

## THURSDAY, 26 NOVEMBER 2009

IN THE CHAIR: MR WIELAND

*Vice-President*

### 1. Opening of the sitting

*(The sitting was opened at 09.00)*

### 2. Documents received: see Minutes

### 3. Presentation of the Court of Auditors' annual report - 2008 (debate)

**President.** – The next item is the presentation of the Court of Auditors' annual report.

**Vítor Manuel da Silva Caldeira**, *President of the Court of Auditors.* – Mr President, honourable Members, ladies and gentlemen, it is an honour for me to have the opportunity to take part in your debate today about the Annual Report of the European Court of Auditors on the implementation of the budget for the 2008 financial year, which I have already presented to you, Mr President, and to the Committee on Budgetary Control on 10 November.

We have four key messages in this year's annual report.

First, the Court gives an unqualified opinion on the accounts for the second year running. It concludes that the accounts present fairly, in all material respects, the financial position, results and cash-flows of the European Union at the year's end. In other words, the final accounts for 2008 present a true and fair view, although due attention should be paid to addressing weaknesses in the systems of a number of directorates-general of the Commission.

As regards the legality and regularity of the underlying transactions, the second key message is that there has been an overall decrease in the level of irregularity in recent years. But the level of irregularity remains too high in some areas.

As in previous years, for 2008, the Court gives an unqualified opinion on Revenue and on commitments. The picture for payments, however, continues to be mixed.

For Administrative and other expenditure, the Court gives an unqualified opinion as in previous years. The Court also gives an unqualified opinion on education and citizenship, estimating that the error rate has fallen below 2%. This result is mainly due to a high proportion of advance payments in 2008, which have a lower risk of error than interim and final payments. Systems in this area continue, however, to be assessed as only partially effective.

For Agriculture and natural resources, the Court concludes that, except for rural development, payments were, in all material respects, legal and regular. This is the first time the Court gives a qualified opinion and not an adverse one. The overall error rate for this policy group is under 2%, a decrease with respect to previous years. Deficiencies in supervisory and control systems related to rural development contributed significantly to the Court's overall assessment of systems as only partially effective.

The Court also gives a qualified opinion to the policy group Economic and financial affairs due to errors found in transactions relating to the Sixth Framework Programme for Research and Technological Development.

For the policy groups Cohesion, Research, energy and transport and External aid, development and enlargement, the Court continues to give adverse opinions concluding that they are affected by material error, although to different levels.

Cohesion remains the area most affected by error. The Court estimates that at least 11% of the total of EUR 24.8 billion reimbursed during 2008 in respect of the 2000-2006 programming period should not have been reimbursed.

The Commission has claimed that the correction and recovery mechanisms mitigate the effects of the errors. However, the Court considers that Member States do not provide sufficiently complete and reliable information on financial corrections to support this claim. And the Court found cases of Member States replacing ineligible expenditure rejected by the Commission with new expenditure which was also ineligible.

As regards the 2007-2013 programming period, almost all payments are pre-financing, for which there are relatively few conditions. It is therefore too early to say whether changes to rules or systems have reduced the level of errors. However, delays in approving Member States' systems descriptions, compliance assessments and audit strategies have slowed budgetary implementation and may increase the risk that control systems do not prevent or detect errors in the start-up phase.

Although there continues to be a material level of error in Research, energy and transport, remedial measures taken by the Commission have helped to reduce it. Nevertheless, legal requirements remain complex and control systems continue to be only partially effective.

Payments for External aid, development and enlargement also continue to be materially affected by errors, with weaknesses in systems for external aid and development assistance mainly at the level of the implementing bodies and delegations.

Overall, error rates appear to be decreasing but legal frameworks continue to be complex and problems remain in some control systems. Reducing the level of irregular payments further will therefore require the continuing improvement of supervisory and control systems and, where appropriate, the simplification of rules and regulations.

The third key message of the Annual Report is that the Court's recommendations from previous years on improving supervisory and control systems continue to be valid because the relevant measures are part of an ongoing process where it will take time before they can be deemed to be effective.

The priority remains to address the specific weaknesses the Court has found in the areas where the most problems have been detected, many of which I have just outlined.

Particular attention should also continue to be paid to improving the financial correction and recovery mechanisms in anticipation of the closure of the 2000-2006 programming period.

In addition, the Commission should continue to monitor the effectiveness of systems and identify where more could be achieved from existing expenditure controls, or where it would be appropriate to consider revising the programmes or schemes involved.

In the context of such revisions, the legislative authorities and the Commission should consider trying to set a level of residual risk of irregularity to be achieved by the system, that is, the tolerable risk of error, rather than specifying the number of checks to be undertaken, as is the case now.

But there is a limit to the reduction of the level of irregularity that can be achieved by improving the effectiveness of supervisory and control systems.

This brings me to the fourth and last key message of this Annual Report. Simplification remains a priority if further significant and sustainable reductions in the level of irregular payments are to be achieved. The areas where the Court finds too high levels of errors are those where there are complicated and unclear legal requirements, such as eligibility rules. An example of where serious efforts have already been made to simplify the expenditure schemes is agriculture, the main area of improvement found by the Court.

The Court also maintains the view that well-designed rules and regulations which are clear to interpret and simple to apply not only decrease the risk of error but can also reduce the costs of controls.

However, simplification needs to be applied with caution in order to find the right balance between simplification and establishment of policy objectives, avoiding unintended side-effects such as less focused expenditure.

In addition, as the Court has also emphasised, simplification should be applied alongside the principles of clarity of objectives, realism, transparency and accountability when revising or reforming the arrangements for European Union spending. The intended proposals for a revision of the financial regulation, a new financial framework and a reformed budget will provide opportunities for doing so during the mandate of the new Commission.

The entry into force of the Lisbon Treaty will also bring changes to the management of European Union funds and the scrutiny of their use, strengthening the role of this Parliament. These changes will have important implications for the Court's work and should serve to reinforce accountability and transparency, thereby contributing to building the confidence and trust of the citizens in the European Union institutions.

Mr President, honourable Members, this is an important moment of renewal for the European Union, and the intended reforms provide a great opportunity for further improving the financial management of the European Union. At times of renewal and reform, it is also important, however, to remember the lessons of the past. I believe the Court plays a vital role in such circumstances by providing reports and opinions that not only identify existing problems but also make recommendations for the future. The Court therefore looks forward to continuing to work together with its partner institutions to make the most of the current opportunities for further improving the European Union's financial management.

**Siim Kallas**, *Vice-President of the Commission*. – Mr President, the Commission welcomes the Court's annual report for 2008. I have already had the opportunity to thank the Court for the very good cooperation enjoyed again this year. We have had a very fruitful dialogue and the report is very constructive.

As you have just heard President Caldeira state, the level of irregularity has decreased overall in recent years. Things really started to improve five years ago, and, since 2004, the 'red area', where the Court finds the most errors and for which it gives a 'red card', has been reduced by half.

For 2008, the report shows a completely clean opinion on the accounts for the second year in a row, as a result of the major achievement of the thorough reform and transition to accrual accounting.

Secondly, for the first time, agriculture, taken as a whole, has now become 'clean and green'. This can certainly be attributed to the substantial simplification efforts of recent years. Thirdly, the policy group entitled 'education and citizenship' has also become green.

For research in general, things are improving and the Court points out that irregularities are essentially linked to the Sixth Framework Programme, which allows hope that the improved and simplified Seventh Framework Programme rules will bring a better result.

Again, as last year, the Court has found no red light for the management and control systems. Moreover, all annual activity reports by Commission services are deemed by the Court to give reasonable assurance, with or without qualifications, that internal control systems ensure the legality and regularity of the underlying transactions. This said, the report also clearly charts the work that still needs to be done.

The 'red area' is now about 30%, corresponding to cohesion spending, which is the one area where the Court has still not found significant progress in the level of irregularities. This was perhaps to be expected, given that in 2008, the Court did not audit payments made under the improved systems set up for the new 2007-2013 programming period. In this regard, the Commission notes that the Court's findings on cohesion largely coincide with our own general assessment.

For the structural funds, the Commission had reservations in 2008 because of deficiencies in the control systems for Belgium, Germany, Italy, Spain, Bulgaria, the United Kingdom, France, Poland and Luxembourg. The Commission is not shy regarding transparency as to where the systemic problems lie. The names of these Member States were published back in June in the Commission's synthesis report.

The Court also reminds us of the essential role of complete and reliable information from all Member States on financial corrections. We need this to prove that multiannual control systems work and to mitigate the effects of the errors detected.

The Court further recommends that the Commission should continue to strive to gain assurance from the annual summaries of all Member States, as well as from voluntary initiatives by certain Member States, in the form of national declarations, or by supreme audit institutions.

The Commission agrees that we obviously need to be able to count on quality inputs from Member States. We see improvements, but we are also considering strengthening the legal base to accelerate the process.

Finally, the Court emphasises the importance of clear objectives, transparent and easy-to-understand rules, and effective supervision. This reduces the risk of error and the costs of control. However, it is not something that can be achieved from one day to the next and, of course, the upcoming reviews of the budget, the financial framework and the financial regulation present opportunities not to be missed.

What we need to do now is to improve assurances obtained from Member States for structural funds, striving for more simplification, which increasingly will require changes to the legislation governing the various programmes. The revision of the Financial Regulation is currently under consultation, and the Commission will make proposals in spring 2010. We also need to define together an acceptable ratio between costs and risk – the so-called ‘tolerable risk of error’.

The European Parliament has, in the past, strongly supported the Commission’s efforts to achieve a positive statement of assurance. Now that our efforts are becoming measurable, I hope I can count on its continuing backing to move forward.

The 2008 discharge procedure starts in the last days of this Commission and is expected to conclude in the early months of the next Commission. Even though it concerns last year’s budget, let us make it a forward-looking procedure.

**Ingeborg Gräßle**, *on behalf of the PPE Group*. – (DE) Mr President, President of the Court of Auditors, Commissioner, today is a successful day for the Court of Auditors, but also for the Committee on Budgetary Control, for the Commission and, above all, for you Mr Kallas. You have a highly successful track record and not all of your colleagues can say that about themselves.

In recent years, we have seen a clear improvement in budgetary and financial management and this improvement is due to the advice and consultancy provided by the Court of Auditors. For this reason, I would like to thank the Court of Auditors very warmly and congratulate it on producing reports that are increasingly easy to understand. The traffic light system is a good solution, because it sends out clear messages. We have succeeded in raising the aspirations of everyone involved by the use of this system. I would also like to thank the relevant offices of the Commission, because their work has been good and they have realised that something needs to be done in these areas. However, 31% of the budget is still coloured in red. We will definitely be focusing on this in the years to come.

There are some areas which are in a better position according to the classification of the Court of Auditors, for example external aid. However, we also know, of course, that external aid is only in a better position because it is not possible to control the budget aid and because the use of the funds, for example, via the United Nations, merits complaints by the relevant Director General, but not even a reserve in his annual report. Our focus will be on the forthcoming 2008 discharge procedure for the structural funds and external aid. There are more than 5 000 external aid positions in the delegations and more than 2 000 in the Directorate General for External Relations and in the development aid department in Brussels. This is something which it would be good to discuss with the new Commissioner for External Relations.

In the case of the structural funds, we have made good progress by naming and shaming those involved, but we have definitely not reached the end of the road yet. We must deal with the problems in this area at source. You have mentioned some of our Member States and I believe that the Commission must significantly increase its efforts with regard to our two newest members, Romania and Bulgaria, otherwise we will have lasting problems there. The Commission’s lack of strategy for these two countries is causing considerable concern. They need more support, otherwise the EU, as a community based on the rule of law, runs the risk of ceasing to exist.

I would like to congratulate you and to tell you that you can rely on the solidarity and the highly constructive cooperation of the Group of the European People’s Party (Christian Democrats) in the budget discharge procedure.

(Applause)

**Bogusław Liberadzki**, *on behalf of the S&D Group*. – (PL) Mr President, allow me to begin in a very similar way to Mrs Gräßle, with an expression of great esteem for Mr Kallas and the Court of Auditors for their ongoing cooperation, which has meant that from year to year, when we look at the statistics, we see a clear improvement in management of the budget, reporting, annual reports and evaluations. We also see the efforts which are made in these areas to ensure that our budgetary procedures are correct in every respect. Secondly, we see the efforts which are made to reach agreement on areas which do require improvement, and we see that these areas are subsequently improved, starting with procedures and ending at management, monitoring, control and the form of the final report.

We are very concerned about those areas in which no significant improvement has been observed. Mr Caldeira mentioned those areas in his speech. May I return to two of them, which seem to be especially significant.

The first area is that of cohesion funds and funds related to regional policy. From our point of view, something which is extremely important is that we receive answers to two questions. Firstly, why is it that the programmes planned and declared by the Commission for the recovery of funds which have been spent improperly, or at least for explaining these situations, have not made any progress? Secondly, it was declared that the year 2008 would definitely be better. However, 2008 was just the same as 2007, so those declarations have come to nothing.

We have a question which we will want to ask during the hearing of the Commissioners: were the measures envisaged properly envisaged, and were the declarations which were made correct and are they still valid?

We welcome every kind of simplification, although not if this means accepting provisions which are primitive. We welcome the formula of advance payment, because this makes it easier for the beneficiary countries to use the funds. After all, the objective was quite simple – get the funds to the user, achieve the intended benefits, and achieve them on time. However, it seems that, perhaps especially during the last two years, some of the funds have been used by beneficiary countries to improve the current result on the budgetary side, although not for implementation in accordance with the area envisaged for financial support.

Therefore, while we evaluate highly the direction in which we are moving, we do have certain reservations concerning some areas, which we will have great satisfaction in discussing during the hearing of the Commissioners.

**Luigi de Magistris**, *on behalf of the ALDE Group.* – (IT) Mr President, ladies and gentlemen, I would like to welcome and thank the President of the Court of Auditors, with whom we have worked productively during this period.

As Chairman of the Committee on Budgetary Control, I have always maintained that the role played by the Court of Auditors is fundamental. It is fundamental because the Court operates in a very sensitive sector, which people throughout the European Union watch with great interest and with a critical eye where the transparency, accuracy and legality of expenditure and of the management of public funds are concerned.

I believe that it must be reiterated today that the Court should always be guaranteed independence and autonomy when carrying out its work because this is fundamental if we are to be able to evaluate properly and to make good decisions. Likewise, we ask the Court to put Parliament and the Committee on Budgetary Control in a position to carry out their own work as productively as possible.

We must find the right balance which allows public funds to be spent effectively and efficiently, because these funds are aimed at important objectives such as economic development and job creation. At the same time, there must be severe punishments for serious irregularities and errors, which the Court has also uncovered in the last financial year, whilst an attempt must be made to avoid unnecessary formalities and red tape. As Mr Kallas was also saying, Parliament must strive to find an equilibrium in the tolerable risk of error.

The report, which we have read with great interest, provides some insights, but also includes many grey areas. We must strive to achieve the best results regarding these grey areas.

As my fellow Members have also mentioned, the main problems primarily concern the Structural and Cohesion Funds. It is true that the Court, in doing its job, points out errors and irregularities in relation to these funds. However, those who are able to look deeply into and to analyse matters can see that, behind the errors highlighted, there are even graver issues, as the judicial experiences of several countries in recent years demonstrate. There may be fraud, there may be deception. I am specifically referring to one or two errors revealed such as the contravention of rules on procurement, over-invoicing and so on. We must endeavour to make improvements in this area.

I believe that the Commission should promote Member States which behave in a virtuous manner, and punish and penalise Member States which do not comply with the rules. Furthermore, I believe it is very important for OLAF to use the Court of Auditors' suggestions as a starting point and to further improve its work because it is in everyone's interest that it does so. I think it is only through cooperation among various institutions, namely Parliament, the Court of Auditors and OLAF, that we will manage to safeguard the financial interests of all EU citizens.

**Bart Staes**, *on behalf of the Verts/ALE Group.* – (NL) There are certainly a great many positive things to say today. For the second time in a row, we can speak of an unqualified opinion on the accounts. The level of

the irregularities is decreasing. The traffic light system, whose lights all used to be on red, is gradually showing more and more amber, yellow and, in particular, green. These are all positive aspects.

Another positive aspect is agriculture, which used to be a real source of concern. For years on end, we have regarded IACS – the system ensuring common management of agricultural expenditure – as a good system. We had seen Member States such as Greece failing to take part. These are obviously all things that are moving in the right direction.

All the same, there are sources of concern. These include cohesion, research and development, energy, transport, and the whole chapter on external aid, development and enlargement. In my opinion, therefore, we must try to select a number of issues for attention from the discharge we are addressing today. Cohesion will be one such issue. I would remind the House of the notorious comment in paragraph 6.17 that up to 11% of the expenditure in respect of the Structural Funds, European Regional Development Fund and European Social Fund should not actually have been disbursed. In my opinion, we must ask the competent Commissioners many questions about this and look at the precise state of affairs.

Then there is external aid, development and enlargement; the whole package of funds that we channel to the United Nations. Once again, I read in the Annual Report of the Court of Auditors that – like other organisations – the Court has insufficient or even no access to the accounts of the United Nations, which means that large amounts of European funds channelled to this organisation cannot, in fact, be properly controlled.

A third issue to be addressed is the whole system of comanagement. As the general rapporteur has pointed out, 80% of all European funds are actually spent within the framework of comanagement, by the Member States and the Commission. We must now, once again, exert pressure on the Member States' finance ministers, in particular, to ensure that they shoulder their responsibility and issue a declaration stating that they have done their jobs properly, that their administration has spent funds correctly, and that this has been subject to controls.

I myself am responsible for own resources on the Committee on Budgetary Control. The whole VAT dossier continues to cause me concern. We have published various reports on the subject, including in the previous parliamentary term. According to estimates, total VAT fraud Europe-wide amounts to EUR 80-100 billion. The Court of Auditors has made a number of observations on this, too. Therefore, I should like to devote particular attention to this matter in the discharge.

I should like to finish off by mentioning the discharge for the other institutions. I myself am rapporteur for Parliament's discharge. In my opinion, the key issues in this regard should include public procurement procedures, where problems are apparent. Finally, concerning the Council's discharge, we granted that discharge earlier this week. This Court of Auditors' report, too, raises some very negative points about the Council. In my opinion, we must continually exert pressure on the Council to grant access to its accounts such as to allow Parliament to properly control this kind of ... *(speaker moved away from the microphone)* too.

**Ryszard Czarnecki**, *on behalf of the ECR Group.* – (PL) Mr President, today's debate is one of the most important debates in the European Parliament, because our voters, tax payers and citizens of EU Member States are very interested in transparency in the operation of European institutions and, in particular, of the European Commission. On the one hand, this is an argument for the eurosceptics, while on the other hand, we do know that in recent years, there have been many irregularities in this area. I will remind you of the situation at the end of 1999 and the beginning of 2000, when the Court of Auditors published devastating criticism of the European Commission, and it was, at the time, absolutely justified. Today, we can see clear progress in this area, but I am drawing attention to the importance of this debate, because if we are looking for sources of greater authority for the European Union and EU institutions, then these principles of transparency are extremely significant. If, last week, that authority was weakened by the way in which the most senior leaders of the European Union were elected, it is regained by debates just such as this one today.

I would like to stress that it would most certainly be good if Mr Caldeira could expand a little on something. He spoke of six countries which return information in the wrong way, and mentioned two large countries, Poland and Great Britain. We are surely justified in wanting to hear details of these improprieties.

I would like to stress that advance payments are a very positive development, but they do also have a certain disadvantage because, in fact, governments often use this money for electoral purposes.

**Søren Bo Søndergaard**, *on behalf of the GUE/NGL Group*. – (DA) Mr President, I would like to begin by expressing my satisfaction that there appears to have been progress in respect of irregular payments from the EU budget. This is a good thing, of course. However, it has also been observed, at the same time, that there are enormous problems when it comes to cohesion – and cohesion is the second largest area of the budget, totalling EUR 36.6 billion in 2008. It is a massive problem for the ordinary taxpayers of the EU that at least 11% of the total approved amount should not have been paid out. This is a huge problem. How are we supposed to explain that, year after year – and it really is year after year in this area – billions of kroner are paid out in contravention of the rules or perhaps even in a directly fraudulent way?

In its recommendations, the Court of Auditors focuses on improving control mechanisms and simplifying the rules, and that is a good thing. The question is, however, whether this waste on a massive scale really can be reduced just through monitoring and simplifying the rules, or whether what we are dealing with is fundamental structural failings. Our group believes in solidarity. We support the redistribution of money from the richest to the poorest regions and countries both inside and outside the EU, but, if you read the report, the question is whether the EU has found the right way of doing this. Is it an effective way of working for every country to pay into a system that then grants subsidies to the remotest elements in the individual countries, including the fact that these are paid by the very richest? Everyone knows that the longer a line, the greater the risk of loss somewhere along the way. There is therefore a need for us to have a fundamental debate about the whole issue of cash flows in the EU.

**Marta Andreasen**, *on behalf of the EFD Group*. – Mr President, I am sorry to dissent, but as an experienced accountant, I do not share my colleagues' optimism about the opinion of the auditors.

The Court of Auditors' annual report on the 2008 accounts shows no significant improvement. 10 years after the resignation of the Santer Commission, and many promises of reform, the EU's funds continue to be out of control. The auditors state that the accounts are fair but fail to state that they are true, and indeed it is difficult to say they are true if they go on to express concern about the quality of the financial information.

The report reveals that, 10 years after the initiation of the administrative reform, the European Commission does not operate an integrated accounting system, and that directorates introduce transactions in their local systems, some of which have not even been blessed by the chief accountant of the European Commission. Moreover, on the legality and regularity of the EU expenditure, the auditors only cleared 9% of the expenses for the year 2008, a percentage similar to the past. They give an adverse opinion on 43% of the budget, the part that relates to cohesion funds, research, energy and transport, external aid, development and enlargement. For the remaining 48%, they give a qualified opinion.

Such a report would call for the resignation of the board of auditors of any company and its subsequent liquidation, but here nobody is worried. The auditors even identified an amount of EUR 1.5 billion that, in their own words, should not have been paid.

The first argument you will hear is that the auditors are not saying that it is fraud, but only errors. They will say that fraud requires criminal intent, and we have to prove this, and then we need to call the police.

The second argument that you will hear is that the rules are too complex. They have been saying this for years, but the rules have not changed, so should we then blame the European Commission for maintaining complex rules that encourage errors?

The third argument is that it is the member countries which should be blamed for the errors. Well, the treaties clearly specify that the European Commission is responsible for the management of the European Union funds, and in fact, it is the only body empowered to stop payments when it does not receive sufficient evidence that the funds are properly spent.

The fact is that these errors mean that taxpayers' money has been abused. But, to be honest, nobody cares about this. It is just taxpayers' money we are dealing with. It is only the money of people who are now struggling to pay their mortgages and educate their children. But all this is not enough. On top of the EUR 116 billion payments for the year 2008 that have been audited by the Court of Auditors, another EUR 40 billion has gone out of the European Union coffers. Thirty-five per cent of the budget is now hidden in a balance sheet account under the name of 'Prefinancing' and for which the auditors cannot tell the European taxpayers if it has been properly spent.

These additional advance payments have been made precisely in the areas where the Court of Auditors found the biggest number of errors. For how long is this Parliament going to allow taxpayers' money to be abused?

**Daniël van der Stoep (NI).** – (NL) Mr President, on behalf of the Dutch Party for Freedom, I should like to thank the President of the Court of Auditors for the institution's 2008 Annual Report.

After all, this report has made us aware that approximately 11% of the Cohesion Fund for 2008 should never have been spent. This represents EUR 4 billion that has been swept under the carpet. The Council, the Commission and – with a few exceptions – this Parliament too, for that matter, are anxious to remain silent. My party considers this sordid.

I should like to hear what the Commission intends to do about this. How will it make sure that those EUR 4 billion are returned? For example, is it prepared to ask the countries that should never have spent the money to pay it back? If not, why not?

I should also like to hear from the European Court of Auditors whether, in the interests of the transparency of the Commission's expenditure, the Court also examines all the declarations issued by Members of the European Commission. If so, can the Court send those declarations to Parliament, and if not, why not? I should like to hear a response to this from the European Court of Auditors.

**Jan Olbrycht (PPE).** – (PL) Mr President, the debate on the vote of approval is more interesting each year, as Members of Parliament probe ever deeper into the details. In this debate it is important, firstly, to ascertain the facts, secondly, to explain the causes of those facts, and, thirdly, to draw conclusions.

As far as the facts are concerned, then it is very interesting for us as Members of Parliament to note the methods employed by the Court of Auditors. However, it is even more interesting that in the results section, the European Commission does not agree with the diagnosis made by the Court of Auditors. During the debate, we would like to clarify the differences of opinion between the Commission and the Court of Auditors. Secondly, it is very important to ascertain if we are dealing with mistakes, if we are dealing with improprieties, or if we are dealing with crimes. Lumping everything together blurs the image, and confuses discussion on the subject as to whether we need to correct mistakes or call in the police.

As for explaining the causes, I would like to draw everyone's attention to the fact that the document which we have before us shows that we have very serious improprieties in the public procurement system. In relation to this, the problem is not only a question of financial movements, but is also one of explaining and simplifying matters related to public procurement.

The final matter concerns the conclusions. There may be very different kinds of conclusions. Firstly, conclusions concerning control methods, conclusions concerning responsibility, but also conclusions concerning future policy. They are the easiest. It is very easy to draw the conclusion that since the money is being spent incorrectly, and we still have doubts in this area, then the best thing to do is to reduce spending on that area of policy. We should be very careful of such conclusions, because financial monitoring is one thing, monitoring of policy effectiveness is another, and a decision on future directions of EU activity is yet another.

**Inés Ayala Sender (S&D).** – (ES) Mr President, I would firstly like to thank Mr da Silva Caldeira in particular for presenting this report of the Court of Auditors, which has progressed from being an opportunity for scandal and calls to Europhobia to being a really constructive exercise, with clear motivational messages regarding the capacity for improvement of both the European institutions and the Member States, suggesting the instruments needed to make those improvements.

All of this has taken place without losing any of the growing rigour and professionalism of the Court of Auditors which, moreover, has been the first to apply to itself all the principles stated by Mr da Silva Caldeira. It so happens that I have been a member of the Committee on Budgetary Control at a crucial time, and I thank you for the changes that you have made, because they are a great help to us.

I would, of course, also like to thank Mr Kallas, because he wisely listened to the European Parliament's requirements expressed in the Committee on Budgetary Control, which was not an easy task. The management control system is making progress, and we only hope that it will be extended and deepened.

I support the statement made not long ago that the best statement of assurance ever has been achieved, but although this is a success story for the three institutions present, the Court of Auditors, the Commission and Parliament, there is still a long way to go.



For example, we are still concerned about the obvious contradictions in the report, between the Court of Auditors and the Commission, in the important area of budgetary support and adaptation to national reform plans.

What is also very concerning this year is the control of the third pillar of the European Development Fund, joint management with organisations. My colleagues from the United Nations, the African Union and other organisations have talked about this already. It represents between 6 and 7% of the EDF and, of course, efficient formulas need to be used or found in order to put an end to this intolerable lack of transparency.

As far as staffing is concerned, once again turnover is too high and there are too many temporary staff, which means that the sense of continuity that is so essential for this type of programme is being lost. There is also a lack of systematisation of the controls that come from the delegations. In addition, as the Court of Auditors says, there are significant errors and a high incidence of non-quantifiable errors, which should be improved.

We are, however, encouraged by the path that the Commission and the Court of Auditors have begun to take together in order to arrive at a definition of a tolerable margin of error, which we think is the right way to go.

**Jorgo Chatzimarkakis (ALDE).** – (DE) Mr President, Mr Kallas, Mr Caldeira, I can see both good things and bad things in the presentation of the Court of Auditors' annual report on the EU budget. First of all, I would like to thank the Court of Auditors for a clearer, bolder and more political report which is easier for us to understand.

The good areas include the management of the budget as a whole. In contrast to recent years, this has improved. This is, above all, the result of better management of funds in the area of agriculture and natural resources, which has been our biggest headache over the last few years.

For the first time, Mr Caldeira, you do not give an adverse opinion in your report and that is good news. The report highlights the fact that wherever the EU itself controls and administers the funds, there is proper budget management. Whether it is efficient is another matter. I would like to congratulate Mr Kallas warmly in this respect. It is to your credit and during your period of office that this visible improvement has taken place. Congratulations!

However, it is now the responsibility of the Member States in particular to improve their control systems. If there is continuing cause for criticism of budgetary management in the EU, this is not at an EU level – as we have now seen – but at the level of the Member States. This is where the problems lie. Cohesion policy, for example, which is implemented by the Member States and which receives around a third of the funds, is the major problem area. You say that 11% is irregular and the non-attached Member said that the figure was EUR 4 billion. That is not correct. It is over EUR 2.5 billion, which you specifically state is taxpayers' money that should not have been spent. We must say this quite clearly and we must introduce clear controls.

However, the consequence is that the European Commission must continue to exert pressure on the Member States and we will support you in this area, Mr Kallas. We must implement a policy of naming and shaming. We must publicly shame the wasteful Member States, which continue to exist, and describe the situation clearly.

Overall, you come to the conclusion that the regulations must be simplified. We would like to support you in this and we would like to add one other request. There must be an increased focus not only on regularity but also on efficiency, to ensure that taxpayers' money is spent correctly.

**Reinhard Bütikofer (Verts/ALE).** – (DE) Mr President, ladies and gentlemen, I would like to refer to Chapter 7 of the Court of Auditors' report which concerns research, energy and transport.

First of all, I would like to express my considerable gratitude to the Court of Auditors for its thorough work. However, it is clear from this chapter that the Court of Auditors is not able to award good marks to this area in its annual report. This is an area in which expenditure amounts to more than EUR 9 billion. According to the assessment of the Court of Auditors, the error rate is between 2 and 5%. In other words, on the basis of this calculation, between EUR 180 and 450 million has been incorrectly spent. The Court of Auditors' conclusion is that this is 'partially effective' and I see this in terms of marks at school as at best a C minus. In my opinion, it is strange that the Commission does not feel it necessary to give its opinion on this. To me, the Commission's silence seems highly eloquent.

In its recommendation, the Court of Auditors says that the Commission should continue its work of simplifying the financial regulations. I agree with this. The committee responsible has had discussions along the same lines. However, I do not agree that the Commission, in giving its opinion on the Court of Auditors' recommendation, is turning this recommendation on its head. The Court of Auditors says that the aim of simplifying the regulations must be combined with the aim of cost-effective control which will be sufficient to ensure that the money is spent correctly. In contrast, the Commission says that it wants cost-effective control and suggests that there is a tolerable risk of error, which must be taken into account from the start. This is not a reasonable way of dealing with taxpayers' money. The Commission should rethink what it has said and Parliament should support the Court of Auditors in its critical activities.

**Kay Swinburne (ECR).** – Mr President, I welcome the report of the Court of Auditors and welcome a clean set of accounts without an adverse report on these accounts for the EU for the first time, especially after so many years of falling foul of this important process and a mission that would have put any private company in breach of multiple EU directives.

However, I would like to concentrate on the area of continued significant weakness, namely the area of structural and cohesion funds. While the Commission may consider it is an achievement that only 11% of the largest part of the budget – cohesion spending – contained errors, I consider it a shocking fact that it has been determined that almost EUR 5 billion of a EUR 46 billion budget should never have been paid out, as described by the Court of Auditors.

I have to say that my region of Wales, already in receipt of structural funds from that EUR 46 billion pot, could happily have spent and accounted for the spending of that additional EUR 5 billion. Wales has not had to return any funds for mis-spending, despite the UK as a whole not receiving a clean bill of health.

Errors seem to be at the level of implementing institutions, and therefore I ask that the European Parliament and Commission call for the individual Member States to provide a thorough audit for the funds received. In Wales, the Welsh Assembly government, via the various institutions, administers EU structural and cohesion funds and, therefore, to conduct a formal audit could not be too onerous.

However, currently, projects which were funded some seven years ago by the EU are only now undergoing financial audit by the Court of Auditors. I am not sure what this achieves. We need an annual contemporary signing-off which can identify errors and ensure compliance to the highest standard.

When taxpayers' money is at stake, as it is across the EU in the case of the regional budget, standards of accountability can never be too high.

**Cornelis de Jong (GUE/NGL).** – (NL) I should like to say a few things about the European Commission's expenditure in the framework of external relations. According to the Court of Auditors, more errors were made in this field in 2008 than in 2007; and these errors were found in all the areas of external policy.

I find it shocking that many errors are occurring in procurement with regard to projects. The Commission keeps a watchful eye over procurement procedures in the Member States, and so I receive regular cries for help from our representatives in municipalities and provinces concerning complicated, obscure procedures.

The fear of doing things wrong in the eyes of the Commission is great. Yet who is the Commission to monitor our local authorities if it makes errors itself time after time in procurement concerning its own projects? What is the Commissioner's own opinion of this?

The Commission likes to present itself as the 28th donor. I wonder how effective this is, and I find it regrettable, in itself, that the otherwise very good report by the Court of Auditors does not include detailed information on effectiveness, and that this subject is raised merely incidentally in separate reports. Could information on the effectiveness of policy be included in future?

To give an example, I read in the report that, with regard to budget support, there are insufficient controls on compliance with payment conditions. In other words, the Commission has been handing countries a bag of money without applying sufficient controls. What conditions does the Commission actually impose, however? Also, to what extent is it gauging whether budget support is actually helping countries' development? I cannot find anything about this in the report, indeed, nor can there be anything there in view of the approach taken.

On a more general note, when I read how carelessly the Commission spends the funds allocated to it, I really wonder whether we would perhaps do better to leave development expenditure in the hands of the Member

States themselves. It is clear that the Commission has taken little notice of the recommendations of the Court of Auditors, and so I wish to ask the President of the Court whether it is not dispiriting to find, year after year, that the Commission has failed to put its house in order in this regard.

**Bastiaan Belder (EFD).** – (NL) In respect of the 2008 financial year, the European Court of Auditors has found many errors concerning the Structural Funds, regional development and the research programme. This is due to the rules on grants being too many in number and too complicated.

The European Court of Auditors rightly underlines the importance of simplifying the rules. In October, authorities from four Member States submitted to the President of the European Commission an opinion on reducing the pressure of EU rules. They recommended the establishment of an external, independent commission to reduce the pressure of rules at EU level. This represents a step in the right direction in the context of the better lawmaking strategy. Where does the European Commission stand on this?

Endeavours to improve financial management must not be limited to the simplification of rules, however. Enhanced supervision and control are also needed. The European Commission and the Member States must draw up an action plan to this end. National management declarations to begin with, then, which must subsequently lead to a positive statement of assurance by Europe. Does the European Court of Auditors consider such an action plan to be a useful instrument for improving financial management? In my opinion, such an action plan would help give financial management the political priority it so badly needs. After all, Mr President, ladies and gentlemen, the aim is to ensure that EU expenditure ends up in the right place at the right time.

**Philip Claeys (NI).** – (NL) The latest Annual Report of the European Court of Auditors again gives perplexing insights into the way the European Union handles European taxpayers' money. The Court of Auditors has ascertained on the basis of realistic samples that, in the 2000-2006 period, an estimated 11% of the total amount of EUR 36.6 billion under the Cohesion Fund should not have been disbursed. This means that more than EUR 4 billion in grants has been handed out erroneously.

Looking at the situation in Belgium, the Court of Auditors, too, says that a large proportion of the funds spent in Wallonia – Hainaut, in particular – was misspent. This actually confirms what one of our fellow Members said in this House a few months before the latest European Parliament elections, which was that the European grants had not produced the desired results in Wallonia, particularly in comparison with other European regions, and that it was not only Wallonia itself but also the European Union that was responsible for ultimately approving these projects.

At present, most financial transfers are very indirect, passing through many intermediate stations. Tackling this must be a priority and, at the same time, of course, the existing control mechanisms need to be improved.

**Jean-Pierre Audy (PPE).** – (FR) Mr President, President of the Court of Auditors, Mr Vice-President of the Commission, thank you President Caldeira for this very high-quality report, thank you Mr Kallas for all the work you have done, and congratulations on your new appointment within our European Commission. We welcome this.

Regarding the annual accounts, as it did last year, the Court has issued an unreserved positive statement of assurance. I would like to congratulate the accounting officer, Mr Taverne, and his predecessor, Brian Gray, while reiterating my incomprehension regarding the negative equity of EUR 47 billion, which is essentially due to the fact that we are not accounting for the claims that we have on Member States based on the commitments that they have made for staff pensions. I would like to remind you that the total amounts to EUR 38 billion as at 31 December 2008, which is an increase of EUR 4 billion per year.

Regarding the underlying transactions, President Caldeira, please could you make it clear to Parliament whether the Court is issuing a positive or negative statement of assurance? The Court's opinion is divided into five paragraphs, which list opinions by political group, and I am having difficulty distinguishing this from the statement of assurance, provided for in Article 248 of the treaty, which also states that the Court may make specific assessments for each major area of Community activity.

Regarding the content, aside from cohesion spending, the observations are positive. With regard to cohesion spending, there are too many errors. I would also like to ask you whether you think that the number of surveys – for example, 49 for the Social Fund, which represents thousands of transactions – is sufficient for you to establish your opinion. The main problem, however, still lies in the area of shared management with

Member States and in the fact that too many errors are due to the complex way in which our European finances operate.

I would like to finish by talking about shared management and the audit chain, and to reiterate my proposal to include the national courts of auditors more in the process since, according to the Council's Decision, we will never have national statements from the governments. Article 287(3) of the Treaty of Lisbon gives you this power to approach the national courts of auditors, President Caldeira. I would like to reiterate this proposal.

**Jens Geier (S&D).** – (DE) Mr President, Mr Kallas, Mr Caldeira, ladies and gentlemen, firstly I would like to thank you, Mr Caldeira, for your introduction and I would like to thank you and the members of the Court of Auditors for your report. Parliament will investigate carefully the information you have provided and will act on it in the coming months. I was pleased that the previously unacceptable error rate of the common agricultural policy has fallen. However, after reading the Court of Auditors' report, I have the impression that one Member State, namely Romania, is responsible for the majority of the remaining irregularities. It seems that we must put more emphasis in future on training staff and implementing control systems correctly in the new Member States, if possible, before their accession.

The European Structural Funds, which many of my fellow Members have already mentioned, represent another cause for concern. It is true that the number of irregular payments has fallen when compared with the previous year, but there are still huge problems in ensuring that aid funding is handled without irregularities occurring. I would like to say to the Eurosceptic parts of this House that we are talking about 11% of the total payments and not 11% of the budget. This amounts to EUR 2.7 billion and not EUR 5 billion. I admit that this is still EUR 2.7 billion too much, but we must be accurate for the sake of honesty.

These irregularities relate mainly to excessive payments and the incorrect use of funds. For example, if European Social Fund (ESF) money is used to pay the salary of a public administrator or if European Regional Development Fund (ERDF) money is used to buy a building plot, then the people concerned obviously do not have sufficient information about the correct use of aid funding or the Member States do not have the will or the ability to administer the funding correctly, or perhaps all of the above.

When we revise the application procedure, we must put in place clear, transparent rules which are easier to understand. The Member States must ensure that the applications are monitored more carefully at a national level.

It is clear that any waste or any irregularities in relation to European taxpayers' money is too much. However, anybody who takes an impartial look at the EU and at this report from the European Court of Auditors will find little cause for offence. It offers a number of starting points for our work, which consists of making Europe better and more efficient every day. On this basis we will implement the discharge procedure for the European Commission.

**Gerben-Jan Gerbrandy (ALDE).** – (NL) I should like to thank the Court of Auditors for its crystal-clear Annual Report, and I wish to express my particular thanks to Commissioner Kallas for the effort he has put in over recent years. In my opinion, he can rightly claim to have made a great deal of progress during that time.

I should like to highlight three aspects of this Annual Report. The first is the fact that the biggest problems still lie with the Member States. Many of my fellow Members have already given the example of regional policy, which I can only underline. Therefore, I should like to put the following question to the Commission with regard to the national declarations that exist in some Member States: could you perhaps come forward with a specific proposal to make these compulsory for all the Member States of the European Union?

The second aspect I wish to emphasise is the volume and complexity of the European rules: another issue that has already been raised by many fellow Members. Can we perhaps start a fundamental debate on the way we wish to spend our funds and the rules underpinning this? In my view, at present, this is based too much on suspicion and too little on trust and, when all is said and done, that just breeds more irregularities.

The final aspect is agriculture. It is excellent, of course, that the whole agricultural sector has received a green light for the first time, but we should not pat ourselves too hard on the back. Rural development is where the major problem lies, and let that now be the very policy area within agriculture where we see major expansion in coming years. Also, the important thing is not only lawfulness but also efficiency as, with regard

to the agricultural funds, we are still greatly underperforming in the achievement of our environmental and nature objectives.

**Vicky Ford (ECR).** – Mr President, European finances do cause great concern to my constituents and to people in Britain. The UK is, after all, the second-largest net contributor to the European budget, so other Member States might benefit from remembering, when they are debating this money, that a large part of it comes from British taxpayers' pockets.

If there is one single issue that drives a wedge between British people and Brussels, it is a perception that their money may be treated frivolously within the EU. The same is true in other countries as well. This is not just a debate about a set of accounts, but a fundamental breakdown in trust between the institutions represented here and the people we represent back at home.

We must take note of this auditors' opinion. Yes, it is better than previous years, but just as a businessman thinks twice before doing trade with a company that has in any way a qualified opinion, so our residents will think twice about their relationship with the EU so long as qualifications remain.

We cannot pretend it is the auditors' fault. Auditors do not spend money; bureaucracies and governments do, both here and in our home countries. We must clean up their acts.

However, even a clean audit opinion in itself is not enough. Ever since I was 18 years old, I have received a monthly statement from my bank. The numbers add up. The audit opinion would be clean. But I know I have not always spent my money wisely.

If we are to deserve even a shred of respect from our taxpayers back at home, then in this dire economic time, we must treat their money with respect. My message to politicians both in our home countries across the EU and in this unnecessary, expensive second chamber in Strasbourg is that we must stop wasting taxpayers' money.

**Hans-Peter Martin (NI).** – (DE) We need a revolution in democracy! Mr President, Commissioner, welcome to the new world of the Treaty of Lisbon. This represents an opportunity for you. For 11 years, I have been following your reports in this House, and before that as a journalist, and when it comes down to it, they are all very similar. However, now you have the opportunity to look to the future. Make use of the professional competence of this House – we are not gathered here today just by chance in this Chamber; I can see Mr Søndergaard and Mr Chatzimarkakis, Mr Staes and on our side, my fellow-combatant Mr Ehrenhauser – and restructure the work of the Court of Auditors. Take a look at what works elsewhere, for example in Germany, where it is possible to evaluate the cost-effectiveness and meaningfulness of expenditure, and in Austria, and develop a concept, perhaps as part of an initiative report from Parliament, which describes how the things that you do can be done much better, so that you can genuinely fulfil your obligations.

**Tamás Deutsch (PPE).** – (HU) Mr President, ladies and gentlemen, in my view, we MEPs owe it to every tax-paying European citizen to monitor with the appropriate attention the proper, justified and legal use of their taxes in the European Union. We owe this to every tax-paying European citizen, regardless of their nationality.

Fellow Members, I believe that the European Court of Auditors carried out a thorough, professional job when they drafted their 2008 report. I would therefore like to thank President Caldeira and every member of the Court of Auditors. I also think that suitable technical cooperation has developed between the European Court of Auditors and the European Parliament's Committee on Budgetary Control, thereby guaranteeing that Parliament can perform its monitoring task in an appropriate manner. Credit is also given to Commissioner Kallas for the definite improvement which can be noted over the last few years in terms of the European Commission's financial management activities.

