4-001

SITTING OF THURSDAY, 13 MARCH 2003

4-002

IN THE CHAIR: MR VIDAL-QUADRAS ROCA
Vice-President

(The sitting was opened at 10.01 a.m.)[1]

4-003

Medina Ortega (PSE). – *(ES)* Mr President, I would like to express my sadness at the fact that my good friend and colleague, Isidoro Sánchez García, is leaving this Parliament, but I am taking the floor for another reason. Yesterday morning two Members, Mr Sturdy, a British MEP, and Mr Ripoll y Martínez de Bedoya, a Spanish MEP, took the floor to complain about the problems faced by Community citizens when registering to vote.

Like Mr Ripoll y Martínez de Bedoya, I come from a tourist region, the Canaries. I have also received numerous complaints from Community citizens with regard to their ability to register. I have acquired the necessary information and the problem is that the Spanish legislation on registration would appear to be very detailed; for example, I have two pages here, which are the ones given out, which mention time limits for complaints, etc., and these are normally very difficult for Community citizens to fill in. It seems that the problem is a lack of communication between the Spanish authorities in general.

I therefore join Mr Ripoll y Martínez de Bedoya in calling on the European institutions to ensure that Community citizens are registered to vote in this month's autonomous and regional elections throughout Spanish territory.

4-004

President. – There is no question that the exercise of active and passive suffrage in municipal and European elections is one of the key features of European citizenship and in this regard the Treaties are unambiguous. I therefore believe that your observations are very important and we will look into the matter.

4-005

Alyssandrakis (GUE/NGL). – *(EL)* Mr President, ladies and gentlemen, I should like to inform the House that the European Court of Human Rights recently issued a ruling in connection with the trial of the Kurdish leader Abdullah Ocalan. In its ruling, the Court of Human Rights accepted that Mr Ocalan had not been tried by an independent, impartial court and had not had adequate time or facilities for the preparation of his defence.

At the same time, Mr Ocalan has been kept in more or less solitary confinement for some three months or more. He has even been prevented from communicating with his lawyers or communicating with his family and I think that the European Parliament should protest to the Turkish Government – remember that Turkey is a candidate country – and call for Mr Ocalan to be guaranteed the basic rights to which every prisoner is entitled.

4-006

President. – Mr Alyssandrakis, your observation will be duly taken into account.

4-007

Uca (GUE/NGL). – *(DE)* Mr President, I would like to endorse what Mr Alyssandrakis has said. Yesterday, in the context of the EU's Parliamentary Delegation to Turkey, I also asked the Turkish ambassador why prisoners were not allowed visits from their lawyers and families. We were given the answer that representatives of the Council of Europe had visited Mr Ocalan about a month ago, and that we should address our enquiries to the relevant committee of the Council of Europe.

Whatever our attitude towards them, whether or not we sympathise with them, we believe that every prisoner should receive fair treatment, which includes the right to meet with legal counsel and with their family members. That is a value in terms of human rights and democracy under the rule of law, and that is something to which we are committed. I therefore reiterate my request to you that you should put the case to the Turkish Government for access to legal counsel to be allowed in the future.

4-008

President. – Mrs Uca, the Presidency agrees with you that the best defence is the rule of law, together with police and judicial anti-terrorist measures, unquestionably.

4-009

Flemming (PPE-DE). – *(DE)* Mr President, during the discussions on the Karas Report I reprimanded Mr García-Margallo y Marfil for using the word 'Vergreisung' with reference to old people, with its suggestion that they are too old.

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[1] *Membership of Parliament – Documents received*: see Minutes

There seems to have been an error in translation here. Our Spanish colleague used the word 'Alterung', which means 'ageing', rather than 'Vergreisung'. Mr President, I regret my inability to speak Spanish.

4-010
President. – The Presidency takes note of your sharp linguistic judgements, Mrs Flemming.

4-011

Consumer Policy Strategy 2002-2006

4-012
President. – The next item is the joint debate on the following reports:

- (A5-0023/2003) by Mr Whitehead, on behalf of the Committee on the Environment, Public Health and Consumer Policy, on the Commission Communication to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the "Consumer Policy Strategy 2002-2006" (COM(2002) 208 – C5-0329/2002 – 2002/2173(COS))

- (A5-0423/2002) by Mrs Patrie, on behalf of the Committee on the Environment, Public Health and Consumer Policy, on the implications of the Commission Green Paper on European Union Consumer Protection for the future of EU consumer policy (COM(2001) 531 – C5-0295/2002 – 2002/2151(COS))

- (A5-0054/2003) by Mrs Thyssen, on behalf of the Committee on Legal Affairs and the Internal Market, on the prospects for legal protection of the consumer in the light of the Commission Green Paper on European Union Consumer Protection (COM(2001) 531 – C5-0294/2002 – 2002/2150(COS))

4-013
Whitehead (PSE), *rapporteur*. – Mr President, it is a pleasure that this morning this House can have a diversion from the distant drumbeats of war to the needs of the citizen as consumer. Those needs are addressed in the consumer action plan 2002-2006 and in the Green Paper and its follow-up on consumer protection. I shall be introducing my own report and that of our distinguished colleague Mrs Patrie, who is unable to attend today.

A major debate is now under way about consumer policy. It is being aired at the Convention with doubts, which I share, about the apparent demotion of consumer priorities by an amalgamated Council, which also has to cover social affairs, employment and health. It is present in the financial anxieties which beset the one area – food safety – which we had intended to be freestanding and no longer part of these general debates. I share the concerns expressed about the funding – for which this Parliament has part of the responsibility – for the ESFA, at long last to set forth in an effective manner.

It is also seen in our own differences over what kind of framework directive best regulates the business of consumer relationships and where and how unfair practices can be identified and redress sought.

For my own report I am indebted to the Commission, the shadow rapporteurs of all parties and all those who have worked with me to produce a consensual report, notably my own former researcher, Michelle Smyth, whose intermediary skills have now been transferred to our National Consumers' Association.

My approach to the priorities set out in the action plan has always been to keep it simple and focused. I shall be referring to amendments which have somewhat blurred matters by trying to bring other debates into what should be a clear statement of priorities. I have discouraged amendments which loaded other good causes on to our own report. That is why in my response today I have been unable to accommodate, any more than I could at the committee stage, some of those on either the Left or the Right who wish to make this also a debate about eco-labelling, the virtues of organic produce or, on the other side, the virtues and provability of GM technology. As the Commissioner well knows, there are other places where these things will be discussed. Indeed, he will be introducing proposals along those lines very shortly and they will be welcome.

I can, however, accept the one other new amendment by Mrs Thyssen, whose report we are also discussing and who has played a very constructive part in these debates. I cannot accept that we should go further from the area which was laid down in the very extended debates in committee.

Some people have queried one or two other amendments, notably the original paragraph 15, which was an amendment put to the committee by Mrs Thyssen. Some in her party have asked why that should be there. I am sure Mrs Thyssen – if she speaks later – will explain its merits so that her own group can understand it.

I shall turn now to the broad principles of the action plan we are deliberating. They were set out as a threefold proposal. Firstly, a high level of consumer protection. All the reports before you agree on that and on the need to strengthen the legal

base in the Treaties for it to be achieved. They also agree that on the important issue of minimum or maximum harmonisation we should be looking sensibly at a case-by-case basis.

Secondly, on effective enforcement of consumer protection rules, again we agree – perhaps from slightly different standpoints. Only five States out of 15 have met the Barcelona targets for implementation. We need to show the accession states that we can do better than that and help them to do the same.

Thirdly, the involvement of consumer organisations in EU policies is crucial for the enlarged Community. We need to know from the Commissioner how the necessary funding will be allocated this year when the existing funds have dried up for the accession states.

Finally, we added a new principle: the mainstreaming of consumer welfare in EU policy objectives. The point was forcefully made yesterday by a delegation from the European Bureau of Consumers' Unions which met with members of the Convention. The next three years will determine whether we can meet the needs of the consumers in an enlarged Europe. It needs the whole force of the Commission and the Member States to bring this about. At the moment only about half our citizens know their rights as consumers. An informed consumer is an empowered citizen. It is our duty and privilege to help to bring that about.

I now turn to the report by Mrs Patrie. I am speaking here from her own proposal and notes. On the Green Paper on consumer protection, which was first brought to us in October 2001, we have now finally come to the stage of an ambitious debate on these proposals for a genuine internal market for consumers. Through extensive consultation with the Member States, business and consumer organisations, the Commission has looked at which legal instruments could best guarantee a high level of consumer protection whilst also removing barriers to the development of intra-Community trade.

The Green Paper states that the fragmentation of rules has prevented the smooth functioning of the internal market. All of us agree with that. Experience shows that consumers' lack of confidence in cross-border transactions can be explained by the divergences between bodies of law and by consumers' lack of awareness of the legal guarantees available to them. From a consumer standpoint, the obstacles to the development of international trade lie primarily in the lack of certainty surrounding post-contractual relations. So we want to provide consumers once again with a simple, standardised legal framework, comprising a limited number of fundamental rules that are applicable whatever the nature of the transaction. The global approach of the Commission is, therefore, to be welcomed.

This approach should not result in a lowering of the level of consumer protection achieved under national arrangements. In this regard it should not be possible for the party's choice of applicable law to strip consumers of the protection afforded by the mandatory provisions of the law of the country in which they are resident, provided that was the country in which they took steps to conclude the contract and expect it to be honoured. Nor should the adoption of general rules preclude the possibility of specific rules. There is also going to be a need to provide consumers with special protection in certain sectors.

With this in mind the framework directive should set out the general principles governing the behaviour of traders at all stages of their commercial dealings, so that consumers' rights are effectively enforced. A general clause based on the requirement of fair commercial behaviour would seem better suited to this than the prohibition of misleading and deceptive practices, provided it is given a precise and workable definition.

In the interests of transparency it should be the duty of the trader to disclose to the consumer in advance information relating to aspects of goods and services offered. In this area, too, the application of general criteria should not be to the exclusion of the special provisions covering information provided to the consumer.

The Commission's attempt at defining a criterion governing behaviour based on 'consumers of average intelligence' is not particularly convincing. It is a very imprecise definition and the idea of measuring human intelligence in this way is liable to cause offence. It would be preferable to define types of behaviour that are deemed to be unacceptable and which constitute unfair practices. To this effect, the Commission could draw up a non-exhaustive black list of types of behaviour considered to be unfair.

Moreover, we have to protect consumers who are particularly vulnerable. This applies to persons suffering from a physical or learning disability that makes them more susceptible to aggressive or misleading commercial behaviour, and to children, adolescents and the elderly. It should be possible to penalise traders who violate their duty of fairness, not least by means of injunctions taken out by consumer organisations. It should also be possible to take legal action as a preventive measure in order to put an end to unfair commercial behaviour, which – were it allowed to continue – might be detrimental to consumer interests.

Finally, it is advisable to offer individual consumers a means of redress, not only for blatant and serious breaches of provisions – as the Commission suggests – but also whenever direct and certain damage arising from unfair commercial

behaviour has been established. Whatever the benefits of the alternative methods of dispute settlement, the consumer should not be deprived of the possibility of a remedy.

The Commission has not yet provided sufficient information for useful comment to be made about the contents of self-regulation and co-regulation procedures. In view of the diversity of national traditions and the uncertainties of the definition of the concepts, it is essential to continue consultations with the Member States and, at the same time, ensure the laying down of strict rules for the codes of conduct within the Community rules themselves.

There is an urgent need to establish an organisational framework for cooperation between the national authorities responsible for the application of consumer law. All too often unscrupulous traders are being tempted to exploit shortcomings in the field of European cooperation. It will be desirable to establish databases to facilitate the exchange of information and to create a warning system to enable Member States to take concerted action for all consumers where the need arises. I again commend these reports to the House and I apologise for the absence of Mrs Patrie, who was unable to attend because of other business.

4-014
Thyssen (PPE-DE), *rapporteur*. – *(NL)* Mr President, Commissioner, ladies and gentlemen. Although we are not dealing with any legislative proposals on this occasion, the importance of this debate should not be underestimated.

The Green Paper on Consumer Protection – and I will confine myself to that during my first five minutes and move on to Mr Whitehead's question in the remaining two minutes – is not only of legal and economic importance, it is also politically significant. It can help us to refute the myth that the internal market is something that is only for business and that the consumer has nothing to gain from it. Good consumer law is an outstanding instrument to bring the European Union closer to its citizens and it is up to all of us to work toward that.

Another misunderstanding that I would like to help to rid the world of is the alleged opposition being whipped up between realising the internal market and achieving a high level of consumer protection. Both are objectives of the Treaty and each can support the other. It is our job to apply ourselves to this, but unfortunately I have to say that the division of responsibilities between the Parliamentary committees does not always help us with this. I think this is a matter that we should re-examine in the next legislature.

Then, thirdly, there is another deep-rooted idea that I would like to get away from, that is the widely held conviction that consumer law and regulations on fair trading practices are areas that are totally isolated from each other from a competition perspective. Well, ladies and gentlemen, in the Committee on Legal Affairs and the Internal Market we believe that these are often two sides of the same coin and this is why we are asking for a thorough impact study of both business-to-business relations and business-to-consumer relations. That will bring us more justice, certainly as far as SMEs are concerned, more legal certainty and more stability in the legislation, all things we are all striving for.

Commissioner, we in the Committee on Legal Affairs and the Internal Market agree with your analysis of the state of affairs in consumer law and we also think that the time is ripe for an evaluation and possibly for a new approach. Let us not be over-confident, however. After all, not everything that the consumer keeps on his own home market constitutes a barrier to the internal market that needs to be eliminated. There are still natural limits to market integration – they are summed up in my report – and we must accept them. What it comes down to is identifying genuine barriers and concentrating on them, then we will not miss our target.

The new approach, if it comes, must, in the opinion of the Committee on Legal Affairs and the Internal Market, be geared towards a high level of consumer protection – an objective of the Treaty – sufficient flexibility, simplicity and transparency of legislation and also legislation of a high legal quality. That is why we support the suggestion in the Green Paper to ensure that an efficient and affordable procedure for settling disputes is included for consumers, because that is how it should be.

Nor do we reject the idea of a framework directive, Commissioner, but as responsible legislators we want to satisfy ourselves beforehand that such a framework directive with all that involves really would lead to greater simplicity, more legal certainty and, also, a more effective consumer policy. That is why we are asking you to give us the full picture beforehand, that is to say both the framework directive and the proposals for directives that go with it.

For the sake of legal certainty we would prefer a general clause based on a prohibition on unfair trading practices. Of course that prohibition must be well defined. We recognise the usefulness of the instrument of maximum harmonisation, but, like Mr Whitehead in his report of the Committee on the Environment, Public Health and Consumer Policy, we ask for caution and that we proceed on a case-by-case basis, otherwise we run the risk of leaping far too far ahead. In any case, we in the Committee on Legal Affairs and the Internal Market are also convinced that maximum harmonisation is not possible as long as a high level of consumer protection has not been reached, unless harmonisation is geared towards that.

A high level of consumer protection is, in our view, also a condition for fully implementing the principles of mutual recognition and for implementing the country of origin principle.

Commissioner, we say 'yes' to a statutory basis for a European code of conduct provided the conditions in section 17 of my report are met, but, because no-one has anything to gain from a false impression of legal certainty, we are against any kind of bureaucratic approval mechanism that can only provide a questionable assumption of legality. To the members of the Committee on Legal Affairs and the Internal Market it is simple logic that obligations entered into in codes must be enforceable.

Ladies and gentlemen, you will see that the Patrie Report of the Committee on the Environment, Public Health and Consumer Policy differs on many of these points from what we in the Committee on Legal Affairs and the Internal Market have said. We in the Committee on Legal Affairs and the Internal Market have done our best to concentrate on the legal aspects of this matter. We have made choices based on considered legal grounds. I would therefore like to ask the members of the Committee on the Environment, Public Health and Consumer Policy and other members of Parliament to have another good look at this before deciding how to vote and I would ask them to support these points of the Committee on Legal Affairs and the Internal Market.

Finally, Mr President, it only remains for me to thank colleagues for their very constructive cooperation and I can say to Mr Whitehead that I will answer his specific question in the two minutes I will be given soon.

4-015
Byrne, *Commission*. – Mr President, let me commence by thanking and complimenting the rapporteurs Mr Whitehead, Mrs Patrie and Mrs Thyssen for their dedicated hard work of such high quality.

First of all I would like to say a few words about the new consumer policy strategy, which was adopted by the Commission last May and the purpose of which is to give a clear sense of political direction covering the next five years.

It has three key objectives. The first is to achieve a high common level of consumer protection. The second objective is to make sure that there is effective enforcement of consumer protection rules. The third objective is to provide for the involvement of consumer organisations in EU policies.

I would like to stress that these three objectives have been designed with the three following cross-cutting ideas in mind: To help achieve integration of consumer concerns into all EU policies, such as competition policy, transport and justice; to maximise the benefits of the single market for consumers – this is a result which should benefit business and consumers alike; and, last but not least, to prepare for enlargement. All three objectives of the strategy – a high common level of consumer protection, effective enforcement of consumer protection rules and proper involvement of consumer organisations – were very much designed with the perspective of new and future countries joining the EU shortly and in the future.

The action plan on consumer protection and the Green Paper on consumer protection put forward a number of options and raised a number of questions on the future of EU consumer protection policy. They suggested, in particular, the idea of a framework directive on unfair commercial practices.
The Commission also suggested the development of a legal instrument for cooperation between enforcement authorities.

The favourable response to the consultation exercise encouraged us to continue working on this idea of a framework directive. However there was a general feeling that more information, clarification and consultation on the content of any such framework directive was needed. The follow-up communication of June 2002 responded to this need.

We also recognised the need to complete the evidence of existing problems and opportunities. Both Mrs Patrie's and Mrs Thyssen's reports recognise this need. We therefore commissioned three major studies. First, a survey of 16 000 consumers looking at consumer experience of, and attitudes towards, cross-border shopping. Second, a parallel survey asking similar questions to nearly 3 000 businesses, mainly SMEs, that advertise and sell to consumers. This gives us a clear sense of what the impact of a framework directive will be on small and medium-sized companies. Third, we commissioned an independent consultant to carry out an impact assessment of the legislative options set out in the Green Paper.

The conclusions of this impact assessment and surveys can be summarised as follows. Eighty million Europeans would shop more across borders if they felt as secure as they do when shopping at home. Forty-six percent of companies expect the proportion of their cross-border sales to increase with harmonisation. Only 1% of companies expects a decrease. Sixty-eight percent of European businesses said that harmonisation in this area is an efficient way of facilitating cross-border sales. The impact assessment concluded that a framework directive based on full harmonisation would be the most effective way to remove barriers to cross-border retail trade.

In addition, my services have been working on the nature of the legal barriers faced by business and consumers. First, we have been working with a group of national governmental experts to examine and compare national laws on unfair commercial practices. Second, we set up a team of academics who are currently completing a comprehensive comparative legal study. And third, we have organised a two-day workshop on several key issues, with all stakeholders.

This very thorough consultation and research process has enabled the Commission to gain a comprehensive understanding of the various nuances of national rules on unfair trading and the concerns of all stakeholders. I hope it has also enabled us to build a broad consensus on a workable framework directive.

The view of the European Parliament plays a very important part in the Commission's deliberations. I therefore very much appreciate the constructive reports by the Committee on the Environment, Public Health and Consumer Policy and the Committee on Legal Affairs and the Internal Market confirming a growing consensus on the way forward. I hope today's debate will enable us to reconcile the remaining points of divergence between the two reports. I look forward to hearing your views in this debate.

4-016
Glase (PPE-DE), *draftsman of the opinion of the Committee on Budgets. – (DE)* Mr President, Commissioner, ladies and gentlemen, the Commission communication and Mr Whitehead's report on the Consumer Policy Strategy 2002-2006 are quite crucial documents. In the EU's Member States, people are relying on Parliament constantly upholding the protection of consumers, which they regard as a very important, indeed crucial, element in the EU's internal market. In our homelands, the standard of consumer protection is an important yardstick for measuring the effectiveness of our work.

Various committees have delivered their opinions. The Committee on Budgets had the task of examining and evaluating the financial statement for this Consumer Policy Strategy. Whilst it adopted the Commission communication, it proposed to the lead committee a number of regulatory adjustments. The Committee also regrets the fact that no attempt had already been made to evaluate or qualify the effects that the measures proposed by the strategy as submitted would have on our finances or on the Budget.

The Committee furthermore points out that, if the measures envisaged in the strategy are, on being incorporated into the proposal for a new legal framework, to extend beyond 2006, the finances will have to be confirmed, either by an agreement on a new Financial Perspective, or by annual Budget resolutions. I therefore hope that time can still be found to make the necessary adjustments or to allow the proposed amendments to influence practical implementation.

4-017
Radwan (PPE-DE), *draftsman of the opinion of the Committee on Economic and Monetary Affairs. – (DE)* Mr President, Commissioner, I am glad that we are able to have a debate today on this important subject, for the Spring Summit is about to be held, at which, every three years, we can give renewed consideration to how Europe can become the most competitive and the most innovative region in the world.

The importance of consumer protection as a subject is not a matter of dispute. What we have to do is get to grips with how we put it into practice. I will appeal to the Commission's rigour in saying that I am, though, firmly convinced that consumer protection does not run counter to these criteria. On the one hand, for example, we are pursuing the objective of a reduction in bureaucracy in Europe. I get the impression, though, that we are creating ever more bureaucracy, thus taking ourselves that extra bit further away from the goal of reducing it.

I would also like to take this debate as an occasion to address the image that we have of consumers and the public. I am a great believer in transparency in the field of consumer protection – by which I mean giving the public the information they need – but, at the end of the day, politics must not, piecemeal, deprive the public of their rights and responsibilities. I am referring here to a quite specific example from an area with which I have been concerned, namely the Consumer Credit Directive, by means of which the Commission is accomplishing a shift that I regard as not entirely justifiable, by abandoning a standard of minimal harmonisation and mutual recognition in favour of maximum harmonisation. This it is achieving, for example, by adopting an inverse burden of proof for banks, which will no longer be required to check with the utmost rigour to what extent a borrower is able to repay the credit.

It goes without saying that this is in the interest of everyone who gives credit and of everyone who sells goods on a hire purchase basis, but there is, at the end of the day, such a thing as the individual's own responsibility. In the final analysis, this is also, in terms of our interest in becoming the world's most competitive region, about what forces we unleash in the economy and among small and medium-sized enterprises.

That is why I am glad of the Committee on Economic and Monetary Affairs' ability to make a contribution in the form of opinions that may be slightly contrary, but that are no less important for that, and also glad that the Commission will in future be united in the line it follows in pursuit of this objective.

(Applause)

4-018
Thyssen (PPE-DE), *draftsman of the opinion of the Committee on Legal Affairs and the Internal Market. – (NL)* Mr President, actually I can be brief here and thank Mr Whitehead. We in the Committee on Legal Affairs and the Internal Market have done our best to concentrate on the legal aspects of the strategic document on consumer policy and Mr Whitehead and the other members of the Committee on the Environment, Public Health and Consumer Policy evidently respected or appreciated that, as I see that almost all the points of our advice have been adopted in the Whitehead Report. I can only express my thanks for that.

So it merely remains for me to respond to the comment or question from Mr Whitehead just now regarding section 15 of his resolution which is based on an original section in my report. Section 15 deals with international private law. I tried in my opinion to say that when aspects of international private law come up in consumer law, we should be able to regulate them under Article 95, the article that concerns the internal market. The Committee on the Environment, Public Health and Consumer Policy added Article 153 to this and as far as I am concerned that can stay. I do not think there can be many problems with that, Mr Whitehead. I suspect that is a translation problem rather than something about which there can be a great deal of discussion. I hope this clarifies things somewhat and I am eager to give half a minute back to the President to make up for speaking a bit too long just now.

4-019
Oomen-Ruijten (PPE-DE), *draftsman of the opinion of the Committee on Women's Rights and Equal Opportunities. – (NL)* Mr President, I will speak for two minutes on behalf of the Committee on Women's Rights and Equal Opportunities and the rest of the time I will speak about the report by Mrs Patrie and the report by Mrs Thyssen. Mr President, it gives me pleasure to begin with the strategy for consumer policy and to respond to what Mr Whitehead has written.

As rapporteur for the Committee on Women's Rights and Equal Opportunities I am grateful to Mr Whitehead for the fact that many of our amendments have been included in the – as always, may I say, Phillip – thorough report you have produced. What the Committee on Women's Rights and Equal Opportunities wants is for vulnerable groups to be closely involved in consumer policy and I think this is expressed very well. Special attention must be given to consumers and consumer organisations in the applicant countries, as we think that the internal market can only function at its best when the parties in the market are of equal standing. This means that we need to equip the consumer to make considered choices.

The consumer organisations in the applicant countries are not yet, if I may put it like this, ideally equipped for their role as representatives of consumers. The need to pay special attention to this is justified and we have asked for this very often. So I can find in the main points of the 2002-2006 strategy: a high level of consumer protection, effective enforcement of the current regulations and a role for the consumer organisations. I have already mentioned that specifically.

Mr President, now I come to the Green Paper. The aim of the Green Paper is to arrive at a framework directive for consumer policy. I am, if a number of conditions are met, for such a framework directive. Present legislation is indeed too fragmented and a framework directive can help to bring clarity to the situation. I think it is excellent that the provision of information needed to make choices before the sale of a service or product, the sale itself, after sales, service, complaints procedures and access to law are brought together in the framework directive. Unfair trading practices must be the starting point for this and so I feel very comfortable with Mrs Thyssen's report.

The legislation of this framework directive must not and cannot come on top of the existing forest of regulations. That would make everything even more confusing, not only for the consumer but certainly also for the business world. I am therefore strongly arguing that, when we present this framework directive, we also at the same time immediately repeal the various vertical directives – the water framework directive is a good example. In that sense we think that the framework directive would solve something. It is very important with this kind of horizontal framework, in our view, that the same obligations apply all over Europe, not only for business but also for consumers. That makes things clear and provides more opportunities, especially for smaller businesses, to make use of the opportunities offered by the internal market.

Mr President, I would also like to say that this framework directive should assume a high level of protection of the consumer, but that it should also be based on the principle of maximum harmonisation, but linked to the high level of protection. I think this is necessary, because if this does not happen confusion will remain. We want the internal market to function well, we want to get good service throughout Europe, we want good services to be sold and for everyone to know exactly where they stand. In that sense we can vote for a framework directive. I also hope that the amendments submitted by our group to the Patrie Report, which we hope will bring that report more into line with Mrs Thyssen's report, will be supported. I think this will help us to reach a very good demarcation. I wish the services of the Commission a lot of luck and ask them to please involve us, and the stakeholders, in drafting the new legislation.

4-020
Bushill-Matthews (PPE-DE). – Mr President, I am delighted that this morning we are debating three strong reports on consumer protection and that they straddle so many different committees. That is right and proper. Consumer policy issues should not just be the prerogative of one particular committee, they should be fundamental to all our work.

The comments I shall make will in essence be confined to the Whitehead report, although they will clearly have implications for some of the other reports too. Adam Smith declared that the sole end and purpose of all economic activity is consumption. The consumer is king and we in Parliament – and indeed in the Commission – would do well to remember this.

The Commission report 'Consumer policy strategy 2002-2006', and indeed the Whitehead report, are both extremely positive steps in this direction. I am not one of those who automatically congratulates every rapporteur, especially, dare I say, if they come from the PSE Group, but on this occasion I am delighted to give my unqualified congratulation and support to this rapporteur for an excellent piece of work.

In his usual modest way he has also said that amendments from other groups and colleagues have made it better still, and he has indeed accepted amendments from a large number of colleagues from different political groupings and other committees. I am certainly grateful for his ready acceptance of some of my own amendments, for example that a key strand of consumer policy must be the maximisation of consumer choice, that the completion of the single market is therefore a priority for consumers and not just business, that the package travel directive should be included as a priority for a review, and that countries that flout consumer protection laws should be more rapidly and thoroughly penalised.

I would also draw attention to the whole series of paragraphs, starting at paragraph 5, addressing Objective 1, a high level of consumer protection, in which he notes his concern about the proposal to move from minimum harmonisation to full harmonisation measures. This point has already been picked up by Mrs Thyssen and Mr Radwan from two other committees. I totally agree this should be done on a case-by-case basis, a point he explicitly amplifies in paragraph 13 about the principles of subsidiarity, necessity and proportionality. I hope the Commission takes these points on board.

I particularly admire the way the report is not just filled with good intentions. It calls for sensible, practical and concrete steps to be taken to create better consumer protection throughout the European Union. I hope the Commission will allow me to draw attention also to paragraph 44 about the dangers of passive smoking, although it might be a surprise for this to appear in this particular report. It is a basic consumer right that consumers should be able to breathe fresh air. I hope that he personally, along with the Quaestors, will play his role in ensuring this.

Finally, I expect the Whitehead report to carry overwhelming support in the vote this morning. Such a verdict would indeed be well-deserved. I hope that it will also be embraced with equal fervour by the Commission and the full Council. The consumer must reign everywhere. Long live the king!

4-021
Corbey (PSE). – *(NL)* Commissioner, ladies and gentlemen. Consumers, it has just been said, are one of the reasons for the existence of the European Union. Better and cheaper products and more choice are the mainsprings of the internal market. Consumers have not been given full recognition for this before now. Some consumer rights stop at national borders. So I also warmly applaud a general initiative and framework directive for consumer policy. I also support and compliment the rapporteurs Whitehead, Patrie and Thyssen.

There are four points I would like to emphasise. First, it is about fair trading practices, a high basic standard that must apply throughout Europe, and in bringing this about European rules must not be allowed to detract from national achievements. Information about rights and supplementary codes of conduct is needed.

Point two, the right to information. Information about products and production methods is crucial. Of course, not every consumer will walk into the manufacturer's premises to ask about production methods. Research shows that only 10% of consumers are interested, but that 10% set the trend, certainly when they are supported by strong consumer organisations. This 10% have ensured, for instance, that more attention is paid to animal welfare in the agricultural sector and to working conditions in the textiles sector, and this 10% will also contribute to pushing globalisation in an acceptable direction.

Point three, give consumers a voice, support consumer organisations, especially in applicant countries, and search for new ways to make consumers less anonymous. Experiment with public forums too where consumers can contribute ideas about the development of new production techniques and production methods.

My final point concerns political responsibility. A strong consumer policy must, of course, contribute to the development of a situation in which consumers are the touchstone for European policy, from chemicals to e-commerce.

A great deal is done in the name of the consumer in Europe. Liberalisation of public services is supposed to offer consumers cheaper and better services. Splendid of course, but what has it achieved? Throughout Europe passengers are complaining about the deteriorating quality of public transport. Prices on the telephone market have become obscure and confused and few consumers in the end are queuing up to choose between electricity suppliers. What exactly has ten years of the internal market delivered for the consumer? Or take the euro, another example. The euro was supposed to make everything cheaper. Meanwhile we know that the euro has caused significant price increases. Of course, things can go

against us. Every consumer understands that. But if liberalisation, the euro and the internal market do not have the desired effect, what can consumers turn to then? Can consumers turn to European politics, their national governments, business and industry? Or nowhere in fact?

Consumers must have rights, but they must also be able to get political redress. In short, we must stop making vague promises about and to consumers. Objectives for consumers must be concrete and clear and it must be clear who bears the political responsibility. Thank you very much.

4-022
Maaten (ELDR). – *(NL)* Mr President, we are dealing here with three important reports of course. It is true that it is not legislation, but I look forward with interest to the legislation that will follow these reports. I do that with a great deal of confidence, because on this point too we have every confidence in this Commissioner. I am curious as to whether he can indicate how long it will be before we can expect the various proposals for this legislation.

The challenge, of course, is to properly coordinate consumer policy and the completion of the internal market. Consumer policy must not be allowed to be an excuse for erecting trade barriers. I also think that the figures that the Commissioner gave just now on the benefits that we all gain from harmonisation speak volumes as far as that is concerned.

Consumers benefit from free trade because they can buy cheaper and better products and of course we must achieve a high level of consumer protection. Confidence is the engine of economic growth. Consumers must have confidence in products or they will not buy them. Industry must have confidence in the internal market and consumers must have confidence in suppliers. We can kill two birds with one stone. We must work towards a situation where it no longer matters to consumers whether they buy their products in the Netherlands or Greece. That is not easy.

Consumers often do not know what their rights are. Consumer organisations can help with this. Consumer magazines are widely read and contain useful tips. People have a lot of confidence in these organisations. So I think – and I am glad that the Commissioner is also working for this – that the Union must involve these organisations closely in the preparatory work for future policy.

Besides, unfair trading practices damage confidence in the market. A dishonest car salesman can spoil the market for his competitors. Dishonest traders must therefore be tackled forcefully, which is why it is good that the choice has been made to adopt a European approach to tackling undesirable commercial practices. Of course we need to be clear about what constitutes undesirable trading practices. For me that is not only taking advantage of physical or mental vulnerability or the use of physical or moral pressure, obstructive behaviour must also be included. For example, making it difficult for consumers to change their service provider. Only when you can switch easily from one service provider to another, do you have optimum competition resulting in lower prices and better quality. Just think about changing your bank. They make it terribly difficult for you. You cannot take your account number with you and I think these are artificial barriers.

Finally, Mr President, I think that the Commission should use Article 153 of the Treaty more often as the legal basis for consumer protection. We did not create this Article for nothing and it will benefit both the consumer and the internal market.

4-023
Caudron (GUE/NGL). – *(FR)* Mr President, Commissioner, ladies and gentlemen, speaking this morning on behalf of my group in the debate on consumers and consumer protection, I, like many of my fellow Members, would like to say once again that, although we can adhere to the European Commission's objectives in this area – high level of protection, effective application of rules and effective participation of consumer organisations – we must once again point out that the proposals made are still far too vague and not specific enough.

That is why I fully agree with the proposals made by Mr Whitehead and Mrs Patrie, in particular with regard to safety, transport, chemical substances, e-commerce and the provision of prior information in all cases in order to allow, where necessary, appropriate and effective defence and recourse mechanisms to be activated. I would also like to mention specifically the readability of the ecolabel and, in particular, the need for highly comprehensive information on GMOs which, as you are all aware, are a contentious issue for us. Lastly, I would like to stress the need for the Toys Directive and control of the CE mark.

As I was rapporteur on these issues a few years ago, I know that the Toys Directive needs to be revised urgently and that, due to insufficient controls, the CE mark has in many cases become devoid of all meaning. I have also written to the Commission several times on this matter, but I regret to say that I have not received a satisfactory response. Incidentally, at this stage of the debate on consumer protection and policy, I would also like to express very clearly two concerns in the form of basic criticisms. My first concern is that, whatever their advantages, consumer protection policies are too closely linked to, and therefore overly dependent on, the objective of accelerated creation of a single market. These policies are only rarely objectives in themselves and tend, for the most part, to be a result of free competition. My second concern is that these policies are frequently, if not always, a pretext for erasing, suffocating, or even abolishing the concept of public

service, even though this is far broader than consumer protection as it applies in the long term, which involves solidarity and land use planning, in particular through pricing and access conditions. In some countries and some political groups, the best upholders of consumer protection are often those who do most harm to public services, acting in the name of free competition and the dominance of the private sector.

This morning, I therefore wanted to point out these fundamental differences or even divergences, while welcoming the efforts made by the European Commission and supporting our rapporteurs' proposals.

4-024

IN THE CHAIR: MR PACHECO PEREIRA
Vice-President

4-025

Rod (Verts/ALE). – *(FR)* Mr President, the Green Paper presented by the Commission and the reports presented this morning are along the right lines. We should indeed establish all the elements that guarantee consumers a high level of protection without delay. They must feel sure that their rights are fully and equally respected everywhere. In order to achieve this high level of protection, it is therefore vital to involve representative consumer organisations in drawing up both Community and international policies.

As a number of significant changes are currently taking place in terms of trade, it is essential to consult our citizens. They must be able to take part in debates and influence decisions that primarily concern them. Consumers must play an active part through their consumption, which should no longer be uninformed. Instead, consumers should be able to make informed choices. They must therefore be protected, but also kept informed. In order to achieve this, they must be able to have access to all the information they consider essential, for example with the opportunity to find out about production processes, including employees' working conditions. Community-level logos relating to fair trade or to companies that observe a social charter, are therefore valuable, effective instruments, as are those representing organic farming.

If we want to see ethical, fair trade, we need to restate our preference for quality products that do not endanger human dignity, in areas as varied as coffee or children's toys, and that fulfil all the criteria of the precautionary principle. In this context, traceability of GMOs seems, once again, to be one of the most basic factors. In particular, we must not, as implied by some amendments, allow consumer confidence in GMOs to increase. On the contrary, our duty is to protect consumers and provide them with accurate, comprehensive information that will enable them to make fully informed choices, what they feel are the right decisions for themselves and for their children. We should also emphasise the need for citizen participation in establishing a sustainable model of society. We must not reduce the citizens to mere consumers. Quite the opposite, citizens must play a full part in identifying their needs, so that society itself chooses to develop in a way that can respond to them.

