinpointed the exact causes of the accidents in Viareggio and in the Netherlands will we be able to draw specific conclusions with regard to possible improvements in Community legislation on the safety of rail transport.

Furthermore, as Mr Simpson highlighted, despite the two accidents, which we must obviously learn from in terms of rail safety – precisely to show our commitment on this, we organised a series of events which Mr Simpson also attended – I wish to stress that rail transport in Europe nevertheless offers an especially high level of safety compared with other means of transport.

Indeed, the report on the current first rail package, adopted by the Commission in 2006, and the latest statistics indicate that the opening up of the market to competition has not had any negative impact on the overall level of rail safety which, on the contrary, continues to improve. We must, however, be vigilant to ensure that this improvement continues, and we certainly cannot settle for the results already obtained. Liberalisation, in fact, means that the number of operators on our networks is continuing to grow, and we must therefore continually assess the quality of the operators present.

Following the Viareggio accident, the Commission and the European Railway Agency organised a large number of meetings with all the interested parties, and a short- and long-term plan of action was drawn up in order to reduce, as far as possible, the risk of such accidents happening again. The plan was adopted at the conference on rail safety organised – as I said earlier – by the Commission on 8 September 2009.

Turning to the specific question of the safety of freight wagons, particularly maintenance of their critical components such as axles, the European Railway Agency has created a task force composed of experts from industry and from national safety authorities, which has already met on three occasions.

The task force has a specific two-step work programme which requires results to be published in December 2009 and June 2010.

Step 1 consists of developing an urgent inspection programme to ascertain the state of the wagons in use as well as the quality of their axles. It is important, however, that these measures are not adopted in isolation at national level, but that they are coordinated at European level in order to obtain results accepted in all Member States.

In Step 2, the more general issue of wagon maintenance will be addressed in order to determine whether it is necessary to harmonise, and to what extent, the various elements of the maintenance system, namely technical standards, procedures and measuring and testing methods.

The International Wagon Regulations system, in force prior to the opening up of the market until 2006, gave national undertakings the responsibility and the freedom to determine all of these aspects. Such an absence of harmonised standards no longer seems acceptable in the new framework, which is governed by technical specifications for interoperability for wagons, and by the new private agreement, the General Contract of Use for Wagons, between technical wagon operators and railway undertakings.

With regard to certification of the entity in charge of maintenance, the European Railway Agency will do everything in its power to enable the Commission to comply with the timetable set out in the actual directive, and adopt the certification system by the end of 2010.

Far from being an additional obstacle for operators in the railway sector, the certification system, which will specify the criteria which must be met in order for a rail operator to be recognised as an entity in charge of maintenance, will open up opportunities which, until today, have been limited only to certain undertakings.

The national practices or shortcomings which hamper interoperability relate principally to the transition from the old system, governed by national railway monopolies, to the new system, brought in by the directives on interoperability and rail safety. The barriers in question are described in the communication adopted by the Commission in September.

In order to eliminate these barriers, in 2008, the Railway Agency began work on the cross-acceptance of rolling stock. In this connection, the agency is classifying all national standards on the basis of a harmonised list of technical parameters, before moving on to a comparison of the standards in the various Member States in order to establish the degree of equivalence. The goal is to do away with the practice, common in the railway sector, of resorting to national standards to obstruct the approval of rolling stock already approved by other States.

Furthermore, the tardiness of the Member States and industry in conforming to the new legal framework represents a further barrier to interoperability. Indeed, this tardiness is hindering the creation of a European railway area based on common harmonised standards, standards necessary to permit the optimum functioning of the market.

I have spoken for a long time, but there were a great many questions. I will now start to conclude.

As for the ERTMS, it is in place and has given positive results on over 2 000 kilometres. It is true that the original specifications had ambiguities which gave rise to different interpretations, but these ambiguities were eliminated in 2007. The Commission's Decision of 23 March 2008 made it compulsory to use this new version, known as '2.3.0d'.

The Member States and this sector are currently working to upgrade the train lines affected and the problem of incompatible applications at national level is therefore being resolved. All the new applications take the compatible standard as their basis.

The Commission, in line with its own commitments, will provide financial support for the sector to upgrade all the lines and trains already fitted with this system so that they are compatible with the new version. To this end, within the framework of the 2009 call for proposals, EUR 250 million was allocated for the ERTMS, part of which will be used specifically to update the relevant computer programs.

**Georges Bach**, *on behalf of the PPE Group*. – (DE) Mr President, Commissioner, you are right, the railway system is a very safe system when compared to other forms of transport. Alongside many positive elements, however, liberalisation has also brought with it a degree of poorer safety in the form of the fragmentation of individual companies, the separation of infrastructure and operations, the outsourcing of maintenance work and the leasing of materials and staff.

In my opinion, it must be ensured that the national safety authorities issue their safety certificates and authorisations in accordance with what is laid down by the European Railway Agency (ERA). Are there adequate controls? Is it ensured, for example, that the training of the staff, the certifications and the working conditions are properly monitored? What is the situation, in this regard, with respect to the introduction of a standardised Community certification? What is the situation with regard to the European train driver's licence? The efforts with regard to the European Rail Traffic Management System (ERTMS) must also be redoubled.

The recent implementation plan that you referred to must be binding and must not be delayed due to financial or national considerations. The efforts relating to the introduction of the Technical Specifications for Interoperability (TSI) must be continued and extended. This would represent huge progress, particularly in terms of the standardisation of materials, and would provide a higher degree of safety in relation to material maintenance.

Many of the most recent railway accidents and near-misses have been due to maintenance failings. The intensity, in particular, is being neglected on cost grounds, and maintenance intervals are being lengthened. What is the situation with regard to a Europe-wide certification system for maintenance works? I believe that everything possible must be done to prevent each individual Member State from turning back to its old rules and acting independently and in diverging ways. The border crossings between the individual Member States, in particular, represent a safety risk. How does the Commission intend to overcome this problem in

the short term? I would also like to ask you to ensure that, when you make your evaluation, you do not forget the social aspects – they need to be taken into account.

**Bogusław Liberadzki**, *on behalf of the S&D Group*. – (PL) Mr President, first of all, I would like to thank Mr Simpson just for asking his question, and to congratulate him, because his question has become the subject of our debate. It is a very late debate, at a late hour in the evening, but it is very good that we are having this debate. When the subject of the question was shown, we saw the words: context – the European railroad system. I venture to suggest here that at the moment, we still do not have a European railroad system.

Why not? Every railroad has its own technical standards. If they are electric railroads, it is either DC or AC. If it is AC, it is either 15 kV, or 30 kV, or 35 kV. I can tell you an interesting fact, which is especially appropriate in the presence of Mr Tajani. In the North-South system, there are two railroads which are similar – the one in Poland and the one in Italy. All of the others have differences between them. Therefore, Mr President, let us give the railroads a chance. Let us establish a truly European railroad system, even if this has to be done in spite of the almighty, national railroad carriers.