At the same time, I agree with my fellow Members who say that the Court of Auditors' report contains not only positive points, but also downright appalling and alarming ones. Those items which we must definitely mention include the fact that the Court of Auditors had to declare that the error rate for the use of cohesion funds was 11%. In my view, in order to rectify the errors, we must establish without fail exactly who was responsible for what omissions, when and where, so that we can guarantee that we rectify these errors for the next time.

**Edit Herczog (S&D).** – Mr President, when I meet my voters I often describe this institution as a computer, where the Member States provide the hardware, the Commission provides the software, Parliament is probably the keyboard where you can interact, and in that sense, the control by the Court of Auditors is certainly the

control panel of the computer. We never purchase a computer on the basis of looking at the control panel, but none of our computers works for a long time without a proper control panel system inside.

I would like to congratulate the Court of Auditors on being an appropriate control panel for this institution and improving, with every year, its own work, but also reminding us to do our own homework on improvement.

What I learn from the Court of Auditors' reports after being here for six years is that we often make mistakes and that we should try to remind colleagues back in the Member States what they have to do. But for me, the most important message is that, when the Lisbon Treaty comes into force, we need to reduce the complexity, to provide better conditions for our expenditure at local level and to get the money in time to those who are applying for it, whether they are small- and medium-sized enterprises, researchers or farmers, back in our countries.

The message for us is that we have to improve skills at local level. We have to further reduce the complexity at European level. We have to go for better cooperation among Member States' auditing systems and we have to work together in the future.

Thank you for the last five years of cooperation.

*(The President cut off the speaker)*

**Olle Schmidt (ALDE).** – (SV) Mr President, I would like to thank the Court of Auditors for an excellent piece of work and also Mr Kallas – it is good that you are continuing. Hearing the British Members express their criticism is all well and good, but from what I have seen in the newspapers, a lot of British politicians have been less than honest with their money. This does not, of course, mean that we cannot improve, but it remains to be seen whether the situation in the Member States really is so much better than that in the EU.

In the areas where the EU is directly responsible for the budget, the errors are small. The shortcomings are with the Member States. EUR 2.7 billion is, of course, a very large amount. It is an unreasonably large amount and it is totally unacceptable. It is a large portion of the EU's budget and the Member States have a clear responsibility in this regard. As several of my fellow Members have already said, I think that the Commission ought to ensure that those countries that are refusing to release their financial accounts and submit an auditor's report do in fact do so. As Commissioner or the Commission – you do not, of course, know what responsibility you will have in future – you should ensure that these countries do, in fact, improve so that the information is gathered and the supervision can be monitored. Europe's taxpayers require this. There is also a need for a better and more efficient monitoring system through which it is possible to highlight examples of good practice.

Mr Søndergaard suggested something at the end of his speech which may nevertheless be the way forward, namely to come up with a completely new budgetary system that gives the Member States better control of the cash flows.

*(Applause)*

**Esther de Lange (PPE).** – (NL) Mr President, you may be familiar with the film *Groundhog Day*, about a man who wakes up to the very same day over and over again? Although I am in only my third year as an MEP, I already feel like the protagonist of that film. Every year, the Court of Auditors comes here to tell us that, unfortunately, it is unable to give us a statement of assurance and, every year, the European Commission does its level best to emphasise every ray of hope.

Admittedly, there has been progress – for example in the field of agriculture – but the underlying problems remain. Of course, you could increase the permitted error rate, as the European Commission is proposing, but that smacks of moving the goalposts. If players fail to score, their coach does not go and widen the goal, but instead sees to it that they play better. This requires teamwork. Indeed, a positive statement can be obtained only through teamwork – between the European and national auditors – and by means of the national management declarations, as has already been said.

Unfortunately, the fact is that some countries are still rather freer with European money than with their own, national, funds; it is easier to go shopping with someone else's credit card than with your own. Yet you will be confronted with the bill, Commissioner. If you and your successor do not manage to get the control activities right, it will be bad not only for budgetary control in the European Union and for you, the European Commission, but also for the legitimacy of us all and of our work.

Therefore, you can be sure, Commissioner, that Parliament will be watching you and your successor very closely in this regard.

**Barbara Weiler (S&D).** – (DE) Mr President, Commissioner, Mr Caldeira, ladies and gentlemen, I would like to start by thanking Mr Caldeira and his team. His report will be very useful to us in our deliberations which lead up to the granting of a discharge.

I have a sense of *déjà vu*, because as far as I can tell, the Council is once again conspicuous by its absence, just as it was last year. I am being so critical because the Council, as one of our major community institutions, cannot and should not stand outside this debate.

We rightly expect all the Member States to provide control and transparency, but we also expect this from our own institutions and the Council is jointly responsible for what happens or does not happen in the Member States.

Of course, the irregularities in the budgets do not affect the Council's budget as severely as they do the agricultural sector, but nevertheless, we will also have questions about public procurement, late payments or overdue payments and repeated overestimating. We will be discussing this with the Council in the next few weeks.

It is true that errors are not the same as fraud and that the recovery of payments is a useful tool. Another good tool is the process of naming and shaming in the area of agricultural policy which has proved its worth in Bavaria and in the rest of Germany. I believe that we should continue to use this method because it has become clear that the Member States and the companies involved react to it.

We expect the Swedish Presidency to be ready to discuss this over the next few days and also...

*(The President cut off the speaker)*

**Anneli Jäätteenmäki (ALDE).** – (FI) Mr President, Mr Caldeira, Commissioner, I wish to thank the European Court of Auditors for its admirable work for the benefit of the European taxpayer.

The EU accounts allow a 2% margin of error. I would say that it is salaries and other administrative costs in particular that need to be dealt with more accurately. We cannot allow any uncertainties when it comes to these.

There are, however, other cost groups where it would seem to be difficult, or even impossible, to achieve a 2% margin of error. According to the Court of Auditors, as much as 11% of the total sums spent on cohesion policy are sums that should not have been spent at all. The situation was also the same in the two previous years.

As the situation is such that the 2% threshold cannot be reached, I would like to ask whether the Commission or the Court of Auditors has thought about whether the 2% figure should be reviewed, so that year after year, we do not have to say that there is no way we will achieve the threshold this year and we will not do so next year either. In future, we will have to be more careful and function more cost-effectively than we do now, and the application procedure will have to be simplified.

**Czesław Adam Siekierski (PPE).** – (PL) Mr President, an analysis of the Court of Auditors' annual report on budget execution for 2008 leads us to the conclusion that the situation is better than in previous years. Especially pleasing is the fact that it has been possible to extend significantly correct management of the budget. We have observed an exceptionally clear improvement in the case of expenditure on agriculture and rural development, which account for over 40% of the EU budget. This is a crucial change in comparison with earlier reports. It is a result of reform and simplification of the CAP. We now pay out funds based on simple technical requirements.

On the other hand, the Auditors show up some areas of dispute, because they found that among the applications for funds made by Member States in the area of cohesion policy, 11% contained mistakes. I stress that I am talking about applications. It might seem to many people that this unfavourable data is the result of carelessness on the part of the Commission or Member States. There may certainly be a little truth in this, but I think the problem lies elsewhere. The main reason for this large number of financial shortcomings in the area of cohesion and regional development policy is the existence of over-complicated and complex legal regulations which, indeed, the Auditors admit in their report.

I encourage the Court of Auditors further to intensify cooperation with their counterparts in Member States. Finally, I would like to say that we must devote more attention to the problem of education and to giving better information to beneficiaries of EU and institutional policies which implement and manage specific programmes.

In conclusion, in my opinion, the Commission should make every effort, most of all, to simplify financial regulations while retaining basic monitoring mechanisms which prevent abuse. However, very often the beneficiaries of particular European funds struggle with a forest of regulations which are not completely clear, and which, in practical terms, make it impossible to produce accounts which would fully satisfy the Auditors. This should be changed, and I stress: simplify and inform, but also monitor.

**Georgios Stavrakakis (S&D).** – (EL) Mr President, I too should like to congratulate the Court of Auditors on their excellent work, as well as the European Commission, and say that I am very pleased, because I can see that the overall situation has improved. I should like to emphasise in particular that this is the first time that agricultural spending is no longer in the red. Things are going better overall, but there are still problems with expenditure on cohesion policy, to which several of my honourable colleagues have already referred. However, I am quite optimistic about the future.

We must also look at the good news. The system for recovering EU funds is working: in 2008, EUR 1.6 billion were recovered and more recoveries are under way, proof that the system is working properly. The percentage of fraud uncovered is extremely low and has been identified in just a few isolated cases. There are only problems in a few Member States, proof that the system as a whole is working well and that the objectives of cohesion policy are being achieved.

In the long term, the system of joint management needs to be reviewed and a greater share of the final responsibility transferred to the Member States, thereby helping to simplify the rules. The Treaty of Lisbon makes provision for this in Article 310, on the basis of which cooperation is allowed in implementing the budget between the European Union and the Member States, contrary to the exclusive responsibility of the Commission hitherto.

Finally, I should like to point out that the Court of Auditors' message on the need to simplify the rules has reached the Council and the Commission and I honestly hope that the changes...

*(The President cut off the speaker)*

**Lambert van Nistelrooij (PPE).** – (NL) The 2008 report once again gives cause for penetrating analysis and action, including on the part of the European Parliament. I thank you for this report. This approach – this cooperation – has led to demonstrable improvements over recent years.

Nevertheless, as coordinator for the Group of the European People's Party (Christian Democrats), I wish to make a few comments on regional policy in particular. Is it true that the 11% error rate in regional policy is based on those three Member States, and how does that relate to your projections? Is it true that most of the shortcomings were found in the procurement procedures? Is it true that it was too soon for the report to reflect the improvements in the expenditure under the new, current, regulation 2007-2013? As you know, many improvements have been made to this over the last year. If that is the case, and in view of those changes – those improvements in the current legislation – we can continue to work in the vein of that upward trend of improvements in the period up to 2013.

It is also important that these improvements in the transposition of European legislation be implemented much more emphatically in the procurement rules, that there be improvements in the powers to overcome obstacles and in enforcement, particularly in the Member States. After all, there is strong friction here in the relationship between the European and national levels. Therefore, we do have to name the countries concerned.

This 11% figure will then be able to change from red, which is unacceptable, to yellow and finally to green. That is why citizens have elected us, to obtain more results and greater clarity in this field. I am also happy to take on board the suggestions for simplification contained in your report.

**Christel Schaldemose (S&D).** – (DA) Mr President, the Court of Auditors has my heartfelt thanks for a sound and very serviceable report. Listening to the debate here today, I am put in mind of a Danish saying, where we talk about whether your glass is half full or half empty. This, in other words, is a question of whether you are an optimist or a pessimist. It seems to me that there are perhaps far too many people here today who have been far too optimistic. The Commissioner, too, has been too optimistic. Quite simply, I do not think this is good enough. Had a Danish finance minister been responsible for this budget, where less than half of



it can be accepted as error-free and where less than half of it – 47% – is green, the minister in question would, in fact, have been out of a job.

I find it highly regrettable that there are still so many things that need to be done and I find it highly regrettable that things are moving as slowly as they are. I realise that it is difficult and I realise that the rules can be very complicated. I also realise that progress has been made, but it is not good enough. Looking at the speed at which we have improved the green part of the budget, you can see that things are moving too slowly. I call on the Commission to take its share of the responsibility. You have the tools. You need to react more rapidly.

**Monika Hohlmeier (PPE).** – (DE) Mr President, ladies and gentlemen, the focus until now has been on the cohesion fund and this is certainly justified because of the size of the budget. However, I would now like to draw attention to an area in which only EUR 2.7 billion was spent last year, but which causes significant problems.

The European Court of Auditors, which I would like to thank warmly at this point, has produced a semi-masterpiece, as it has succeeded in bringing transparency to the fragmented administration in the area of development aid and in clearly identifying the problems which continue to occur. I would not like to go as far as saying that this area has no universal principle and no transparent structures, but it does have considerable problems.

There have been improvements, for example, in the payments for projects, but nevertheless it is still the case that no audits can be carried out on some of the projects because the receipts are missing, not to mention the fact that some receipts are not even provided in the first place or that there are no opportunities for follow-up audits. The subject of budget aid once again involves particular problems because it is not possible to follow up or trace the money and what it is used for. In my opinion, we should carefully consider finally integrating the European Development Fund (EDF) into the general budget, for reasons of transparency, traceability and manageability. This would allow us to combine and coordinate the EDF with other fields, such as development aid, foreign policy, neighbourhood policy and other policies in the same area, so that we could obtain a complete and transparent overview. This is my proposal.

**Andrea Cozzolino (S&D).** – (IT) Mr President, ladies and gentlemen, as has already been stated, the European Court of Auditors 2008 report first and foremost gives us some positive news: the percentage of EU expenditure, characterised by high levels of irregularities, has gone down from 60% in 2005 to 31% in 2008. This is a significant result; it signals a positive approach that we must continue to follow.

As far as the Structural Funds, and more specifically cohesion policies, are concerned, there continue to be problems and difficulties. I believe that we should focus our attention on these areas in the coming months and years.

With regard to the Structural Funds, when compared with the Court's analysis of the period 2000-2006, the management and monitoring systems for the period 2007-2013 are giving rise to stricter regulations and greater reliability and transparency in terms of expenditure, as well as to greater accountability on the part of the Member States.

The Court of Auditors strongly emphasises the need for greater simplification. Therefore, much work needs to be done in order to further simplify the rules.

Quality of economic growth and transparency in the use of Community resources are two objectives of the same battle which we need to wage. I believe we need to do this by also making our debates concerning ourselves and, above all, concerning the citizens, more public.

Cohesion policies, the Structural Funds and regional policies are, and will, remain a crucial element of the European project. They have given substance to the European Union's fundamental values. We must work together to guarantee efficiency and transparency in the coming years.

**Mairead McGuinness (PPE).** – Mr President, I thank the Court of Auditors in particular for putting forward this morning, in a very clear way, the contents of a massive report giving us the good and the bad – and thankfully not the ugly because, to some extent, we have cleared up the worst aspects of our accounting practices.

I want to concentrate in particular on agriculture which, because it has been given a relatively clean bill of health, has virtually been dismissed in this debate. I do so because I want to caution that we may be going back to the future.

It is worth remembering this morning that agriculture has improved because we have decoupled, to a large extent, payments from production. We are giving the payments directly to active farmers, active producers, and therefore the possibility of errors has been much reduced.

However, through the vehicle of modulation we are now taking that money and using it in the area of rural development, about which serious concerns have been expressed, hence my comments about our possibly going back to the future.

I also worry about how we can account for issues like water management, climate change and biodiversity. Think of the complexity of the rules that will surround all these things – and rightly so – if public money is being spent in that direction, and the difficulties and cost of complying with those particular rules.

We are looking at a review of the European Union's budget thanks to the former British Prime Minister, Tony Blair, whose government does not have a particularly clean record when it comes to its own sets of accounts.

Again, under that review we will be looking at spending money in areas which the Court of Auditors clearly has concerns about, particularly in the field of research and innovation. Let us therefore be very careful that the good work we have done will not be unpicked by what we are about to do.

**Peter Jahr (PPE).** – (DE) Mr President, ladies and gentlemen, when I was at school, the teachers often said: Trust is good, control is better.

*(The speaker agrees to answer the question of another Member, in accordance with Rule 149(8) of the Rules of Procedure)*

**Ingeborg Gräßle (PPE).** – (DE) Mr President, I wanted to ask you whether you had noticed that, in the course of this important debate, Mr Martin, who has given us all plenty of advice, entered the Chamber at 10.00, spoke at 10.09 and left the Chamber at 10.12?

**Peter Jahr (PPE).** – (DE) I am reminded of two basic rules from my childhood. I was once told: 'When someone speaks to you, let him finish talking. If you ask a question, then at least wait for the answer'. On that principle, it would have been nice if he had stayed in the House, so that he could follow the debate in Parliament. That is my opinion.

The controls and the improvements suggested by the Court of Auditors make a significant contribution to the more effective and more economical use of EU funds. As a Member with an interest in agriculture, I am particularly pleased that the use of funds in the area of agriculture was given a positive assessment and that on average, no significant irregularities were found. However, this is on average and that is precisely where the problem lies. There is a saying in agriculture that on average, the lake was half a metre deep, but the cow still drowned. In other words, when, on average, everything is correct and when the overwhelming majority of countries are able to apply the administrative regulations appropriately, it is then in particular that we must deal with the countries which do not toe the line, the bad guys. It is important to name names in this respect. Mr President, please do not give in. You can be more specific in what you say and Parliament will give you its support.

The situation regarding the error rate in rural development is rather different. Even though the error rate is lower than the previous year, it is still significantly higher than that for agricultural expenditure. However, I must say at this point that the majority of the problems identified are due to the incorrect application and lack of understanding of complex EU regulations. This does not necessarily mean that money is being wasted. We must all work together to modify and improve the EU regulations, so that the Member States can apply them more easily.

#### IN THE CHAIR: MRS DURANT

*Vice-President*

**Sophie Briard Auconie (PPE).** – (FR) Madam President, ladies and gentlemen, the Court of Auditors' report for 2008 concludes that there has been an overall improvement in terms of the legality and regularity of the European Union's budgetary transactions. Nevertheless, it says that expenditure associated with cohesion policy is still problematic, since it contains the most errors.

The funds available for cohesion policy represent nearly a third of the European budget. It is one of the most fundamental and also one of the most symbolic policies of European integration and of the principle of solidarity that is at the heart of it.

As such, we need to be demanding and ensure that the procedures are applied properly. We do, however, need to take into account the specific characteristics of cohesion policy, which is widely decentralised and therefore managed by regional authorities in the Member States. The errors observed by the Court of Auditors are not a result of attempts to defraud on the part of the project promoters, but a result of the complexity of the conditions for eligibility.

In my view, the solution is not, therefore, to make the procedures more cumbersome, but to simplify them, both at Community level and in the Member States. At Community level, simplification measures are under discussion in the Council and in Parliament. At national level, personally I am working towards simplifying French procedures, in close cooperation with elected representatives and national and local decision makers.

In this period of economic slowdown, it would be particularly unfortunate for project promoters, of which there are still many, to have difficulty accessing the European funding available to them.

**Ville Itälä (PPE).** – (FI) Madam President, we are dealing with an important matter, and I want firstly to say that the management of the budget has got a lot better. There are problems, however, and I wish to mention a few of them.

The first is the institutions' policy on buildings and property. When I was drafting the budget for the 2008 Parliament and other institutions, I noticed that things were not really right in this area. I would hope that we can launch a thorough investigation into why the price paid for properties and buildings of the institutions is higher than the average market price. When the study has been completed, we will know whether there is something dubious about all this or, alternatively, that everything is all right.

The second matter I wish to draw your attention to is the situation regarding Romania and Bulgaria, which is something that has already been mentioned here. We know what the problems are, and we have to find ways to help Romania and Bulgaria, so that things can be sorted out. This is also a political issue. After all, what is the point of enlargement if we accept as members countries that cannot organise the management of their budgets adequately?

The third matter particularly concerns external actions linked to the United Nations, though in any case, we need to be able to carry out checks to ensure that the public know that everything is in order.

More than anything, however, we need to realise that the number of areas free of error has risen, and for that we have to thank Commissioner Kallas and the European Court of Auditors. Both have done excellent work.

(Applause)

**Seán Kelly (PPE).** – Madam President, a simple question. It has been stated that many of the breaches in compliance are due to a lack of understanding of the procedures and regulations.

Do you accept that this is the case? And, if so, what percentage of breaches would be due to this unfortunate situation, not to deliberate breaching of the rules?

**Ivaylo Kalfin (S&D).** – (BG) I, too, would first of all like to congratulate the representatives of the European Court of Auditors for the report which they presented, and Commissioner Kallas for the evidently much-improved effort on the part of the European Commission in relation to European funds expenditure. Coming from Bulgaria, I can see at first hand that the Commission is extremely strict with regard to the expenditure of funds, and its actions definitely have an impact. I would like to raise one issue linked to the fact that this is the last report from the European Court of Auditors under the current treaties. The following report next year will now be based on the Treaty of Lisbon. This contains a number of questions which have been asked and which have still not received an adequately explained response, including with regard to creating the budget and the procedures for spending the budget. I believe that all the institutions, including the European Parliament, along with the Council and European Commission, of course, not to mention the active involvement of the European Court of Auditors, should do their utmost to come up with a response to these issues so that we think the same way on them.

**Jean-Pierre Audy (PPE).** – (FR) Madam President, I am not taking the floor under the 'catch-the-eye' procedure; I simply wish to lament the fact that the Council bench is hopelessly empty. The Council is a budgetary authority, and we also note that we have many problems in the Member States. I wanted to express this regret, Madam President.

**Bart Staes (Verts/ALE).** – (NL) I have been present throughout the debate. One of the most crucial questions I have heard – and I would ask Mr Caldeira explicitly to explain this carefully – is what is the situation with the 11% under Cohesion Policy that should not have been disbursed? Various explanations have been given for this in the debate. Some have said EUR 4 billion, others have said EUR 2 billion, and so on. I think it exceptionally important for the start of the discharge exercise that you explain to us clearly and unequivocally what is really involved here. I should also like to extend my special thanks to Commissioner Kallas for the work he has done in recent years. I think the Committee on Budgetary Control always experienced cooperation with you as very constructive. We did not always agree, but you will probably soon be granted another term of office in the new Commission, a new post, and I wish you all the very best in this.

**President.** – I would like to say to Mr Martin that I saw that he was asking for the floor on a personal matter, and that I will give him the floor, but in accordance with the Rules of Procedure, I will do so at the end of the debate and after the Commission.

**Edít Herczog (S&D).** – (HU) Madam President, I completely agree with Mr Audy. The Council is very conspicuous by its absence, as are the leaders of the political parties. As a vice-chair of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament myself, I felt that the chairmen of the other groups did not think that this debate was important either. However, the Council is the most conspicuous by its absence.

**Vítor Manuel da Silva Caldeira, President of the Court of Auditors.** – (FR) Madam President, I would first of all like to thank all of the MEPs who have spoken. Their comments will certainly be very much appreciated by all those who work at the Court of Auditors and who were behind the report submitted today.

In the time allotted to me in such an intense and interesting debate, it is a little difficult to answer all the questions that have been put to me directly. I would first like to address the question from Mr de Jong, who asked me whether I was discouraged about not being in a position, as the President of the Court of Auditors, to give a positive DAS. My answer would be that, as an auditor, I would be delighted to give such an opinion when the time came, but it is not the job of auditors to be happy with the opinions that they give. Auditors must have a solid basis for their opinions, drawn from evidence on the ground.

To be very frank, as an auditor I prefer giving an opinion such as the one we have given this year. I will not tell Mr Audy whether it is a positive or negative opinion, but it is a realistic opinion that highlights the points on which progress has been made. We have seen that there has been a sharp fall in the number of errors in some areas, in particular in the area of agriculture, but there are also areas where more care is needed. Therefore, rather than being optimistic or pessimistic, as an auditor I prefer to be realistic.

I think that this is the way that our message should be understood with regard to prospects for the future. Several MEPs have asked what can be done to solve these problems. The Court of Auditors has made its contribution in this report and in previous reports by pointing out that its recommendations in relation to improving the supervisory and control systems in the Member States are important, and by stating, with regard to the Commission, that it is equally important to simplify the regulatory framework, which means not making things more complicated than they need to be. We cannot move from a stage in which we want to do everything and control everything – which requires excessive controls – to a stage in which there is no supervision at all. Otherwise, we will not be able to find the right balance to enable us to achieve the objectives of the policies.

Several of you have said that this report does not talk about how efficiently the funds are used. Did the few errors or irregularities identified prevent projects from being completed? Obviously, the Court of Auditors is supposed to give an opinion in its reports regarding the financial statements, which is a clearly positive opinion, and on the underlying transactions of these accounts. This is about whether the transactions comply with the rules that they are supposed to follow.

However, the Court of Auditors also provides you and, in particular, the competent parliamentary committees, the Committee on Budgetary Control, with all of our reports relating to the effectiveness of the policies and whether the funds in the different areas are being used correctly. I hope that you will find significant information in those reports in terms of what could be done better in the context of these policies. However, as it says in our report – and I emphasised this in my speech – it is important to seize this opportunity that the reform of the financial regulation and the new framework for the financial perspective are offering us for the future, and the opportunity that the budgetary reform is giving us to consider some fundamental issues.

Allow me to conclude, Madam President, by saying that our methodology complies with international auditing standards. We consider our samples to be appropriate for drawing our conclusions. Mr Audy asked the following question: are your samples of sufficient size? The answer is yes. Obviously, if we had more resources, we could possibly do more work, but our resources are limited and we are supposed to manage our resources carefully.

Finally, a word on the role that the Court of Auditors and the courts of auditors in the Member States can play in the future. We always work with the courts of auditors in the Member States and with the national auditors by cooperating with one another and trusting one another. This approach is provided for by the treaty – and reaffirmed by the Treaty of Lisbon – and in following it, we are doing our best to ensure that, by and large, we can bring added value to the role of external auditing in the European Union.

Those are my very brief final remarks, Madam President, as I did not wish to take up too much of your time.

*(Applause)*

**Siim Kallas**, *Vice-President of the Commission*. – Madam President, thank you for this debate and for the good words addressed to the Commission. I have two points relating to the past, from 2008 and recent years. Firstly, one important thing was underlined: transparency. I want to remind you that together we have made a big breakthrough. All information about beneficiaries of EU funds is now public and this has also been one of the major changes during this period.

The second fact from the past is that we discussed how much money has been lost and how much money should be recovered, amongst other things. I would like to illustrate this with one number, from what is a very complicated title. It is in Annex VI to our Synthesis report and is the 'summary of waivers of recoveries', which actually means an amount of money which is completely and irreversibly lost. In the 2008 Synthesis report, this was EUR 18 380 363.22, which is under 0.01% of the EU budget. This is lost. We have discussed all these billions which have not been properly managed in the structural funds, but something is recovered finally. The process is not perfect and we have to work hard on this and sometimes errors are corrected. It is a long process and we must take it very seriously.

Now some points for the future. In the very near future, we will start discussions on the new Financial Regulation and the new budget perspectives. Very many things are linked to this process. National declarations and the participation of Member States need a stronger legal basis. We can clearly go ahead with this simplification, discussed so much and so many times here. As President Caldeira has already said, objectives are defined by more than 500 programmes accepted by the Commission, Parliament and Council. Every programme has its own legal basis, its own objectives, and everything must be measured, including the money which has been spent in accordance with these objectives. That is a key issue.

At the last plenary session when we discussed the discharge for 2007, one idea was to reduce the number of programmes and to have bigger projects and bigger programmes which are much easier to survey. This is a key issue and, as one Member said was the case with rural development, you cannot measure objectives – especially in external actions, where you have very political objectives – and say that those objectives are being achieved. This is a key issue, but one within the framework of the future discussions on financial regulations.

Concerning dialogue, which was underlined here as important, I must say that we have tried to do our best to have good dialogue with Parliament, with the Committee on Budgetary Control and with the Court of Auditors. I myself like to debate everything with people with different views, different attitudes and different assessments. That is normal life. What I do not like is that some people deliberately and constantly use incorrect facts. You cannot have a dialogue when the facts are not correct. We can have different assessments, different interpretations and different views, but the facts must be correct. I strongly wish that in our future dialogue, this principle will also be respected.

*(Applause)*

**President**. – Mr Martin, do you wish to speak at the end of this debate?

**Hans-Peter Martin (NI)**. – *(DE)* Madam President, I am sorry that I have to take this opportunity to make a personal remark which, according to the agenda, I have been given three minutes for. However, I will not need three minutes.

I took a very constructive approach in my speech and in the debate I pointed out very constructively what could now be done on this new basis. In order to be able to come to this assessment, I followed the debate this morning very closely. I was in the chamber much earlier than my fellow Member stated, left later and am now here again. I feel that it is a great pity that Mrs Gräßle obviously feels it necessary to make personal attacks which really are below the belt. I would like her to be constructive and I would like to see fewer incorrect stories by her in the German newspaper the *Bild Zeitung*. I would prefer to hear constructive suggestions about how we can rescue the situation and how the Court of Auditors can be given the ability to do this. In addition, it is a great pity that Mrs Gräßle, in particular, is the person who unnecessarily makes the work of the non-attached Members more difficult, discriminates against us, prevents us from accessing information, does not allow us the opportunity to work with employees and then feels that it is worthwhile attacking us on the basis of incorrect facts. You should learn about democracy, Mrs Gräßle.

**President.** – We will stop there. The debate is closed.

#### **Written statements (Rule 149)**

**Elisabeth Köstinger (PPE), in writing.** – (DE) It is true that there are still significant deficiencies in some areas, in particular, in the case of cohesion policy, but the fall in the error rate in the area of agriculture and natural resources to below 2% gives me cause to look optimistically to the future. Particularly given that this area makes up the majority of the European Union's spending, the comparatively low error rate of 2% can be seen as satisfactory. In future, we should put all our efforts into two areas. The first of these is cooperation between the Commission and the Member States. The aim here is to identify inaccurate and incorrect data in all the different areas of spending and to correct the errors. The second area involves improving the EU's methods for paying EU money to the Member States and recovering it from them.

**Véronique Mathieu (PPE), in writing.** – (FR) I would like to congratulate the Court of Auditors on its annual report on the implementation of the EU budget concerning the financial year 2008. I would like to draw attention to the paragraph concerning the European Union agencies, in which the Court of Auditors states that it has issued an unqualified opinion for all the agencies audited, with the exception of the European Police College.

At this stage, it is relevant to recall that we faced a similar situation for the 2007 discharge. The Court of Auditors has published a report containing a statement of assurance with reservations regarding the accounts and underlying transactions of CEPOL, indicating in particular that appropriations had been used to finance private expenditure. The rapporteur asked for the discharge to be postponed for CEPOL, followed by the Committee on Budgetary Control. However, the vote in plenary on 23 April 2009 rejected this proposal by 226 votes for and 230 against, with a massive mobilisation of the Socialist Group in the European Parliament and the Group of the Greens/European Free Alliance.

Given that the Court of Auditors has today raised further problems regarding CEPOL, it is essential that we acknowledge the obvious error that was made in granting discharge in April by voting against the opinion of the rapporteur and of the committee responsible.

#### **4. Google's project to digitise the world's book heritage (debate)**

**President.** – The next item is the debate on the oral question to the Commission on Google's project to digitise the world's book heritage by Klaus-Heiner Lehne, on behalf of the Committee on Legal Affairs (O-0101/2009 – B7-0224/2009).

**Angelika Niebler, deputising for the author.** – (DE) Madam President, President-in-Office of the Council, Commissioner, ladies and gentlemen, you will all be familiar with Google, the internet search engine. You will probably also know about the new Google Books Project, which everyone has been discussing over the last few months. The aim of the project is to scan in books from libraries and make them available over the internet, so that readers have quick and easy access to a large number of works on the web.

From the perspective of readers and internet users, this is a wonderful idea. However, what does it mean for authors, creative people, artists and publishers? What part will they play in the publication of their work on the web? We must look closely at these questions over the next few months. You may already be aware that publishers and authors in the US have initiated legal proceedings against Google with regard to the scanning and publication of works on the web. As far as I know, the legal dispute has been resolved and the parties have settled out of court. However, the questions remain unanswered and they relate not only to the situation

with Google, because there are certain to be similar cases in future. We must deal with these questions as quickly as possible.

Does copyright need to be adapted in the digital age? Do we need to change existing structures? In this respect, I am thinking particularly of the role of the collecting societies, which we have often discussed in Parliament. Are new monopolies being created on the web? How should we react to this? How will this change the structures in our countries, for example, with regard to the bookshops in the regions? What are the opposing interests in this case and how can we find a suitable balance between them?

Authors and publishers want to receive a financial reward for their work. This also applies, of course, when their works are made available on the internet. Libraries want to put their archives on the web without having to sign a licence agreement with every copyright holder first. The interests of consumers are clear. They would very much like to have quick and easy access to the content on the web. We have not yet reached the point of being able to discuss possible solutions, but we need to ask ourselves a lot of questions and that is the purpose of the written question submitted to the Commission by the Committee on Legal Affairs.

Do we need to make distinctions in order to resolve the copyright issues, for example, with regard to content? If so, what distinctions should be made? The Commission seems to be moving in this direction, as it is first of all focusing on the situation of the library stocks. Should there be a process of mass digitisation in future, or is our existing licensing system sufficient to resolve the problem? How can copyright clearance be simplified in the internet age? As you know, copyright is primarily a national right and in this respect, we must once again ask ourselves: is this still an up-to-date approach? How should we deal with orphan works in future, in other words, books whose copyright holder cannot be identified or located? Should we perhaps distinguish between literary works and scientific or academic works? For example, the authors of novels earn their living from the publication of their books, but when scientists make their papers available on the web, they are primarily interested in making a name for themselves in their field of research and are less reliant on the money that their work earns. There are numerous questions that we need to ask ourselves and I am pleased to be able to discuss them with you.

I would like to consider one last important point and that is once again the subject of collecting societies. Look at how easy it is nowadays to download music from the internet. You simply go to iTunes and buy songs for 20, 30, 40 or 50 cents. What are the implications for the collecting societies? Do we still need them? I would be pleased if the Commission could once again give us an idea of what the current situation is.

In Parliament, we have been asking the Commission for years to take a look at the collecting societies. To put it rather imprecisely, these are also monopolistic bodies, which have been established over a period of decades. I am interested to know what the Commission is planning. My final point is that if you take a platform like Google, which makes everything freely available, this will result in a monopoly being created on the web. We need to consider how the situation should be handled in order to ensure that we do not end up with just one supplier, who then decides on the conditions for access to content on the web. I am looking forward to a debate with you over the next few weeks and months and I will be interested to hear the Commission's response to the first question from the Committee on Legal Affairs.

**Siim Kallas**, *Vice-President of the Commission*. – Madam President, I would like to thank the Committee on Legal Affairs for raising these questions. You raised so many big and fundamental questions which definitely need to be discussed in the coming months. This issue is definitely intensive, interesting, exciting and very future-oriented. I will first of all give an overview concerning this concrete question.

First of all: the Google Books Project. In essence, it is an initiative aimed at providing a tool to find, search and buy books for a wide audience of users. For rights holders, it may represent an additional channel of trade, and so an additional source of revenue. Let me add that in Europe, the Google Books Project is deployed in collaboration with libraries and concerns only public domain books. In-copyright books are only included in the Project by way of the Google Partner Programme addressed to publishers willing to conclude agreements with Google.

The Google Books class action settlement concerns the Google Books Project in the United States and aims to conclude a litigation procedure which has been going on for over four years. If approved, it will provide an additional source of revenue for rights holders but also, and most importantly, make the hitherto unavailable out-of-print and orphan works available for online search and access to US users. Moreover, its financial incentives may bring rights holders of orphan works out of the shadows.

Now, when it comes to the Google Book Search Project, the Commission sees the Google initiative as a demonstration that new business models are evolving to provide almost instant access to vast numbers of works to an increasing number of consumers. Because the European Commission favours the digitisation of books in European libraries and beyond, and because digitisation of books is a task of Herculean proportions, where private sector support is needed, the Commission favours initiatives such as Google's Book Search Project as long as they respect intellectual property rights and do not lead to the distortion of competition.

When it comes to the Google Books settlement, the Commission has been actively engaged in consultations with European publishers and with Google. In September 2009, the Commission organised a public hearing bringing together European stakeholders and the settlement parties to exchange views and seek clarification on the various elements of the agreement.

But meanwhile, important changes have occurred. Due to numerous objections raised about the initial settlement by Google's competitors, foreign governments (France and Germany) and the US Department of Justice, the terms of the settlement were revised and these revisions were submitted to the US Court on 13 November 2009.

First, the revised settlement has been significantly narrowed in scope. Now, only books either registered with the US Copyright Office or published in the United Kingdom, Australia or Canada by 5 January 2009 are covered by the settlement. All other books are outside the scope of the settlement. Consequently, only United States, United Kingdom, Australian and Canadian authors and publishers will, in future, be represented on the board of the Books Rights Registry, the body that administers the terms of the settlement.

Secondly, publishers from countries other than the United States, the United Kingdom, Australia and Canada will now have to negotiate individually to become part of Google Books services in the United States.

The new version of the settlement gives rise to two remarks. First, being outside the settlement is not always an advantage. When you are out, you can no longer control what Google does with the copies they have scanned up to now.

Second, publishers from EU Member States – apart from the United Kingdom – will now no longer participate in a major transformation of the book market. The Google Books Project in the United States will receive a major thrust forward, with no European publishers any longer a part of it. Even though services negotiated under this settlement will only be available to United States users, this absence could be detrimental to cultural diversity.

In this regard, the Commission has been calling, and will repeatedly call, on Member States: firstly, to intensify their digitisation policies; secondly, to explore the possibilities for public-private partnerships for digitisation; and, thirdly, to ensure that all digitised material becomes available through Europeana. If Member States do that, the Google Books settlement may turn out to be the catalyst, not a threat, for Europe's initiatives in the area of access to digitised culture.

This brings me to your second question. The debate on the Google Books settlement has shown that Europe cannot afford to be left behind on the digital frontier. Europe has to act swiftly. To this end, the Commission is fully committed to working on a copyright framework that will facilitate large-scale digitisation of European library collections.

We believe that copyright rules have to be flexible enough in order not to overly complicate the creation of online libraries.

**Róza, Gräfin von Thun Und Hohenstein**, *on behalf of the PPE Group*. – (PL) Madam President, I would like to thank you for your statement, the Committee on Legal Affairs for its question, and Mrs Niebler for her comments and the Commissioner for his answer. These are extremely important matters for the Committee on the Internal Market and Consumer Protection as well. The process of digitising books opens up great new opportunities, but it must – and I emphasise this – must serve the interests of publishing and readers, that is to say, European businesses and consumers.

The previous version of the agreement with Google threatened the monopolisation of the entire literary output by one private firm, a threat which has not yet been completely eliminated. It was Google that scanned millions of copyright titles from all over the world. To date, it has made use of these scans illegally, only applying the US principle of fair use without asking the authors or publishers for their agreement.



The new agreement continues to flout a basic principle of the Berne Convention, which says that copyright holders have to be asked for permission before their works are used, and not simply be given the option to opt out, all of which would put the responsibility, effort and costs on the author's shoulders. The agreement applies to books from all over the world published in English in countries which are covered by the Convention.

When it scanned the books, Google drew on the categories of out-of-print and orphan works. Both of these categories are very loosely defined. It is quite often possible to find the authors of orphan works if you put your mind to it. Out-of-print books are often works which the authors or publishers have deliberately taken out of print. Does this not entail the danger that Google may be depriving publishers of the freedom to establish their own publishing policy, and authors of potential earnings?

On the issue of consumers: the publishing industry may be undermined in the long term by the Google Project if the copyright holders are not paid the royalties due to them. To allow them to remain competitive, publishers will stop producing valuable, expert-reviewed, costly books. For consumers, this will effectively mean high-quality publications being replaced by cheap, unverified, unimaginative publishing, additionally accompanied by ubiquitous advertising.

I therefore expect the European Commission to devise a policy which will allow the development of further digitisation, but without impacting negatively on creativity and on the interests of the market and of readers in Europe.

**Sergio Gaetano Cofferati**, *on behalf of the S&D Group*. – (IT) Madam President, ladies and gentlemen, I think that the agreement between Google and the US publishers contains some undoubtedly interesting elements and some important prospects for new things for us as well. However, together with these positive aspects, it is important to evaluate the problematic issues it contains too.

For the agreement to be positive, we need to change the way we look at the whole complicated issue of copyright, overcoming the conflict between the demand for freedom of access to online cultural products and the exclusive protection, without exception, of copyright.

It is true that the system devised by Google would give users as a whole the great opportunity of accessing works, especially those that are out of print or difficult to find bibliographically and, at the same time, would give authors and publishers the opportunity of refreshing their own cultural offering and of expanding their readership. However, it is also true that, due to the fact that the agreement covers only books and works registered with the US Copyright Office or published in the United Kingdom, Canada or Australia, and that no specific measure is envisaged for European works or for those of the rest of the world – so far, moreover, Google has merely stated its general willingness to reach similar agreements with other countries as well – Google finds itself, by virtue of that agreement, in a monopoly position, not least because of the enormous advertising resources that will be harnessed for the new system.

The impact will also have consequences for European cultural industries, first and foremost, because of the delay that Europe would encounter in terms of the whole library digitisation project. What is more, a great many European books have already been registered with the US Copyright Office since the 1980s. As a result, they would be subject to the new rules for accessing the Google system. Many more European works have been held in US libraries that have offered Google the possibility of digitising its own catalogue.

The European Commission has launched a European project, which to date has had less of an impact than Google Books is expected to have. The agreement between Google and the US cultural industries thus raises the issue of the need for a synthesis between protection of copyright and of production and accessibility for users, not least in view of the technological revolutions of the last decade. The risk is that Europe will lag behind when it comes to the development of this potential new model.

I tell you straight, Commissioner: I do not find the proposals that have been stated here adequate for resolving the problem confronting us. We need a solution that unifies the countries of Europe and that does not put the burden of responsibility for the action to be undertaken on the Member States.

**Liam Aylward**, *on behalf of the ALDE Group*. – Madam President, I welcome the action of the Committee on Legal Affairs in putting this timely question to the Commission. The book digitalisation project impacts on several European and Member State policy areas, such as copyright, competition, library digitalisation and culture, and as such requires both debate and measured consideration.

The digitalisation of books has many clear benefits in both cultural and economic terms. It will make literature and learning more accessible to the digital generation. It will contribute to the dissemination of knowledge and culture. It will give students, academics and universities increased access to information and research.

For Europe to be at the forefront of a successful knowledge-based economy, we must move forward with new technologies and stay ahead in the knowledge race. My own Member State, Ireland, was known as the island of saints and scholars, with a great tradition for producing literature; and the encouragement and promotion of reading and literature is always welcome. Unfortunately, I have to say that most of the saints are gone. However, the digitalisation project must not proceed at the expense of the creative process behind literature and the livelihood of the many stakeholders must not be negatively impacted upon. It is important to stress that digitalisation must only be accepted when the rights of the stakeholders, including authors, publishers, illustrators, graphic designers and literary translators, are represented and protected.

Given the potential threat of digitalisation to the print book market, it is essential to ensure that the rights of holders are fairly remunerated, and this is an issue that I raised directly with the Commission last October. In their response, I note that the Commission has already launched a public consultation and has held hearings to exchange views with stakeholders. I welcome these positive steps and, if the European Union copyright legislation is to be adapted, there must be an increased engagement with stakeholders so that the change reflects their interests while, at the same time, facilitating a knowledge-based economy.

**Eva Lichtenberger**, *on behalf of the Verts/ALE Group*. – (DE) Madam President, Commissioner, ladies and gentlemen, as a result of the activities of Google Books, the European strategy of taking a slow, targeted approach and of highlighting the many concerns that have been expressed during the course of this strategy has simply been overtaken by reality. We are faced with Google's comprehensive digitisation of books, including books by European authors, who have not given their consent and who are now surprised and annoyed to find themselves in Google Books, where they do not want to be.

On this subject, I would like to say first of all that when we talk about copyright, it is not simply a question of money. It is also about the sovereignty of authors, who should have the right to be involved in decisions about whether, how and in what form their books are digitised and used. This is a central question and a major necessity. Related to this is the highly critical question of so-called orphan works, whose authors cannot be located. We need to find an effective and practical solution to this problem.

Each and every one of us has experienced the situation of lending a much-loved book, not having it returned and then not being able to buy it anywhere because it is out of print. Google Books would, of course, be a very good solution in cases like this, because it would preserve treasures from the world of literature and other related areas, which would otherwise disappear from our cultural heritage. However, the solution must be designed in such a way that the whole thing makes sense. Google Books cannot simply ignore all the issues on the basis of an assumption. An attempt must be made to find the author and to protect his or her rights. This is where the collecting societies come into action and I would like to see a fair solution being introduced. As Mrs Niebler said, we need to discuss the role of the collecting societies in this context.