4-026

Nobilia (UEN). – *(IT)* Mr President, although different, Mrs Patrie, Mrs Thyssen and Mr Whitehead's reports appear to express a faint, common feeling of disappointment which – if it is actually there – we endorse, as we do the content of the reports. Indeed, the Commission's statements to the effect that the fragmentation of European and national rules on consumer protection prevents the smooth functioning of the internal market cannot be disputed, nor can the fact that many consumers' lack of confidence, for example in cross-border transactions, is caused by the existence of divergences between bodies of law and, to an even greater extent, maybe, by lack of awareness of the protection available. Similarly, therefore, an indisputable need arises for a simple, standardised legal framework comprising a limited number of fundamental rules that are applicable whatever the nature of the commercial transaction and provide protection throughout the cycle, including in post-contractual and after-sales relations.

We therefore welcome the line taken by the Commission as regards the need for a global approach to the issue which, on the one hand, seeks to set out obligations, starting with fair commercial behaviour, and, on the other hand, is based on objective criteria in order to avoid different interpretations by the Member States. However, although all this makes sense, it is impossible not to notice inconsistent behaviour on the part of the Commission itself occasionally, starting with but not confined to an excessive acceleration of the rate at which we are addressing the issue. As we know, the 2001 Green Paper on Consumer Protection, for example, opened a period of widespread consultation and a valuable debate on the future of Community consumer law. Yet**,** even before the results of the consultation process are known, the Commission has presented a proposal for a regulation on sales promotion in the internal market, which, on the one hand, pays little attention to the views of the European Parliament on the global approach, and, on the other, gives the absurd impression that we would prefer to continue to take a sectoral approach.

Again, the different approaches to issues which are ultimately similar such as – by way of another example – the issue of labelling, in which the presence of identical substances is being regulated differently only a few months later, fall short of the ideal. We believe that there is no cause for objection where preparations primarily intended for healthcare applications are used in other fields. A recent example is that of cosmetics and detergents.

To stay in this context for a moment longer, we believe that consumers need to be informed of the products used but we also believe that, to this end, they need to have access to useful information, information which can put them in a position where they can make choices, not least 'political' choices themselves. That does not mean we do not value – for we greatly appreciate it – the major work carried out by consumer protection organisations.

However, if the idea is to pursue a high level of protection while seeking, at the same time, to achieve acceptable harmonisation of internal market rules, there appear to be two courses of action, one of which will follow on from the other. The first is that mentioned by Mr Whitehead, when he states that a case-by-case analysis would be appropriate to assess whether, when amending existing legislation or developing new legislation, minimum or maximum harmonising provisions are more suitable. Once this has been determined, the other is the correct transposal and practical enforcement of Community law by the Member States. Here, once again, the Commission has a decisive role, although it is true that, from a general perspective, only five States have thus far met the targets set by the Barcelona European Council on implementation rates.

4-027
Bernié (EDD). – *(FR)* Mr President, as well as the legal protection of consumers, we are addressing a broad, ambitious project that will have to lead to a high level of protection. A high level does not necessarily imply uniform protection. We believe it is essential to observe the principles of subsidiarity, necessity and proportionality.

I personally am in favour of minimal harmonisation, leaving each Member State free to establish the legislation best suited to its way of doing things. I also support the idea of systematically using Article 151(3) of the Treaty, which should become the sole legal basis for legislating. We must stop systematically using Article 95, which only concerns the single market. Guaranteeing all citizens universal, affordable access to high-quality services is one of our main requirements. We must demand that the WTO does not dismantle our public services. Similarly, I agree with WTO labelling as an instrument for providing information on origin and production methods. On the other hand, I have reservations concerning the creation of a European consumer centre which would duplicate the role of the national organisations, which are effective and would benefit from working as a network.

I am also concerned about the content of the Thyssen report: asking the Commission for an impact assessment on the possibility of maximum harmonisation seems unrealistic. Similarly, a link should be established between consumer protection and regulation of sales promotion. As for establishing codes of conduct, the idea as its currently stands does not seem to me to be an option we should pursue. What would be the basis for the legitimacy of these codes of conduct? How could we ensure their durability? All these questions are an indication that this would be the wrong course of action.

4-028
Ilgenfritz (NI). – *(DE)* Mr President, it stands to reason that we are meant to protect consumers from unfair business practices, as that is how we create a climate of confidence, but, in doing this, we must not overshoot the mark by protecting consumers from themselves and declaring them to be incapable of managing their own affairs. The Consumer Credit Directive is one example of this. With that in mind, we should be supporting all measures that have the effect of promoting sales and the fulfilment of the internal market. Under no circumstances must businesses be tangled up in more red tape, as it is above all small and medium-sized enterprises that are handicapped by it. We must make it our objective to create more confidence while, at the same time, avoiding increased bureaucracy.

4-029
President. – Thank you very much, Mr Ilgenfritz, I have a request to speak on a point of order from a Member who has a placard in front of him, which the Bureau has already asked him to remove. This is a matter of showing respect for the Bureau and for his fellow Members, which I believe should take precedence over any request to speak.

The Bureau has already asked the honourable Member to remove the placard and it is common practice in this House that when the Bureau asks Members to remove placards or banners that they have put up, these are removed immediately out of respect for the Bureau and for the House. If the honourable Member wishes to raise a point of order – the only thing the Rules of Procedure allow him to do – he will have to show respect for the Bureau and for the House and remove the placard he has in front of him.

4-030
Gorostiaga Atxalandabaso (NI). – Mr President, at this moment all over the Basque country demonstrations are being held -

(The President cut off the speaker)

4-031
President. – Mr Gorostiaga, this is supposed to be point of order concerning the order of business. The Bureau will not allow any type of speech other than a point of order.

4-032

Grossetête (PPE-DE). – *(FR)* Mr President, I believe that, today, we should welcome this debate on the Green Paper and the strategy proposed to us by the Commission on consumer policy. We should welcome it because, with enlargement and, thereby, the extension of the internal market, it is clearly important to improve harmonisation of Community legislation relating to consumers. We are also aware of the role that consumerism plays in the economy, and heaven knows we need it at the moment!

Studies have shown, however, that, outside the border areas, European consumers do not know how to make use of the advantages provided by the European Union. Why is this? Quite simply, because they still lack confidence, because they do not always have access to the relevant information on products and services and because they do not always have the means of ascertaining the quality of products or price references, and because, particularly in the event of litigation, they do not know which authority will be competent. All this means, therefore, that consumers do not take advantage of the possibilities offered by Europe and are in need of knowledge and information, although they are fully prepared to act responsibly, respecting ecolabels and suchlike.

In order to remedy this, we therefore need to harmonise legislation and establish genuine European consumers' rights while guaranteeing the flexibility required for application in the Member States. We are therefore in favour of better information for consumers. This should be clear and written in the consumers' mother tongue so that they can make fully informed choices. Developing a framework strategy for consumers also means ensuring their legal protection, putting an end to disputes relating to unfair practices on the part of companies and protecting the companies themselves too.

We therefore agree on a high level of consumer protection and on transparency achieved through associations and we expect a great deal from the Commission. We can guarantee, Commissioner, that we shall be looking over your shoulder to ensure that this consumer policy is followed through.

4-033
McCarthy (PSE). – Mr President, in today's world it is clear that consumers are more informed and more demanding. They have higher expectations and are not always after the cheapest price. They want quality and after-sales service and they want to be clear about their rights and remedies for redress.

In an ideal world, responsible businesses would respond to consumer needs. Some would say that the vast majority do, and if that were the case, then we would not need to legislate. But we need to protect the consumer from the cowboy operators, those who engage in sharp practice, and the rip-off merchants. The legislators' dilemma is to produce good effective law which protects the consumer, while allowing business to thrive in a dynamic and competitive environment.

The current corporate social responsibility debate offers business the opportunity to improve its consumer protection as a good business model and selling point, to help business gain the competitive edge and bring commercial benefits, while providing added value to the consumer.

If we want the internal market to work we need flanking measures to promote consumer confidence, particularly in cross-border shopping, and we know that in online shopping consumers still have a tendency to buy in their own home market.

In introducing a general clause on fair trading, the detail of the directive will be vital if it is to work for the benefit of consumers and not to be perceived by businesses as more red tape and bureaucracy. We need simple, better-focused legislation which is easier to enforce. As you know, Commissioner, the concept of fairness differs between Member States, depending on their different legal systems. In those countries which operate a general clause, we also know that operates differently. This presents you with the challenge of finding a common approach. I know that, as a skilled lawyer, you are committed to ensuring legal certainty for both business and consumers. We need to ensure that the impact of any future directive furthers rather than fragments the internal market as Member States interpret, implement or enforce such a directive to fit in with their own different national approaches. The consumer is already faced with fragmented regulations and enforcement.

The bottom line is that consumers need to know what redress they can expect if they are the victims of sharp practice or rip-offs, while business needs to operate in a competitive world. Businesses need to be clear about the standards and practices they must aspire to in order to be able to deliver on this directive. I personally favour cracking down on misleading and deceptive practices rather than attempting to achieve a common definition of fair commercial practice.

I welcome the Commission's proposal of establishing codes of conduct and self-regulation, not as a soft touch, or replacement for legislation, but as a means of enabling us to respond quickly to sharp practice when it occurs faster than the law can keep up.

As Commissioner Prodi has said, all European institutions need to step up their commitment to simplify regulations in order to reduce the cost of doing business in Europe and increase legal certainty for citizens. In the Thyssen report Parliament has made it clear that it wants to see an extended impact study in this area.

Commissioner, you have mentioned three studies and you have been very clear about the benefits of this directive. You have been less clear about the potential cost of this directive to business. It is important that we explain to business what its obligations are and what it has to do to achieve your consumer protection objectives.

4-034
Wallis (ELDR). – Mr President, I wish to address my remarks to Mrs Thyssen's report, which I welcome, and I congratulate her on such a balanced piece of work. We know well the dilemma in dealing with a report that has to straddle the interests of business and consumers.

We have before us very good innovative ideas from the Commission – an overarching policy, a framework directive – something we need if we are really to make the internal market work and to make a success of eEurope. However, to achieve all of that we have to build confidence in our consumers. The one area that concerns me is in paragraph 17 of the report, which I endorse completely. It concerns this linkage between codes of conduct, legal certainty and enforcement and how we get those three to *really* work together to protect consumers.

This year I shall be drafting a report on the monitoring of Community law and therefore feel very passionately that in moving to codes of conduct we have to ensure we still have legal certainty and enforceability or we fragment the very gains we have made in the internal market.

I shall try to illustrate that with an example. Yesterday I received a letter from a constituent who had bought a property in another Member State. Something had gone wrong with the purchase: money had been wrongly deducted from money he had handed over. He applied to the appropriate overarching professional body. He wrote in his own language, English. He received a reply in their language that stated that they were unable to deal with his complaint unless he wrote to them in their language. If we really want to do business across Europe together we have to be fair and reasonable with one another. Codes of conduct have to be properly enforced.

4-035
Fiebiger (GUE/NGL). – *(DE)* Mr President, any decisions taken with regard to consumer protection must pay due attention to the expectations and hopes, and also the fears, of the 425 million consumers in the enlarged Union. In its legislative acts, Parliament has the duty of taking the complexities and future effects of consumer protection into account, as well as the risks associated with it.

The reports on the future of European consumer protection policy meet this demand whilst also demanding that an end be put to the lack of discipline in relations with consumers. Many people see the provisions in the areas of food safety, services, health and safety as having already lost their moral innocence in the face of market developments.

There is a great need for action, for example, in order to put a stop to abuses in the area of telecommunications and for reforms in competition law and in the field of financial services to protect consumers. Giving life to the right of initiative for the consumers' benefit demands that a permanent place be found for consumer protection in the public advice and consultation system, as well as education and, above all, more information.

Consumer protection has to protect people against fraud, health hazards, and financial loss. The principle of effectiveness applies to consumer protection as much as it does to anything else, but there must be no gain in efficiency to the detriment or disadvantage of consumers. I therefore endorse the demand that complete harmonisation of the legal provisions be restricted to what are manifestly special cases, subject, however, to the condition that this principle is not misused and that minimum standards will be deregulated.

4-036
Breyer (Verts/ALE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, what I found absent from the Commissioner's speech this morning was something quite essential, by which I mean the need for us to re-establish a clear order of precedence, according to which this self-evidently has to be about safety and consumer protection, but also about transparency. I see the subject of transparency as having had far too small a part to play in this morning's debate as a whole. Commissioner, I would like to urge you in quite specific terms to make a real effort to enact a directive on consumer information analogous to the directive on the freedom of access to information on the environment. If, for example, there are problems, there should be real disclosure enabling all to see which businesses are causing them. We must also use this to introduce incentives to get entrepreneurs to really plan for safety.

We need all these things. Parliament's resolution contains many lines of approach for the introduction of precisely this consumer information directive. It is not enough simply to call for greater freedom of choice or more information; on that I agree with all those who have already criticised that idea. This is not about mounting a lot of campaigns in support of the genetic engineering industry, but what matters is that a directive on consumer information should be produced, laying down in very clear terms not only the consumer's right to information, but also the enterprises' duty to disclose breaches when they occur. I would then like to urge you, as a matter of urgency, to enact the Toys Directive a good deal sooner.

I cannot restrain myself from making a final comment in view of the warning issued by the gentleman from the Committee on Economic and Monetary Affairs about the provisions on the giving of credit. It goes without saying that I am in favour of minimum harmonisation, and at a high level, but for as long as there are scandals such as that in Germany with the Berliner Bank, with, outrageously, members of the CDU accepting illegal donations, there will, I believe, be a real need for credit institutions to have rules applicable to them. Let nobody try to tell me that that is obvious!

4-037
Blokland (EDD). – *(NL)* Mr President, in studying the three reports on consumer protection I asked myself whether this is not more about promoting consumerism. The internal market is already a corollary of the commandment "*thou shalt consume*". Evidently we now need to add the commandment "*thou shalt consume throughout Europe*". Mr President, you will understand that I am rather critical of this. We cannot deny that language, distance and cultural differences are the most significant barriers for consumers. This is completely ignored when we look for the cause in unfamiliarity with regulations in other EU countries. What is more, this assumes that the consumer is familiar with the regulations in his or her own Member State.

If we want to invest in consumer confidence we must above all invest in the reliability of products and services. I take the view that well-informed consumers can make their own choices. There needs to be a balance between protecting the consumer and the consumer's own responsibility. I do not think we need a uniform legal framework. Let us first begin with minimum standards in the cases where there are real problems. It is artificial to generate legislation based on Article 153, because this has only been applied as a legal basis in practice on one occasion. I do not have any anxiety about discriminating against Treaty articles because we make less use of them than other Treaty articles.

4-038
Borghezio (NI). – *(IT)* Mr President, I am not wholly convinced by certain aspects of the Whitehead report, in that I cannot accept some of the priorities laid down for consumer protection measures while I feel that others are not given enough emphasis or are even absent from the document before us.

In this regard I would put forward a number of proposals which I feel to be urgently necessary for a genuine policy protecting the wide range of consumer interests. First of all, the need to set up a European monitoring centre to monitor consumer price trends and public service trends in the different Member States, to monitor the extent of increases and the procedures used and, in particular, to take stock of the situation in the wake of the introduction of the euro. Then, as regards the sensitive issue of public services and banking and insurance services, there is an essential need for a heading for opening up the boards of directors of the public companies which manage these services – bank lending agencies, insurance companies and public services companies – to proper representation of the wide range of interests of users. The European Union must adopt the necessary measures to achieve the participation of consumers in the management of this activity, if it wants to achieve genuine economic democracy.

In addition, I do not feel that the proposals for protecting young people, in particular, from the serious dangers of smoking are adequate or sufficient. The spread of the habit, particularly among young people, is mirrored by the increasing, truly appalling figures representing the geometric increase in cases of lung cancer, which calls for much greater determination from Europe to implement the measures already planned. It is time for Europe to declare war on the dangerous habit of smoking, introducing more effective awareness campaigns and maximum harmonisation of Member States' legislation in order to eliminate the evil of smoking.

4-039
Santini (PPE-DE). – *(IT)* Mr President, a debate analysing three reports on consumer issues together is a rare, precious occasion after years of lukewarm interest from Parliament and the Commission in this area. The first report is, as we have heard, on the Green Paper on European Union Consumer Protection, the second on the consumer policy strategy for 2002 to 2006, and the third, a very weighty tome, on the legal protection of the consumer. The strategy proposed by the Commission lays down these three medium-term objectives, which are to be achieved through a programme implemented immediately and to be subject to periodic checks carried out by the Commission and recorded in documents certifying progress made.

Achieving a common level of consumer protection means harmonising not just the safety of goods and services but, first and foremost, the different legal procedures through which the consumers exercise their role as guarantors in commercial transactions on the internal market. If consumer policy is to be genuinely implemented, consumers must be accorded the same importance as an identical guarantee covering the whole of the Union's territory.

The programme also provides for a plan of priority actions through which consumers can decide with the Member States on monitoring and, where necessary, appeal procedures, thanks to a system of genuine administrative cooperation. Consumers and their various networks must have the capacity and the necessary resources to promote their actions on an unrestricted level playing-field within the internal market, and to do so in all areas, in respect of companies and the various production organisations.

The principle of minimum harmonisation of consumer protection policy is enshrined in the Treaty, moreover. It is now important that there is a more effective, comprehensive policy to win support for minimum harmonisation across the board. To this end, we need new rules which are endorsed and, above all, which supersede the previous rules.

4-040
Myller (PSE). – *(FI)* Mr President, I want to thank all three rapporteurs. It has been said here that this is not a matter of legislation, but in my opinion these issues must be dealt with right at this stage while we are discussing with the Commission what we expect from future legislation. For that reason I myself wish to focus on those principles that I think should be incorporated into EU legislation on consumer protection.

The main principle, one which has been raised here very often, is that levels of consumer protection must be as high as possible. It therefore follows that when the Commission proposes legislation that is harmonised as fully as possible in the EU, I agree with this basic standpoint only if that means these very highest levels of consumer protection are implemented though harmonisation. I do not agree with harmonisation, however, if it means even one Member State having to forsake higher levels of consumer protection. For this reason I am pleased with the view expressed by Mr Whitehead in his report, that each act should be examined on a case-by-case basis.

This same principle must also apply to mutual recognition. Account here must also be taken of the notion that not one Member State, neither a current nor a future one, should downgrade its standards of consumer protection. The advantage of minimum harmonisation from the point of view of consumer protection at least is that nationally one can go further in terms of legislation if the European Union does not attain that level. It is also necessary that existing consumer protection legislation should be fully implemented so that consumers can be really confident that they can engage in commercial transactions and fulfil themselves as consumers throughout the entire internal market area.

Future legislation must also be sufficiently clear and must take the principles of subsidiarity, necessity and proportionality into consideration. I also think it is important that we do not enact too much detailed legislation but concentrate on realising our goal, which is these highest possible levels of consumer protection. If we have too much detailed legislation those who do not want to adopt these principles will focus their energy on looking for loopholes and this will create problems for court hearings.

4-041
Paulsen (ELDR). – *(SV)* Mr President, Commissioner, an incredible amount could be said about the EU's future consumer policy, but in the short time available I shall try to confine myself to a single point concerning Mrs Patrie's report.

We are all agreed that the prerequisite of a free and fair market is that consumers have access to helpful and correct information. That is relatively simple to provide for when it comes to the 'old' consumer requirements in terms of the link between price and quality. It is also all right when it is a case of declarations of content, washing labels and so on. The modern consumer is, however, a different type of citizen. That also applies of course at the time of purchase. This means that today's consumers demand many different types of information. When they go shopping, they want answers to questions concerning ethical, ecological and social matters. In addition, there is now a host of different health claims of varying significance.

How are we to manage to guarantee legislation that fulfils all these requirements for odd labels – requirements that are nonetheless subjects of the debate and that must be respected? We no doubt need to make use of the principle known in Swedish legal parlance as the honesty principle, whereby it is permissible for people to make claims about their products as long as they are fully able to substantiate these. I believe that this is the only way of coping with this new type of labelling. The general rule is, do as you like but on no account lie.

4-042
Piétrasanta (Verts/ALE). – *(FR)* Mr President, I welcome the in-depth work carried out by Mr Whitehead, Mrs Patrie and Mrs Thyssen concerning the implications of the Green Paper on consumer protection. We agree with the request to establish simpler, more targeted legislative measures in order to facilitate the implementation of the legislative arsenal applicable to the internal market which, in our opinion, lacks transparency and is too fragmented to instil confidence in consumers. We have seen with satisfaction the concept of citizen-consumers appearing and I would point out that their fundamental rights are the right to safety, information, free choice, representation, avenues of recourse, satisfaction and an unpolluted environment.

Consumption in future must take account of the three pillars of sustainable development, the economic, environmental and social factors, although the latter two are all too often neglected. I propose that we consider the feasibility of a general directive on the environmental quality of consumer services and products, giving particular consideration to the need for a European label and for a high degree of protection. We believe citizen-consumers must play an essential part, not just as customers but as decision-makers too, as proactive consumers concerned at an ethical level with the product they are

consuming. In this regard, they will become one of the main, essential players in this development, which we would like to be long term.

4-043
Hager (NI). – *(DE)* Mr President, I would like to refer to the Green Paper, specifically that on consumer protection. It would be possible to make a long job of this, or to say something very brief, and the speaking time available to me leads me to choose the second option. I believe that there are already adequate rules on the essential parts of what the Green Paper covers. I therefore have in mind only the directives on misleading and comparative advertising or the fact that all the Member States have laws on duress and the use of force. From the point of view of practical implementation, if one takes into account the scope of the amended directives on distance selling and of the proposed regulation on sales promotions in the internal market, the only consumers to which this would be applicable in cross-border business transactions would be tourists. That, again, does not add up to much.

I therefore see no need for a framework directive in this area. What would be more important, in order to shine some light into the jungle in the interests of consumer protection, would be clarification of how the directives applicable in this area interact. Unlike some of those who have spoken before me, I do not expect an additional framework directive to achieve that.

4-044
Schnellhardt (PPE-DE). – *(DE)* Mr President, ladies and gentlemen, we have spent over twenty-five years working on protection for European consumers, and not a Parliamentary sitting goes by without consumer issues being discussed. I know I am disagreeing with some of those who have spoken today when I say that the rules that have worked for years have proved their worth and that their effects live on, even though they ended up as a legal package of which nobody could get an overview, and there are still some loopholes. The Commission is therefore right, by means of the proposals on consumer protection, to seek ways out of the confusion and suggest what some of those ways might be.

I want to put the case for a framework directive with a comprehensive clause founded on the principles of sound business practice. More and more frequently, the internal market ends up being handicapped as a result of the lack of regulations or the leeway left by the directives. It is particularly in view of enlargement that measures need to be taken to remedy this as soon as possible, and there is a need to combat not only unfair business practices that affect consumers, but also those used by all participants in the internal market on each other.

This latter category would include the attempts made by some Member States to use the protection of consumers or their health as a shield with which to protect national markets and industries from competition. There are also those who call themselves campaigners for consumers' rights who allow themselves to be engaged in this cause and help to drive competitors from the market. That is why I believe it necessary to make greater use of the legal form of a Regulation in order to achieve greater legal certainty. That will also lead to harmonisation, and that is what we need in the internal market. The Commission has drawn up a comprehensive list and appended it as an annex. All the points in it are important, but the new priorities in the Whitehead Report introduce a succession of others, ranging from important to less important. What Mr Whitehead has said today has actually contradicted this order of priorities.

Consumers can avail themselves of their rights only when they know what those are. Work on consumer protection should make information policy a priority. Consumers' associations have an important part to play in this, and governments must support them in it. It is because of their failure to do this that we have to set up these consumer centres in our Member States if we are to make progress in this area.

4-045
Koukiadis (PSE). – *(EL)* Mr President, the Commission's new consumer protection strategy is a highly ambitious strategy which symbolises quality of life of consumers by protecting them against unfair practices and reducing unwarranted price differences between one country and another, as well as giving consumers the confidence to access a market of 350 million people and safeguarding the credibility of consumer organisations.

The Commission deserves our congratulations on its detailed research, as of course do our rapporteurs on their proposed amendments. However, the path is not strewn with roses. The obstacles and technical difficulties are manifold. First and foremost, we need to convince the business world and a number of colleagues that a regulatory framework is not incompatible with the competitive ethos and is one of the basic prerequisites to healthy competition.

Secondly, everyone must realise that just listing business to consumer relations or even business to business relations does not amount to integrated consumer protection, especially if our common objective is a more efficient market and greater consumer protection. For example, the Green Paper proposals also need to address the proposed regulation on sales promotions.

As for the approach, opting as a matter of priority for a coherent framework directive containing a number of principles, such as a ban on immoral practices, the principle of good faith and the principle of fair trading practices, is the right

approach. This approach does in fact reduce the need for detailed regulation, allowing a rapid response to be made to the increasing number of unfair practices and devices. Even legislators in central Europe, which are well accustomed to detailed regulation, are relying increasingly on general clauses in order to adapt legislation to changing circumstances. This approach has proven to be valuable and has allowed legislation to be updated.

We shall be unable to avoid specific regulation in the end, but it should play a complementary role. Besides, the flexible approach of a framework directive is also in keeping with the policy of increased self-regulation, to which priority should be given, but on two conditions: first, there must be a general time frame within which interested parties are required to agree and, secondly, there must be a common framework for determining who is responsible for honouring the obligations provided for in self-regulation.

Another problem is choosing between maximum harmonisation and minimum harmonisation. It is a difficult choice because, first, we do not want harmonisation to result in a lower level of protection and, secondly, maximalist proposals usually obstruct attempts to harmonise. I think that we should proceed on the basis of maximum harmonisation and should only take selective recourse to minimum harmonisation in individual instances.

I should like to close with a couple of words about the special attention which needs to be paid to consumer organisations. We need to ensure they are representative and transparent because consumer organisations are currently a consumer protection problem in themselves.

4-046
Flemming (PPE-DE). – *(DE)* Mr President, Commissioner, I am very glad that I have managed to get a few of my amendments accepted. I hope that the Commissioner is also satisfied.

The one amendment to the Patrie Report has to do with taking into account the protection of competitors from unfair business practices, without prejudice to consumer protection, and in the interests of a uniform legal framework. Commissioner, I believe that to be of the utmost important particularly for small and medium-sized enterprises.

I am particularly happy to have been able to get two amendments that I regard as being quite crucial made to the Whitehead Report. One aims to guarantee optimum health and safety provisions in the current evaluation of chemical substances whilst ensuring the use of in-vitro testing procedures whenever possible. This is just a fundamental principle, but its embodiment in law will be a major step forward.

In the other, we call upon you, Commissioner, to promote the use of labelling in the WTO as a means of ensuring that consumers may be informed about origins and production methods. If I may adduce a simple example, it matters to consumers whether eggs are from hens that have been tormented in battery cages or happy hens that have been free to run around, even if they have to pay a bit more for them. They get better eggs, which taste better. Knowing as I do that you, Commissioner, are a particularly kind-hearted man, I am sure that you too will be very gratified by these amendments.

4-047
Scheele (PSE). – *(DE)* Mr President, Commissioner, ladies and gentlemen, even though we are near the end of the debate, I would not want to speak without thanking Mr Whitehead in particular, especially for the focussed approach to which he referred at the outset, which has enabled us to dispense with a number of issues that would otherwise certainly have been on the agenda.

We have seen how the discussion so far has demonstrated our unanimity as regards the objective of achieving a uniformly high standard of consumer protection. It is getting harder to achieve unanimity when it comes to clarifying where this objective ranks among the other policy objectives, and one Member said that we should support all measures that tend to promote sales. When it is consumer policy strategy that is under discussion, I think the only thing we can say to that is that our esteemed colleague is on the wrong track, at any rate where consumer policy is concerned. Consumer policy is about informing consumers, giving them freedom of choice as well as protecting them.

It has also already become harder to reach unanimity on the subject of what minimum or maximum regulation should be like. This is where I am right behind our rapporteur Mr Whitehead in his approach and where I would also like to underline that this examination of specific cases must of course involve seeing whether there are in the individual states tried and tested measures that harmonisation would do away with. I believe it to be apparent from all the reports and from everything that has been said, that we are a very long way away from our goal of a high standard of consumer protection in our Community, and that this makes it coherent and logical to enquire whether the country-of-origin principle and the principle of mutual recognition should remain applicable in future. I would like to conclude by saying that I attach great importance to item 18 in the Whitehead Report, namely access to affordable and high-quality services of general interest.

4-048

Harbour (PPE-DE). – Mr, President, first of all I want to pay tribute to our three rapporteurs. Parliament is very fortunate in having distinguished Members who are experts in their field and that is reflected in the quality of the work they presented to us.

I want to speak from the perspective of the rapporteur on internal market strategy for the Committee on Legal Affairs and the Internal Market. I was very pleased that colleagues endorsed this report so soundly in the last plenary session. We all share the view that confident, well-informed consumers, empowered to make choices, are at the foundation of a successful internal market. We want those choices to reward companies that provide quality, value and outstanding customer service and we want to make sure that the framework of regulation does not discourage innovation; it must actually encourage innovative companies.

We also want to encourage responsible and successful businesses to adopt regulation to help themselves, to look at codes of conduct, to drive out irresponsible businesses. That is the framework in which we must all judge your proposals. I hope you will agree with me that it is of no value whatever to consumers to penalise successful and responsible businesses with excessive bureaucratic costs when the rip-off merchants simply ignore the legislation and go scot-free. Enforcement of regulation must be something that you will look at.

I am pleased that you explained to us the range of studies that you have commissioned, including impact assessment. I want your assurance today that the impact assessment is looking at the costs imposed on business and making sure the results are proportionate and delivering real consumer benefit.

In conclusion, I would like to say on behalf of all my colleagues in the Internal Market Committee, that we are really interested in consumer policy. We would like to see more of you in the Internal Market Committee because we think that some of the proposals you have sent to us are not delivering benefits to consumers in the way that we would like to see.

I say to you in generous terms, please get out more, come and spend more time with us and together let us build a real consumer-driven internal market.

4-049
Moreira da Silva (PPE-DE). – *(PT)* Mr President, Commissioner, I wish first of all to congratulate the three rapporteurs on their excellent work and say that enormous progress has been made in recent years at European level in the field of consumer protection, with the emphasis, of course, on food safety. It is true that too many food scandals had to occur for this to happen, but even so, we have reasons to be proud of the EU's legislative work in this field.

Now that we are beginning to draw up solutions for resolving other consumer protection issues, many people have expressed doubts as to the need to find common solutions in the EU. It should be recalled that the success of the European Union's food safety policy both in protecting the consumer and in balancing the internal market, has not been achieved only through more restrictive rules being established for food for human and animal food consumption. This success is also the result of these rules being communitarised. Consequently, given the enormous fragmentation and even incompatibility of trade and consumer protection rules in the Member States, which simply distort competition, bring down quality standards and undermine consumer confidence, I am in favour of all consumer protection legislation being harmonised to the highest possible degree.

With a view to this effort to harmonise, I believe that the European Union must start by defining a framework directive on commercial practices that clearly defines business operators' responsibilities to consumers. I believe, however, that there are other areas in which the European Union and the Commission must pursue their work, in particular on legislation to protect human health against the effects of electromagnetic fields, especially those created by mobile phones. The fact that the largest mobile phone companies are European should not prevent us from doing so.

4-050
Byrne, *Commission.* – Mr President, I wish to begin by saying how much I welcome this constructive and lively debate and how pleased I am at the extent to which the views of the Commission have been supported consistently across the House. Not only I, but also my staff and collaborators who have worked so hard on this proposal, take satisfaction from that.

I will start with the points relating to the framework directive and then I will address some points on the action plan.

A number of Members mentioned full harmonisation. As you know the Commission is determined to complete the internal market, and making the single market work for business and producers is just one side of the story. Internal market rules should also promote the confidence of consumers to buy goods and services without being put off by national borders that may lie between buyer and seller.

I reject the idea that you can have one without the other. The Treaty requirements on consumer protection and the internal market are entirely compatible.

The history of EU consumer protection is largely one of minimum harmonisation that leaves the Member States free to go beyond the basic level of harmonisation if they so wish. This has led to legal fragmentation. It has also created obstacles to the smooth functioning of the internal market.

Recent surveys reveal that only 13% of EU consumers made a cross-border purchase in the last 12 months. And, as I indicated before, harmonisation of consumer protection regulations was cited by 68% of businesses as one of the most efficient of a number of options in facilitating cross-border sales.

We need, therefore, to strive for simpler and more common rules and practices to promote consumer confidence in cross-border transactions. The importance of this is further heightened by enlargement. If neglected, fragmentation of consumer protection rules would significantly increase.

We have, more specifically, to overcome the real barriers arising from national laws and national case law on unfair commercial practices. For example, take the benchmark consumer – against whom misleading advertising is assessed. This, according to the ECJ case law – for instance the Clinique case – is the average consumer, reasonably well informed and circumspect.

But this test is not applied consistently across the EU. For instance, in the Saint-Brice case of 2000, the Belgian *Cour de Cassation* ruled that the benchmark consumer against whom misleading advertising should be assessed is the vulnerable consumer. In the Scanner advertising case, the German highest court ruled that the benchmark consumer is the casual observer instead of the reasonably circumspect consumer. Therefore it is our intention to provide for full harmonisation of rules on unfair commercial practices and codification of the average consumer test, thus removing significant barriers.

I turn, briefly, to mutual recognition. The framework directive will provide full harmonisation of the laws on unfair commercial practices. This convergence and the effective level of consumer protection achieved should set the political conditions to make the principles of mutual recognition and country of origin acceptable.

The overall level of protection will be increased within the EU since a number of Member States do not at present have a comprehensive regulation on unfair commercial practices.

Naturally, we recognise that the framework directive must deliver an effective high level of consumer protection. This does not mean the lowest common denominator of existing national regimes. Nor does it mean a compilation of all the stringent existing national provisions. We need to strike the right balance between the interests of consumers to receive protection from rogue traders when they shop across borders and the interests of businesses to reduce their marketing and legal compliance costs.

A number of Members raised the issue of simplification. The Commission will try to incorporate as much as possible of the *acquis* in a framework directive. Those elements of the *acquis* that were included in a framework directive would be repealed. Of course, this will not include contract law provisions, which will be addressed in the context of the action plan recently adopted by the Commission. The framework directive will simplify the regulatory environment on unfair commercial practices by repealing the predominant business-to-consumer provisions of the misleading advertising directive and by repealing, for example, the inertia-selling provisions in the distance-selling directive. These matters, which are currently subject to minimum harmonisation rules, will be fully harmonised by the framework directive. In addition, the general clause in the directive will replace all the divergent general clauses in the Member States and so create a more uniform regulatory environment. I know people are calling for it. It is an important aspect of this proposal and will make it generally more acceptable to business and consumers alike.

On the question of 'fair and unfair', the framework directive would hinge on a general clause prohibiting unfair commercial practices. The central question is, of course: 'What is unfair?' This was one of the main issues for consultation. The results of the consultation, our work with national governmental experts and the legal study we commissioned made it clear that it would be easier to define what was unfair rather than what was fair.

The definition of what constitutes an unfair commercial practice should lead to more legal certainty. Businesses trading fairly will not have to change the way they do business. To help achieve this legal certainty, a non-exhaustive list of unfairness categories and a list of examples of banned commercial practices will supplement the general clause.

A number of Members mentioned codes of conduct. Different positions have emerged in the light of the EU consultation on the idea of endorsement of codes at EU level. Some have argued in favour, others have argued against. Mrs Patrie's and Mrs Thyssen's reports reflect these differing positions. I want to encourage responsible businesses to treat their customers fairly and recognise that voluntary codes of conduct may play a key role towards this aim in their particular sectors. Any endorsement process should be voluntary. A code owner would choose whether to apply for endorsement, and a firm would, therefore, choose whether or not to join this code.

On the question of vulnerable consumers, this is an issue of some complexity. We are looking at this. There are a number of different aspects. We will make our minds up before we draft the legislation which I hope will be brought forward in the very near future.

I turn to Mr Whitehead's question on funding. I want to stress that it is as important to improve the quality of expenditure as its quantity. This is an issue we are also taking into account.

Finally, I thank Members again for their constructive comments and the rapporteurs for their reports. I look forward to taking into account the views expressed here this morning in the final drafting of the legislation, which I look forward to presenting to Parliament in the very near future.

4-051
President. – Thank you very much, Commissioner Byrne.

The debate is closed.

The vote will take place today at noon.

4-052

IN THE CHAIR: MR ONESTA
Vice-President

President. – Two members have asked to speak on points of order. Mr Knolle will speak first.

4-053
Knolle (PPE-DE). – *(DE)* Mr President, there is something I would like to have done in this House. I noticed today that there are banners hanging in the Parliament's courtyard. I do not want to discuss what is on these banners, but it has no place in this honourable House. If this precedent is followed, Parliament will soon end up looking like an advertising pillar or a hoarding full of posters, and that would be detrimental to the honour of the House. I therefore ask that these banners be removed.