**Michael Cramer**, *on behalf of the Verts/ALE Group*. – (DE) Mr President, ladies and gentlemen, safety is a sacred thing. It must be given absolute priority. What has happened in Berlin recently, where the suburban rapid rail system has gone to pieces as a result of profits being prioritised, must remain an absolutely exceptional case. What bombs and shells were unable to do in the war, we have had to experience for the last six months in Berlin. This state of affairs cannot go on.

Safety arguments are also often put forward when someone wants to stand in the way of competition. In such cases, safety arguments are created in order to completely prevent the opening up of networks, something that we actually regulated through legislation and made compulsory for every Member State as from 1 January 2007. You must intervene, therefore – the safety arguments must not be allowed to be abused.

Safety costs money, of course, but we need investment in the infrastructure and in safety. The money is available. I would remind everyone, for example, that the exemption from duty for kerosene costs European taxpayers EUR 14 billion every year. If you were to spend this money on safety, we would have a European railway market and guaranteed safety, which is the order of the day.

**Jacky Hénin**, *on behalf of the GUE/NGL Group*. – (FR) Mr President, ladies and gentlemen, in order to prepare for rail competition, the European directives have imposed the separation of the rail network and transport activities, thus prohibiting any kind of standardisation. The result: trains in France travel more slowly on the secondary network today than they did at the start of the 20th century. A third of the network is going to ruin through lack of resources to maintain it. All the railway unions, all the experts say that this situation will inevitably result in terrible accidents.

That is not enough, however. There is always a need for more profit. Thus, there is a willingness to sacrifice rail safety by prohibiting national safety rules that offer the greatest amount of protection for the sake of future minimum European regulations. Once again, the European general interest is being sacrificed for the sake of capitalist greed.

Thalys is the right model for Europe, as it is characterised by European rail cooperation that complies with the statutes protecting workers and with maximum safety rules. That is the total opposite of the unbridled competition imposed on rail users by the European directives. Indeed, to ensure the safety of rail users and residents alike in the face of hazardous freight transport, the European rail packages as a whole must be repealed.

**Jörg Leichtfried (S&D)**. – (DE) Mr President, it is not actually astonishing. There is one thing that we can say, and that is that, where liberalisation and privatisation takes place, the numbers of accidents and incidents increase. The reason is obvious, as where there is a need to generate high profits, there are poorly paid employees; there is poorer training and gaining of qualifications, as this is costly; there are fewer controls, as controls cost money; and ultimately – we have seen this everywhere – when everything goes wrong, there are incredible costs involved for the public in clearing up the mess caused by liberalisation and privatisation.

We have gone down the wrong road here. Mr Bach believes it would be enough to investigate this thoroughly and to introduce better safety mechanisms. We took the wrong road and we should now return to a road that offers quality, security and efficiency. That road is certainly not further liberalisation. It is the opposite route.



**Guido Milana (S&D).** – (IT) Mr President, Commissioner, ladies and gentlemen, I would like to make just two observations.

I think that we ought not to argue about greater privatisation, competition or what have you. It is clear that the logic of rushing to reduce costs is a negative factor in terms of safety standards. When there are attempts to reduce costs because a major competition mechanism is launched, it is inevitable that safety standards should fall.

The real issue is that I believe the Commission ought to initiate a more rigorous phase based around a more strategic role for the European Railway Agency. It ought to take on a role of greater coordination, control and supervision over the national safety agencies, and it ought to do so in a much speedier manner precisely because of the differences between the various countries, which my fellow Members have already alluded to, regarding contradictions between national and European legislation. In my view, there are huge delays on this aspect.

The model ought to be that of the European Aviation Safety Agency, and it should have the same binding powers over actions and enforcement. If there is a call to be made to the Commission today, it is that it should move more swiftly in this direction.

The Commissioner has said that we need to wait for the results of the investigations into the accidents. On the contrary, I believe that these results will add nothing to the existing situation.

Another element, Commissioner, which probably does not fall within your sphere of responsibilities, and which is probably also outside the scope of this evening's debate, is that, all too often, the legislation as a whole does not ensure that anyone suffering loss or damage as a result of a railway accident – given that the rate of railway accidents is still low – receives immediate acknowledgment from the person bearing liability for it.

**Seán Kelly (PPE).** – Mr President, it has been stated that EUR 200 million was spent on this area in 2009. I wonder, would the Commission consider only funding, from a safety and interoperable point of view, rail systems that are operated electrically, and phase out over a period of time diesel-guzzling locomotives – I know in my own country all the rail systems are operated thus – and set a target date to have safe, interconnected and environmentally friendly rail systems across the entire European Union?

**Silvia-Adriana Țicău (S&D).** – (RO) Mr President, Commissioner, the safety of rail transport depends on the investment made in maintaining and modernising the rail infrastructure and rolling stock. Lack of this investment will increase the number of rail accidents.

Investment in the railway system must become a priority, both at Community level, via the TEN-T budget and the Structural Funds, and at Member State level, through national allocations and the cofinancing of priority projects for trans-European transport. The interoperability of railway systems is vital. Appropriate pay for staff and the provision of training and testing for workers in the railway sector are also essential.

Railway accidents have occurred in Romania too during the last year. The eastern part of the European Union requires substantial investment in railway transport to be able to maintain and modernise the existing infrastructure and develop it. The extension of priority projects 6 and 17 to Bucharest and Constanța, the construction of a rail corridor for freight transport on this route, as well as the implementation of the ERTMS, should become priority TEN-T projects.

**Antonio Tajani, Vice-President of the Commission.** – (IT) Mr President, ladies and gentlemen, I believe that many answers to the requests made during this debate were given at the conference on railway safety held on 8 September, which I convened immediately after the accidents in Viareggio and the Netherlands, precisely to give a signal regarding the strong commitment on the part of the Commission and the European institutions to take action in the very sensitive sector of railway safety.

As you know, representatives of all the institutions, Parliament and the Council were invited to the conference. All the issues at the heart of this evening's debate were examined, starting with the issue of the agencies and the European Railway Agency.

I share the position of Mr Milana, because during the conference itself, I proposed that greater powers be given to the European Railway Agency. I am therefore in full agreement. However, we need to change the rules of the game and I undertake, for as long as I remain Commissioner for Transport, to move towards the

European Railway Agency being able to function along the same lines as the European Maritime Safety Agency or the European Aviation Safety Agency.

Another subject that we dealt with during that day of work, in which relatives of the victims also participated, is the liability of operators in the transport chain and thus, the question of the rights of those who are involved in rail accidents. With regard to passengers' rights in the rail sector, there is legislation that will enter into force on 3 December this year.

The Commission is also looking at aspects relating to victims other than passengers, namely those who are not passengers but are victims of accidents such as the Viareggio accident, caused by an explosion or a train derailment, and it is assessing what responses might be given to this problem.

The Commission has thus taken strong action in the rail safety sector, which it considers to be a priority, including in relation to the certification of staff. The EU has already adopted Directive 2007/59/EC on the certification of train drivers, and the European driving licence for train drivers already exists: it will enter into force on 3 December this year.