Everyone has the right to reject new technologies but, of course, they also have to live with the consequences and they may find in future that they do not form part of the extensive pool of knowledge which has been created. This is the central issue today. Perhaps statutory exceptions are needed in order to provide a relatively effective solution to the problem.

**Emma McClarkin**, *on behalf of the ECR Group*. – Madam President, for book-lovers in my constituency in the East Midlands and EU-wide, this is good news. I believe this is a book revolution about to begin, and I welcome the Commission statement.

The initiative by Google is an inevitable and logical step forward given the advancement of the digital economy with new market drivers and new consumer demands. I believe this kind of private sector innovation should be welcomed as long as it allows space for competition in the future and fair protection.

Libraries, whilst an important store of information, are vastly underused resources, with nine out of ten books not being accessed, and there are many thousands of books unavailable to consumers due to their being out of print or the non-viability of publication.

Online books will provide authors with the opportunity to gain some recognition and indeed some money back for their works.

However, the fact that this kind of settlement providing mass digitisation of books cannot be applied to the EU is one of the most illustrative examples of the EU's fragmented copyright laws. We have to make a European copyright framework fit for purpose in the 21st century. Europe must seize the opportunity to take the lead and to ensure that the digitisation of books in Europe is facilitated, but also that the Google Books settlement takes into consideration European copyright law.

We should encourage European players into this space as well in different languages and genres. For those like me who like the feel of a page between their fingers, this will not replace the need for fabulous bookshops like those in my East Midlands constituency. Indeed, far from doing away with bookshops, the ability to access online books provides us with a whole new way of learning and access to culture.

Far from destroying our libraries, it will help them to be archived and protected and provide our consumers with more choice of how they access books for the education and pleasure.

It is an opportunity for authors to expand their market and their audience. I believe this is the beginning of a rediscovery of great works and the uncovering of a cultural explosion. It is something we should welcome and positively encourage.

**Patrick Le Hyaric**, *on behalf of the GUE/NGL Group*. – (FR) Madam President, ladies and gentlemen, many of us have said that Google is practically a global monopoly, which is trying to appropriate the cultural, literary and journalistic heritage of the whole world. Europe should not allow itself to be controlled by Google. Moreover, Google's strategy of offering the service free of charge is merely a façade, since it makes commodities out of intellectual works in return for more than USD 23 billion in advertising revenue each year.

As you said, Mr Kallas, Europe needs to undertake a digitisation programme. However, the actions brought by authors in the United States against Google Books for plagiarism of their works should not mean that a digitisation model is established here that would also make a commodity out of original literary, journalistic or scientific works.

From this point of view, we would like to know exactly what the Commission means by the frequently used term 'collective licence'. The idea of creating a European market for authors rights greatly concerns us from this point of view. We should not confuse intellectual works, which are common heritage, with the spirit of business, which involves turning culture into a commodity.

In our view, the European Union, together with the Member States, should therefore guarantee the authors' rights, the intellectual property rights of writers, journalists and scientists. The public digitisation systems launched in a number of Member States should be supported and combined with the European project, Europeana, in order to prevent the private appropriation of public cultural property.

Before making any decisions, I think that Parliament should initiate a European strategic conference bringing together the European institutions, the Member States, authors' unions, libraries and even public telecommunications operators, to create a European public digitisation model that respects authors and their works and which makes them accessible to as many people as possible. This project, together with Europeana, should work alongside the other systems that exist in the world.

**Bruno Gollnisch (NI)**. – (FR) Madam President, the tasks of digitising Europe's literary heritage for the purposes of not only preserving and remembering it, but also of distributing it and promoting its influence, and of providing Europeans with access to their fantastic culture, are major challenges which public authorities should have a greater involvement in.

At the moment, Google is in the firing line because its commercial strategy involves an attempt to gain a crucial, long-term edge by establishing a monopoly not over the content of a global virtual library, but over access to this content, and also by footing the bill for this digitisation process in return.

I join my colleagues from Europe's right-wing parties in totally opposing any exclusive situation resulting in a monopoly. We can overcome the other major issues concerning intellectual property and compliance with copyright for out-of-print and orphan works. Legislation can be adapted to accommodate them.

However, the real question is this: what alternatives exist in Europe? The Europeana site, which has been up and running for a few months, only has 5% of Europe's works online. Half of its content comes from sources provided by France which, for once, is leading the way with Gallica, the portal of the National Library of France, and with the INA (National Audiovisual Institute).

However, the funding provided is a pittance in relation to what is needed. Google is prepared to invest EUR 15 million a year in rapidly digitising and making available up to 20 million works in 10 years. How much are we prepared to put on the table? If we cannot answer this question, Google, I am afraid, will be the only player able to meet the needs of the libraries themselves.

**Tadeusz Zwiefka (PPE).** – (PL) Madam President, the potential benefits and possibilities which the Google Books Project offers consumers, researchers and the majority of publishers and authors for the preservation of cultural heritage is, really, beyond dispute. We must not, however, treat the legal consequences lightly, and it is on these that I, as a representative of the Committee on Legal Affairs, would like to concentrate.

Firstly, the conditions which need to be met are, of course, clear. I am thinking of the need to respect copyright and of the establishment of a suitable system for paying royalties to authors. Unfortunately, the Google Project is based on an Anglo-Saxon legal system and on North American market realities which are completely inadequate for the European Union system. In connection with this, Google's activity in the European Union encounters obstacles, not only of a legal nature, but also of an ethical nature. Google assumes that a copyright owner who does not want to be part of an agreement is obliged to inform Google of this. This is not, of course, in accord with our law, which assumes that before scanning a book and making the scan available, it is necessary to obtain the author's consent and to pay the appropriate fee.

Another matter relates to what are known as 'orphan books', in other words, works for which it has not been possible to identify the copyright owner. In the majority of the Member States, collecting societies represent the interests of known copyright owners, and also of currently unidentified copyright owners, for example, by securing income from sales for a certain period in case the copyright holder is found in the future.

I would also like to point out the need to adapt European legal provisions in the area of copyright to the challenges of the digital era. At the same time, I fully support the opinion of Mrs Reding and Mr McCreevy, and also what was said today by Mr Kallas, that digitisation of works protected by copyright must fully respect the principle of copyright and the fair remuneration of authors, so that they can benefit from access of the wider European public to their works to the greatest degree. For we must not, of course, squander this opportunity in Europe.

**Lidia Joanna Geringer de Oedenberg (S&D).** – (PL) Madam President, the opportunities offered by the internet have inspired Google to revive in cyberspace books which are out of print, forgotten, or which have vanished in the mists of time. The grand idea of creating a modern counterpart of the Alexandrian Library has, however, given rise to disputes on the issue of copyright.

The agreement reached two weeks ago satisfied the Authors Guild and the Association of American Publishers and some of their European counterparts. It allows titles published in four countries to be scanned and made available against payment. These countries are the United States, the United Kingdom, Australia and Canada. Internet users from these countries will be able to read 20% of e-books free of charge (with the costs covered by advertisers) and will have to pay to read the remaining 80%.

From the author's and the publisher's point of view, this will have a two-fold benefit. In the first place, it will generate a one-off payment from Google of USD 60 to 300 for the right to scan the book and, in the second place, 63% of the profits generated from the e-book through the Google Books service. In other words, authors will make money from publishing even a single page of their own books on the internet.

Yet few people take into account the fact that non-British European users of Google Books, for example a Belgian or Polish internet user, will not even have access to those 20% of e-books. The service covers mainly English-language titles, and any European publishers or authors wishing to join the programme will have to deal with Google themselves. Europeans will have free access only to the least attractive categories of book – titles which are in the public domain and whose copyright has long since expired, for example, books in the *Bibliothèque nationale de France* which have not been taken out for 200 years. This will not result in a complete electronic library of European titles being built up.

In addition to certain reservations regarding the Google Project, such as the company's monopoly on the preparation and distribution of e-books and the need to pay it a share of the revenue and advertising, I believe that the lack of a unified system of copyright in the European Union will make it inefficient. The legal commotion surrounding Google has shown the consequences of the lack of uniform copyright law in the European Union as well as the impossibility of giving a unified response to the Google Books initiative. It is plain for all to see that harmonising copyright in the European Union has become an urgent necessity.

**Nessa Childers (S&D).** – Madam President, Google is an American company we all know well, providing online services which many of us use on a daily basis. As their European headquarters is located in Ireland, I know they are an excellent employer and real leader in cutting-edge internet technology.

The digitisation of books, such as the Google Books Project, has the potential to unlock huge volumes of the world's collective knowledge and cultural heritage. We should support efforts to make books searchable, readable and downloadable. We all agree that a digital library of the scope Google is proposing will mean real benefits. This is especially true for our libraries in Europe, which store books dating as far back as the 17th century. Few people are able to see those books, but putting them online will allow the world to study and enjoy their contents.

However, the question we must, as Europeans, ask is whether that vast array of knowledge and culture should be monopolised by one private American company. I have no doubt Google wish to uphold their famous motto 'Do no evil'. However, what guarantee would we have that they would not use monopoly power to price these books above the range of ordinary citizens? Public access to such resources is of paramount importance.

In fact, we must do all we can to support our own digital library. Europeana makes available online nearly five million items. Its mission is to offer the widest possible public access to cultural collections from across Europe. I regret that only France has contributed seriously so far and that others, including Ireland, have contributed little. Given that my own country has such a rich and impressive literary history, I call on the Irish Government to participate more fully in the Europeana project.

We must cherish public access to our shared European culture and heritage. The clear message to all European cultural institutions must be to digitise and to digitise now.

**Georgios Papanikolaou (PPE).** – (EL) Madam President, it is a question of principle that we must encourage access to information and education. At the same time, we should also facilitate access to European and world culture, in which the written word does indeed occupy a special place. In this sense, the digitisation of books and free access to them is desirable, but only on the condition of what we are debating today, namely absolute protection for intellectual property.

However, we have similar institutionalised instruments in the European Union. I refer, in particular, to Europeana, which we must strengthen and promote further. Europeana is a library, school, film library and music archive all in one and, of course, it respects intellectual property rights and grants free access to all citizens. The means therefore exist. The question is how we can use our powers, as the European Union, to become pioneers and not simply monitor developments in the private sector.

**Edit Herczog (S&D).** – (HU) This is yet another example of our migration from Gutenberg's galaxy to the digital one. The slow pace of the legislative process is the reason why the business world has overtaken us. The legislative process must speed up. We need to avert anarchy and we need to prevent the formation of monopolies. We must guarantee freedom to readers, writers and retailers alike. We must also guarantee cultural diversity and equality for minority languages. We must do our utmost to eliminate digital illiteracy. This is what we have to do, and it is no mean task.

**Helga Trüpel (Verts/ALE).** – Madam President, I am responsible for the new report on Europeana, and I am convinced that we have to find a very good balance to respect, on the one hand, intellectual property rights and, on the other hand, to give easy access to all our users.

That means we need very clear definitions on how to reform copyright, and we therefore need the work done by the Commission on which sort of European fair use we want and clear definitions on what are orphan works. I would like to find out from the Commission whether, if we really do not want to fall behind the United States, we should finance the digitisation of European works of art and fund Europeana to a greater extent from the new Lisbon Strategy. Otherwise, we will leave it to Google, and that would not be the best solution to avoid the monopoly structure we already have.

**Rui Tavares (GUE/NGL).** – (PT) Madam President, this is very ironic, is it not? What Google has done, taking on intellectual property and reproducing it for private usage, was clearly illegal at the outset, according to the conclusions drawn by the US Department of Justice itself. On a smaller scale, this is what we call piracy. Why should there be any difference between individual users who do this and an enormous company like Google?

Therefore, our first principle should be that the major players should not be granted any special privileges.

Our second principle is that we cannot be dependent on the goodwill of a monopoly. Like many of those present here, I find Google an interesting company. I think that their idea is an innovative and good one. However, what if they later raise prices, as, say, the publishers of academic journals are doing, increasing prices several hundred-fold? What if they restrict access to certain books? They have a quota of 15% for books that can be censored.

We need a digital library that is truly global, regulated by a global consortium, including universities, to ensure that quality is not being held back, and national libraries; a consortium in which Europe will, of course, have far greater power of leadership and decision making than it does at present. It started with books; the next thing will be works of art in European museums. Europe cannot afford to miss the boat on this matter.

**Zoltán Balczó (NI).** – (HU) While we are talking at the moment about the digitisation of the world's book heritage by a private company, in this case, Google, it seems as if we are only dealing with the present. It was stated in one speech that those of us here will continue, at any rate, to use printed books. However, whatever option we pave the way for, it will offer future generations as well an opportunity or a disadvantage which we obviously have to deal with. Therefore, the main issue here is not only, as has been said, that this will affect Europe's cultural industry. No, such a decision will influence European culture. In fact, there is an extreme danger that a company will own the world's cultural heritage or, looking into the future, its cultural present. This is why it is imperative for Europe to devise its own clear strategy in this area.

**Piotr Borys (PPE).** – (PL) Madam President, firstly, digitisation is a huge opportunity to make our cultural, European and world heritage available to as great a number of Europeans as possible. This fits in very well indeed with the objectives of the new Lisbon Strategy.

However, it seems that, firstly, this requires standardisation of the whole question of orphan works. First and foremost in this area, we should have harmonised European solutions for management of incomes derived from orphan works. Member States have different solutions here.

Secondly, publication of out-of-print works requires special supervision. In my opinion, the question of out-of-print works should be harmonised. We cannot allow a situation to arise in which there is not strict regulation of out-of-print works. Thirdly, we cannot accept the opt-out method in the European legal system, because this allows Google to digitise works without the author's consent.

I think we should adopt broader measures for the European Union in this area. I also think that if we want to compete, in the positive sense of the word, with Google, or also to cooperate with the company, we should certainly speed up work relating to Europeana and, in particular, bring about an acceleration of work in this area in the Member States.

**Seán Kelly (PPE).** – Madam President, I have a little story to tell to illustrate my point.

Probably the first copyright case in the history of the world took place in Ireland 1 500 years ago, when a monk called Finian invited another monk called Columcille to his monastery. Finian was writing a manuscript at the time. Columcille discovered it and got up each night to copy it.

Finian was not pleased and he asked for it back. He did not get it back so he appealed to the High King. The High King heard the case and made a judgment, which was – I will say it in Irish first – *do gach bó a lao, do gach leabhar a chóip*, or 'to every cow her calf, to every book its copy'.

That is as relevant today as it was 1 500 years ago, because copyright and intellectual rights have to be guaranteed. So I say, 'to every cow her calf, to every book its copy' and to every author and artist their copyright and intellectual rights.

**Siim Kallas, Vice-President of the Commission.** – Madam President, the Commission is doing its utmost to develop the digital field in our society. It seems to me that Google – and particularly its books project – has appeared as a great integrating factor for the European Union, because, as you know very well, – and this is in all papers – copyright so far has been explicitly in the hands of Member States and national legislation.

Now we need some kind of common approach, for which the Commission is very happy to provide proposals. The next Commission will definitely take all these issues very seriously and this will be a high priority. We agree that the books need to go online and fast. They will go anyway, whether we want it or not. The most important thing is that authors need to be paid for online books. We are planning a framework directive on these issues – including collective societies, which need to be transparent and accountable to their members. The framework directive will appear somewhere between autumn 2010 and spring 2011.

We should not fall behind, and we are proposing simple EU rules on orphan book works and also books which are out of print. The EU proposal will ensure that books are only digitised with prior permission, and there will also be a serious search for orphan works.

Let us continue this discussion. Once again, we would thank the Committee on Legal Affairs, and the honourable Members Mrs Niebler and Mr Lehne, for their initiative in initiating this interesting debate.

**President.** – The debate is closed.

#### **Written statements (Rule 149)**

**Bogusław Sonik (PPE), in writing.** – (PL) Google Books, the new service offered by Google, has given rise to a number of controversies recently. The project is based on free access to large numbers of scanned books, whereby four million of the scanned books are by European authors. The situation raises questions about limiting internet freedom and about the challenges faced by legislators as a result of a dynamically developing information society.

As the European Commission rightly points out, the digitisation of copyright books should fully respect the principle of copyright and properly reward authors, who have the most to benefit from the wider European public accessing their works. At the same time, however, the Commission has raised the question of the suitability of the European system of copyright for meeting the challenges of the digital age: does the present *acquis* allow European consumers access to digitised versions of books? Does it guarantee payment to their authors?

The Google Books Project makes books available to a far wider readership than a conventional library would. The free distribution of books on the web, however, has come up against restrictions similar to those that have appeared in music publishing. The law has not kept up with the development of digital communications, so a new legal framework needs to be created which makes it possible to regulate a changing reality. There also needs to be a compromise between the benefits of projects such as Google Books and authors' rights in terms of being rewarded for their works.

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

#### **IN THE CHAIR: MRS WALLIS**

*Vice-President*

### **5. Signature of acts adopted under codecision: see Minutes**

### **6. Voting time**

**President.** – The next item is the vote.

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

#### **6.1. European Year of Volunteering (2011) (A7-0077/2009, Marco Scurria) (vote)**

*- Before the vote:*

**Marco Scurria, rapporteur.** – (IT) Madam President, ladies and gentlemen, I would very quickly like to thank Parliament, all the committees, the rapporteurs and the shadow rapporteurs for their work on this report.

We have prepared a report which raises the profile of the voluntary sector. There are 100 million people throughout Europe who work in this field, and each day they selflessly give their time for the good of others and our community.

This is the work we have done, increasing the budget and improving local activities and EU-wide activities for the benefit of the associations.

I would like to thank Mr Šefčovič and the Swedish Presidency for the excellent work we have accomplished together.

I think that this year will mark the beginning of Parliament showing a true interest in this area, which someone called the backbone of our society.

Once again, I would like to thank all those who have worked on this important report.

## **6.2. EC/Ukraine agreement for scientific and technological cooperation (A7-0074/2009, Herbert Reul) (vote)**

## **6.3. Terms of Reference for the International Partnership for Energy Efficiency Cooperation (IPEEC) and the Memorandum concerning the hosting by the International Energy Agency of the Secretariat to the International Partnership for Energy Efficiency Cooperation (A7-0075/2009, Herbert Reul) (vote)**

## **6.4. Enlargement strategy 2009 concerning the countries of the western Balkans, Iceland and Turkey (vote)**

## **7. Welcome**

**President.** – Colleagues, I now have an announcement to make which is perhaps very appropriate as we have just voted on our report on the 2009 enlargement strategy.

I am very pleased to inform you that we have with us here today a delegation of Members of the Croatian Parliament, the Sabor.

*(Applause)*

They are led by Mr Mario Zubović, who has just concluded the tenth meeting of the EU-Croatia Joint Parliamentary Committee.

Dear Members of the Sabor, we welcome you to our European Parliament here in Strasbourg. As you can see, we debated about enlargement this week and we want Croatia to join the European Union as soon as possible.

*(Applause)*

You are, of course, facing the last and challenging rounds of the negotiation and we warmly encourage you to step up your preparation efforts.

Dear colleagues, we look forward to welcoming Croatian observers to the European Parliament very soon and we look forward to sitting with you in this House in the course of this parliamentary term.

Many thanks for your visit here today.

## **8. Voting time (continuation)**

### **8.1. Elimination of violence against women (vote)**

### **8.2. A political solution with regard to the piracy off the Somalian coast (vote)**

### **8.3. Smoke-free environments (vote)**

### **8.4. The ratification and implementation of the updated ILO conventions (vote)**

### **8.5. FAO World Summit on Food Security - Eradicating hunger from the face of the earth (vote)**



## 9. Explanations of vote

*Oral explanations of vote*

### **- Motion for a resolution: Enlargement strategy 2009 concerning the countries of the western Balkans, Iceland and Turkey (B7-0185/2009)**

**Cristian Dan Preda (PPE).** – (RO) I wanted to highlight above all the quality of the efforts made by Gabriele Albertini in drafting the motion. I also wanted to say that I voted in favour of this motion, given that enlargement is an important political gesture for the EU. I also want to point out that I have voted differently from my political group on several issues, basically linked to Kosovo, as I hold a different view to the majority of European countries about Kosovo. Therefore, I voted differently on Amendment 17 in Article 19, Amendment 22, Amendment 24 and also after citation 4 in point 10.

I still regard enlargement as being very important, but I also believe that the differences expressed by five of the Member States must be taken into account.

**María Muñiz De Urquiza (S&D).** – (ES) Madam President, the votes of the Spanish socialist delegation on Kosovo support international non-recognition of Kosovo's unilateral declaration as an independent State.

**Dimitar Stoyanov (NI).** – (BG) I voted against the enlargement strategy resolution because it contains many flattering words about the progress Turkey is making under the Copenhagen criteria. I do not see any sign of this progress. Fellow Members, please understand once and for all that Turkey is a country which, less than 100 years ago, committed genocide against the peoples within its borders and peoples which had recently liberated themselves from Turkish rule. Today, Turkey still continues to commit genocide, and its population and political class are proud of these actions committed by their country. Twenty years ago, Turkey sponsored terrorist organisations and exported terrorism. It continues to foster close links with terrorist organisations even to this day. If we want to have a country in the European Union which is still proud of genocide and sponsors terrorism, then go ahead and accept it. However, I am definitely against this.

### **IN THE CHAIR: MR WIELAND**

*Vice-President*

**Hannu Takkula (ALDE).** – (FI) Mr President, I voted in favour of this report, but I would like to raise one important issue with regard to it.

In my view, we in the European Parliament and the European Union need to ensure that all countries aspiring to membership of the European Union demonstrate compliance with the Copenhagen criteria. It is very important to make sure that human rights, democracy, freedom of opinion and the rule of law can be implemented.

Today, we also voted on women's rights and for women to have the right to a life in which they do not have to put up with violence. I think that it is very important in this connection to ensure that the rights of women and children are implemented in any country that wants to join the European Union.

With respect to all this, I am mainly talking about Turkey. Turkey has to implement speedy reforms and changes if it is to be ready to join the European Union, although I do not myself share the belief that that will happen in our lifetime. It is nevertheless most important that we in the European Union jointly adhere to the agreed rules, the Copenhagen criteria.

**Martin Kastler (PPE).** – (DE) Mr President, ladies and gentlemen, I have also voted no, because I am of the opinion that Turkey must first fulfil all the criteria, before we can make such a positive statement here. In particular, I would like to highlight the border dispute between Cyprus and Turkey, which has still not been settled this year, and the illegal occupation of Cyprus, which has not yet been brought to an end. However, I did not want to vote against the other accession candidates. I would particularly make an exception in the case of the Balkan States which I would like to welcome here in this House as soon as possible.

**- Motion for a resolution: Elimination of violence against women (B7-0139/2009)**

**Filip Kaczmarek (PPE).** – (PL) Mr President, I abstained from voting on this resolution, although the question is important, and even very important. However, I do not see why the question of combating violence against women should be taken together with the question of reproductive choice. During the debate on this subject yesterday, some of the speakers were talking nonsense. Mrs Senyszyn accused the Catholic Church of oppressing women.

It would be difficult to say something more absurd. In Poland, there are no honour killings, circumcision of girls is not a general practice, there is no selective abortion, there are no temporary marriages, and people are not stoned for actual or claimed adultery. Women do not suffer discrimination by the law in any way, and all instances of violence against women are universally condemned, both by the citizens and by the Catholic Church. Fortunately, extreme statements of this kind did not find their way into the resolution, so I only abstained.

**Tiziano Motti (PPE).** – (IT) Mr President, I have voted in favour of the motion for a resolution on the elimination of violence against women. I am dedicating my vote to the nearly seven million Italian women who are subjected to violence by men each year. Of course, I also dedicate it to all those women in Europe who find themselves in the same situation.

At times, we are tempted to believe that this is a phenomenon that takes place on the fringes of our society when, in reality, violence against women is carried out above all within the home. Thus, it is a phenomenon which directly affects us.

Elderly women have greater difficulty in protecting themselves. Therefore, we must not forget about them, because violence is not only physical; it is also cultural. It can also mean denying a person their freedom of movement.

Moreover, before reaching adulthood, women are young girls, and violence against a young girl will prevent her from enjoying life forever.

I therefore hope that, from this point forward, Parliament will take concrete measures to ensure that all this does not remain just a good intention.

**Lena Ek (ALDE).** – (SV) Mr President, violence against women is a widespread problem throughout Europe and, indeed, the world. In Sweden alone, with a population of nine million, 380 women are abused every day. A fifth of the female population is subjected to violence and 45% of all women between the ages of 16 and 64 have, at some time in their lives, been victims of acts of violence. This is absolutely appalling. Being subjected to violence in the home is a horrendous violation of personal integrity. Men and women should have the same chance of physical integrity.

The violence that goes on across our continent is evidence that the work of promoting equality in Europe still has a long way to go. The EU cannot continue to ignore these facts. I therefore welcome the resolution on elimination of violence against women and call on the new Commission and the Council to also assume their share of the responsibility in this matter. I intend to ensure that the Commission is forced to table a proposal to improve the situation with regard to violence against women.

**Anna Maria Corazza Bildt (PPE).** – Mr President, I voted in favour of this resolution wholeheartedly because I think that we need to join forces across political groups towards a common goal – to denounce, raise awareness of and combat all forms of violence against women.

I am particularly sensitive to the women in conflict as I shared, provided help during, and lived through, all the conflict in Bosnia and Herzegovina and partly also with the Red Cross in Darfur. I think that we now have a fantastic instrument with the Stockholm Programme to enable us to move from words to action. I would like to thank the Swedish Presidency for having included empowerment and combating violence against women in the Stockholm Programme. I will definitely work towards there being a priority, in the implementation of the Stockholm Programme, for combating violence against women.

**Zbigniew Ziobro (ECR).** – (PL) Mr President, I would like to stress that the subject of violence against women is extremely important, and I am very glad that the European Parliament has taken up this problem. Worthy of particular attention is the problem of the most aggressive and brutal sexually motivated crimes, which are committed against women but which do not always meet with an adequate reaction from the justice system in some European countries. Sentences handed down by courts in such cases are often extremely

lenient, which in some cases causes women to lose motivation to report the drastic incidents which have happened to them to the law enforcement authorities. This leads to the existence of invisible crime statistics. This is why, in cases of these most drastic and serious crimes against women, where violence is used and which are sexually motivated, we should give greater attention to efforts at standardising sentencing, to give a sense of security and also a certain feeling of justice and moral satisfaction to women who have been affected in such a cruel way.

I would like to stress that I could not vote in favour of the final text of the resolution because of its ideological and radical attitude to the question of abortion, an attitude which conflicts with Christian values.

**Janusz Wojciechowski (ECR).** – (PL) Mr President, I would like to give an explanation of vote on the question of combating tobacco smoking, if possible. A very short statement.

**President.** – Mr Wojciechowski, the rules state that we must deal with one subject after another. We have just discussed the subject of the elimination of violence against women and we will now be moving to the subject of a political solution with regard to the piracy off the Somalian coast. One thing at a time!

**- Motion for a resolution: A political solution with regard to the piracy off the Somalian coast (RC-B7-0158/2009)**

**Louis Bontes (NI).** – (NL) The Dutch Party for Freedom (PVV) voted against the motion for a resolution on Somalia, and I should like to explain why.

The PVV takes the view that the monitoring of vessels off the coast of Somalia is not a task for the EU; instead, it is one hundred per cent a task for NATO. Europe has no army, nor does it have any business being there. This is one hundred per cent a job for NATO.

The PVV also takes the view that marines should be present on merchant ships to make it possible to resist direct attacks by pirates. To reiterate then, the piracy in the sea surrounding Somalia must be stopped, but not this way.

**- Motion for a resolution: Smoke-free environments (B7-0164/2009)**

**Anna Záborská (PPE).** – (SK) The recommendations of the Council on non-smoking environments have the aim of assisting the Member States in their efforts to protect people more effectively from tobacco smoke. This is in accordance with international obligations arising from the WHO Framework Convention on Tobacco Control.

I support the recommendation. Smoking continues to be the most frequent cause of diseases which lead to premature deaths. These include cardiovascular diseases, cancers and chronic diseases of the airways and, to a lesser extent, of reduced fertility in young women and men.

At a time of demographic crisis and the development of new fertility methods which are financially costly, we should focus more on raising awareness. It is necessary to begin in the family in order to protect our children from the negative effects of smoking.

I would like to conclude with an important request for consistent monitoring to include responses to the activities of the tobacco industry aimed at torpedoing anti-smoking measures.

**Axel Voss (PPE).** – (DE) Mr President, I would like to speak about two aspects of the smoke-free environment. Firstly, I have voted in favour of the Member States being given the authority in this area, on the one hand, because of the concept of subsidiarity and, on the other hand, because we do not have any authority. Although I am very much in favour of a smoke-free environment, I believe that in this case we should play by the rules.

The second aspect is that I find it annoying that the European Union subsidises the cultivation of tobacco. This will be phased out and I have also voted in favour of this, because I cannot bring it into line with the other idea of banning smoking altogether. Therefore, we must be consistent. If we want to combat smoking, then we should not subsidise tobacco cultivation.

**Anja Weisgerber (PPE).** – (DE) Mr President, ladies and gentlemen, the German conservative group (CSU) would like to see clear and practical rules for the protection of non-smokers being introduced throughout Europe. However, in my opinion, 'throughout Europe' does not necessarily mean 'from within Europe'. Many

Member States already have in place regulations for protecting non-smokers and others are in the process of introducing regulations of this kind.

I do not believe – in common with the majority of my fellow Members in the European Parliament, which is very pleasing – that we in Brussels must impose regulations for the protection of non-smokers or that we are able to do this more effectively. The European Union has no authority in this area. We are only responsible for health and safety at work. This is where the problem lies, because for me the most important issue is protecting children and young people and this group, which specifically needs protection, would not be covered by regulations that refer only to health and safety at work.

Therefore, the Member States must take action in this area. I have voted in favour and I am pleased that this amendment was accepted.

**Marian Harkin (ALDE).** – Mr President, I come from a country which has introduced a ban on smoking in the workplace. Indeed, I was a Member of the Irish Parliament at the time and I fully supported the ban.

However, we are in a slightly different position here in the European Parliament, where we have to consider the principle of subsidiarity. While indeed there may be an issue with regard to the protection of workers' health – we have legislation in this area already, such as on exposure to electro-magnetic radiation – we cannot ask, as we did in paragraph 7, that Member States, where smoking bans already exist, respect the principle of equality between different types of establishment in the hospitality sector. Yesterday, we voted on the role of national parliaments and their powers on proposed EU legislation in the area of subsidiarity under the new Lisbon Treaty, so we have to be very careful that we are coherent in the way we vote.

Finally, I was talking to my colleague at the very beginning and missed the vote on the European Year of Volunteering. I want to state that I fully support the Parliament proposal for that Year, having led the campaign to ensure that 2011 was designated during the last parliamentary term.

**Bruno Gollnisch (NI).** – (FR) Mr President, I feel slightly emotional explaining this vote as my own mother was born in the tobacco factory in this very city of Strasbourg where my grandfather worked. This factory has just closed down.

When the service in France for producing tobacco and matches, which was a public service at the time, was turned into a limited company, its employees were told that this would be of no consequence to their jobs. Today, we can also understand the concern of other public service sectors confronted by the same problems.

In actual fact, we can definitely understand and justify the campaign against smoking, with its harmful effects on people's health. However, unfortunately, French tobacco production has disappeared. The tobacco factory in Strasbourg has closed down, but people are still smoking. They are continuing with tobacco imported from abroad.

This is why I personally support the prices set for European tobacco growers, at least for as long as people go on smoking in Europe. I prefer to see it grown here rather than imported from elsewhere.

**Janusz Wojciechowski (ECR).** – (PL) Mr President, thank you for allowing me to speak. I support the action being taken by the European Union to reduce tobacco consumption, but I do not think this action should be based on reducing support for tobacco producers. This is because tobacco production is not related to its consumption. If we reduce or eliminate production, or if we withdraw support from farms which produce tobacco, there will still be consumption, only it will be consumption of imported tobacco. Fighting the tobacco producers is not the way to reduce smoking. That would be rather like trying to reduce beer consumption among young people by starting with a fight against hops producers. This is why I endorsed with my vote the position which says that production of tobacco does not influence its consumption.

**- Motion for a resolution: FAO World Summit on Food Security - Eradicating hunger from the face of the earth (RC-B7-0168/2009)**

**Anna Záborská (PPE).** – (SK) The food crisis is not only an economic and humanitarian problem but also a question of world peace and security.

I was delighted to support the approved resolution, even though I have reservations over the solution to the question of world hunger. The meeting of the World Summit on Food Security did not take the direction desired by the organisers. Even though the fight against hunger is a problem with socio-economic, financial and cultural dimensions, the discussions in the meeting were restricted just to the technical level. Even FAO

Director-General Jacques Diouf was disappointed with the meeting and with the fact that representatives of western countries did not participate in the meeting. The representatives of the developed world did not adopt any concrete obligations.

I cannot help seeing the question of solving hunger and poverty as a media topic rather than a concrete problem requiring an urgent solution. The foundation of solidarity is a willingness to assume real responsibility when meeting with others who are in need.

*Written explanations of vote*

**- Report: Marco Scurria (A7-0077/2009)**

**John Stuart Agnew, Marta Andreasen, Gerard Batten, John Bufton, Derek Roland Clark, Trevor Colman, Nigel Farage, Mike Nattrass and Nicole Sinclaire (EFD)**, *in writing*. – The UKIP admires volunteering and recognises the contribution to society it can make. However, this report called for the naked politicisation of volunteering for EU purposes, and for the use of the British taxpayers' money to achieve this politicisation. Thus, we could not support the motion.

**David Casa (PPE)**, *in writing*. – The notion of volunteering is crucial in modern day societies. It is something that is done out of the free will of the person concerned and can have an incredibly positive impact on the lives of many. The European Year of Volunteering is hence an important initiative. I am in agreement with the rapporteur. It is for these reasons that I have chosen to vote in favour of the report.

**Diane Dodds (NI)**, *in writing*. – I voted for this proposal in recognition of the many volunteers who do invaluable work without the recognition they deserve. Without their contribution to society, for which they receive no monetary remuneration, the United Kingdom would be a lesser place. While against the whole principle of European citizenship, I recognise the value of the service provided by volunteers. Therefore, I supported this proposal.

**Edite Estrela (S&D)**, *in writing*. – (PT) I voted in favour of Mr Scurria's report on the European Year of Volunteering (2011), advocating greater support from the institutions of the EU for this sector, which involves millions of European citizens and is essential for the promotion of solidarity and social inclusion. I believe that both the budget and coordination need to be increased at Community level, so as to consolidate the initiatives that form part of the European Year of Volunteering, such as awareness campaigns and transnational exchanges focusing on ideas and good practice.

**Diogo Feio (PPE)**, *in writing*. – (PT) The most basic definition of volunteering is goodwill in action. It is offered without charge, and it is generous, freely given and without strings. It is also a fundamental pillar of any society, as the work of thousands of volunteers, young and old, acting in a formal or informal capacity, in the fields of health, welfare, education, the environment or culture, makes a difference to thousands of lives every single day.

In view of this, we should welcome the initiative of launching a European Year of Volunteering, which will give due prominence to the anonymous faces of these volunteers, making us all aware of their tremendous work and seeking to create more favourable conditions for them to carry out their activities.

This idea is in line with those of the Democratic and Social Centre – People's Party, the first and only Portuguese political party to look at the issue of volunteering and make practical proposals to help volunteers, giving them the dignity and recognition that they deserve.

**João Ferreira (GUE/NGL)**, *in writing*. – (PT) We voted in favour of this report, despite certain contradictions and small parts of it with which we do not agree.

Volunteering undoubtedly plays an important role in society, promoting the value of solidarity and mutual aid, contributing to social integration and helping to overcome discriminatory views, among other aspects.

The report tackles basic aspects, such as social support for the volunteer, focusing on issues like health, safety and training, and the distinction between paid work and voluntary activities.

Nevertheless, we believe that it needs to be ensured that volunteering does not come to substitute action by Member States, and that it must not be used as a way of fulfilling needs which are the responsibility of the social services. We advocate the need to promote the activities of non-profit organisations through effective

and sufficient support. Such organisations include: cooperative groups; collectives and local societies; local residents' associations; sports, leisure, cultural, youth organisations, and those aimed at children.

We must also emphasise that voluntary work is equally dependent on workers having free time, and that it is incompatible with exploitation, irregular or excessive working hours, low salaries and job insecurity.

**Seán Kelly (PPE), in writing.** – It is with great pleasure that I have voted in favour of naming 2011 as the European Year of Volunteering. It is a great boon to the numerous voluntary organisations in all of our Member States of the EU. I would like to point out that sporting organisations play a central role in volunteering and, despite this not being stipulated explicitly in the legislative text, nevertheless needs to be acknowledged. Indeed, the largest voluntary association in Ireland is the Gaelic Athletic Association. The efforts of all involved in this great institution need to be duly recognised and lauded.

**Barbara Matera (PPE), in writing.** – (IT) Mr President, volunteering represents the expression of European social values such as solidarity and non-discrimination. While it contributes to the personal development of volunteers on the one hand, it creates social cohesion on the other. Therefore, it requires due recognition and support from the European institutions, the Member States, local and regional authorities and various members of civil society, each according to their individual expertise.

The European Year of Volunteering (2011) will enable the activities organised in this field to take on a European dimension, and therefore the hope is that this will have a major impact on civil society.

The estimated EUR 3 million for preparatory initiatives in 2010, the increase in European Parliament-approved appropriations to EUR 8 million for 2011 and a high percentage – 1.8% to be precise – of cofinancing for the projects, will indeed enable the objectives set to be achieved, with the various levels working together.

Finally, it is worth mentioning the role that volunteering, if supported properly, can play with regard to retired workers, given the growing number of elderly people in civil society.

**Iosif Matula (PPE), in writing.** – (RO) I voted in favour of the draft report on the European Year of Volunteering for a number of reasons. It is well known that voluntary activities offer a two-fold benefit: for the individual and for society. On the one hand, volunteering offers citizens the chance to learn and acquire new skills and for self-development. On the other hand, it also has a social function, contributing to the creation of a sense of solidarity and belonging. Bearing in mind the ever-growing interdependence of local communities in a globalised world and, at the same time, the worsening extent of individualistic behaviour, it is becoming vital to encourage social participation by citizens. I am referring in this instance to activities involving both young and old alike. Furthermore, I think that the exchange of experiences first-hand between volunteer organisations from the most diverse corners of the European Union has a major impact, given that the values motivating them all are the same. The purpose is identical: to raise the standard of living and improve the quality of life, ensure a high level of employment, improve social cohesion and combat exclusion. In other words, these are precisely the values on which the European Union is founded.

**Emma McClarkin (ECR), in writing.** – Despite the request for a budget increase which I opposed and voted against at the committee stages, I nonetheless fully support the Report on the European Year of Volunteering overall. Volunteers are often unsung heroes. They make an immeasurable impact in their communities and on people's lives. In tough economic times like these, volunteering becomes all the more important and that is why I and others who brought this report forward are keen not only to raise awareness of the benefits of volunteering, but also to create a European Year where properly-funded initiatives will provide volunteering organisations the opportunity to encourage new volunteers to come forward.

We must ensure that the European Year of Volunteering is used as a platform for recognition of the contribution volunteers make to our communities, but also use this as an opportunity for us to better understand the barriers to volunteering and what we can do to help remove them and push volunteering forward. This is an example of what the EU should be doing – exchanging best practice in areas such as volunteering rather than creating more and more needless bureaucracy.

**Robert Rochefort (ALDE), in writing.** – (FR) I supported the report on the European Year of Volunteering in 2011, intended to promote dialogue and the exchange of good volunteering practice between authorities and stakeholders in our Member States. With the increase over recent years in individualistic behaviour, the quest for new ways of individual expression, or even the changing demographic trends, civic participation has undergone major changes.

Therefore, volunteering must also adapt to enable a larger number of people to get involved in volunteering in different ways and at different times in their life. This can mean tapping the potential offered by the elderly and defining new forms of involvement with greater flexibility in terms of duration and ways to participate.

Europe, which has a long volunteering tradition, must help release the potential this offers. Volunteering provides those involved with a channel for learning (it is obvious that participation in voluntary activities provides citizens with new skills, contributes to their personal development and increases their sense of belonging to society). It also embodies such European values as solidarity, civic participation and non-discrimination in sectors as varied as education, culture, the environment, social welfare or health.

**Joanna Senyszyn (S&D)**, *in writing*. – (PL) I endorsed the report on the European Year of Volunteering (2011). In the Member States of the European Union, we must give more importance to the question of volunteering, and should plan political action which supports the work of volunteers. The amendments proposed by the European Parliament introduce many significant changes to the Commission's proposal, and these should be included by the Council. The budgetary amount earmarked for achievement of the objectives of the European Year of Volunteering (2011), which amounts to EUR 6 million, is insufficient (by way of comparison, the budget for the European Year for Combating Poverty and Social Exclusion is nearly three times higher).

Volunteering is a gratuitous and unpaid activity, but this does not mean that it does not generate any costs. Volunteering needs financial and political support from all interested parties: non-government organisations, governments, administrative bodies of both national and local government, and businesses. Political commitment should be seen in the form of favourable policy which supports the development and infrastructure of volunteering. This matter is especially important for Poland, which will hold the EU Presidency in 2011. I would like to ask the Government of Poland to follow the example set by the European Parliament and take action to increase financial support for the European Year of Volunteering. I fully support the proposal to designate financial means for the creation of an interactive database for volunteers and voluntary organisations, which would be accessible to all stakeholders and which would continue to operate after 2011.

**Czesław Adam Siekierski (PPE)**, *in writing*. – (PL) The year 2011 will be the European Year of Volunteering, and will be intended to honour and distinguish volunteers and their contribution to society. It is a wonderful proposal. Volunteering occurs in many different forms all over Europe, but everywhere, irrespective of the place, it is characterised by the fact that people want to help others without being paid, or they willingly get involved in environmental protection or work to ensure that every citizen can live with dignity.

It is worth stressing the fact that volunteering unquestionably has a positive influence on the developing identity of Europe, which has its roots in these values and is a good basis for developing understanding between citizens of the different social groups and countries of the entire European society. In addition, volunteering is significant for integration, social policy and education. We should also remember that it has great significance for intercultural dialogue and dialogue between generations, and it contributes to the development of social responsibility.

Volunteering also has economic value, and we must not forget this. It is, indeed, an unpaid and gratuitous activity, but this does not mean, however, that it does not involve any financial outlay. For this reason, it is important that volunteering receive support from the European Community. Volunteering requires policy based on friendly relations, which will support its development and infrastructure. I think that supporting the reward and recognition of voluntary activities by using certain financial means will motivate individuals, businesses and organisations.

**Oldřich Vlasák (ECR)**, *in writing*. – (CS) I would like to explain my vote on the report of Marco Scurria on the proposal for a Council Decision on the European Year of Volunteering. Personally, I consider unpaid voluntary activities to be an important part of our society. In my own country, the Czech Republic, the most numerous and long-established voluntary organisations are the voluntary fire fighters. Their traditions go back a long way to a period when the need to avert catastrophic elemental disasters such as fires always brought together a few dozen volunteers whose aim was to protect their own property and that of their neighbours and other people they lived with. The most widely-spread and oldest organisations involved in voluntary work also include the Czech Red Cross, the Czech Tourists' Club, the Sokol gymnastic association, the Junák youth organisation and the voluntary mountain rescue service. All of these people who help in schools, hospitals and sports clubs or in the mountains, or who travel abroad to provide aid, deserve

recognition. In this regard, it will surely be wholly beneficial to dedicate the year 2011 to this theme. For this reason I voted in favour of the report.