(Applause)

4-054
President. – I have taken note of this and I shall inform the competent services.

4-055
Evans, Robert J.E. (PSE). – Mr President, I am delighted to see that Commissioner Byrne is here this morning because, as Chairman of the European Parliament's Intergroup on the Welfare and Conservation of Animals, I was very disappointed to receive a letter from Commissioner Byrne saying he was unable to come and meet our intergroup in the next three, four, five or six months to discuss issues concerning animal welfare, in particular the live transport of animals. I hope the Commissioner will reconsider this and find some space in his obviously very hectic diary.

4-056
President. – Mr Evans, I think you would find it difficult to cite the rule that allows you to raise a point of order such as this. I hope, nevertheless, that this has enabled the rest of the Members to return to their places, because I have a statement to make.

4-057

Statement by the President

4-058
President. – I would like to read to you a message from Mr Cox, President of the European Parliament, following the assassination of Mr Zoran Dzindzic.

'I was shocked to hear of the assassination of the Serbian Prime Minister, Mr Zoran Dzindzic, and I strongly condemn this act. I hope that its perpetrators will swiftly be brought to justice.

Zoran Dzindzic, in many respects, symbolised the new democratic State that Serbia has become. We will remember in particular his personal commitment to democratic reform in Serbia and his role in the arrest and transfer of Slobodan Milosevic before the criminal court of The Hague.

On behalf of the European Parliament, I would send my sincere condolences to Mr Zoran Dzindzic's family and friends, and to the Serbian people'.

Ladies and gentlemen, I propose that we hold a minute's silence.

(The House rose and observed a minute's silence)[2]

4-059

Vote

4-060

Report (A5-0059/2003) by Mrs Avilés Perea, on behalf of the Committee on Women's Rights and Equal Opportunities, on the objectives of equality of opportunities between women and men in the use of the Structural Funds [2002/2210(INI)]

(Parliament adopted the resolution)

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Report (A5-0063/2003) by Mr Friedrich, on behalf of the Committee on Economic and Monetary Affairs, on the proposal for a Council decision on an amendment to Article 10.2 of the Statute of the European System of Central Banks and of the European Central Bank [6163/2003 – C5-0038/2003 – 2003/0803(CNS)]

4-061

(Parliament adopted the legislative resolution)

***

Report (A5-0036/2003) by Mr Hernández Mollar, on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, on the proposal for a Council regulation amending, as regards the exemptions to the freezing of funds and economic resources and for the tenth time, Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Osama bin Laden, the Al Qaeda network and the Taliban [COM(2003) 41 – C5-0048/2003 – 2003/0015(CNS)]

(Parliament adopted the legislative resolution)

***

Motion for a resolution (B5-0157/2003), by Mr Brok, on behalf of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, on the ESDP operation in the Former Yugoslav Republic of Macedonia

- *Before the beginning of the vote*

President. – Mr von Wogau, you are asking for the floor. I hope that it is indeed on a point of order, because on a subject such as this I cannot reopen the debate, as you will understand.

4-062

von Wogau (PPE-DE). – *(DE)* Mr President, I wish to point out one remarkable characteristic of the vote that is currently in progress. With effect from 1 April the European Union will be taking over from NATO responsibility for peacekeeping in Macedonia. This will be the first military operation to be conducted under European Union leadership. I would like to point out that the issue of democratic control is of even greater importance in this instance than in others; that the mandate of a parliament – specifically of this European Parliament – is required; and that this principle, whereby similar operations have to be subject to democratic control, has to be embodied in the future European Constitution.

4-063

President. – Mr von Wogau, that was not a point of order.

(Parliament adopted the resolution)

***

Motion for a resolution (B5-0187/2003) by Mr Hernández Mollar, on behalf of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, on transfer of personal data by airlines in the case of transatlantic flights.

[2] *Membership of Parliament – Changes to the agenda of the sitting of 26 March in Brussels – Authorisation to draw up a recommendation – Communication of common positions of the Council:* see Minutes

4-064
(Parliament adopted the resolution)

***

Report (A5-0060/2003) by Mrs Gröner, on behalf of the Committee on Women's Rights and Equal Opportunities, on gender mainstreaming in the European Parliament [2002/2025(INI)]

(Parliament adopted the resolution)

***

Report (A5-0055/2003) by Mr Bösch, on behalf of the Committee on Budgetary Control, on the protection of the Communities' financial interests and the fight against fraud – annual report 2001 [2002/2211(INI)]

(Parliament adopted the resolution)

***

Report (A5-0023/2003) by Mr Whitehead, on behalf of the Committee on the Environment, Public Health and Consumer Policy, on the Commission communication "Consumer Policy Strategy 2002-2006" [COM(2002) 208 – C5-0329/2002 – 2002/2173(COS)]

- Before the vote on paragraph 15

4-065
Whitehead (PSE). – Mr President, we heard this morning from Parliament's legal services that if we retained the phase 'including private international law provisions' in paragraph 15 we could not mention the two articles of the Treaty which are the purpose of this amendment. I therefore move the deletion of those words, with the support of Mrs Thyssen and Mr Bushill-Matthews, who jointly moved amendments in the Committee on the Environment, Public Health and Consumer Policy originally.

4-066
President. – Are any Members opposed to the application of this oral amendment presented by our rapporteur?

(Parliament gave its assent to the application of the oral amendment)

(Parliament adopted the resolution)

***

Report (A5-0423/2002) by Mrs Patrie, on behalf of the Committee on the Environment, Public Health and Consumer Policy, on the implications of the Commission Green Paper on European Union Consumer Protection for the future of EU consumer policy [COM(2001) 531 – C5-0295/2002 – 2002/2151(COS)]

(Parliament adopted the resolution)

***

Report (A5-0054/2003) by Mrs Thyssen, on behalf of the Committee on Legal Affairs and the Internal Market, on prospects for legal protection of the consumer in the light of the Commission Green Paper on European Union Consumer Protection [COM(2001) 531 – C5-0294/2002 – 2002/2150(COS)]

(Parliament adopted the resolution)

EXPLANATIONS OF VOTE

4-067
- Avilés Perera report (A5-0059/2003)

4-068
Lulling (PPE-DE), *in writing. – (FR)* I did not vote for the Avilés Perera report tabled on behalf of the Committee on Women's Rights and Equal Opportunities, not because I do not agree with the broad lines of this report. I agree, and am even certain, for example, that it is essential for the current and future Member States to take full advantage of the programming opportunities that exist with regard to the various forms of Structural Funds intervention in order to promote

an integrated approach to equal opportunities for men and women and support specific actions in favour of equality. I also consider that the Structural Funds should play an important role in supporting economic and social restructuring in the candidate countries, with particular regard to the effects of this restructuring on the employment situation for women, provision of childcare services and care for other dependants.

I voted against this report because I do not agree with the wording that implies that economic restructuring, in other words the change from the communist system to a market economy, has only negative effects. This is a posthumous glorification of the communist ideology which is not to my taste. I tried to amend the text with a more subtle wording. I did not succeed in committee and the amendments were rejected in plenary. I regret this and I wanted to specify here my position in this regard.

(Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure)

4-069
Marques (PPE-DE), *in writing. – (PT)* I congratulate Mrs Avilés Perea on the excellent report she has drawn up on 'objectives of equality of opportunities between women and men in the use of the Structural Funds', which I fully support, especially with regard to the need to consolidate the objective of promoting equality of opportunities between women and men in operations co-financed by the Funds (as stipulated in the Structural Funds' General Regulations and as applied to the programmes of the three Funds and four Community initiatives).

I also wish to highlight the need for actions taken under the European Social Fund not only to affect improving women's participation in education, in vocational training and in the labour market, but also in reducing segregation in the labour market, in reducing pay differentials, in promoting the role of women in the fields of information technology and communication, entrepreneurship and decision-making processes. The actions of the European Social Fund and of the other Community funds and initiatives must be drawn up in such a way that they properly cover regional and local levels within the State structure, and not only the national level.

4-070
Meijer (GUE/NGL), *in writing. – (NL)* The Committee on Women's Rights and Equal Opportunities was right to also look into the opportunities and obligations that the existence of the EU Structural Funds can deliver for promoting equal opportunities. The Treaty of Amsterdam and the regulations relating to the Structural Funds also make mention of this. In practice little has been achieved when it comes to infrastructure, transport, environment, urban and rural development, fishing, enterprise policy, the information society, research, technological development, training and in-service training. The rapporteur is asking for support for better child care, care for the elderly, better organisation of working hours and a different division of tasks within families. She is also asking for a balanced participation of women in bodies that select and make decisions about projects at local, regional and national levels, and for sanctions against projects that do not meet these criteria. I support this proposal because everything it contains is fair and well-intentioned. However, I do not think it will do much to solve the present problems. The role of the Structural Funds is going to diminish for the current EU Member States or even disappear altogether, in favour of projects for the newcomers. It will be good if feminist criteria are taken seriously into account from the beginning for these new projects.

4-071
Patakis (GUE/NGL), *in writing. – (EL)* As far as the EU is concerned, unemployment and poverty among women are not caused by capitalist exploitation; they are caused by women being less qualified and having greater family responsibilities and by reactionary perceptions that foster gender discrimination. Instead of providing full-time, stable employment, it proposes to extend part-time employment and anti-educational, quick-fix specialisation programmes, turning women into cheap, flexible labour.

Not only does the third CSF fail to empower women; it subsidises employers so that they can undermine employment rights, with most of the funding going to infrastructure works which empower big business.

Mainstreaming the gender dimension in various policies in the name of equality has swept away positive arrangements in favour of women as part of the harsh, anti-grass roots economic policy, with the result that they are now even worse off. Proposals include further cuts to the state family benefit system and using private-sector programmes and structures to cover social services such as health, education and welfare.

We are in favour of positive arrangements for working women, provided they are free of charge. We are not in favour of promoting flexible working hours on the pretext of reconciling working and family life. We are in favour of full-time, stable employment and of extending and strengthening employment and social rights.

(Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure)

4-072
Ribeiro e Castro (UEN), *in writing. – (PT)* I agree with the content of this report because, in my view, equality between men and women requires equality of access to the benefits of the Structural Funds. In practical terms, with regard to the

gender perspective and even when it does not legislate, the European Parliament, specifically in its capacity as a privileged forum and as the body that represents the citizens, issues guidelines both for the citizens in general and the Member States, which are the targets of some measures proposed by the report. Parliament must, therefore, be able to translate and represent various points of view.

This report provides a good opportunity to promote further steps to achieve greater equality of opportunity between men and women and – it should not be forgotten – also greater equality within the worlds of men and women themselves. Indeed, individuals' freedom of choice cannot be ignored and it is important to correct inequalities where these different personal choices are concerned and to ensure that these choices are respected.

What is particularly interesting is the report's proposal to promote the reorganisation of working time for men and women and the need to encourage awareness of the equal distribution of tasks within the family. In this context, however, I think it is appropriate and crucial to protect and also deal appropriately with the high value of domestic and intra-family work. Unless we do so, we will be prolonging and deepening inequality.

4-073
Vairinhos (PSE), *in writing. – (PT)* The Structural Funds must contribute, even in the countries of the European Union, to combating existing gender inequalities in development policy.

The negative effects of economic and social restructuring must take account of the specific characteristics of women's dual role and policies supporting children and the elderly must also be considered by the current Member States and those preparing for enlargement.

4-074
- Friedrich report (A5-0063/2003)

4-075
Berthu (NI), *in writing. – (FR)* The Friedrich report is correct on two counts: first of all, in stating that the current voting system in the ECB Governing Council ('one member, one vote') will be impossible to maintain following the enlargement of the euro area; and secondly, in adding that the reform proposed today by the ECB itself (division of countries into groups, with differentiated rotations) is unclear, complex and also extremely difficult to operate.

This report, however, is forgetting two important points: firstly, the 'one member, one vote' system was deliberately introduced into the Treaty of Maastricht in order to present the model, supposedly attractive to the electorate, of a monetary union operating in an egalitarian way; secondly, this model is already not working very well, even before enlargement, and is the main reason for the ECB's inertia in the face of the problems of the largest economy in the area, Germany.

The reform proposed by the ECB, under its technical exterior, is therefore far from harmless. The alternative suggested by Mr Friedrich (introducing weighting according to population), for its part, calls into question a fundamental principle of equality adopted solemnly by the people. That is why we are asking for more than just a hurried debate.

4-076
Andersson, Färm, Hedkvist Petersen, Karlsson, Sandberg-Fris (PSE), *in writing. – (SV)* We have chosen to vote against the report on reforming the European Central Bank and the European System of Central Banks. We have also voted against the ECB's proposal.

We believe there should be no hurry in tabling a proposal on how the ECB work might be reformed. Not until 2007 at the earliest will EMU be enlarged by more than 15 members. There is therefore no reason to put a move on and table a proposal at this early stage. We think it is better to analyse this issue in greater depth and to give the new Member States opportunities to express their opinions on the matter. In any future proposal, it will be important to emphasise the need for improved transparency within the ECB. Transparency is an aspect that, unfortunately, is conspicuous by its absence in the proposals presented.

4-077
Figueiredo (GUE/NGL), *in writing. – (PT)* Enlargement and the need to take effective decisions have been used to justify extending qualified majority voting, as at Nice, strengthening the federal approach and the domination of decision-making by the major European powers.

The ECB, the Community institution that has breached the principle that all Member States should be represented on its Executive Board, and also perhaps the least democratic and transparent of all the institutions, has made a recommendation to the Council to 'preserve its capacity to take decisions in an effective way'. It proposes that 'the number of governors with voting rights should be lower than the total number of governors with a seat on the Governing Council of the ECB' and wishes to introduce a rotating system to determine who votes and when, which would mean the governors of the central banks losing their permanent voting rights, would introduce criteria of representativeness based on the size of the

country's financial sector and volume of GDP, and a system that will always ensure the presence of the major powers to the detriment of the smaller countries. This is completely unacceptable. Hence our appeal to the Portuguese Government not to accept this position and to take account of the European Parliament Resolution rejecting the ECB's recommendation.

4-078
Flesch (ELDR), *in writing. – (FR)* Neither the European Central Bank's proposal to reform the voting methods within the Governing Council nor the model proposed by the Friedrich report are satisfactory.

The ECB's proposal would, in fact, allow the larger Member States to dictate monetary policy. The model proposed by the Friedrich report allows one vote per member within the Governing Council, thereby giving the impression that it respects equality between the Member States.

In fact, this is not the case since it will be the Executive Board of nine members that will take most decisions. Amendments Nos 3 and 4, tabled by Mr Huhne, certainly represent a significant improvement.

I nevertheless believe that the IGC must agree on a proposal that reflects a better balance between fairness and effectiveness.

4-079
Meijer (GUE/NGL), *in writing. – (NL)* I agree with the majority who reject the proposal, but my criticism goes even further than that of the majority. Each central bank takes important decisions on interest rates and exchange rates, with major consequences for incomes, employment, investments and the level of public services. It is precisely because of the importance of these decisions that banks that issue bank notes were brought under state control in the past. This meant that important considerations could be taken out of the hands of the banks and were made the responsibility of governments and parliaments. The European Central Bank is in danger of being cut increasingly loose from the Member States. There is a grave danger that the central bank of issue will eventually start to operate as an institution that is separate from society and cut itself off from all forms of control. A rotating system for the Governing Council means that members from the separate Member States are no longer involved in decision-making, while their countries do have to suffer the negative consequences of those decisions. The enlargement of the number of members of the EU and EMU must not be allowed to lead to a situation where the individual Member States no longer have any involvement in this institution which is so important to the inhabitants of all the countries concerned. Public control over the ECB should be increased rather than reduced.

4-080
Moreira da Silva (PPE-DE), *in writing. – (PT)* The enlargement of the EU will make decision-making by the ECB more difficult, not only because there will be more members of the Governing Council with voting rights, but also because there will be less homogeneity of points of view. It is, therefore, understandable that the ECB should have proposed an amendment to its Statute that streamlines its decision-making process. I do feel, however, that the solution that has been reached – that of rotating voting rights in line with each State's GDP – is not acceptable. First of all, because it eliminates the principle currently in force, which is 'one State, one vote'. Secondly, because it makes it more difficult for the public to understand how the EU's monetary policy is defined. I therefore feel that in the context of the necessary reform of the ECB's decision-making system, a dual majority system must be created in which:
1. Each member of the Governing Council always has the right to vote;
2. Proposals that achieve a simple majority of votes of the national governors are adopted, provided that this majority represents at least 62% of the population. Reform of the ECB's voting system must only be implemented, however, at the next Intergovernmental Conference, which is scheduled for 2004.

4-081
Piscarreta (PPE-DE), *in writing. – (PT)* Taking advantage of the recent entry into force of the Treaty of Nice, the European Central Bank has already made use of its new powers by proposing an amendment to the operating methods of its Governing Council. Although there are no doubts as to the ECB's need to adapt its operation to the forthcoming enlargement of the EU, some questions nevertheless remain about the new model it has presented. Like the United Nations, the ECB would now have an Executive Board consisting of 5 Member States with permanent voting rights. The other Member States from the Eurozone, including Portugal, would be integrated into one or two groups with a rotating voting system, with votes weighted according to GDP size.

In practice, this reform runs the risk of marginalising the smaller Member States, abusing the principle of 'one country, one vote' and making the ECB's operations complex and opaque. The ECB must be a strong body, with greater autonomy from the governments of the EU's Member States. This is not about the amount of power Portugal will lose but a fundamental issue of the type of European construction that we wish to achieve.

4-082
Sacrédeus (PPE-DE), *in writing. – (SV)* I have voted against the report because I cannot support the proposal in item 3 that the ECB's Governing Council should act on a double majority basis when taking decisions and that these should be

'based on the population of the Member States, the total size of the economy and the relative size within it of the financial services sector'.

Nor can I recommend the Council's proposal that the eurozone countries be divided into three groups under a rotation system.

In both these cases, the principle of 'one member, one vote' would be abandoned. That is something I cannot on any account support. Instead, there is every reason to defend this principle, which is based upon equality between the Member States and upon everyone's joint accountability.

4-083
- Hernández Mollar report (A5-0036/2003)

4-084
Figueiredo (GUE/NGL), *in writing. – (PT)* The pretext of combating terrorism is now in place and a vast and complex mechanism to limit freedoms continues to be developed and established. The lack of respect for fundamental guarantees of rights and freedoms is demonstrated in initiatives promoted at EU level and in the scandalously superficial procedures that have been used to adopt measures to combat terrorism, including the Framework Agreement on the European arrest warrant and other anti-terrorist measures.

Although I regret the fact that various proposals for amendments tabled by my group, which sought to ensure respect for the basic principles of law, have been rejected – for example the amendment establishing that a person accused of a crime shall be considered innocent in the eyes of the law until proven guilty; the right to a fair trial, the right to protection and the right not to be sentenced or punished by the courts twice for the same crime – this proposal for a regulation has incorporated amendments that enable us to guarantee the survival of people whose names feature on lists of terrorists or of people with connections to terrorists without any trial having taken place.

Hence our vote in favour of the report.

4-085
Meijer (GUE/NGL), *in writing. – (NL)* Since the disaster in New York on 11 September 2001, attempts have been made to make the international financing of terrorist activities impossible. People and organisations have been put on lists and suddenly forbidden to travel abroad. It has also been made impossible for these same people and organisations to receive or spend money through bank payments. This has even meant that people have lost all their income with which they support themselves and their families, without being locked up for a criminal offence against which they can legally defend themselves. Once they are on a list, no matter how much of a mistake that may be, it is extremely difficult to get off again. Generally it is not the real terrorists who are affected by this, as they have developed illegal routes that cannot be touched by it. They are refugees and democratic oppositions in exile, who are hated by the regime in power in their country of origin. I have asked for attention to be given to this problem before in written questions on organisations of people from the former state of Somalia and of the left-wing opposition driven out of the Philippines. What is now being proposed is moving in the right direction. The people affected are now able to pay for their food, accommodation, medical care and legal representation and it is no longer impossible to get names scrapped from the list.

4-086
- Former Yugoslav Republic of Macedonia (B5-0157/2003)

4-087
Figueiredo (GUE/NGL), *in writing. – (PT)* The 'replacement' of NATO forces with a military force under the ESDP is being presented as the first military operation to have been undertaken under this EU policy, a policy to which we are opposed. This is a military operation that has been executed following the EU/NATO declaration on the ESDP of 16 December 2002, which welcomes 'the strategic partnership established between the European Union and NATO in crisis management, founded on our shared values, the indivisibility of our security and our determination to tackle the challenges of the new Century'.

This is a military force, albeit a 'symbolic' one, which can call on the resources and capabilities of NATO and is headed by the Deputy Supreme Commander of this organisation in Europe – a military operation under the ESDP as the European pillar of NATO.

This is an attempt to pursue an illegal and illegitimate NATO operation which is consistent with the interference and imperialist aggression inflicted on the Balkans. It is therefore an initial military operation that will open the way to others, with the 'replacement' of NATO forces in Bosnia-Herzegovina being suggested as the next.

Hence our vote against the report.

4-088

Meijer (GUE/NGL), *in writing.* – *(NL)* External military interventions are usually a bad thing, as they involve a major power trying to impose its will on the warring parties from outside, without the consent of those parties. Or they involve taking sides and giving support to one warring party based on the major power's own interests or ideologies. That is what people call 'peace-enforcing', the imposition of peace. Peace that is not supported by the parties involved will lead to a resumption of conflict after the withdrawal of the new occupiers. My party, the Socialist Party in the Netherlands, repudiates wars like those in Kosovo, Afghanistan and Iraq, nor do we support the construction of an integrated EU army. We do support 'peace keeping', helping to maintain peace at the request of both parties in a conflict. This is geared to keeping the warring parties apart and avoiding new disasters. This is why we support this kind of military presence in Cyprus, Kosovo and Macedonia. If the UN does not bear the direct responsibility for this, then better the EU than NATO with its bias toward American war policy. That is why I am voting against the majority of the GUE/NGL Group and for the EU taking over peace-keeping responsibilities in the north-west of the Republic of Macedonia.

4-089
- Personal data (B5-0187/2003)

4-090
Ribeiro e Castro (UEN), *in writing.* – *(PT)* I sometimes have the feeling that we are our own worst enemies.

The concern that this issue has raised is justified. It is right that the procedures followed have been improved, as a result of being harmonised with the general legislative requirements for data protection. After the balance achieved, however, in the text adopted in the specialist committee – from which the basic proposal originated – it is absolutely deplorable that various amendments have eroded this reasonable balance and have chosen to use language that can only be described as rabid, heading full tilt into demagogy.

This entirely misplaced 'fury' can only be explained by the clash of political agendas and by the subconscious desire verbally to let loose at the Americans or anything that smells of the US or sounds American. As a matter of fact, this hysterical language is, in itself, quite incomprehensible, in light of the explanations given by the Commission yesterday during the debate in plenary.

Consequently, since these amendments have been approved, I felt bound to vote against the final report.

I regret the fact that the majority has wished to present this sad picture to the citizens and to show how their security would better safeguarded if it depended on the European Parliament. By ignoring the fact that all of this began with appalling terrorist attacks perpetrated by means of the civilian use of civil aviation, the abusive language that has been used strikes out at the police instead of the terrorists (and instead of the real risks that exist), sending out a deplorable sign that we fail to understand the harsh reality and...

(*Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure*)

4-091
- Gröner report (A5-0060/2003)

4-092
Lulling (PPE-DE), *in writing.* – *(FR)* In May 2002, the Bureau authorised the Committee on Women's Rights and Equal Opportunities to draw up an own-initiative report on an integrated approach to gender mainstreaming in the European Parliament.

I must say that the choice of this subject by the Committee on Women's Rights and Equal Opportunities was not my priority, given that there are many other problems that deserve to be addressed by an own-initiative report, problems that concern millions of women in the European Union, such as, for example, the issue of independent social security for spouses helping in small and medium-sized enterprises and in agriculture, where these unpaid, invisible workers are discriminated against particularly in the event of divorce.

Women who are fortunate enough to be employed by the European Parliament and those who have succeeded in becoming Members of the European Parliament are certainly not the most discriminated against or the most worthy of pity among females in the European Union, who make up the majority of citizens. Now, however, we have been presented with this report which follows in the footsteps of many others, to which it does in fact refer, insisting on repeating yet again what was enacted years ago and is enshrined in directives and in the statute with regard to employees. Do we really need an own-initiative report to say that Parliament agrees with the provisions of Article 13 of the Treaty prohibiting all forms of discrimination?

(Explanation of vote abbreviated in accordance with Rule 137(1) of the Rules of Procedure)

4-093

Raschhofer (NI), *in writing. – (DE)* Our society cannot at present do without measures aimed at promoting more equal opportunities for women. This is where the European institutions, the European Parliament in particular, can play a role as a pioneer in the world of work as a whole.

Equal treatment for men and women is incorporated in the Treaty establishing the European Communities and in the Charter of Fundamental Rights. Here, gender mainstreaming is appropriate long-term for integrating gender issues into political and administrative decision-making processes and ensuring equal treatment in all policy areas and at every level.

Speaking as a woman, though, I wish to be judged by my achievements rather than by my gender. The concept of 'positive discrimination' is an inherent contradiction, as discrimination cannot be a positive thing. We should therefore be careful not to throw the baby out with the bathwater.

4-094
- Bösch report (A5-0055/2003)

4-095
Berthu (NI), *in writing. – (FR)* We voted for the Bösch report on the protection of the Communities' financial interests because it is a serious, solid report which lists astonishing problems and cases of fraud within the Commission, thereby confirming what we have been saying for a long time.

During this sitting, it has been revealed that documents were concealed from the European Parliament in the Andreasen case (contested dismissal of a chief accountant of the Commission, who denounced irregular practice in relation to normal accounting procedures). We would like to protest against this concealment. It is therefore possible that this scandal might become more serious and add to the charges of the Bösch report.

We have reservations, however, with regard to repeating the longstanding demand – which is, in fact, discreet in the Bösch report – for the creation of a European public prosecutor. Without entering into the debate here, I would simply like to point out that the Convention task force concerned, despite its federalist good will, also found this proposal to be debatable. We can be just as effective using other means, such as Eurojust, which would have the merit of not creating a chain of institutional problems
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4-096
Raschhofer (NI), *in writing. – (DE)* The reduction in the incidence of suspected fraud and irregularities in 2001, by 37% over against the preceding year, obscures the report's real message, which is a powerful one. The reality is that, in comparison to previous years, this is the second highest level that figures for suspected fraud have reached. These results, which emerge from the report, give cause for concern. Although there have been improvements in the combating of fraud, it seems utterly impossible to get misuse or the irregular use of EU funds under control.

I repeat my long-standing criticism that the structures mean that abuses are inherent in the system. I appeal to the Member States to make greater efforts in this area in order to put an end to these abuses. Cooperation with other Member States, as well as closer checks at home, is absolutely vital, and not just in view of the imminent enlargement.

4-097
- Whitehead report (A5-0023/2003)

4-098
Meijer (GUE/NGL), *in writing. – (NL)* The protection of consumer rights, just like the protection of health, the environment and safety at work, must not stop at national borders. Even if there were no EU, agreements would have to be made between different countries on common support for these rights. As always, in the end it comes down, however, to the content of the agreements and not the fact that everything is subject to the same regulations. You can level everything down by regulating as little as possible, scrapping existing national regulations and leaving as much as possible to voluntary cooperation of the companies involved. That may fit in well with the prevailing neo-liberal ideology, but then the protection does not amount to much and those who break the rules are not hindered in continuing their bad practices. In the decision-making on strategy and the Green Paper on European consumer policy, there is a great temptation to misuse consumer protection as a lever to bring about greater uniformity of regulations at EU level, without solving the real problems. I support the warning against this of the Consumer Association in the Netherlands. It has to be about combating unfair trading practices. Codes of conduct cannot substitute for legislation but are no more than detailed supplements. It has to be possible to enforce compliance with the supplements by all concerned. Fortunately the proposals of the rapporteurs, Mrs Thyssen, Mrs Patrie and Mr Whitehead are moving in more or less that direction. I voted wrongly on the conclusion to section 23.

4-099
Piscarreta (PPE-DE), *in writing. – (PT)* The Whitehead report constitutes a crucial initiative in the European strategy for consumer protection policy. It is significant that this report focuses on the tourism sector – so important for the survival of the Algarve region, which I represent here – a sector in which consumer protection is synonymous with quality. In this

context of promoting high-quality tourism, the report calls above all for a high common level of consumer protection and for more effective compliance with existing rules. Although these priorities are important, taken on their own, they are relatively unambitious.

I therefore agree fully with the rapporteur's emphasis on the need for the EU to adopt legislative initiatives that are crucial to the protection of human life, specifically in the field of tourism. In particular, to rapidly adopt a Directive on Fire Safety in hotels, a review of the current timeshare system and even to extend consumer protection in the air transport sector.

I also welcome the initiatives on informing consumers about their rights. Currently, only a meagre 52% of consumers feel that they are well informed. To this end, I support greater participation of consumer's organisations in developing awareness-raising and information campaigns.

4-100
Ribeiro e Castro (UEN), *in writing*. – *(PT)* I have voted in favour of this report and welcome, in particular, the fact that broad consensus was reached on this matter in the specialist committee. In fact, the consumer policy strategy for 2002-2006 will lead to legislative proposals that we, like the rapporteur, hope will respect the important criteria established in the European Commission's package on better regulation, in particular: the principles of subsidiarity, necessity and proportionality; the presentation of consistent proof of the need for Community action; the identification of existing barriers to the development of the internal market; making appropriate information available on the impact on the existing Community acquis and on the main interested parties, which are undertakings and consumers; and lastly, the presentation of adequate proof and guarantees on the viability and effectiveness of measures intended to implement the objectives that have been set.

In addition to the reference made to the importance of listening to consumer associations – including those from the candidate countries – and to the fact that their involvement in the preparation of future legislation is much needed, I believe it is, at this stage, extremely timely that, in addition to launching the debate stimulated by the Green Paper on consumer protection, the Commission is initiating awareness-raising campaigns directly targeting consumers. As the rapporteur rightly states: 'an informed consumer is an empowered consumer'.

4-101
- Patrie report (A5-0423/2002)

4-102
Ribeiro e Castro (UEN), *in writing*. – *(PT)* As I stated in my explanation of vote on the report by Mrs Thyssen, Community consumer protection rules have clearly failed to adapt to a rapidly changing market. It is therefore extremely important to provide, essentially, for consumers to be given a simple, coherent, reliable and effective legal framework that can be implemented regardless of the nature of the commercial practice in question.

I also agree with the idea that the Commission should give serious consideration to establishing databases that will enable the exchange of information and the creation of an early-warning system, allowing Member States to undertake coordinated actions when faced with a flagrant breach of consumer rights. The existence of an internal market and within this, various transnational business operators, requires the creation of appropriate mechanisms for protection and transparency.

Lastly, I also believe that following on from the participation of consumers' associations, a code of conduct should be adopted, a list of unfair practices should be drawn up and in due course a legislative framework adopted that corresponds to the final outcome of the debate, (amongst the models proposed are 'maximum harmonisation', 'minimum harmonisation', or a model based on a 'case-by-case approach'). This model, however – it must be stressed – will still have to take due account of the principles of subsidiarity and proportionality.

4-103
- Thyssen report (A5-0054/2003)

4-104
Queiró (UEN), *in writing*. – *(PT)* The Thyssen report quite rightly calls for simpler and better targeted legislative measures to ease the implementation of the legislative strategies proposed in the Green Paper on the legal protection of consumers, since, despite the progress that has been made, the legislative arsenal applicable to the internal market lacks transparency and is too fragmented to inspire consumer confidence.

As everyone knows, this Commission Green Paper on fair commercial practices is intended to stimulate debate on the possibilities for improving the operation of the internal market in the field of electronic commerce between business operators and consumers.

We have a real obligation to support this debate and to produce legislation that is simple and effectively implemented and which offers genuine protection to consumers in an internal market that is constantly and rapidly changing. Hence my vote in favour of this report.

4-105
Ribeiro e Castro (UEN), *in writing*. – *(PT)* I share the idea that Community consumer protection rules have failed to adapt to a rapidly changing market. This is why, in stimulating a debate on possibilities for improving the operation of the internal market, the Green Paper is extremely opportune.

I also agree with the attention the Green Paper pays to the new relationships between undertakings and consumers, particularly in the context of electronic commerce. In fact, the emergence of this new commercial situation as a result of the explosion of electronic trade calls for realistic measures to be adopted, specifically measures in line with the principles of greater security in legal trading, the security of commercial transactions, consumer protection and fair trading practices between competitors. In order to achieve these aims, I agree with the view put forward by the Committee on Legal Affairs, specifically with regard to the need for Community legislation arising from this Green Paper to be clear, simple, coherent and of high legislative quality. I am also of the view that it is crucial to promote, as suggested, impact studies and preparatory studies (upstream), and studies of the effects (downstream), enabling the creation and gradual development of a system that is accessible, effective and available at low cost for consumer protection and dispute resolution.

4-106
(The sitting was suspended at 12.40 p.m. and resumed at 3 p.m.)

4-107

IN THE CHAIR: MR FRIEDRICH
Vice-President[3]

4-108
Uca (GUE/NGL). – *(DE)* Mr President, the Turkish Constitutional Court has today proscribed HADEP, the pro-Kurd People's Democracy Party, and has, among other things, forbidden forty-six of its members to take part in any kind of political activity for the next five years. Turkey is a candidate for accession to the European Union, in which it is not acceptable for political parties to be banned in this day and age.

Mr President, I ask you to intervene in this matter.

4-109
President. – I do indeed have great sympathy with your criticism, and this is something I do not understand either. It will be noted in the Minutes. Thank God we do not have to discuss Turkey's accession today.

4-110
Figueiredo (GUE/NGL). – *(PT)* Mr President, I now wish to ask the Bureau the following question: in the resolution on the issue we will shortly be voting on, concerning company relocations, the Portuguese version of item 8 is different to all of the other language versions. I believe that item 8 of the Portuguese-language version is wrong and item 8 of the versions in French, Spanish, English, etc. is correct. I would therefore ask the Bureau to ensure that this item is corrected and to inform the plenary that this is done before the vote takes place.

4-111
President. – Thank you for pointing that out. We will ask our language service to take up this issue.

4-112

Closure of undertakings after receiving EU financial aid

4-113
President. – The next item is the Commission statement on the closure of undertakings after receiving EU financial aid.

Commissioner Fischler has the floor.

4-114
Fischler, *Commission*. – *(DE)* Mr President, honourable Members, newspaper headlines feature – with increasing frequency – the closure of undertakings to which financial aid had been granted by the European Union. Whilst this is not a new problem, it is true that the instances of closures, often followed by relocations, have recently been increasing in number. The Commission therefore understands very well why Parliament attaches great importance to this problem and has a considerable interest in it, and how our fellow-citizens are quite right to be perturbed by it.

My fellow Commissioners, Mrs Diamantopoulou and Mr Barnier, have asked me to put before you the Commission's position on this complex problem. This will obviously have to touch on several different aspects, the first being the policy of economic and social cohesion by means of co-finance from the Structural Funds; secondly, European social policy; but

[3] *Approval of the minutes of the previous sitting:* See Minutes.

also, thirdly, the rules of the European internal market, which should enable our enterprises to build themselves up in a climate of fair competition.

I would like, in my statement, to focus on the issues I have just mentioned, but before doing so, there are two other points I would like to address. The first is that the problem of the closure of undertakings – even if the financial aid granted means that the Community is directly affected – is not a phenomenon exclusive to Europe, but one that must be considered in its international context.

It is unfortunate that our enterprises often succumb to the temptation to relocate their operations to countries where wages are low, sometimes disregarding all the requirements of social and environmental integration. This international dimension of the problem demands that we be consistent in finding international or global solutions to it, which will, above all, involve active cooperation with the poorest countries and the creation of a system of international law that is more rigorous and better applied.

Secondly, it is in the context of enlargement that the Commission gives this problem particular attention. My fellow Commissioner, Mr Verheugen, recently stressed that the forthcoming enlargement offers Europe great opportunities in the future despite the difficulties necessarily involved in the short term in integrating these countries, which, on average have a lower per capita gross national product.

In an internal market such as our own, the decision as to where to base a business operation rests solely with the management of the enterprise in question. As we know, investors base their decisions on the advantages of one site as compared with those of another, and these include labour costs, social conditions, the quality of the infrastructure, the legal framework applicable, but often aid from the public purse and favourable tax treatment as well. The subsidies granted to the investors are freely negotiated with the public authorities, within the limits of Community and domestic legislation on state aid.

Let me now turn to the subject of 'closure of undertakings and Community aid' and remind you that the European Union's regional policy has as its objective the promotion of economic and social cohesion by stimulating the development of the poorest regions. The regional aid granted for productive investment is therefore meant primarily to compensate for the disadvantages of the regions supported in this way, making them better able to hold their own in competition with regions that are better off. This is an area in which the Commission can ensure only the implementation of the general provisions on the Structural Funds laid down by the Council with Parliament's agreement. I might add that this corresponds to the practice within the Member States, in which every region endeavours to attract new enterprises and direct investment.