With regard to the social aspects that have been raised, there is the social dialogue committee which, in 2005, discussed an agreement on working time for international traffic.

With regard to maintenance and more environmentally friendly rail transport systems, I believe that we need equipment to be modernised and effective maintenance. As I confirmed in my reply to the question, I believe that the ERTMS system is an important project from the technological viewpoint, in which the European Commission has invested with a view to making all transport in the rail sector safer. I believe that this is an important element which should not be forgotten.

**President.** – The debate is closed.

#### **Written statements (Rule 149)**

**Ádám Kósa (PPE), in writing.** – (HU) With regard to the issue being discussed, I believe that it is important to note that in relation to the ECM (Entity in Charge), the owner or operator must be specified in every case so that we can reduce the risk of accidents. Furthermore, we should consider, as is the well-known practice in France, raising the issue as well of the legal entities' criminal liability so that a greater role can be given to safety as part of the legal entities' management role.

When strategic decisions are made at company manager or owner level, profit must never take priority to the detriment of people's safety and their lives. If a mass accident occurs due to the reckless and risky management practices of the company in charge, the legal entity can rightly be held accountable. Otherwise, only the senior manager leaves the company early, accepting the large bonuses and severance packages which are well-known nowadays, so that, in the end, only the train driver goes to prison.

The fate of the company must be linked to that of the manager and workers as well so that a safe service of suitable quality can be guaranteed, particularly in the state service sector. I would like to ask the Commission the following question: what kind of proposal does it want to submit so that it can enforce not only civil (compensation) liability but criminal liability as well with regard to negligent service providers?

### **16. Use of minority languages within the framework of the European cultural heritage (debate)**

**President.** – The next item is the Commission's statement on the use of minority languages within the framework of the European cultural heritage.

**Leonard Orban, Member of the Commission.** – (RO) Mr President, honourable Members, the general objective of the European Union's policy on multilingualism is to highlight the importance of all the languages spoken in the European Union. In accordance with Article 151 of the treaty, the Community's actions must help encourage cooperation between Member States in order to contribute to the flourishing of Member States' cultures, while respecting at the same time their diversity at national and regional level and focusing on our common cultural heritage.

Based on these principles, the European Commission, in close cooperation with Member States, is implementing the strategy of promoting multilingualism and linguistic diversity, featuring in the document

adopted in September 2008, which is aimed at all the languages spoken in the Community. All these languages represent an integral part of our common cultural heritage, and every single national, regional, minority and migrants' language spoken in Europe offers an additional facet to this common cultural heritage.

As you are well aware, the European Commission has invited Member States to consider teaching regional and minority languages as part of their national strategies for promoting multilingualism in society. The decisions made by the European Union in this area are not replacing the measures already adopted by Member States, but are intended to support and supplement them. The main funding instruments available to the European Union are the Lifelong Learning Programme for the 2007-2013 period, which is open to all the languages spoken in the Community, including regional and minority languages.

There is no Community legislation for regulating the use of languages in Member States and none of the treaties includes options for adopting such provisions either. Respect for linguistic and cultural diversity is enshrined via Article 22 of the Charter of Fundamental Rights, which stipulates that the Union must respect cultural and linguistic diversity.

As you know, the provisions of the Charter are aimed at the EU's institutions and bodies, as well as Member States, only when they implement Community legislation. Consequently, Member States continue to be the decision makers on their domestic linguistic policy, including with regard to regional and minority languages. The protection of persons belonging to national minorities is an integral part of respecting human rights, which is one of the principles on which the European Union has been created, as indicated in Article 6 of the Treaty on European Union.

As a result, Member States should use every legal instrument they have available to safeguard the rights of persons belonging to national minorities, in accordance with their own constitutional order and with the obligations and commitments incumbent upon them under international law. By international law I mean, for example, the European Charter for Regional or Minority Languages of the Council of Europe, which provides a global framework in this area, as well as the recommendations from the Organisation for Security and Cooperation in Europe, which the European Union has resorted to on different occasions.

**Edit Bauer, on behalf of the PPE Group. – (HU)** The languages of Europe's peoples as a cultural whole form the cultural heritage of Europe, just as the Commissioner has also said. I thank him for making this point. There are no differences between languages, whether they are spoken by a minority or majority. At the same time, people's right to use their own language is an integral part of their basic rights, as is also stated in Article 22 of the Charter of Fundamental Rights. It is no coincidence that national communities are extremely sensitive about any infringement of their rights in this area.

I am speaking out, on behalf of a minority numbering more than half a million, against Slovakia's national language law containing certain articles which infringe and restrict the rights of this minority. Let me give you a few examples. Article 8(4) of the law stipulates that doctors must communicate in the national language with patients in locations where the minority's proportion is less than 20%. This also applies to social workers and their clients, as well as to fire-fighters and paramedics, if they are on duty, in other words, when putting out a fire or taking someone to hospital. According to Article 6(1), Slovak must be used in the text of adverts, whether public or private. According to Article 8(6), adverts must appear first and larger in the national language, or the letters must be at least as big as those in the text in the second language. This obviously conveys the message that the first language is more important, while the second is subordinate and second-class.

Article 9 of the law imposes penalties that are disproportionate on legal entities contravening the appropriate language use, including small businesses. In any case, why is it a punishable offence for someone to speak in their mother tongue? Such a law cannot, obviously, be implemented properly.

Mr President, Slovak legislation could have integrated as part of its domestic legal system those commitments which it accepted from the Council of Europe's Charter on languages and assumed through ratification, instead of approving a law which is diametrically opposed to this. It is not even aimed at bilingualism, as it does not require workers, even in the public sector, to know the minority language, nor encourage them to learn it.

Mr President, just a final word. I am pleased that the European Parliament has put this debate on the agenda and I greatly appreciate the clear stance adopted by the Parliament's President, Jerzy Buzek, as well as the unequivocal message from the Commission that minority rights must be protected, not restricted.

**Hannes Swoboda**, *on behalf of the S&D Group*. – (DE) Mr President, given all the differences of opinion in this House, it is a good sign that we have a president here of Hungarian stock of whom we can be sure that he will not act in a discriminatory manner, but that it is simply a natural matter of course in this Europe that the attempt is made to stick to what is right irrespective of language and origin.

Mrs Bauer, you were critical of the language law. The language law is not as good as it might be, that has indeed been established. It does not infringe fundamental rights, however. That too must be stated. That being the case, there is a need to work on eliminating those deficiencies that do exist – above all, in the interpretation of the law. It is absolutely crucial that a signal be sent from this debate today that we are making improvements not because we want to play off one population group against the other but because we want the relations between Slovaks and Hungarians within Slovakia, and of course, also between the two countries, to improve. That must be our concern. Especially now, as we approach the elections, I can but call for moderation, reason and dialogue, which offer the road to a positive result.

Quite simply, there are also problems with an historical basis, and we should have no illusions about that. My mother, who was born in Miskolc, and I, born just a few kilometres from Bratislava, feel and sense that. The crucial thing, however, is that we do not magnify and heat up conflicts that often fundamentally only exist between political powers and not between the people themselves, who get along well.