**- Report: Herbert Reul (A7-0074/2009)**

**Jaromír Kohlíček (GUE/NGL)**, *in writing*. – (CS) It is generally possible to welcome any agreement which improves cooperation with states neighbouring the European Union. If we compare the position of the states neighbouring the EU, then we see that – after Russia – the most important partner is Ukraine. The exchange of information in the fields of science and technology, the joint implementation of programmes, worker exchanges and the sharing of expertise in the area of managing scientific and research institutions, these are aims that can only be supported.

However, I would like to raise a specific reservation over the method of assessing the agreement. If the authors introduce efficiency indicators such as ‘number of work trips and meetings’, and even ‘number of different areas of cooperative endeavour’ then I have serious doubts as to the familiarity of the report’s author with the issue in question. Section 7, ‘Measures Against Fraud’, makes a quite desperate impression, while statement 8.2.2 makes me question my sanity. In the age of electronic communications, I cannot understand why a ‘report’ on an agreement requires work trips and participation in meetings on the part of specialists and officials from the EU and Ukraine. In conclusion, I am happy to support this framework agreement because I know that in the Sixth Framework Programme, developments in science and research were already being integrated very actively and with genuinely good results. The aforementioned reservations notwithstanding, the GUE/NGL group supports the decision of the Council.

**- Report: Herbert Reul (A7-0075/2009)**

**John Stuart Agnew, Marta Andreasen, Gerard Batten, John Bufton, Derek Roland Clark, Trevor Colman, Nigel Farage, Mike Nattrass and Nicole Sinclair (EFD)**, *in writing*. – The UKIP is not opposed to cooperation in the field of energy efficiency, but insists that such cooperation must be conducted by democratically elected governments and not by their unaccountable proxies in an anti-democratic supranational organisation such as the EU.

**- Motion for a resolution: Enlargement strategy 2009 concerning the countries of the western Balkans, Iceland and Turkey (B7-0185/2009)**

**Anne Delvaux (PPE)**, *in writing*. – (FR) As we face a flood of applications for EU membership, the vote on this resolution could not have come at a better time. The EU is a rock of stability on this continent. It cannot remain a club which is closed to other European states, but it cannot open its doors indefinitely either. The European Union must, above all, make a success of the enlargements it has already carried out for the new Member States. As for the other states knocking on its door, the prerequisite for initiating any accession negotiations remains strict compliance with the Copenhagen criteria (democracy, rule of law, human rights, gender equality, market economy, etc.), along with unconditional observance of international law. Accession negotiations with candidate countries must be based on objectively measurable criteria, such as respect for rights and economic criteria, and avoid any kind of subjective reference based on values, religion or culture. In my view, what we therefore need to do is as follows: confirm the Balkans’ suitability for EU membership; remember that enlargement and consolidation are inextricably linked; insist, in the case of Turkey, on compliance with the accession criteria; and, in the event of the negotiations’ failure, propose a special association agreement.

**Diogo Feio (PPE)**, *in writing*. – (PT) In spite of all the criticism that can be levelled at it, it has been unequivocally shown that many countries harbour an enormous desire to join the European Union. The brutal and turbulent history of several of these countries, particularly in the Balkans, has strengthened their conviction that they would be free of both the expansionist tendencies of their neighbours and the influence of Russia if they were sheltered under the umbrella of the European Union.

Looking at the countries on the list, it is relatively easy to spot the inequality between different countries in terms of their enthusiasm and espousal of the conditions for joining the European Union. As I see it, Iceland stands out from this group, as its tradition of democracy, the high living standards of its citizens and its respect for the community *acquis* put it first in line for the accession process.

Aware of the need to adhere strictly to the criteria set out in Copenhagen, and to meet the commitments resulting therefrom, the European Union should not, through blind obstinacy, refuse to embrace those who show themselves ready to do the same.



**Ilda Figueiredo (GUE/NGL)**, *in writing*. – (PT) This resolution is yet another case where, in relation to enlargement and a statement published by the European Commission, entitled ‘Enlargement Strategy and Main Challenges 2009-2010’, the majority in Parliament wants to acknowledge Kosovo, even saying that they ‘welcome the Commission’s intention to strengthen its relations with Kosovo, including exploring the possibility of Kosovo’s participation in Community programmes.’

This encourages the future accession of a territory that has proclaimed its independence in blatant violation of international law, ignoring the fact that it is a *state* that is the product of an illegal war, a *state* that operates on the basis of an illegal statute which is not recognised by the UN.

Neither is the issue of Turkey adequately covered, given that this country continues its military occupation of an EU Member State – Northern Cyprus – and does not respect the rights of the Kurdish people as it should.

In view of this, although we believe that the issue of EU enlargement is primarily a decision for the people of each country that wishes to join, we voted against the report as it stands due to the negative aspects of the strategy that it seeks to follow, although this has no legal value.

**Tunne Kelam (PPE)**, *in writing*. – I voted for Amendment 4. I very much believe that we have to underline that by non-muslims, we first and foremost mean the Christians, therefore a mention of Christians explicitly next to other religious communities is needed. Christians are still persecuted in Turkey and it remains one of our biggest concerns. Christians and their communities are still not able to exercise their belief freely as they should be in a democratic state. I am convinced that Turkey will be ready for EU accession at the moment when it becomes as easy to raise a Christian church in Turkey as it is to raise a mosque in Brussels.

**Nuno Melo (PPE)**, *in writing*. – (PT) The process of EU enlargement should always be carefully considered and any new accession should always respect the common points of reference between the countries that make up the EU.

I understand that the accession of Turkey is seen as grounds for a preliminary debate, yet this indicates that there are doubts which, at the very least, justify this debate. The debate would include issues such as whether Turkey can, geographically speaking, be considered part of Europe, whether its secularity is merely the result of the army which keeps it in check, whether an EU with borders stretching to Iraqi Kurdistan would be wise, and whether, due to its enormous demographic mass, Turkey’s accession would throw the EU off balance.

Moreover, there is a non-negotiable obligation to respect the Copenhagen criteria, the first of which has to do with human rights.

**Francisco José Millán Mon and José Ignacio Salafranca Sánchez-Neyra (PPE)**, *in writing*. – (ES) With regard to the resolution on the Commission’s enlargement strategy paper for 2009, we would like to make it clear, on behalf of the Spanish delegation of the Group of the European People’s Party (Christian Democrats), that the fact that we supported it overall does not in any way mean that we agree with the recognition of Kosovo as an independent State. We feel that Kosovo is an exceptional case, and we would like to point out that it has not been recognised by Spain or by four other Member States.

Consequently, both in the Committee on Foreign Affairs and today in plenary, we have supported the amendments that were in line with our viewpoint.

Our vote in favour of the resolution is due to the fact that we do not want our position on Kosovo to be understood as a negative attitude to the enlargement process that the countries of the Western Balkans, Turkey and Iceland are now involved in.

**Franz Obermayr (NI)**, *in writing*. – (DE) I strongly oppose the Commission’s enlargement strategy with regard to Turkey. The clear majority of EU citizens is against Turkey joining the EU and yet they must help to fund payments of billions of euros to Turkey in its role of official accession candidate. Turkey is not a European country, either geographically or culturally, or in terms of safeguarding human rights, democracy and the rule of law. The enlargement strategy takes almost no account of the concerns of the citizens of Europe. Instead it represents the geostrategic interests of the US. In addition, the unresolved conflicts on Turkey’s borders will become EU problems if Turkey were to join. I regret the fact that the entire enlargement strategy, which includes Iceland and the western Balkans as well as Turkey, was discussed as a whole and this made it impossible to have a proper, selective, differentiated debate. The arrogance with which the subject of Turkey’s accession is being handled is reflected in this procedure. The unwelcome voices of those opposed to accession, who represent the majority of the population, are largely being ignored.

**Justas Vincas Paleckis (S&D)**, *in writing*. – (LT) I voted in favour of the European Parliament resolution on the Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey, since 6-15 years ago, Lithuania, together with the Baltic States and other Central and Eastern European countries, was in a similar situation to the candidate countries. Membership of the European Union gave my country and the other new EU Member States and their citizens many new opportunities, and helped to boost the economy and to strengthen democracy and human rights. With the entry into force of the Treaty of Lisbon, the European Union will have a new, more powerful engine that will drive our ship forward more successfully and through the waters of the financial and economic crisis, taking us to a new stage of EU enlargement. Only once they have joined the EU will the Balkan countries, the infamous 'powder keg' of Europe, where the world wars were sparked off, be able to remove the barriers to cooperation between the citizens, the business structures and the cultural and scientific experts of the various states that have appeared there in recent years. It is important not to close the door to Turkey, which can be said to be Europe's link to the Muslim world. Turkey's rapprochement with the EU is changing this country in a good way and there is evidence of many positive steps to strengthen democracy and human rights. Although we are not yet discussing EU membership for Ukraine, Moldova or the countries of the South Caucasus in concrete terms, such a prospect in the future can contribute to stability, economic strengthening, reduced corruption and the consolidation of the rule of law in these countries.

**Rovana Plumb (S&D)**, *in writing*. – (RO) The EU enlargement process is taking place at the moment against the background of a harsh, far-reaching recession, which has hit both the EU and the countries involved in the enlargement process. I welcome the progress made by Turkey in meeting the criteria for joining the European Union, especially the fact that this country signed the Intergovernmental Agreement for the Nabucco pipeline.

The implementation of this agreement remains one of the biggest priorities in the area of EU energy security. I support the requests made to the Turkish Government to continue reforming its social policies, to improve social dialogue on the labour market, as well as to step up efforts in the area of women's rights and gender equality, especially when it comes to combating gender violence.

**Nikolaos Salavrakos (EFD)**, *in writing*. – We vote against the motion for a resolution 'The Commission's 2009 enlargement strategy paper concerning the Western Balkan countries, Iceland and Turkey' by Gabriele Albertini, because we believe that neither Turkey nor the former Yugoslav Republic of Macedonia shows any progress in meeting the Copenhagen criteria, nor do they demonstrate any political behaviour which would allow them to become EU members. We hope to improve their efforts in order to meet the accession criteria, a fact that will be examined in the future. In any case, we do not wish to vote for a motion for a resolution that will give rise to vain hopes and will be used exclusively for internal consumption.

**Renate Sommer (PPE)**, *in writing*. – (DE) The motion for a resolution on the European Commission's current enlargement strategy is very balanced. It rewards the progress made by the accession candidates but, at the same time, clearly identifies the problems. Turkey, in particular, has taken a major step backwards. Therefore, I welcome the explicit criticism of the serious threats to, and genuine restrictions on, freedom of speech and of the press. The completely disproportionate tax penalty imposed on the opposition Dogan Media Group is a targeted attack against those who criticise the government. Objections have rightly been made to the discrimination against religious minorities and Turkey's refusal to implement the Ankara protocol. In addition, it is also important that we take a careful look at Turkish foreign policy. Its openness towards Armenia and the Kurds has so far been nothing more than gesture politics and has even been opposed by the Turkish parliament and by large sections of the population. The statements made by the Turkish Prime Minister also call into question Turkey's hoped-for role as a mediator between East and West. Turkey's flattery of the Iranian President, its invitation to the Sudanese President, who is wanted for genocide, to attend a conference, and its dealings with Israel, seem to indicate that it is turning away from the West. Therefore, our call for the Turkish Government to coordinate its foreign policy with that of the EU and to drop its objections to the cooperation between NATO and the EU is simply consistent.

**Eva-Britt Svensson (GUE/NGL)**, *in writing*. – I am in favour of the EU being open to countries who meet the criteria for membership. I am concerned that this resolution presents enlargement as being imperative for the countries in question as well as the EU. It does not conceive of the possibility that it may be in the best interests of the countries concerned to remain outside the EU for a variety of social, economic or other reasons. EU membership is a big step for the countries concerned and it deserves the fullest possible debate and consultation involving the citizens of those countries. For this reason, I abstained.

**- Motion for a resolution: Elimination of violence against women (B7-0139/2009)**

**Regina Bastos (PPE)**, *in writing*. – (PT) The International Day for the Elimination of Violence against Women is an incentive by the UN and the Council of Europe which aims to discuss and give greater visibility to the victims of domestic violence and other types of mistreatment.

The situation of this issue in Portugal is worrying. The number of crimes of domestic violence recorded by the Portuguese Association for Victim Support (APAV) has increased by 9% on the same period in 2008. According to the APAV, physical and psychological abuse, threats and sexual assaults have seen a major increase compared with the 2008 figures. Twenty-six women have died this year in Portugal already, as victims of domestic violence. Nonetheless, the vast majority of acts of violence are not reported through fear and shame.

The EU needs to step up its efforts to combat this issue. I agree with the need to encourage Member States to draw up national plans of action for combating violence against women. We support any initiative that might help to change attitudes, in conjunction with the organisation of a European Year to combat violence against women, so as to expose it and alert both the public and the authorities to this worrying situation.

**Edite Estrela (S&D)**, *in writing*. – (PT) I voted in favour of the motion for a resolution on the elimination of violence against women as I believe that the Commission and the Council need to consolidate EU action in this area. The EU urgently needs a more comprehensive policy on combating violence against women, specifically through the Commission drawing up a draft directive to ensure a clear legal basis for combating all forms of violence against women, including trafficking. We should acknowledge and welcome the fact that the Spanish Presidency makes this issue a priority in its plan of action.

**Diogo Feio (PPE)**, *in writing*. – (PT) In a week when the frightening figures for cases of domestic violence have hit the headlines in Portugal, I believe that violence against women and children is a topic that requires consideration and serious action by governments.

I condemn all kinds of violence, but particularly when it is used against those who are in a more vulnerable position – socially, economically or emotionally – as children and women often are. The Member States should therefore seek to eliminate all forms of violence against women and children, especially trafficking for sexual exploitation, sexually motivated attacks and domestic violence.

Respect for human life and dignity is not consistent with crimes whose victims are many European women and children, which is why firm policies on the prevention of violence and the punishment of its perpetrators are necessary.

**Ilda Figueiredo (GUE/NGL)**, *in writing*. – (PT) On the International Day for the Elimination of Violence against Women, we wish to raise awareness of this serious social, economic and political problem that undermines women's rights in many different areas, including at work, among their families, and in society in general. Violence against women is a violation of human rights and an obstacle to their participation in social and political life, and in their public and professional life, preventing them from acting as full citizens.

Although the many types of violence vary according to culture and traditions, economic and social crises of capitalism increase women's vulnerability, both collectively and individually, adding to their exploitation and driving them towards poverty and marginalisation, which also feeds the trafficking of women and prostitution.

It is therefore crucial that we consolidate financial measures and policies that are genuinely committed to strengthening the role of women in society by promoting equal rights on both a Community and national level, and by implementing real plans to combat all forms of violence against women, along with eliminating residual discrimination and protecting and supporting victims.

**Marine Le Pen (NI)**, *in writing*. – (FR) As we mark the 10th anniversary of the International Day for the Elimination of Violence against Women, it has to be said that the preventive measures which have been implemented with this purpose in mind have not achieved the expected results. How can we explain this phenomenon? Judging from the debates which have been held in this Chamber, we can put a label on it: gender inequality.

If this inequality was the fundamental cause of this phenomenon, countries in northern Europe, which are renowned for their very progressive culture and customs, ought to have the best results. In fact, this is not

the case; if anything, it is the opposite. According to the Norwegian daily newspaper *Aftenposten*, 6% of young women in Sweden aged between 15 and 25 have been raped in one year.

Courage is required to be able to say that the rise in acts of violence against women has coincided with the mass arrival of immigrants from outside Europe whose culture and traditions are totally opposite to ours. The burkha, forced marriages, polygamy, female genital mutilation, honour crimes and other forms of behaviour from another era are unacceptable.

It therefore makes it absolutely absurd to continue to encourage this immigration while wanting to combat violence against women.

**Astrid Lulling (PPE)**, *in writing*. – (FR) It makes perfect sense for the Committee on Women's Rights and Gender Equality to remind us, as we mark the International Day for the Elimination of Violence against Women, that, in spite of the countless legal instruments and UN declarations, not to mention the numerous resolutions in this Parliament made over many decades, we are still far from a situation of zero tolerance with regard to violence against women. There is no denying that violence by men against women is a violation of human rights and must be punished as such.

This Parliament must therefore remind Member States of their obligations to reinforce their legislations and policies to enable them to combat effectively all forms of violence against women.

Unfortunately, we have again over-egged the pudding in the resolution tabled before us and, in particular, we have ignored the principle of subsidiarity.

Making a request to the Council and Commission for a legal basis to be created for combating all forms of violence against women displays the height of ignorance of the treaties. A legal basis cannot be created. It either exists or not.

Asking for a further high-level conference to be held will only incur expense which would be better allocated to specific measures.

**Véronique Mathieu (PPE)**, *in writing*. – (FR) I welcome the vote in the European Parliament on the resolution for eliminating violence against women on this International Day for the Elimination of Violence against Women. The declaration of this day by the UN in 1999 and the adoption of this resolution today are valuable instruments for reminding national governments of their obligations arising from the international treaties concerning the elimination of all forms of discrimination against women. This is why I support this resolution, with an immediate request for Member States to reinforce their national legislations and policies on combating all forms of violence against women. At European Union level, it is particularly vital to guarantee assistance and support for all victims of violence, especially those affected by human trafficking, regardless of their nationality, as well as to ensure protection for women who are victims of domestic violence whose legal status might depend on their partner.

**Nuno Melo (PPE)**, *in writing*. – (PT) When we talk about violence against women, we are discussing something that is clearly a reality in all the Member States, as one in four women is a victim of violence.

In an EU that sees itself as the champion of rights and freedoms for all its citizens, we must make every effort to put a stop to this scourge. The adoption of this draft resolution is a very important step towards finding new solutions, hence my vote.

**Rovana Plumb (S&D)**, *in writing*. – (RO) I voted in favour of this resolution as violence against women is still a problem which is all too prevalent in Romania and worldwide, making it necessary to adopt urgent measures to combat this scourge. Legislation is no longer the problem, but its application in the situation where many women are reluctant to report to the authorities the acts of violence they are subjected to, preferring to endure the suffering in silence.

I believe that a powerful campaign is needed across the whole of society, based on continuous, long-term activities aimed at influencing attitudes so that everyone realises that violence against women is not permitted and not excused. I agree that coordinated action is needed at the same time from the authorities and civil society in order to support victims of domestic violence.

**Peter Skinner (S&D)**, *in writing*. – I welcome Parliament's commitment to this cause. In particular, it is critical to ensure that the women in some of the most vulnerable circumstances, such as in 'trafficking of women', fall under this assistance.

I am appalled that the ECR Group, which contains the British Conservatives, has submitted an amendment to this proposal which reduces its coverage. I would point out that many victims are those who live in poverty or are immigrants or from minority groups within our populations. Removing these women from assistance aimed at helping these most vulnerable people is as illogical as it is inhuman.

I am equally appalled that the Greens should disagree and promote deletion of sensible wording covering tolerance of prostitution, where it is clear much violence against women occurs.

**Georgios Toussas (GUE/NGL), in writing. – (EL)** Women are easy victims for any form of violence due to their unequal position in all class societies, in which they are open to class and gender oppression.

Physical abuse, rape, trafficking and so on are forms of violence which demonstrate the gender dimension of the class aspect of female inequality.

However, violence is a social phenomenon with specific economic, political and social causes. These causes, which are rooted in the capitalist relations of production, cannot be eliminated as long as these relations exist. The grassroots movements must demand measures to prevent this phenomenon and relieve the victims, women and children, by seeking radical changes in favour of the people at social and political level.

We radically disagree with the creation by NGOs and private individuals of counselling centres and agencies to support maltreated women. The state alone must be responsible for these.

Not only will the measures proposed in the resolution be unable to eliminate the problem, because they do not touch the causes; they also seek to manage and hence perpetuate the problem.

**Marina Yannakoudakis (on behalf of the ECR group), in writing. –** The ECR Group fully supports and stresses the great need to increase awareness and action to combat violence against women. However, we do not support calls for an EU legal base and further directives (as in paragraphs 10, 11 and 27) to address the problem.

Whilst we acknowledge that work needs to be done in this area, we believe this is an issue for nation states to legislate upon. Furthermore, the ECR Group believes that the issues of sexual and reproductive choice and health rights are an issue of conscience for each individual Member and Member State to decide. For these reasons, the ECR Group has chosen to abstain.

#### **- Motion for a resolution: A political solution with regard to the piracy off the Somalian coast (RC-B7-0158/2009)**

**Diogo Feio (PPE), in writing. – (PT)** Somalia is one of the most blatant cases of the total breakdown of the central power and the return to a belligerent, tribal way of life, as the country is an epicentre of violence and instability which spreads far beyond its own borders. The coasts of Somalia have been constantly threatened by armed groups which not only fight for control of the coastal areas, but also carry out intolerable acts of piracy against other vessels, especially commercial, cargo, fishing, humanitarian aid and leisure boats.

The severity and frequency of these events demands an uncompromising reaction from the whole international community, which must include the European Union. The EU must commit itself to combating piracy and doing everything within its power not only to analyse its causes and consequences, but also to mobilise all Somali and international forces that are available and equipped to deal with it.

I must also praise the entire crew of the Portuguese frigate *Corte-Real*, in the person of their commander, who have distinguished themselves in the fight against this scourge, and have recently been the subject of a tribute by the International Maritime Organisation.

**Ilda Figueiredo (GUE/NGL), in writing. – (PT)** When discussing the issue of Somalia, we need to remember that there is no military solution to the crisis there, and that we must take into account the country's lack of financial resources, caused at an international level by the debt crisis, which created a vacuum that was exploited by illegal fishing in its territorial waters, and which was one of the main reasons why Somali fishermen lost their livelihood, as the Somali Government was forced to suspend the country's coast guard due to a lack of resources.

One of the essential issues, therefore, is to ensure the supply of technical and financial aid, including support for a process of conciliation and mediation between the parties involved in the civil war.

The Commission and the Council should thus review their political strategy for Somalia, including Operation EUNAVFOR Atalanta, and should focus on the more general situation in the country at present, particularly the need to address the humanitarian situation on the ground and help to eradicate the underlying causes of this catastrophic situation which is causing suffering to millions of Somalis.

Finally, we would like to stress that resources intended for aid and development, or the European Development Fund, should not, under any circumstances, be used for military purposes.

**Richard Howitt (S&D), in writing.** – I am deeply proud to see the UK leading the work of the EU's first naval ESDP mission, Operation Atalanta, with a British Commander at its head and its operational HQ in the UK. Atalanta's work in the protection of vessels delivering food aid to displaced persons in Somalia and in protecting vulnerable vessels off the Somali coast is vitally important.

Labour MEPs echo calls for the unconditional release of all hostages including the two Britons – Paul and Rachel Chandler from Kent – held by Somali pirates. Our thoughts continue to be with their family, and we praise the ongoing efforts of the UK Foreign Office, who are using all possible connections in East Africa to negotiate the pair's speedy release.

Finally, on the scope of the Atalanta mission, we note calls in the resolution for its expansion to be considered. However, I want to put on record that we believe that at the current time, this is not a prospect, and to underline that we must focus on the continued success of the current mission as it stands.

**Nuno Melo (PPE), in writing.** – (PT) The current situation off the coast of Somalia is wrong on every level and has an impact on all countries.

I think that it is therefore crucial that, pending a political solution to the problem of Somalia, and while there continues to be instability in the area, we should follow a strategy of heightened security for Operation Atalanta, even reinforcing the latter in terms of the means of action open to forces deployed in this operation.

**Willy Meyer (GUE/NGL), in writing.** – (ES) I voted against Resolution RC-B7-0158/2009 because I think that piracy is not a military problem but a development problem. I therefore believe that the problem should be dealt with at its root, and that the solution cannot be a military one, either by land or by sea. The officer responsible for Operation Atalanta stated that a maritime solution is impossible, and that the situation in the area needs to be stabilised. I think we need to tackle the problem of governance, the stability of institutions and economic development in the region. However much we paper over the cracks, the problem will persist. By voting against the resolution, I also want to condemn the privatisation of the actions that are within the remit of the armed forces, as in Spain, private security companies are being allowed to go out on vessels with weapons of war. Moreover, I think we need to put an end to the pirates in Somalia, but also to the foreign pirates that are pillaging in Somali waters.

**Charles Tannock (ECR), in writing.** – The relative success of Operation Atalanta, now renewed for a year, underlines the fact that although the European Security and Defence Policy has the potential to achieve significant results for Member States, it is still unclear why NATO alone could not match this and thus avoid duplication. But piracy remains a clear and present danger in the seas around the Horn of Africa. We need to redouble efforts to defeat this menace, not only to protect our shipping, but to send a clear message of our resolve to the agents of al-Qaeda currently enjoying safe haven in Somalia.

National security does not end at national borders. Leaving the scourge of piracy unchecked will multiply the EU's security concerns in the long term. I also urge the Commission to reconsider how more political support for the relatively stable, prosperous and democratic breakaway former British territory of Somaliland could help to tackle the threat of piracy in the region.

**Silvia-Adriana Țicău (S&D), in writing.** – (RO) I voted in favour of the European Parliament resolution on a political solution to the problem of piracy off the Somali coast because sea piracy is a real problem and will continue to be a problem in waters off the Somali coast. The EU must protect maritime vessels passing through this region by means of international negotiations and protection measures. One part of the solution requires international support in bringing stability to Somalia. The other part of the solution is Operation Atalanta, recently launched by the EU in order to stop piracy off the Somali coast. Six frigates, three maritime patrol aircraft and 1 200 personnel from the United Kingdom, France and Greece will take part in the operation. Other states will contribute to the operation in the future. Operation Atalanta has succeeded in providing protection for high-risk cargos by escorting them. Thirty-six pirate vessels have been intercepted and 14 direct attacks have been avoided. However, to be able to enjoy the benefit of this escort, the responsible

national bodies and the sea vessels must notify Operation Atalanta and request protection. It is vital that sea vessels avoid taking needless risks and request, on an official basis and in good time, protection from Operation Atalanta.

**Geoffrey Van Orden (ECR)**, *in writing*. – We are in favour of robust international action to deal with piracy and have no doubt that the Royal Navy and allied navies from the US and other European nations will do a good job. However, we see no reason for the EU to run up its flag on a naval operation. We are opposed to the interference of the EU as an institution in defence matters. This brings no additional military capability and merely duplicates or adds complexity to the well-trying arrangements under NATO. Operation Atalanta was conceived as a political opportunity to add a maritime dimension to ESDP during the French Presidency. Despite the presence in the seas off the Horn of Africa of the US-led Combined Task Force 151 and a NATO Maritime Group, it was decided to concoct yet another fleet and a further command chain. We are also deeply concerned by proposals for an ESDP training mission to Somalia at a time when the EUPOL mission in Afghanistan has been a failure and many European countries have been unwilling to provide troops and police for urgent training missions in Afghanistan. Incidentally, we do not recognise such terminology as ‘EU fishing vessels.’

#### **- Motion for a resolution: Smoke-free environments (B7-0164/2009)**

**Elena Oana Antonescu (PPE)**, *in writing*. – (RO) I welcome this resolution enabling Parliament to support the Commission’s highly voluntary anti-smoking policy. Exposure to cigarette smoke is the main cause of death and illness in Europe, with smoking imposing a heavy burden on health care systems as well. I hope that the Commission’s measures will go further and that in the years to come, we will have the right to a healthy environment in all closed spaces and in the workplace. I cannot fail to mention that we still have a hypocritical policy in Europe. We want to have fewer health problems caused by smoking, however we support the retention of subsidies for cigarette manufacturers, even though they are gradually being reduced. I think that the common agricultural policy should be defined to reward products which help maintain and improve people’s state of health, not jeopardise it. I hope that the Council meeting in December will discuss protection for children, especially in cases where they are exposed to smoking by adults in private cars or in other closed spaces. I believe that adults have a responsibility in this respect, and where the legislator can intervene, it must do so.

**Anne Delvaux (PPE)**, *in writing*. – (FR) I believe that we must protect non-smokers from passive smoking, but also make smokers aware of the impact of their addiction on themselves and others. They must not be left in any doubt about this. In Belgium, we also have a head-start on this issue because our country has already advocated a total ban on smoking in the hospitality sector and at all places of work by 2012.

Having said this, I would still like to express two concerns. Firstly, are we heading towards a society that imposes blanket bans? What do we do about individual responsibility? I feel a sense of unease about a society resembling the one described by George Orwell in his novel ‘1984’. Secondly, if smokers have to be made to break their harmful habit for themselves and others, this must be done with the utmost respect. Tobacco is a drug. Banning it completely would be tantamount to denying that most smokers are in a state of dependency. A total ban may be regarded as an act of exclusion, which may prove to be counterproductive. Why, therefore, have we not provided the option of reserving areas specifically for them?

**Diogo Feio (PPE)**, *in writing*. – (PT) Despite voting in line with the Group of the European People’s Party (Christian Democrats), I must express some concerns I have about the present motion for a resolution.

Firstly, I believe that smoke-free policies should be decided by the Member States and that the role of the European institutions, while respecting the subsidiarity principle, must remain at the level of non-binding recommendations. On the other hand, I also believe that Member States should promote smoke-free policies, but that they should not impose any restrictions on freedom of choice for operators, particularly in the hotel sector, where owners should have the option of being smoke-free or not. Against this backdrop, the act that was recently passed in Portugal was a well balanced one.

My second concern is with the proposed end of direct subsidies linked to tobacco production. As Portugal is also a tobacco producer, I think that this type of policy needs to be extremely carefully analysed; otherwise it could be severely detrimental to farmers who find themselves unable to continue production without being given a viable alternative. This is my opinion on item 9 of this resolution.

**João Ferreira (GUE/NGL)**, *in writing*. – (PT) The protection of human health and the quality of life of employees at their places of work and that of the general public forms the basis of this resolution, and that is why we voted in favour of it.

It is necessary to increase the protection of non-smokers by preventing passive smoking, but also to create the necessary conditions for monitoring and encouraging smokers to give up the habit. The policy of prohibition should be implemented in situations where it is shown to be necessary.

As for direct production-linked subsidies, we advocate the incentives for reconverting tobacco production facilities. We believe, however, that we should not create a situation where we have to promote the importing of tobacco from outside the EU and thus benefit the big business of multinational tobacco companies.

**José Manuel Fernandes (PPE)**, *in writing*. – (PT) I voted in favour of deleting item 13 from the original text, which read: 'Calls on the Commission to submit a proposal to Parliament and the Council for legislation on a smoking ban by 2011 in all enclosed workplaces, including all enclosed public buildings and public transport in the EU, in the field of protection of workers' health.' The deletion was approved, in keeping with the subsidiarity principle in this matter.

I believe that there is still a long way to go for each Member State in creating smoke-free environments, carrying out effective awareness campaigns and applying best practices for the implementation of Article 14 (measures to reduce demand are dependent on levels of addiction and those giving up smoking).

I do think, however, that these actions should be implemented by each Member State, in the first instance. The original text of the resolution mixed up and confused the production of tobacco with its consumption. I therefore welcome the adoption of the amendment tabled by the Group of the European People's Party (Christian Democrats), which removes part of item 9 from the original text, deleting the references to the production of tobacco. These two changes have improved the final resolution. I consider the remaining points positive, so I have voted in favour.

**Robert Goebbels (S&D)**, *in writing*. – (FR) I abstained in the vote on the resolution on smoking. I have never smoked in my life, but I find this constant harassment of smokers completely anti-freedom. The current bans are more than sufficient.

I distance myself from this constant, counterproductive harassment. The desire to get rid of tobacco plantations in Europe will result in increased imports from third countries.

**Elisabeth Jeggle (PPE)**, *in writing*. – (DE) Health policy and, therefore, the protection of non-smokers clearly come under the authority of the Member States and should not be the subject of central regulations. The Member States must have the freedom to determine the extent to which they want to protect non-smokers. It must be made clear that the EU has no authority in this area. For this reason, I have voted in favour of Parliament's resolution for next week's summit of EU health ministers.

**Eija-Riitta Korhola (PPE)**, *in writing*. – (FI) Mr President, I voted in favour, though I would have liked to see a tougher resolution. Smoking is the greatest single cause of premature deaths in Europe. Tobacco smoke is an environmental pollutant that contains over a hundred compounds that do harm to the health. Nevertheless, parts of Europe allow not just users of tobacco but those around them to be exposed to it. Passive smoking is a moral problem, because those who suffer have no choice. It is necessary, in particular, to protect children.

Studies suggest that a child whose parent uses tobacco actually 'smokes' every fourth cigarette that his or her parent smokes. Every year, smoking leads to the premature death of almost 100 000 Europeans. Many Member States have already implemented some excellent measures. When Finland finally also banned smoking in restaurants and bars there was an outcry. Now, two years later, people are only grateful. That reflects the nature of public health policy: lasting results might be achieved through prevention and awareness-raising, but it takes the resolve of the legislators to deal with the resistance. I disagree with some of the other Members here that the Community does not need binding legislation on health and safety at work. It needs to be recognised that the recommendations have not been sufficient everywhere. I do support paragraph 13 of the resolution, in which the Commission is urged to put forward a legislative proposal for smoking to be banned in indoor workplaces and also on public transport.

Smoking is expensive for society, and, furthermore, the 70% of Europeans who do not smoke end up paying the bill. I therefore agree with the view that Parliament expressed in 2007 that the content of the Tobacco Products Directive needs to be made more stringent and incorporate the liability of the manufacturers for the costs of health care due to the consumption of tobacco. The Union first needs to take the mote out of its



own eye. It is high time we brought the gradual phasing out of subsidies for tobacco farming to a complete end.

**Elisabeth Morin-Chartier (PPE)**, *in writing*. – (FR) Mr President, I voted for the resolution supporting smoke-free environments because I believe that it is vitally important to monitor the progress being made towards the widespread introduction of smoke-free environments in the European Union and to facilitate the exchange of good practice between Member States and the coordination of the policy for protecting citizens against the risks of smoking. I also voted in favour of keeping paragraph 9, declaring the end by 2010 of the direct production-linked subsidies for tobacco growing because of its implication for health issues. I also support my fellow Members from the Committee on the Environment, Public Health and Food Safety who have reminded us that smoking remains the number one identified cause of death and illness in the European Union. Thank you, Mr President.

**Mariya Nedelcheva (PPE)**, *in writing*. – (BG) Ladies and gentlemen, I voted to remove the explicit reference to the year 2010 in paragraph 9 of the motion for a resolution. In my country, tobacco growing is a vitally important and critical industry for a large part of the population in regions where it is their only form of livelihood. One of those is also the region which I come from, Blagoevgrad.

My country was one of the eight largest tobacco growers in Europe which, a year ago, wanted current subsidies to be extended until 2013, in spite of the agreement stipulating that the link between the amount of resources allocated and the production volume had to end by 2010. Every time we meet with tobacco growers, one of the questions they most frequently ask is: What will become of us?

I cannot promise them miracles, but we are working in collaboration with our government to devise measures which will not allow them to be left without any choice, having lost their principal means of livelihood. Fellow Members, I can understand the arguments of those who are campaigning against smoking. However, I urge you to ensure that we do not mix up the fight against smoking with the risk of us destroying tobacco growing in Europe. I call on you at a time of economic crisis to ensure that we remain prudent and wise.

**Rareş-Lucian Niculescu (PPE)**, *in writing*. – (RO) I agree with all reasonable measures aimed at combating smoking and protecting non-smokers, which is why I voted for this resolution. However, I must express some doubt about the effects which any kind of measures directed against tobacco growers would have. Romania currently has approximately 1 600 hectares of tobacco plantations providing a production of roughly 3 000 tonnes. However, a small volume of tobacco is grown in Romania, compared to the quantity required for Romanian processors, estimated at approximately 30 000 tonnes.

The difference in quantity, of approximately 27 000 tonnes, is made up by imports, mostly from regions in Africa or Asia. If we discourage tobacco production in Member States, we will only encourage even more of these imports from third countries, to the detriment of European producers.

**Frédérique Ries (ALDE)**, *in writing*. – (FR) This is a proactive and ambitious resolution we are dealing with. However, I am dismayed by the vote cast by a majority of my fellow Members, Christian-Democrats in particular, who, in the wake of intense lobbying by relevant pressure groups and stakeholders, have rejected Article 13.

They believe therefore that Europe does not have its place in this debate and provides no added value in terms of guaranteeing European citizens healthy areas in all public places, at work and on public transport. In other words, they are not bothered about discrimination being created among workers in Europe. Just to give one example, people in Ireland will be very well protected by a national law, while we can only wonder if, one day, people in Greece or the Czech Republic will have this chance, or rather this right.

As further proof of their 'brainwashing' by pressure groups, they have also rejected Article 9, which simply refers to one of the reforms to the common agricultural policy already decided on, namely the end by 2010 of direct production-linked subsidies for tobacco growing.

**Vilja Savisaar (ALDE)**, *in writing*. – (ET) The proposal in the resolution dealing with non-smoking areas envisaged a considerable change – the imposition of a smoking ban in pan-European public institutions and public spaces. The intention of the resolution was to task the Commission with preparing the necessary legislative act, which would come into effect in 2011. Although very many delegates, including myself, voted for a ban on smoking in public rooms (in particular, workplaces), the People's Party unfortunately took an opposing position. The majority of Parliament has not shown any consideration for protecting the health of every European citizen and, in particular, those people who do not smoke themselves, and yet are forced

to breathe in smoke in public spaces and, as a result, suffer health problems themselves. I hope that this subject does not end up in oblivion, and also that it goes up the current agenda once more, since many Member States have not thus far imposed a ban on smoking in public places, although they have had the opportunity to do so.

**Marc Tarabella (S&D)**, *in writing*. – (FR) I share the concern, through this resolution, of making progress in the battle against passive smoking imposed on those who do not smoke. However, some people are taking advantage of the situation to insert a provision in this resolution opposing the subsidies paid to tobacco growers. I am personally in favour of providing this support to those practising what is a dying art. You should be aware that tobacco accounts for less than 10% of what goes into cigarettes; are so many questions asked about the additives that account for more than 90% of their content, and about their harmfulness?

**- Motion for a resolution: FAO World Summit on Food Security - Eradicating hunger from the face of the earth (RC-B7-0168/2009)**

**Liam Aylward (ALDE)**, *in writing*. – Given that over 40 million people die of hunger and poverty each year, including one child every six seconds, and that the global food crisis is one of the major threats to peace and security in the world, I have voted to support this timely Resolution. The Resolution calls for the Commission to conduct a full impact assessment of the EU's policies and programmes in the areas of agriculture, development and trade in order to guarantee a coherent, sustainable policy approach to global food security. As the Resolution stated everyone has the right to safe and nutritious food, the European Union must act to ensure these policies can deliver sustainable food security.

**Ole Christensen, Dan Jørgensen, Christel Schaldemose and Britta Thomsen (S&D)**, *in writing*. – (DA) We Danish Social Democrats believe in the phasing out of the EU's agricultural aid. Today, we gave our backing to the resolution on the 'FAO World Summit on Food Security' – a resolution that focuses on the major challenges we are facing in relation to eradicating hunger and ensuring better opportunities for developing countries in future – but we very much reject the glorifying statements that the resolution makes about agricultural policy and aid in paragraphs 3, 9 and 14, amongst others.

**Corazza Bildt, Christofer Fjellner, Gunnar Hökmark and Anna Ibrisagic (PPE)**, *in writing*. – (SV) The Swedish Conservatives have today voted against the resolution (B7-0168/2009) on the FAO World Summit on Food Security. We are concerned about hunger in the world and believe that a focus on food security is important. However, in contrast to the resolution, we Swedish Conservatives believe that the common agricultural policy (CAP) is part of the problem rather than the solution and that it needs to be reformed.

**Lena Ek, Marit Paulsen, Olle Schmidt and Cecilia Wikström (ALDE)**, *in writing*. – (SV) There is a strange situation in the world today: a billion people are suffering from obesity, yet at the same time, a billion people are starving. This situation is disastrous and requires effective measures, particularly on the part of the wealthy European Union. However, we do not believe that the EU's common agricultural policy, as it currently stands, is the solution. Our agricultural policy has been successful in the past, but it has no place in the future. Since this resolution opposes the revision of the current European system for agricultural aid (something that could benefit the climate, the world's poor and Europe's farmers), we could see no other alternative than to abstain from the vote.

**Edite Estrela (S&D)**, *in writing*. – (PT) I voted in favour of the joint motion for a resolution on the FAO World Summit on Food Security – Eradicating hunger from the face of the earth, because I believe that urgent measures are necessary to put a stop to this scourge, which affects a sixth of the world's population. In light of the impact of climate change on agriculture, particularly reduced productivity due to water scarcity, especially in countries which are already struggling with these problems, we must ensure that we develop coherent agricultural policies that are consistent with protecting the climate and fighting hunger.

**Göran Färm (S&D)**, *in writing*. – (SV) We Swedish Social Democrats have today chosen to vote in favour of the joint motion for a resolution on the FAO World Summit on Food Security. More than a billion people are currently suffering from starvation. Extreme oscillations in prices and a dramatic increase in the price of food on the world market have also caused a global food crisis, which has made it even harder for the poor people of the world to obtain access to food.

However, we would like to point out that we do not share Parliament's view that we should not reduce market support measures and aid payments to farmers within the framework of the EU's common agricultural policy. We do not believe that these support measures and payments will help to bring increased security of food supply to developing countries in the long term. On the contrary, these measures will have the opposite

effect. Subsidised, cheap European food is being exported to developing countries and, on account of its competitive prices, it often knocks these countries' own food production out of the market, so denying these countries the chance of more long-term self-sufficiency.

**Diogo Feio (PPE)**, *in writing*. – (PT) No one can remain indifferent to this global problem when they know that 40 million people die every year of starvation and that a child dies of malnutrition every six seconds.

The European Union is the foremost donor of development and humanitarian aid, but only a small part of this is channelled towards the agricultural sector, which could meet the food needs of thousands of people who continue to suffer from malnutrition. The European Union should therefore review its aid and development policies as a matter of urgency, and give greater precedence to supporting agriculture in developing countries, a sector which is the source of income for more than 70% of the workforce.

The common agricultural policy must also adapt internally to the crisis that we are undergoing, which includes higher production costs for European farmers, by refraining from dismantling its market support measures and/or reducing agricultural subsidies, giving special attention to the support of small and medium-sized farmers and their access to credit, so that they can keep up their levels of production in spite of the escalating costs of materials needed for production.

**João Ferreira (GUE/NGL)**, *in writing*. – (PT) Although we do not agree with all the points made, we chose to give our approval to this resolution, as it underlines the importance of principles that we consider fundamental to a real fight against world hunger, particularly:

- Emphasising that ‘the fight against hunger must be based on recognition of the right to food sovereignty’,
- Recognising ‘the right of local people in every country to control farmland and other natural resources vital to their food security’.

The resolution also draws attention to the importance of agriculture in combating hunger and stresses the importance of farmers' incomes. It remains to be seen whether, in the future, this Parliament will live up to what it has approved here today, or whether, as is often the case, it makes these good points, but later, when it needs to actually put them into practice, goes back on its word and approves legislation that violates these principles.

We should not forget that the successive reforms of the common agricultural policy, following the liberalisation of agricultural markets undertaken by the World Trade Organisation and coinciding only with the interests of the big agri-food companies, have contributed to the impoverishment of the global agricultural sector. Agricultural production should be used primarily to feed people, not to benefit export monopolies.

**Anne E. Jensen and Jens Rohde (ALDE)**, *in writing*. – (DA) We, the Danish Liberal Party's MEPs, voted in favour of the resolution on food security as we want to emphasise the importance of the EU taking global responsibility in the fight against hunger and poverty. We are opposed to paragraph 9 of the resolution, however, which puts question marks against the continued liberalisation of EU agricultural policy. The Danish Liberal Party wants to see a gradual abolition of agricultural aid plus the establishment of common rules that ensure a level playing field for Europe's farmers in terms of competition.