The Commission, however, also has the task of preventing unfair competition between states, business people and the social actors, for which, in the 2000-2006 programming period, the Structural Funds provide for a range of preventive measures, which I would like to rehearse briefly. The guidelines on national regional aid require the recipients of this aid to maintain their investments for a period of at least five years, a period beginning with the date of the initial investment in the enterprise in question.

The 1999 general Structural Fund Regulation takes the same approach, stating as it does that the Funds will continue their contribution to productive activities only if there is no change in the site at which these activities are carried on in the course of the five years following the Structural Funds' decision to contribute.

Finally, the new regulation on State aid for employment enacted in 2002 is rather more flexible, requiring that the jobs created be maintained for a period of three years in the case of large enterprises and for a period of two years for small and medium-sized enterprises.

All these provisions will have to be applied in the future Member States from the moment of their accession. I would like to observe, in order to give the full picture, that the five-year rule I have just mentioned applies only to the 2000-2006 programming period. It is possible to reduce or cancel Community aid in respect of the period from 1994 to 1999 if the conditions subject to which the measure is operated no longer apply. In all these instances, neither the Commission nor the Member States may refuse to grant a subsidy if the necessary conditions are complied with, but, if it becomes apparent that an enterprise has received support without complying with Community provisions regarding state aid, it shall reimburse the aid to which it is not entitled.

The Commission is prepared, then, to discharge its responsibilities where an enterprise has, under an aid scheme co-financed by a Community programme, received subsidies without being entitled to them. This does, however, presuppose that the authorities in the country from which the enterprise has migrated have, in the first place, established that the points described above of the provisions have been breached.

Let me also briefly enlarge upon the social dimension of the problem of the closure of undertakings. Although there is no doubt that the closure of a plant is a matter for the management of the enterprise in question, we cannot, however,

disregard the fact that the many restructurings currently in progress in Europe are not all comparable with each other. Some are the result of clear economic decisions and have been discussed frankly with the workers and their representatives, while others, regrettably, carried out without regard for labour law, force people, unprepared, into unemployment.

The Commission's position is clear; enterprises may well be free to come to their own economic decisions, but they must always be aware of the social dimension. If job losses appear to be inevitable, everything possible must be done to make the workers affected by them more employable. If this is to be done, the enterprises must have thought out a forward-looking policy and must also demonstrate social responsibility.

At this point, I really do want to particularly stress the point that nothing, indeed nothing, can justify the failure to inform and consult workers' representatives in the case of restructuring. Several Community directives lay down the framework within which such a dialogue must take place. The European Works Councils Directive, in particular, imposes on multinational groups of companies with bases in Europe precise duties as regards informing and consulting workers' representatives.

Social measures accompanying restructuring are, after all, also an important issue for the social partners and for the new European Observatory on Industrial Change. In this area, too, the Commission relies on the Member States, upon whom devolves the duty of ensuring compliance with Community labour law. What the Commission will do, however, is to exercise a comprehensive monitoring function, with the primary objective of ensuring that the directives on worker information and consultation are adequately transposed.

(Applause)

4-115

Bastos (PPE-DE). – *(PT)* Mr President, Commissioner, ladies and gentlemen, I would like to congratulate Commissioner Fischler on the communication that he has just given this Parliament, but I cannot. I am unable to do so because of the lopsided thinking that has led to the belated approach to a problem that has been around for a considerable time, as in fact the Commissioner stated a few moments ago, and also because of the disappointing content of this Commission communication.

Today, at best, we will be attempting to limit the damage caused by the abuse of Community aid granted to multinational companies. Perhaps, if the Commission had shown greater foresight and been more vigilant, the situations involving the closure and restructuring of companies that have led to this Commission communication would not have occurred. On my own behalf and on behalf of the PPE-DE, I wish to express my total solidarity with all the workers, especially those in Portugal, affected by foreign companies' decisions to close.

Job losses deal a devastating blow to the workers affected and their families. I shall highlight two cases with which I am very familiar: those of the Clark shoe factory and the Bawo clothing factory. Last January, the management of the Clark company decided, unexpectedly and without consulting anyone, to close their factory in Castelo de Paiva in Portugal, leaving 588 workers unemployed. Two years previously, acting in a similar way, they had shut down their factory at Arouca in the same region, leaving almost 500 people unemployed. Clark had benefited from enormous sums of Community, national and local aid. Despite this fact, the company claimed that the justification for these mass redundancies was their having to import shoe uppers from India and Romania in order to maintain a competitive price structure. I have just quoted verbatim from the press release issued by Clark on 10 January.

The other case is as follows. Last February, the management of the Bawo company proceeded to remove the machinery from its factory at Estarreja under the cover of night and entirely without the knowledge of its workers. By pure chance, one of them realised what was going on and alerted her colleagues. All the workers maintained a vigil at the factory gates, day and night, in the rain and cold, until the courts ordered the seizure of the equipment.

Both companies intend to relocate to enlargement countries and to third countries. These cases are models of a poor example to set and raise the following questions: where is the balance between economic interests and those of the companies and the rights of workers and of society? If this situation continues, what will become of the European social model?

Mr President, Commissioner, we are in favour of competitiveness, we are not enemies of globalisation, we understand the competitive nature of the world market, but we cannot accept the economy being considered to be an end in itself rather than something at the service of mankind. What we cannot tolerate is that the money from all European taxpayers should be used to reward companies that skip from country to country in the pursuit of greater profit and cheaper labour. Companies act in this way, moreover, without any social concern, either for their workers and their families, and even less for the economic effects on the regions affected. Subsidies that are granted must serve to create employment and not to

fund relocations. It is not our intention to prevent companies from closing or relocating their factories, but to ensure that those benefiting from financial aid give commitments and provide guarantees for long-term employment.

The European Union's priority is employment. The Lisbon strategy set the objective of achieving full employment within the decade. This Parliament is increasingly apprehensive about the progress that has been made in the European Union with regard to the Lisbon ambition. This phenomenon of factory relocating is spreading in several Member States, creating unemployment and endangering the economic and social development of the regions. The consequence of this will be greater pressure on social security systems, which will have to bear the costs of social assistance for these unemployed citizens and we are, of course, moving even further away from the vision laid down in Lisbon.

Something must be done urgently. We therefore call on the Commission to draw up a legislative framework that will attach a moral component to granting companies Community funds. Clear rules must be established, which prevent and punish abuses by companies that receive subsidies from the European Union. The Commission must refuse to grant aid to companies that fail to respect the commitments they have given to the Member States and must force them to pay such aid back. As an immediate measure, we urge the Commission to monitor closures currently underway and to draw up a list of companies that fail to comply. I wish to use my final words to welcome the support of the other political groups in this Parliament, in particular that of our socialist colleagues, who have understood the reach of the serious consequences of these company relocations in the Community area.

4-116
Lage (PSE). – *(PT)* Mr President, Commissioner, ladies and gentlemen, if I may, I shall fulminate and also express a demand and a regret. I shall begin with the fulmination: company closures, brutal and inhumane restructurings, mass redundancies, sudden relocations; these are the unexpected and, I hope, incidental aspect of Europe's somewhat savage capitalism. This is what happens, Mr President, ladies and gentlemen, when books are written and proclamations are read about a new business culture and when there is so much discussion of business and entrepreneurial ethics. People even talk about the social ethics of companies, about ecological ethics and I have even read, heaven preserve us, about the Kantian ethics of businessmen, when in fact many of them appear to be more set on disproving the ideas of the 19th Century thinker, Karl Marx. Some businessmen behave like real predators, indifferent to the social crises they cause, to the tragedies that they create for individuals and families and to the crises they produce in local economies. There is even a new specialised area of business, which consists of obtaining the maximum subsidies possible from European Funds only then, at the first opportunity, to leave the companies, which have been subsidised with European funds, on the brink of bankruptcy or even bankrupt. We have to react against this ignominious scenario, which is not in keeping with the modern business market and with the type of prosperous and social economy that we have in Europe.

My demand is this: since this is a European phenomenon and, therefore, one that must be combated on a European scale, we must emphasise the special dimension that the phenomenon of company relocation and closure has taken on in recent months in Portugal, where various companies, most of them multinationals, have announced their intention to shut down operations and to transfer their activity to other places. Some of them have received substantial financial aid to set up in regions such as Aveiro, Coimbra and Leiria, and to that end signed contracts with local authorities committing them to maintain activity there for a certain number of years. All of this represents a huge disaster for these Portuguese cities, towns and regions, where hope abounded when the initial investment was made and has now been painfully dashed.

My regret echoes the words of Mrs Bastos concerning the delay in the Commission's response to this phenomenon, which was announced a long time ago in various European countries. I also agree that the Commission should have acted more swiftly, not only by ensuring that its legislative machinery and the various directives in force were implemented, but also by drawing up a programme of action for a crisis situation such as this.

Nevertheless, to conclude, I also wish to offer my congratulations, on the fact that the Commissioner has defined a doctrine and a strategy that in principle warrant support, for responding to situations of this type, at the legislative, financial and social levels. I also wish to congratulate this Parliament and all the political groups on having united over this serious situation, thereby demonstrating that the European Parliament is not turning its back on the citizens' problems and that it can put this communication to the benefit of society and of Europe's citizens. Such action also ennobles and dignifies the European Parliament. I therefore hope, Commissioner, that we will still be able to provide encouragement for those workers who are today without hope and that we can provide a practical response and an alternative to these situations. And on that note, Mr President, I shall obey your gavel.

4-117
Figueiredo (GUE/NGL). – *(PT)* Mr President, two initial comments: the first is to say that Commissioner Fischler has not disappointed me because I no longer have any illusions about his actions. The second concerns my colleague, Regina Bastos, whose words were in total contrast to what the Portuguese Government is doing, presided over by the senior leader of her party, the PSD. I congratulate her on this, however, although I feel bound to note the contradiction.

Ladies and gentlemen, Commissioner, the increase in relocations by multinationals involving the partial or total closure of their factories in the countries of the EU in which they have been based, especially Portugal, is aggravating

unemployment, stifling the development of regions lacking alternative forms of employment and increasing poverty and social exclusion.

In the majority of cases, these companies relocate in the sole aim of maximising their profits, since their productivity, efficiency or economic viability are not at stake. Furthermore, they sometimes undertake such action after receiving substantial Community, national and local aid, failing even to meet the commitments they have given and ignoring the extremely serious social and economic damage they cause, which is what happened in the case of C & J Clark in Arouca and Castelo de Paiva and in many other cases in Portugal.

This is an unacceptable situation that is underpinned by the existence of a roving form of investment for which ethics and social responsibility do not exist, and whose sole aim is to obtain the maximum profit possible, always in the pursuit of more incentives and more financial and fiscal aid and of cheap labour with few rights, ready to change location when the prospect of greater profits or greater community aid for them to set up appears elsewhere.

This situation is particularly serious in countries that are weaker in economic and social terms. The case of Portugal cannot be compared with that of other countries, although this entire issue warrants attention throughout the EU. In Portugal we have seen various examples of this phenomenon, of which I shall only refer to a few, involving closures of companies and parts of companies, new threats, and job cuts in multinational companies. I would highlight several examples of this: Eres, Bawo, Schuh-Union, Scottwool, Rhode, Ecco'let, Yasaki Saltano, Philips, Alcoa, Dhelphy, Alcatel. To sum up, this is a very long list, which needs to be closely examined. There are several thousand workers who are under threat, mainly women – and this is worth noting – in the textile, clothing, shoemaking and electric and electronic goods sectors. Measures must therefore be adopted to regulate this type of investment and to protect employment and local and regional development.

Hence our proposals for the urgent creation of a regulatory legal framework – which must not be confined to what Commissioner Fischler stated a few moments ago – that makes Community investment aid conditional on companies' meeting contractual obligations that ensure the protection of the interests of communities and regions affected and in this way ensure respect for sustained economic and social development accompanied by the full guarantee of information and intervention for workers' organisations throughout the process, including the right of veto.

It is particularly important that all aid is made conditional on long-term agreements in the fields of employment and local development, that no aid is granted under Community programmes to companies that do not respect these commitments or that misuse aid. Nor must aid be granted to companies that, having received aid in one Member State, transfer their operations to another without having fully met their commitments. Otherwise the aid they have received in the first country must be repaid.

Consequently, the Commission must make a rigorous assessment of all recent and current cases. Companies that have received Community financial aid must also all be audited, and these actions must be accompanied by an exhaustive study of the closure of companies that have received Community financial aid and into the relocations now underway, at a time, like this, when enlargement is close and when this situation is even more worrying.

4-118
Isler Béguin (Verts/ALE). – *(FR)* Mr President, Commissioner, I hope it is not because we are discussing industrial desertification that Mr Fischler is here. I do not agree with his analysis, because I consider that the Union possesses substantial levers to influence the businesses subsidised by Europe that are now delocalising left, right and centre. I also think that we cannot constantly leave globalisation on the sidelines because, ultimately, this debate concerns the socio-economic development of the Community as a whole. It raises the issue of European policy, the legal framework adopted in response to the groundswell of globalisation and unprincipled, uncontrolled liberalism.

The Union is still the most significant interlocutor and player we have to respond to these global phenomena. This needs to be said and we must not doubt it. What you are proposing will no longer suffice. Many legislative frameworks still remain to be established in order to provide investors in Europe with minimum guarantees, and thus provide millions of our fellow citizens with guarantees of job security and lasting employment.

In view of the recent industrial upheavals that have devastated many regions of our Member States, from Portugal to my own region of Lorraine, and that are now affecting the candidate countries themselves, we need to make a clean sweep of this situation of economic non-law and establish a new order between Community bodies and private investors. Having been elected by these specific regions, we can no longer allow the European Union to remain a kind of Wild West for Community bounty hunters who receive public funds in order to increase investment in employment areas and are now shredding our entire industrial fabric by delocalising.

Metalworking and textiles are not the only industries affected by industrial desertification. The tertiary sector, businesses with a high added value such as Daewoo and Philips, are also affected. What will be left in future if the European Union

fails to tackle its investment flow, if it proves unable to implement a code of rights and duties each time subsidies are negotiated. Once these industrial crises are over, we must learn from them in order to establish clear employment obligations in the area of quality, quantity and durability in proportion with each Community subsidy.

You may recall, for example, that, from 1988 to 1995, the Longwy employment area in Lorraine was so badly damaged by the heavy industry crisis that it did not require any guarantees before welcoming Daewoo, even though the company was strongly backed by Community aid. Daewoo is now quite simply and unabashedly abandoning its workforce without any kind of restriction. Although the framework for such aid has since been reinforced, it is clearly not yet sufficient, and neither are your proposals, Commissioner, to restore the confidence of our fellow citizens in European Union social policy and increase control under Community legislation, in order to guarantee social and working conditions in this area we are creating.

The European Union must no longer be simply a source of cash, but must now insist, as others have done in the past, '*I want my money back',* to those who would swindle the Community out of its funding. The sustainable development of our continent, which is its only long-term prospect, must be achieved through the threefold social policy of progress, respect for the environment and a regulated, fraternal economic policy. We must put an end to the poor practice of the past, and that is what you are failing to do, Commissioner. Let us now force businesses that have failed to fulfil detailed commitments to reimburse their subsidies. That will be the price paid by Europe, but if Europe is to have a future, it will be at that price.

4-119
Ribeiro e Castro (UEN). – *(PT)* Mr President, Commissioner, ladies and gentlemen, I must unfortunately start on a note of difference between fellow Members, because I wish to express my regret that Mrs Figueiredo has been unable to resist giving priority to side issues rather than to the main one. The side issue in this case is the petty quibbling of the national opposition. On top of that, what Mrs Figueiredo is saying is not true, because the Prime Minister, the government and the local authorities have been persistent and tireless in this matter. Their actions in fact match the consensual way in which the Portuguese Members in this House have behaved, and this explains to a large extent the direction this debate has taken and much of the success achieved in terms of the compromise resolution, on which we will shortly be voting.

Let us hope that, especially where this Portuguese case is concerned, that of C & J Clark, which has upset everyone in Portugal, the Commission will finally draw the conclusions necessary to bring an end to a problem that has been around for such a long time: that of companies chasing Community subsidies. I still remember an example that was renowned in Portugal ten years ago: that of Thierry Rousell, who successfully prospected – or so he said – in the Brejão region, sowed hope and then stole many millions of escudos. Even today the case has still not fully come to light or been brought to justice. These are longstanding problems, to which solutions will one day have to be found.

Industrial relocation and restructuring and companies closing down once they have received financial aid from the European Union are not new phenomena, but their scale and context has changed considerably. We know that companies' motives for closing and then relocating are many and various. We are also aware, however, of the damaging effects of relocations, especially when they take jobs away from regions that have no alternatives. The recent case of C & J Clark in Castelo de Paiva speaks for itself.

These decisions lead to high numbers of redundancies, thousands of jobs are threatened by the far-from-distant prospect of the mass redundancy of workers – those, that is, who have survived previous rounds of redundancies -, with extremely serious repercussions for the regional economy. To these consequences we can add all the indirect effects of the fall in jobs and orders for subcontracting companies, most of which are fragile small and medium-sized enterprises created as offshoots of the main project and dependent on them. Consequently, we cannot remain indifferent. We cannot ignore, or pretend to be unaware of the fact that in most cases, these businesses, especially in Objective I regions, benefit from Community financial aid and from direct or indirect financial aid from the Member States. Nor can we ignore, or pretend to be unaware of the fact, that most of the companies that close, relocate or seek to relocate are not companies that are suffering, and are instead success stories with high productivity rates and with acknowledged product quality. The decision to close is, therefore, a cruel one in social terms and is dictated purely by external economic reasons.

We must fully shoulder our responsibilities, bearing in mind that the European Union is the most significant player in the world in this field and in particular has to ensure that there is internal discipline in company relocations within the internal market itself. We therefore wish to express our solidarity with workers who are directly or indirectly affected. We feel it is unacceptable that a multinational company that has benefited from Community financial aid in the Member State in which it has decided to set up could breach the obligations inherent in this aid. We call on the Commission and the Member States to urge Community-wide companies to refrain from taking decisions that will harm employment unless due consideration has been given to all possible alternative solutions. We ask the Commission to look into the support mechanisms, at both national and Community level, from which the companies in question have benefited and which it distributes. We must all know what is happening in this area and that public opinion can also exert control and impose its own sanctions.

4-120
Sacrédeus (PPE-DE). – *(SV)* Mr President, Gislaved, Bengtsfors and Skövde are among the Swedish localities in which many people have seen their lives shattered when large numbers of jobs have been transferred to other EU countries. Through dubious and, in some cases, illegal state aid, tax revenue has been used to move jobs around within the European Union.

One way of defending fair ground rules would be for the Commission – and I am therefore addressing, in particular, Commissioner Fischler, who is present here – to punish the Member States more severely if they infringe Article 87(1) of the EC Treaty. At present, the options for imposing sanctions under this article amount to nothing worse than the possibility of industries' and Member States' becoming liable for repaying the illegal aid. They do not, however, have to repay more than the amount of the aid plus interest. The punishment is therefore mild in relation to what has happened. These limited consequences, together with the fact that few infringements of Article 87(1) of the EC Treaty are discovered, have a damaging effect upon the common EC market. The idea of the internal market is damaged through the distortion of competition that occurs when certain companies and certain forms of production are given unwarranted support.

Small localities in Sweden have so far been the losers in the dishonest job trading conducted in Europe. For Bengtsfors and the province of Dalsland in western Sweden, for example, the effects have been disastrous. The Member States must abide not only by the letter of the EC Treaty, but also by its spirit. Naturally, cases such as Bengtsfors lead to people's confidence in the EU's internal market being undermined.

I want now specifically to address two questions to Commissioner Fischler. The first concerns whether he considers current penalties to be adequate and sufficiently severe in cases where state aid is given to companies, as a result of which jobs are transferred from one European Union country to another. In such cases, no new jobs are created. Instead, a social mechanism for providing security is swept away.

My second question to Commissioner Fischler relates to the answer previously given by the Commission to a question concerning the transfer of jobs in Bengtsfors in Dalsland to Portugal. Does the Commission believe that structural aid must in the future be redesigned in such a way that new undertakings and new jobs are given priority instead of jobs being transferred from one place to another?

4-121
Santos (PSE). – *(PT)* (without microphone) ... as a result of affirming my culture and language, unfortunately represents at this time the observation that the main social problems caused by the phenomenon of relocation are being seen in Portugal. They are being seen in Portugal without the Commission having taken the due precautions in good time – I agree with my fellow Members who have said this already – but above all, as a result of the rules in Portugal being subordinated to an entirely excessive form of financial fundamentalism, which takes no account of the real economy and people.

Mr President, Commissioner, strengthening the collective and individual rights of workers, especially in the context of mass redundancies, company transfers and insolvencies as a result of industrial change, is enshrined in directives that the Member States must respect, by transposing them swiftly and effectively into national legislation, which does not always happen, and on which the Commission must take special action. All of this legislative discipline and harmonisation is becoming all the more necessary now that we are – fortunately – seeing a phenomenon of integration of the European economies which has led to a high degree of foreign investment in production. The benefit to the development of the various European regions is undeniably extremely positive, with the emergence of many success stories of one type or another that have contributed to the economic and social development of regions which, without this investment, might be condemned to stagnation and to falling behind.

Unfortunately, we are also seeing frequent cases of unfair advantage being taken of the material gains achieved without any concern to contribute to strengthening the chain of value produced in the region and, in particular, which fail to demonstrate any social concern. Much of the responsibility clearly lies with the Member States themselves, who facilitate the start-up and operation of some production units to unimaginable levels, attaching priority only to the immediate interests.

The increase in industrial relocation that we are seeing in some European countries and, if we can generalise, particularly in the less developed economies such as Portugal's, is truly unacceptable. Nothing, not even the current climate of economic stagnation in Europe, justifies the illegal and immoral behaviour in Portugal of some companies backed by foreign capital. They have made their investments freely, the companies have been welcomed in good faith and with high expectations, and the aid granted is normally generous and funded partially from the public purse. The ongoing contempt for the interests of regional communities, for individuals and for the European Union itself is, therefore, completely unacceptable.

This aid must be conditional on long-term agreements in the field of employment and local development, which means that aid must not be granted to companies that do not respect these commitments. It is also becoming necessary, as we stated in the motion for a resolution, to draw up a code of conduct regulating the conditions for relocating jobs and which

also enables us to monitor the virtual practices of companies that fail to comply. This is why a special role has been given to the European Monitoring Centre for Industrial Change, which can assist in defining alternative policies for cases of relocation. It is also becoming necessary to increase and improve use of the European Social Fund, by focusing it in particular on the training and professional retraining of the workers involved.

Lastly, effective programmes focusing on research and development that make the best use of human resources and improve reception conditions for the reception economies must be promoted and developed, especially by the national authorities of countries under threat. Commissioner, I wish to take this opportunity to convey our concern at the deterioration of the current social situation that the behaviour of some companies subsidised by the Commission is causing in Portugal. Despite everything, I am fully convinced that the Commission is sensitive to the situation and will find the appropriate measures to remedy the situation, whilst taking the laws and the interests of the Union into account.

4-122
Laguiller (GUE/NGL). – *(FR)* Mr President, this resolution takes it for granted that the European institutions grant public aid to private enterprises, even if they want to have a certain amount of control over the use of this aid. I personally am against the use of public funds to increase private profits. Public money, whether it belongs to the Member States or to the European institutions, should be reserved for public services. Naturally, at the very least, we should demand that companies which do not fulfil their obligations, and in particular those which implement redundancies after receiving public money, reimburse the subsidies they have received. Just as, at the very least, we should refuse to grant subsidies to businesses which, having received aid in one Member State, transfer production to another State.

The real problem, however, is not even that. The problem lies in the current exponential increase in mass redundancies. It is unacceptable for an employer or board of executives to be able to decide to make workers redundant simply to increase company profits. It is unacceptable for lives to be destroyed and regions ruined in order to pay higher dividends to shareholders.

Mr Fischler, I would ask you this: what use are the European institutions if they are powerless in the face of this fundamental problem? What power do they have if they cannot or do not want to force at least the major profit-making companies to keep on their employees, by forbidding them from implementing mass redundancies?

4-123
Harbour (PPE-DE). – Mr President, it is very interesting that our Portuguese colleagues have brought this to our attention and we have had many contributions from them. I want to approach this from a very different perspective.

I must emphasise that I do not defend managements that behave irresponsibly or take state aids and then do not deliver the jobs. If one looks at the state aid conditions – and I have seen some of the applications for my own region – there are plenty of procedures in place for clawing them back. The Portuguese authorities had plenty of ways of doing that. I say to almost all colleagues that have spoken in this debate that they are walking away from the problem. That is why I want to contribute.

I could tell this House every month about cases involving more job losses than we are talking about today: companies that need to restructure, companies that are working in a global market. We have not heard the word 'market' from anyone. I remind you that we work in a market place. Companies have to produce goods that customers can afford to buy, at a profit, otherwise they cannot continue to employ people. We are now living in a global market where companies have to be competitive. It is entirely wrong to claim – as a number of colleagues on the left side of this House have – that every single closure is because a company 'wants to add to its bottom line'. The closures I have seen are because the company wants to survive in business, to continue employing people in high-quality jobs.

I have been into businesses where I have been told, 'This is the component we are making today and this is the one we can now find in China or Indonesia. They are the same quality, but I can buy this fully finished product for the price I paid for the raw material in the United Kingdom.' That is the reality. What are we going to do about it?

Industries that are facing that sort of competition have to look at the ways they can restructure, invest, change the process, introduce research and development. Mr Santos was the first person to mention that. We have funds from the sixth framework programme. We have research funds to put into industries for the complete redesign and reconfiguration of processes. Industries and vulnerable sectors have to start working much better together.

I should like you to pass on to Commissioner Monti, who I believe should be here, the message that we need to encourage industries to work together on reconfiguring their processes in order to make better quality products more competitively and at a better price. I was amazed to see the reference to producing at a lower cost in my resolution had been taken out. Producing goods at a lower cost is crucial

I come from a region where we have a traditional industry, the ceramics industry, that is facing this kind of pressure. That industry is starting to reconfigure and to work together with support from the British Government, using European funds, to tackle these issues.

I went to see a company the other day that makes ceramics in competition with lower cost Portuguese producers. That company has invested EUR 55 million to reconfigure its process. It has had to lose jobs as a result, but it has worked with its trade union to do that. That is the sort of fundamental change we want. That is what the Commission has to encourage. We do not want to have any more tedious debates in this House about state intervention, about criticising managements. If we walk away from the issue and do not make European industry competitive we will continue to have this sort of problem.

4-124
De Keyser (PSE). – *(FR)* Mr President, Commissioner, during the last Strasbourg part-session, the metalworkers came to demonstrate their dismay at the restructuring of Arcelor. They left Parliament in disbelief, disgusted at not having been heard, and some said that they would come back, but only to cause damage. The dockers were here this week, and they almost did destroy everything.

If Europe continues to ignore the social impact of the liberalisation policies it is implementing, there will be further explosions. Of course, Europe is not responsible for uncontrolled restructuring, but, at the very least, we could try to regulate it. For now, however, there is total refusal to do so. The Commissioner for Employment and Social Affairs, Mrs Diamantopoulou, has already stated that there will not be a directive on the matter. Nor will there be a European code of good conduct for companies. Nothing. But when there is nothing, and no political outlet for despair, violence becomes the last resort. Today, whatever Mr Harbour thinks, the restructuring of large companies has become proactive, in other words, far from just fulfilling the need to adapt to market fluctuations, they are responding to financial calculations alone. These calculations are based on share price and anticipate the very short-term profits to be gained from a mass reduction in personnel costs. Ultimately, even where expensive social plans are implemented, the calculations are viable and there is a return on investment within two years on average. These stock market transactions, however, completely disregard the men and women whose lives they are destroying and the increased stress and workload they create for those described as survivors. They also ignore externalised costs such as public aid and unemployment benefit.

You might ask what Europe's role is in this internal scheming within the Member States. Perhaps none, except that the vast market and the rules on free competition that it supports create areas where, apparently, anything goes. The Portuguese example of delocalising businesses is just a drop in the ocean, but it is representative. Europe must, at last, provide genuine answers to this trend, which is not an economic accident, but a result of financial plans in action, which can only lead to violence.

(Applause)

4-125
Fischler, *Commission*. – *(DE)* Mr President, honourable Members, I would first like to make the fundamental observation that the Commission, too, very much welcomes and supports your initiative in taking up this very difficult issue. We can also accept most of the points made and endorse those contained in the motion for a resolution.

I would like, though, to set out under three separate headings my response to the questions that have been raised in the various speeches, for all of which I am grateful, as they have led to a very rounded debate. Firstly, I believe that, despite our structural and support policies, we must not ignore the fact we are in a market economy system and that the primary task must be to ensure that the market economy system works. That has nothing to do with Manchester liberalism, but rather with adherence to, for example, our European rules on competition, for failure to ensure that competition works would utterly contradict the whole of our support policy and the entire cohesion and structural policy. I believe that to be something that we must not permit. The consequence is that evidence indicating the importance of our having a working market economy is very important and must not be allowed to be disregarded.

The second is to ask what we can do to ensure that aid is not misused, but applied to the purpose for which it was granted.

It was in relation to this that I set out in my first speech the elements of the current rules, and it goes without saying that, in this area, the Commission has to ensure that, where one rule or another is not complied with – where, for example, a firm, contrary to what was laid down in its agreement with the Member State in question or with the Community, moves the business to another location before the permitted date – then, reimbursement is required.

To the assertion made by some of you that there is, over and above that, the need for sanctions, I can only say that, at present, repayment is the sanction. No additional sanctions at present exist. That is an issue that perhaps ought to be discussed in the Convention, for if additional sanctions, for example of a financial nature, were sought, provision would have to be made for them in the Treaty. Such a possibility does not at present exist in the Treaty.

The third thing I would like to address is the issue of whether new firms are given preferential treatment. For a start, it does not make much sense in this context to insist that a firm be newly established. What is much more interesting is to focus consideration on how many new jobs will result from a project being supported. That is the decisive factor. What this is about is increasing the level of employment in these regions.

You have made a number of suggestions with the future in mind, and to these I want to say one thing. One of the items in your motion for a resolution is a demand that the Commission should draw up a list of those firms that have been found guilty by a court of law. We can see difficulties in this as regards data protection. That is a fact, and we have to live with it.

Apart from that, this debate comes just at the right time, as we will today have the opportunity to discuss future structural policy in the context of the new cohesion report. It is therefore appropriate the proposals should be made as to how the rules on the grant of structural funding might be improved.

4-126
President. – Thank you, Commissioner Fischler.

I have received five motions for resolutions in accordance with Rule 37(2) of the Rules of Procedure.[4]

The vote will take place today at 5.30 p.m.

4-127

Debates on cases of breaches of human rights, democracy and the rule of law (Rule 50)

4-128
President. – The next item is the debates on cases of the violation of human rights, democracy and the rule of law.

4-129

Cambodia

4-130
President. – The next item is the debate on the following six motions for a resolution on Cambodia:

- B5-0170/2003 by Mr Corbett and Mr Swoboda on behalf of the Group of the Party of European Socialists on preparations for the elections in Cambodia;

- B5-0174/2003 by Mrs McKenna and Mrs Isler Béguin on behalf of the Group of the Greens/European Free Alliance on the situation in Cambodia prior to the general elections on 27 July 2003;

- B5-0176/2003 by Mr Belder on behalf of the Group for a Europe of Democracies and Diversities on the situation in Cambodia prior to the general elections on 27. July 2003;

- B5-0177/2003 by Mr Vatanen and others on behalf of the Group of the European People's Party (Christian Democrats) and European Democrats on the situation in Cambodia prior to the general elections on 27 July 2003;

- B5-0180/2003 by Mr Vinci on behalf of the Confederal Group of the European United Left/Nordic Green Left on the situation in Cambodia;

- B5-0186/2003 by Mr Maaten on behalf of the Group of the European Liberal Democratic and Reform Party on the situation in Cambodia prior to the general election.

4-131
Gill (PSE). – Mr President, I welcome this resolution which highlights the declining political situation in Cambodia. The situation must be rectified before the country holds its general elections in July.

Although we as democrats welcome these elections, they will be meaningless if political activists continue to be intimidated and harassed. The reports that the voter registration process is unfair and undemocratic are of grave concern and must be followed up by real action.

In our resolution we urge the Cambodian authorities to allow for free and fair elections, allow freedom of expression, freedom of the media and religious freedom and more. But in reality we have to work harder to exert pressure on the authorities to make these changes. The European Union has to work in liaison with UN and other international organisations on the ground to monitor events and to try to find solutions before the country loses all hope of holding free and democratic elections.

[4] See Minutes.

Currently freedom of expression is being trampled by the Cambodian authorities. The outbreak of violence which occurred in Phnom Penh is a reaction to a Thai actress's comments that Angkor Wat should be returned to Thailand. This must be condemned. So far the authorities' solution to the violence in Phnom Penh has been to arrest the journalists that broke the news story and to close borders with its Thai neighbours. Furthermore, Cambodia's only independent radio station was closed with the charge of inciting riots. The Cambodian Government reacted to the anti-Thai feeling amongst its population by expelling hundreds of Thais from the country. Such abuses of freedom and clear displays of xenophobia must be stopped now.

I commend this resolution and I call on the European Union as a whole to maintain its vigilance on the situation in Cambodia, and to do everything within its means to secure democratic elections in the summer.

4-132

IN THE CHAIR: MR IMBENI
Vice-President

4-133

Isler Béguin (Verts/ALE). – *(FR)* Mr President, Commissioner, we can only regret that, at the time of this new resolution on a South-East Asian country, once again our Parliament must condemn an increasingly widespread and serious failure to respect democracy and human rights.

Cambodia, despite the promising future that could have been predicted at one time, is becoming dangerously subject to the influence of an authoritarian junta, similar to those in the neighbouring countries of Laos and Burma. Whereas democracy defuses wars, the juxtaposition of despotic regimes here represents a dangerous threat to this entire Asian sub-region. How else can we interpret the crisis that has developed between Cambodia and Thailand, which has led to the devastation of the Thai embassy and Thai possessions in Cambodia and the closure of ground borders between the two countries? This border conflict reflects what takes place on a daily basis in Cambodian society, which is a mosaic of different ethnic groups and cultural and religious diversity and has been harshly and deliberately weakened by the putschist leader, Hun Sen. State violence and all kinds of persecution have recently led to the assassination of Mr Om Radsady, presidential adviser to the national assembly, in the street.

Europe must use the many channels available in order to stabilise this country, and the entire region as well, especially at election time. Let us not forget that Cambodia is the main recipient of aid in this region.

4-134

Belder (EDD). – *(NL)* Both the situation inside Cambodia and the situation regarding its relations with its neighbours demand our attention today. On-going tensions with Thailand and an atmosphere of political intimidation are characterising the run-up to the general elections of 27 July. The draft resolution before us is therefore opportune.

The religious situation in Cambodia is also giving cause for concern, which is remarkable, as up to now the country has distinguished itself in a positive sense from its neighbours Laos and Vietnam as far as religious freedom is concerned. Still the Christian churches are worried as conflicts between Buddhists and Christians are on the increase. New guidelines from the Ministry of Religious Affairs also threaten to make serious inroads on the freedom enjoyed by Christians to practice their religion in public, provide Christian schooling or build new churches. The resolution rightly asks the Cambodian Government to withdraw these guidelines. I sincerely hope that the Council and the Commission will actively support this appeal.

The resolution contains another appeal to the Cambodian authorities that also meets with my complete approval. They must take all necessary measures to curb the abuse of children. Sadly trafficking in women and children is *in any case* an increasing problem in Cambodia. Insiders stress that the national government could do more about this. The US shares this view. Their ambassador gave the Cambodian Government this warning very recently: less aid if they fail to address this. Especially at this time of transatlantic drifting apart, Brussels must form a united front with Washington on this.

4-135

Posselt (PPE-DE). – *(DE)* Mr President, this House has given a great deal of attention to Cambodia ever since the days of Pol Pot, the Stone Age Communist with a doctorate in philosophy from the Sorbonne. Since then, we have campaigned for the freedom of the Cambodian people, even after the Khmer Rouge had been replaced by the Vietnamese occupation, and, even when the situation appeared as hopeless as it did in the struggle against the regime imposed by the Khmer Rouge, we kept on supporting the human rights of the Cambodians.

We did this in close collaboration with Son San, a grand old man of Cambodian democracy, who was a frequent visitor to this House. What is even more disturbing is that the current deterioration in the situation follows signs of hope in the shape of last year's local elections, which provided a firm basis, at least in the most general terms, for the beginnings of democracy, which can be established only from the ground upwards, that is, out of local communities, in many of which – fortunately enough – it is actually growing.