Just as there is a Hungarian minority in Slovakia, so there is also a Slovak minority in many a municipality with a Hungarian majority within Slovakia. We must therefore bring these elements together. The second signal sent from this debate is also a crucial factor. Together, we have a range of problems. Slovakia and Hungary, too, have problems together, such as the problem of the Romani. Would it not, then, be much more sensible to concentrate on solving these existing problems together via dialogue, in an effort to give all the minorities of this region a better chance? In the end, we are all members of minorities. The aim must be that we clearly commit ourselves to linguistic diversity – as the Commissioner said – to promoting multilingualism, since languages are an ‘asset’. People who can speak additional languages have an advantage, and when everyone understands that and accepts it, we will be able to look forward to a better future.

**Carl Haglund**, *on behalf of the ALDE Group*. – (SV) Mr President, I am pleased that the Commission has taken this issue seriously. Life for many minority groups in Europe is difficult, and a strong message from the EU in particular may help to counteract the wave of intolerance that has swept over our part of the world in recent years. I think that the EU should make it absolutely clear to every European that there is added value in both having and speaking languages other than the language of the majority.

Why? Well, for one thing, because every language carries with it an enormous cultural heritage that enriches European diversity. Areas where minority languages are spoken are also more successful and competitive from an economic point of view than other areas. It is therefore beneficial for anyone who wants to do business in such areas to employ people who speak the local languages. Those were two good reasons. I would like to thank the Commission for this initiative and I will not detain us any longer as time is limited.

**Tatjana Ždanoka**, *on behalf of the Verts/ALE Group*. – Mr President, I thank the Commissioner for his statement, and I agree that the current situation of EU law does not entitle us to legislate in the field of linguistic rights.

On the other hand, as of 1 December, we shall have a clause in Article 2 of the Treaty on European Union stating that the Union is founded on the values of respect for human rights, including the rights of persons belonging to minorities. This probably cannot be a solid legal ground for immediately building our own minority rights concept in the *acquis communautaire*. Nevertheless, we deserve a statement today that is more focused on the Commission's political stance regarding minority rights and the message must, in my opinion, be very simple. A party that acts against the rights of persons belonging to minorities, including linguistic rights, acts against the core values of the Union.

We name and shame those countries outside the EU which have a bad human rights record, even though the EU cannot impose legally binding obligations on them, but why are we so reluctant to name bad examples inside the EU, even if we cannot impose obligations?

You mentioned the Council of Europe and OSCE documents, but the Commission should also undertake the obligation to monitor whether Member States are fulfilling their obligations under these documents.

Finally, in Parliament, itself we do not fulfil this multilingualism requirement. I, for example, cannot speak my mother tongue despite the fact that 40% of the population of my country, Latvia, has Russian as its mother tongue.

**Lajos Bokros**, *on behalf of the ECR Group*. – (SK) Slovak is one of the most beautiful languages in Europe but it is seldom heard in the European Parliament.

As a true friend of Slovakia, a long-term supporter of its development and a modest but active participant in Slovak reforms, I would be delighted to assist my Slovak friends in overcoming this disadvantage and, at the same time, in contributing towards Slovak being spoken and understood by an ever wider circle of people. I firmly believe that we will succeed in protecting the diversity of Slovak language and culture.

The Slovak language does not wish to develop at the expense of other languages. Precisely for this reason, it is incomprehensible that a law dealing with the use of ethnic minority languages defines for them a much narrower range of use than for Slovak. This law in fact only treats the use of these languages as an option, and it views this option only in a negative way and not as a positive right, failing to regard it as a right that can be demanded and applied in everyday life.

In offices in Slovakia, there is still no use of printed forms in Hungarian and there are not even any official translations of the laws and legal standards of the Slovak Republic into Hungarian.

The amendment of the national language law has made the situation even more difficult. Ethnic minority representatives were not involved in drafting the amendment. One of the fundamental deficiencies of the new legal measure is that it applies not only to the use of the official language but even intervenes more deeply in public, commercial and private life.

Another fundamental problem is that the State language law also includes sanctions. The amendment to the Slovak national language law is in breach of the basic human rights and standards of the European Union. Retaining the law in its present form would be contrary to the national interest of the Slovak Republic and the majority ethnic group because the law will provoke suspicions and poison the atmosphere of good relations between the ethnic groups that have lived together on the territory of Slovakia for more than a thousand years.

Slovakia is a mature, grown-up and self-confident democratic country and is not dependent on cultural warfare, or on the use of law to defend itself against indigenous languages. The indigenous ethnic groups do not threaten Slovak nationhood, the Slovak language or the culture of the Slovak nation. On the contrary, the coexisting ethnic groups will enthusiastically and voluntarily protect, support and develop the Slovak language and its culture as long as there is a visible willingness on the part of the Slovak nation to protect, support and develop the languages and culture of the ethnic minorities.

**Jaroslav Paška**, *on behalf of the EFD Group*. – (SK) Our Hungarian friends have recently been lecturing us on how we should find a European-style solution to the question of minority language use in Slovakia.

I would like to deliver a lecture on how they seem to have forgotten to look at themselves and how in Hungary, they restrict minorities in the use of their native languages. Let us take a look, for example, at the upbringing of children and at schools. The Slovak Republic allows Hungarian children to be educated in their native language from primary school to secondary school to university. The teaching of all subjects is carried out by Hungarian speaking teachers in Hungarian. On the other hand, Slovak children in Hungary can only dream of having Slovak schools. The Hungarian Government closed them down in 1961. Since then, children from ethnic minorities in Hungary have had nowhere to learn the correct usage of their native languages as the Hungarian Government does not afford them the opportunity of being educated in their native languages, in contrast to other EU governments. In Hungary, Slovak children must therefore study all subjects in Hungarian and their native language is added as something like a punishment, as extra work, with the intention of putting them off. They are taught Slovak by Hungarian speaking teachers who are not proficient in the Slovak language. In this way, the relationship of the children to their native language and their cultural links are suppressed and derailed.

Using this allegedly European approach to minorities, the Hungarian administration has, over the course of 50 years, reduced the Slovak minority to about a tenth of its original size. That is why a former Hungarian ombudsman for ethnic minorities previously acknowledged openly that Hungary was continuing to work towards the total assimilation of ethnic minorities.

I hold my friends, the Members from the Hungarian Republic, in high regard. For more than a thousand years, our nations have contributed together to the history of Europe and I would like only to ask them to understand that numbers do not lie. As a result of policies of the Hungarian administration, the Slovak minority in Hungary has been decimated while the Hungarian minority in Slovakia, thanks to the correct policies of the Slovak administration, continues in the same numbers.