**Elisabeth Köstinger (PPE)**, *in writing*. – (DE) Long-term food security is one of the central challenges of the common agricultural policy. Especially in the light of food shortages, we must emphasise the importance of a strong CAP which will take on a key role in future in overcoming global challenges. This means that adequate long-term funding for the CAP is required. The CAP is an important element of the EU food and security policy and after 2013, it will play a significant role in development policy and in external food security policy.

Therefore, perfectly functioning ecosystems, fertile soil, stable water resources and further diversification of the rural economy are the highest priorities. International cooperation and solidarity, together with balanced trade agreements which promote, rather than jeopardise, food security are an essential element of global food security and this is where a strong CAP can make an important contribution. Net food importing countries are hardest hit by rising food prices, yet many of these countries throughout the world are the least developed. The EU must take measures to counteract this.

**Nuno Melo (PPE)**, *in writing*. – (PT) Hunger is a scourge that is affecting increasing numbers of people. As the EU is a place of solidarity, it has to be at the frontline of combating this growing problem. The world

food crisis is one of the major threats to global peace and security, so all global and European food security policies need to be stepped up.

**Georgios Toussas (GUE/NGL), in writing.** – (EL) The authors of this resolution, although forced to highlight the problem of hunger and the problems raised at the Food and Agricultural Summit in general, have nonetheless concealed the basic cause of the problem, namely the capitalist system of exploitation and the strategy which the EU also loyally serves so that capital can profit. The food production and distribution multinationals are uprooting farmers and concentrating the land, thereby striking a heavy blow at poor and average farmers. The working and grassroots classes, even in developed capitalist countries, are finding it harder and harder to safeguard healthy, safe food, while the food multinationals are raking in massive profits and buying up huge swathes of land, especially in Africa, calculating that food production needs to double by 2050. The EU leads the way in the liberalisation and privatisation of all food production factors – water, energy, transport and technology – and is imposing the same on third countries through the WTO and bilateral agreements.

The CAP underpins the policy of uprooting small and medium-sized farms and supporting the monopolies and their profits. Farmers and workers are fighting against this policy, fighting to overturn this system of exploitation and secure sufficient, healthy, safe food for everyone.

## 10. Corrections to votes and voting intentions: see Minutes

*(The sitting was suspended at 12.55 and resumed at 15.00)*

### IN THE CHAIR: MR ROUČEK

*Vice-President*

## 11. Approval of the minutes of the previous sitting: see Minutes

## 12. Debates on cases of breaches of human rights, democracy and the rule of law (debate)

### 12.1. Nicaragua

**President.** – The next point is the three draft resolutions on Nicaragua<sup>(1)</sup>.

**Bogusław Sonik, author.** – (PL) Mr President, the policy of the current President of Nicaragua, Daniel Ortega, proves the continued relevance of the old communist maxim: ‘once we have gained power we will never give it up’. In the 1980s, the Sandinistas were unable to maintain an armed dictatorship and, forced by international opinion, had to accept democratic rules of play.

Ortega was elected President in elections in 2006. The Sandinistas returned to power. From the very outset, he began to use the tried and tested methods of intimidation and elimination, under a variety of pseudo-legal pretexts, of any kind of political competition. The Sandinista apparatus began to duplicate state apparatus, following the example of the Cuban Committees for the Defence of the Revolution. In December 2008, the European Parliament drew attention to the campaign of harassment being perpetrated by state authorities, parties and people associated with the Sandinistas against human rights organisations and their members, journalists and representatives of the media. Amnesty International wrote of the violence which followed local authority elections. Attacks and beatings of journalists multiplied.

Now, by manipulating the Supreme Court, Ortega is trying to bring about changes to the Constitution which would allow him to stand for re-election. We can foresee, with a high degree of certainty, that the next step will be proclaiming himself President for life, for Fidel Castro is the model for the populists of Managua and Caracas, and there have never been free elections under Castro.

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

I call on the European Commission to draw conclusions from this situation and to check, in a situation of the violation of international human rights standards, if there is not a need to reconsider existing cooperation agreements with this country, so that the human rights clauses do not turn out to be merely empty words.

**Adam Bielan**, *author.* – (PL) Mr President, last Saturday, in response to an appeal from opposition politicians, tens of thousands of Nicaraguan citizens demonstrated against the policy of President Daniel Ortega, a policy which is leading directly to the introduction of a dictatorship in Nicaragua.

I will remind you that on 19 October, the Supreme Court decided to remove constitutional obstacles which prevented President Ortega from standing for a further term of office. The fact of this change itself is not outrageous, because, of course, there is no such law in many European countries, but what is outrageous is the way in which this decision was made. As we all know, President Ortega does not have a two-thirds majority in Parliament, and so he had to turn to violating the constitution in order to remove the ban on his re-election. If we allow Daniel Ortega to run for President again in 2011, we may wake up in a situation in which Nicaragua is controlled by a real dictatorship.

Therefore, I would ask the European Commission to draw attention to this problem during further negotiations on the EU-Central America Association Agreement and to use every possible means to turn President Ortega back from this road.

**Johannes Cornelis van Baalen**, *author.* – Mr President, I am very thankful for the support in this House for the delegation of Liberal International which I led to Managua. We came in peace on the invitation of a parliamentary majority to speak about the Constitution, the election, the election campaign and human rights and civil liberties. We were cursed, we were called pirates and that kind of thing. We were threatened with expulsion from the country, threatened with being *persona non grata*, and it was said that we were staging a *golpe* – a *coup d'état*.

But, more importantly than that, they cursed my country and they oppress their own people. I think that the European Union should monitor what happens in Nicaragua and should send observers to the elections in 2011 and support the democratic opposition. I also hope that we will do the same and will be objective regarding the result of the election in Honduras. Let us see whether the elections on Sunday are free and fair, and let us make a decision then. It could be that, if we recognise the result of the elections, it will put an end to the constitutional crisis in that country.

**Tunne Kelam**, *on behalf of the PPE Group.* – Mr President, there is an alarming trend in today's Latin America to consolidate populist regimes by extending the mandate of current presidents – preferably for eternity. This was Hitler's way to power. Lenin's was that of indifference, but the results were just the same.

These presidents with extended powers have not been able or willing to improve the quality of life of their subjects. Cuba is a murky and painful example of how lives of normal people have been mutilated and spoiled for decades. In Nicaragua, we can see a warning example that such kinds of rulers do not change. They return to power only to misuse it once again.

It is, therefore, our task now to condemn strongly these violations of the Nicaraguan Constitution and to link this issue with much more efficient control over the use of funds given to Nicaragua for development. It is very disappointing that the Organisation of American States has not reacted to these flagrant violations of the constitution by one of its member states.

**Véronique De Keyser**, *on behalf of the S&D Group.* – (FR) Mr President, I am pleased to see that Mr van Baalen has returned to Europe safely and that he was only expelled when he was already on the plane.

Having said this and on a more serious note, I would like to say on behalf of my group that we are not getting involved in this game. What I mean is that, while the Group of the European People's Party (Christian Democrats) refused us an urgent debate on Uganda about the laws against homosexuals and another urgent debate on Iran about the executions being carried out there, they would now like us to get involved in the game of being for or against Ortega, with the demonstrations going on over there.

That is just not on! I think that the urgent debates held in this House, with the aim of actually providing assistance to people or causes experiencing difficulties, must not be used to serve our MEPs' personal political interests. Therefore, my group has decided not only not to sign this resolution, but not to vote and to oppose what is going on here. This brings discredit upon the European Parliament.

**Raül Romeva i Rueda**, *on behalf of the Verts/ALE Group*. – (ES) Mr President, along the same lines, I think that it is not only sad but clearly shameful that a sitting as important as this, on urgent matters, is being manipulated in this way, and I am therefore surprised not only that the subject today is Nicaragua, but also that on other occasions when we were supposed to have discussed much more serious matters, that did not happen. Today, moreover, we have the added factor that other subjects that were on the agenda have been dropped precisely because this one has been included. This is entirely inappropriate from the point of view of the content of debates on urgent matters.

For example, we could and should have discussed the Western Sahara. We should have discussed the current situation of people such as Aminatou Haidar, who is at present suffering as a result of a clear violation and deprivation of her most fundamental rights. We should also be discussing the situation of the very many people who are in refugee camps, or in the occupied areas of Morocco, a context on which a clear position is really needed.

All of this could have been debated today, and this is not the case because the Group of the European People's Party (Christian Democrats) is making us talk about a subject that I do not think deserves the consideration or has the significance appropriate to this type of sitting.

**Ilda Figueiredo**, *on behalf of the GUE/NGL Group*. – (PT) Mr President, this is a regrettable debate about a false state of urgency that does nothing but discredit the European Parliament.

The urgent thing would have been to debate the recent tragedy caused by Hurricane Ida when it hit El Salvador at the beginning of November. This hurricane caused more than 200 deaths and missing persons, destroyed infrastructures and essential equipment, particularly in the areas of health, education, water and sanitation, exacerbating poverty in the country.

The urgent thing would have been to discuss the availability of extraordinary funds and the redirection of available EU funds to the emergency situation, launch a plan for reconstruction and risk reduction, and support the people of El Salvador.

The urgent thing would have been for this Parliament to condemn the military coup in Honduras and demand the return to power of President Zelaya, who was legally elected by the Honduran people.

The urgent thing would have been to demand respect for the fundamental rights of the people of the Western Sahara.

Unfortunately, none of this was possible due to opposition by the Group of the European People's Party (Christian Democrats). Therefore, as my colleagues have already stated, we refuse to collaborate with this false state of urgency, which is a disgrace to the European Parliament.

**Jürgen Klute** (GUE/NGL). – (DE) Mr President, I agree wholeheartedly with the previous speakers. I would like to remind everyone that the Colombian President also attempted to extend his term of office in breach of current Colombian law and, therefore, this matter should also be taken up.

Most importantly, however, I would like to highlight the fact that the Friedrich-Naumann foundation in Germany, a foundation which has close links with the German Free Democratic Party, was involved in the coup in Honduras. There was a debate about this at least in Germany. The foundation's scholarship holders distanced themselves from this policy in an open letter. We must not forget that Mr van Baalen is the president of Liberal International and on the website of the Friedrich-Naumann foundation, it states that he discussed the possibility of a coup with the armed forces in Nicaragua. I think it is appropriate that in these circumstances – and this has not been contradicted – a country such as Nicaragua is bold enough to expel a politician of this kind. In all honesty, we must admit that the situation would be just the same in Europe.

What is happening here is nothing more than a transparent attempt to discredit and publicly shame those countries, states and governments in Latin America which are trying to introduce more social policies. On behalf of the Confederal Group of the European United Left – Nordic Green Left, I would like to say clearly once again that we will not support this.

**Ioannis Kasoulides** (PPE). – Mr President, I do not understand the reaction from our esteemed colleagues on my right-hand side in this hemicycle on the choice of subjects that we are debating today.

I do not understand why it is not urgent to take the floor, discussing the issue of the treatment of one of the Members of this Parliament who has visited a country exercising his right as President of Liberal International.

I do not understand why we cannot take the floor and speak about this issue and also speak about this new tendency in Latin America to try to change arbitrarily the constitution of the country and stop a tradition that has always existed concerning one or two terms of office of the Head of State in that country.

Already, our esteemed friends here have talked about four other subjects, and I would like to know when we are going to discuss the matter at hand, given that there are only three subjects on the agenda.

*(The President cut off the speaker)*

**Justas Vincas Paleckis (S&D).** – *(LT)* I wholeheartedly support the opinion of my group that this matter should not be included on the agenda, as there are much more relevant and much more pressing problems throughout the world. If we are to discuss Nicaragua, we should firstly talk about the fact that this is a country with the highest debt in the world and that it is one of the poorest countries in Latin America. The communist experiment was not the answer there, but neither was the neo-liberal experiment. It is a country where there was too much interference by the superpowers, America and the Soviet Union, and that is why that country is constantly on the verge of civil war. It is understandable that there are strong-arm tendencies there and those must be condemned. However, let us not forget that we also have strong-arm tendencies in Europe. Therefore, let us concentrate on far more important matters.

**Gesine Meissner (ALDE).** – *(DE)* Mr President, various things have already been said on this matter. One speaker explained that this is the wrong subject for debate, because there are more urgent issues that involve more significant violations of human rights. That may be the case, but I believe that we Europeans, who work to ensure that values such as human rights and freedoms – for example, the freedom of the press – are respected everywhere, must defend this freedom whenever we become aware that it is under threat.

It was also said, for example, that the Friedrich-Naumann foundation was involved in the coup. As a member of the FDP, I explicitly reject this claim. These are rumours which have been spread around and which are completely without foundation.

My third point is that it was said that Mr van Baalen was accused of discussing a coup and this is why he was expelled from the country. If you cannot openly discuss all kinds of subjects – for us this is part of the freedom of the press and of speech, two freedoms which we have here and which we value highly – is this really a reason for expelling someone from the country, simply because a subject of whatever kind was discussed? The fact that this happens in public is no justification for expelling someone from the country, simply because a discussion took place. This is totally the wrong approach.

**Charles Tannock (ECR).** – Mr President, Nicaragua remains one of the poorest countries in the Americas. The fact that President Daniel Ortega has failed to improve his country's situation, despite myriad Socialist utopian promises upon taking office, would suggest that Nicaragua needs a change of leadership now.

The country's constitution permits Heads of State to serve only one term, sometimes a wise policy in a region prone to instability, but Ortega is once again showing his contempt for parliamentary democracy and the rule of law by abusing the Constitutional Court's powers.

In this respect, he is no different from his fellow leftist Hugo Chávez of Venezuela. Both men have made their names denouncing *caudillos*, but they themselves are turning into *caudillos* of the Left and, as such, represent a genuine threat to regional democratic stability, especially given the chaos in nearby Honduras. Daniel Ortega has failed his people and his country many times over. If we truly believe in democracy and freedom, we cannot ignore the plight of the citizens of Nicaragua.

**Reinhard Bütikofer (Verts/ALE).** – *(DE)* Mr President, one thing has come out of this rather difficult debate. The Member from the Group of the Alliance of Liberals and Democrats for Europe has indirectly confirmed that the question of a coup really was the subject of these discussions. She has defended what took place by using the argument that it must be possible to talk about anything, even a coup. That is one remarkable result of this debate which helps to clarify the situation and I am grateful for this.

**Karel De Gucht, Member of the Commission.** – Mr President, honourable colleagues, as you know, the European Union is engaged in a difficult dialogue with this country aimed at preserving democracy and restoring its citizens' trust in the country's democratic institutions.

At the same time, the EU is trying to maintain a balance with our long-standing commitment to support the development and stability of this developing country and the Central American region more generally.

Since the municipal elections held in November 2008, which were tainted with allegations of widespread fraud, international donors' confidence in the current government has fallen to an all-time low. Failure to respect fundamental democratic principles, including free and fair elections, led the donor community to systematically review their cooperation portfolios and, in certain instances, reorient or suspend cooperation activities until conditions improved.

Commissioner Ferrero-Waldner took the decision to suspend all budgetary support payments to Nicaragua as of 1 January 2009. This decision had been preceded by a discussion with Member States in the Council.

Following numerous contacts with the Nicaraguan authorities which gave credible commitments that corrective steps would be taken, the Commission proceeded at the beginning of October with a single payment of EUR 10 million of our budget support programme to the education sector. This represents a small part of the funds that have been suspended, which amount to an additional EUR 46 million.

There was criticism last week in the Development Council that there were no previous discussions on this with the Member States. Without going into the details of this, I think it is very important that, when we take that kind of decision, we have a kind of a procedure whereby we at least try to make sure that the European Commission and the Member States are taking the same line with respect to individual states. If, in the end, it is not possible, then of course everybody is allowed to do what he or she thinks to be necessary.

The government of Nicaragua has announced that the next regional elections in 2010 and the general election in 2011 will have national and international observation teams. The government has already officially invited the EU to carry out an observation mission. The government has also committed, *inter alia*, to improving its civil registry and electoral role with the support of an EC project and to appoint credible and professional electoral authorities next year.

On the other hand, recent developments, such as the ruling by the Constitutional Chamber, certainly cast a shadow on the seriousness of the Nicaraguan Government to live up to its commitments. The EU has, on a number of occasions, most recently by means of a local troika démarche on Monday 21 November, expressed concern on this development.

At the end of the day, implementation of these commitments will be crucial for the progressive resumption of our budgetary support programmes. We continue to work in close cooperation with the Member States as well as with the European Parliament, as this debate shows. Whether it is timely or not is, of course, a matter that should be looked at by Parliament itself.

**President.** – The item is hereby closed.

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

## 12.2. Laos and Vietnam

**President.** – The next item is the four draft resolutions on Laos and Vietnam<sup>(2)</sup>.

**Véronique De Keyser, author.** – (FR) Mr President, we once again have an urgent debate on Vietnam and Laos. It is true that we have had other similar debates in the European Parliament, but we cannot really allow the current urgent debate to go unheeded.

We are, in fact, fairly concerned. Since 2006, when Vietnam was removed from the United States' blacklist for repression and human rights violations, the level of repression against human rights activists has been on the rise.

I would like to mention just one case which I think is typical, that of Mrs Tran Khai Thanh Thuy. She is a writer, blogger, journalist and activist who is currently in prison for vague reasons, the most plausible of which is that she was defending freedom of expression and human rights in her country. She is diabetic and in a poor state of health. We fear for her life and are demanding not only adequate health care for her in prison, but also her immediate release.

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(2) See Minutes



I love Vietnam. Vietnam is a great country and will take over the presidency of ASEAN in 2010. I believe that adopting measures which are more in line with international democratic standards could only help strengthen its moral authority further.

**Thomas Mann, author.** – (DE) Mr President, the human rights situation in Vietnam is disturbing. Religious persecution, in particular of Christians and Buddhists, is the order of the day. Anyone who speaks out in favour of freedom and human rights is intimidated and kept under systematic surveillance. At the end of September, hundreds of monks from the Bat Nha monastery were attacked. Major damage was caused to the entire monastery complex while the police simply sat by and watched. The monks who sought refuge in the nearby Phuoc Hue temple were beaten up. This sort of abuse must not be tolerated. It is outrageous that the numerous calls from the European Union and other parts of the world for improvements in the human rights situation have simply been ignored. There are hundreds of reasons for at last introducing changes, particularly as next year, Vietnam will hold the presidency of the ASEAN group of countries.

The situation in Laos is not much better. At the beginning of November, more than 300 peaceful demonstrators calling for more pluralism and democracy were brutally beaten up by the secret police. All efforts to bring about a political dialogue in this country are crushed immediately by the single ruling party.

The 5 000 Hmong refugees who are currently living in camps in northern Thailand and who are a persecuted minority are also in an appalling situation. They have not been granted the status of refugees. The organisation 'Doctors without Borders', which was represented here in Parliament this week, has said that it is almost impossible for it to provide humanitarian aid in the camps because people are constantly and generally completely arbitrarily being arrested and forced to return to Laos. Any claims that these people are returning voluntarily are simply not true.

We Members of Parliament call on the Commission and the Council to give us accurate information about which of the agreements reached with these two countries on human rights and democracy are being observed. Which of the agreements have been consistently blocked? For the sake of the citizens of Vietnam and Laos, it must be possible to exert pressure on the governments of these two countries.

(Applause)

**Heidi Hautala, author.** – (FI) Mr President, it is welcome news that the Association of Southeast Asian Nations has established a regional Human Rights Commission. Against this background, it is shocking to meet Vietnamese monks who have been the victims of a violent attack. We on the Subcommittee on Human Rights had the honour to meet them recently.

The position of religious communities seems to be becoming more and more difficult in Vietnam. We really have to condemn the fact that more than 300 monks and nuns from two monasteries had to leave as a result of violence and that religious communities are continually being harassed. It is important that Vietnam takes notice of the recommendations of the United Nations Commission on Human Rights, which propose, for example, that United Nations Special Rapporteurs be invited to the country to monitor the implementation of freedom of opinion and religion, as well as other basic human rights.

**Cristian Dan Preda, on behalf of the PPE Group.** – (RO) In Vietnam, hundreds of people are being held in detention for their political and religious beliefs. Indeed, I believe that the violent attack against Buddhist monks at the end of September clearly shows that Vietnam is refusing to improve its human rights situation.

In Laos, a country under military dictatorship, the leaders of the students and teachers movement set up a decade ago are still being held in secret detention. The recent peaceful demonstrations held in support of respect for human rights were suppressed by the secret police, while the Hmong community continues to be subject to persecution.

Both Laos and Vietnam must fully comply with international standards in terms of protecting human rights. The persecution must stop against members of religious communities, minorities and, in general, against citizens doing no more than defending their political rights

It is the European Union's duty to monitor closely the development of human rights and to use all its influence to reverse this negative trend.

(Applause)

**Lidia Joanna Geringer de Oedenberg**, *on behalf of the S&D Group*. – (PL) Mr President, negotiations which are in progress on a new Partnership and Cooperation Agreement between the EU and Vietnam must also include respect for human rights and civil liberties. The information reaching us shows that the situation in this regard in Vietnam is extremely disturbing, especially in relation to the repression being used against internet users. The internet is a medium which is founded on free exchange of information and views on every subject, and that on a world scale. Meanwhile, Vietnamese legal regulations on use of the internet penalise free speech in areas considered as sensitive, such as human rights and the propagation of democracy.

Rules introduced in 2008 concerning blogs require that their content be limited to personal matters, and ban the dissemination of antigovernment materials and material which undermines national security.

*(The President asked the Member to speak more slowly)*

Foreign non-governmental organisations report that bloggers who raise political subjects are held in prison. The institutions of the European Union must not be indifferent to these disturbing facts coming from Vietnam and, in addition to political action, legal action is also necessary. Therefore, I appeal for inclusion in the new Agreement between the EU and Vietnam of a binding clause on the matter of human rights.

**Johannes Cornelis van Baalen**, *on behalf of the ALDE Group*. – Mr President, the ALDE Group is of the opinion that Laos and Vietnam are no democracies. Human rights are not guaranteed in either country, nor are religious or other rights. It means that we wholeheartedly support this resolution and ask the Council and the Commission to act likewise.

**Ryszard Antoni Legutko**, *on behalf of the ECR Group*. – (PL) Mr President, once again, I would like to stress the dramatic situation of Christians in Laos and Vietnam. In both countries, the entire structure of the state and the apparatus of repression has been directed at the destruction of Christianity – of both the Catholic Church and Protestant groups.

In Laos, this is the result of a programme of the ruling communist party, which treats Christianity as a religion representing Western imperialism. In Vietnam, what is taking place is being done in contravention of formally existing law. The repression takes a variety of forms: arrests, torture, deprivation of freedom, intimidation and confinement in psychiatric institutions.

Such practices must not be allowed to pass without a strong reaction from European institutions. Although quite a number of people in Europe are fighting Christianity by legal means, it is our obligation, the obligation of all of us, to take action against the barbarity we are witnessing in some of the countries of Asia.

**Eija-Riitta Korhola (PPE)**. – (FI) Mr President, in September, Laos took one important step forward in the improvement of human rights by ratifying the International Covenant on Civil and Political Rights. The Covenant covers such areas as freedom of religion, association and speech and gives individuals the right to express their political opinions.

Theory and practice, however, are sometimes a very long way from one another and the journey from the former to the latter can be a long one. Once again, a huge amount of political will is required. The leaders of the student movement arrested in the demonstrations in October 1999 and other prisoners of conscience must be freed immediately, as also must those arrested in the peaceful demonstration held on November 2 this year.

It is especially important that the Laotian authorities show their democratic mindset by drafting and implementing legislative reforms as soon as possible. National legislation must be made consistent with the international agreements that Laos has committed itself to. Only legislative reform and multi-party elections can bring democracy and, at the same time, a respect for human rights in the Lao People's Democratic Republic.

**Marc Tarabella (S&D)**. – (FR) Mr President, in July 2007, I celebrated in this very Chamber the fact that 2006 had been a year of political openness for Vietnam. I called on Vietnam to accommodate all the religions represented on its territory and to allow its population to choose their form of worship freely.

More than two years on, I note that the situation has not progressed in the right direction. Freedom of worship is still not a reality in Vietnam, while the number of arrests of Buddhist monks, for instance, just to give one example, is rising.

Just as Vietnam is about to assume the presidency of ASEAN – and I must welcome in this House its efforts in the areas of health, education and the reduction of inequality – we want to use this resolution to remind this country of the importance of human rights and ask it to set an example as a future president of ASEAN.

Furthermore, I welcome that the Laotian Government has ratified the International Covenant on Civil and Political Rights. I therefore hope that this pact can be fully complied with, particularly with regard to freedom of expression and assembly.

Finally, we request the Laotian Government to do its utmost to release everyone arrested on 2 November 2009 during the attempted peaceful demonstration, as well as the leaders of the ‘Student Movement of 26 October 1999’.

**Ryszard Czarnecki (ECR).** – (PL) Mr President, in this Parliament, we spoke of Vietnam, particularly in the context of the religious persecution of Buddhists, in the previous Parliamentary term. Today, the time has come to talk once again about the violation of religious rights in both of those countries, this time against Christians. This is, unfortunately, a permanent feature of political reality in these two countries. The European Parliament, which is so sensitive to violations of human rights and the rights of minorities, must make a statement on this matter.

There is one more thing – I have come here today not only as a politician, but also as a blogger, and a fairly well-known one in Poland. As a blogger, I would like to protest at the persecution of our fellow internet users and bloggers in Vietnam. We must vigorously defend them.

**Mario Mauro (PPE).** – (IT) Mr President, ladies and gentlemen, persecution and discrimination on religious grounds are nothing new in Vietnam. They have been going on not for just one day or one month, but for 50 years.

I shall limit myself to mentioning the most recent episodes, such as the demolition of the cathedral in Vinh Long City, replaced by a public park, or the deployment of riot police and bulldozers to remove the statue of the Virgin Mary from the Catholic cemetery in Hanoi. What is more, a priest and his parishioners were denounced for bringing someone who had threatened a priest to the police headquarters. Thus, Christians are going from being victims to being criminals.

The increase in authoritarianism is reaching worrying proportions. In fact, the Hanoi Government has demanded that 10 internet sites, which regularly disseminate dangerous political material, be blocked for security reasons and to combat those movements that oppose the party.

The situation is also extremely worrying in Laos, where Christians are being persecuted relentlessly by means of arrests and threats, to the point where they are even being expelled from their villages at times.

Mr President, religious freedom is a natural human right for each and every person. It is not a favour granted by whoever holds power. Therefore, our intervention and commitment is vital.

**Zbigniew Ziobro (ECR).** – (PL) Mr President, we should note with satisfaction every measure which is intended to stress the importance of human rights and to highlight instances in which they are not observed in some parts of the world, in countries where people’s fundamental rights are violated. When, however, we turn our attention to the violation of these rights, we must pay particular attention to those situations in particular countries in which there are violations of the rights of people of different religions and of their right to free expression of their faith and attachment in the area of religious liberty, and to demonstrate their convictions in this realm. Therefore, we should raise the alarm in every instance of drastic violations in this area.

We should also remember that, here in Europe, we should always be an example of a place on the world map which remains a model of great tradition, liberty, freedom and respect for other religions. This is why it is with a certain unease that I notice something. It is something which cannot, of course, be compared to the facts referred to here in this Chamber. I am thinking of a trend which is appearing in the judicial decisions of the European Court of Human Rights, which seems to encroach on the area of freedom of religion and the traditions of particular countries, in this case, the ruling on Italy and crosses. I think that rulings of this kind may also create a certain bad atmosphere, where some symbols and emphases are open to misinterpretation.

In summary, every gesture and every action which increases the importance of human rights is significant, and we should talk openly about this, especially in the case of countries where basic human rights are violated.

**Charles Tannock (ECR).** – Mr President, Vietnam and Laos sadly remain the only vestiges, along with Cuba and the People's Republic of China, of one-party Communist dictatorships, where parliamentary democracy, pluralism of debate – including freedom of the media and internet blogging – and peaceful practice of religion are alien concepts.

In Vietnam, outspoken Buddhist monks and Catholics are not tolerated by the Hanoi Government, and in Laos the Hmong people are persecuted, and many have fled to Thailand. I agree that – with all the good will in the world, and in spite of endless international and UN commitments, including those made recently to the EU in trade agreements – Communist dictatorships can never be liberal democracies.

**Karel De Gucht, Member of the Commission.** – Mr President, the Commission maintains that in recent years, there has been a substantial improvement in the general political situation in Laos, and agrees with Parliament that the ratification by Laos of the International Covenant on Civil and Political Rights (ICCPR) is a welcome step towards respect for the freedoms of faith, association, speech and the press. The Commission also welcomes the ratification of the Convention on Disability Rights and the UN Convention against Corruption.

In April, the Laos Government approved a decree allowing the formation and registration of national civil society organisations. This marks a significant step towards achieving freedom of association and allowing civil society a role in the development of the country.

However, we share the concerns of Parliament regarding political prisoners. As to the three individuals mentioned by Parliament, the authorities repeated in October 2009 their earlier statement to our delegation in Vientiane, namely that Mr Keochay had already been released in 2002. Two of the other three, Mr Seng-Aloun Phengphanh and Mr Tongpaseuth Keuakaoun, were reported to be in good health. The authorities claim to have no knowledge of Mr Bouvanh Chanmanivong.

The Commission has consulted resident diplomats and others about the alleged arrests of several hundreds of demonstrators in early December 2009. However, we have not been able to confirm the information referred to.

The Commission shares the opinion of Parliament that the detention of 158 people held in Nongkhai requires urgent solution. The Commission calls upon the Laos and Thai Governments to allow the prisoners to resettle in third countries which have offered asylum.

Regarding other Lao Hmong in camps in Thailand, a proper screening should be undertaken in order to determine the status of the offences.

Let me now turn to Vietnam. The Commission shares the concerns of Parliament about recent signs of a more hard-line attitude of the Government of Vietnam on human rights. The recent arrests and trials of peaceful bloggers and human rights defenders, as well as tensions with religious groups such as the peaceful Buddhist community and the Batna monastery, have caused legitimate concern in Europe.

We urge Vietnam, as party to the International Covenant on Civil and Political Rights, to honour its international human rights commitments and to release all those prisoners, in particular, human rights lawyer, Le Cong Dinh, democracy advocate and writer, Tran Khai Thanh Thuy, and Catholic priest, Father Nguyen Van Ly, who are currently in detention for having peacefully expressed their views.

We also agree that a more independent media would have a useful role to play to channel social discontent peacefully in times of economic stress. That is why we encourage Vietnam to adopt a press law that will be in line with Article 19 of the ICCPR on freedom of expression.

Nevertheless, we are confident about our mature human rights dialogue and cooperation with Vietnam. We believe in constructive engagement. However, in order for such engagement to remain a sustainable option, dialogue and cooperation need to show tangible results.

There will be no better demonstration that dialogue is the best option than Vietnam's own performance.

**President.** – The item is hereby closed.

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

### 12.3. China: Minority rights and application of the death penalty

**President.** – The next item is the five draft resolutions on China: minority rights and use of the death penalty<sup>(3)</sup>.

**Véronique De Keyser, author.** – (FR) Mr President, my group has withdrawn its signature from the ‘China’ resolution. Why? Not because we regard human rights as secondary and subordinate to commercial interests – after all, we submitted a resolution from the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament without any concession, highlighting our commitment – but because, in order to achieve a change in China’s behaviour, we need to have dialogue, and this erratic resolution devoid of any structure ruins any chance of dialogue. It certainly has everything in it: Tibet, the Dalai Lama and his succession, the religious crusade and even, in case anything had been missed out, criticism of any present, past and future Communist regime.

Is this the way to open doors? No. The tragedy is that they will close on the very people whom we want to save at this precise moment, in other words, the Uighurs and Tibetans threatened with execution.

I urge China to stop being afraid of freedom of expression so that it can open up to the world, not only through business and culture, but also through sharing essential values.

I call for the issue of abolishing the death penalty to be put on the agenda of the next EU-China Summit on 30 November. I also ask the Commission and Council to continue to want to include in the new partnership under negotiation the clause about respect for human rights in China.

**Joe Higgins, author.** – Mr President, I support calls for the end of the death penalty in China, more especially when the death penalty is used to terrorise minority ethnic groups and nations within the Chinese state.

The European Union, the United States and other world powers, however, in their criticism of human rights violations in China, are very soft. In the case of violation of workers’ rights, those criticisms are virtually non-existent. This is because they wish to build business links with Chinese business and the bureaucracy that controls the state so that they may profit from the appalling exploitation of workers in China.

China is a gigantic sweatshop of exploitation of workers. For example, tens of millions of migrant workers lead lives of shameful misery, with their children suffering the consequences of the horrific conditions under which they live. The EU-based and the US-based multinationals participate in this exploitation to facilitate their super profits.

The Chinese regime is increasing its repression, and that repression has increased since the Chinese Stalinists decided to go for the capitalist market as a means of developing the economy. There is massive repression of journalists and campaigners for justice, for communities and for workers.

Recently a Socialist colleague of my own was banned from China. Laurence Coates, a Socialist who writes under the name of Vincent Kolo, who is the editor of ‘chinaworker.info’, was detained at the border and banned from China. ‘Chinaworker.info’ campaigns for workers’ rights and free trade unions. We should stand with workers in China. Independent and democratically-run trade unions and the right to strike should be campaigned for, as well as the release of all political prisoners and detained labour activists.

We should call for freedom of expression and assembly and international solidarity with workers in China to fight this horrific bureaucratic regime, many of whose members aspire to be oligarchs, obviously, as they did previously with the same system in Russia.

**Laima Liucija Andrikiienė, author.** – Mr President, while we are getting closer to China in terms of trade and environmental cooperation and China was host to the wonderful Olympic Games last year, it is clearly backsliding in terms of ensuring human rights to its citizens.

The response of the Chinese authorities to peaceful protests in Tibet last year and Xinjiang this year was completely out of proportion, to say the least. People everywhere in the world should have the right to protest against government policies they do not like. Instead of this, we had a violent and brutal reaction from the Chinese authorities against the protesters and hundreds of people killed.

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(3) See Minutes

Now we have a further nine people, mostly Uighurs, executed without mercy as a demonstration that any dissenting voices will be met by brutal and lethal force by the Chinese state apparatus.

While we admire the Chinese culture and make progress in exchanging goods and investments, it is our duty to speak loudly and clearly and condemn the killings and executions. Therefore, we once again reiterate our call to the Chinese officials to impose a moratorium on the death penalty and grant more freedom to its provinces striving for greater autonomy, while respecting the 'one China' policy.

**Barbara Lochbihler**, *author*. – (DE) Mr President, in recent years, China has seen huge economic growth. Many Chinese people's quality of life has improved. Unfortunately, there has been no progress of this kind in safeguarding and respecting human rights in China and this applies to all its citizens, regardless of their religion or ethnic group.

On the contrary, the oppressive measures taken against the Uighurs and the Tibetans have increased. As far as the death penalty is concerned, it is a positive sign that the highest Chinese court has once again reviewed all the sentences since 2007 and we assume that some death sentences will be revoked.

However, sadly, China is the world leader in executions. In 2008 alone, at least 1 718 people were executed. The estimated number of unreported cases is much higher. Even the minimum figure means that China is responsible for more than 70% of all executions throughout the world. In addition, China has increased the number of crimes liable to the death penalty. This means that Chinese people can be executed for committing more than 68 crimes. That is why we are calling in this resolution for China to suspend its planned executions and introduce a moratorium on the death penalty immediately.

(Applause)

**Crescenzo Rivellini**, *on behalf of the PPE Group*. – (IT) Mr President, ladies and gentlemen, my position regarding this motion for a resolution is similar to the ideas of a man who belongs to those minorities that are discriminated against, a man who has won the Nobel Peace Prize and who presides over the world's leading power: Barack Obama.

The principles of this resolution are ones I share. However, I believe that we absolutely must not repeat the mistakes of left-wing political parties, which want to recite rights, rather than actually earn them.

Minorities should be defended in China as in every other part of the world but, before submitting such a demanding resolution, we must have a strategy, a coordination of all the different sides and of the whole of Parliament, so as to avoid delaying and damaging negotiations with the Chinese Government.

We cannot think that we can solve the problems relating to minorities and to the death penalty in China without giving any thought to the Chinese Government. That is impossible. In this respect, President Obama has done well; he has made no concessions whatsoever, but he still maintains a good relationship with the Chinese Government which, we must admit, is trying to initiate a better dialogue in all negotiations with the Western world.

I wonder: why submit a resolution – albeit a commendable one – just days before the Nanjing meeting without coordinating, as a precautionary measure, everyone involved? Why submit a resolution that has already been submitted on many other occasions just when we are fortunately starting to get somewhere with the Chinese Government? Why submit a resolution which may potentially damage the beginnings of a new relationship with the Chinese Government?

For these reasons, although I support the principles of the resolution, which are the same as my own, I shall abstain from the vote, because strategically, I believe it may harm, not help, the new path we are embarking on with the Chinese Government.

**Bernd Posselt (PPE)**. – (DE) Mr President, it was said that this was a speech on behalf of our group. Following thorough consultation over the last week, our group proposed in the Conference of Presidents that this point should be included on the agenda. We want to discuss this point and we want it to be put to the vote. The speech expressed the personal opinion of my colleague and not the opinion of the group.

**President**. – Mr Posselt, I understand that, but we have agreed that we have a specific amount of time and each group has one minute of speaking time.

**Ana Gomes**, *on behalf of the S&D Group*. – (PT) In China, those who seek to exercise their labour, social, civil and basic political rights continue to be repressed. This repression is particularly cruel and indiscriminate

when it is used against ethnic minorities such as the Uighurs or the Tibetans, but the Han Chinese do not escape either, as in the cases of the Sakharov Prize winner, Hu Jia, and the lawyers and activists who are being persecuted following President Obama's visit to Beijing.

The administrative detention of hundreds of thousands of people, systematic torture in prisons, religious and political repression, executions – all these methods are incompatible with the People's Republic of China's obligations as a member of the United Nations. Moreover, they are ineffective methods, which will not succeed in silencing or containing those who clamour for freedom and human rights. This is the case in China, just like the rest of the world, for the Chinese are not Martians; they are no different to people elsewhere.

**Johannes Cornelis van Baalen**, *on behalf of the ALDE Group*. – Mr President, we, as Liberals, are against the death penalty in general, but here the death penalty in China is used to oppress minorities, like the Tibetans, the Uighurs and others. Furthermore, China is not a democracy. Human rights are not respected. China has a harsh policy against Taiwan. China should be put under pressure. This is difficult, I know. It is an enormous market, but we should fight for our principles. Therefore, we support this resolution.

**Heidi Hautala**, *on behalf of the Verts/ALE Group*. – (FI) Mr President, someone here asked why this resolution to promote dialogue was put forward. It was done so precisely because preparations are being made right now for the EU-China Summit, and the Human Rights Dialogue is a precondition for that.

Our duty in the European Parliament and on the Subcommittee on Human Rights is to remind the Council and the Commission that the results of human rights dialogues also play a very prominent role at the summits themselves.

I am sorry that Commissioner de Gucht is not even listening to what I am saying but chooses to talk to his colleague instead.

It is important for the EU and China to engage in dialogue, and I believe that China, too, will realise that the country can only make progress by making its decision-making procedures more transparent and by guaranteeing its citizens the right to express their opinion.

It is, in fact, impossible to imagine that China would act any differently in this respect from any other nation which has had to recognise the fact that, in order to develop its society, it needs all those creative forces that it now oppresses and tyrannises. If we believe that human rights are universal, we really cannot regard China as the exception, as Mrs Gomes remarked – and I quite agree with her. So let us apply the same yardstick to China as we do other countries.

**Charles Tannock**, *on behalf of the ECR Group*. – Mr President, I have been a long-standing critic in this House of the lack of human rights in the People's Republic of China. I have criticised the bullying of peaceful Taiwan in excluding this country from all international organisations, including the World Health Organisation. I have criticised the repression of peaceful Tibetan culture, the persecution of Falun Gong, as well as other religious minorities, and the presence of widespread censorship in China, including the media and also the internet and Google.

I condemn as well the brutal and widespread use of the death sentence for lesser crimes – such as economic subversion and pimping, believe it or not. Nevertheless, my group, the ECR, regards it as a personal conscience matter whether the death sentence is justifiable in the most serious crimes of terrorism and murder. There can be no doubt that, in the recent riots in Xinjiang province, many innocent Han Chinese were brutally murdered.

Nevertheless, of course, we do now welcome the PRC's expressed desire for having much better and harmonious relations with its ethnic minorities and, in particular, the Uighurs and other Muslim minorities. Of course, I, like all members of my group, call for fair trials for all those detained.

**Filip Kaczmarek (PPE)**. – (PL) Mr President, the Group of the European People's Party (Christian Democrats) endorses the draft resolution. I must confess that I was surprised by the suggestions of some fellow Members, from different groups, that we should not, today, discuss the subject of yet more cases of human rights violations or the widespread use of capital punishment in China. An argument in favour of this was said to be the forthcoming EU-China Summit.

Fellow Members, we should not succumb to the temptation of applying double standards or a conspiracy of silence just because we are dealing with a country which is an important trade partner of the EU. I am certain that one of the European Parliament's fundamental roles is to uphold human rights. This is so,

irrespective of whether we are talking about a world power, or about small countries such as Laos and Vietnam.

The People's Republic of China is the country which carries out the most executions in the world. It does not observe a minimum of human rights – those recognised by international legal standards and including the right to a defence and a fair trial. Several days ago, we celebrated the 20th anniversary of the fall of the Berlin Wall. If it had not been for the courage to criticise communism, if it had not been for the courage to speak the truth, Europe would look different today.

**Justas Vincas Paleckis (S&D).** – (LT) I would hope that in the 21st century, the death penalty will die out and that the instruments of the death penalty will only be found in a museum. However, until then, there is still a long road to travel, and I hope that China resolutely follows that road. For several decades, China has led in terms of the rate of economic growth, but sadly also in terms of execution statistics. Of course, Beijing would say that there is no other way in such a huge country and that not even the USA has abolished the death penalty. However, despite this, if we are seriously considering a strategic partnership between the European Union and China that would be very important to both parties, then Beijing should undoubtedly change its policy regarding the implementation of the death penalty, as well as its policy on dialogue between ethnic minorities, for the sake of their harmonious coexistence.

**Eva Lichtenberger (Verts/ALE).** – (DE) Mr President, the question of human rights and respect for minority rights has been a constant source of conflict for years, if not for decades, in the relationship between the European Union and the People's Republic of China. The situation of the minorities in particular worsened after the end of the Olympic Games and the Tibetans and the Uighurs have been subjected to strong pressure over recent months. For this reason, I cannot understand why my fellow Members do not want paragraph 9 to be included in the resolution, because this would encourage peaceful dialogue rather than the prevailing oppression.

China is a powerful player on the world stage. In order to be recognised as a player on the world stage as well, China must ensure that human rights are respected. This must not only be included in the constitution, it must also be put into practice. This and nothing less is what the Tibetans, Uighurs and human rights groups in China are calling for.

(Applause)

**Bernd Posselt (PPE).** – (DE) Mr President, I have already mentioned in this House that the World Uighur Congress, the central organisation for free Uighurs, is based in Munich, for the same reason that thankfully many Czechs and many other people lived in Munich: because Radio Free Europe and Radio Liberty were also located there. The city still retains this spirit of freedom today. At the same time, Franz-Josef Strauß, who always defended these freedom radio stations against calls for their closure, ensured that we developed a relationship with China very early on. The two things are not mutually exclusive, but complementary: positive contacts with China, but clear defence of religious freedom and human rights.

Several homes in Munich were searched by the police during a raid this week and Chinese agents who do nothing but terrorise and spy on Uighurs were arrested. This indicates the sort of methods that China uses. These methods are unacceptable. They range from terrorising people in Munich through to death penalties in Ürümqi. This is why we must make our opinions quite clear in this regard.