What makes matters even worse is that repression from the centre outwards, that is, on the part of the government, is currently on the increase. This is linked to the regime's fear of democratic movements and of opposition; it has to do with the instability resulting from the unresolved issue of succession to the throne, and with many conflicts along ethnic and religious lines, on which point I have to say, in response to Mr Belder, that these conflicts are not just between Christians and Buddhists, but believers, Buddhist and Christian alike, are being persecuted, and we have to stand up for both of them.

It is for this reason that I want to make it clear that, whilst our cooperation agreement with Cambodia was a step in the right direction, it was a pledge of our confidence, and such a pledge is justified only if the developments initiated by the United Nations, along with the rule of law and the beginnings of democracy, continue without interference. If, however, the elections on 27 July are taken as an occasion for putting leaders of the opposition in fear of their lives and limbs, and intimidating religious groups and ethnic minorities, then that is a lamentable development presaging a fearful backlash, and something that we cannot accept.

So 'yes' to cooperation and to support for the fledgling democracy, but we also have to make it clear to our Cambodian partners that, if they jeopardise their democracy, they are also putting the European Union's cooperation at risk.

(Applause)

4-136
Maaten (ELDR). – *(NL)* Mr President, I am delighted at the progress on economic cooperation with Cambodia and other Asian countries and I am also for the financial support that the European Union gives to Cambodia, but with a qualification and I will come back to that in a minute. I would like to remind you that of all the countries that the European Union gives financial support to, Cambodia receives the most support per head of population.

However, I am very concerned about the human rights situation in Cambodia. We all know that practices such as torture of prisoners, the involvement of the army and police in trafficking of women and children and excessive pre-trial detention are commonplace. I have in mind particularly recent reports about the murder of Om Radsady, the ex-chair of the Foreign Affairs Committee of the Cambodian Parliament, the threats against Princess Vacheahra, the present chair of this Committee, and the continuing violation of the rights of the opposition parties, especially the party of Sam Rainsy and the accusations against him over the responsibility for the attack on the Thai Embassy in Phnom Penh.

Mr President, in the light of these events I would urge that the aid to Cambodia from the European Union must not be allowed to be unconditional and that our representatives in Phnom Penh must put explicit pressure on the Cambodian Government to make every effort to improve the human rights situation in their country. With a view to the coming elections, the European Union must also press for guarantees of free, fair and democratic elections and of the safety of the various opposition leaders, otherwise, then the European Union must indeed immediately revoke its cooperation agreement with Cambodia. It would be completely incredible if the European Union, that is always so tough on improving human rights and promoting democracy everywhere in the world, were to give such enormous amounts in financial aid to a country that cannot guarantee either one of these things.

4-137
Dupuis (NI). – *(FR)* Mr President, Commissioner, ladies and gentlemen, I would first like to thank the Commission. I believe that the fact that the worst has been avoided over the past few weeks is due to the actions of the Commission and, in particular, Commissioner Patten's actions. Two weeks ago, I went to Phnom Penh. There, I received a dressing-down from Union ambassadors and the Commission representative who considered that the concerns I expressed, together with Mr Maaten and others, when Mr Sam Rainsy was forced to take refuge in the American consulate, to be exaggerated. A few days later, the sister of King Norodom Sihanouk was very seriously threatened by the prime minister and, two days later, Mr Om Radsady, whom I had met with Prince Ranariddh, was assassinated.

I think or, at least, I hope, that these events will subsequently have given the EU representatives in Phnom Penh pause for thought. It is strange that, here in Brussels or Strasbourg, we should have a more accurate perception of the problems and dangers that threaten a democratic process than people living in Phnom Penh. I believe we should also question all the cooperation projects we manage and the financial sum they represent. I think that this affects the kind of relations that representatives from our countries or our bodies can enjoy in Cambodia, with the vast number of cocktail parties and meetings with local VIPs.

The situation remains extremely worrying. I believe that our resolution is sound, and I would thank the authors for that. I feel that the threat to cancel the cooperation agreement, because that is precisely what we are talking about, is extremely important. It is a signal that can be heard by the authorities in Phnom Penh to encourage them to continue with the electoral process until July. I do not, however, believe that that will be enough, and with regard to the electoral observation mission, I believe that the ball is currently in Parliament's court. The Commission has made proposals to appoint the head of this electoral observation mission. I do not think Parliament should allow a single day to pass before responding to the Commission's invitation and appointing the head of the observation mission as soon as possible, so that they can go to

Cambodia without delay, go there frequently and monitor the entire process from now until July. This person must not be merely a witness to the vote count at election time.

The most crucial game is now being played over access to the media, 95% of which are controlled by the authorities in Phnom Penh. This electoral mission will therefore have to wrestle with the authorities in Phnom Penh. I call upon the competent persons in Parliament to ensure that a strong-willed person is appointed and sent to Phnom Penh as soon as possible

4-138
Fischler, *Commission*. – *(DE)* Mr President, honourable Members, ladies and gentlemen, the Commission is entirely of one mind with Parliament in its view that the recent violent deaths of many Cambodian politicians, which a number of Members have mentioned, give cause for grave concern. The Commission very much hopes that the political climate will not deteriorate still further at a time when preparations are being made for Cambodia's forthcoming parliamentary elections.

The Commission also gives voice to the hope that the investigation mounted by the royal government into the background to the riots on 29 January this year will help make the country more stable. I am able to assure you that the Commission, in close consultation with the EU's Member States, is following further developments in Cambodia with close attention. The Commission is, moreover, concerned about the situation of the media in Cambodia. Free expression of opinion in the press is, admittedly, permitted, but the publicly owned media continue to be under government control to an immense degree.

This is a point that has already been made by the EU committee that was sent to observe last year's local elections, and it has also been made by the Commission in its representations to the Cambodian authorities. A preparatory mission, led by the Commission and consisting of experts on elections and representatives of the Member States, was in Cambodia from 27 January to 4 February. It is on the basis of the information they brought back with them that a decision will be taken on whether, and if so how, to support the electoral process, and, above all, on whether sending an EU mission to observe the elections on 27 July makes sense, is advisable or, indeed, feasible.

All those in Cambodia with whom we have entered into dialogue have spoken in favour of the EU being involved in the electoral process and have expressed the view that the observers' mission at the time of last year's local elections had done a great deal to further a climate of confidence and transparency during the election process. The outcome of the preparatory mission, which drew attention both to positive and objectionable aspects of the preparations for the elections, led the EU Member States to endorse the Commission's recommendation that a mission be sent to observe the forthcoming elections. The Commission notes with satisfaction that Parliament has supported this decision.

I will turn now to the problem with the civil disabilities imposed on Christian associations. A decree of 14 January for the prevention of conflicts between individual religious groupings permitted – and I quote – 'all activities connected with religious propaganda and proselytism, including the dissemination of notices and information brochures, only within religious institutions'.

Permission for such activities in public can, however, be obtained from the Ministry for Education and Religious Affairs. These provisions apply not only to Christians, but also to all religious bodies, and were introduced to reduce the risk of conflicts and clashes motivated by religion. In the absence of any in-depth legal analysis, it would appear that this decree, like other measures enacted to date by the Ministry for Education and Religious Affairs, does not necessarily constitute a violation either of the Declaration on Human Rights or of the Cambodian Constitution.

4-139
President. – Thank you Commissioner.

The debate is closed.

The vote will take place after the debates.

4-140

Myanmar (Burma)

4-141
President. – The next item is the following five motions for resolutions:

- (B5-0171/2003) by Mrs Kinnock, Mr Veltroni and Mr Swoboda, on behalf of the PSE Group, on Burma;

- (B5-0173/2003) by Mrs McKenna and Mrs Isler Béguin, on behalf of the Verts/ALE Group, on Burma;

- (B5-0178/2003) by Mrs Maij-Weggen and Mr Van Orden, on behalf of the PPE-DE Group, on the renewal and strengthening of the EU Common Position on Burma;

- (B5-0181/2003) by Mrs Morgantini, on behalf of the GUE/NGL Group, on the renewal of the EU Common Position on Burma;

- (B5-0185/2003) by Mrs Malmström, Mrs Maaten and Mr van den Bos, on behalf of the ELDR Group, on the renewal and strengthening of the EU Common Position on Burma.

4-142
Napoletano (PSE). – *(IT)* Mr President, with this joint resolution, Parliament is addressing very clear requests to the Council and the Commission regarding the respective competences, not least because it has been unanimously agreed that there is a situation of total violation of human, political and social rights in Burma.

It has been noted that the military regime is continuing to prevent the parliament elected in 1990 and the parliamentary Committee created in 1998 which represents it from carrying out any democratic activity. It has been noted that, although no longer under house arrest, Aung San Suu Kyi is being subjected to pressure, threats and intimidation. It has been noted that the systematic use of torture, extrajudicial executions and forced labour is widespread in Burma.

Thus, the requests are quite clear and direct. We call upon the Commission to bring the case of forced labour in Burma to the attention of the World Trade Organisation, pointing out that, in the Singapore Declaration, the WTO stated that the ILO is the competent body to deal with matters of respect for labour law. We also call upon the Council not to show any signs of openness towards the regime in Rangoon and to preserve and strengthen the Common Position, bringing all possible pressure to bear on the country, including pressure on foreign investments.

This is the very clear appeal that Parliament is making. We expect a response from the Commission. It is a pity that we cannot have a response from the Council, but the request is contained in the resolution.

4-143
Isler Béguin (Verts/ALE). – *(FR)* Mr President, Commissioner, ladies and gentlemen, given the situation in Burma, as Mrs Napoletano has described it to us, you can imagine what expectations and hopes this strongly-worded resolution on Burma, which is currently a State with no rule of law, will inspire in Burmese civil society. What fears it should inspire in the military junta currently in power, if this resolution determines the EU's policy with regard to Burma.

Until now, the measures taken by the European Union to improve living conditions in Burma, to try to humanise the situation of its millions of inhabitants, have been limited to theory and political statements that have never been followed by action. The political and moral responsibility of the EU is now involved. Perhaps it should be involved to the point of criminal prosecution. Surely the very significant investments made by the Member States, regardless of any development in the military regime, represent *de facto* collaboration in maintaining the junta in power? Surely European businesses are cynically exploiting the workforce in this prison-State, which has become a general labour camp, where the concept of citizenship no longer applies?

This country is certainly far from the European continent and European legislation! Although we are aware of the totalitarian nature of the Burmese regime, however, and the motions for resolution are coming from all sides, the current state of affairs, in other words, the absence of the rule of law, continues under the Burmese sun. We need to activate the European Union's economic and industrial lever in order to prohibit any investment by the Member States in undemocratic regimes. We need to ensure that the industrial policy of the Member States is a moral one. We also need to use the force of Community diplomatic and political action throughout this Asian region, which has a shared history with some of the Member States and for which relations with Europe are still so important for its development.

We must consider the criminals in power in Burma in the current context, in the context of the International Criminal Court that is now permanently operational to prosecute all individuals accused of genocide, crimes against humanity and war crimes. The time for theoretical statements has passed. The European Union owes more than that to the winner of the Sakharov Prize and the Nobel Peace Prize, Aung San Suu Kyi, to the 1200 political prisoners, and through them, to the millions of Burmese citizens. This resolution is very strongly worded and comprehensive. Each paragraph should be part of a framework for a genuine Community policy on the military junta, and therefore to the benefit of Burmese civil society.

4-144
Van Orden (PPE-DE). – Mr President, we are often placed in a dilemma when dealing with evil and repugnant regimes. Some will call for dialogue, wanting to point out their concerns and encourage the regime to change its ways. Others – the realists – want tough action and opt for isolation of the regime and sanctions. Every situation is distinct and calls for different measures.

It can be said with some confidence that tyrants rarely listen to reason and only respond when their vital interests – often personal – are seriously under threat. The European Union and the wider international community can be powerful bodies when they act with unity, consistency and determination. When they are divided or make seemingly empty threats, sending different messages through other channels, then the tyrant sees no need to respond. We are seeing this with Iraq. Saddam clearly feels – wrongly – that he is being let off the hook. Sometimes tough measures are introduced but there is little resolve in implementing them or there are deliberate efforts to undermine them. We have seen this with Zimbabwe, where the very target of an EU sanctions regime is himself given specific exemption in order to be wined and dined in a European capital.

Now we come once more to Burma – another abominable regime – yet another case where the efforts of the European Union and the international community to encourage change have brought few tangible results. We have been at this for years. Parliament has been adopting resolutions and the Council common positions since 1996. What have we to show for all this? Where is the application and the resolve to achieve some real results? Current sanctions against the Burmese regime are due to expire on 29 April. The Council must renew the sanctions but it should strengthen them, introduce new measures, such as an investment ban, remove exemptions to the travel ban and extend it to include all members of the military junta. The sanctions should be rigorously enforced. In addition, I call upon the Commission and the Council to assess why the action so far has been ineffective and make recommendations to remedy the situation.

4-145
Morgantini (GUE/NGL). – *(IT)* Mr President, there have now been too many years of systematic violation of human rights by the military regime in Burma – the Parliament should be active but it is non-existent – although there have, without a doubt, been improvements in the sectors of political and social life, and progress has been made in the area of individual freedoms, the most important element of which is the release of a remarkable woman who is leading democratic, non-violent resistance with determination and dignity – Aung San Suu Kyi. She is not yet free, however, and cannot move about freely.

In reality, however, Burma still continues to be afflicted by the repression of ethnic minorities, rape and violence against women. The elimination of political dissidents and summary executions have not stopped. Torture, detention and forced labour are common practice. Despite the government's denials, I believe that children are still forced to join the army and also, I regret to say, the rebel military forces.

There are thousands of people suffering who we do not hear about from the media as we did, I am glad to say, in the case of the 13 years of house arrests imposed on the Nobel Peace Prize-winner. Consider, for example, the tragic child-soldier system. 'It is a good idea to conscript children because they do the same job as adults but they are difficult for the enemy army to see', one official had the courage to say.

Forced labour is still common practice: recent Amnesty International surveys have shown that approximately 90% of the population of the State of Shan are subject to forced labour. These people have no choice: either forced labour or prison. Their work, for which they are not paid, consists of building military infrastructure, roads, buildings and military camps and even performing military duties. They work without a break from morning until night, with no food except a small quantity of toasted rice.

Despite the fact that the Burmese penal code has banned forced labour, the situation has not changed. It has not changed despite the presence of the International Labour Organisation. Even the recent endeavours of the Thai Government have been frustrated by the categorical opposition of the Burmese authorities, which have even refused to give members of the political opposition permission to leave the country in order to discuss its economic problems. Worst of all is the continued abuse of power by the Burmese army, the military intelligence services, the police and other security forces.

I genuinely believe, as other Members have said too, that the European Union must both continue to use its influence to press for negotiations between the democratic groupings, the ethnic minorities and the State to resume as soon as possible, and put pressure on the Burmese authorities, continuing, that is, with the current trade policy on Burma and, if possible, taking even stronger measures to curb the scourge of forced labour, in particular. It must also undertake to pursue …

(The President cut the speaker off)

4-146
Van den Bos (ELDR). – *(NL)* The Burmese generals continue to wage war against their own population. They take no notice of the rest of the world. The military regime is still breaking all records when it comes to violation of human rights, political prisoners, forced labour, child soldiers, media censorship, violation of religious freedoms and violence against minorities. Everything that God has forbidden goes on in Burma. In drawing up a new common position, the European Union must speak with a clear voice. The time is long overdue for the generals to release unconditionally the 1 200 political prisoners who are being held in atrocious conditions and tortured. The Council and the Commission must also give very serious consideration to the systematic rape of women and sexual enslavement and argue for an international investigation into this. The ILO must be given access to all areas where forced labour is going on. The European

Commission must denounce these abuses at the WTO. The European Union must also demand that the regime put an end to the climate of impunity, that applies to all those who are guilty of torture, forced labour, deportations or unlawful executions.

Finally, Mr President, it is of the utmost importance that the Burmese refugees in Bangladesh are not forcefully repatriated. While it may be true that the freedom of movement of the NLD of Aung San Suu Kyi has been slightly increased, that seems to be more a question of *window dressing* than of a significant change in policy. The European Union must strengthen the sanctions against Burma. A ban on foreign investments should be introduced. European companies which get Burmese blood on their hands to serve their shareholders must be pilloried. Unfortunately there are still Member States that give more weight to their own business interests than they do to a consistent human rights policy. Only with broad international support do the oppressed Burmese people have a chance of ousting the generals.

4-147
Fischler, *Commission*. – *(DE)* Mr President, honourable Members, ladies and gentlemen, the Council's competent working parties are at present working on a new Common Position by the European Union on Burma, as the existing one is due to lapse on 29 April.

As Members of this House will be aware, the Common Position has been reinforced a number of times since 1996. In doing this, the Commission and the Member States have endeavoured to formulate precisely targeted sanctions, which will hit the people we want to hit, and to avoid adverse effects on the innocent citizens of that country. It has also been stipulated that, in the future too, the Council will respond appropriately to favourable as well as to adverse developments in Burma.

Parliament will, I think, understand why the Commission cannot act in advance of the results of the current discussions, but I am able to assure you that, whenever the Common Position is extended, the whole range of courses of action open to us will be re-examined.

As regards humanitarian aid, the Commission and the Community's Member States have already, on a number of occasions, reaffirmed their willingness to provide humanitarian aid to the most needy sections of the Burmese population.

I would like to confirm, as regards forced labour, that the Commission gives unconditional support both to the most recent UN resolution on the human rights situation in Burma and to the ILO's stance in defence of international labour standards. Its explicit statement on the situation in Burma led to the adoption by the International Labour Conference of a resolution on Burma, which is now being implemented.

Turning to the proposal that the issue of forced labour be considered by the WTO, the Commission will be examining this more closely, taking into account, as a matter of priority, the forthcoming discussions in the ILO at the end of this month, and the next International Labour Conference, which is to be held in June. The Commission has no reservations about favouring closer cooperation between the WTO and the ILO and welcomes the informal cooperation that already takes place to some degree. The Commission also favours independent international investigation of the charges laid against the armed forces, namely of sexual violence and other infringements of the civilian population's rights.

4-148
President. – Thank you Commissioner.

The debate is closed.

The vote will take place after the debates.

4-149

Nigeria: case of Amina Lawal

4-150
President. – The next item is the following six motions for resolution:

- B5-0172/2003 by Mr Karamanou, Mrs Gröner, Mrs Ghilardotti, Mrs Prets, Mr Veltroni and Mr Swoboda, on behalf of the PSE Group, on the case of Amina Lawal, sentenced to death by stoning in Nigeria for adultery;

- B5-0175/2003 by Mrs Maes, Mr Rod and Mrs Lucas, on behalf of the Verts/ALE Group, on the human rights situation in Nigeria and, in particular, the case of Amina Lawal;

- B5-0179/2003 by Mr McCartin, Mr Posselt, Mr Sacrédeus and Mrs Scallon, on behalf of the PPE-DE, Group, on the case of the Nigerian woman, Amina Lawal, sentenced to death by stoning in Nigeria;

- B5-0182/2003 by Mrs Ainardi, Mrs Eriksson, Mrs Morgantini, Mrs Fraisse, Mrs Uca and Mrs Figueiredo, on behalf of the GUE/NGL Group, on Nigeria: the case of Amina Lawal;

- B5-0183/2003 by Mr Collins and Mrs Muscardini, on behalf of the UEN Group, on the case of Amina Lawal in Nigeria;

- B5-0184/2003 by Mrs Sanders-ten Holte and Mr van den Bos, on behalf of the ELDR Group, on the human rights situation in Nigeria and, in particular, the case of Amina Lawal.

4-151
Karamanou (PSE). – *(EL)* Mr President, Commissioner, the subject of women sentenced to death by stoning in Nigeria, which has outraged public opinion worldwide, was debated here in the House last September. And yet, Commissioner, ours was a voice crying in the wilderness.

Amina Lawal, the unfortunate woman who committed the heinous crime of believing that she has a right of self-determination over her own body, is due to appear before the Sharia court of appeal on 25 March. Under Islamic law, she is guilty of treason. How can this happen in the 21st century and be ignored by the powers that be on the planet? What a pity the Commissioner is not listening. How, Commissioner, can women's fundamental freedoms and rights be so violently, so rudely infringed, and be left to lobbying by women's organisations, public opinion and the media? What has the political leadership of the European Union done, what have the Commission and the Council done? What sanctions have we imposed on Nigeria, a country with which we have economic and commercial ties? What purpose do clauses about respecting women's human rights in the Cotonou Agreement serve, Commissioner, if there are no sanctions? Finally, does Nigeria have a secular, democratic regime or a theocracy? Does the country have a government or is it ruled by mullahs?

4-152
President. – Mr Karamanou, I do not know whether Commissioner Fischler understands Greek too. I am asking this because I can see that he is not wearing his earphones.

4-153
Karamanou (PSE). – *(EL)* Mr President, I have almost finished my intervention; the Commissioner has not listened to a word I said and is not therefore in a position to answer the questions I have put to him. My intervention took the form a series of questions to the European leadership, which has done absolutely nothing to stop the crimes being committed against women in Nigeria. Nigeria is a signatory to the Cotonou Agreement, which contains clauses about respecting human rights and women's rights and yet, as far as the Commission is concerned, it is a case of out of sight out of mind. The political leadership has done nothing whatsoever and the entire matter has been left to the loyalty of women's organisations and the media; in other words, to pressure from global public opinion. This pressure is very strong and it does bring in results but, in the final analysis, the European political leadership also needs to do something and insist that the Nigerian Government do what it should to protect women's rights in Nigeria.

And I also have this to say to you, Commissioner: in the final analysis, what is Nigeria? A democratic regime, a secular regime or a theocracy? Because on 25 March, Amina Lawal's case will be heard before the Sharia court of appeal. We are out of our minds with worry. We have no idea what is happening in Nigeria. Three years ago, we were celebrating the return of democracy to Nigeria and a democratically elected government. And yet this government is completely incapable of imposing the constitution and the law on the country. The mullahs rule the country and are sentencing women to death by stoning for allegedly engaging in sex outside marriage.

We want the Commission and the Council to intervene at once. The leadership must take a stand against these issues. That is what we are asking of you, Commissioner.

(Applause)

4-154
President. – Mr Karamanou, I have given you a lot of speaking time, firstly because I feel it was impolite of the Commissioner not to listen to you while you were putting questions to him – admittedly, the Commissioner does have a written text prepared beforehand, but it is always polite to listen – and, secondly, because the Chairman of the Committee on Women's Rights and Equal Opportunities was talking.

4-155
Maes (Verts/ALE). – *(NL)* Mr President, Commissioner. You will understand that this is a matter that concerns us greatly and I also endorse, not only the indignation of Mrs Karamanlis because of the *colloques singuliers* organised at your bank and for which you as Commissioner are not always responsible, but I also endorse the content. Thanks to the international campaign, we were able to help Safya Hoesseini escape the stoning to which she was convicted even though she had been raped. She was, however, spared on procedural grounds and that means that the danger has certainly not gone away for Amina Lawal, who was granted an appeal on 19 August and whose sentence will probably be reconfirmed on 25 March. So you still have a little time, Commissioner.

She was convicted in Katsina, one of the twelve northern regions where Sharia has come into force during the past 3 years. The death penalty, mutilation of women and flogging and the prevailing discrimination that accompanies these things have become common practices. This immediately renders the Constitution of Nigeria, the Universal Declaration of Human Rights and all other treaties that Nigeria has ratified dead letters.

Presidential elections are being held in Nigeria in a couple of weeks. Rioting associated with the introduction of Sharia has already claimed a couple of thousand victims. Recently 220 people were killed in riots surrounding a beauty contest. The atmosphere is defined by economic crisis, unemployment, lack of security and widespread corruption. There is, alas, a huge danger of civil war in this enormous and densely populated African country. And here we are voting on another resolution. Commissioner, we did that on 15 February 2001, 15 November 2001, 11 April 2002, September 2002 and the ACP did that on 21 March 2001. So now we are going to vote on yet another resolution but, like Mrs Karamanou, I call on you to take real action, not only to save the life of this unfortunate woman, but also to save this densely populated African country from bloody conflicts that could create thousands of victims.

(Applause)

4-156
McCartin(PPE-DE). – Mr President, I read about this case last year and did the only thing that I could do. I raised it in my group. We discussed it in the group and with other groups in this Parliament and passed a motion for a resolution on the plight of Amina Lawal. The motion clearly sets out what we believe the government of Nigeria must do, in accordance with its international obligations and the requirements of its own federal constitution. It must use its legitimate power to protect Amina Lawal and other Nigerian women in similar situations from this cruel, degrading and inhumane treatment under Sharia law.

We recognise the sovereignty of the Nigerian people and their federal government and we are increasingly aware that there is a global community and every citizen of the global community is entitled to our solidarity and respect. I remember that when the Berlin Wall came down an African leader lamented the fact that the European Union had now turned to the East like a man looking at a gorgeous new girl that had appeared and Africa was going to be forgotten and left on the shelf.

When we have completed the process of enlargement, we will be economically and politically more powerful. We can return our attention to Africa and, while recognising the sovereignty of the African nations, we have to say that there will be conditions attached to our development aid. We must remember this and similar cases and the plight of all women under Sharia law in the African continent.

We are not trying to impose our will on any sovereign state, but we will tell them that there is a price to pay. Africa needs our help and we will give it generously, but Africa must reciprocate by treating its citizens humanely.

4-157
Morgantini (GUE/NGL). – *(IT)* Mr President, there are too many resolutions which have not been acted upon, and sometimes we too, as Members of Parliament, are guilty of thinking we have resolved a problem just by producing a resolution. I, however, am a woman, and among my role models are women who, because they had the courage to speak out or the desire to laugh or love, were barbarously tortured and burned alive in the name of God by the cruelty of pious, religious Christians.

Nonetheless, religious practices, cultures and traditions can be changed. I come from a country where the crime of honour continued to exist even after the war, a country which only recognised rape as a crime against the individual in the seventies, when the feminist movement was in its heyday. Today, we women are still the victims of discrimination in Europe, our sexuality is commoditised, but our right to exist has been won. However, the suffering and injustice suffered by women and people all over the world seem to scourge our bodies and rend our souls now as never before. Once again, in the name of a God who is presented as all-powerful and merciful, religions, traditions and cultures mutilate bodies, stone people to death, impose arranged marriages and mutilate the bodies of innocent children with infibulation.

We must prevent the killing of Amina Lawal, a woman who has dared to love and is condemned to being stoned to death for having a child out of wedlock. We must prevent religion, when it abuses human rights, whether the victim is a man or a woman, being used as a law, even a law which is secondary to the laws of the State. The Federal Republic of Nigeria has ratified the international human rights conventions. These conventions must have more than just theoretical significance: they must be observed and enforced in practice.

Nigeria has even adopted a Constitution which guarantees the right to freedom without torture or punishment. On a number of occasions, President Obasanjo has stated that he is opposed to the death penalty being applied on the basis of Sharia law, but he cannot keep up these double standards forever. It is true that the issues are complex, but now, the lives of many men and women are at stake – today, it is the life of Amina Lawal, yesterday, it was the life of Safiya Hussaini. Yet how many other women and how many men are lying in prison or are charged and hanged?

The European Union – and we personally – must make a total commitment not just to preventing Amina Lawal's death but to ensuring that the international agreements are genuinely ratified. We must therefore compel the Nigerian Government to act on its undertaking and provide all possible assistance, prevent Amina's death and guarantee that a similar sentence is never pronounced again.

I genuinely believe that it is extremely important for there not to be double standards. We must start from our basic principle, from the fact that it is essential for us too, here, to respect human rights – with regard to immigrants and many others – and so we must do everything possible to ensure that no more people die.

4-158

Maaten (ELDR). – *(NL)* Mr President, in September last year Parliament adopted a resolution condemning the sentencing to death of Ms Amina Lawal. Since then there has been strong international pressure from all sides to help Ms Lawal, and rightly so. Of course, her case is exceptionally harrowing: a mother facing the death penalty.

The Lawal case been seen as a test case in and outside Nigeria. Nigeria has no state religion and that is how it should remain. Carrying out this death sentence would be a signal that different laws apply to Muslims in Nigeria than to Christians and that cannot be allowed. The impression must also not be allowed to be created that violation of human rights and the death penalty are acceptable. The Nigerian Government must ensure that they comply with international obligations in the area of human rights.

In less than two weeks Ms Lawal's appeal against her inhuman punishment comes up. Hopefully she will win that appeal, but if not, I would like to remind President Olusegun Obasanjo of his own words. In January of this year, at the time of the riots around the Miss World contest, he said and I quote: 'no one will be stoned in my country'.

My appeal to him is simple: keep your word. The Nigerian Government has sufficient means to prevent this case from ending in tragedy. We wait to see how the Nigerian Government will act after the appeal on 25 March. We in Parliament regard human rights as a cornerstone of good relations between the European Union and other countries. I express the hope now that the Lawal case will not bring dark clouds over relations between the Union and Nigeria.

Finally, Mr President, President Obasanjo was grateful to receive the Freedom Prize of the Liberal International a few years ago before he became president of that country. Let him now continue to behave in keeping with that.

4-159

IN THE CHAIR: MRS LALUMIÈRE
Vice-President

4-160

Tannock (PPE-DE). – Madam President, Amina Lawal, an illiterate 31-year old Nigerian woman, is preparing to face death for the crime of adultery. She claims she was raped by a friend and subsequently she bore a child. The sentence of death by stoning, which is carried out by burying her alive up to her neck and then inviting onlookers to stone her, was delayed until after the birth of her child. There are claims by locals that members of the local Sharia Court which tried her, have themselves had adulterous relationships which on occasions have resulted in the birth of children.

Sharia has recently been introduced in parts of Nigeria as part of a process of Islamicisation. Christian groups have been critical of the Nigerian Government's failure to affirm that such punishments are contrary to the federal constitution, although President Obasanjo has said that he will weep if the verdict is carried out. The sentence has been delayed until 2004 to allow her to wean her child.

Nigeria will unquestionably be in my opinion in violation of a number of international treaty obligations including the Convention against Torture and the UN Convenant on Civil and Political Rights, to which it is a signatory. Even in Iran, there has been no stoning for almost two years now, with the most senior judge recently declaring the punishment illegal.

This is not about the death penalty per se, which remains legal in international law for the most serious crimes. It is about a disproportionate and gratuitously cruel punishment against a young mother. It is not a feminist issue either. Nigeria must understand that its relationship with the civilised world will not remain the same if the sentence is carried out and I for one will advocate expulsion from the Commonwealth and an immediate programme of selective sanctions and travel bans on Nigeria's leaders.

I would also call on the Greek presidency of the Council to summon the Nigerian Ambassador and make plain to him the feelings we hold so strongly in this House against such an unjust punishment.

(Applause)

4-161
Sauquillo Pérez del Arco (PSE). – *(ES)* Madam President, the cases of stoning in the States of Northern Nigeria, based on the application of Sharia law by Islamic courts, are a flagrant violation of human rights which we must condemn with all our energy, as Mrs Karamanou has done very effectively this afternoon, on behalf of our European Parliament.

Firstly because we cannot accept the death penalty and secondly because the application of Sharia law affects defenceless women, accused of actions, such as adultery, which cannot be considered crimes; and thirdly because, furthermore, in the case of Amina Lawal, she has not received the least legal guarantees during the trial.

The case of Amina Lawal is dramatic and urgent because, following several postponements, the sentence is imminent: 25 March. But it is not the only case, Sarimu Mohamed, Safiya Hussaini, Bariya Ibrahima and Adama Yunusa have also been sentenced to prison following a series of international campaigns to prevent these stonings. In none of these cases have any of the men involved in the adultery been punished.

The vulnerability of women under Islamic criminal law, torture and the degrading treatment they suffer represent an unacceptable violation of human rights and this should be reflected in the European Union's relations with Nigeria and with any other country that applies the Sharia.

Nigeria has one of the highest rates of illiteracy in the world. There are ritual mutilations, there are millions of people displaced for religious reasons and Islamic law is applied in certain States, clearly discriminating against a section of the population, and there is no reaction from the central government.

The European Union, in accordance with the Treaties, which clearly lay down the principles governing our relations with third countries, and despite Nigerian oil, must use all its diplomatic powers to prevent the application of the death penalty imposed on Amina Lawal and condemn all the consequences of the possible stoning.

More than a million and a half people have protested to the Nigerian authorities and, thanks to this popular action, other stonings have been prevented, but the issue at the moment is to save Amina Lawal and to this end Sharia law must be abolished and, where necessary, hunted down.

4-162
Sandbæk (EDD). – *(DA)* Madam President, the stoning of women must be stopped now. It is outrageous that there should still be places in the world in which the stoning of women is a lawful and accepted form of death penalty. The Amina Lawal case again makes it necessary to take every possible measure to emphasise the EU's rejection of such barbaric and inhumane methods. Nigeria is not the only country in the world in which such cruelties take place. Stoning must of course be banned in every country of the world, but let the obviously appalling case of Amina Lawal be an opportunity to register our unshakeable opposition to the stoning of women. In Nigeria, the difference between nationally and regionally applicable legislation must be brought to an end. It is shocking that there should be no guarantee of Amina Lawal's ever appearing before a national court, even though the Nigerian Constitution guarantees her life and dignity. It is important for us here in the European Parliament to take the opportunity we have to express our abhorrence and to keep exerting pressure on Nigerian society, for it is not merely an issue of the completely unacceptable discrimination between men and women that is the result of Sharia law in a range of countries, but an issue of ordinary humanity and decency. There is still a long and tough struggle to be undertaken to ensure that human rights are both accepted and observed in every country of the world.

4-163
Scallon (PPE-DE). – Madam President, I welcome this joint resolution on behalf of Amina Lawal Kurami. This is the second time we will adopt a resolution on behalf of Amina Lawal. I have no doubt that the first, in September 2002, contributed greatly to the international appeal for mercy that has helped to ensure her safety thus far. I was asked at that time to launch an appeal on her behalf. I would like to thank the thousands of people who responded, both in 2002 and to the recent appeal within the past weeks. I also thank the European office dealing with human rights in Nigeria.

To be condemned to death by stoning for having a child out of wedlock is a breach of internationally agreed human rights. I realise that this execution is not the wish of the Nigerian Government. I thank in particular the Nigerian Ambassador to Ireland, His Excellency Mr Elias Nathan, who has publicly appealed for mercy on behalf of this mother.

We call on the Upper Sharia Court of Appeal of Katsina to respect and uphold the international human rights agreements that Nigeria has signed up to and to ensure that any Sharia law in breach of these rights is repealed. Regional legislation must be in keeping with the international laws in place nationally in Nigeria. I am aware that Mrs Lawal has not been restrained or held in detention since her sentencing in March 2002. I am grateful for that. But we can only imagine the trauma that she has suffered with a death sentence hanging over her head throughout the past year. Certainly she has been sick and has gone to several hospitals for treatment during this difficult time.

Even though Amina Lawal would have the right to appeal her verdict before a non-religious court, she has suffered enough. I appeal for mercy and assurance that she will not be executed under any circumstance. We must also remember that she is not the only woman in these circumstances.

When I was asked to launch an appeal on behalf of Safiya Husseini for a similar offence I was informed that at least four women were awaiting the same sentence – Amina Lawal was one of them – and that young boys from 12 to 16 years of age were awaiting amputation of their hands for theft. Whilst we respect national sovereignty there is a better way forward for Nigeria and its people. We call for an immediate and lasting response to our parliamentary resolution.

4-164
Gillig (PSE). – *(FR)* Madam President, once again Parliament is led to, and strongly obliged to condemn the appalling situation of a woman named Amina Lawal, who has been sentenced to death by stoning in Nigeria for having exercised her freedom.

What can I say, what can I add to all that has just been said by my fellow Members, except to reiterate my condemnation of the appalling situation of a woman which justifies as still necessary the fighting that takes place on international women's days. This intolerable situation forces us to restate our radical opposition to the death penalty and forces us to remember that a court of justice, whether in Nigeria or in any State in the world, cannot be based on religious principles and deny all the principles relating to absolute respect for human rights and respect for human dignity. This, I am sad to say, echoes the obscurantism of the Middle Ages that our countries also experienced. We must condemn again and again this intolerable situation of a woman, confirming the importance we attach to the principle of secularity as the principle of major organisation in modern, democratic States.

Madam President, Commissioner, the Nigerian Government should declare that the application of the Sharia by a regional court of justice is counter to the Constitution of its country. In this regard, we would remind it, in particular, that respect for human rights is a fundamental element of the agreements concluded with third countries. Apart from the situation of Amina Lawal in Nigeria, all those men and women in the world whose fundamental rights are denied expect the European Union to turn the resolutions that we adopt, sitting after sitting, in this House, into action. I also fully agree with the questions raised by Mrs Karamanou. Apart from adopting resolutions, Commissioner – although this is also addressed to the representatives of the Council – what are we actually doing?

4-165
Sacrédeus (PPE-DE). – *(SV)* Madam President, we are concerned here with saving the life of an innocent person and with a completely unfair judgment. What, however, is also at issue – and I am addressing Commissioner Fischler at this point – is getting to grips with Sharia law and the Islamicisation of parts of Central Africa where this case is one among many and where we can expect incidents of this kind to be repeated again and again. It is a matter of questioning clearly, steadfastly, patiently and consistently whether Sharia law really is compatible with human rights and the UN Convention on Human Rights.