**Zoltán Balczó (NI).** – (HU) Right at the start of this item, we need to clarify what we can consider of value to the European Union. Is it what is written in documents, or is something of value when states respect it or, if not, the European Union makes them respect it? Can a national minority be regarded as something of value? Does it matter? Well, in the Czech Republic, the Beneš Decrees have currently been left in force so that Václav Klaus will sign the Treaty of Lisbon. In other words, they have maintained the stigma of collective guilt for the Sudeten German and Hungarian ethnic groups. Is a minority of value then? Is a minority language of value? In Slovakia, the indigenous Hungarian population are punished if they use their mother tongue. This law simply cannot be implemented properly. Europe should be ashamed as long as this law exists. This should not be a dispute between Slovakia and Hungary. It should be an issue to be resolved between the European Union safeguarding its values and Slovakia. It is a hypocritical system that proclaims these values but does not comply with them in practice.

What is this agenda item dealing with? It is certainly reluctant to resolve this issue. At this sitting, we are dealing with individual issues, such as Nicaragua, Vietnam, Laos and human rights violations. On this issue, the European Union is not even assuming the role of protecting its values; it is simply devaluing them.

**Kinga Gál (PPE).** – (HU) Mr President, Commissioner, I consider it a success that in the debate proposed by my colleague, Edit Bauer, and myself, the European Parliament is finally dealing with the issue of national and linguistic minorities using their own language, which also means dealing with Slovakia's discriminatory language law. I am also particularly pleased that the Commission has adopted an unequivocal stance on this occasion with regard to minority language rights.

I wish to thank Commissioner Orban in particular for mentioning the Council of Europe's Charter for Regional or Minority Languages among the rights and useful documents he referred to. Similarly, I think that it is especially important that Mr Buzek visited Bratislava and issued a clear statement on this matter. After all, all of us who have been dealing with human rights in this Chamber for years feel that it is outrageous that, as the Treaty of Lisbon dawns, citizens belonging to a minority are not allowed to use their own mother tongue in the land of their birth and cannot enjoy the rights guaranteed by democracy. Indeed, the law makes it a possible criminal offence for someone to exercise the fundamental human right to use their mother tongue. This implies that the minority are second-class citizens in their homeland. We are talking, Mr Paška, about 530 000 Hungarians in Slovakia and 20-30 000 Slovaks in Hungary, just to give you a comparison.

However, I would simply like to reply to Mr Swoboda that a minority is fighting in this case for its most basic human right against the majority. It is not two countries fighting against each other. The European Union must intervene without fail and speak out against the Slovak and any other such law which jeopardises the use of minority languages and the protection of minorities' identity as such laws contravene every international document, including the basic principles now reinforced in the Treaty of Lisbon and the Charter of Fundamental Rights.

I would simply like to remind my fellow Members that already in 1995, Slovakia was the object of serious international criticism when the language law was first adopted. As a result of this, and specifically as one of the conditions of initiating the EU accession process, Slovakia had to remove the paragraphs on penalties from the legislation. Therefore, 10 years ago, the European Union opposed what it is now extremely reluctant to speak out against.

**Boris Zala (S&D).** – (SK) I am proud to say that Slovakia has made a great contribution to linguistic diversity and to the preservation of the linguistic cultural heritage.

A few facts: the Hungarian minority has about 700 schools with teaching conducted in Hungarian. All minorities have the right to use their language in court proceedings, in official business, in place names and they have radio and television broadcasts in their mother tongue. The state provides financial support for the cultural activities of minorities and accepts the use of the mother tongue in commercial, contractual and other relationships.

Hungarian Members here are attacking the Slovak language law. Their assertions constitute the naked lies, fabrications and figments of injured Hungarian nationalism. We must reject this, ladies and gentlemen. On the contrary, the Slovak language law conforms fully with international standards, as confirmed by the most competent observer – Commissioner Vollebæk of the Organisation for Security and Cooperation in Europe. Our language law contributes to the elimination of discrimination against minorities and to the safety and health of our citizens while creating a space for their full integration. Moreover, Slovakia has signed the Minority Languages Charter and thus maintains the linguistic diversity of all minorities in Slovakia to a high degree.

**Sergej Kozlík (ALDE).** – (SK) The Slovak Republic applies a high standard in relation to ethnic minorities and, at the same time, one of the most moderate national language laws in Europe.

Despite this, it is under permanent pressure from Hungarian Members who do not hesitate to employ lies and fabrications in order to influence European public opinion. We have witnessed this at almost every session of the European Parliament since its expansion in 2004. Hungary is a country that has almost completely eliminated minorities in its own territory and is attempting a gross intervention in the affairs of the Slovak Republic. This is totally unacceptable.

I believe that the European institutions will not charge into this affair like a bull in a china shop. Slovakia will resolve problems relating to use of the national language by cultural means and in accordance with European traditions. The implementing regulation for the amendment to the language law confirms the sensitive approach to all of the ethnic groups and nationalities living in Slovakia.

**Valdemar Tomaševski (ECR).** – (PL) Mr President, I am pleased that, as a Member from Lithuania, I can speak here in Polish, my mother tongue. I think this privilege should be the norm not only in the European Parliament, but in all countries of the EU, because multiculturalism and linguistic diversity are very important in the European hierarchy of values. We should make every effort to ensure that national minorities, and especially indigenous minorities, do not feel any discrimination in the matters covered by today's Commission statement. Therefore, the Commission has before it the urgent task of resolving conflicts concerning the use of minority languages in all the countries of the EU, without exception. The positive solutions found to these problems in Finland, Italy, Poland, Denmark, the Czech Republic and many other countries clearly facilitate this task. We only need effective and, more importantly, immediate action of the Commission on this matter.

**Diane Dodds (NI).** – Mr President, it is good to hear of the need for diversity and multilingualism, but I want to highlight very briefly a situation in my own part of the United Kingdom.

The minority language of Ulster Scots is part of the cultural wealth of Northern Ireland and is recognised by the United Kingdom under the Council of Europe Charter for Regional and Minority Languages.

As a result of the St Andrews Agreement Act, the Northern Ireland Executive is charged with bringing forward a strategy for the Ulster Scots language and culture. In preparing this strategy, the Culture Minister is taking into account the European Charter and other international instruments, including the United Nations Convention on the Rights of the Child. He is also setting the strategy in the context of the promotion of a shared and better future for Northern Ireland based on equality, diversity and interdependence.

Unfortunately, Sinn Féin has used culture – especially language – as a weapon in its campaign against the state, and this has led to controversy and contention. That is an abuse and misuse of language. So we must hope that a shared and better future aspect of the strategy will address the legacy of that cultural war.

**Alejo Vidal-Quadras (PPE).** – (ES) Mr President, I would like to highlight the efforts made by this House in support of minority and regional languages in terms of written communication between citizens and Parliament. Citizens can write to Parliament and receive a response in these languages.

It is quite another thing, Mr President, for some people to want to use regional or minority languages or languages that have joint official status in some areas of the Member States when speaking in plenary sittings. This desire is not viable in a Parliament that works on an entirely multilingual system in 23 languages, which uses up more than a third of our budget and occupies more than half of our staff.

There are such languages in the United Kingdom, Luxembourg, Estonia, Cyprus, Spain, Sweden, and Finland, and the list goes on. This would mean, Mr President, that we would have to use 35 or 40 languages in plenary, which in financial and logistical terms, is simply unviable. Therefore, Mr President, insisting on this might bring electoral benefits, but it certainly makes absolutely no sense and is entirely unrealistic. It would only help to generate pointless frustration for many loyal citizens.