**Reinhard Bütikofer (Verts/ALE).** – (DE) Mr President, I take it for granted that the European Parliament will speak out when it is possible to save people from execution and, therefore, I support the call for a moratorium on the death penalty.

However, the process of defending human rights must not be misused for the purpose of lecturing China from a position of moral superiority, calling China's integrity into question or creating an absurd caricature of the reality of life in China. This does not help those people in China who are working on behalf of human rights, freedom and social harmony. Our goal must be to help these people and not to encourage European self-righteousness.

I am also opposed to including a positive reference to the Memorandum on Genuine Autonomy for the Tibetan People in an urgent resolution. That is not relevant and it has nothing directly to do with human rights. In addition, it is not a generally acceptable position. I would like there to be a wide-ranging discussion in future before an EU-China Summit on the relationship between China and the EU, covering all the subject areas.



**Martin Schulz (S&D).** – (DE) Mr President, I would like to endorse what Reinhard Bütikofer has said. My group had proposed that we discuss the imminent executions of the Uighurs in China and the participants in the protest demonstrations against the fraudulent elections in Iran who had been condemned to death, because these are two countries where executions are likely to take place very soon and, therefore, an urgent debate is needed. It is true that the Chinese hold the world record for executions, as you have said, and that the Chinese regime is unjust, because it disregards human rights. I would like to state explicitly that this is an intolerable situation.

However, in the Conference of Presidents, we asked for the two things to be kept separate: the urgent issues which we are discussing now, in other words, the imminent executions, and the question of the relationship between the European Union and China on economic, cultural, political and defence issues and in other areas. We want to discuss this in a debate on the EU-China Summit and to summarise it in a resolution. This is why the mishmash that has come out of this has nothing to do with urgent issues. This is also why our group is insisting on a vote on the urgent matter which we proposed and not on the hotchpotch that you have submitted.

**László Tórkés (PPE).** – (HU) Mr President, it is a major event that this issue has been urgently included on the agenda now. The group of Hungarian MEPs from Transylvania also proposed this issue for discussion. We want to thank some of the groups for their participation and support, but we are surprised that the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament withdrew its signature from this proposal for a decision. I regret that at the meeting the day before yesterday, certain sections were removed from the draft text as a whole, namely, those relating to the criticism of Communist regimes and the protection of minority communities. The EU should finally face up honestly and openly to Communism's enduring legacy and to Communist regimes still surviving today, which includes China.

**Gesine Meissner (ALDE).** – (DE) Mr President, ladies and gentlemen, we are strongly opposed to the death penalty, wherever in the world it is enforced. We are also opposed to the oppression of ethnic and religious minorities and both of these things are sadly happening in China.

Many people hoped that China would show more respect for human rights as a result of the Olympic Games and also that, because the Chinese are aware that the eyes of the world are on them, they would commit fewer abuses of human rights. Unfortunately, that has not been the case. The executions have continued and, therefore, it is very important for us to discuss this today, following the executions in November of nine Uighurs, which many people in the world are completely unaware of, and before that of two Tibetans.

The summit between the EU and China is not far off and, as several of the previous speakers have mentioned, China is an important trading partner. This is what makes it so difficult to bring up the breaches of human rights repeatedly, but that is why it is particularly important to talk about this subject today in the run-up to the summit. We would like the death penalty to be abolished everywhere. It is good that Parliament introduced a moratorium on the death penalty in 2007 and we must do everything we can to keep this subject in the forefront of people's minds while the death penalty is still in place.

**Jacek Olgierd Kurski (ECR).** – (PL) Mr President, as a Pole, I always feel my heart beat faster when there is talk of human rights in China. On 4 June 1989, Poles regained their liberty by voting in the first free election, in which we returned a non-communist Prime Minister. The same day, 4 June 1989, the Chinese regime crushed protesting students under the caterpillar tracks of its tanks in Tiananmen Square. The free world had found a recipe for overcoming Soviet communism, but had not found one for overcoming Chinese communism.

The primacy of economics continues to be victorious over values and human rights. This was clearly evident last year, when the mighty of the world proudly declared they would boycott the opening ceremony of the Beijing Olympics, and then all of them followed their economic interests and queued up in the first row of the parades, deaf to the cries of the oppressed people of Tibet.

I fear that if we put off making a resolution, we will unduly restrict this matter. Of course, abuse of the death penalty is a horrible crime, but there are also arrests. People are killed in labour camps in China, people are beaten with cudgels, they are imprisoned, freedom of speech is stifled, there is censorship. This should all be found in this resolution. It is good that the resolution has been tabled, but most important of all is that the primacy of human rights values should be victorious over economics. That is what I wish for everyone.

**Karel De Gucht, Member of the Commission.** – Mr President, let me first outline the state of play in EU-China relations. Our policy towards China is one of constructive engagement. As two major actors on the global

stage, our strategic partnership is increasingly focused on addressing global challenges. A key goal of the 12th EU-China Summit, to be held on 30 November in Nanjing, will precisely be to work together to ensure success for the Copenhagen climate summit and to address EU-China relations, including human rights, the financial and economic crisis and other international issues.

But a strategic partnership is not about thinking alike on each and every matter. It is true that Europe and China may disagree and have different views on some issues, such as on human rights and democracy. The strength of our relationship allows us to discuss these matters frankly. Human rights issues, including the death penalty and respect for the fundamental rights of ethnic minorities, are systematically raised during our regular political contacts and, in particular, during our human rights dialogue with the Chinese authorities.

This was the case during the recent 28th round on 20 November in Beijing, where we had a frank discussion on these issues. The EU's principled opposition to the death penalty and the call for its abolition in China are robustly conveyed on all occasions. The same is also true for the respect of the rights of ethnic minorities. Let me reassure this House that we will also continue to raise those issues in other fora, including at the highest level.

My colleague, Commissioner Ferrero-Waldner, had an extensive debate with you on Tibet in March, where she outlined the EU's position. I would like to recall some essential elements that the EU position encompasses. We have always supported the dialogue between the Chinese authorities and the representatives of the Dalai Lama. For the EU, human rights are universal, and the situation in Tibet is a legitimate concern of the international community. Tibet's situation has invariably been approached as such. We have consistently passed this message to our Chinese counterparts and listened very carefully to their views.

Commissioner Ashton also had the opportunity to express, here in July, her concern over the unrest in Xinjiang, deplore the loss of life and express her condolences and sympathy to the families of the victims. The EU supports any effort that will help reconciliation in this region.

The EU respects China's right to bring those responsible for violent action to justice but reaffirms its long-standing universal opposition to the use of the death penalty, under all circumstances, as well as the importance it attaches to the right to have a fair trial. The EU has raised these concerns repeatedly with the Chinese authorities and reiterates its concerns in the two declarations published on 29 October and on 13 November, as it always does in such situations. The statements called on China to commute any other death penalties passed in connection with the disturbances in Tibet and Xinjiang. Moreover, the EU will continue to press to be allowed to observe any further trials arising from Tibet and the Xinjiang disturbances.

We all share the goal of a more open, transparent China, adhering to international standards on human rights and working together to address global challenges. We all hoped that the Olympic Games would be the start of more Chinese flexibility with respect to the human rights of individuals. Up to now, this has not materialised. We must continue to work on the development of our strategic partnership and the respect of human rights as an integral part of our continued dialogue. The 12th EU-China Summit in Beijing is a privileged occasion to do so at an important stage of our respective evolution.

**President.** – The debate is closed.

We shall now proceed to the vote.

#### **Written statements (Rule 149)**

**Anneli Jäätteenmäki (ALDE), in writing.** – (FI) China has recently said goodbye to US President Barack Obama and will soon say hello to European Council President Fredrik Reinfeldt. We must, however, see more action than just diplomatic gestures. China has stated to its own people and the world its commitment to human rights, including those of the minorities residing within its borders. Nevertheless, their record speaks otherwise. Lately, there have been a number of disturbing incidents involving executions that were conducted with questionable trials and with uncommon haste. These activities were all conducted in secrecy. There is also the serious case of the Uighur minorities, where the Chinese Government is implementing birth control policies that are phasing the group out. As the European Union speaks out for minority rights and abhors the death penalty, we urge the Chinese Government to open up the process by which citizens are tried and sentenced to death, and commute the sentences of those who were not given fair and open trials. We urge the Chinese authorities to respect the rights of minorities living within their borders with regard to both UN resolutions and their own constitution. We also urge China to improve its human rights with the support of the international community.

**Eija-Riitta Korhola (PPE)**, *in writing*. – (FI) Mr President, I understand the displeasure felt by some Members here that our resolution on China was actually scheduled for a date after the visit by the Chinese delegation and hence might, by chance, give an impression of an unsuccessful journey, although the atmosphere was, in fact, excellent.

It is everyone's desire that cooperation continues in a positive spirit, without, however, forgetting the facts. Diplomacy cannot ignore human rights, but we need diplomacy and awareness of the situation to promote them.

Only recently, I was on a visit to Pakistan, where I met the President, the Prime Minister and prominent ministers to discuss human rights and the fight against terrorism. I would say that sometimes in our resolutions on human rights, we also need to mention the good news. There is cause for that now. A year ago, Pakistan's new democratically elected government appointed the first Minister for Minorities, who himself represents the Christian minority. The government's achievements in this area have been significant: the country has approved a 5% quota of public offices reserved for minorities, religious festivals for minorities have been made official, minorities are to have their own special day of celebration on 11 August, and the Senate is planning the same 5% quota for that institution.

The most important project relates to the reduction in incidences of violence. Minorities together with Muslims are forming local 'inter-faith harmony' committees, whose purpose it will be to soothe tensions and improve dialogue between the various groups. There will be one in 112 local areas. Ideally, they will also be able to prevent recruitment by the Taliban very effectively. Pakistan is the most crucial country in terms of global security. If the government succeeds in eliminating terrorism by such peaceful means as these, the example will be worth following. The situation should be interesting to watch.

### 13. Voting time

**President.** – The next item is the vote.

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

#### 13.1. Nicaragua (vote)

- Before the vote:

**Véronique De Keyser**, *on behalf of the S&D Group*. – (FR) Mr President, I would like to remind you that my group has decided not to take part in the vote for the reasons I mentioned earlier.

Therefore, no abstentions, but no participation either.

**Eija-Riitta Korhola (PPE)**. – (FI) Mr President, in my opinion, too many Members in the last debate were allowed to go over their speaking time, by as much as double in some cases. Could you kindly remind everyone that, if necessary, the microphone can be turned off? That might be necessary for us not to lose the speaking time allotted to us.

**President.** – Yes, some of you were given the floor twice, but not in one item. As far as disconnections are concerned, I have been generous to everyone and have not switched anyone's microphone off today, but next time I will.

**Raül Romeva i Rueda**, *on behalf of the Verts/ALE Group*. – (FR) Mr President, I wish to emphasise that our group is actually present but, for the same reason as the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament, we have decided not to participate in the vote to indicate our opposition to the fact that the debate has taken place, just like the votes.

**Ilda Figueiredo**, *on behalf of the GUE/NGL Group*. – (PT) Mr President, our speech takes exactly the same perspective. For the reasons that we explained during our speech, we will not participate in this debate ... in this vote. We participated in the debate, but we will not participate in the vote, as it concerns a false state of urgency, as we have already explained.

**President.** – Ladies and gentlemen, I must draw your attention to a small technical error in Paragraph 6. The words 'criminal' and 'disciplinary' will be removed from this paragraph.

### 13.2. Laos and Vietnam (vote)

### 13.3. China: Minority rights and application of the death penalty (vote)

- *Before the vote:*

**Bernd Posselt (PPE).** – (DE) Mr President, excuse me, but there is an error in paragraph 3 of the German version and I would like to ask you to have it corrected there and, if necessary, in all the other language versions. The German version reads: ‘Condemns the execution of the two Tibetans and another nine Uighurs’. Of course, this is incorrect. Uighurs are not other Tibetans and Tibetans are not other Uighurs. I would like to ask you to have this corrected in all the language versions.

**President.** – Mr Posselt, thank you, that will be corrected.

**President.** – That concludes the vote.

### 14. Corrections to votes and voting intentions: see Minutes

### 15. Decisions concerning certain documents: see Minutes

### 16. Written declarations included in the register (Rule 123): see Minutes

### 17. Forwarding of texts adopted during the sitting: see Minutes

### 18. Dates of forthcoming sittings: see Minutes

### 19. Adjournment of the session

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

*(The sitting was suspended at 16.25)*

## ANNEX (Written answers)

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

#### Question no 1 by Bernd Posselt (H-0364/09)

##### Subject: EU accession negotiations in south-east Europe

What is the Council's prospective timeframe for concluding the accession negotiations with Croatia, and will the Council be naming a date this year for the beginning of accession negotiations with the other south-east European candidate country, the Former Yugoslav Republic of Macedonia?

##### Answer

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

(EN) Accession negotiations with Croatia are progressing well, and are nearing their final stage. The eighth meeting of the Intergovernmental Conference with Croatia on 2 October dealt in total with eleven chapters and represented a crucial step in Croatia's accession process. Six chapters were opened and five provisionally closed, which means that, since the start of the negotiations, a total of twenty eight chapters have been opened, of which twelve have been provisionally closed. The signing of an agreement on arbitration by Slovenia and Croatia in Stockholm on November 4th will enable the parties to resolve the outstanding border issue which has been hampering formal progress in the negotiations during 2009. The agreement is a major achievement, and demonstrates a commitment to the principles and values of European cooperation.

Nevertheless, the Presidency wishes to underline that accession negotiations are a complex process, both from a political and technical viewpoint. It is not therefore appropriate to give any timeframe for the conclusion of this process. Progress in the negotiations is mainly guided by the efforts made by Croatia in preparing for accession, in addressing opening and closing benchmarks, as well as in meeting the requirements of the Negotiating Framework and in fulfilling its obligations under the Stabilisation and Association agreement. The Swedish Presidency is fully committed to continue to take forward this process and intends, if the conditions are met, to convene at least one more meeting of the conference before the end of its term in order to open and provisionally close as many chapters as possible.

As regards the possible beginning of accession negotiations with the Former Yugoslav Republic of Macedonia, the Presidency notes the recommendation of the Commission in this year's Enlargement Strategy to start accession negotiations. The Council has not yet taken a view on this issue. It would not be appropriate for the Presidency to prejudice the position of the Council on the matter.

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#### Question no 2 by Gay Mitchell (H-0365/09)

##### Subject: Withdrawal of extraordinary measures

At the informal Ecofin meeting in October, there was discussion of the need for 'fiscal exit strategies' to reduce and withdraw the extraordinary measures taken to deal with the financial crisis. There were a number of general outlines agreed, including the need for a 'timely withdrawal of the extraordinary measures'.

What is the Council's strategy to ensure that this withdrawal is timed correctly? What steps are in place to make sure the removal of stimulus is neither too early, lengthening the slump, nor too late, delaying a return to normal financial conditions?

##### Answer

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

(EN) The conclusions of the Council (ECOFIN) of 20 October include a commitment to design a comprehensive and coordinated fiscal exit strategy. The exit strategy will be designed so as to strike a balance between stabilisation and sustainability concerns, take into account the interactions between the different policy instruments, as well as the discussions at the global level. The Council will develop details of the exit strategy in further meetings. An important step in this respect will be the recommendations to countries in Excessive Deficit Procedure, which will be adopted by the Council on 2 December.

The Council has agreed in its Conclusions that if the Commission forecasts in November 2009 and the first half of 2010 confirm that the economic recovery is on the way to become self-sustaining, the appropriate starting point for withdrawal of measures would be the year 2011. However, all Member States are not affected in the same way, therefore, differentiation among them must be applied when the start of fiscal consolidation is determined on. The differentiation will be made based on a number of objective criteria taking into account aspects influencing future revenues, expenditures and growth of individual Member States.

Consequently, some Member States may wish to start with the withdrawal of fiscal stimulus measures before 2011.

The European Council of 29-30 October stressed indeed that there is no room for complacency, although there are signs of improvement in the world economy.

On 10 November, the Council held another exchange of views on exit strategy as regards measures taken by Member States to support the financial sector, focusing on methods and timing for the phasing out of bank guarantee schemes, which were put in place during the financial crisis.

It asked the Economic and Financial Committee to continue work on principles and on a tentative timeframe for the coordinated withdrawal of the support measures, whilst taking account of the situation in individual Member States, and to report back as soon as possible.

The Council also underlined the need to return to sustainable fiscal positions, starting with the implementation of the agreed principles for the exit strategy endorsed in October 2009, and subsequently moving towards the Medium Term Budgetary Objectives.

The reduction in debt ratios will have to come from a combination of fiscal consolidation and structural reforms to support potential growth.

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### **Question no 3 by Seán Kelly (H-0367/09)**

#### **Subject: EU position in Copenhagen**

Can the Council comment on the progress of negotiations in advance of the upcoming United Nations Climate Change Summit in Copenhagen? How does the Council assess the chances of reaching a global agreement which would permit the EU as a whole to progress to the 30% target for emissions reductions by 2020?

#### **Answer**

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

(EN) The EU remains confident that in Copenhagen a global and comprehensive agreement can be reached in order for the global temperature increase to be kept below 2° C above the pre-industrial level. The science and the economics of climate change are clear: Every year of delay in action means that it will become more difficult and costly to reach our global goal. Momentum has been building up during the last years and awareness about the urgency of the matter is higher than ever.

The determination of the EU to play a leading role and to contribute to reaching a legally binding agreement for the period starting 1 January 2013 was confirmed by the European Council on 29-30 November 2009. The European Council invited the Presidency to maintain a strong negotiation position throughout the process and agreed that it would review the situation at its meeting in December.

Ensuring that an ambitious agreement is reached in Copenhagen will require convergence on the following essential building blocks:

deep and ambitious emission reduction commitments by developed countries by 2020, including a shared vision until 2050;

measurable, reportable and verifiable actions by developing countries leading to a limitation in their emission growth and a peaking of emissions as soon as possible;

a framework for adapting to climate change as well as for technology and capacity building support;

financing for developing countries in the framework of a fair and equitable governance system.

We are now fast approaching the start of the Copenhagen conference and some positive and encouraging signs from both developed and developing countries can be heard. Norway and Japan have increased their emission reduction pledges to respectively -40 and -25% by 2020 compared to 1990. China and India are discussing constructively.

Still, a lot of work lies ahead of us. And most importantly, we need to maintain the pressure on two of the most important players in the negotiations, the US and China. The summit with the US was held on 3 November; the EU-China Summit is scheduled for 30 November 2009.

All in all, it will be an uphill struggle but a clear and ambitious political agreement in Copenhagen is still within reach. Even if we may not hammer out the last dot's of a legally binding instrument, I do believe a political binding agreement with specific commitment to mitigation and finance provides a strong basis for immediate action in the years to come. The stronger our political agreement in Copenhagen, the faster the progress towards a new legally binding, global climate regime.

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#### **Question no 4 by Brian Crowley (H-0402/09)**

##### **Subject: UN Climate Change Conference in Copenhagen**

Can the Council give an updated assessment of the progress of talks in relation to the forthcoming UN Climate Change Conference in Copenhagen?

##### **Answer**

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

(EN) As I have indicated yesterday during the debate on this issue, the EU remains confident that a successful outcome in Copenhagen can be achieved so as to keep the global temperature increase below 2° C above the pre-industrial level. The EU is determined to play a leading role in that process as well as to contribute to ultimately reaching a legally binding agreement for the period starting on 1 January 2013.

In this context, ensuring that an ambitious agreement is reached in Copenhagen will require convergence on the following essential building blocks:

deep and ambitious emission reduction commitments by developed countries by 2020, including a shared vision until 2050. Some countries, such as Japan and Norway, have upped their pledges. But it is clear that what is currently on the table does not add up to what science considers to be needed to keep the 2° C objective within reach. In this context, the EU will reiterate its demands to other developed countries to take on ambitious and comparable targets.

measurable, reportable and verifiable actions by developing countries leading to a limitation in their emission growth and a peaking of emissions as soon as possible. In this context, the EU will ask developing countries which have not yet done so to put forward their low-carbon growth plans and thereby quantify to what extent those measures would lead to a limitation in their emissions. As you know, Indonesia, Brazil and South Korea have already made significant contributions.

a framework for adapting to climate change as well as for technology and capacity building;

financing in the framework of a fair and equitable governance system for mitigation, adaptation, capacity-building and technology in developing countries. In this context, it will be important to agree already on the amount of fast-start financing that will be needed for developing countries in order to create the necessary conditions and framework to lay the foundations for the implementation of a post-2012 agreement.

In Copenhagen, the Presidency hopes - with your active support - to reach agreement on all the elements which I have just outlined.

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**Question no 5 by Chris Davies (H-0369/09)**

**Subject: EU-Israel Association Agreement**

What steps has the Council taken to ensure respect for the human rights provisions of the EU-Israel Association Agreement?

**Answer**

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

(EN) The Council attaches the utmost importance to the respect for human rights in all its relations with third countries, including Israel. According to the Euro-Mediterranean Agreement establishing an association between the European Communities and the State of Israel, their relations shall be based on respect for human rights and democratic principles, which guides internal and international policy and constitutes an essential element of the Agreement.

The Council actively participates in the regular human rights dialogue with the State of Israel through the Informal Working Group on Human Rights, most recently, on 3 September 2009. The dialogue is marked by open atmosphere and deals with issues that include minorities, children's rights, administrative detention and freedom of expression.

Within the framework of the European Neighbourhood Policy, relations between the EU and Israel are guided by the Action Plan. In this Action Plan, both the EU and Israel have committed themselves to promote human rights.

With regard to the Middle East Peace process, the Council emphasised in its conclusions of 15 June 2009 that respect for international humanitarian law must be ensured by all parties.

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**Question no 6 by Marian Harkin (H-0370/09)**

**Subject: Volunteering**

Would the Swedish Presidency support asking Eurostat to recommend that the UN Handbook of Non-Profit Institutions in the System of National Accounts be implemented, in light of the fact that this is one area of the statistical system that directly affects the lives of European citizens and, by making it clearly visible in the statistical system, validates for the first time ever their involvement in voluntary activities?

**Answer**

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

(EN) The Council can only examine this question on the basis of a proposal of the Commission. Until now, such a proposal has not been presented.

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**Question no 7 by Hans-Peter Martin (H-0375/09)****Subject: Greece and its accession to the euro area**

The Greek budgetary deficit was consistently higher than the Stability reference value of three percent of economic output from 1997 to 2003 according to revised data. Greece therefore did not meet the criteria for admission to the euro area.

What conclusions have been drawn from the fact that Greece's accession to the euro area was thus based on false data and how will this be prevented from happening again with another country, or what are the consequences likely to be in such a case?

**Answer**

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

(EN) The Council carefully examines all issues regarding reporting of data related to the Stability and Growth Pact, as these data represent the foundation for correct implementation of the Pact. In this sense, decisions on euro adoption are taken after very careful examination of all relevant criteria, in line with the provisions of the Treaty. The Council has addressed the issue of revision of the Greek data for the period from 1997-2003 in its Conclusions of 21 October 2004 and welcomed the Commission's initiative for a detailed report on Greece's deficit and debt data back to 1997 with a view to drawing the necessary conclusions so that revisions of such magnitude do not happen again.

The Council is very much aware of the ongoing issue of data quality in Greece and regrets the renewed problems in the Greek notifications for the current and previous years. It will address the issue in one of its forthcoming meetings, on the basis of a comprehensive assessment by the Commission. On 10 November, the Council invited the Commission to produce a report by the end of 2009 and to propose the appropriate measures to be taken in this situation. It also welcomed the commitment made by the Greek Government to address the issue swiftly.

Within the aim of preventing a recurrence of significant data revisions, the Council amended Regulation 3605/93 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community in December 2005. The revision reinforces the responsibility of the Member States to provide accurate data in a timely manner and enables the European Commission to better monitor the quality of data reported by the Member States. If necessary, the Commission can report to the European Parliament and the Council on its findings.

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**Question no 8 by Nikolaos Chountis (H-0378/09)****Subject: Cancellation of plans to install a missile shield in Europe**

On the question of the installation of a US missile shield in Poland and the Czech Republic, the Council and the High Representative of the CFSC have adopted the positions of the Bush Administration and the US intelligence services, once again dividing Europe, either by refusing to take a stance or by referring the matter to national authorities or NATO. On 17 September 2009, the new President of the USA, Barack Obama, announced the cancellation of the missile shield owing to doubts about the accuracy of the data on which the decision to install it in Eastern Europe was based.

Can the Council state its position on the US change in policy on the installation of the missile shield in Europe? Can it formally state that cancellation of the shield constitutes a positive step forward for the common future of the peoples of Europe?

**Answer**

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

(EN) The question of the installation of a US missile shield in EU Member States, which is an issue related to territorial defence, falls within the competence of individual EU Member States. The Council has not therefore engaged in formal discussions on the decision to install a US missile shield in Europe in the past, nor has this issue featured on the agenda of any Council meeting.

For similar reasons, the EU has not raised the issue of a strategic missile defence system as such in formal discussions with the US.

Consequently, the Council has no intention at this stage to discuss US President Obama's announcement about this issue.

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### **Question no 9 by Fiorello Provera (H-0381/09)**

#### **Subject: Broadcasting of Al-Aqsa TV by Eutelsat**

The French satellite provider Eutelsat is continuing to broadcast the Al-Aqsa TV television channel even though the content of the latter's programmes is in direct violation of Article 3b of the Audiovisual Media Services Directive (2007/65/EC<sup>(4)</sup>). Such programmes also contribute to growing radicalisation in Europe, presenting a threat to European security. Al-Aqsa TV is owned, funded and controlled by Hamas, an organisation on the EU's terrorist list. In December 2008, the French broadcasting authority, the Conseil Supérieur de l'Audiovisuel, informed Eutelsat that the content of Al-Aqsa TV's programmes breached Article 15 of the French communication law of 30 September 1986, which prohibits all forms of incitement to hatred or violence on the grounds of race, religion or nationality. Notwithstanding the CSA's communication, Eutelsat is still carrying Al-Aqsa TV, whose programmes continue to violate European and French audiovisual legislation.

Has the Council brought this matter to the attention of the French Government? What action does it intend to take to stop Eutelsat broadcasting Al-Aqsa TV?

#### **Answer**

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

(EN) The Council shares the honourable Member's concerns about any use of the media to incite hatred or violence.

As the Presidency has already said in precedent answers to the European Parliament on similar questions, the broadcasting of television programmes containing incitement to racial and religious hatred is incompatible with the values that are the basis of our democracies, and is totally intolerable.

As you know, the Council, together with the European Parliament as colegislator, adopted on 18 December 2007 the Audiovisual Media Services Directive. This directive updates the legal framework for television broadcasting and audiovisual media services in the EU. Article 3b of this directive prohibits broadcasts inciting hatred on grounds of race, sex, religion or nationality.

The scope of this directive and its consequent jurisdiction can include programmes broadcast by organisations established outside the EU, such as Al-Aqsa, but only if they use satellite facilities 'appertaining to a Member State'. It is for the Member State concerned to take responsibility for the correct implementation of the directive under the supervision of the Commission. Therefore, under the aforementioned directive, it is up to the national authorities concerned to carefully consider the issue raised by the honourable Member. The Council understands that the regulatory authority of France issued a warning ('mise en demeure') in December 2008 regarding the broadcasting of Al-Aqsa on Eutelsat, and is now considering further steps.

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<sup>(4)</sup> OJ L 332, 18.12.2007, p. 27

**Question no 10 by Martin Ehrenhauser (H-0383/09)****Subject: Operation Atalanta - arrest of pirates**

Since 8 December 2008, the European Union has been conducting a military ESDP mission to combat piracy and armed robbery.

At a hearing of the Subcommittee on Security and Defence on 3 September 2009, General Henri Bentégeat, Chair of the EU Military Committee, stated that 68 pirates had been arrested and handed over to Kenya in the past year.

Why were the people arrested handed over to Kenya?

What legal basis enables arrests of this kind to be made?

Are all the ships involved in Operation Atalanta authorised to make arrests?

**Answer**

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

(EN) Those arrested were handed over to Kenya in accordance with Article 12 of the Council Joint Action on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

This Joint Action provides that persons having committed acts of piracy shall be transferred to the competent authorities of the flag Member State or of the third State participating in the operation, of the vessel which took them captive, or to a Member State or any third State which wishes to exercise its jurisdiction over the aforementioned persons.

Since, in these cases, neither those States participating in the operation and having captured pirates, nor other EU Member States, were either able or willing to exercise their jurisdiction over the suspected pirates, they were transferred to the Republic of Kenya.

According to the Council Joint Action, no persons may be transferred to a third State unless the conditions for the transfer have been agreed with that third State in a manner consistent with relevant international law. At that time, Kenya was the only country with which the European Union has concluded an agreement on the conditions of transfer of persons suspected of acts of piracy.

The legal basis for arrest is Article 105 of the United Nations Convention on the Law of the Sea (UNCLOS). This provided that on the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft and arrest the persons and seize the property on board.

The EU Member States, which are all party to UNCLOS, authorised, pursuant to the Council Joint Action already mentioned, the EU Naval Force to implement powers granted under Article 105 of UNCLOS. By virtue of UN Security Council Resolution 1816 and subsequent resolutions, such powers can be exercised with regard to armed robbers within the territorial waters of Somalia.

Regarding the question as to whether all the ships involved in Operation Atalanta are authorised to make arrests, I can confirm that the Joint Action is applicable to all EU Member States participating in the operation.

The modalities of arrest are set out in planning documents agreed by the Council and are implemented by all ships participating in the operation, unless their national rules prevent them from doing so.

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**Question no 11 by Vilija Blinkevičiūtė (H-0384/09)****Subject: Amending the rules on European Social Fund cofinancing, and other measures to overcome social decline**

The economic downturn has affected different EU countries in different ways. Some will get over the crisis quickly and easily, while others will have to pay a higher price. What is most painful is that this price will

have to be paid by people on the lowest incomes. This may further exacerbate poverty and social exclusion. Lithuania is one of the countries where unemployment is rising sharply, while pensions, social benefits and social programmes are shrinking. Governments are urging everyone to tighten their belts and to resolve problems in a spirit of solidarity. Member States' inherent capacities are limited, however. The principle of solidarity should apply in the European Union as well. I have no doubt that ways can be found of supporting those Member States most affected by the crisis. One example I would mention is the European Social Fund (ESF). If national cofinancing of ESF projects were temporarily suspended, the resources made available could be used to tackle unemployment and social problems.

What is the Council's view on the possibility of temporarily suspending national cofinancing of ESF projects? What other measures does the Council propose to lessen social decline in the Member States?

#### **Answer**

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

(EN) The Council shares the honourable Member's concerns regarding the severity of the current financial and economic crisis and its impact on vulnerable groups of people in the EU.

As the Members of the Parliament well know, the Commission submitted to the Council in July a proposal to amend the General Regulation concerning the Structural Funds. Among other things, the Commission proposed a temporary option for Member States to request during 2009 and 2010 interim payments by the Commission without the need to provide national cofinancing for programmes which are eligible under the European Social Fund.

It has, however, become clear that this proposal has not enough support among the Member States. This is, in particular, because several Member States consider that national cofinancing is one of the fundamental principles of the EU's structural policy, and that one should not deviate from it.

On the other hand, the Council feels strongly that additional measures are needed to alleviate the impacts of the economic crisis in those Member States that are most affected by it. Therefore, the Council is currently examining alternative ways to use structural funds for this purpose - ways which would be much better targeted to those Member States that are most in need of them. Any solutions adopted by the Council will, of course, be sent to the Parliament for its assent.

Another measure which aims at alleviating the impact of the crisis is the amended Regulation establishing the European Globalisation Fund. This Regulation was revised in 2009, as a part of the European Economic Recovery Plan, to enable the Fund to react more effectively in support of workers made redundant as a result of globalisation, to enlarge its scope temporarily to cover redundancies caused by the impact of the global financial and economic crisis, and to bring the operation of the Fund more closely into line with its solidarity objective.

Further, a new microfinance facility is currently being discussed in the Council and the European Parliament. This instrument, which would be managed jointly with international financial institutions, aims at increasing access to micro-credits for vulnerable groups of people to enable them to launch their own new businesses, as well as for micro-enterprises, and thus at reducing unemployment and poverty resulting from the current financial and economic crisis.

For the operation of the facility, the existing structures of the ESF as well as the supporting measures of other Community initiatives, such as JEREMIE and JASMINE, could be used. It is expected that the original amount of EUR 100 million to be reallocated from the Progress Programme, as proposed by the Commission, could leverage more than EUR 500 million and thus contribute to the recovery of the economies of the individual Member States.

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**Question no 12 by Laima Liucija Andrikienė (H-0389/09)****Subject: Activities of the European Court of Human Rights and implications in the Member States of the Council of Europe**

The European Union is the Council of Europe's most important institutional partner at both political and technical levels. Their common goals are to strengthen the European common legal space, and to build a coherent system of fundamental rights' protection, focusing on benchmarks for human rights, the rule of law and democracy throughout the whole of Europe. The European Court of Human Rights is one of the institutions established to implement those common goals, especially dedicated to protecting the human rights of citizens from all Council of Europe Member States.

There are, unfortunately, shortcomings in the work of the Court. There are about 100 000 cases pending at the Court, 60 000 of which come from Romania, Ukraine, Turkey and Russia (about 20 000 from Russia alone). On top of that, there is an influx of 2 000 pending cases each month, and the period for solving cases at the Court has reached 7 years. This means that applicants who have experienced human rights violations in their countries are forced to wait almost 10 years for justice. The slow procedures at the Court create a situation which breaches the rights of applicants to a timely and fair hearing. Some experts view this situation as critical. If no solution is found in the very near future, the Court may lose credibility.

How does the Council view this situation? What actions does the Council intend to take in order to help improve/facilitate the work of the European Court of Human Rights? What could EU Member States do in this field?

**Answer**

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

(EN) The Council is well aware of the difficulties highlighted by the honourable Member and is particularly concerned at the consequences of this situation, caused notably by the non-ratification by Russia of Protocol 14 to the European Convention of Human Rights, on the efficiency of the European Court of Human Rights. Protocol 14, which provides for simplification of the Court's procedures and is intended to help it tackle the backlog of cases, can only enter into force when ratified by all Council of Europe members.

The European Union regularly addresses the issue of ratification of Protocol 14 at all levels in its political dialogue with Russia. Russia's response regarding the prospects of ratification by the Russian Parliament of the said Protocol has recently been more positive. According to some signals, ratification could be possible by the end of 2009.

The EU Member States continue to make every effort to assist the Court, including through the adoption, as an interim measure, of a Protocol No 14 bis and of an agreement on provisional application of certain provisions of Protocol No 14. Protocol No 14 bis applies to those Member States of the Council of Europe who have ratified it and the agreement to those Member States who have declared their willingness to be bound by it. Protocol No 14 bis and the agreement on provisional application introduces the same two procedural measures related to the number of judges that examine applications and decide on their admissibility and merits. These measures were already contained in Protocol No 14 and aim at increasing the Court's case processing capacity. They should indeed help the Court to face the ever-accelerating influx of new applications and the constantly growing backlog of cases.

However, it is widely recognised among Member States and others that more needs to be done in this regard. To this end, the EU welcomes the high level conference on the future of the Court that will be held in Interlaken in February next year during the Swiss chairmanship of the Committee of Ministers of the Council of Europe. The EU takes an active part in the preparations for the conference and see this as a priority for the Council of Europe.

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**Question no 13 by Justas Vincas Paleckis (H-0392/09)****Subject: Ratification of the Energy Charter**

Russia, along with 50 other countries, signed the Energy Charter Treaty and related documents in 1994, but Moscow has yet to ratify them. In August, Russia officially refused to ratify the treaty and its accompanying protocol on energy efficiency and related environmental aspects. Belarus and Norway have also yet to ratify the Energy Charter.

Since 2000, the EU has been trying in vain to ensure that Russia, once it has signed the treaty, makes the necessary investments in developing energy technology, dismantling monopolies concerning the distribution of energy resources, and liberalising energy market-related investments.

The importance of the Energy Charter Treaty and of meeting the commitments made by all the countries that have signed it has been stated more than once at EU level.

In the Presidency's view, what further work will be required to ensure that the provisions in question are implemented in practice?

**Answer**

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

(EN) The Presidency would like to recall the Community position according to which Russia should ratify the Energy Charter Treaty without re-negotiation. This position has been repeated at each meeting of the EU-Russia Energy Dialogue. The EU regrets that Russia decided to move in the other direction and withdraw as a signatory to the Energy Charter Treaty.

The Community is open to look into appropriate ways in which Russia could be encouraged to engage in the Energy Charter Process. To that aim, the Community will continue to promote the implementation of the provisions referred to by the honourable Parliamentarian - as well as the key principles of the Energy Charter Treaty - in the context of the ongoing negotiations on the new EU-Russia Partnership and Cooperation Agreement (PCA), as well as in the framework of the EU-Russia Energy Dialogue.

As for the other Countries that did not yet ratify and that were mentioned by the honourable Member, the Council underlines that in the particular case of Norway, its European Economic Area membership ensures that it applies the Community acquis on energy.

As regards Belarus, the Council recalls that this is one of the countries belonging to the Eastern Partnership where the provisions referred to by the honourable Parliamentarian are discussed, notably in its Platform on Energy Security.

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**Question no 14 by Sabine Lösing (H-0394/09)****Subject: Treaty of Lisbon, Article 41(3), start-up fund**

How will adoption of the Treaty of Lisbon impact on budgetary control competence concerning the armaments budget ('start-up fund')? Traditionally, after all, that competence lies with Parliament.

Article 41(3) of the consolidated treaty makes it possible to guarantee rapid access to appropriations in the EU budget. Does that already apply to current budget appropriations?

Is it true that, after the treaty enters into force, the Council may take qualified-majority decisions on the amount and use of the start-up fund and that it will therefore no longer be possible for Parliament to exercise budgetary control (Article 41(3) of the EU Treaty)?

**Answer**

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

(EN) Article 41(3) of the Treaty on European Union, as modified by the Lisbon Treaty, provides for a start-up fund to finance 'preparatory activities for the tasks referred to in Article 42(1) and Article 43 which are not charged to the Union budget'. This fund is to be made up of Member States' contributions.

This article also provides that the Council shall adopt by a qualified majority decisions establishing procedures for setting up and financing the fund, in particular, the amounts allocated to it, as well as for administering the fund and the financial control procedures.

The current EU budget appropriations contain some items related to preparatory measures for actions undertaken in the framework of the Common Foreign and Security Policy. Nevertheless, there are no specific provisions on rapid access to appropriations within the financial rules currently in force.

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### **Question no 15 by Anna Hedh (H-0395/09)**

#### **Subject: The Stockholm Programme and children's rights**

The Swedish Presidency's proposal for a multiannual programme for an Area of Freedom, Security and Justice (the Stockholm Programme) does not make any reference to the development of an EU Strategy on the Rights of the Child, which was specifically mentioned in the Commission Communication's list (COM (2009)262) of priorities for promoting citizens' rights. This priority is key to ensuring implementation of the proposed Article 2.3.2 and Lisbon Treaty Article 3(3), which state that the EU 'shall [...] promote [...] protection of the rights of the child'. Is there a particular reason why this priority has been taken out, and will the Council consider including it in order to ensure that undertakings on children's rights are adequately implemented?

#### **Answer**

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

(EN) The Council agrees with the honourable Member underlining the importance of promoting children's rights. Therefore, it draws the attention of the honourable Member to the fact that the 'Rights of the child' and the EU Strategy on the Rights of the Child are indeed included in the Draft of the Multi-annual Programme for an area of Freedom, Security and Justice (the Stockholm Programme).

Chapter 2.3.2. is entirely dedicated to the rights of the child and stresses that they concern all EU policies. Rights of the child must be systematically and strategically taken into account and the Commission Communication 'Towards an EU Strategy on the rights of the child' (2006) reflects important considerations in this regard. Children in particularly vulnerable situations should receive special attention, notably unaccompanied minors in the context of immigration policy, children that are victims of trafficking, sexual exploitation and abuse.

Nevertheless, it has to be emphasised that the abovementioned proposal for a Multi-annual Programme is still under discussion by the bodies of the Council and the Council cannot pre-empt its final content before the conclusion of the works.

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### **Question no 16 by Liam Aylward (H-0396/09)**

#### **Subject: Innovative financing**

At the most recent Council meeting, the Council stated that deliveries of climate financing should not undermine progress towards the Millennium Development Goals (MDGs). Can the Council give more detail on how 'innovative financing' can play a role in both supporting the MDGs and climate financing?

#### **Answer**

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

(EN) Climate change has become a global challenge. Its consequences can already be seen today and immediate action is required. At the October European Council meeting, the Heads of State or Government set out the EU's position with regard to the forthcoming Copenhagen conference. The European Council reiterated its determination to play a leading role and contribute to reaching a global, ambitious and comprehensive agreement. Although the EU is ready to take its fair share of responsibility at Copenhagen, action by the EU alone will not be enough and a deal on financing will be a central part of the agreement in Copenhagen. We have also recognised the need to develop arrangements to make the best use of new and sustainable investment and financial flows from various sources, including innovative forms of financing. More generally, the October European Council stated that 'innovative financing can play a role in ensuring predictable flows of financing for sustainable development, especially towards the poorest and most vulnerable countries'.

The entire international community is now aware that the impact of climate change risks reversing progress towards achieving the MDGs. That is why climate change is both a development and an environment issue. While climate change is included in MDG 7, it is clear that it is interlinked with other development issues, notably poverty and hunger. Hence, tackling the negative impact of climate change would also have the benefits in terms of improving food security and reducing poverty as stated in MDG 1.

The October European Council clearly stated that 'in parallel with deliveries of climate financing, all international parties should commit that such financing would not undermine or jeopardise the fight against poverty and continued progress towards the Millennium Development Goals'.

In particular, activities undertaken in response to climate change need to be country-driven and should clearly be based on the needs, views and priorities of partner countries. National sustainable development strategies, poverty reduction strategies and related climate change policies and instruments should be taken into account (where they exist).

Developing countries should establish and implement their national climate change strategies and ensure that these strategies are fully integrated into policies, plans and programmes in all relevant sectors (e.g. agriculture and rural development, water resources management, etc.). Of course, from the donors' point of view, these should be in line with the principles of Policy Coherence for Development (PCD) as well as with those of aid effectiveness.

All countries therefore need to commit themselves to improve the link between climate change and development planning and maximise synergies between poverty reduction and climate change mitigation and adaptation.

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#### **Question no 17 by Jim Higgins (H-0400/09)**

##### **Subject: Unemployment in the EU**

Is the Council concerned at the haemorrhaging of jobs from the EU to Far-Eastern countries such as China and India? Is there any policy of creating a coherent strategy in order to create a more competitive and attractive environment for job creation within the EU?

##### **Answer**

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

(EN) The honourable Member has posed a most timely question concerning a coherent strategy in order to create a more competitive and attractive environment for job creation within the EU in a globalised economy.

The Council wishes to reiterate its view that the open global economy offers opportunities for stimulating growth and competitiveness also in Europe<sup>(5)</sup>. In this context, the Council wishes, in particular, to recall its

<sup>(5)</sup> See, for example, Broad Economic Policy Guidelines, OJ 205, 6.8.2005, p. 28, Introduction to GL 13



commitment to conduct the EU's internal and external policies in a consistent way, thus contributing to maximising the benefits and minimising the costs of globalisation<sup>(6)</sup>.

Article 125 of the Treaty establishing the European Community stipulates that Member States and the Community shall work towards developing a coordinated strategy for employment and particularly, for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change. To respond to this requirement of the Treaty, the Union has developed since 1997 the European Employment Strategy which, over the years, has been integrated more and more deeply with the other strategies of the Union and which, in 2000, became part of the Lisbon Strategy. An important part of the European Employment Strategy are the so called Integrated Guidelines that the Council draws up pursuant to Article 128(2) TEC and that the Member States have to take into account in their employment policies.