We are a group of MEPs who have written to Nigeria's embassies throughout the European Union and in the rest of the world and asked them to attend to this case. We must do everything possible to influence Nigeria's Supreme Court. As stated in the resolution, we must also address the issue of its becoming possible for all Nigerians to enjoy the same rights and the same protection under the Constitution, irrespective of whether they are Muslims or Christians or members of another faith or of none. We must also be able to question whether it is reasonable for Sharia law to be so fundamentally at odds with international law and human dignity. We must do everything possible to ask the following question: where, among believing Muslims, are the voices in Africa and Europe saying that this situation is incompatible with what needs to be at the heart of all religious faith, namely love and tolerance?

4-166
Fischler, *Commission*. – *(DE)* Madam President, honourable Members, the Commission does, of course, share Parliament's concerns about the sort of punishments inflicted in northern Nigeria under Sharia law. In a whole array of cases, among them that of Amina Lawal, the Commission has made representations to the Nigerian Government, and our President Prodi himself has made a direct approach to President Obasanjo, who has also expressed his opposition to these punishments and pointed out that every complainant has the right to take his or her case to the Supreme Court.

The Commission also welcomes the statement made last year by the Nigerian Minister of Justice, to the effect that it was not right to discriminate against Muslims by imposing different sentences on them for one and the same crime. As various Members of this House have already mentioned, Amina Lawal's appeal is due to be heard on 25 March. Amina Lawal has been allowed legal counsel and will also have the opportunity to take her appeal to an even higher court if necessary.

We are, through our delegation in Abuja, following the progress of this case as closely as possible, but we refrain from direct references to cases that are still *sub judice*, preferring to bring pressure on the Nigerian federal government to at last abolish the death penalty for all offences.

Sharia law is a complex and delicate issue in Nigeria. The position is also very problematic in terms of constitutional law, because the state's Sharia law is in contravention of both the constitution and the international obligations entered into by the Nigerian federal government.

Socially speaking, Nigeria is divided between the Muslim north and the Christian south, and the elections that are to be held next year mean that the issue is politically highly charged and very sensitive.

A study funded by the Commission has concluded that Sharia's application in criminal law is made even more problematic by the fact that the criminal laws are badly framed and applied without consistency by poorly trained judges.

The EU has elaborated a Common Position on human rights issues in Nigeria, drafted representations by the Troika on the death penalty, and made an official statement to the Commission on Human Rights.

The closest possible attention is being paid to Nigeria's adherence to the principles of the Cotonou Agreement. The Commission is also itself immediately involved and, last year, concluded with Nigeria a Country Strategy Paper and a cooperation programme with Nigeria, key areas of which include human rights and good governance, and in which provision is also made for support to be given to civil society.

Nigeria is, moreover, one of the focus countries of the European Initiative for Democracy and Human Rights, and a range of projects in support of governmental and judicial reform is shortly to be adopted. It is in this way that we hope to be able to have a positive influence on the way in which the Nigerian federal government and Nigeria's federal states understand and put into practice fundamental human rights, under which influence it is to be hoped that things will take a turn for the better.

(Applause)

4-167
President. – Thank you Commissioner.

The debate is closed.

The vote will take place in a moment.

4-168

Vote

4-169
Motions for resolutions concerning the debates on cases of violation of human rights, democracy and the Rule of Law[5]

* * *

Motion for a joint resolution[6] **on the closure of businesses having received financial aid from the EU**

– On paragraph 9

4-170
Santos (PSE). – *(PT)* Madam President, I wish to inform you, on behalf of the Group of the European Socialist Party, that I am tabling an oral amendment which would lead to the name 'EFTEC' being added to paragraphs 9 and 16. This is the name of a Swedish company experiencing problems similar to those of the companies referred to in the motion for a joint resolution.

4-171
President. – Is there any objection to the application of this oral amendment?

(Parliament gave its assent to the application of the oral amendment)

(Parliament adopted the joint resolution)

EXPLANATION OF VOTE

[5] *For the outcome of the vote:* see Minutes.
[6] Tabled by Mr Pronk and Mrs Bastos on behalf of the PPE-DE Group, Mr Lage, Mr dos Santos and Mr Hughes on behalf of the PSE Group, Mrs Lambert and Mrs Schroedter on behalf of the Verts/ALE Group, Mrs Figueiredo and others on behalf of the GUE/NGL Group and Mr Ribeiro e Castro and Mr Queiró on behalf of the UEN Group, seeking to replace motions for resolutions B5-0160, 0165, 0166, 0168 and 0169/2003 with a new text.

- Resolution on the closure of businesses (B5-0160/2003)

4-172
Stenmarck (PPE-DE), *in writing.* – *(SV)* The Moderate delegation has today voted in favour of the resolution on the closure of undertakings after receiving EU financial aid.

We Moderates find it gratifying that, with this resolution, the European Parliament is attending to the harmful consequences that often arise in connection with the EU's Structural Funds. We believe that the Structural Funds lead to a large and unwieldy merry-go-round of subsidy which, when it is used to aid undertakings, causes unemployment to be transferred between the EU Member States and a distortion of competition for individual undertakings.

What, instead, is required as a basis for creating more jobs are deregulation, lower taxes and fewer barriers to trade. If the European Union is to have any possibility of achieving the Lisbon objective, the Structural Funds' aid activities should cease as soon as possible.

* * *

4-173
Knolle (PPE-DE). – *(DE)* Madam President, this morning, I asked for the posters hanging from the windows of certain Members' offices to be removed because of the damage they do to Parliament's dignity. Now, just before the vote, there are still numerous posters hanging on the walls. If we permit this, it will catch on, and Parliament will end up at some point looking like an advertising pillar or a load of hoardings covered with posters. That is not in the interests of this honourable House. I ask that action be taken with the utmost rigour.

4-174
President. – Mr Knolle, we are going to contact the competent departments to ensure that the instructions have been applied.

4-175

Adjournment of the session

4-176
President. – That was the last item on the agenda.

I declare the session of the European Parliament adjourned.

(The sitting was closed at 5.25 p.m.)[7]

[7] *Referral to committees – Authorisation to draw up reports – Cooperation between committees – Written declarations (Rule 51) – Forwarding of texts adopted during the sitting – Dates for next part-session:* see Minutes

ANNEX

QUESTIONS TO COUNCIL

Question no 11 by Per-Arne Arvidsson (H-0091/03)

Subject: Confidence in the CFSP

The object of the common foreign and security policy is that the EU should act resolutely as one in the international arena to promote peace and security in Europe and the outside world. The Member States' conduct in the Iraq conflict has been the opposite; it has followed national interests and damaged the credibility of the EU's foreign policy and the CFSP. Unfortunately, the Presidency has contributed to the disunity by unilaterally adopting the Franco-German line.

It is the Presidency's responsibility to try to find compromises and common solutions to promote a united EU stance on various issues. The Danish Presidency showed great skill in this area. The disagreement over the Iraq conflict has not least been a factor in reducing confidence in the EU in the applicant countries.

What initiatives does the Greek Presidency intend to take to avoid a recurrence of a similar situation in foreign policy in the future?

Answer

(FR) The Presidency has made every effort to ensure the European Union speaks with one voice on the Iraq crisis. Like the honourable Member, it believes that the more united the EU is, the stronger it is, and the more it can make its voice heard in the international community. For this reason, the Council adopted significant conclusions on Iraq at its first meeting on 27 January. An initiative based on these conclusions was launched on 4 February in order to send a clear message to the Iraqi authorities. The 13 candidate countries supported this action. Subsequently, the Presidency took the lead and convened an Extraordinary European Council on 17 February. This resulted in a common declaration endorsed by the candidate countries the very next day. The declaration enshrined EU agreement on the key issues of the crisis:

Saddam Hussein should be disarmed of weapons of mass destruction;
The United Nations should be at the centre of these efforts;
Inspections should be given a chance to work, but they should not continue indefinitely in the absence of Iraqi cooperation;
War is not inevitable. Force should be used only as a last resort;

The matter is now with the Security Council.

The Presidency will continue its efforts to achieve a common line in this and other matters.

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Question no 12 by Francesco Enrico Speroni (H-0096/03)

Subject: Population of the Member States

The protocols annexed to the Treaty of Nice refer to the ‘total population of the Union’ without clarifying the meaning of the term. As far as the Union is concerned, does the term apply only to the total number of residents who are Union citizens or does it denote the total number of residents including those who are not Union citizens, or some other body of residents? When calculating the total population of the Union, how are Union citizens living outside the Union factored in?

For the purposes of the 62% quorum, is the population of individual Member States calculated with reference to:

(a) all residents of the Member State in question, irrespective of their nationality; (b) all residents who are nationals of that Member State or another Member State; (c) nationals of that Member State living on its territory and no other citizens; (d) nationals of that Member State living on its territory or in another Member State and those citizens only; (e) all nationals of that Member State, wherever they may live; or (f) a body of citizens composed in some other way?

Answer

(FR) The Council would like to inform the honourable Member that it has not yet debated these specific details. These issues and their implications will however be examined in due course, prior to 1 November 2004.

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Question no 13 by Anna Karamanou (H-0100/03)

Subject: Accusations against EUROPOL of financial irregularities

In a recent report, which has not yet been published, the Court of Auditors accuses EUROPOL - the European agency fighting organised crime - of financial irregularities and a lack of budget transparency. The report's criticism focuses on a sum of 279 000 euro representing 18 months' salary for the former Deputy Director of EUROPOL, Mr David Valls-Russell, which was paid to him despite the lack of any legal basis following the official's resignation in response to a financial scandal in his directorate. Furthermore, the report also refers to illegal funding to set up and use telephones and fax machines in officials' private homes.

What measures will the Council take to clarify this serious matter in full and to create the conditions for EUROPOL to serve the purpose for which it was established and operate on the basis of the principles of transparency, responsibility and accountability which govern all EU bodies and services?

Answer

(EN) The report by the Joint Audit Committee of Europol referred to by the honourable Member of the European Parliament forms part of the discharge procedure as laid down in Article 36 of the Europol Convention.

The Council has not taken any position regarding a possible discharge for the Director of Europol for the year 2001. As soon as the Council has decided this point, further information will be provided to the European Parliament.

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Question no 14 by Ulla Margrethe Sandbæk (H-0101/03)

Subject: Human rights in Iran

It emerged from the speech of the Iranian Foreign Minister Kamal Kharaszis to the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, that improvements on human rights in Iran lie wholly outside the competence of the Iranian government.

If this is so, what is then the substance of the so-called constructive dialogue which is being held between the EU and the Iranian government?

Will the Council please comment on how long it will tolerate both the stoning of women and judicial executions before it breaks off cooperation with the Iranian government?

Answer

(EN) As for the declaration referred to in the question there is a rule for the Council not to comment on declarations by politicians. As far as the Council is concerned, it has no doubt as to the Iranian government's understanding of its competence and responsibilities in the field of human rights. Indeed, it is for precisely this reason that the Iranian government is engaging, not only in dialogue on human rights matters with the EU and with a number of other countries such as Australia, but also in co-operation with the UN and its various mechanisms in the field of human rights which monitor States' compliance with international human rights law. In any case, the Council is not aware of any elements in Foreign Minister Kharrazi's speech to the European Parliament, which might have given rise to this misunderstanding.

The constructive nature of the EU's dialogue with Iran on human rights is not merely "so-called". The substance of the dialogue lies in discussing all of the issues which are of concern to the EU regarding the situation of human rights in Iran, and in exploring how the EU can assist or support progress towards improvement on all of those issues. In order to make the dialogue as constructive as possible, the EU has recognised from the outset that it must involve not only all the relevant branches of the Iranian government - the Judiciary as well as the Parliament and the Ministry of Foreign Affairs - but also Iranian civil society - academics, NGOs and the Islamic Human Rights Commission - in order to foster the internal debate for change within Iran at all levels. That is why the EU chose, for the first session of the EU-Iran human rights dialogue on 16 and 17 December 2002, to organise it in the form of a roundtable involving participants from all of the above sectors of Iranian government and society, followed by separate government talks involving the Iranian Judiciary, Parliament and the Ministry of Foreign Affairs. The liveliness and openness of the debate even within the Iranian delegation proved to the EU that its inclusive approach is the right one, and the EU intends to maintain this format for the foreseeable future.

The EU raised the issue of the death penalty with the Iranian government during its exploratory mission to Teheran in September/October 2002, as well as during the first session of the human rights dialogue in December and the Council notes that it has not received any corroborated evidence of any case of a person being stoned to death in Iran since the opening of the EU-Iran human rights dialogue in October last year. The EU will continue to press the Iranian government on this issue until the situation has improved, as the EU does with all other countries still imposing the death penalty with which it carries on political dialogue.

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Question no 15 by Maurizio Turco (H-0102/03)

Subject: Greek Presidency's priorities and effectiveness of international conventions on drugs

The 'Priorities of the Greek Presidency for 2003' state that 'the effectiveness of existing international treaties on the control of narcotics production and trafficking, should be reviewed'.

As the first opportunity to review the effectiveness of the conventions will be the meeting of the UN Narcotics Commission in Vienna from 8 to 17 April 2003, how does the Council intend to propose a review of the effectiveness of the conventions?

Will the Council propose a future review of the relevant international conventions, or does it already intend to table proposals for changes in April? What progress has been made by the Council and its working parties on this issue?

Question no 16 by Benedetto Della Vedova (H-0104/03)

Subject: Cannabis classification in international law

The 1961 UN Convention on Drugs classifies cannabis in Schedule I along with the most dangerous drugs such as heroin, and in Schedule IV includes Schedule I drugs that are considered to have limited therapeutic value and extremely dangerous properties. The 1988 UN Convention considers the principal element of cannabis, THC, only as a psychotropic substance. The logicality of these classifications consequently raises serious doubts: in fact a plant containing 3% of a principal element is dealt with more severely than the pure substance at 100%.

Does the Council think that: cannabis classification in Schedule I along with heroin is appropriate? cannabis is as dangerous as heroin? cannabis classification in Schedule IV is appropriate? cannabis has no medical value? cannabis should be treated more severely than its principal element? the Council should discuss and propose amendments for Member States aimed at the reclassification of cannabis under the UN Conventions?

Question no 17 by Gianfranco Dell'Alba (H-0106/03)

Subject: Fight against drugs, international conventions and the death penalty

The 1961, 1971 and 1988 UN conventions on drugs prohibit and criminalise a whole series of drug-related activities (cultivation, production, export and import, consumption, sale, etc). Many states imposed the death penalty for these offences when they transposed the conventions into their national law. Those states include China, Malaysia, Vietnam, Singapore, Kuwait, Iran, Thailand, the Philippines and Indonesia.

Does the Council not consider that it is necessary, and consistent with the European Union's international position on the death penalty, to review such international conventions as a matter of urgency in order to prohibit the death penalty for drug-related offences? If so, will the Council raise this issue and table a proposal for an amendment by the EU Member States - all of which are signatories to the conventions - at the forthcoming UN meeting on drugs to be held in Vienna in April 2003?

Joint answer

(EN) The preparation for the 46th session of the UN Commission on Narcotic Drugs has started in the competent Council bodies in Brussels and Vienna. The session that is to be held from 8 to 17 April 2003 has a ministerial segment on 16/17 April 2003 at which difficulties encountered in meeting the goals and targets set out in the Political Declaration adopted by the General Assembly at its 20th special session in June 1998 will be discussed.

In the preparation for the statements of the Presidency at the regular session as well as at the ministerial segment due account will be given to the orientations in the note on the mid-term evaluation of the European Union Action Plan on Drugs. In this note it is said that increased attention should be given to the growing threat posed by production and consumption of synthetic drugs.

So far in the EU preparatory work no discussion has been held on the problems such as the issues raised by the honourable Members of the European Parliament i.e. modification of the Convention, cannabis classification in international law and the death penalty.

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Question no 18 by José Ignacio Salafranca Sánchez-Neyra (H-0112/03)

Subject: Abolition of the scheme of generalised tariff preferences for some sectors in Central America and the Andean Community, through graduation

Does the Council take the view that abolishing tariff preferences (through the adoption by the EC of proposal COM/2003/0045 final for a Council regulation implementing Article 12 of Council Regulation (EC) 2501/2001[1]) for the sector live plants, flowers, edible vegetables and fruit in Colombia, as a consequence of applying the graduation mechanism, will help a country in which there are around 26 million people living in poverty, almost 30 000 violent deaths each year and around 10 kidnappings per day, in its fight against drug production and trafficking?

Does the Council not take the view that this measure may jeopardise the fragile economic, social and environmental progress made by Costa Rica in a sector which is concentrated in disadvantaged areas of the country that are highly susceptible to natural disasters, and which provides employment above all for women breadwinners and for immigrants from Nicaragua?

Does the Council not believe that applying the graduation mechanism to the beneficiaries of the 'Drugs' GSP may distort the objectives which led to the creation of what is probably the most successful trade mechanism the EU has ever adopted vis-à-vis developing countries, a mechanism which is vital for Andean and Central American countries at a time when they are facing a regional crisis?

Does the Council believe that the situation in these countries is likely to improve over the months by which the entry into force of the Regulation has been delayed?

Does it not take the view that this may send a discouraging signal to the countries concerned at a time when the Madrid Summit held out the prospect of free trade for Central America and the Andean Community? What reactions has it received from the beneficiary countries?

[1] OJ L 346, 31.12.2001, p. 1.

Answer

(EN) On 13 February 2003 the Council received the Commission proposal for Council Regulation referred to by the honourable Member and is in the process of examining it. It aims to take a decision on it before 14 May in line with the timetable set out by the regulatory procedure.

Sectoral graduation is a feature of the European Union's Scheme of Generalised Tariff Preferences. Such graduation is meant to target preferences on those countries other than those which turn out to be able to face international competition without preferential market access. In 2001 the Council decided that as a matter of principle it should also apply to the special arrangements to combat drug production and trafficking, as it already applied to the GSP in general.

The EU remains committed to the commitments made on a possible future agreement, including a Free Trade Agreement, made at the EU-Latin America and Caribbean Summit.

The EU has have been informed about the position of some Latin American countries on the proposed application of the graduation scheme within the GSP.

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Question no 19 by Antonios Trakatellis (H-0117/03)

Subject: Council's delay in publishing the common position on the directive on greenhouse gas emissions trading

Following the successful conclusion of the policy agreement on 11 December 2002, can the Council explain the reason for the delay in publishing the Council's common position on the proposal for a directive of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC[2] and what are the reasons for its omission from the priorities of the Greek Presidency's programme?

Answer

(EN) With regard to this question, I would like to assure the honourable Member that the Council is strongly committed to further the implementation of the Kyoto Protocol, which of course also includes putting in place the measures that will help the EU to achieve its targets. One of these measures is the proposed system for greenhouse gas emissions allowance trading.

The text of the Common Position is under review, to be technically and linguistically finalised with a view to be sent formally to the European Parliament as soon as possible.

It is expected that the Common Position will be ready for transmission to the Parliament by the end of March.

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Question no 20 by Bill Newton Dunn (H-0895/02)

Subject: Reducing greenhouse gas emissions

What progress has the Council made with reducing energy consumption within its own buildings, in order to set a good example to the rest of the Union?

Answer

(EN) With regard to this question, I want to assure the honourable Member that the Council is strongly committed to further the implementation of the Kyoto Protocol and also concerned about the consumption of energy.

[2] OJ L 257, 10.10.1996, p. 26

In this respect I would like to make reference to the adoption of the most recent Directive on the Energy Performance of Buildings (Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002). The basic objective underlying this Directive is to promote improvements of the energy performance of buildings within the EU. Energy efficiency in buildings is also promoted through the so-called SAVE Directive (93/76/EEC).

Furthermore, in its Conclusions of 30 May 2000 and of 5 December 2000, the Council endorsed the Commission's Action Plan on Energy Efficiency and requested specific measures in the building sector.

Additionally, the Council has acknowledged the importance of energy efficiency in its conclusions of 10 October 2000 on common and co-ordinated policies and measures in the European Union to reduce greenhouse gases emissions, thus contributing to the objectives of the European Climate Change Programme (ECCP).

As to its own policy regarding its buildings, for several years now the Council's services have been taking steps to reduce energy consumption.

In the Council's buildings this essentially means energy saving by:

– automatic or remote switching-off of office lights;
– the replacement of old lighting by more efficient new equipment;
– improving heating and air conditioning equipment and control systems.

For a new building currently at the planning stage, which will feature the most economical energy consumption techniques, a co-generation (combined electricity and heat) plant is planned.

As regards transport, the Council has taken the following steps:

– it has recently published a call for tenders for the appointment of a consultant to assist the Council in establishing and implementing an in-house transport plan;

– in connection with this last point, the number of parking spaces in the Council's buildings has been cut by 10%, and the number of spaces for bicycles has been increased.

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Question no 21 by Yasmine Boudjenah (H-0894/02)

Subject: Situation in Western Sahara

The Council presidency issued a statement on Western Sahara on 29 December 1998. Since then there has been a stalemate, not least because of obstructive manoeuvring by the Moroccan Government, aimed at preventing a referendum from being held. The absence of a just settlement of the conflict is affecting stability throughout the Maghreb region.

Is the Council determined to take a strong initiative, for example by adopting a new statement, in order to relaunch the peace process and bring about 'the holding of a free, fair and impartial referendum on the self-determination of the people of Western Sahara' (in accordance with the commitment made by the Council presidency in December 1998)?

Answer

(FR) The Council is following discussions within the United Nations Security Council closely. It fully supports the efforts made by Mr James Baker, the personal envoy of the United Nations Secretary-General, in search of a lasting solution which fully respects human rights and democracy. The United Nations has demonstrated its willingness once again to do everything necessary to resolve the problem. Mr Baker made a further visit to the region in January.

In the meantime, the European Union believes humanitarian action must be taken now, without waiting for trust between the parties to be re-established. Consequently, in December last year the European Union once again reiterated to the parties that the Moroccan prisoners of war still in the Tindouf camp should be released as a matter of urgency. They are being held in particularly unpleasant physical and psychological conditions.

In the current circumstances, the Council does not envisage adopting a position such as that suggested by the honourable Member on this issue.

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Question no 22 by Josu Ortuondo Larrea (H-0897/02)

Subject: Council of Ministers of Agriculture and Fisheries in Brussels on 16 December 2002

The Council of Ministers of Agriculture and Fisheries of the EU met in Brussels from 16 to 19 December 2002. Three Spanish autonomous regions with legislative competence for agriculture and fisheries, Andalusia, Galicia and the Basque Country, had asked the Spanish Permanent Representation to the EU whether they might be allowed not actually to take part in the meeting, but simply to have access to the press room, where the media are informed directly about progress made in negotiations between the various government representatives. The Council is fully aware of the current importance of the decisions adopted at that meeting. However, the Spanish Government refused.

Can the Council presidency therefore say whether the national delegations included representatives of territorial sub-divisions, such as federal states, regional governments, constitutional regions, autonomous governments, etc. and, if so, which Member States were involved? Similarly, can it say whether there have been other occasions on which these regional representatives took part in any of the sectoral meetings of the EU Council of Ministers? Does it not consider it illogical that the Spanish Constitution should establish the existence of the autonomous regions, but that central government should not allow such regions to uphold their constitutional competences in the Community decision-making process and have first-hand knowledge of the measures affecting them?

Answer

(FR) The Belgian delegation to the Agriculture and Fisheries Council held from 16 to 20 December 2002 referred to by the honourable Member was composed of the Federal Minister responsible for agriculture together with the Agriculture Ministers in the Walloon and Flemish Governments.

More generally, it has indeed been the case on several occasions that when Council meetings have dealt with legislative issues falling within the competence of territorial sub-divisions in certain Member States, those States have included representatives of the sub-divisions in their delegations.

The honourable Member's attention is drawn to Article 203 of the TEC which lays down that the Council is to be composed of a ministerial level representative of each Member State. It also states that this person must be authorised to commit the government of the Member State. This is enshrined too in Annex I of the Council's internal regulations in the provision stating that it is incumbent on each Member State to determine its representation on the Council.

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Question no 24 by Ole Krarup (H-0899/02)

Subject: José María Sison/List of suspected terrorists

No criminal charges have been brought against Professor José María Sison either in the Netherlands, the Philippines, the USA or anywhere else in the world.

Will the Council explain the reasons behind the decision to include him on the list of suspected terrorists?

Question no 25 by Jonas Sjöstedt (H-0900/02)

Subject: Philippine organisations and the EU's list of terrorists

The Supreme Court of the Netherlands, De Raad van State, has ruled in a judgment that Professor José María Sison is a political refugee within the meaning of Article 1A of the UN Convention on the Status of Refugees. The UN Commissioner for Refugees and Amnesty International have also confirmed this.

How can the Council - on the basis of US President Bush's word alone - declare José María Sison to be a terrorist?

Question no 26 by Herman Schmid (H-0903/02)

Subject: Philippine organisation and the EU's list of terrorists

The New People's Army of the Philippines must be removed from the EU's list of terrorist organisations. Is it not true that the Council has approved the comprehensive agreement on respect for human rights and international humanitarian law concluded between the Philippine Government and the National Democratic Front of the Philippines?

Question no 27 by Marianne Eriksson (H-0001/03)

Subject: The New People's Army and the terror list

Has the EU Council considered the declaration of the National Democratic Front of the Philippines to adhere to the Geneva Conventions and Protocol 1, subscribed to by the New People's Army, among others, and deposited with the Swiss Federal Council and the International Committee of the Red Cross in July 1996? How can such an organisation as the New People's Army be called terrorist when it adheres to the Geneva Conventions and Protocol 1?

Joint answer

(EN) Allow me to reply jointly to the four questions on Philippine organisations and the EU's list of terrorists presented by the honourable Members.

The Council has not held a discussion on any agreement regarding the respect of human rights and international humanitarian law negotiated between the Philippine Government and the National Democratic Front of the Philippines (NDFP). Neither has it discussed the declaration of the NDFP to adhere to the Geneva Conventions and Protocol 1.

As regards the person in charge of the New Peoples Army, Mr. Jose Maria Sison, the Council decision on 28 October 2002 to include him in the EU list was based on a detailed and in-depth examination of available information fully respecting the criteria laid down in Article 1(4) of Common Position 2001/931/CFSP of 27 December 2001.

The Council would like to remind the honourable Members that bringing criminal charges against a person is not a pre-requisite to put that person on the list. Indeed, the criteria for the inclusion is strictly those laid down in Article 1(4) of the Common Position referred to above.

The Council would also like to clarify that Mr Sison has never been granted the status of political refugee within the meaning of Article 1A of the UN Convention on the Status of refugees. A request by Mr Sison to be granted that status in the Netherlands was rejected in Court on the grounds that there were serious reasons to suspect that Mr Sison had committed crimes in the Philippines as referred to in Article 1F of the Convention on Refugees. This decision has been upheld by all Courts of appeal in the Netherlands. Nevertheless, as far as the Council is informed, Mr Sison, though deprived of official status, has not been expelled to the Philippines.

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Question no 28 by Lennart Sacrédeus (H-0901/02)

Subject: The Copenhagen criteria and occupation of a future Member State

Does the Council consider the fact that Turkey has occupied 37 per cent of the Republic of Cyprus since 1974 to be consistent with the Copenhagen criteria concerning human rights, democracy and market economy? Is it possible for a

country such as Turkey to open accession negotiations with the Union when it continues to occupy a future Member State such as Cyprus?

Answer

(EN) The European Union has constantly reaffirmed its position on Cyprus. The Council invites the honourable Member to refer to the conclusions of the European Council which have regularly recalled the EU position. In particular, the Council underlines the conclusions of the European Council following its meeting in last December, in Copenhagen, which encourage Turkey to pursue energetically its reform process. As a matter of fact, if the European Council in December 2004, on the basis of a report and a recommendation from the Commission, decides that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.

It is clear that the EU expects Turkey to co-operate constructively towards achieving a solution. Under the existing accession partnership, Turkey is required to support strongly the UN efforts to bring about a comprehensive settlement. Last year, the UN have submitted a plan for a comprehensive settlement of the Cyprus problem. This plan forms the basis of the current negotiations between the two Cypriot communities. The Council underlines that in Copenhagen it has been decided that as the accession negotiations have been completed with Cyprus, Cyprus will be admitted as a new Member State to the European Union and in paragraphs 10 to 12 of the Presidency conclusions, the Council has recalled its willingness to accommodate a settlement in line with the principles on which the EU is founded.

The new Turkish government has repeatedly stated that it supports the negotiation process on the basis of the UN plan, though substantial and constructive initiatives from the Turkish side remain to be seen. The EU is looking forward to a rapid agreement with the support of Turkey, hopefully in March, in accordance wit the new UN timelines and still in time to enable the signing of the accession treaty by a united Cyprus on 16 April 2003.

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Question no 29 by Brian Crowley (H-0904/02)

Subject: Tourism strategy and the Greek Presidency

Given the very important role played by the tourism sector in the economies of all the Member States, particularly in the less favoured areas, and taking into account the forthcoming enlargement of the European Union, will the Greek Presidency state whether or not it intends to promote a tourism strategy for the present and future European Union?

Answer

(EN) The honourable Member will be aware that following the adoption by the Council on 21 May 2002 of the resolution on "The Future of European Tourism", it is the intention of the Greek Presidency to ensure that good progress continues to be made on a common strategy regarding the future of European tourism. Within this framework it will emphasise the following aspects:

the development of the necessary mechanisms for the integration of the interests of tourism into Community policies and especially those related to:

- transport;
- protection of the consumer;
- employment;
- the relevance of European tourism to competitiveness and the development of the European economy;
- the sustainable development of tourism following the drawing up and implementation of an "Agenda 21" for tourism.

In addition the Presidency recognises the need for:

- a dialogue between the public sector and Europe's tourism industry, mainly within the framework of the annual European Forum;
- the promotion of cooperation networks, especially in cases of inter-regional or cross-border cooperation with Community support;
- strengthening the efforts to facilitate the access of people with special needs to tourist sites and activities, particularly in view of 2003 as the international year for the disabled.

All these aspects should ensure a good foundation for the development of the tourism industry in the future, enlarged union.

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Question no 30 by Liam Hyland (H-0906/02)

Subject: European Action Plan for organically produced food

The Agriculture and Fisheries Council meeting in Brussels in December 2002 was due to consider a Commission working document analysing the possibilities of a European Action Plan for organically produced food and organic farming and hold a policy debate on the subject. Will the Council under the Greek Presidency outline the outcome of this policy debate and what plans it has to pursue this matter further?

Answer

(EN) At its December 2002 meeting, the Agriculture and Fisheries Council took note of a presentation by the Commission of a working document analysing the possibilities of a European Action Plan (EAP) for organically produced food and organic farming. The Council held a policy debate on this subject, focussing its attention on key issues raised by the analysis with a view to enlighting possible elements for the EAP. Previously, questions regarding the future EAP had already been examined at the Special Committee on Agriculture as well as by the Council itself, in September 2002 meeting, when the Commission presented the state of play in this sector.

The Council took note of the time-table envisaged by the Commission, starting with an in-depth consultation of Member States and stakeholders on the basis of its working document and a previous questionnaire, followed by information to the Council on the progress of ongoing work by mid-2003, and by proposals for appropriate measures before the end of 2003.

In light of the broad support expressed by delegations to the project of a future EAP, the Council under Greek Presidency will follow the work progress closely and will provide for expert input where required, while looking forward to the Commission report on the state of play to be presented by mid-2003.

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Question no 31 by Seán Ó Neachtain (H-0908/02)

Subject: Islands policy

With 227 inhabited islands in Greece, the island phenomenon is a notable feature of the country. Taking into account Ireland's status also as an island economy and the many other island communities in the EU, does the Greek Presidency have any plans to promote a more active islands policy at EU level over the coming six months?

Answer

(EN) The Council attaches great importance to the future of the policy on economic and social cohesion and will examine with interest, during the Greek Presidency, the 2nd Interim Report on Cohesion presented by the Commission. In this framework, the Presidency will promote the dialogue on the future of cohesion policy after enlargement and on the policies to assist areas with particular structural disadvantages, such as the islands.

There is no intention to promote during this period a more active islands policy, as such, but this issue will be on the Council agenda once the Commission has put forward its proposals for the new regional policy from 2007.

The Council is following closely and with great interest the work which is being carried out by the Commission in this field, especially as a study on the island regions is about to be concluded. This study will contribute to a wide-ranging debate that will give the Commission hints on the preparation of the Third Cohesion Report on Economic and Social Policy (end of 2003). This report will in term contribute to the drafting of the new regulations.

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Question no 32 by Gerard Collins (H-0002/03)

Subject: Appointing an EU Special Representative to Nepal in 2003

In answer to my previous question (H-0808/02[3]) on the appointment of an EU Special Representative to Nepal, the Council stated that the issue had been raised but not further pursued. The Council also pointed out that the Asia Working Group had discussed the political developments in Nepal on 5 December last, including the prospect for increased international involvement in the conflict.

Will the Council under the Greek Presidency state if it intends to pursue the possibility of appointing an EU Special Representative to Nepal to mediate between the government of Nepal and the Maoists, and will it further indicate what is the Council's current thinking on increased international involvement in trying to find a way to resolve the conflict?

Answer

(EN) The Council is increasingly concerned with the deteriorating security situation and the violations of human rights and humanitarian law in Nepal. In its declaration issued on 18 December 2002, the EU stressed the need for an "assertive reform and development agenda underlining the imperative need to tackle poverty, exclusion and discrimination, poor governance including corruption as the root causes of the conflict". The European Union feels that significant reform cannot be carried out in the absence of rule of law in an atmosphere of impunity and fear.

On the same occasion, the EU unreservedly condemned the ongoing insurgency and the increasing outrages and called on the Maoists to immediately stop the systematic campaign of killings, harassment and destruction.

The EU is prepared to contribute to international efforts towards stabilising the security situation, defusing the crisis, promoting confidence-building measures, assisting to reach a peaceful settlement to the conflict, and supporting a lasting solution. At this stage, however, the Council is not considering the question of an EU Special Representative for Nepal.

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Question no 33 by Niall Andrews (H-0004/03)

Subject: EU position for 46th session of UN Commission on Narcotic Drugs, April 2003

The Presidency will be aware of the mid-term evaluation of the EU Action Plan on Drugs (2000-2004) published on 4 November 2002 by the Commission in which it expressed concern at the continued high levels of drug misuse, drugs trafficking and the damage caused to societies through drug-related crime, health problems and social exclusion. Taking into account the conclusions and proposals in the Commission's evaluation and the views of the Justice and Home Affairs Ministers who met in Denmark last September and who emphasised the dangers of synthetic drugs, will the Greek Presidency outline what preparations it is now making to establish an EU position in advance of the holding of the 46th session of the UN Commission on Narcotic Drugs which is due to be held in April 2003?

Answer

(EN) The preparation for the 46th session of the UN Commission on Narcotic Drugs has started in the competent Council bodies in Brussels and in Vienna but it is still at a preliminary stage. The session that is to be held from 8 to 17 April 2003 has a ministerial segment on 16/17 April 2003 at which difficulties encountered in meeting the goals and targets set out in the Political Declaration adopted by the General Assembly at its 20th special session in June 1998, will be discussed.

In the preparation for the statements of the Presidency at the regular session as well as at the ministerial segment, due account will be given to the orientations contained in the note on the mid-term evaluation of the European Union Action Plan on Drugs. This note reports a need for increased attention to the growing threat posed by production and consumption of synthetic drugs.

[3] Written answer 18.12.2002.

With regard to the ministerial segment of the 46th session of the UN Committee on Narcotic Drugs, the draft statement proposal includes specific points on the consumption and trafficking in synthetic drugs as well as on precursors.

As far as the regular session is concerned, specific steps taken within the framework of the Horizontal Working Party on drugs might lead to a joint E.U. position on synthetics, taking into account the draft recommendations by the Greek Presidency on **"early intervention to prevent drug dependence, associated risks and criminality among young people using drugs"**. The recommendations are based on scientific evidence indicating that synthetic drugs use involves important risks for both physical and mental health. Special attention is given to young people at an early-stage of substance use-experimentation, occasional, recreational or circumstantial use.

The Greek Presidency intends to organise a special EU meeting on the profiling of precursors with the participation of experts (forensic scientists) from Member States which will be held in the margin of the Horizontal Drugs Group (probably in March).

With regard to follow-up of the midterm evaluation of the EU Action Plan on Drugs (2000-2004) the Greek Presidency in co-operation with the European Commission is considering to set specific targets in order to implement the activities related to synthetics.

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Question no 34 by James (Jim) Fitzsimons (H-0006/03)

Subject: Integrating health and safety issues in the education curricula

The Commission has made it clear and I share its view that the development of a real prevention culture in the area of health and safety at work is particularly important. This incorporates the need to integrate health and safety issues in the education curricula from an early age and throughout school. Does the Greek Presidency share this point of view and, if so, how does the Greek Presidency together with the other Member States plan to promote the desired prevention culture, particularly in relation to the education curricula and school life?