**Csaba Sándor Tabajdi (S&D).** – (HU) Mr President, the Slovak national language law violates five basic rights contained in the Charter of Fundamental Rights which comes into force on 1 December.

First of all, it discriminates on ethnic grounds by relegating the half a million-strong Hungarian community to second-class citizens and their mother tongue to a second-class language. Secondly, it grossly interferes in people's personal lives, as pointed out by Edit Bauer. Thirdly, it is anti-democratic because it instils fear among citizens. Fourthly, it contravenes two of the Council of Europe's documents, which Slovakia accepted

in the accession agreement. Finally, Commissioner Orban has said that the EU supports bilingualism and multilingualism, while Slovakia has embarked on a path towards monolingualism and linguistic assimilation.

If the EU puts up with the violation of these five fundamental rights and does not speak out, it will not have any moral grounds for criticising China, Russia and other countries. We cannot have double standards.

**Izaskun Bilbao Barandica (ALDE).** – (ES) Mr President, the European Charter for Regional or Minority Languages, adopted by the Council of Europe and 47 European States, including all the Member States of the European Union, establishes that regional and minority languages must be protected, because in some cases, they are at risk of disappearing.

I think that this attitude helps to maintain and develop the traditions, diversity and cultural wealth of the continent, which we need to preserve. It also protects a fundamental right of the people who speak those languages, as the Commissioner said.

The Commissioner mentioned that the Member States must use every tool available to ensure that these languages are used, but we know that this is not the case. Multilingualism is not guaranteed in all the Member States, nor is bilingualism when there are official languages, and the problem is that we do not feel that minority languages are part of the Union's heritage, part of our heritage.

I would like to ask you, however, to reflect on the concept of a minority language, because there are languages in the Member States that are official in the European Parliament, but have fewer speakers and are less well known than some regional languages, which are therefore not official languages. We are therefore violating the linguistic rights of 40 million Europeans, and protecting those rights is a question of principles, as the Commissioner himself said.

There are 700 000 Basques who speak Euskera, the oldest language in Europe, which is of unknown origin, and bringing Europe closer to the Basque people also means, among other things, making them feel that saying '*gabon*' is equally worthy of respect as saying '*buenas noches*', 'good evening' or '*bonsoir*'.

**Kay Swinburne (ECR).** – Mr President, as a Member of the European Parliament for Wales, I have a lot of sympathy for the many minority languages across Europe, particularly as my mother tongue is Welsh, one of the oldest European languages still in use.

Numerically, the situation of Hungarian speakers in Slovakia is very similar to that of Welsh speakers in Wales, in excess of half a million individuals. This equates, however, to 20% of the people in Wales but less than 2% of the UK population.

After many hundreds of years of pushing and pulling between English- and Welsh-speakers in Wales and arguments very similar to those now between Slovak and Hungarian speakers today, a happy coexistence has been achieved in Wales.

The revival of the Welsh language over the past 15 years since devolution has been meteoric. The positive attitude to the language has had huge cultural benefits.

In Wales, the key has been to take a pragmatic approach. We should aim for people to be able to speak in whatever language they feel most comfortable in, but without causing undue burden or cost. For example, I intend to finish my comments in Welsh although I would not want to incur the cost to taxpayers of simultaneous translation here in Parliament for the benefit of just two Welsh-speaking MEPs. However, diversity should be celebrated.

*(The speaker spoke in Welsh)*

**Anna Záborská (PPE).** – (SK) I would like to remain consistently on the topic of our debate. I will not talk about the law on the use of the national language in Slovakia because I firmly believe that this is a Slovak affair.

On 1 January 2010, it will be 22 years since a very wise and widely-respected individual emphasised that respect for minorities and their culture is the foundation for building peace. We must consistently uphold the right of minorities to retain and develop their culture. Minorities have the right to use their own languages and this right must be set out in law. Failure to do this would lead to the loss of a rich cultural heritage. He spoke these words on the occasion of World Peace Day.



The cultural wealth of Europe lies in the nations that have survived through to the present day. This is in contrast to the United States of America, where this wealth has dissolved into an indefinable mass. A multitude of languages are used in Europe and the European Union therefore makes sense as the project of a community of nation states.

We have to talk about rules on the use of minority languages because rules are necessary, but we must not strip Europe of this wealth. The issue of minority language use in any state arises where there is an unwillingness to communicate or where there are other issues in the background. Minorities should feel good in the country where they live and I will therefore always consistently defend any minority language, but always as the language of a minority. I believe this is also the view of the Commission.

**Ramon Tremosa i Balcells (ALDE).** – Mr President, I would like to express my deep concern over the attitude of the Spanish Government, which does not allow the Catalan language to be used in this Parliament. The Catalan language was banned and persecuted during the Franco dictatorship; now Spanish democracy is demonstrating its low quality by not permitting the official use of Catalan in this Parliament.

All languages are equal, the same way that all human beings are equal. Europe is an exquisite model of good practice which affords smaller official languages the possibility of being treated on an equal footing.

Ten million people speak Catalan, and this language is not allowed to be spoken in this House. If Catalan were recognised and authorised to be spoken in Parliament, this would decisively help to improve the situation of the Catalan language in Spain, reinforcing our claim to break the centuries-old unilingualism of the Spanish Parliament.

As a Catalan Member of the European Parliament, who now knows that that represents a clear and significant demand on the part of the Catalan people, I ask for the special attention of the European Commission to normalise the Catalan language in this House.

**Metin Kazak (ALDE).** – (BG) Mr Orban, more than 60 000 Bulgarian citizens watch the news in Turkish, their mother tongue, on Bulgarian national television. This news programme in Turkish lasting just five minutes has been broadcast by the largest public media organisation in Bulgaria since 2001 when the Framework Convention for the Protection of National Minorities was ratified. This is how Bulgaria currently considers that it complies with the European Union's fundamental principle on the protection of minorities' rights.

However, I wish to draw your attention to the poll conducted on 5 November with the aim of ending the news broadcast in Turkish. This is a result of provocation and nationalist pressure. Removing this programme will deprive Bulgaria's largest minority of the right to information in their mother tongue. This would signify intolerance and discrimination, which will upset the traditionally good coexistence between ethnic groups in Bulgaria, something often held up as a model to the Balkans.

This is why I am insisting, Commissioner, on a response as to how the Commission monitors whether the public media are respecting the right of minorities to communicate freely in their mother tongue and hence participate fully in the social and political life of their homeland.

**Ádám Kósa (PPE).** – (HU) Thank you for the floor. I would like to draw your attention to a measure initiated by the European Union – in the right direction. We are talking about a minority – deaf people – whose mother tongue is sign language and has been recognised in 10 European Union Member States, finally including my own country, Hungary. This law states that not only is sign language our mother tongue, but that our cultural minority rights are protected by it. I also want to bring to your attention that Slovakia actually leads the way on this issue because the use of Slovak sign language was recognised back in 1995. So, what about Hungarians? It is my duty to highlight the fact that double standards cannot be applied in the European Union. If a Slovak deaf person can use sign language, let Slovak citizens use their own mother tongue.