The current Integrated Guidelines run until 2010, covering macro-economic, micro-economic and employment aspects. While the overall goal of growth and employment is intrinsic to all of them, certain Guidelines can be considered to deal more closely with the issue of creating a more competitive and attractive environment for job creation within the EU, such as promoting growth and employment through an oriented and efficient allocation of resources, investment in R&D, facilitating all forms of innovation, strengthening the competitive advantages of the EU's industrial base, more entrepreneurial culture and creating a supportive environment for SMEs, the functioning of labour markets, as well as labour cost developments and wage-setting mechanisms.

A Communication is awaited from the Commission concerning the future strategy.

Concerning specifically the European Employment Strategy after 2010, it is envisaged that, on 30 November 2009, the Council will hold a political debate on 'Recovering from the crisis and preparing for the post-2010 Lisbon Strategy'. To prepare the Council's debate, the Employment Committee has already submitted an Opinion on the European Employment Strategy within the post-2010 Lisbon Agenda<sup>(7)</sup>. In this Opinion, the Employment Committee considers that the labour market reforms on both the supply and demand side should stimulate more and better jobs for all.

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#### **Question no 18 by Ryszard Czarnecki (H-0406/09)**

##### **Subject: Russia, a dangerous country for journalists**

How does the Council intend to react to the recent reports by journalists' organisations in which Russia is described as one of the world's most dangerous countries for journalists, as evidenced by, among other things, the numerous beatings and murders of reporters that have occurred in recent years?

##### **Answer**

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

(EN) The EU's commitment towards human rights is well known. In its external relations, the EU constantly insists on the need to respect fully human rights. The Presidency is very well aware of the concerns felt by many in this Parliament about the Human rights situation in Russia, and as we indicated during the recent debate in this plenary on the EU-Russia Summit, we fully share your concerns. The Council is indeed aware of the recent reports by the International Federation of Journalists, and the Committee to Protect Journalists, as well as other international non-governmental organisations, regarding the dangers and violence faced by journalists and human rights defenders in Russia, in particular, in the Northern Caucasus.

As the Presidency stated already in the OSCE on 3 September, we share the assessment that as long as these crimes remain unsolved, a climate of impunity will continue to prevail in Russia and perpetrators will feel they can continue to carry out such acts. Assaults on journalists and human rights defenders pose a particular threat to democracy, the respect for human rights and the rule of law.

<sup>(6)</sup> See both Council Conclusions of 3.3.2003 (paragraph 4) and Council Conclusions 'Decent Work for all' of 30.11/1.12.2006

<sup>(7)</sup> Doc. 15529/09

The Presidency, on behalf of the European Union Member States, condemned publicly and resolutely recurrent cases of threats, assault and murders against journalists and human rights defenders in Russia, in particular, in the Northern Caucasus, and urged the Russian authorities to swiftly and thoroughly investigate those cases and to bring perpetrators to justice.

The European Union frequently raises its concerns about the security of human rights defenders and the climate of impunity with Russia, both bilaterally and in multilateral fora. At the EU-Russia Summit in Stockholm, the Presidency raised its increasing concern over the situation for human rights defenders in Russia. Recent human rights consultations with Russia, which took place on 4-5 November 2009 in Stockholm, focused largely on freedom of expression and the situation of human rights defenders, in particular, in the Northern Caucasus. In the context of EU-Russia political dialogue, the European Union requested information about the investigation into the individual cases of murders of journalists and human rights defenders. The European Union will continue to monitor the trials of prominent human rights defenders and journalists in Russia.

Furthermore, the Presidency organised several meetings with Russia and international NGOs to address recent increased violence against the HRD in the Northern Caucasus, and attended an NGO conference in Stockholm on 27-28 October 2009 which formulated recommendations for EU action.

The European Union proposed to cooperate with Russia on concrete projects in order to improve the situation of journalists and human rights defenders. I can assure the honourable Member that the Council is committed to continue its actions in order to improve the human rights situation in Russia.

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**Question no 19 by Sławomir Witold Nitras (H-0409/09)**

**Subject: Changes to the EU Strategy for the Baltic Sea Region**

I should like to draw the Swedish Presidency's attention to the question of whether changes may be made to the EU Strategy for the Baltic Sea Region and the accompanying Action Plan. Would it be possible to depart from the rule that only projects that have already been agreed and commenced may be supported, given that that rule was not agreed with the Strategy's stakeholders? I ask this because the flagship project for transport infrastructure should include the Central European Transport Corridor (CETC) Route 65 from Scandinavia, via the Baltic Sea and the CETC regions of Poland, the Czech Republic, Slovakia, Hungary and Croatia, to the Adriatic Sea.

Given the above, what is the Presidency's position on including the CETC in the above document? What action does it intend to take in the matter?

**Answer**

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

(EN) At its meeting on 26 October 2009, the Council adopted Conclusions on the EU Strategy for the Baltic Sea Region. This strategy was adopted by the European Council on 29-30 October, which also endorsed the conclusions of the Council and invited the Commission to present a progress report on the implementation of this strategy to the Council by June 2011.

In its Conclusions, the Council, among other things, invited the Commission to review the Strategy and update it as appropriate on a regular basis, and to make necessary updates to the Action Plan, which is a part of the Strategy.

The Action Plan is a living document, projects will be ticked off after successful implementation, and new projects will evolve and be added.

Any suggestions to add projects to the existing Action Plan should be addressed to the Commission, which will process such suggestions accordingly.

The Commission is currently setting up a high-level group of officials from all EU Member States that will be consulted about amendments to the Strategy and the Action Plan. Moreover, an annual forum will

safeguard an involvement of stakeholders concerned from all levels in the region. With regard to the project mentioned, for the time being, the Presidency has no position on this issue.

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**Question no 20 by Pat the Cope Gallagher (H-0411/09)**

**Subject: The Middle East peace process**

Can the Council provide an updated assessment on the status of the Middle East peace process?

**Answer**

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

(EN) The resumption of Israeli-Palestinian peace negotiations remains key. The Council has urged both parties to take immediate steps to resume peace negotiations, respecting previous agreements and understandings, and has called on both parties to implement their obligations under the Roadmap. The Council considers that all actors must contribute to an environment conducive to resume negotiations and continues to support the US efforts to this effect.

The Council remains deeply concerned by settlement activities, house demolitions and evictions in the Occupied Palestinian Territories, including East Jerusalem. It urges the government of Israel to immediately end settlement activities, including in East Jerusalem and including natural growth, and to dismantle all outposts erected since March 2001. In the Council's view, settlements are illegal under international law and constitute an obstacle to peace. The Council has also urged the Palestinian Authority to continue to make every effort to improve law and order.

The European Union remains concerned at the humanitarian situation in Gaza and calls for the immediate and unconditional opening of Gaza crossings for the flow of humanitarian aid, commercial goods and persons. Reconstruction and economic recovery has to be allowed. It calls on those holding the abducted Israeli soldier, Gilad Shalit, to release him without delay.

The Council has expressed continued encouragement for President Mahmoud Abbas and support for the mediation efforts by Egypt and the Arab League. Overcoming divisions among Palestinians would help prevent a deeper separation between the West Bank and Gaza and preserve the chances of restoring the unity of a future Palestinian state. The Council calls on all Palestinians to find common ground, based on non-violence, in order to improve the situation in Gaza and the organisation of elections.

The EU has urged Arab countries and other partners to be forthcoming, both politically and financially, in assisting the Palestinian Authority, in accordance with Roadmap provisions. Underlining the importance of the Arab Peace Initiative, the EU invites Israel and all Arab countries to take confidence building measures in order to overcome mutual mistrust and to create an atmosphere conducive to conflict resolution.

Solutions to the various conflicts including a lasting settlement for the conflicts between Israel and Syria and between Israel and Lebanon must be pursued in parallel, creating mutually reinforcing processes. In this regard, the EU expects that Syria and Israel resume peace negotiations.

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**Question no 21 by Antonio Cancian (H-0413/09)**

**Subject: Display of religious symbols in public places**

On 3 November 2009, the European Court of Human Rights approved an application from an Italo-Finnish citizen seeking to remove crucifixes from schools. Similar episodes have occurred in Spain, Germany, France and Italy, where, in 1988, the Council of State noted that the crucifix was not only the symbol of the Christian religion but that it also held a significance that was independent of the specific faith. Does the Council acknowledge the risk that the principle enunciated by the European Court in Strasbourg might call into question the display in public places of religious and cultural symbols, even of the European flag, which is based on Catholic Marian symbolism?

**Answer**

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

(EN) The honourable Member refers to a ruling handed down by the European Court in Strasbourg. It is not for the Council to comment on a ruling handed down by the European Court of Human Rights.

However, in this context, I would like to quote the symbolic description that the Council of Europe has given the European flag:

'Against the blue sky of the Western world, the stars represent the peoples of Europe in a circle, a symbol of unity. Their number shall be invariably set at twelve, the symbol of completeness and perfection just like the twelve signs of the zodiac represent the whole universe, the twelve gold stars stand for all peoples of Europe – including those who cannot as yet take part in building up Europe in unity and peace.'

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**Question no 22 by Mairead McGuinness (H-0415/09)****Subject: EU oversight of the European banking sector**

Can the Council confirm exactly what powers of oversight the European Union now has in relation to the banking sector, how those powers are structured, and whether it considers the structure to be working? What further powers, if any, in relation to banking oversight does the Council consider necessary?

**Answer**

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

(EN) The task of contributing to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions by paragraph 5 of Article 105 of the TEC is attributed to the European system of Central Banks. If further powers of supervision were to be given to the European Central Bank, recourse should be made to the enabling clause enshrined in paragraph 6 of that same Article. Therefore, so far, the oversight of the banking sector has essentially remained with the Member States.

In this context, the Committee of European Banking Supervisors (CEBS) gives advice to the European Commission on policy and regulatory issues related to banking supervision and promotes cooperation and convergence of supervisory practice across the European Union. However, neither the ESCB (European System of Central Banks), including the ECB, nor the CEBS, exercise any direct supervisory power of the banking sector.

In June 2009, the European Council stated that the financial crisis had clearly demonstrated the need to improve the regulation and supervision of financial institutions, both in Europe and globally.

On the same occasion, the European Council also recommended that a European System of Financial Supervisors (ESFS), comprising three new European Supervisory Authorities (ESA), be established aimed at upgrading the quality and consistency of national supervision, strengthening oversight of cross border groups through the setting up of supervisory colleges and establishing a European single rule book applicable to all financial institutions in the Single Market. The European Council further agreed 'that the European System of Financial Supervisors should have binding and proportionate decision-making powers in respect of whether supervisors are meeting their requirements under a single rule book and relevant Community law and in the case of disagreement between the home and host state supervisors, including within colleges of supervisors. ESAs should also have supervisory powers for credit rating agencies.'

The Commission has now submitted to the Council and the Parliament in September this year - as part of the overall legislative package for a new financial supervisory architecture for the EU - a proposal to establish a European Banking Authority.

The aim of the proposal, which is currently under examination both in the Parliament and in the Council, is to strengthen the supervisory arrangements in the banking sector in line with the recommendations of the group of high level experts, chaired by Mr de Larosière.

As the legislative proposals are under codecision procedure, the Council will cooperate closely with Parliament with a view to achieving an agreement on the proposals in first reading as soon as possible.

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#### **Question no 23 by Charalampos Angourakis (H-0420/09)**

##### **Subject: Repressive policing measures with a view to the International Climate Change Conference**

In a bid to forestall any protests during the International Climate Change Conference, the Danish authorities are envisaging new, even more repressive, measures which are a blatant infringement of fundamental democratic rights.

Government recommendations include preventive detention for up to twelve hours, 40-day prison sentences for 'obstructing police officers in the performance of their duty', fines of up to €1 000 for 'disorderly conduct' or 'participation in gatherings, the purpose of which is judged by police officers to be suspect', and prison sentences of up to fifty days for disturbance of the peace or damage to property. It is also proposed that police officers be provided with additional equipment in the form of video cameras and surveillance equipment for the monitoring of locations considered by the police to be potential trouble spots. Measures are also being discussed seeking to prevent foreign activists from entering Copenhagen and taking part in demonstrations.

Is the Council aware of these or other proposals? Has action been taken to coordinate policing measures and the enforcement of law and order in the EU Member States and in third countries, and to what extent are the Community institutions involved in the planning and implementation of these measures?

#### **Answer**

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

(EN) The Council is not aware of the measures proposed by the Danish Government mentioned by the honourable Member of Parliament. Moreover, by virtue of Article 33 of the Treaty on European Union (Article 72 of the Treaty on the Functioning of the European Union from 1 December 2009), measures related to the maintenance of law and order and the safeguarding of internal security are a national competence of individual Member States. The Council is therefore of the opinion that it lacks competence to take a position as regards possible policing measures taken by the Danish Government in this field.

Nevertheless, I would like to recall that, having regard to the European Union's objective to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the field of police cooperation, the Council has adopted in December 2007 a Recommendation<sup>(8)</sup> concerning a Handbook for police and security authorities concerning cooperation at major events with an international dimension. The Council recommended that Member States, inter alia, step up cooperation, in particular, practical cooperation and information exchange.

In this sense, in the framework of the meeting of the Police Chiefs Task Force of 19 October 2009, Denmark has asked for Member States' support both in terms of information exchange and the deployment of officers. Such cooperation is regular practice for Member States' authorities in the case of major events. The Council is not involved in planning and implementation of such measures.

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<sup>(8)</sup> Doc. 14143/3/07 ENFOPOL 171 of 6 December 2007

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## QUESTIONS TO THE COMMISSION

### Question no 32 by Marian Harkin (H-0371/09)

#### Subject: Enterprise Europe Network

The Commission's recent initiative on fostering entrepreneurship among women is an excellent opportunity to strengthen the role of women in society and actively include more women in the labour market. However, in many cases, new entrepreneurs find it difficult to access finance from conventional financial institutions – particularly in the current economic climate – which is a major barrier for potential entrepreneurs. What steps has the Commission taken, in addition to initiatives such as the Female Entrepreneurship Ambassadors Scheme promoting women entrepreneurs, to ensure that its initiatives address properly the practical requirements for setting up in business, such as access to finance? Furthermore, does the Commission have a reporting system in operation to monitor the ability of new entrepreneurs to access finance?

#### Answer

(EN) Improving access to finance for Small and Medium-sized Enterprises (SMEs) is crucial for entrepreneurship, competitiveness, innovation and growth. Therefore, the Commission has, for years, recognised the importance of access to finance, including for new entrepreneurs.

An important issue in this context is to improve the availability of risk capital, especially to young SMEs with high growth potential.

There are many supply side gaps to be addressed – attracting more investments in venture capital funds, encouraging more investments by these funds and by business angels, offering a variety of exit opportunities. On the other hand, there are demand side issues that hinder businesses from achieving their full potential – for example, investment readiness of entrepreneurs.

The financial instruments of the Competitiveness and the Innovation Framework Programme contribute to addressing the lack of private funding sources, in particular, in seed and start-up phases of business development. Over €1 billion is made available in the years 2007-13, and the leverage effect of this funding should result in some 400 000 SMEs benefiting from lending or equity investment that would not otherwise be available. Under EU Cohesion Policy, Joint European Resources for Micro to Medium Enterprises (JEREMIE) is targeting improved access to finance for SMEs and new business creation. Some €3.1 billion from operational programmes cofinanced by the European Regional Development Fund (ERDF) have been legally committed so far to be invested in SMEs under JEREMIE. The European Investment Bank has also increased its lending to SMEs to €30 billion for 2008-2011 to boost SMEs' access to credit to counter the crunch of the financial and economic crisis.

The Small Business Act (SBA) of June 2008 includes the Commission's key policies supporting SMEs and entrepreneurs, including improving their access to bank credit and speeding up reforms. It aims to improve the overall approach to entrepreneurship, consolidate the 'think small first' principle in the Commission and Member States initiatives and policy making, and help SMEs tackle the remaining problems which hamper their development.

The SBA includes measures on investment readiness of entrepreneurs, increasing the capacity of an SME or an entrepreneur to understand the concerns of banks, business angels or venture capital funds – providers of external financing. A Workshop on investment readiness for women entrepreneurs held in September 2009 identified a range of support services in the field of investment readiness for female entrepreneurs in Europe and discussed how existing investment readiness schemes could be adapted to the needs of women entrepreneurs.

Equality between men and women is also a specific objective of the EU Cohesion Policy. This objective is implemented through a twofold approach:

With cofinancing of the ERDF and the ESF (European Social Fund), Member States and regions develop many projects targeted at women to stimulate their integration in the labour market. They include measures and

projects to facilitate access to finance for female entrepreneurs and to stimulate and support financially their entrepreneurial drive and creativity.

The design of the Operational Programmes of the Cohesion Policy takes into account the impact on gender equality as well as the impact on other specific target groups.

Furthermore, in the framework of reducing administrative burden, the Commission is also working on reducing costs and time to start up a company. There was a specific time limit set in 2006 for starting up a company in Europe - one week or less. The Commission is tracking the progress and supporting Member States in their efforts to achieve this target: in 2007, the average time was 12 days and cost €485; in 2009, it went down to 8 days and €417.

The Commission continues to closely monitor progress in SME policy in the context of the Lisbon Partnership for Growth and Jobs.

It will soon present a report on the implementation of the SBA.

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### **Question no 34 by Georgios Papanikolaou (H-0373/09)**

#### **Subject: Linking growth and the labour market with immigration policy**

Economic growth is one of the EU's basic objectives. Attaining this objective depends on many factors, including a properly functioning labour market in the EU. It is one of the desiderata of EU immigration policy that immigration should be linked to demand in the labour market, and achieving this objective could contribute decisively to growth. It might also prove beneficial, both for Member States experiencing pressure of immigration and for immigrants themselves who are effectively at a disadvantage as regards access to the labour market. At the same time, it may make legal immigration more attractive and curb the phenomenon of illegal immigration.

In view of the above, will the Commission say what action it has taken so far to help practically link the needs of the labour market with those of immigration policy?

What measures does it intend to take in the immediate future?

#### **Answer**

(EN) Over the last decade, the importance of labour immigration for employment in Europe has grown. In the next decade, the Union will have a rapidly ageing and shrinking workforce. The EU working-age population, which grew over the last decade, would start declining by over one million a year on average in the period 2010 to 2020. In the absence of immigration inflows, these trends would accelerate dramatically. Managing immigration successfully is therefore becoming a key point in the structural reforms needed to address the challenges of population ageing and of sustaining economic growth.

Despite the significant contribution of immigration to employment and growth, there are several issues with managing immigrant labour in the EU. The employment rates of immigrants and, in particular, certain categories of immigrants with low educational qualifications, female immigrants and recent arrivals, are below average. Immigration also often involves 'brain waste', where skilled workers are employed in low-skilled jobs. In addition, there are signs of rising discrimination and xenophobia in the current employment crisis.

The post-2010 strategy will need to address these issues by supplementing recent Commission policy initiatives on admission rules and irregular recruitment with policy action to realise the full potential of labour immigration flows for employment and growth. EU action should involve incentives for immigrants to take up work and support for labour-market infrastructure to meet the often specific needs of immigrant workers. The European Social Fund could support these priorities. While the focus may vary from country to country, special attention should be paid to the gender dimension and the fight against discrimination and xenophobia across the EU.

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**Question no 35 by Bernd Posselt (H-0374/09)****Subject: Demographics**

How would the Commission assess its activities in the area of demographics, especially with regard to family- and child-friendly policies, and which Member States particularly stand out according to the Commission's studies? Within this context, has any research been carried out on the scope for, and consequences of, a 'child-raising salary' that would allow one parent to stay at home?

**Answer**

(EN) As demographic change is a challenge common to all EU Member States, the Commission has focused on the promotion of a shared, long-term strategy. In its 2006 Communication: 'The demographic future of Europe – from challenge to opportunity'<sup>(9)</sup>, the Commission identified five key policy responses to ageing: (1) demographic renewal, (2) more and better employment, (3) increased productivity, (4) migration and integration and (5) sustainable public finances. These five policy goals remain relevant and have been confirmed in the recent Communication on 'Dealing with the impact of an ageing population in the EU'<sup>(10)</sup>.

The Commission's objective is to help the Member States, which are responsible for implementing the necessary policies in response to demographic change, manage the effects of this phenomenon in the best possible way. The Lisbon Strategy provides the general framework for this. In addition, the Commission promotes the European debate on demographic change, and provides a platform for the exchange of experience and mutual learning, through the European Demography Forum and the European Demography Report<sup>(11)</sup>, both occurring on a two-year basis. Furthermore, the Commission also appointed an advisory group of government experts on demographic issues in 2007.

Even though family policy is the exclusive responsibility of the Member States, the Commission can play a useful role. With this in mind, the Commission supports the European Alliance for Families launched by the European Council in the spring of 2007. The European Alliance for Families serves as a platform for the exchange of knowledge and good practice on family-friendly policies in the Member States. The Commission has launched a number of initiatives to facilitate exchange between the Member States, such as the creation of a web portal, the organisation of best practice seminars, the setting up of a network of academic experts, the publication of a brochure on how to finance projects on family friendliness through EU Structural Funds, and cooperation with the OECD on a family database.

It is difficult to identify the most effective family policies in Europe as the Member States pursue different policy objectives. In some Member States, the priority is to increase the national birth rate by helping couples achieve their family plans. In others, support for family life is part of a wider project promoting equality between men and women. Some countries regard measures to combat child poverty, or to reduce inequalities in income, as the best approach. Information on how Member States achieve these different objectives can be found in different reports produced regularly by the Commission (e.g. the Report on Equality between Men and Women<sup>(12)</sup>, the Joint Report on Social Protection and Social Inclusion<sup>(13)</sup>, the Social Situation Report<sup>(14)</sup>, and the European Demography Report).

Lastly, the Commission informs the honourable Member that it has not commissioned a specific study on the scope for, and the possible consequences of, a 'child-raising salary'.

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<sup>(9)</sup> COM(2006)571 final

<sup>(10)</sup> COM(2009)180 final

<sup>(11)</sup> <http://ec.europa.eu/social/main.jsp?catId=611&langId=en>

<sup>(12)</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0077:EN:NOT>

<sup>(13)</sup> [http://ec.europa.eu/employment\\_social/spsi/joint\\_reports\\_en.htm#2009](http://ec.europa.eu/employment_social/spsi/joint_reports_en.htm#2009)

<sup>(14)</sup> <http://ec.europa.eu/social/main.jsp?catId=675&langId=en>



**Question no 36 by Rodi Kratsa-Tsagaropoulou (H-0390/09)****Subject: Economic recovery and promoting employment**

The main topic of debate at the present time is how to achieve economic recovery while boosting employment and reducing unemployment.

How can structural changes and budgetary consolidation be reconciled with an expansionary fiscal policy, which is widely considered necessary to increase employment? Does the Commission think that the measures it recently proposed, such as changes to the Globalisation Adjustment Fund, and the new microfinance mechanism, are sufficient to boost employment in Europe or is there a need for a new, cohesive European strategy for employment? Does the Commission intend to take new initiatives in this area or does it think that this is the responsibility of the Member States' governments? How will it ensure consistency of the various national policies on employment so as not to adversely affect the single European market or social cohesion at European level?

**Answer**

(EN) The Commission adopted a Communication on 'A Shared Commitment for Employment' in June as a response to the effect of the crisis on the employment situation. The Communication sets out three key priorities for action: maintaining employment, creating jobs, and promoting mobility; upgrading skills and matching labour market needs; and increasing access to employment. Those three key priorities were endorsed by the June European Council. The Communication also proposes mobilising the EU financial instruments in order to help the Member States' recovery efforts, namely the European Structural Funds and the European Globalisation Adjustment Fund (EGF).

The EGF aims to show solidarity with, and provide support to, workers made redundant as a consequence of major structural changes in world trade patterns or (until the end of 2011) as a result of the global financial and economic crisis. The recent revision of the EGF regulation makes it easier for the Member States to access the Fund, and to provide assistance to a greater number of workers over a longer period.

In addition, the Commission has suggested a new instrument of micro-financing in order to give micro-credits and guarantees to people having lost their job and wishing to create their own enterprise.

The worst of the financial crisis seems to be over. Indications show that GDP decline has levelled out and stock markets are recovering. However, the labour market situation remains poor, with unemployment predicted to rise further still. Discussions have already begun on possible exit strategies, which will lead the EU economies out of recession. It is essential that these exit strategies are implemented in such a way and at such a time which will not jeopardise the labour markets' recovery. As the economy begins to improve, the key labour market focus will switch to one of ensuring crisis measures have an impact in terms of addressing longer term structural reforms needs, and do not hamper necessary restructuring. In the context of current and future budgetary constraints, it is particularly important to assess and, where needed, improve the effectiveness of labour market measures.

The Commission's role is to coordinate both the recovery measures and exit strategies across Europe, given that many of the measures adopted by the Member States are likely to have spillover effects. Structural reforms that promote growth through higher productivity and better use of the labour force will be of crucial importance.

Exit strategies for labour market policies need to shift focus from short-term measures which aim to prevent the further laying off of workers towards more productive structural measures. This shift will aim to stimulate job creation and growth through an increase in labour supply, facilitating positive transitions in the labour market, and to prevent long-term unemployment from getting entrenched.

The Member States' exit strategies will need to be reflected in the Lisbon Strategy and the European Employment Strategy after 2010. The need for structural reform will be central to the future strategy, taking account of the macro-economic situation in each Member State. In this connection, the Commission underlines that the current crisis has required extraordinary support from macro-economic policies, including budgetary policies. However, the effectiveness of such support depends on it being temporary. Otherwise, expectations of future tax increases will induce higher savings. Furthermore, in the absence of sufficient fiscal margins, a continuation of expansionist budgetary policies may turn out to be unsustainable. Accordingly, the Council has agreed on 20 October 2009 that there is a need for timely withdrawal of the fiscal stimulus. Provided that the Commission forecasts continue to indicate that the recovery is strengthening and becoming

self-sustaining, fiscal consolidation in all EU Member States should start in 2011 at the latest. Specificities of country situations should be taken into account, and a number of countries need to consolidate before then.

The Commission adopted a document on 24 November 2009 presenting its initial reflections on the broad policy orientations for the future EU 2020 strategy and seeking the views of all relevant stakeholders. The Commission intends to present its proposals for the future EU 2020 strategy at the beginning of 2010 in time for the Spring European Council.

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**Question no 37 by Justas Vincas Paleckis (H-0393/09)**

**Subject: Safeguarding jobs in the industrial sector**

Experts state that Lithuania is now over the worst of the economic recession. In September, the Commission gave a positive evaluation of the economic recovery measures taken in Lithuania. However, the country's gross domestic product (GDP) fell in the third quarter of this year by a further 14.3% compared with the third quarter of last year. It is predicted that Lithuania's GDP will fall by 20% this year. Thus, we are not seeing the same evidence of economic stabilisation in Lithuania as in the rest of Europe.

How could the Commission help EU countries shaken by the crisis, including Lithuania? What additional measures does the Commission propose to take with a view to safeguarding and creating jobs in the industrial and manufacturing sector?

**Answer**

(EN) Responses to the crisis, particularly its consequences on employment, are, first and foremost, the responsibilities of the Member States. The Commission has, however, taken a number of initiatives to counter the impact of the financial and economic crisis on the labour market since the crisis hit in autumn 2008.

In November 2008, the Commission adopted the European Economic Recovery Plan (EERP). The Plan calls for coordinated action across the Member States and for 'smart' investments which should bring long-lasting benefits for the Union. It also highlights the importance of implementing integrated flexicurity policies in order to protect European citizens from the adverse effects of the economic crisis.

Latest indications show that Gross Domestic Product (GDP) decline has levelled out and stock markets are recovering. However, the labour market situation is still grim with unemployment predicted to rise further still. The Member States and the Commission have therefore started discussing possible exit strategies which will lead economies out of recession. It is, however, essential that these exit strategies are implemented at such a time which will not jeopardise the labour markets' recovery.

The Commission's role is to coordinate both the recovery measures and exit strategies across Europe, given that many of the measures adopted by the Member States are likely to have spillover effects. Existing short-term measures need to be replaced by new measures to address structural challenges. Promoting job creation and keeping people in the labour force will be essential to achieve this.

The EERP highlights the importance of the European Social Fund (ESF) in alleviating the effects of the crisis. The EU has introduced important changes in order to facilitate access to the ESF, including:

- extending the eligibility date for the 2000-2006 programmes to 30 June 2009, making it possible for Member States to use unspent funding of €7 billion;
- increasing the advance payments for the 2007-2013 programmes, which includes an additional €1.76 billion from the ESF to Member States. In total, more than €6.1 billion was allocated to Member States in advance payments between 2007 and 2009;
- in order to start implementing ESF programmes as quickly as possible, the Member States were advised that the ESF would meet 100% of the costs for starting up potential projects if national funding was not immediately available, as long as the Member States were able to continue financing the projects themselves towards the end of the programming period;
- the possibility of making use of flat rate payments was extended, thus proving to be beneficial for very small projects which could receive a lump sum payment of up to €50 000.

Between 2007 and 2013, Lithuania should receive a Structural Fund allocation of €5.9 billion, of which €1 billion will be sourced directly from the ESF. This financial support should help Lithuania tackle the negative consequences of the crisis and prepare for recovery.

In July 2009, at the request of the Lithuanian authorities, the Commission amended the Lithuanian ESF Operational Programme for Human Resources Development. National funding was reduced to the minimum 15% required by the Structural Funds regulations and financial support for the setting up of new businesses was made available. This measure is of particular importance for Lithuania where access to finance by businesses, especially very small ones, is difficult.

Furthermore, Lithuania has applied for a contribution from the European Globalisation Fund (EGF) to combat large scale redundancies. The application concerning Alytaus Tekstile was approved by the Budgetary Authority in 2008. Four other applications from Lithuania are currently under examination by the Commission.

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### **Question no 38 by Liam Aylward (H-0397/09)**

#### **Subject: Poverty and the European Social Fund (ESF)**

People who are the most vulnerable in society are being hit the hardest by the current economic crisis. How does the Commission propose to reduce the poverty level in the European Union and, in particular, combat the homeless rate in Member States? In what way is the Commission going to ensure that the ESF is used in the most effective manner so as to address these issues? What indicators does the Commission have to measure the success of this fund in the policy areas which are applicable?

#### **Answer**

(EN) Designing and implementing responses to the crisis, particularly its consequences on the employment and social situation, are, first and foremost, the responsibilities of the Member States. The Commission recalls that on average, the Member States devote 27% of their gross domestic product (GDP) to social protection policies. This being so, the EU can play an important role in assisting the Member States in their efforts to tackle the adverse effects of the crisis through policy coordination and mobilisation of the EU financial instruments.

The Open Method of Coordination for Social Protection and Social Inclusion (Social OMC) supports Member States' efforts through mutual learning and networking activities, the development of statistical tools and indicators, and improving the knowledge base for policy design. In response to the current situation, voluntary exchanges of information on the social situation and policy responses have been organised within the Social Protection Committee. Furthermore, updates are published regularly in the form of Joint Assessments by the Commission and the Social Protection Committee. The second Joint Assessment will be presented to the Council of Ministers on 30 November 2009.

The current crisis calls for speedy social inclusion strategies which focus on providing adequate minimum income, strengthening links to the labour market and access to quality services. The Social Protection Committee is responsible for monitoring the implementation of social inclusion strategies in the Member States. Furthermore, as part of the monitoring of progress under the social OMC, the Commission is in the process of finalising the draft 2010 Joint Report on Social Protection and Social Inclusion which will focus on housing and homelessness. The Report will provide information on progress achieved to date and identify messages for future policy work in these areas.

The EU recognises the importance of combating poverty and social exclusion, and has devoted considerable funding from the European Social Fund (ESF) to this cause. The ESF benefits those already suffering from social exclusion and supports actions to prevent and reduce poverty through early intervention. Such measures include skills and knowledge development, enhancing workers' adaptability and combating early school drop-out.

The operational programmes under the ESF were decided before the crisis hit. However, the Member States have the possibility of asking the Commission to agree to amend their operational programmes. Some Member States have done so while others have been able to use the existing operational programmes to respond to the adverse effects of the crisis.

The Commission recalls that the Member States are entirely responsible for the implementation of policies and for the achievement of the programmes' objectives. Assessment on whether these objectives have been met is carried out in line with guidance from Commission Regulations which apply to the Structural Funds. For example, ESF beneficiaries can be divided into different groups of vulnerability such as migrants or the disabled, or by their status in the labour market as either long-term unemployed or inactive citizens. Each Member State is able to add more criteria which reflect their individual circumstances.

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**Question no 39 by Brian Crowley (H-0403/09)**

**Subject: Dell and the European Global Fund**

In September of this year, the Commission announced that European Global Fund assistance of €14.8 million would be given to Dell workers who had been made redundant. The package states that the workers would be offered training and retraining, job guidance and education allowances. Could the Commission comment on the current status of the package?

**Answer**

(EN) The proposed contribution from the European Globalisation Fund (EGF) to a package of active labour market measures designed to reintegrate the redundant workers from Dell and some of its suppliers into the labour market is currently being examined by the EU's Budgetary Authority. If the Budgetary Authority approves the contribution, payment will be made to Ireland as quickly as possible.

In the meantime, the actions that the EGF may cofinance are already being provided to the affected workers. The Irish authorities reacted quickly to the announcement of the redundancies by Dell and put in place a package of measures to provide support to the workers. The expenditure incurred in respect of these measures, which began on 3 February 2009, will be eligible for cofinancing by the EGF if the EU Budgetary Authority approves the contribution.

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**Question no 40 by Georgios Toussas (H-0423/09)**

**Subject: Very rapid increase in unemployment in the EU**

Between September 2008 and September 2009, unemployment in the EU-27 increased by 5 011 000, reaching an overall total of 22 123 000, and it is forecast that it will soar to 12% in 2010. The EU and the governments of Member States with their policy of 'flexisecurity' are making minimal labour relations and the 'hiring of workers' more widespread. Under the cover of 'apprenticeship contracts' - the much-discussed traineeships - temporary, minimal and uninsured work is becoming extremely widespread even among the EU institutions (Commission, Parliament and other institutions). In Greece, the PASOK government, on the pretext of safeguarding 'equal rights', has announced thousands of dismissals of trainee workers in the public sector, leaving the private sector unscathed.

How does the Commission assess the actions by the Greek Government? How does it view the critical problem of ensuring the right to full and stable work, given that its policy is at odds with the proposals by workers for stable and permanent work for all, the abolition of all flexible forms of employment in the public and private sectors and the immediate establishment of trainee workers without any terms or preconditions?

**Answer**

(EN) The Commission points out that the underlying aim of flexicurity is to strike the right balance between security and flexibility, both indispensable to the effective support of workers and to ease the adaptation of companies.

Flexicurity involves a combination of measures which aim to keep people in employment and to assist those who have lost their jobs in their return to the labour market. It does this by ensuring that any transition to a new job runs as smoothly as possible, and that the transition itself is a move which improves the worker's prospects.

The Common Principles of Flexicurity adopted by the Member States in December 2007 stress that sufficient contractual flexibility must be accompanied by secure transitions from job to job. Flexicurity should promote more open, responsive and inclusive labour markets, and avoid labour market segmentation. Those in unstable employment or on the fringes of the labour market need to be provided with better opportunities, economic incentives and support measures to ease their access to work.

The Commission believes that flexicurity is an important aspect of labour market policy which will help to confront the current economic and social challenges. The European Council recently confirmed the importance of flexicurity in bringing about economic recovery and reducing unemployment.

Council Directive 1999/70/EC<sup>(15)</sup> requires the Member States to establish a framework to prevent abuse arising from the use of successive fixed-term employment contracts or relationships. Greece has used the option provided for in clause 2 (2) of the Annex to this directive and has excluded employment contracts or relationships concluded under a special programme of training, integration and vocational retraining supported by the Manpower Employment Organisation (OAED) from the national legislation transposing Council Directive 1999/70/EC. As indicated in its reply to written question P-5452/09 by Mr Tzavela<sup>(16)</sup>, the Commission has written to the Greek authorities requesting information and clarification on the operation of such schemes. To date, it has not received any reply.

The Commission also points out that it has been in contact with the Greek Ministry of Labour on the subject of public sector apprenticeships. In this connection, the Commission has indicated that work experience can ease the transition from education to the working world, but also stressed that these schemes needed careful planning, strict selection procedures and close monitoring in order to ensure that the scheme in question improves the employment prospects of participants and benefits persons in need.

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#### **Question no 41 by Rolandas Paksas (H-0362/09)**

##### **Subject: Environmental protection**

Does the Commission intend to reassess the state of the chemical weapons buried in the Baltic Sea? Is there regular monitoring of how the concentration of dangerous substances in the Baltic Sea is affecting organisms living in that sea and of whether this concentration poses a public health risk through the consumption of fish from the Baltic Sea?

##### **Answer**

(EN) About 40 000 tonnes of chemical munitions were dumped into the Baltic Sea after World War II – mostly in the area to the east of Bornholm, southeast of Gotland and south of the Little Belt. The Community is a Contracting Party to the Helsinki Commission (HELCOM)<sup>(17)</sup> which has performed monitoring and assessment regarding dumping of chemical weapons in the Baltic Sea. HELCOM published a report on the dumping sites and the quantity and quality of the chemical munitions already in 1994. Amongst the Contracting Parties of HELCOM, Denmark is responsible for an annual follow-up on the number of incidents and reporting these to HELCOM. Since 1995, a total of 101 incidents have been reported. Between 1995 and 1999, an average of 7 incidents per year were reported. The number of incidents reported increased in the following years and was, on average, 14 per year between 2000 and 2003. However, since 2004, it has again decreased: on average, 3 incidents per year were reported during 2004 to 2007, while in 2008, no (0) incidents were reported. The incidents were related to fishing activities. These variations are probably due to a combination of factors such as the intensity of fishing activities in the areas close to the dumped chemical munitions and the Recommendations issued by HELCOM and the local authorities. Dumping areas are marked as foul, with ‘anchoring and fishing not recommended’, on nautical charts. However, fishing in these waters is not prohibited and commercial fishing continues. HELCOM provides comprehensive information

<sup>(15)</sup> Council Directive 1999/70/EC of 28 June 1999 concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP, OJ L 175, 10.7.1999, p. 43-48

<sup>(16)</sup> <http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN>

<sup>(17)</sup> [http://www.helcom.fi/Convention/en\\_GB/convention/](http://www.helcom.fi/Convention/en_GB/convention/)

on its Internet site<sup>(18)</sup>, including information on how to handle situations where chemical weapons are netted by fishermen.

In addition, there is an EU funded research project 'Modelling of ecological risks related to sea-dumped chemical weapons' (MERCW). The main objective of the project is to carry out focused research and technology developments in order to model the transport pathways and migration spreading of toxic agents in marine sediments and the marine environment. The final goal is to assess the ecological safety for the ecosystem and health impacts on people of the coastal states near the dump sites. The first public report<sup>(19)</sup> of the MERCW project includes a thorough and detailed analysis of the different dumpsites, and it forms the starting point for all other activities within the project. The research project regularly reports its findings to HELCOM. The present conclusions are that the dumped chemical weapons constitute a very low risk for the marine environment through leakage of toxic substances from the dumped ammunitions, and there is no indication that it could be a risk for public health through consumption of fish.

In general, a large number of research projects have been funded on the human health impacts of chemicals by the EU research Framework Programmes<sup>(20)</sup>. Some projects, such as COMPARE<sup>(21)</sup>, included population studies around the Baltic Sea.

On 29 October 2009, the Commission put forward a proposal to the Parliament and the Council for a Joint Baltic Sea Research Programme (BONUS-169). This initiative brings together all 8 EU Member States surrounding the Baltic Sea in developing a strategic, policy-driven, research agenda and implementing a fully integrated joint research programme. During the first phase of the Joint Research Programme, a Strategic Research Agenda will be drawn up. This will be based on the results of extensive and widespread stakeholder consultation, including with interested parties from other relevant non-marine natural sciences, the social and economic sciences and from other geographical areas. The complex problems related to the dumping of ammunition in the Baltic Sea Region could be one of the issues discussed with a view to funding targeted calls for research proposals during the implementation phase of the initiative.

Building on the monitoring work carried out so far by both HELCOM and the MERCW project, the European Union's Strategy for the Baltic Sea Region<sup>(22)</sup> includes a specific flagship project which aims to 'Assess the need to clean up contaminated wrecks and chemical weapons'. This project, to be coordinated by Poland, is to include activities which encompass identification of the current priority threats and establishment of the costs and benefits of any possible action through agreed research programmes. It will build on existing knowledge and mapping in the Baltic Sea.

Further, the objective of the EU Marine Strategy Framework Directive<sup>(23)</sup> is that all European marine waters shall have Good Environmental Status by 2020. To reach this objective, all Member States are obliged to assess and monitor the concentrations of contaminants, all elements in the marine food chains, contaminants in fish and other seafood, etc. In particular, implementation of the Marine Strategy Framework Directive will have to be based on cooperation and coordination of Member States in the catchment area of a marine region or subregion such as the Baltic Sea, and shall, as far as possible, build upon existing programmes and activities developed within international agreements such as HELCOM. The levels for Good Environmental Status will have to be regionally coordinated, and decided by 2012, and by 2014, all Member States shall have their monitoring programmes in place.

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(18) [http://www.helcom.fi/environment2/hazsubs/en\\_GB/chemu/?u4.highlight=dumped%20chemical%20munitions](http://www.helcom.fi/environment2/hazsubs/en_GB/chemu/?u4.highlight=dumped%20chemical%20munitions)

(19) [http://www.fimr.fi/en/tutkimus/muu\\_tutkimus/mercw/en\\_GB/news/](http://www.fimr.fi/en/tutkimus/muu_tutkimus/mercw/en_GB/news/)

(20) [http://ec.europa.eu/research/environment/themes/projects\\_en.htm#2](http://ec.europa.eu/research/environment/themes/projects_en.htm#2);  
[http://ec.europa.eu/research/environment/pdf/eur23460\\_en.pdf](http://ec.europa.eu/research/environment/pdf/eur23460_en.pdf);  
[http://ec.europa.eu/research/endocrine/index\\_en.html](http://ec.europa.eu/research/endocrine/index_en.html)

(21) [http://ec.europa.eu/research/environment/pdf/env\\_health\\_projects/chemicals/c-compare.pdf](http://ec.europa.eu/research/environment/pdf/env_health_projects/chemicals/c-compare.pdf)

(22) COM(2009)248, 10.6.2009

(23) Directive 2008/56/EC, OJ L 164 of 25.6.2008

**Question no 42 by Hans-Peter Martin (H-0376/09)****Subject: New Commissioners leaving the service**

In accordance with Regulation No 422/67/EEC<sup>(24)</sup>, Members of the Commission are entitled to a resettlement allowance equal to one month's basic salary when they cease to hold office.

A monthly transitional allowance is paid for three years. The level of payment depends on the period in office and ranges from 40 to 65% of the last basic salary received.

The three new Commissioners – Algirdas Šemeta, Pawel Samecki and Karel De Gucht – will probably only remain in office for a short time and have already claimed an installation allowance equal to two months' basic salary. Are they also planning to claim the allowance again when they cease to hold office?

What is the minimum period of time that a Commissioner must be in office to be entitled to the monthly transitional allowance – and if the requirements are met, is the payment made over the entire three-year period?

**Answer**

(EN) The Commission does not agree with the premise of the question, namely that the three new Commissioners – Algirdas Šemeta, Pawel Samecki and Karel De Gucht – will probably only remain in office for a short time.

The Commission can only answer the first question when indeed one of the three Commissioners mentioned will claim the re-installation allowance when ceasing to hold office. The Commission can, however, confirm that the re-installation allowance will be paid upon departure if the former Commissioner has to change residence and is not entitled to a similar allowance for the same purpose in his/her new activities.