Answer

(EN) The Council thanks the honourable Member for his question and refers him to Article 149(1) of the Treaty which states that the Community shall contribute to the development of quality education by encouraging co-operation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Council, in its resolution of 3 June 2002 on a new Community strategy on health and safety at work (2002-2006) [4], stated that the European social model is based on a smoothly operating economy, on a high level of social protection and education and on social dialogue, which involve improving quality of employment with particular reference to health and safety at work. It also noted that, in order to instil a culture of prevention and influence behaviour, it is necessary to promote a prevention culture right from the earliest stages of education. The Council therefore called on the Member States to instil a real culture of prevention by, inter alia, including basic occupational prevention principles in educational curricula and further training schemes.

In the same resolution, the Council further noted the need to promote the inclusion of health and safety at work in other Community policies and that, in that connection, it will be necessary to develop a co-ordinated approach with other policies pursuing protection objectives and based on preventive measures, especially, inter alia, education policy.

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Question no 35 by Herman Vermeer (H-0009/03)

Subject: Pubic service requirements

[4] OJ C 161, 05.07.2002, p. 1-4

Can the Council report the precise state of progress of negotiations in the Council on the Commission's proposal for a regulation on action by Member States concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway?

Answer

(EN) The Council informs the honourable Member that the Council examined in detail the original Commission proposal for a Regulation of the European Parliament and of the Council on action by Member States concerning public service requirements and the award of public service contracts in passenger transport by rail, road and inland waterway during the Swedish Presidency in the first semester of 2001. The examination was resumed under the Spanish Presidency in the first semester of 2002, after the amended Commission proposal was presented. This work could however not be concluded.

As regards the future handling of the proposal, the Council underlines that - once the examination of the proposed Regulation will be continued - a number of key issues on which delegations' views still diverge will have to be tackled.

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Question no 36 by Ioannis Marinos (H-0013/03)

Subject: Circulation of counterfeit euro notes

It has been reported in the Greek press that counterfeit euro notes (mainly in denominations of 10, 20, 50 and 100 euros) have been found in all kinds of enterprises - both large and small - throughout Greece, especially over the last five months. According to recent reports, there are even counterfeit 5 euro notes in circulation. In December 2002 alone two thousand counterfeit banknotes were seized, half the total number seized during the whole of last year. It should be borne in mind that Greek enterprises have been forced to obtain special counterfeit money detection pens and optical readers, thereby incurring additional costs. However, this method is not entirely reliable, since this equipment is 'fooled' by genuine, but very worn, banknotes; the person bearing the notes is then put to a lot of trouble without being in any way to blame. For in Greece whenever a counterfeit banknote is found, the bearer is immediately taken to the police station where the procedure for in flagrante crimes is initiated, even if he was unaware that he was using counterfeit notes.

What immediate measures does the Council intend to take, in cooperation with the European Central Bank, to provide a radical response to the phenomenon of counterfeit euro banknotes which come from counterfeiting workshops both within and outside the European Union?

Answer

(EN) First of all it should be recalled that, in accordance with the competencies laid down in the Treaty, in particular in Art. 106 thereof and in Art. 16 of the Statute of the ESCB and the ECB, it is not for the Council but for the ECB to lay down the design features, which include the necessary anti-counterfeit features, of the banknotes issued by the ECB and the national central banks.

This being said, it should be underlined that, according to the recent report of the Commission on the practical experience gained with one year of circulation of Euro banknotes and coins (doc. COM(2002) 747 final), counterfeiting of Euro notes and coins has, since their introduction as from 1.1.2002, taken place at a much smaller scale than what was previously experienced with national banknotes and coins. According to the relevant statistics of the ECB, only 22.000 false Euro banknotes were discovered during the first six months of 2002 constituting only $\pm$ 7 % of the total of false national notes discovered during the same period of 2001.

Furthermore, this number of 22.000 discovered false Euro notes (of which 65 % 50 Euro notes) has to be compared with the total number of 59 million Euro note in circulation.

As confirmed by the above Commission report, this seemingly satisfactory state of affairs is due to the sophisticated safety features, which protect the Euro notes, and coins against counterfeiting.

Thus the present anti-counterfeit features of Euro banknotes provided by the ECB seem to have proven themselves satisfactory.

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Question no 37 by Marco Cappato (H-0022/03)

Subject: Violation of fundamental rights and freedoms on grounds of sexual orientation in Egypt

According to AFP, on the 9 January 2003 the Egyptian police arrested a 30-year-old man after chatting with him on an Internet website he had set up to seek potential partners. Police, in an undercover operation, chatted with the man over the Internet passing themselves off as a potential gay lover and arranged to meet with him. At the meeting place, they arrested him. On 22 December, another Egyptian citizen, a gay dentist who had created a similar website, was arrested in the same manner. Furthermore on 25 January, the Egyptians rounded up in May 2001 at an evening boat party on the Nile and accused of gay acts will appear for another hearing in their retrial. What initiatives did and will the Council take on the repeated and serious violation of citizens' fundamental rights in Egypt on grounds of sexual orientation? Did the Council express EU concern on these new arrests to the Egyptian authorities? Is the Council following the hearings of the Queen Boat trial?

Answer

(FR) The Council has followed the Queen Boat case and is continuing to study it closely. It is paying particular attention to the retrial of the 50 or so people charged.

The European Union believes that the signature of the Association Agreement with Egypt has brought a new dimension to our relations with the country. This allows for dialogue on the subject of human rights and fundamental freedoms. Consequently, the heads of mission on the ground, as a troika, initiated a dialogue with the Egyptian authorities. They expressed their particular concern about cases relating to homosexuality. They emphasised that universal and internationally recognised values are at issue in such cases. The Egyptian side responded stating that homosexuality is not illegal in Egypt but that the arrests in the Queen Boat case had been made on the grounds of public prostitution and provocation, including use of the Internet.

The Council will continue to follow the case closely and to defend the values and principles on which the European Union is founded.

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Question no 38 by Arlene McCarthy (H-0025/03)

Subject: EU judicial cooperation in cases of divorce and parental responsibility

Would the Council provide an update on progress made in Council on the proposal for a Council regulation concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility?

Does the Presidency-in-Office agree that this regulation can only be effective if Member States are committed to its implementation?

Answer

(FR) The Council informs the author of the question that detailed examination is in course of the proposal submitted by the Commission on 6 May 2002 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 and amending Regulation (EC) No 44/2001 with regard to maintenance payments.

This proposal was submitted following the debate on the initiative submitted by France on 3 July 2000 aiming to abolish the exequatur for the party to a decision on parental responsibility covered by Regulation 1347/2000, concerning visiting rights, and in response to the Commission's initial proposal of 7 September 2001.

At its meeting of 28 and 29 November 2002, the Council reached an agreement on one of the most complex elements of the proposal, i.e. that relating to child abduction. The solution that met with consensus proposes, notably, arrangements for ascertaining whether the jurisdictions of the Member State in which a minor is habitually resident retain their competence in cases where a child has been illegally removed or has not been returned, and the conditions that should be verified in

cases where a decision on non-return of a child has been made in the Member State in which the child is present after being illegally removed or not returned.

To this effect, it is proposed that there should be a specific procedure for cooperation between the competent authorities of the Member States concerned, notably where a decision on non-return has been made by a jurisdiction of the Member State in which the child is present after being illegally removed or not returned.

In addition, reference to the 1980 Hague Convention is proposed for the procedures for returning a child who has been illegally removed or not returned. Also proposed are specific provisions for reinforcing the effectiveness of the Hague Convention at Community level.

Finally, it is proposed that a subsequent decision of a jurisdiction in the Member State of habitual residence of the child should be recognised and executed in another Member State without a prior requirement of a declaration recognising its executability and without any possibility of opposing recognition if the decision has been certified in the Member State where it was made.

The Council expects substantial progress to be made in 2003 with a view to the regulation being adopted this year.

The Greek Presidency has launched discussions in the relevant committee of the Council on the scope of the regulation and the definitions contained in it, as well as on cooperation between the competent authorities in the Member States. It believes that a political agreement on the proposal as a whole should be possible during its term of office.

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Question no 39 by John Joseph McCartin (H-0032/03)

Subject: Eastern Rite Catholic Church

Is the President-in-Office aware of religious discrimination against the Eastern Rite Catholic Church in Romania and the failure of the Romanian authorities to give protection to their property and their right to worship?

Answer

(EN) The Council attaches the utmost importance to the respect, by the candidate countries, of human rights, including religious freedom. With regard to Romania, the Council notes that the Commission's 2002 Regular Report on Romania's progress towards accession, which was issued in October 2002, has concluded that, in general, Romania continues to fulfil the Copenhagen political criteria and has made progress since 1997 in consolidating and deepening the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for the protection of minorities. The findings of the Commission were endorsed by the Brussels European Council on 24/25 October 2002.

As regards the specific issue raised by the Honourable Parliamentarian, the Regular Report states that freedom of religion in Romania is guaranteed by the Constitution and is observed in practice. There is however a particular issue concerning the property of churches. In this regard, the Report notes that " In July 2002, Parliament adopted legislation that clarified the process of restituting property confiscated from churches. The legislation extends the scope of the previous law in several important respects. However, only church property is covered and there is presently no legal framework for the restitution of actual churches. This is a particularly important issue for the Greek-Catholic Church which had a large number of properties confiscated by the Communist regime but still has no legal redress. The Government has committed itself to producing specific legislation on this issue but delays in preparing such a law means that there has been no substantial progress."

The Presidency would like to assure the Honourable Parliamentarian that the Union will continue to monitor the situation in Romania in the framework of the pre-accession strategy and, should the need arise, will discuss the matter with the Romanian side, in particular within the bodies established by the Europe Agreement such as the Association Council and Association Committee.

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Question no 41 by Richard Howitt (H-0041/03)

Subject: Participation of Development Ministers in the General Affairs and External Relations Council

When Development Ministers met in the General Affairs and External Relations Council on 10 December there was confusion regarding when the national Development Ministers should be present to be included in the discussion.

For the meetings of 18 March and 19 May, can the President-in-Office confirm which items are expected to be included as Development issues, confirm what arrangements will be made to make it clear to Development Ministers when they should be present, and identify what criteria will be used to determine which items will be treated under the Development agenda?

Answer

(EN) The decisions adopted by the European Council in Seville in June 2002 answered the need for the EU to adjust its decision-making structures in view of the forthcoming enlargement. The heads of State or government decided to reduce the number of Council formations and to integrate all matters relating to the Union's external actions within the new General Affairs and External Relations Council (GAERC). This decision aims at accommodating the objective of enhancing coherence between the components of the Union's external policies, while at the same time avoiding the risk of breaking up policy domains such as development co-operation.

The integration of development in this enlarged political forum should be considered as beneficial for development policy. By integrating development in this new structure the Council stresses the important role development plays as part of the EU external policy. The GAERC constitutes also an important effort to strengthen the EU's capacity to respond to development needs in a more coherent manner.

The Greek Presidency of the Council attaches great importance to fully implementing the Seville decisions, continuing what had already been done after Seville, i.e. to concentrate the agenda items on developmental co-operation at one or two sessions of the GAERC. It has planned an Orientation Debate to examine ways and means to further improve the efficiency of external actions of the EU. At the session of 19 and 20 May 2003, among others, development issues such as untying of aid as a way to enhance the effectiveness of aid, integrating migration issues into the EU's external relations with third countries and the participation of non-state actors in EC development policy, are planned for discussion.

The Presidency, which is responsible for the organisation of work of the Council, will take the necessary practical steps to allow Member States to decide in the best and more suitable conditions, upon the composition of their delegation including the possibility to invite Development Ministers to fully take part in these discussions for that purpose and as laid down in Article 3 of the Council's rules of procedure, the draft agendas of the sessions of the GAERC will be established by the Presidency at least 14 days before the meetings.

The priorities of the Presidency are well known in the European Parliament and in the Council in all aspects, including development policy.

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Question no 42 by Bill Miller (H-0042/03)

Subject: Rape allegations in Greece

Does the Council believe that an EU citizen can have a fair trial in another EU Member State if documentation relating to the case is not provided in the language of the accused?

Answer

(EN) The Council has a responsibility, when it adopts any measures, to ensure their compatibility with international human rights standards, including standards on fair trials. In several recent acts in the field of judicial cooperation in criminal and civil matters the Council has ensured that procedural documentation will be drawn up or translated in a language which the addressee understands.

However, it is not for the Council to express itself about the conduct of individual proceedings in Member States.

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Question no 43 by Proinsias De Rossa (H-0043/03)

Subject: Abolition of duty on weapons imports regulations

Why was the regulation abolishing duty on weapons imports, proposed by the European Commission in 1988[5], adopted without debate by the ECOFIN Council on 21 January, when it was discussed at Council level, and what elements of the original proposal have been amended and why?

Answer

(EN) The Regulation suspending import duties on certain weapons and military equipment was formally adopted by the Council on 21 January 2003 after a political agreement had been reached in the Permanent Representatives Committee in December. As the honourable Member of Parliament points out, the Commission's proposal was presented already in 1988 but it was not until the second half of last year, under the Danish Presidency, that efforts to bring this matter to a final and successful outcome.

With regard to the elements amended compared to the initial proposal, the honourable Member's attention is drawn in particular to the scope of products covered by the Regulation. In the proposal from 1988 it was foreseen to grant tariff suspension to products contained in an 8-digit CN code list.

This list was modified to a 4-digit CN code list and at the same time it was spelled out clearly by which national authority the goods would have to be imported and that they had to be used by or on behalf of the military forces of a Member State. All these modifications have been introduced in order to clarify to the maximum extent possible the scope of products and the conditions under which they would be covered by the Regulation.

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Question no 44 by Rodi Kratsa-Tsagaropoulou (H-0053/03)

Subject: The Barcelona Process

One of the priorities of the Greek Presidency is to promote the Euro-Mediterranean Partnership. What specific actions does the Council intend to take to strengthen and promote this process?

Does it intend to take any initiatives relating to the newly established Euro-Mediterranean Investment Mechanism, and how does it intend to strengthen it as the appropriate structure for encouraging investment activity in the Mediterranean region?

There have been exceptional delays in implementing the First Regional Programme to promote the participation of women in economic and social life and development (decided by the Belgian Presidency in 2001). Does it intend to take specific initiatives to expedite it?

Answer

(EN)

1. The Euromed partnership has shown its resilience and has allowed its participants to engage into an open dialogue on all the issues of common interest. The Greek Presidency has indicated its intention to give special priority to the implementation of the Valencia Action Plan. This Plan was adopted by the Euro-Mediterranean conference of Foreign Ministers held in Valencia on 22-23 April 2002 which allowed for a renewed mutual commitment with the aim to give a greater depth to the Euro-Mediterranean partnership. The Action Plan adopted by the Conference gave a political impetus to the process and aimed at contributing substantially to the pursuit of the objectives of the Barcelona Declaration reinforcing the sense of co-ownership of the partnership. In the area of the dialogue of cultures an Action Programme was adopted and the principle of the creation of an Euro-Mediterranean Foundation was agreed. Furthermore, the regional co-

[5] OJ C 265, 12.10.1988, p. 9.

operation programme in the field of Justice, in combating drugs, organised crime and terrorism as well as co-operation in the treatment of issues relating to the social integration of migrants, migration and movement of persons adopted in Valencia, will be implemented during this year.

2. As regards financial assistance, the new Facility for Euro-Mediterranean Investment and Partnership (FEMIP), established within the EIB to promote infrastructure and private sector investment, was launched in Barcelona on 18 October 2002 and started its operations. The incorporation of an EIB majority-owned subsidiary dedicated to the Mediterranean partner countries will be considered one year after the launching of the Facility.

3. During the Greek Presidency a mid-term Euro-Mediterranean Conference of Foreign Ministers that will be held in Crete on 26/27 May 2003 will be an opportunity to take stock of the progress made in the implementation of the Valencia Action Plan and to give fresh impetus to the work of the partnership in the run-up to the evaluation scheduled for the Naples Ministerial meeting in December 2003.This Conference will also be attended by the 8 acceding States which are not yet members of the Barcelona Process and will provide an opportunity for political discussions of how the Euro-Mediterranean partnership will be enhanced following enlargement. The 3rd Ministerial Energy Conference, which will be held on 20-21 May in Athens, will set out the framework for a new Euro-Mediterranean Action Plan on Energy. Furthermore, the Greek Presidency will facilitate the establishment of an Euro-Mediterranean Parliamentary Assembly.

4. On the bilateral level, relations of the Mediterranean partners with the EU have progressed significantly. During the Greek Presidency 2002, the interim Agreement between the Community and Lebanon will enter into force on 1st March. Two negotiating sessions with Syria will be held. An Association Council with Morocco was held on 24 February and a ministerial meeting with Egypt as well as a Troika meeting with Algeria are foreseen in June. These are important developments for the fulfilment of the objectives of the Barcelona Declaration as well as the reinforcement of the South-South co-operation in the Mediterranean region.

5. As regards enhancing opportunities for women in economic life, the relevant programme is included in the list of programmes to be launched in the 2002-2004 period under MEDA Regional Cooperation. Following information provided by Europe-Aid of the Commission, the regional programme which will focus on access and participation of women in the labour market as well as the promotion of the role of women in business, will be launched during 2004.The Commission has indicated that the necessary procedures for the choice of the consultants that will be in charge of the programme will be finalised during the first half 2003.

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Question no 45 by John Walls Cushnahan (H-0057/03)

Subject: Counterfeit goods from accession countries

It has been reported recently that the Commission has proposed new laws to tackle the increasing volumes of counterfeit goods which are entering the EU illegally. The health and safety of European citizens is at risk, particularly from counterfeiting in medicine, car parts and toiletries. As it has been acknowledged that the main source of these counterfeit products is Eastern Europe, including some of the accession countries, what measures does the Council intend to take to deal with potentially dangerous counterfeit goods coming from the accession countries and what measures will be taken against accession countries which do not enforce the necessary measures?

Answer

(EN) The Council underlines that, already during the pre-accession period, in the context of the bodies set up by the Europe Agreements with the candidate countries, and on the basis of the provisions foreseen in these agreements, the issue of the protection of intellectual, industrial and commercial property rights has consistently been addressed with the candidates by the EU.

With EU membership, acceding countries are taking over all obligations stemming from the Treaties. As underlined by the European Council in Copenhagen, monitoring up to accession of the commitments undertaken will give further guidance to the acceding states in their efforts to assume responsibilities of membership and will give the necessary assurance to current Member States. The Council will continue to closely follow these issues, in particular on the basis of the monitoring reports the Commission will present.

If a new Member State failed to live up to its obligations, for instance in relation to combating counterfeiting, the infringement procedures foreseen in the Treaties would apply. In addition, in order to respond rapidly to unforeseen

developments that may arise during the first years after accession, safeguard clauses have been enshrined in the Treaty and Act of Accession that provide for measures to deal with these developments in a rapid an efficient manner. Two specific safeguard clauses concern the operation of the internal market, including all sectoral policies that concern activities with a cross-border effect, and the area of justice and home affairs.

These safeguard clauses will permit the Union to adopt proportional measures for addressing cases where new Member States fail to implement their obligations, and are aimed at ensuring the proper functioning of the internal market and the justice and home affairs area, which is in the interest of all Member States, current as well as new. Indeed, these are issues of particular concern to the citizens of the EU, as they cover areas such as food safety, safe medicinal products, or human trafficking.

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Question no 46 by Efstratios Korakas (H-0060/03)

Subject: Opening the Year of the Disabled with a strong and heavily armed police presence

The coordinating committee of the movement for the disabled organised a protest march on Sunday, 26 January against the social policy of the Greek Government and the EU, demanding uniform, public, free and high-quality health and welfare provision, insurance for all, public support facilities for the severely disabled, jobs for the disabled capable of working, and public special educational facilities. The march was to have passed by the building in which the Greek Presidency was holding the official inauguration ceremony for the Year of the Disabled. It proved impossible to do so, however, because the marchers were prevented by a strong and heavily armed police presence on the orders of the Greek Government.

Does the Council intend to take measures to meet the demands of disabled people? Does such unacceptable treatment of disabled people by a police force which outnumbered the demonstrators, and the break-up of a totally peaceful march form part of a more general plan for dealing with demonstrations, particularly during a country's Presidency?

Answer

(FR) The Council would remind the honourable Member that pursuant to the Treaty each Member State is responsible for ensuring the maintenance of public order on its territory.

Consequently, the Council is not competent to answer the honourable Member’s question. Further, it must assure him that no global strategy of the type he describes was implemented to deal with the demonstrations referred to.

In this connection, the Council would emphasise that the decision to designate 2003 as the European Year of Disabled Persons was specifically intended to promote implementation of the principles of non-discrimination and integration of disabled persons. The Council believes that this European Year should serve as a catalyst to raise public awareness and improve society’s understanding of the rights, needs and potential of disabled persons.

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Question no 47 by Camilo Nogueira Román (H-0061/03)

Subject: Conflict between the Commission and the Council regarding policy and legislation relating to the transport by sea of petroleum and other hazardous products

The Commission is planning to implement the Erika legislation on the basis of the original texts (which laid down stricter rules designed to make Community waters safe) and by tightening up what has already been adopted by Parliament and the Council. It has also heeded calls from the College of Commissioners for specific EU legislation similar to that drawn up by the USA in response to the 1989 Exxon Valdez accident in Alaska. On the other hand the Council (as demonstrated by the agreements reached at the Council of Transport Ministers with the involvement of the Spanish Prime Minister, José María Aznar) has rejected such an approach, since it wishes EU legislation to continue to be determined by the IMO – a body which offers certain Member States with interests in the maritime sector a better base from which to protect the status quo, thereby allowing the oil companies and a ragbag of international transport groups and mafias to hold sway. Is the Council aware that the Member States and the Commission hold contradictory views which are delaying the implementation of strict, effective laws designed to bring safety to the seas – this being a matter which, on account of the Prestige disaster off

the coast of Galicia, has become urgent in the extreme? What action is the Council going to take in order to resolve this political conflict?

Answer

(FR) The Council would remind the honourable Member that it has already had the opportunity of giving a full account of its position and intentions regarding the transport of hazardous material by sea and of assessing the present situation. This took place in the December plenary at Strasbourg and during the debate on topical issues. The Council would point again to the content of the Presidency conclusions on this issue following the Copenhagen European Council from12 to 13 December 2002 and to the December 2002 Council conclusions.

The Council confirms its previous statements and invites the honourable Member to approach the Commission directly concerning the latter's position on the subject.

The Council is currently examining the Commission proposal concerning the accelerated phasing-out of single-hull tankers and a prohibition of single-hull tankers carrying heavy grades of oil from entering the ports of Member States. The proposal was presented by the Commission on 27 December 2002 in response to the said Council conclusions.

The Council deems it important to have international measures responding to the international character of the shipping industry and with the aim of ensuring globally the highest possible levels of maritime safety and the protection of the environment. For this reason, the Council attaches great importance to the adoption also at international level, through the IMO, of rules reinforcing maritime security. With this objective, the Council conclusions in response to the Prestige accident also invited Member States and the Commission to make every effort to eliminate older single-hull vessels transporting heavy grades of oil through an amendment of the MARPOL Convention and expressed its support for the development in the IMO of a flag State code and a compulsory model audit scheme to ensure that flag States carry out their duties.

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Question no 48 by Hans-Peter Martin (H-0062/03)

Subject: Statute of European political parties

A Statute of European political parties will shortly be presented. It is proposed that EUR 7 million per calendar year will be allocated to fund such parties.

Does the Council deem that amount to be appropriate? Once the Statute has been adopted, does the Council expect the amount to be increased? How will the Council prevent arbitrary increases from being made which will have to be paid for by the European taxpayer?

Answer

(FR) The Council would remind the honourable Member that, within the framework of the 2003 budgetary procedure, EUR 7 million has been allocated as reserve in line B-3-500 by the budgetary authority.

It will be for the budgetary authority to determine the amount deemed appropriate for this line within the framework of the budgetary procedure for the 2004 financial year.

On 21 February 2003 the Commission transmitted to the Council its new draft regulation of the European Parliament and of the Council concerning the statute and financing of European political parties [COM(2003)77 final, adopted on 19 February 2003]. This complied with the new legal basis, arising from the entry into force of the Treaty of Nice on 1 February 2003.

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Question no 49 by Ioannis Patakis (H-0064/03)

Subject: Ban on political parties in Turkey

Turkey is a candidate for accession to the European Union. As part of the accession process, it is required to comply with specific procedures in order to meet the Copenhagen criteria.

What is the Council's position on the fact that in Turkey - in addition to the many other violations of democratic and human rights - the constitution continues to ban any party whose name contains the word 'communist', and what measures will the Council take in this regard?

Answer

(EN) The provisions of the Turkish constitution on political parties do not contain a reference to a ban of parties with the word "communist" in their name. The Council is not aware of a current ban or dissolution of a Turkish political party, or of such a threat, based on the word "communist" in the name of the party.

At the Copenhagen European Council, the EU strongly welcomed the important steps taken by Turkey towards meeting the Copenhagen criteria, in particular through the recent legislative reforms and subsequent implementation measures. It can among other be noted in this regard that the amended article 101 of the law on political parties makes it more difficult to close down a political party.

The EU continues to monitor closely the situation in Turkey in the field of freedom of opinion and of association. In the context of the accession process and of the political dialogue, it presses Turkey to make further progress towards guaranteeing full enjoyment of fundamental freedoms without any discrimination and irrespective in particular of political opinion or philosophical belief, as stipulated in the accession partnership.

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Question no 61 by Enrico Ferri (H-0111/03)

Subject: Request for recognition of the environmental compatibility of fishing for transparent goby

Fishing for transparent goby is carried out in the sea off Livorno, at present by way of derogation from Regulation (EC) 1626/94[6]. The derogation is due to expire on 31 December 2003. Since official research carried out by the Italian Ministry for Agriculture and Forestry Policy indicates that this kind of activity has no adverse effect on the environment, does the Commission not consider that it should intervene and recognise this type of fishing as an authorised activity compatible with the Community legislation in question? In view of the latest guidelines on fisheries policy and since it has been ascertained that this kind of fishing and the fishing gear used - the 'sciabichello' (small trawl-net) - do not in any way jeopardise environmental protection and the conservation of a particular species, does the Commission not consider that it should declare this activity lawful, not least because the uncertainty and insecurity caused by the extension of a derogation already granted are damaging fishing in the Livorno area? If it is not already aware of the problem, can the Commission assure Parliament that it will tackle the issue as a matter of urgency and report back to Parliament without delay?

Answer

(DE) The question relates to fishing for transparent goby, which is practised in many parts of the Mediterranean, using towed nets in shallow waters. The Scientific, Technical and Economic Committee for Fisheries has examined the data provided by the national authorities, the Italian authorities among them, and published its conclusions in its twelfth report, which is before Parliament. According to these, fishing for transparent goby does not endanger other species of fish, but can damage sensitive seabeds.

The Commission will shortly be elaborating new rules for the use of such towed nets, and will be doing so on the basis of the scientific report and following consultation with interest groups, for which purpose it will be organising a workshop in mid-April, at which the necessary measures will be discussed with fishermen and scientists.

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Question no 62 by Carlos Bautista Ojeda (H-0115/03)

[6] OJ L 171, 6.7.1994, p. 1.

Subject: Baseline studies for the CAP proposal

Could the Commission indicate which studies it drew on when drawing up the part of its proposal on the mid-term review of the common agricultural policy which relates to the decoupling of direct aid and to modulation?

Could it also indicate whether these studies were conducted at regional level on Objective 1 producer areas and regions?

Could it indicate whether socio-economic and environmental impact assessments have been carried out in the regions affected by the reform of the CAP, - and more specifically in Objective 1 regions?

Answer

(EN) The Commission proposals for the reform of the Common Agricultural Policy with regard to the decoupling of payments and modulation has been established on the basis of several internal analyses.

First of all, the introduction of a single income payment has been the subject of several quantitative analyses using the internal modelling tools regarding its impact for the agricultural markets and income for the current Union and for an enlarged Union.

The modulation proposal and its impact on the agricultural sector has been analysed using the micro-economic models based on the Farm Accountancy Data Network of Directorate General Agriculture.

The results of these internal studies have been complemented by four external studies carried out by independent experts on the impact of the Mid-Term Review proposals from July 2002.

If these analyses have been carried out either at Community level, national level or regional level (i.e. Nuts 2 level), none of them attempted to examine the specific issue of Objective 1 regions.

Only one of these sector analyses analysed the impact of the reform proposals on the environment (notably for global warming emissions and nitrate surpluses), at regional level.

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Question no 63 by Konstantinos Hatzidakis (H-0120/03)

Subject: Compensation for Greek farmers for damage caused by natural disasters

In recent years, Greece has suffered a succession of natural disasters. Greek farmers are complaining about the delay in paying them compensation. Meanwhile, the government is paying out advances of some 50% from the resources of the Community Support Framework to compensate farmers.

To what are the delays attributable? In which cases is authorisation from the Commission to provide state aid still pending and what are the risks associated with paying advances from the CSF if the Commission has not be informed thereof?

Answer

(FR)
1. The payment delays are due in part to the fact that Greece wishes some arrangements for compensating farmers to be financed from two sources, namely state aid and the so-called National Operational Programme – Rural Development (2000-2006) set up within the framework of the third Community Support Framework for Greece (CSF). They therefore have to be examined under two different sets of regulations.

With regard to state aid, substantial modification of the method of calculating losses used to determine the sums farmers are entitled to was required to deal with the Greek dossiers. This took some time, though it should be emphasised that all the dossiers were dealt with within the time limits laid down in Council Regulation (EC) n° 659/99[7]. Furthermore, for all the dossiers examined, the changes to the aforementioned method of calculation called for modification of the draft Greek

[7] OJ L 83; 27.3.1999

interministerial decision constituting the legal basis for the compensation system. For each case, the Commission had to check the new versions of the interministerial decisions to ensure the changes agreed with the Greek authorities had been transcribed correctly. Following this check, the Greek authorities were authorised to make payments of approved national aid. The use of cofinanced funds was dealt with by a separate decision, as stated in paragraph 3 below.

2. With regard to the outstanding dossiers, the only system on which the Commission has yet to rule is the one on compensation for Greek farmers affected by the fires in the year 2000.

3. With regard to the use of funds from the National Operational Programme – Rural Development set up within the framework of the third CSF for Greece, the Greek authorities should have submitted information on an amendment to the programme. This involved so-called restructuring of the financial tables and should have been submitted prior to the payments being made. It must be emphasised that the programme is intended to support rural development in the country and that unlimited transfer of funds to compensation is likely to be detrimental to its other activities. At this stage, it is difficult to ascertain whether the payment of advances could have legal implications. This is because the Commission is not yet fully informed of the precise use to which the funds were put. It could have been reconstruction or compensation for loss of income. The Commission will only be in possession of this information once the restructuring referred to above has been completed and it has received the draft modification of the programme in question.

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Question no 64 by Konstantinos Alyssandrakis (H-0130/03)

Subject: Compensation to repair the recent damage to infrastructure in Greece and measures to keep checks on construction plans

The severe weather which Greece suffered recently destroyed a large part of agricultural production, caused damage to animals and crops in the country and highlighted the weaknesses and poor quality of infrastructure, particularly roads.

Does the Commission intend to contribute to repairing the damage, using existing or new resources from the Community budget and will it take measures to ensure more effective quality control of the plans and projects in order to guarantee local residents that, in the event of a recurrence of similar weather, they will not again fall victim to shoddy work and substandard planning?

Answer

(EN)
1. The Commission has received a letter from Minister Christodoulakis (Minister for Economy and Finance) addressed to the Member of the Commission in charge of Regional Policy, dated February 20th 2003, announcing the intention of the Greek Authorities to submit a request of assistance by the Solidarity Fund of the European Union ; the Commission has not received any information or request concerning the destruction of the agricultural production caused by the adverse weather conditions that took place there recently.

2. On the basis of the current regulatory framework, the Commission would like to inform the honourable Member that Community financial grants that might be necessary to overcome the specific problems of Greek rural areas can be taken from the total appropriations of the 3rd Community Support Framework (CSF) for Greece (2000-06), including its programming reserve. It should be emphasised that European Agriculture Guidance and Guarantee Fund (EAGGF) Guidance intervention will be limited to the reconstruction of production potential and not to compensate income losses for which such assistance may be given by national funding under the prerequisite of the notification of such State Aids and the Commission approval.

Within this framework, it is up to Greece to submit to the Commission such requests based on objective parameters to support appropriate projects for the reconstruction of production potential and to ensure the quality of the construction works. This responsibility falls to the Member State concerned.

3. The CSF 2000-2006 for Greece provides that the Greek Authorities establish an appropriate scheme monitoring the quality of the studies and of the execution of the works. This scheme should also allow the Managing Authorities of the operational programmes to monitor the quality of the studies, and it foresees the establishment of technical assistance to help final beneficiaries to raise their design capacity.

ESPEL (The Hellenic Quality Control Organism) has also been established by the Greek authorities and has been monitoring the execution of construction projects to prevent low quality work and breaches of legislation since 1998.

In any case, it is up to the Greek Authorities to ensure that the construction of projects co-financed by the structural funds of the Community is of high quality and is done on the basis of adequate studies, including geotechnical studies for road works.

In the case of failure after extreme weather conditions, of roads or other projects co-financed by Community funds, it is on the basis of analyses to be carried out by the responsible Greek authorities, that the exact reasons of the failure can be defined.

The Commission will be in contact with the responsible Greek authorities, and will be informed on the results of these analyses, for follow-up purposes.

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Question no 65 by José Manuel García-Margallo y Marfil (H-0121/03)

Subject: Citrus fruit promotion campaigns

The Commission proposes to create, within the rural development chapter, a new budget heading for aid for the promotion of agricultural products intended for producers who are already participating in national or Community quality programmes (such as those concerning designations of origin). At the same time, it proposes to put an end to the existing Regulation (EC) 2826/2000[8] on the promotion of agricultural products, despite the fact that the measures covered by that regulation are totally different from those financed under the rural development chapter. Should this proposal take effect, it would mean the end of the now highly successful general campaigns in, for instance, the citrus fruit sector, which are promoting the gastronomic and health aspects of the products concerned. It would also remove eligibility for Community aid from large numbers of farmers who are not covered by quality labels, ecological agriculture labels or other forms of certification. Aids would be channelled exclusively through associations, thus excluding the interprofessional organisations, despite their important role in promoting cohesion. Can the Commission explain how it intends to deal with this problem? Given that no additional funds will be forthcoming for rural development until 2006, can the Commission state how it intends to finance the new measure?

Answer

(EN) The Commission thanks the honourable Member for raising this question which relates to the proposal contained in the Common Agriculture Policy (CAP) reform package to introduce a new measure for promotion of quality food products within the current 'menu' of measures eligible for support under the 2nd Pillar. Linked to the introduction of this new measure the Commission is proposing to repeal from 1 January 2005 Regulation 2826/2000 on information and promotion actions for agricultural products on the internal market[9].

The Commission has proposed the repeal of this regulation to avoid any scope for overlap or duplication between the two instruments. The Commission also considers it is appropriate and coherent to focus its promotion support on the internal market on quality products as indicated in the proposal amending Regulation 1257/1999[10], given that increasing the focus on food quality in order to better respond to consumer requirement is an underlying theme of the CAP reform proposals overall.

While it is correct that the scope and beneficiaries of the two instruments indeed cannot be identical, the Member of the Commission in charge of Agriculture does not agree with the honourable Member that there is no scope for duplication between them. Promotion activities concerning Community schemes for protected designations of origin, protected geographical indications, guaranteed traditional specialities and quality wines could, for example, potentially be eligible under either of the two instruments.

[8] OJ L 328, 23.12.2000, p. 2

[9] Council Regulation (EC) No 2826/2000 of 19 December 2000 on information and promotion actions for agricultural products on the internal market, OJ L 328, 23.12.2000.

[10] Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations OJ L 160, 26.6.1999.

The proposed repeal of Regulation 2826/2000 has already been the subject of discussion with Member States in the Council Working Group, with several expressing reservations notably because, as the honourable Member correctly indicates, following the outcome of the Brussels Summit no additional financing will be available for the 2nd Pillar until 2007.

Under the Commission proposal generic promotion will not be discarded, but will henceforth be concentrated on activities in third countries' markets where Community is facing strong competition from other exporters in all quality categories. Inter-professional organisations will continue to be able to benefit from these measures.

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Question no 66 by Linda McAvan (H-0122/03)

Subject: Dolphin deaths due to incidental by-catch

Can the Commission outline its immediate plans to reduce dolphin deaths from incidental by-catch and make some commitment about when these plans should be in place? Does the Commission have a long-term strategy in mind to deal with this issue?

Answer

(DE) Under the terms of the habitats directive the Member States are required to take suitable measures to prevent by-catches of dolphins.

The Commission has therefore decided to tackle the problem of by-catches of dolphins in the context of the common fisheries policy. It is working on a proposal for a regulation laying down measures to monitor and prevent by-catches of maritime mammals.