**Monika Flašíková Beňová (S&D).** – (SK) I am very disappointed that, despite the mounting social problems in EU Member States affecting every single citizen regardless of nationality, questions relating to the duel between Slovak and Hungarian Members are always being raised in plenary sessions in this institution, as is the case today at 10 minutes to midnight.

Neither the language law nor any of the previous topics raised here by the Hungarian Members have any detrimental effect on members of ethnic minorities. Mr President, the rights of ethnic minorities in Slovakia and of all the other minorities are fully protected and are of an exceptionally high standard. We extend the hand of friendship to our friends from Hungary, we want to have good neighbourly relations and it troubles

us greatly that the institution of the European Parliament is repeatedly being misused for manifestations of hatred against the Slovak Republic.

**Michael Gahler (PPE).** – (DE) Mr President, I have read the new Slovak law from beginning to end. Mr Swoboda is right – amongst the people, there is usually good cooperation in day-to-day life, including in southern Slovakia. For this reason, too, the new Law on the state language is superfluous, as the Slovak language is not under threat in Slovakia.

Unfortunately, it discriminates against local citizens in parts, since Czech is often better placed than Hungarian. Why does it not, at the very least, provide for equal treatment for Czech and Hungarian? This amendment of the law can only be explained by the peculiar composition of the current coalition government in Slovakia, where Comrade Fico is attempting to snatch away the votes of the nationalist SNS and the populist HZDS by invoking supposed Hungarian dangers. I am pleased to report that this type of behaviour was not possible during the coalition government led by Mikuláš Dzurinda. In those days, three member parties of the Group of the European People's Party (Christian Democrats), including the minority party, worked well together and not against each other – and that, in actual fact, should be the aim.

**Kinga Göncz (S&D).** – (HU) I also agree with those who have said that people in Slovakia have been living alongside each other very happily until somehow this tense situation arose which is upsetting the balance and making coexistence more difficult.

Allow me to mention a few points about Slovakia in connection with the language law, which have not been said yet. I do not want to repeat those points which have been made. On the one hand, Slovakia defines itself as a nation state, when we know – as was already discussed today – that a Hungarian community amounting to roughly 10% of the country's population lives in Slovakia, as do other minorities as well.

The language law creates an imbalance. The problem with it is not only that it protects the Slovak language and not those minority languages which it otherwise should be protecting, as a huge number of positive examples in Europe can demonstrate. Rather, it is also not a coherent, uniform law protecting minorities, which we have said many times is what would be needed to prevent this balance from being upset. One excellent feature of today's debate, which was very important, was that we heard about many positive examples. I sincerely hope that this is the direction which Slovakia, too, will move in from this point on.

**László Tőkés (PPE).** – (HU) *Békesség Istentől! Peace you Boží pokoj s Vami! Peace to you from God!* In our multilingual Europe I wanted to wish you peace in Hungarian, Romanian, Slovak and English. I was able to do this in the European Parliament, but under Slovak legislation, this would have been risky without violating the national language law. In one EU Member State, people can have a fine imposed on them for speaking languages other than the official language, which includes using one of Europe's official languages, Hungarian. This is a downright scandal and disgrace.

Take a look at the map of Slovakia I have here in front of me. Thanks to the Schengen Agreement, the border dividing Slovakia from Hungary has been dismantled, just like the Iron Curtain. However, the post-Communist chauvinist Slovak Government is now putting up new walls between people, linguistic barriers.

We would like to thank President Jerzy Buzek for his mission to Slovakia aimed at resolving the issue. On this matter of public interest, the European Parliament should not adopt an ill-informed, convenient stance of non-intervention, but should enforce its own regulations and requirements which it supports in the area of human, minority and linguistic rights.

**Katarína Neveďalová (S&D).** – (SK) I originally wanted to respond to Mr Bokros but you did not give me the floor. I wanted to say that I accept that the Slovak Parliament does not translate all laws into minority languages, of which there are 11 by the way and not just one, and that as far as the size of the Hungarian minority is concerned, with its half a million members, we also have a Roma minority of half a million and they do not complain. I would like to ask whether the Hungarian Parliament translates all laws into minority languages and whether there are any translations into the Slovak language? However, I very much appreciate the fact that you took the opportunity to speak in Slovak.

Mr Tőkés, Slovakia is building bridges – and it troubles me greatly that you always mention this – but bridges must also be built from the other side, from Hungary. It troubles me greatly that, as a new Member of the European Parliament, I must constantly respond to questions concerning Slovak-Hungarian relations and I cannot address the issues that really interest me.

I would hereby like to thank the Commissioner, as I am a member of the Committee on Culture and Education. Your work is truly excellent and it is excellent that we are able to use 23 European languages, one of which is Slovak.

**László Surján (PPE).** – (HU) I read in the Slovak press what Mr Gallagher already said. I would therefore say it in the Slovak press if I wanted to highlight the fact that the conflict currently going on cannot be presented as either a conflict between two states or a conflict between two peoples. There are problems with a certain law.

I am happy to support Mr Swoboda's claim that we are moving in a peaceful, calm direction, looking for a way out. If only he had not said that this law did not violate fundamental rights. For instance, when a mother who is holding her 4-year-old child's hand at the hospital in a Slovak town is told off for comforting her child in Hungarian, who is frightened of the procedure the doctor is going to perform, we cannot say that this does not violate their rights. We cannot say either that this does not feature in the law. The problem lies exactly in the law's presentation. The law actually bans those exchanges in hospitals where the Hungarian language is under-represented.

I therefore think that there are very serious problems with this. Slovakia has reaped what it has sown as a result of an extremist party coming to power. On the other hand, the Hungarians have not wiped out their minorities, but have kept them separate.

**Monika Smolková (S&D).** – (SK) I must protest against the previous speaker. These are absolute lies, falsehoods and untruths. I would like to ask you finally to study the language law, because it does not look like your own language law. We have another, different language law in Slovakia and we are talking here about two different laws.

I come from Košice, which is a cosmopolitan city of 250 000 inhabitants, including substantial numbers of Hungarians, Czechs, Ruthenes, Ukrainians, Roma and, of course, Slovaks. Four years ago, voters decided that in the Košice region, the coalition between us – the social democrats – and the representatives of the Hungarian minority was working very successfully. I would like to state as a regional representative that our cooperation is exemplary. Hungarians and Slovaks live in peace in our area and it does not occur to anyone to malign or attack one another on grounds of nationality. In people's everyday lives, there are no disputes and there is no nationality problem in mixed areas. I say this in all seriousness. If senior politicians in certain parties had not provoked this issue for their own reasons, the Hungarian ethnic minority issue would not have been raised in the European Parliament, because it does not exist.

**Csaba Sógor (PPE).** – (HU) Francesco Capotorti. When the UN was working on preparing the convention which later became known as the 'Convention on the Prevention and Punishment of the Crime of Genocide', linguistic and cultural genocide was discussed along with physical genocide as a serious crime against humanity.