With regard to the second question, the Commission wishes to point out that according to Regulation 422/67/EEC, there is no minimum term of mandate in order to receive the transitional allowance. If the mandate is less than two years, he/she will be entitled to the transitional allowance for 3 years. The transitional allowance is there as the quid pro quo of imposing limits (under Article 213 EC) on the activities a Commissioner can take on immediately after leaving office, and thus to prevent conflict of interest. The duty to act with discretion as regards future employment applies equally whether the Commissioner has been in office 3 weeks or 10 years.

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**Question no 43 by Nikolaos Chountis (H-0379/09)****Subject: Possible job losses at Hellenic Shipyards Skaramanga as a result of blackmail by parent company**

Hellenic Shipyards of Skaramanga and the German company HDW (members of the German ThyssenKrupp Marine Systems Group) have announced that they are to terminate contracts concluded with the Greek Government to build four submarines and carry out maintenance on three others because the Greek Government owes the company €524 million. However, the Greek Ministry of Defence is refusing to pay that sum and take delivery of the first of the submarines owing to confirmed stability problems. Moreover, the Greek Government has, in fact, already paid 80% of the total sum due for the seven submarines. The German company's tactic could be described as blackmail since termination of the contracts means, in effect, that the shipyards would go out of business, leaving the 2 000 workers at the Skaramanga yards jobless. Will the Commission therefore say what measures Member States can take against multinational companies which do not hesitate to make inordinate demands and breach the terms of their contracts while holding out the threat of redundancies? How can the Commission help to preserve these jobs?

**Answer**

(EN) From the information provided in the oral question, it seems that the issue raised by the honourable Member concerns a contract between the Greek State and a private company for the construction of four submarines and the maintenance of three others.

<sup>(24)</sup> OJ 187, 8.8.1967, p. 1

The issues raised by the honourable Member concern the execution of the contract and, more specifically, the reasons for its termination by the contractor and not the award of the public contract in question. On the basis of the limited information provided by the honourable Member, this matter does not raise any issue of Community law on public procurement and, as such, it falls within the scope of national rules of Member States. Therefore, the Commission would invite the honourable Member to address himself to the competent national authorities on this point.

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**Question no 44 by Bendt Bendtsen (H-0380/09)**

**Subject: State aid to Dutch horticultural firms**

Under the Dutch 'Borgstellingfonds' (guarantee fund), businesses in the greenhouse sector are able to obtain a State guarantee which covers 85% of investment loans of up to EUR 2.5 million. What are the Commission's views concerning the approval of this scheme?

In addition to the abovementioned credit scheme, horticultural firms benefit from a number of subsidy schemes. With that in mind, will the Commission comment on whether it proposes to take the number and extent of earlier measures into account in assessing whether a particular new initiative is in accordance with the rules on State aid?

**Answer**

(EN) The honourable Member is enquiring about the Commission's view on the guarantees granted to the Dutch greenhouses sector.

The Dutch scheme provides for the possibility for the Guarantee Fund to grant State aid under the form of guarantees for a maximum of 80% of the guaranteed loan. The maximum amount of the guarantee is €2 500 000. The guarantees are granted to cover the loans made for investment purposes in the greenhouses sector, and benefits only to Small and Medium-sized Enterprises (SMEs).

This scheme has been approved by a Commission Decision of 23 April 2009<sup>(25)</sup>. The Commission has assessed the measure in the light of the applicable State aid rules both on guarantees and on investment aid in the agricultural sector, and has concluded that the proposed scheme was compatible with these rules.

As far as the subsidies which the horticultural firms could obtain in addition to the abovementioned guarantee schemes are concerned, the Commission would like to point out that additional aid under other existing schemes is not forbidden, as long as the maximum intensities set out in the agricultural guidelines are respected. The Dutch authorities have committed to respect these accumulation rules in order to avoid any excess of the maximum applicable aid intensity.

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**Question no 45 by Fiorello Provera (H-0382/09)**

**Subject: Broadcasting of Al-Aqsa TV by Eutelsat**

The French satellite provider Eutelsat is continuing to broadcast the Al-Aqsa TV television channel even though the content of the latter's programmes is in direct violation of Article 3b of the Audiovisual Media Services Directive (2007/65/EC<sup>(26)</sup>). Such programmes also contribute to growing radicalisation in Europe, presenting a threat to European security. Al-Aqsa TV is owned, funded and controlled by Hamas, an organisation on the EU's terrorist list. In December 2008 the French broadcasting authority, the Conseil Supérieur de l'Audiovisuel, informed Eutelsat that the content of Al-Aqsa TV's programmes breached Article 15 of the French communication law of 30 September 1986, which prohibits all forms of incitement to hatred or violence on the grounds of race, religion or nationality. Notwithstanding the CSA's communication, Eutelsat is still carrying Al-Aqsa TV, whose programmes continue to violate European and French audiovisual legislation.

<sup>(25)</sup> [http://ec.europa.eu/competition/state\\_aid/register/ii/doc/N-112-2009-WLWL-en-23.04.2009.pdf](http://ec.europa.eu/competition/state_aid/register/ii/doc/N-112-2009-WLWL-en-23.04.2009.pdf) - OJ C 190 of 13.8.2009

<sup>(26)</sup> OJ L 332, 18.12.2007, p. 27



What measures does the Commission plan to take to stop Al-Aqsa TV being broadcast by a European satellite provider? Has it formally raised the matter with the French authorities, and how does it intend to ensure compliance with European audiovisual legislation?

#### **Answer**

(EN) The Commission shares the honourable Member's concern with regard to programmes containing incitement to hatred falling under the jurisdiction of a Member State. It actively cooperates closely with, and promotes cooperation between, the Member States in order to ensure the full application of Community law in this particularly sensitive area.

The Commission is aware that Al-Aqsa TV is transmitted via Atlantic Bird 4 belonging to the French-based satellite operator Eutelsat. Services via Atlantic Bird 4 are accessible mostly in Middle Eastern countries. Within the European Union, EU citizens in southern Italy, Cyprus, Malta and Greece are the only ones who may access this channel with standard equipment. In other EU countries, wide satellite dishes would be necessary for the reception of the programmes of Al-Aqsa TV. It has also to be noted that the Commission has not received so far any formal complaint regarding the programmes broadcast by Al-Aqsa TV.

While Article 22a of Directive 89/552/EEC prohibits broadcasts inciting to hatred on grounds of race, sex, religion or nationality, the right of freedom of expression is a cornerstone of a democratic and pluralist society. There is sometimes a very thin delineation between freedom of expression and incitement to hatred. In this regard, a total ban on a television channel is a very radical measure and must remain exceptional.

The Commission formally wrote to the French broadcasting authority, the 'Conseil Supérieur de l'Audiovisuel' (CSA) regarding Al-Aqsa TV in September 2008. Following this inquiry, and taking into account the intention of Al-Aqsa TV to target all European Union countries via Eurobird 9, a European telecoms satellite operated by Eutelsat, the CSA issued a warning (*mise en garde*) against Eutelsat in December 2008. As a result, the CSA ensured that Al-Aqsa TV did not materialise its intention to target the whole European Union audience. On 23 October 2009, the Commission wrote to the French authorities asking for the follow-up to the CSA's 2008 decision.

In general, the Commission, as guardian of the treaty, may start infringement procedures against Member States if it assesses that the Member State in question does not comply with Community law. With regard to France's handling of Al-Aqsa TV, the Commission may make use of this possibility depending on the answer to the abovementioned letter.

In addition, the Commission regularly raises the issue of broadcasts by Al-Aqsa TV and other broadcasters in a political dialogue with the countries concerned, be it the country of origin of these broadcasters, the country where the uplink to the satellite is located, or a country whose satellite capacity is used for these broadcasts.

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#### **Question no 46 by Martin Ehrenhauser (H-0385/09)**

##### **Subject: Expenditure in connection with the second Irish referendum**

In the Commission's view, is it acceptable under current Irish and European law to carry out information activities in connection with a referendum?

In the information activities financed by the Commission in Ireland (publication of brochures, etc.), was a balance struck between arguments for and against ratification of the Lisbon Treaty?

What arguments highlighting the drawbacks of the Treaty were put forward?

#### **Answer**

(EN) It is the European Commission's role to contribute to an informed debate about the European Union, by providing factual, accurate and clear information to citizens. This includes information about the new Treaty of Lisbon, which was signed by all Member States and supported by the European Parliament.

The Commission has made available on the Europa website ([http://europa.eu/lisbon\\_treaty/index\\_en.htm](http://europa.eu/lisbon_treaty/index_en.htm)) information on the Lisbon Treaty, including questions and answers, and the consolidated text of the new Treaty. In addition, the Commission produced a Citizens' summary of the new Treaty entitled 'Your Guide

to the Lisbon Treaty', which sets out in simple, factual terms what changes under the Lisbon Treaty. The Guide is a publication aimed at citizens in all Member States and is available in all 23 official languages of the European Union.

The existence of a significant information deficit about the EU in Ireland has been evidenced by research findings and by the conclusions of the Oireachtas (the Irish Parliament) sub-committee's report of November 2008 on Ireland's future in the European Union.

In response to a demand for factual information about the EU, the European Parliament and the European Commission signed a three year Memorandum of Understanding on Communicating Europe in Partnership with the Irish Government in January 2009.

In the framework of this memorandum, and in close cooperation with the Irish Government and the European Parliament Office in Ireland, a wide range of activities have been undertaken with the aim of promoting greater public understanding of the EU in Ireland.

The Commission organised activities such as eleven public discussions about the EU across Ireland, a nation-wide advertising initiative showing what the EU does for consumers, a secondary schools' essay competition and internet activities, like a new interactive website and internet social networking. In the framework of the initiative called 'Back to School', which involves officials working for the European institutions going back to visit their former high schools, some 87 Irish officials visited 101 schools in 24 counties.

The Commission also organised, in conjunction with the Irish Department of Foreign Affairs, a number of briefing sessions, entitled 'The facts about the Lisbon Treaty' for the interested organisations, including non-governmental organisations (NGOs) and regional authorities. Six listening events organised together with Ireland's main women's organisations also took place in 2009.

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#### **Question no 47 by Frank Vanhecke (H-0386/09)**

##### **Subject: Regulation on citizens' initiative**

In its resolution of 7 May 2009, the European Parliament asked the Commission to submit without delay, after the Treaty of Lisbon enters into force, a proposal for a regulation on the citizens' initiative (P6\_TA(2009)0389).

Has the Commission drafted a proposal? Does the Commission intend to submit a proposal for a regulation soon after the Treaty of Lisbon enters into force? Will it adhere to the indications given in the European Parliament report on this subject?

##### **Answer**

(EN) The Commission welcomes the introduction of the Citizens' initiative which will give a stronger voice to the European Union citizens, add a new dimension to European democracy and complement the set of rights related to the citizenship of the Union.

The Commission is convinced that European citizens should benefit from the European Citizens' Initiative as quickly as possible after the entry into force of the Treaty of Lisbon. To that end, the Commission will put forward a proposal for a Regulation on the basis of Article 24 of the Treaty on the Functioning of the European Union after the Treaty enters into force. The Commission's ambition would be to make it possible for the Regulation to be adopted before the end of the first year after the entry into force of the Treaty and it trusts that the European Parliament and Council will share this objective.

Given the importance of the future proposal for citizens, organised civil society, stakeholders and public authorities in the Member States, citizens and all interested parties need to have the opportunity to give their views on how the citizens' initiative should work.

The Commission therefore adopted on 11 November a Green Paper<sup>(27)</sup> in order to seek the views of all interested parties on the key issues that will shape the future Regulation. The Commission hopes that the

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(27) Green Paper on the European Citizens' Initiative, COM (2009) 622

consultation will encourage a wide range of responses. The results of this consultation will serve as a basis for the preparation of the Commission's proposal.

The Commission very much welcomes Parliament's resolution on the citizens' initiative adopted in May 2009 as a valuable contribution to this debate, and shares most of its suggestions.

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**Question no 48 by John Bufton (H-0387/09)**

**Subject: EID - Regulation (EC) No 1560/2007**

With regard to the introduction of compulsory EID on 31 December 2009 under Regulation (EC) No 1560/2007<sup>(28)</sup>, will the Commission please consider delaying the compulsory EID on the grounds that the equipment used for scanning/reading of tags is not accurate, which will cause major problems for farmers.

Would the Commission therefore bring in the scheme on a voluntary basis alone, as from 31 December 2009?

**Answer**

(EN) The current Community rules on individual identification and traceability of sheep and goats were prompted by the foot and mouth disease crisis of 2001 in the United Kingdom (UK), and the subsequent reports of Parliament, the Court of Auditors and the so-called 'Anderson report' to the UK House of Commons that indicated that the existing 'batch' identification and traceability system was unreliable. At that time, key stakeholders like the National Farmers' Union (NFU) not only called for the introduction of individual traceability and electronic identification but even to 'act ahead of the rest of the EU'.

For this reason, Council Regulation (EC) No 21/2004 introduced the system of electronic identification of small ruminants, which will become compulsory as from January 2010.

Voluntary electronic identification would mean in fact, voluntary traceability. A voluntary system would also mean an uneven playing field as a number of Member States are already far advanced in the process of introducing electronic identification.

The technology is now mature and ready for use in practical farming conditions.

Neither the Parliament nor the Council have ever challenged the basic provisions of the Regulation.

However, the Commission has facilitated the smooth introduction of the new system as far as possible in order to reduce costs and burdens for the operators, without challenging the principles of the Regulation.

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**Question no 49 by Derk Jan Eppink (H-0388/09)**

**Subject: Delay in the Kroes proposal on the possibility for parties damaged by cartels to claim compensation**

At the meeting of the Committee on Economic and Monetary Affairs (ECON) on 29 September 2009, Commissioner Kroes spoke about her proposal to give parties that have been damaged by cartels greater legal scope to demand compensation. She said that the proposal was 'of great importance' and was close to her heart. The proposal was to be put to the College of Commissioners on 7 October.

The special meeting planned for Friday 2 October was, however, cancelled at the request of the President's cabinet. The proposal mysteriously went off the radar.

Why did this proposal disappear from the Commission agenda, when Commissioner Kroes had indicated to the ECON Committee that the College of Commissioners would reach a decision quickly?

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<sup>(28)</sup> OJ L 340, 22.12.2007, p. 25

According to the FAZ (Frankfurter Allgemeine Zeitung) of 20 October 2009, the Chair of the European Parliament's Committee on Legal Affairs, who is also a partner in a German law firm that deals with cartel cases, has put pressure on the Commission to delay its decision. Is this true?

What does the Commission think of the possibility reported in the FAZ article that the Chair of the Legal Affairs Committee may have a conflict of interests?

When can we expect the proposal?

**Answer**

(EN) It is correct that the Commission is considering a legislative follow-up to its White Paper of April 2008, as the European Parliament suggested in its Resolution of March 2009 on the White Paper. For the time being, however, the Commission has not yet taken a final decision on this matter. The honourable Member can, however, be assured that the Commission remains fully committed to the objectives and suggestions stated in its White Paper.

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**Question no 50 by Jörg Leichtfried (H-0391/09)**

**Subject: Authorisation of ginaliners**

In September 2009, I tabled a written question (E-4313/09) on the ginaliner studies commissioned by the Commission. I regret to have to note that the Commission did not answer my questions at all in its reply to the written question. Several non-governmental organisations have already expressed doubts about the results and the quality of the studies. The Commission's reaction to my written question has served only to confirm my doubts regarding the value of these studies.

I would therefore now urgently ask you to actually answer my question in Question Time.

**Answer**

(FR) In response to this question, which follows on from the written question (E-4313/09) submitted in October 2009 concerning the two studies commissioned by the Commission on the impact that the authorisation of longer and heavier goods vehicles (LHVs) could potentially have on intra-European traffic, the Commission would like to assure the honourable Member that the response provided by the Commission was as precise as possible given the data available at that time.

The first study carried out at the request of the Commission by 'Transport & Mobility Leuven' (T&ML) in November 2008 concluded overall that more extensive use of LHVs would definitely have a positive effect on the overall efficiency of the transport sector in Europe thanks to the anticipated improvements in terms of the safety and environmental performance of road transport.

However, since their publication, the results of this study have been strongly criticised by stakeholders, not only from the point of view of the parameters used in relation to the elasticity of transport demand, but also because of the potential repercussions that more extensive use of these vehicles would have in terms of road safety and modal split.

That is why the Commission considered that a more thorough analysis of the subject was necessary, and it is in this context that a new study has been carried out by the Joint Research Centre-Institute for Prospective Technological Studies (JRC-IPTS) in Seville. Although its conclusions are far less pronounced than those in the report by T&ML, this new study does conclude that more extensive use of LHVs in intra-European traffic would reduce the number of journeys that are required at present with the existing smaller and lighter fleet.

It is important to stress that the hypotheses have not yet been proven in practice. The Commission therefore believes that prudence is required when drafting conclusions which, until now, have had to be provisional pending the outcome of additional research. Indeed, the caution used by the authors of these two studies is consistent with that used in other reports drafted by interest groups or Member States.

In order to take full account of the diversity of the opinions reflected in the honourable Member's question, concerning subjects such as elasticity of demand, modal shift, the estimated rate of utilisation of LHVs and the impact on infrastructure costs, the Commission has already convened a steering group comprising representatives of the parties involved in analysing these issues. This steering group held its first meeting at

the beginning of November 2009 and is in the process of proposing a series of approved economic parameters for another study, which is due to be launched in early 2010 (and for which the proposals, which have recently been submitted to the Commission, are being assessed).

The Commission would like to assure the honourable Member that the issues raised will be examined in more detail as part of the new study. Lastly, as it has already stated on several occasions, the Commission will decide on the need to amend the legislation in force only after it has examined all of the consequences of adapting the rules on the weights and dimensions of LHVs, as laid down in Directive 96/53/EC<sup>(29)</sup>.

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### **Question no 51 by Frieda Brepoels (H-0398/09)**

#### **Subject: Russian import duties**

In an answer to Written Question E-4200/09 of 25 August 2009, the Commission acknowledges that the Russian authorities have adopted a whole range of protectionist measures since the end of 2008. The tariff increases in question have a significant impact on many goods exported from the EU, such as combine harvesters, cars, furniture and numerous agricultural products. Moreover, import duties are abused in order to compel European companies to enter into joint ventures, for example, the recent joint venture between Case New Holland and the Russian Kamaz. The EU must therefore continue to seek the abolition of these import duties on all these products.

What further action has the Commission now taken in this context?

What was the outcome of the EU-Russia Summit on 18 and 19 November 2009 regarding this subject?

It is said that the Russian authorities wish to review all the temporary tariff increases. Is a final result already known?

Are the Russian authorities prepared to engage in formal consultations pursuant to Article 16 of the EU-Russia agreement?

What is the Commission's further strategy in this regard?

#### **Answer**

(EN) Since the reply given to the honourable Member's written question E-4200/09<sup>(30)</sup>, the Commission has continued to press the Russian authorities regarding the protectionist measures it has introduced in response to the global economic crisis. The Commission's main concern is that the increases in import tariffs are planned to be made permanent under the new Common External Tariff of the Russia-Kazakhstan-Belarus Customs Union, which should come into force from 1 January 2010.

The main focus of the Commission's activities in recent weeks, therefore, has been to raise the EU's concerns with the three Customs Union Members and to ask for these concerns to be taken into account when a final decision is made on the new Common External Tariff by the three Heads of State on 27 November 2009. The impact on automobiles and on harvesters has been identified by the Commission as priorities, along with a list of other products. Discussions continued last week and the issue was raised by the President of the Commission at the EU-Russia Summit in Stockholm on 18 November 2009. The Commissioner for Trade also discussed the issue at a bilateral meeting with Russian Economy Minister Nabiullina in the margins of the summit.

Although it was a promising sign that President Medvedev himself stated at the summit that Russia's current protectionist measures had proved to be ineffective, it was also clear that the proposed Common External Tariff will come into force from 1 January 2010 unchanged. The Commission only received a promise that the recent tariff increases will not be made permanent and would be reviewed after the establishment of the Customs Union.

<sup>(29)</sup> Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic, OJ L 235 of 17.09.1996

<sup>(30)</sup> <http://www.europarl.europa.eu/QP-WEB/application/home.do?language=EN>

The Russian authorities have not yet agreed to formal consultations under Article 16 of the EU-Russia Partnership and Cooperation Agreement despite the Commission's repeated requests.

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**Question no 52 by Alfreds Rubiks (H-0399/09)**

**Subject: European Union status of combatant in the anti-Hitler alliance**

In many EU Member States, Second World War veterans who fought against Nazism and Fascism are assigned the status of combatant in the anti-Hitler alliance.

How are plans being made to introduce a status of combatant in the anti-Hitler alliance throughout the European Union?

**Answer**

(FR) The Commission has no jurisdiction as regards the status of former combatants. The responsibility for this issue lies with the Member States.

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**Question no 53 by Ivo Belet (H-0404/09)**

**Subject: Combating doping - whereabouts**

In Belgium, considerable consternation has arisen after tennis players were suspended for one year for failing to correctly complete forms indicating their whereabouts.

The whereabouts reporting requirement is, in any case, a radical measure for 'innocent' sportspeople and gives rise to many questions regarding possible violation of their privacy.

Punishing sportspeople with a one-year suspension for reporting their whereabouts inadequately in no way complies with the proportionality principle, as the sportspeople concerned have not in any way resorted to doping.

As the only remedy is appeal to the TAS, it is not easy for sportspeople to take up this option.

What is the Commission's assessment of this situation in the light of the suspensions in the Meca-Medina case?

Does the Commission agree that the severity of the penalty for violations of the 'whereabouts' requirements and the appeal procedure should be better coordinated at European and international level?

Will the Commission take measures in this regard?

**Answer**

(EN) The Commission is fully committed to the fight against doping in sport and supports the development of efficient anti-doping measures in line with EU law provisions on fundamental rights and freedoms.

The Commission is in regular contact with the relevant institutions and organisations, notably with the European Parliament, the Member States, the Council of Europe and the World Anti-Doping Agency (WADA) to discuss matters related to the fight against doping. The issue of data protection and protection of privacy of individual sportspeople is one of the most important and sensitive topics. In this context, the Commission, following the opinion adopted in April 2009 by the 'Article 29 Working Party' set up under Directive 95/46/EC on Personal Data Protection, has asked the World Anti-Doping Agency (WADA) to revise the relevant International Standard for the Protection of Privacy and Personal Information. WADA has proceeded subsequently to a substantial revision of the Standard in order to comply with EU law. However, a certain number of issues remain under discussion, notably the question of proportionality regarding the 'whereabouts rule', especially in the light of other WADA Standards and practices.

In this regard, the Commission recognises that the fight against doping in top level sport justifies the implementation of doping controls to top elite athletes without notice and out of sport competitions.

Nevertheless, controls must remain proportionate and their implementation respectful of individual rights of the athletes.

The Commission will continue its close cooperation with the relevant institutions and organisations, including with the Council of Europe Expert Group on Anti-Doping and Data Protection. The work of this expert group will certainly contribute to reinforcing the dialogue with WADA on the guidelines for the implementation of the 'whereabouts rule', including issues raised by the honourable Member such as athletes' recourse against decisions taken at national level and the proportionality of disciplinary measures.

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**Question no 54 by James Nicholson (H-0405/09)**

**Subject: EU strategy against organised crime**

The recent seizure of 120 million cigarettes at Greenore Port in Co. Louth (ROI) has been described as the biggest-ever seizure of smuggled goods in the history of the European Union.

It is widely believed that a dissident Northern Ireland terrorist group, in collusion with organised crime groups, was involved. The success of this operation was due to excellent cooperation between the British and Irish police, navies, and customs and revenue authorities.

Will the Commission therefore encourage other EU States to adopt this strategy as a template for stronger EU-wide cooperation against tobacco and drugs smuggling and organised crime in general?

**Answer**

(EN) The case referred to by the honourable Member was indeed the largest single seizure of contraband cigarettes ever made in the EU and was the result of a successful international multi-agency operation coordinated by the Irish Revenue Customs Service and the European Anti-Fraud Office (OLAF). The international aspects of the follow-up investigations are also being coordinated by OLAF.

The case in question clearly demonstrates the importance and benefits of close, international cooperation and the Commission will continue to support and encourage actions aimed at ensuring synergies and a multi-agency and multidisciplinary approach to the fight against illicit cross-border crime.

In relation to cigarettes, for the last 14 years, OLAF has held an annual conference for investigators and intelligence staff working in the tobacco sector to exchange information on current and emerging threats and to cement operational relationships between the Member States, key third countries and international organisations.

In order to stimulate the type of cooperation referred to by the honourable Member, the Community provides financial support in the form of grants within the framework of the EU Programme 'Prevention of and Fight Against Crime', managed by the Commission's Justice, Freedom and Security Directorate General. The total budget for this programme envisaged for the year 2010 is €85.88 million. The Hercule II Programme, managed by OLAF, supports projects promoting the protection of the Community's financial interests, and aims to enhance trans-national and multi-disciplinary cooperation and the creation of networks in the Member States, acceding countries and candidate countries. Cigarette smuggling is one of the areas targeted by Hercule II which has a budget of €98.5 million for the period 2007-2013.

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**Question no 55 by Ryszard Czarnecki (H-0407/09)**

**Subject: Discrimination against the Polish minority in Lithuania**

How does the Commission intend to put a stop to the discrimination to which the Polish national minority in Lithuania is being subjected? Recent months have seen an intensification of measures that have been in place for a number of years now, such as: cuts in the number of Polish schools and Polish classes; forced Lithuanisation of surnames; failure to return property confiscated several decades ago by the Soviet authorities (whereas, for Lithuanians, the re-privatisation process is much more advanced); a ban, imposed in clear breach of European standards, on the use of Polish place and street names in areas inhabited by Polish communities; and attempts to weaken the position of members of the Lithuanian Parliament who represent

the Polish minority. These are matters which the Commission cannot fail to address. Accordingly, does the Commission agree that the above situation should be looked into and acted upon without delay?

**Answer**

(EN) Respect for the rights of persons belonging to minorities, including the respect for the principle of non-discrimination, is one of the principles on which the European Union is founded. This is now explicitly referred to Article 2 of the Treaty on European Union, as amended by the Treaty of Lisbon which will enter into force on 1 December 2009. This article includes the respect of the rights of persons belonging to minorities among the founding values of the European Union.

However, the Commission can act only in areas where there is EU competence, such as in the areas where Directive 2000/43/EC<sup>(31)</sup> implements the principle of equal treatment between persons irrespective of racial or ethnic origin.

The issues raised by the honourable Member fall under the responsibility of the Member States which must ensure the protection of fundamental rights through the application of their own legislation and their international obligations. Such issues may be brought in front of the judiciary in the Member States and, once national remedies are exhausted, to the European Court of Human Rights.

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**Question no 56 by Laima Liucija Andrikienė (H-0408/09)**

**Subject: The Third energy package and the protection of European energy consumers**

The European Parliament approved the third legislative package on EU electricity and gas markets last April. One of the main goals of the legislative package has been to protect European energy consumers vis-à-vis large energy monopolies by ensuring the separation of the operation of gas pipelines and electricity networks from the business of providing gas or generating power. When is it expected that the Third energy package will be implemented in full, i.e. all EU Member States will have chosen their preferred model of unbundling (from the Full Unbundling, the Independent System Operator (ISO) and the Independent Transmission Operator (ITO)) and implemented their respective provisions? Does the Commission possess information on how many EU Member States have chosen the 'lightest' model of unbundling, the ITO? How does the Commission intend to protect the interests of European energy consumers if the energy markets in different Member States will remain in the hands of large energy monopolies?

**Answer**

(EN) The directives of the Third energy package entered into force on 3 September 2009 and have to be transposed by Member States by 3 March 2011. The rules on unbundling contained therein have to be applied by Member States as from 3 March 2012, and in some specific cases, as from 3 March 2013.

According to the provisions of the Third energy package, Member States have a choice between three models of unbundling: ownership unbundling, the independent system operator (ISO) and the independent transmission operator (ITO). Although these three models for unbundling provide for different degrees of structural separation of network operation and supply activities, each of them should be effective in removing any conflict of interest between producers, suppliers and system operators. At this early stage of transposition, the Commission does not have an overview as yet as to how many Member States will choose the ITO model for unbundling.

In order to protect the interests of consumers against any abusive market behaviour of energy companies in Member States, the Commission will use its best endeavours to ensure that Member States implement and apply the provisions of the Third energy package correctly and in time, creating a regulatory framework which is genuinely capable of protecting consumer interests.

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<sup>(31)</sup> Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, OJ L 180, 19.07.2000



**Question no 57 by Sławomir Witold Nitras (H-0410/09)****Subject: Irregularities in the compensation procedure in the shipbuilding sector**

In accordance with the law on the compensation procedure in entities of special importance for the Polish shipbuilding industry, the Minister of the State Treasury appointed an observer to the compensation process from among the candidates approved by the European Commission. The observer's task was to monitor the progress of the compensation procedure and, in particular, the process of preparing and carrying out the sale of assets. The observer was also required to submit monthly reports to the Commission on the monitoring of the compensation procedure.

Could the Commission indicate whether it has encountered any irregularities in the compensation procedure, whether the observer took part and is still taking part in the procedure, and whether the procedure was conducted in accordance with the Commission Decision of 6 November 2008 on State Aid by Poland to the Shipyards in Szczecin and Gdynia?

**Answer**

(EN) The Monitoring Trustees play an essential role in the implementation of the Commission's Decisions of 6 November 2008 concerning the shipyards in Szczecin and Gdynia<sup>(32)</sup>.

There is one trustee for each yard, whose role it is to keep the Commission informed of the progress made in the asset sale process and any potential difficulties encountered. To reach this goal, the trustees provide the Commission with monthly progress reports. The Monitoring Trustees have provided these monthly reports since the start of the sales process and have continued to do so to date. Their involvement in the process is limited to this supervisory role and they are not actively involved in the conduct and/or management of the sales process as such.

The Monitoring Trustees have, on different occasions, given the Commission valuable insight into the process and have allowed it to address a number of technical difficulties with the Polish authorities directly.

The Commission Decisions of 6 November 2008 foresaw that the implementation of the decisions would be completed by early June 2009. After the adoption of the two decisions, the shipyards have closed their economic activity, which can be restarted by the investors acquiring the yards' assets following the completion of their purchase. Given that – relatively late in the sales process – the frontrunner failed to complete the acquisition of large parts of the yards, this original deadline had to be extended significantly.

The Commission's role in relation to the sales process is to monitor the implementation of the two Commission Decisions of 6 November 2008 and the conditions contained therein. Only once the sales process has been completed will the Commission be able to take a final view on Poland's compliance with these conditions.

The Commission is not competent to decide whether, in the context of the sales process, other irregularities occurred under applicable national rules.

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**Question no 58 by Antonio Cancian (H-0414/09)****Subject: Display of religious symbols in public places**

On 3 November 2009, the European Court of Human Rights approved an application from an Italo-Finnish citizen seeking to remove crucifixes from schools. Similar episodes have occurred in Spain, Germany, France and Italy, where, in 1988, the Council of State noted that the crucifix was not only the symbol of the Christian religion but that it also held a significance that was independent of the specific faith. Does the Commission acknowledge the risk that the principle enunciated by the European Court in Strasbourg might call into question the display in public places of religious and cultural symbols, even of the European flag, which is based on Catholic Marian symbolism

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<sup>(32)</sup> See press release IP/08/1642

**Answer**

(FR) The Commission would point out that national laws on religious symbols in public buildings come under the domestic legal system.

The Commission would also point out that the responsibility for implementing European Court of Human Rights judgments lies with the Council of Europe.

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**Question no 59 by Mairead McGuinness (H-0416/09)****Subject: Responsibility for food security within the current institutional set-up**

The current institutional set-up provides that the issue of global food security falls under the remit of several different Commissioners. Can the Commission confirm when was the last time a meeting of its College discussed the subject of global food security; what was the agenda for the discussion; and the outcome of the talks?

Does the Commission consider the matter of future global food security as one that requires a holistic approach to policy making and if so, what proposals will it bring forward to provide a more strategic approach at EU level?

**Answer**

(EN) As food security is a multifaceted issue, responding to that challenge requires the coordinated contribution of several policies and instruments. Further to the sector-specific actions pursued by the various Commissioners concerned, the College of Commissioners has regularly assessed the global food security situation and, in particular, since the 2008 agricultural commodity price increases.

The College of Commissioners addressed food security-related issues at the time of the adoption of the Communication on 'Tackling the challenge of rising food prices. Directions for Action' in May 2008. The Communication set the agenda for subsequent Commission actions in various areas, within the EU and at a global level.

In July 2008, the Commission attended the high level conference organised by the French Presidency at the European Parliament ('Who will feed the world?'). Later on in July, the College had the opportunity to come back to food security when discussing the results of the G8 Leaders' Summit in Hokkaido Toyako. In that context, the issue of the EU 'Food Facility' and its contribution to promote agricultural production in developing countries was referred to.

More recently, progress in the global efforts to fight food insecurity was discussed during the College debate on the results of the L'Aquila G8 Summit of 8-10 July, at the meeting of 14 July 2009. On that occasion, President Barroso stressed the importance of the shift from the concept of food aid to food assistance and of the significant financial and conceptual contributions from the EU, welcoming the momentum generated by the G8 Summit.

On 26 September 2009, the Commission was one of the main speakers at the roundtable 'Partnering for Food Security' organised by United Nations (UN) Secretary General, Ban Ki Moon, and US Secretary of State, Hillary Clinton. At the event, organised in marge of the UN General Assembly, the Commission reaffirmed the principles and pledges agreed upon at the L'Aquila G8 Summit in July.

Last week, the President of the Commission, the Commissioner responsible for Agriculture and the Commissioner responsible for Development and Humanitarian Aid participated at the World Food Summit convened by the Food and Agriculture Organisation (FAO) in Rome, confirming once again the importance the Commission gives to global food security in international fora. The Food Facility was welcomed by FAO as a rapid response of the EU to the food crisis of 2007-2008.

Concerning future strategic proposals, the Commission has just launched on 16 November 2009 a wide, web-based consultation on an 'issues paper' to gather orientations and views from relevant stakeholders regarding the proposed rationale, scope, strategic objectives, approach and implementation of a revised food security policy framework for the EU (<http://ec.europa.eu/development/how/consultation/index.cfm?action=viewcons&id=4785&lng=en>). As

the discussions during the FAO Summit in Rome demonstrated, a holistic approach to food security is crucial. At the EU level, this will be ensured through the Policy Coherence for Development (PCD) process.

Concerning the food security situation of the Union itself, the EU has been responding to recent challenges through the reform process of the Common Agricultural Policy (CAP), which has been ongoing for the past 15 years. We have focused on a number of policies, such as the switch from product to producer support, linked to the respect of basic land management standards, the provision of a market safety net through intervention and the reinforcement of rural development with more resources. These have boosted the production potential of European agriculture while also respecting the necessary territorial and environmental balance of farming in the EU. Analysis indicates that the projected level of farm productivity and competitiveness in the EU should enable its farm sector to respond to the growing domestic demand.

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**Question no 62 by Anne E. Jensen (H-0419/09)**

**Subject: Yearly appropriations of TEN-T funds**

Could the Commission provide a breakdown per Member State of the funds allocated under Regulation (EC) No 2236/95<sup>(33)</sup> in 2008?

**Answer**

(EN) Pursuant to Regulation (EC) No 680/2007 (Financial Perspective 2007-2013), which followed Regulation (EC) No 2236/95 (Financial Perspective 2000-2006), the Commission supported 63 transport projects totalling €185 million under the 2008 annual call and the 2008 multi-annual call in the fields of River Information Systems, Motorways of the Sea and Air Traffic Management.

The breakdown of the funds per Member State is reflected in the below table:

Member State	Total TEN Funding Member State (€)	%	Number of projects
* European Union	43 603 757	23.5%	14
Belgium	2 339 298	1.3%	2
Bulgaria	1 200 000	0.6%	1
Czech Republic and Slovakia	5 000 000	2.7%	1
Germany	22 168 000	12.0%	5
Greece	6 715 000	3.6%	2
Spain	30 705 958	16.6%	8
Finland	17 190 000	9.3%	3
France	11 120 000	6.0%	3
Italy	16 574 000	8.9%	6
Luxembourg	237 540	0.1%	1
Latvia	820 000	0.4%	1
Netherlands	3 564 000	1.9%	2
Poland	2 947 500	1.6%	3
Portugal	2 160 000	1.2%	1

<sup>(33)</sup> OJ L 228, 23.9.1995, p. 1

Sweden	15 688 000	8.5%	5
Slovenia	700 000	0.4%	2
Slovakia	1 055 383	0.6%	2
United Kingdom	1 580 000	0.9%	1
TOTAL	185 368 436	100%	63

\* projects involving several Member States: Austria, Denmark, Belgium, Bulgaria, Cyprus, Czech Republic, Slovakia, Germany, Estonia, Greece, Finland, France, Hungary, Italy, Latvia, Malta, Netherlands, Poland, Romania, Sweden, Slovenia, Slovakia, United Kingdom.

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### Question no 63 by Charalampos Angourakis (H-0421/09)

#### Subject: Threat to the natural environment posed by quarry

In the municipality of Vianno in the Prefecture of Irakleion (Crete), a quarry is operating which violates the provisions on maintaining the requisite distance from inhabited areas, on hazards to the health and safety of workers, local inhabitants and passers-by and on the degradation of the natural environment. In approving the environmental impact study, no account was taken of the fact that the 'Vachos' quarry area, as it is called, is located within an area protected under the NATURA programme (GR 4310006).

The operation of the quarry has serious consequences for the health and safety of local inhabitants and the development of the region and the natural environment.

What is the Commission's position on addressing this serious environmental problem and its impact on the lives of workers and local inhabitants and, more generally, on restoring the environmental balance of the region which has been upset due to pollution?

#### Answer

(EN) It is the responsibility of the Greek authorities to ensure that the operation of the quarry referred to by the honourable Member complies fully with applicable national and EU legislation.

As regards, in particular, the Natura 2000 site in question ('Dikti: Omalos Viannou (Symi-Omalos)' GR4310006), the authorisation and subsequent operation of the quarry has to be in line with the ecological values of the site, in accordance with the provisions of Article 6 of Directive 92/43/EEC<sup>(34)</sup> (Habitats Directive). In particular, according to Article 6(3) of the directive, any plan or project likely to have a serious impact on a Natura 2000 site, either alone or in combination with other plans or projects, has to be subject to an appropriate assessment in light of the site's conservation objectives and can only be authorised if it does not affect the integrity of the site.

On the basis of information provided by the honourable Member, as well as in the context of written question E-4788/09 on the same issue, the Commission will contact the Greek authorities in order to obtain information on implementation of the aforementioned provisions.

It should be stressed that Directive 85/337/EEC<sup>(35)</sup> on the assessment of the effects of certain public and private projects on the environment does not set any Community standard as regards the distance of projects from inhabited areas.

As regards the protection of the health and safety of workers in the extraction industries, this has long been recognised as a specific area of concern. As such, a body of EC legislation exists to define minimum requirements for the protection of workers. This can be found in the Framework Directive 89/391/EEC<sup>(36)</sup>

<sup>(34)</sup> OJ L 206, 22.7.1992

<sup>(35)</sup> OJ L 175, 5.7.85, p. 40. The Directive was amended by Directives 97/11/EC (OJ L 73, 14.3.97, p. 5), 2003/35/EC (OJ L 156, 25.6.03, p. 17) and 2009/31/EC (OJ L 140, 5.6.09, p. 114)

<sup>(36)</sup> OJ L 183, 29.6.1989

which lays down the basic provisions for all workers to encourage improvements in the safety and health of workers at work. More specific provisions can be found in Directive 92/104/EEC<sup>(37)</sup> which defines the minimum requirements for improving the safety and health protection of workers in surface and underground mineral-extracting industries. Member States have to transpose these directives into their national law and it is the competence of the competent national authorities to enforce the national legislation.

As regards the public health issue, the European Community's competence in this field is limited by the provisions of the Treaty. It is the competence of the Greek authorities to ensure that the health and safety of residents is not at risk.

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#### **Question no 64 by Iliana Malinova Iotova (H-0424/09)**

##### **Subject: Reduction in Bulgaria's and Romania's total allowable catch (TAC) for turbot in 2010**

The proposal for a Council regulation fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010 (Document No 14074/09 PECHE 262) is exceptionally significant for the fisheries sector in Bulgaria and Romania. If adopted, the Commission proposal will have an adverse effect on the fishing industry and the environmental impact of the planned reduction in quotas is questionable. All the relevant bodies currently share the view that turbot stocks in the Black Sea are stable.

On what statistical basis has the Scientific, Technical and Economic Committee for Fisheries (STECF) reclassified turbot in category 10 rather than category 6?

Was the opinion of the working group which included scientific advisers from Bulgaria and Romania taken into account in the preparation of the final report?

Why is there such a wide divergence of views between the working group and the STECF?

Will the quota reductions for the Black Sea have an environmental impact?

Will it be possible to review the allocation formula next year following the application of a common Bulgarian and Romanian methodology?

#### **Answer**

(EN) In its proposal for fishing opportunities for the Black Sea in 2010<sup>(38)</sup>, the Commission proposed to reduce the Community TAC for turbot by 24% compared to 2009. This reduction is in line with the advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) and the criteria of the Commission's Communication on Fishing Opportunities for 2010<sup>(39)</sup>.

Scientific experts from Bulgaria, Romania, Turkey and Ukraine in the Black Sea Working Group unequivocally stated in their report to STECF from July 2009<sup>(40)</sup> that 'the current biomass of turbot is much lower compared to historical levels. The drop in abundance is consistent with the decreases in CPUE (catch per unit effort) and landings. Recruitment has increased since 2002 and positively influenced the SSB<sup>(41)</sup>, but given that many small and immature turbot are caught by the fisheries, such a positive influence may not propagate in the next years. Fishing mortality of turbot is high'.

With regard to the honourable Member's view that there is a 'wide divergence of views between the working group and the STECF', it is correct to say that STECF considered that 'the results of the most recent assessment conducted during the STECF-SGRST Working Group in Brest in July 2009 are not sufficiently reliable to use as the basis for quantitative management advice on fishing opportunities for 2010'. Therefore, in line with

<sup>(37)</sup> OJ L 404, 31.12.1992

<sup>(38)</sup> Proposal for a Council Regulation fixing the fishing opportunities and the conditions relating thereto for certain fish stocks applicable in the Black Sea for 2010, COM(2009)517 final

<sup>(39)</sup> Communication from the Commission on Consultation on Fishing Opportunities for 2010, COM(2009)224 final

<sup>(40)</sup> STECF-SGRST-09-02, Brest, France 29 June - 3 July 2009, in REVIEW OF SCIENTIFIC ADVICE FOR 2010, Part I

<sup>(41)</sup> Spawning biomass

the advice given in the STECF plenary report of April 2009, STECF stated that the exploitation of turbot in the Black Sea should be kept at the lowest possible level in order to allow the stock to recover.

On that basis, STECF recommended that the TAC should be reduced by at least 25% and that recovery measures should be implemented including effort reductions and the introduction of more selective fishing gear.

On 20 November 2009, Council reached political agreement on the 2010 Black Sea TAC, with a reduction of the EU TAC for 2010 to 96 tonnes. In this context, fishing for turbot is not authorised before 15 February 2010. By this date, Bulgaria and Romania will also have to submit to the Commission complete management and control plans in order to ensure the sustainable management of the fishery. The respective quotas will decrease to 38 tonnes, with a corresponding decrease of the TAC to 76 tonnes, unless these plans are accepted by the Commission. However, the Commission also confirmed its readiness to actively cooperate with the authorities of these Member States to achieve the objective of a sustainable fishery.

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