Linguistic genocide was defined – Article 3(1) – in 1948 as the ban on a group being able to use its language in everyday contact or at school, or on books being published and publications being distributed in the group's language.

At the moment, Slovakia is, unfortunately, not the only such country in the European Union, but is the most typical example of linguistic genocide, in other words, linguicide being perpetrated within an EU country. This is nothing to be pleased about because Romania, Greece and France, too, can be listed alongside Slovakia in this regard. Thank you.

**Leonard Orban, Member of the Commission.** – (RO) I would like to begin by focusing on the essence of the multilingualism policy which we have wanted to promote during this period. On the one hand, we have wanted to be able to guarantee respect for and celebrate every language spoken in the European Union, whether we are talking about national, regional or minority languages, or languages spoken by citizens who have come from other continents. On the other hand, we have wanted to ensure that this celebration of diversity achieves the common aim which we all want, namely, to preserve and consolidate the unity of the European Union, in other words, our unity. We are talking about, if you like, the most direct application of the principle of 'unity in diversity'. In my speech, I cannot help either but take heed of the remarks made by Mr Swoboda to the effect that through what we are doing, we must look for those elements that unite us rather than divide us.

We must have respect for everyone, but we must also have the wisdom to find the ways to understand each other, communicate and be able to interact with each other. This is precisely the reason why multilingualism has played and does play an extremely important role in strengthening intercultural dialogue. We need to have dialogue and we cannot achieve this without languages.

I have had the opportunity to visit all the Member States. I have also had the opportunity to travel in areas and regions where, regrettably, there are still discussions and disputes going on and, unfortunately, sometimes languages are held hostage to certain political interests which are not inspired by the EU's unity. I have also said loud and clear: we must find solutions enabling us to communicate and interact. This is the reason why, as I have already said, even in situations where things seem more difficult to accept, the fact of learning and speaking the languages of the communities which we live alongside offers us important solutions in terms of understanding one another. Therefore, in situations of this kind, and there have been countless cases, I believe that we can progress in terms of mutual understanding.

For example, the ability to speak the language of the area where representatives of national minorities are in the majority, in other words, the ability to speak the language of these minorities, along with the ability of the national minorities to speak the language of the national state, builds bridges and establishes points of understanding which can help us.

I want to make a few comments about the efforts we are making to be able to offer support to all languages spoken in the European Union. We fund a large number of projects linked not only to official languages but to numerous regional and minority languages as well. There are countless specific examples where the European Commission has supported, on the one hand, networks of organisations intended to promote regional and minority languages, as well as the less widely spoken languages in the European Union in general. However, we also fund projects linked to particular minority and regional languages. There are also specific examples of the way in which we support these languages. As I have said and wish to repeat, the strategy on multilingualism adopted in 2008 is aimed at all the languages spoken in the European Union. We have no barriers. We consider each of these languages as an asset to the European Union and as part, if you like, of the cultural heritage which we currently have in the European Union.

I would also like to say a few words about the amendments made to the legislation on the use of Slovak in Slovakia, of course. We are pleased that talks are going on at the moment between the Hungarian and Slovak prime ministers about the options enabling them to find common solutions based on mutual understanding. From a Community perspective, I want to stress that, given the extremely wide scope of application of this law, we are currently unable to evaluate all the possible implications of its enforcement. This is exactly why the implementation of this legislation is crucial, particularly the manner in which it is implemented. On this point, I want to emphasise that the European Commission will carry out a very thorough analysis where we will examine in detail the way in which the legislation is going to be implemented.

I would like to end by emphasising once again that we are endeavouring, within the constraints of the relatively limited powers that we have, to support all the languages used in the European Union, whether they be official, regional or minority, such as Welsh, where we have specific examples of the way in which we are supporting this language, or Catalan, where, for example, the European Commission has tried to open up to or draw the attention of people using this language. For instance, we have extremely detailed websites and information in Catalan about the Community's policies. The same applies to Basque and numerous other languages. I want to show that these efforts are enabling us to demonstrate the specific way in which we want to support this policy, which I consider as being an important European Union policy, one which is actually at the foundation of creating the European Union.

**President.** – The debate is closed.

#### **Written statements (Rule 149)**

**Jim Higgins (PPE), in writing.** – I welcome the positive attitude of the European Commission and acknowledge that progress has been made with regard to the recognition of minority languages. However, much remains to be done if we are to place minority languages on an equal level with the prominent languages within the EU. Currently, Irish is only interpreted into English in the plenary session and I have had to stop mid one minute speech (while speaking in Irish) and revert to English due to a lack of translation facilities. Adequate training for Irish translators is currently only available in National University of Ireland, Galway (NUIG) and the professional bar organisations in Ireland, while this outlines progress I am calling on the Commission to provide further funding to establish other recognised Irish translation courses – so that an adequate number of Irish interpreters will be available in order to enable the European institutions to offer a complete Irish

translation service as outlined in Rule 146 in the Parliament's Rules of Procedures. As you said 'we cannot consolidate our inter-cultural dialogue without multilingualism' and multilingualism cannot arise without adequate training facilities.

**Alajos Mészáros (PPE), in writing. – (HU)** Mr President, ladies and gentlemen, as a Hungarian from Slovakia, I declare that the Slovak language law is bad. It is not bad because it violates Europe's system of values but because it violently interferes in the right of several hundred thousand free European citizens to use their mother tongue and restricts the free exercising of this right in an unacceptable manner. The fear of punishment and the language law's vague wording result in a situation where citizens do not even dare to use their mother tongue in places where it is permitted. On the other hand, the use of two languages is made compulsory even when it is entirely unjustified.

The Slovak Government, which is also adopting nationalist ideals, justified the language law by saying that it apparently had to create some balance in the regions of southern Slovakia between the use of Slovak and Hungarian. As has been said, this is intended to mean that Slovaks living in a district inhabited by Hungarians are entitled to receive any official information in this language. However, this only applies the other way round if the proportion of the minority is at least 20%. What a fine balance! To think that all this is going on in Europe in the 21st century.

**Rareș-Lucian Niculescu (PPE), in writing. – (RO)** Minorities add value to a nation as long as they can preserve their cultural values. This is why it is particularly important to preserve minorities' cultures. From this point of view, I believe that Romania, the Member State which I represent, has one of the most modern sets of laws protecting minorities. In Romania, minorities can address courts in their mother tongue. They have schools where instruction is given in their mother tongues. All 19 of Romania's minorities are represented in Parliament. In areas where minorities account for 20% of the population, the local authorities must also produce documents in the minorities' language. All decisions are issued in Romanian as well as in the language of the minorities in that region. I believe that Romanian legislation in this area can be held up as a model of good practice and as a benchmark whenever referring to minorities' rights and the use of their languages.

#### **17. Documents received: see Minutes**

#### **18. Agenda of the next sitting: see Minutes**

#### **19. Closure of the sitting**

**President.** – *(The sitting was closed at 00.10)*