With that aim in view, the Commission has obtained an expert report from the International Council for the Exploration of the Sea (ICES) and consulted the Scientific and Technical Fisheries Committee and the Advisory Committee on Fisheries and Aquaculture.

On the basis of that document and those talks, the Commission will put forward the following proposals:

restrictions will be imposed on the length of driftnets used in the Baltic Sea;

fishermen will be required to use acoustic equipment in conjunction with certain gillnets;

trawlers will be required to carry observers in certain fishing areas where the risk of by-catches is high.

The Commission will complete the drafting of this proposal at the latest within the next three months.

The Commission also endorses the views of those scientists calling for a long-term strategy to combat by-catches. To that end, we must lay down limit values for by-catches of maritime mammals and take specially tailored measures as soon as those limit values are exceeded. However, important data fundamental to such a strategy are lacking at present.

That information will be collected with the help of the observers referred to above.

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Question no 67 by John Walls Cushnahan (H-0123/03)

Subject: Harbinson report and CAP

In a recent statement, Commissioner Fischler described the Harbinson report on agriculture to the WTO as 'unbalanced', with minimal reform of export subsidies and favouring US agriculture. If the Commission fails to tighten the loopholes that exist in the present Harbinson report, which could result in the 'de minimis' clause being used to give up to $7.5 billion in farm subsidies to American agriculture per year, would the Commission agree that it is unfair to proceed with the proposed CAP reform?

Answer

(EN) The Community is not alone in considering that the de minimis loophole cannot continue to be accepted as it provides a means for the United States to unduly increase its trade distorting subsidies. Nor do the Community or many others accept that only direct export subsidies be further reduced, without equivalent disciplines for other forms of export support such as export credits or abusive use of food aid to dispose of surpluses. The Commission has made these points loud and clear, to Mr. Harbinson and to the entire World Trade Organisation (WTO) membership.

With regard to Common Agricultural Policy (CAP) reform, the proposals made by the Commission are dictated entirely by Community internal interests, which require a strengthening of the European agricultural model in order to better respond to societal concerns and improve the income prospects of Community farmers as well as their standing in public opinion. The Commission will continue to pursue this reform, in the best interests of European farmers.

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Question no 68 by Proinsias De Rossa (H-0128/03)

Subject: Organic farming in Ireland

While the Commission estimates that organic farming has grown by 30% a year since 1998, a EUROSTAT survey released on 17 February estimates that the numbers practising this type of farming are still very small, i.e. less than 2% of all farmers. Does the Commission believe that this low level of involvement in organic farming is partly due to insufficient training in this area and will it be dealing with this issue in the communication on a Community action plan on organic farming due for publication later this year?

Answer

(EN) Organic farming is a rapidly growing sector. Indeed, in many Member States, it is one of the farming sectors that, in sharp contrast with many other sectors, continues to expand. The existence of a legislative Community framework in this field[11] has no doubt contributed to this development.

Nevertheless, the sector is, as the honourable Member rightly observed, in absolute figures still relatively small. While an average of 2 % of the farmers in the Community use organic farming methods, the acreage they cultivate covers more than 3 % of the agricultural surface. But there are large differences between Member States. In Austria 9 % of the farmers and over 11 % of the acreage is dedicated to organic farming. In Finland, these figures have expanded beyond 5 and 7 %. Finally, in Greece and Ireland, less than 1 % of the farmers or the land is engaged in organic farming. So, there is still a lot to do, and more and better training will certainly be a key factor in the further development of the organic farming sector. This has been recognised in the Commission working paper on the possibility of a European Action Plan for Organic Food and Farming. This document has been debated in the Council in December 2002, and has now been published on the Commission website for consultation of civil society at large. On the basis of the information received through the online consultation, and following discussion with Member States and other stakeholders, the Commission will develop the proposals for its final European Action Plan.

It is possible already now for Member States to support advisory services for organic farmers and for those conventional farmers who are considering converting to organic farming. Co-financing for these types of measures is already available under Rural Development[12].

To conclude it should be underlined that, from the experience gained, it is clear that a successful development of organic farming depends on many factors. Training is an important element, but so are many others, all of which need to be addressed simultaneously to obtain the maximal synergy between the different efforts spent in separate areas.

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Question no 69 by Rosa Miguélez Ramos (H-0132/03)

[11] Council Regulation (EEC) N° 2092/91
[12] Council Regulation (EC) N°1257/1999

Subject: Temporary ban on fishing in the Gran Sol waters in order to allow stocks to breed

Between July and October the Spanish fleet will be subject to a 45-day ban on fishing in the Gran Sol waters, so as to allow hake stocks to increase.

The fisheries sector is aware of the need for measures of a technical nature (such as this ban) as a means of protecting resources, in conjunction with the Commission's scrapping policy which has manifested itself once again in the form of the first amending budget recently submitted by the Commission. This will result in a further EUR 32 million (previously earmarked as support for the Community fishing industry) being allocated to the scrapping of vessels.

Since the ban in question is entirely necessary and since a partial ban applicable only to the Spanish fleet would be of limited effect, what action is the Commission intending to take in order to ensure that the French, Irish and UK fleets (which also fish for hake) observe the ban as well?

Answer

(DE) The Spanish Autonomous Community of Asturias has forwarded to the Commission an application for the temporary suspension of hake fishing activity. The Commission is currently examining this application.

This rule is a voluntary initiative on the part of the Spanish authorities, and it is therefore not possible to impose such a measure on other Member States as a matter of obligation. The only possible way of enacting a rule applicable to all Member States equally is, in the final analysis, the adoption of a recovery plan for hake.

The Commission submitted such a plan to Parliament and the Council as early as December 2001. The Council was unable to come to an agreement on this, however, and instead called on the Commission to submit a new plan. The Commission is currently engaged in elaborating this new plan and will be submitting it to Parliament and the Council in April 2003.

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Question no 70 by Camilo Nogueira Román (H-0069/03)

Subject: Commission decisions on extracting the fuel oil still on board the 'Prestige'

What decisions is the Commission in course of taking with a view to ensuring the extraction of the fuel oil still on board the 'Prestige'? What is the nature of its dialogue on the matter with the authorities of the Spanish state?

Answer

(EN) The honourable Member is invited to make reference to his previous written question N° E-3595/02.

The Commission adopted on 5 March 2003 a report concerning past, present and future actions undertaken at the Community level in order to remedy the consequences of the Prestige disaster and to prevent similar accidents from occurring in the future. This report will be submitted to the European Council of 21 March 2003.

Finally, the Commission is presently examining the Spanish authorities' application for financial assistance and has requested further information from Spain.

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Question no 71 by David Robert Bowe (H-0074/03)

Subject: Falun Gong

Following the announcement by the Hong Kong Government of substantial concessions in the implementation of the controversial anti-sedition laws (Article 23 legislation) after widespread public concern over the possible curtailment of basic freedoms in the territory, what plans does the European Commission have for monitoring developments in Hong

Kong and ensuring that restrictions on freedom of religion and belief in China are a recurrent item on the agenda of the EU-China human rights dialogue?

Answer

(EN) Respect for freedom of expression, association and religion are central issues in the European Union's human rights dialogue with China. These issues were raised once again at the most recent dialogue held on 5-6 March 2003 in Athens.

The Commission appreciates the political sensitivity of the legislative proposal based on Article 23 of Basic Law, which has been tabled by the Hong Kong Special Administrative Region (HKSAR) Government to Legislative Council on 14 February 2003. This is the most important legislative proposal since hand-over.

The Commission welcomes the fact that during the consultation period, a record number of submissions and signatures were introduced on important issues such as freedom of the press, the prescription mechanism and the definition of seditious publications.

The Commission hopes that HKSAR Government will keep its promise to take into account further comments of civil society during the legislative procedure in Parliament, thus further improving the draft law.

The 'One Country, Two Systems' principle continues to work reasonably well, and Hong Kong, has preserved its rule of law, human rights, civil liberties and free and open society.

The Commission wholeheartedly supports the Parliament's resolution of 19 December 2002 calling on HKSAR Government to ensure that Article 23 will not be used inter alia to silence opposition, restrict freedom of speech, of the press, on freedom of association.

The Commission will closely monitor further developments on this important issue, especially as regards eventual effects of future legislation in respect for human rights and civil liberties.

The Commission will continue to exert pressure on the Chinese authorities for improvements regarding respect for freedom of expression, association and religion for all groups of the Chinese population including practitioners of Falun Gong.

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Question no 72 by Cecilia Malmström (H-0075/03)

Subject: Shortage of Swedes in the EU's administration

When Sweden became a member of the EU in 1995, a number of senior posts in the Commission were earmarked for Swedes. Unfortunately, since then, many Swedes have left the Commission with the result that there are currently only one Swedish Director-General and five Directors in post. Of the Commission's 25 000 employees, only 556 or 2.7% are Swedish. The Commission does not appear to have done very much to rectify this imbalance. It is now five years since the Commission organised any competition for Swedish nationals, which means in principle that it is now impossible for Swedes to obtain a post in the Commission.

What does the Commission intend to do to increase the proportion of Swedes in its administration?

Answer

(EN) Introduction
Article 27, paragraph 1 of Staff Regulation states that "recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities". Paragraph 3 of the same Article limits the Commission's discretionary power to the extent that "no posts shall be reserved for nationals of any specific Member State".

Accession of Austria, Finland and Sweden in 1995

As in previous enlargements, a time-limited derogation from the provisions of Article 27 was agreed by means of Council Regulation (EC) No 626/95 of 20 March 1995 which allowed the recruitment of nationals from Austria, Finland and Sweden through special and temporary measures until 31 December 1999.

In order to provide a fair and balanced representation of the new Member States in the Commission staff, the Commission Communication[13] of 19 July 1994 set recruitment targets for the three new Member States. For Sweden, 400-500 posts for non-linguistic staff and 157 posts for linguistic staff (551-657 in total) were earmarked.

During the derogation period (1995-1999) special competitions reserved for the accession countries were organised.
Current situation

The Commission does not have "25,000" officials. Out of 21.125 Commission officials (including research staff and officials on leave on personal grounds), 630 are Swedish. Staff from Sweden represent 2.9 % of the total number of officials in the Commission and 3.5% of the total A grade staff of the Commission. (As the honourable Member will know, the population of Sweden is 2.36% of the total Union population). This does not objectively represent an unfavourable "imbalance".

There are 18,343 officials in active employment within the meaning of Article 35a or seconded to the office of a Commissioner (Art 37a) as at 1 January 2003, of whom 514 are Swedish officials.

There were 567 officials on personal leave within the meaning of Art 35c as at 1 January 2003, of whom 68 are Swedish officials.

There were 141 officials on secondment (Art 37) as at 1 January 2003, of whom 5 are Swedish officials.

At senior management level there is 1 Director General (A1 grade) and 6 A2 grade officials of Swedish nationality, one of whom is a Principal Advisor. At middle management level (A3/LA3 grades) there are 20 officials, 5 of whom are Advisors of Swedish nationality. There are 14 other middle managers at A4/LA4 level of Swedish nationality.

The Commission monitors the overall geographical balance continually and the subject is periodically addressed at various levels during bilateral talks between representatives of Member State governments – including Sweden - and the Commission.

Whilst, in compliance with the Staff Regulations, the Commission strives to ensure the maintenance of merit and geographical balance in its staffing, the Institution does not have and would not seek the power to inhibit the freedom of officials to leave the Commission if that is their personal desire. It is also relevant to recognise that, like all of the Institutions, the Commission's ability to recruit and retain staff from across the Member States depends very largely on the willingness of Member State nationals to seek employment in the Union's Civil Service and to continue in that employment.

The opinion expressed by the honourable Member "that it is impossible for Swedes to obtain a post in the Commission" is hard to sustain in the light of the statistics given above and in view of the fact that since 2000, more than 20 open competitions in all categories and for a wide variety of profiles have been organised to enable Swedish nationals, as well as nationals from the other Member States, to join the Commission. Furthermore, the validity of the lists of successful candidates established during the last enlargement transition period was extended until 30 June 2002 in order to maximise the opportunity for all qualified candidates to find a post with one of the Institutions.

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Question no 73 by Mary Elizabeth Banotti (H-0077/03)

Subject: Privatisation of water in Africa

While recognising the need to develop good water management in Africa and the need for major investment in order to end water wastage through seepage from badly-maintained or neglected reservoirs and catchment systems, what measures does the Commission intend to take to protect the poorest communities in Africa, who will not be able to afford to pay for safe, clean water for their basic needs, and how does the Commission intend to protect communities from water being considered simply a marketable commodity to be sold to the highest bidder?

[13] SEC (1994) 1249 final

Answer

(EN) The Commission's Communication on water management in developing countries[14] of 12 March 2002 states that priority should be given to 'ensuring a supply to every human being, especially the poorest and with a clear focus on the needs of women and children, of sufficient drinking water of good quality and adequate sanitation and hygiene, with the general objective of reducing poverty and improving people's health, quality of life and livelihood opportunities'.

It also states that pricing of water services should ensure financial sustainability, and that meeting the basic needs of poor and vulnerable groups requires the design of appropriate tariff structure and collection systems. It favours promoting public private partnerships, ensuring that those partnerships remain equitable, transparent, allow free and reversible choice on water services management, safeguard consumers' and investors' interests and maintain high standards of environmental protection.

As to the reform of state-owned enterprises in Africa, for some years developing countries have been under pressure, mainly from the Bretton Woods Institutions, to privatise their enterprises riddled with heavy losses and economic inefficiency. While recognising that public companies in Africa, especially in the water sector, often provide inadequate and low quality service to only a fraction of the urban population, there is a growing awareness that before deciding on a particular solution, such as privatisation, there is a need to objectively examine all the options, in order to select the most appropriate one. The Commission is currently preparing a Communication on this very important subject. Its main message will be the need to keep an open mind on State-owned enterprises reform issues, to put in place adequate regulatory frameworks and to establish monitoring mechanisms to ensure the protection of the public interest.

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Question no 74 by Marialiese Flemming (H-0079/03)

Subject: Poisoning of stray dogs and cats in Greece

Just a few days before Greece took over the Council Presidency, most recently on 30 December 2002, large numbers of stray dogs and cats were poisoned in Athens. A similar incident occurred shortly before the start of the last Greek Presidency.

On 30 January 2003 the Greek NGO umbrella organisation CIDAG (Coalition in Defence of Animals in Greece) handed the Greek Embassy in Brussels a petition bearing 47 000 signatures calling for these deplorable events to be investigated and brought to an end as soon as possible.

Will the Commission launch an urgent investigation to find out who is responsible for these criminal acts and, possibly in cooperation with the Greek Council Presidency, work towards an immediate solution to the problem?

Answer

(EN) The Commission would refer the honourable Member to its reply to written question E-0177/03 by Mr Papayannakis[15].

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Question no 75 by Nuala Ahern (H-0081/03)

Subject: High level radioactive waste tanks

The official public information exhibition - called Sparking Reaction and designed by the authoritative British Science Museum - at the Sellafield nuclear waste production and reprocessing site operated by BNFL in West Cumbria on England's north-west coast currently states that the tanks containing the high-level radioactive waste from reprocessing 'represent one of the world's most hazardous concentrations of long-lived radioactive material and are therefore a prime

[14] COM(2002)132 of 12.3.2002
[15] OJ C

terrorist target. An attack on these tanks similar to the one in New York could have extremely serious consequences for much of the UK and Ireland.'

In the light of this admission that this British military industrial plant might have devastating environmental and health consequences for a neighbouring Member State, namely Ireland, will the Commission send a nuclear safety inspection team to Sellafield, as a matter of urgency, to assess the risk posed by this plant?

Answer

(EN) The safety of the high-level waste tanks referred to in the question and - more importantly in the context of a possible terrorist attack - their security, are the responsibility of the operator of the site under the control of the national nuclear regulator.

Within this context, and as regards the specific issue raised, the honourable Member may wish to refer to the United Kingdom's Nuclear Installations Inspectorate (NII) Team Inspection report[16] of February 2000 on the safety of high level liquid waste (HLLW) storage at Sellafield. In addition, the Office for civil Nuclear Security (under the Department of Trade and Industry) in its 2002 annual report on civil nuclear security includes a section[17] on the implications of the terrorist attacks of 11th September 2001.

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Question no 76 by Seán Ó Neachtain (H-0083/03)

Subject: EU support for public water supply in Connemara, Ireland

Can the Commission confirm that it is considering a proposal for EU support for a public water supply scheme in Connemara in the west of Ireland and, if so, can it indicate what is the present status of this scheme?

Answer

(EN) Support under the European Regional Development Fund (ERDF) for public water supply schemes in the area of Connemara is made available through the Border Midland and Western Regional Operational Programme. The Rural Water Measure in that Programme sets out the broad strategic objectives for implementing the schemes. Decision-making in relation to the selection and approval of projects for funding is decentralised to implementing bodies at local level except where the cost of a project is greater than €50 million. In such cases the project is subject to a cost benefit analysis and the decision on the aid rate is made by the Commission. In the case of public water supply schemes the projects are all small-scale (eligible cost less than €50 million) with decision-making remaining at local level. No application in relation to the specific scheme in Connemara has therefore been submitted to the Commission. The authority responsible for the management of the Border Midland and Western Operation Programme is the Border, Midland and Regional Assembly, Ballaghaderreen, County Roscommon (Mr. Gerry Finn – Director – tel. 353 0 90762970).

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Question no 77 by Sylviane H. Ainardi (H-0085/03)

Subject: Flags of convenience

In its resolution of 19 December 2002 on the sinking of the Prestige and its consequences, the European Parliament called in particular for 'flags of convenience to be prohibited in EU territorial waters'. What measures will the Commission propose for this EP recommendation to be implemented as quickly as possible?

Answer

[16] Available at http://www.hse.gov.uk/nsd/bnfl.pdf
[17] page 11

(FR) The measures proposed by the Commission are explained in detail in the communication on reinforcing maritime safety adopted on 3 December 2002.

With regard to flags of convenience and dangerous vessels in the territorial waters of the Union, the Commission decided to publish a so-called black list. This is a list of all those vessels that would have been banned from European ports if the measures in the Erika I package had been in force at the time. It is hoped the list will serve as a warning to the parties concerned, both ship owners and flag states. They could then take the measures required to remedy the deficiencies recorded prior to the actual entry into force of the new provisions in the directive concerning inspection by the state in which the port is located.

Nonetheless, as requested by Parliament, the Commission believes it is necessary to adopt strict measures on maritime safety at international level regarding the so-called flags of convenience. These measures should include stricter navigation rules and more thorough inspection by the flag states. In this connection, under the auspices of the International Maritime Organisation (IMO) the Commission is cooperating in setting up an audit scheme for the duties incumbent on the flag states.

The Union should take the initiative and call for a review of the United Nations Convention on the Law of the Sea. This would allow coastal states to protect themselves more effectively against the risks associated with the movement of vessels that represent a danger to the environment and fail to comply with safety regulations. The 200 mile exclusive economic zone would be covered.

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Question no 78 by Neil MacCormick (H-0088/03)

Subject: Discrimination against foreign language lecturers

Does the Commission regard as adequate a two-line reply to a question from a Member of the European Parliament, where the Commission answer simply replicates the Member's question (H-0796/02[18])?

This seems to be a form of contempt of Parliament. Will the President please reply concerning this disgraceful behaviour by the Commission?

Answer

(EN) In its reply to oral question H-0796/02 by the honourable Member during question time of the December 2002 plenary session of the Parliament, the Commission referred to its decision of 16 October 2002 on the principle of issuing a reasoned opinion.

The Italian reply to the letter of formal notice made it clear that although certain steps had been taken to comply with the judgement of the Court, further clarification and explanation was necessary in order to finalise the drafting process of the reasoned opinion itself. The honourable Member was accordingly informed of this decision.

The reply to question H-0796/02 should also be seen against the background that the Commission had already replied during question time of the May 2002 plenary session of the Parliament, to the honourable Member's previous oral question (H-0302/02) in quite some detail about the steps it was taking, and would take in the future, to ensure compliance by Italy with the judgement of the Court of Justice in case C-212/99.

The reply to question H-0796/02 may have appeared too short, but it was entirely correct factually, and provided the honourable Member with an accurate update of the Commission's actions since the reply to his previous question.

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Question no 79 by Samuli Pohjamo (H-0092/03)

Subject: Progress of legislation to take account of the ice-classification of vessels

[18] Written answer, 17.12.2002.

Especially severe ice conditions have prevailed this winter in the Baltic Sea, and in the Gulf of Finland in particular. Pack-ice has put a strain on vessels, which have been moving with extreme difficulty and generally unaided by ice-breakers.

There are also some vessels using the Gulf of Finland which have very inadequate ice protection. There is particular cause for concern about oil tankers from the Russian port of Primorsk (Koivisto), some of which do not have sufficient reinforcement against ice (some, for example, are reinforced only on the bows but not on the sides).

The transport of oil from Primorsk is predicted to double in the next few years. The Russians are also planning two new oil-loading sites at the far end of the Gulf of Finland.

If a disastrous oil spill were to occur in the Gulf of Finland, it would be even harder to remedy – in view of the area's island geography and the sensitive nature of its environment – than for example in Spain. Moreover the equipment for combating oil spills in many coastal countries is very inadequate. Apart from Finland, the countries bordering the Baltic do not have equipment which could operate in ice conditions.

What does the Commission propose to do to promote the implementation of effective ice-classification requirements for vessels in the whole of the Baltic Sea area, and what can it do to ensure that there is sufficient oil clearing equipment along the Baltic Sea coast which can operate in all conditions? What stage has work on the legislation on this matter reached?

Answer

(FR) Within the framework of measures already taken by the Union with a view to preventing oil tanker disasters, namely the Erika II legislative package, the directive on monitoring and control of maritime traffic applies to vessels moving past Community coasts. The directive therefore makes provision for setting up a system of notification which also covers vessels that do not enter Community ports. In addition, the directive empowers the competent authorities to prevent vessels putting to sea in very adverse weather conditions.

When this directive comes into force, Member States will have additional powers to intervene in situations when there is a risk of accidents or pollution.

Further, the directive has put in place procedures for cooperation with a view to improving surveillance of vessels in Union waters. This paves the way for the submission of possible proposals for improvements to maritime traffic in the Baltic. It would be possible to press for their adoption within the International Maritime Organisation.

In addition, within the framework of the agreement between the European Union and Russia, there is provision for contact with the Russian authorities in order to ensure compliance with the measures planned by the Union with a view to ensuring the safe transport of hydrocarbons by sea. A ban on the transport of heavy fuel oils in single-hull tankers is one of the most significant of these measures.

Nonetheless, it should be emphasised that the Union has no legal powers to control the movement of vessels carrying potentially hazardous cargoes in international waters. This is the case even when such movement is close to the coasts of Member States and even if the movement takes place in icy conditions such as those prevailing in the Baltic Sea in winter.

Consequently, the Union should take the initiative and call for a review of the United Nations Convention on the Law of the Sea. The aim would be to allow coastal states to protect themselves more effectively against the potential dangers represented by the movement of vessels that pose a threat to the environment and fail to comply with safety standards. The 200 mile exclusive economic zone would be included.

Moreover, in case of accidents, Member States and candidate countries can activate the Community Mechanism to facilitate reinforced cooperation in Civil Protection assistance interventions. In this way, any affected Country can have immediate access, through the European response centre, to all specialised equipment available in Europe.

Furthermore, concerning the preparedness and response to marine pollution in the Baltic Sea, the Commission closely follows the works developed within the framework of the Helsinki Convention by the Helsinki Commission (Helcom).

Finally, the Interreg Community Initiative co-finances a transnational cooperation programme among the 11 countries around the Baltic Sea. Activities which can be funded include maritime safety and environmental protection actions. The programme budget is €190 million until the end of 2006.

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Question no 80 by Catherine Stihler (H-0093/03)

Subject: Laser eye surgery

Every year, hundreds of thousands of patients undergo laser eye surgery in the EU. Although this new technique has been heralded as announcing the end of contact lenses and spectacles, a study released this week by the British Consumers' Association clearly shows that clinics are overlooking the side effects directly linked to the surgery. These complications prove to be dramatic since patients are in most cases totally unaware of the risks they are being exposed to. The study points out the lack of training of the surgeons, who are only given a few days in most cases. Anecdotal evidence even suggests that some people are being given the surgery and are not told that they will still need to wear glasses.

Does the Commission know of any database available which shows precisely how many citizens are undergoing this surgery and what is the rate of success? How can our consumer protection legislation help those who have been affected by shoddy surgery? What action does the Commission propose taking to protect EU citizens?

Answer

(EN) The Treaty stipulates that Community action in the field of public health shall respect Member States' responsibilities for the organisation and financing of health services and medical care. It is primarily for Member States to provide protection to patients against medical errors.

The Community's action programme on public health could provide a framework to exchange information between Member States on current practice regarding quality assurance in health services.

In the context of its Consumer Policy Strategy 2002–2006[19] the Commission has highlighted the need to provide consumers with accurate data on safety of services in order to enable them to make informed decisions. However, such data are currently not systematically collected. The Commission is not aware of any database, which shows the number of citizens undergoing laser eye surgery and the rate of success for this type of medical intervention. There is no obligation to report to the Commission accidents and incidents in this area.

The lack of injury data and risk assessment will be discussed more in general in the forthcoming Commission Report on the Safety of Consumer Services in accordance with the request by the Parliament and the Council set out in art 20 of the revised General Product Safety Directive 2001/95/EC[20].

In the absence of Community legislation on liability of service providers, compensation for damage suffered from "shoddy" surgery is covered by Member States' national liability systems.

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Question no 81 by Erik Meijer (H-0094/03)

Subject: The Commission's position on a report defamatory to Parliament published by a deputy Director-General

How long has the Commission been aware of the report entitled 'La actualidad del pensiamento de Robert Schuman en el contexto de la Convención sobre el futuro de Europa', published by Deputy Director-General S. Gómez-Reino at Miami European Union Centre in August 2002?

How does the Commission intend to take Mr Gómez-Reino to task for giving the impression that 'wholly unfair, disproportionate and to a large extent simply groundless accusations of fraud and corruption' (p. 14 of the report) were made in the case of the Santer Commission in March 1999?

What action will the Commission take to correct the view given to the reading public by the published opinion of this person – who is regarded as an authority and who is discrediting the European Parliament with several of his statements – so that a more accurate picture of the European Union can be created in the USA?

Answer

[19] OJ C 137 of 8.6.2002
[20] OJ L 11 of 15.01.2002

(EN) As the honourable Member knows, the report entitled 'La actualidad del pensiamento de Robert Schuman en el contexto de la Convención sobre el futuro de Europa' was published in August 2002.

The completion of a fellowship as a Jean Monnet Chair research scholar necessarily involves publishing papers. The acceptance of the fellowship implies the production and publication of the results of work related to that fellowship.

The Commission holds the view that there is very little risk that the author's statement referred to by the honourable Member could be considered to be a matter that deals with the actual work of the Commission, since the article in the academic journal was produced by an official who has no current management responsibilities and it is addressed to the specialists who read the University of Miami Jean Monnet/ Robert Schuman Paper Series.

Under these circumstances, it would not appear to be reasonable to think that authorisation under Article 17 had to be provided.

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Question no 82 by Antonios Trakatellis (H-0097/03)

Subject: Use of a mathematical formula in awarding public contracts

A respected Greek newspaper has published a graph showing how a virtual monopoly has been created in the public works sector as the result of the application of a mathematical formula in selecting contractors. Given that the European Union's authorities agreed in 1996 with the idea of the then Minister for the Environment, Planning and Public Works of applying this formula, which is used only in Greece, will the Commission reconsider its use and say what measures it will take in response to complaints concerning its abuse?

Answer

(FR) The Commission would like to inform the honourable Member that it has indeed written to the Greek authorities on a number of occasions between 1994 and 1996. It urged the latter to implement measures aimed at resolving what was then a serious problem. This involved a high number of artificially low tenders in the context of the award of public contracts, with the ensuing unrealistic contracts. Greece adopted the mathematical formula currently in use in order to remedy the situation, which was causing difficulties for Community financing of projects. At the time, the Greek authorities informed the Commission of their intention to carry out legislative reform and introduce the use of a mathematical formula in order to identify artificially low tenders for the award of public contracts. Nonetheless, the Commission was not formally consulted on the content of the relevant legislative texts.

Currently, Greece is not the only Member State using a mathematical formula to identify artificially low tenders for the award of public contracts. Italy and Spain are but two of the States also using a formula of this kind. For its part, the Court of Justice has ruled on the subject in the context of two cases brought before it[21]. It follows from the Court's ruling that the use of a mathematical formula to identify artificially low tenders does not in itself constitute a violation of Community law. Certain details of the Greek system could, however, present problems of compliance with Community legislation and the jurisprudence of the Court.

The Commission wrote to the Greek authorities in order to clarify the situation and follow up related complaints. The Greek authorities were requested to elaborate on how they applied the mathematical formula to identify artificially low tenders. They have recently replied to the Commission's letter. The Commission is now considering their reply prior to deciding on a course of action for the future.

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Question no 83 by Lennart Sacrédeus (H-0098/03)

Subject: State aid and lost jobs in Sweden

[21] Cases C-285/99 and C-286/99

As a result of UK state aid of some SEK 200 million (over 20 million euro), Ford has chosen to locate its production of a new six-cylinder engine in Wales instead of at the engine plant at Skövde in Sweden, despite the fact that the new engine was developed in Skövde itself, which lies in the motor industry belt in Västra Götaland.

Other state aid of some SEK 100 million (over 10 million euro) has been paid to an engine manufacturer in Valencia, Spain. That aid has also resulted in jobs being moved from Skövde.

The Swedish public and the workers affected at the engine plant in Skövde are extremely angry that jobs are being relocated within the EU because of state aid in other Member States.

Does the Commission consider that state aid in general, and in these two cases in particular, distorts competition and that there is therefore a manifest need to tighten up the rules as soon as possible? What is the Commission doing to prevent state aid within the EU resulting in jobs moving from one Member State to another and what measures does the Commission intend to take in these specific cases?

Question no 87 by Jonas Sjöstedt (H-0108/03)

Subject: Ford's investment in its engine factory in Wales

According to newspaper reports in Sweden, the EU's contribution of some SEK 200 million to Ford's investment in an engine factory in Wales now means that the six-cylinder engine developed by Volvo will not be built in Skövde, Sweden, but in Wales. Had Ford invested in the Skövde factory instead, where wage costs are ten percent lower than in Wales, the company would not have received any structural aid from the EU.

EU taxpayers, including Swedish taxpayers, are therefore to help pay for jobs and production to move between countries to the benefit of big companies. With the enlargement of the Union, there is a greater risk that big companies will relocate production in Member States where the level of training is fairly high but wage costs are only a sixth of those in Sweden, for example.

Is the Commission aware of this danger and how does it intend to offset the consequences?

Joint answer

(EN) The Commission is regularly questioned about the consistency of competition policy when there are relocations of production facilities within the Union. The Commission would like first of all to underline that relocations are first and foremost the result of choices made by the enterprise in order to improve its competitiveness, either by reducing its overheads (wage costs, transport, raw materials, tax), or by rationalising its production tools. Decisions concerning the location of a new investment may thus be influenced by a number of factors, not only or principally the possibility of obtaining financial support from the public purse in order to make new investments. In any event, any public support of this kind, whether of national or Community origin must respect the Community rules on State aid.

The basic principle underlying the rules on State aid is that it is incompatible with the common market. However, exceptions may be made provided that the impact on trade and the distortion of competition which result from the granting of State aid are offset by an adequate contribution to the development of a disadvantaged region.

This is why one of the objectives of the cohesion policy, and the main aim of regional aid, is to provide an appropriate level of incentive necessary for the development of the assisted region. As far as the control of State aid is concerned, this policy is translated into practice by a system of ceilings on the level of aid depending on the degree and the urgency of the various regional problems.

The Commission takes account of potential relocation problems in the application of the Community rules on State aid so as to ensure that the harmful effects of aid on competition are offset by beneficial effects, notably in terms of cohesion. Thus, when it adopted the guidelines on national regional aid, the Commission reduced the level of aid authorised across the board in order to reduce the risks of regions attempting to outbid one another and to limit aid to what is strictly necessary. At the same time, the granting of regional aid was tied more strictly to conditions of duration in terms of the continuation of investment and jobs creation in the region concerned. Finally, large investment projects are subject to an

even stricter discipline in the light of the provisions drawn up in the recent Multisectoral framework on regional aid for large investment projects[22].

According to these rules, the maximum aid intensity for regional investment aid in the motor vehicle sector, granted under an approved scheme in favour of projects that involve either eligible expenditure above € 50 million or an aid amount above € 5 million expressed in gross grant equivalent, will be equal to 30% of the corresponding regional aid ceiling.

Consequently, aid granted to an engine manufacturer in Wales after 1 January 2003 could only reach a maximum intensity of 10.5% of the investment costs, against an aid intensity of 35% until December 2002. In any event, the Commission will contact the United Kingdom authorities in order to confirm that any aid granted to engine manufacturers conforms to the Community rules applicable.

Regarding the aid granted to a motor vehicle manufacturer in Valencia, Spain, in May 2002 the Commission approved, after an in-depth investigation € 11.11 million in investment aid to Ford España for its Almusafes (Valencia) plant, with a reduction of 30% of the amount initially planned by the Spanish authorities. The Commission's investigation lead to the conclusion that the approved aid was necessary to compensate for the regional disadvantages of the Valencia region, and was therefore compatible with the common market.

As regards the potential relocation of production to the Candidate Countries as a consequence of state aid, the Commission has consistently taken the view that the Candidate Countries can be regarded to be ready for accession only if their companies and public authorities have become accustomed to a competition and state aid discipline similar to that of the Community well before the date of accession. Candidate Countries are required to comply with the criteria of the Community state aid acquis already during the pre-accession period.

The Commission has advocated this strict approach not only to preserve the internal market discipline after enlargement, but also to keep a level playing field between future and existing Member States in the enlarged internal market. This strict approach applies in particular to such a sensitive issue as aid to the motor vehicle industry. Therefore, the guiding principle remains that lower aid intensities have to be maintained in this sector, regardless of whether the beneficiary is investing in the current or future Member States.

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Question no 84 by Maurizio Turco (H-0103/03)

Subject: Greek Presidency's priorities and effectiveness of international conventions on drugs

The 'Priorities of the Greek Presidency for 2003' state that 'the effectiveness of existing international treaties on the control of narcotics production and trafficking, should be reviewed'.

As the first opportunity to review the effectiveness of the conventions will be the meeting of the UN Narcotics Commission in Vienna from 8 to 17 April 2003, how does the Commission intend to contribute to the Council's objective of reviewing the effectiveness of the conventions?

Will the Commission propose to the Member States and the Council a future review of the relevant international conventions, or does already intend to table proposals for changes in April? What stage has been reached by the Commission in its work on this issue?

Answer

(FR) The Commission has taken note of the document entitled 'Priorities of the Greek Presidency for 2003'. The document suggests that a review of international treaties on drugs currently in force is called for. The Greek Presidency has not yet put forward any initiatives to this effect.

The UN Commission on Narcotic Drugs is due to meet in its ministerial configuration in Vienna from 16 to 17 April 2003. The purpose of the meeting is to assess progress in implementing the objectives and actions agreed at the 1998 General Assembly and the difficulties encountered. So far as the Commission is aware, a review of international conventions is not on the agenda for the April 2003 meeting.

[22] OJ C 70, 19.03.2002

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Question no 85 by Benedetto Della Vedova (H-0105/03)

Subject: Cannabis classification in international law

The 1961 UN Convention on Drugs classifies cannabis in Schedule I along with the most dangerous drugs such as heroin, and in Schedule IV includes Schedule I drugs that are considered to have limited therapeutic value and extremely dangerous properties. The 1988 UN Convention considers the principal element of cannabis, THC, only as a psychotropic substance. The logicality of these classifications consequently raises serious doubts: in fact a plant containing 3% of a principal element is dealt with more severely than the pure substance at 100%.

Does the Commission think that: cannabis classification in Schedule I along with heroin is appropriate? cannabis is as dangerous as heroin? cannabis classification in Schedule IV is appropriate? cannabis has no medical value? cannabis should be treated more severely than its principal element? the Commission should propose amendments to the Council and to Member States for reclassification of cannabis under the UN Conventions?

Answer

(FR) The issue of the consistency of the classification of drugs dates back to the adoption of the first UN Convention on Drugs in 1961, known as the Single Convention. Cannabis is indeed classified together with heroin. The difficulties arose because there is no clear definition of the concept of a narcotic in the texts. Classification is therefore based mainly on the medicinal properties of the substances in question.

The debate surrounding possible reclassification of cannabis is certainly complex. It is for the parties to the Convention to rule on the issue. The Commission is not in a position to become involved, as it only has observer status on the UN Commission on Narcotic Drugs. The Commission cannot therefore table amendments on the subject. Regarding a possible Council initiative for the reclassification of cannabis, the Commission currently has no plans to propose such an initiative.

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Question no 86 by Gianfranco Dell'Alba (H-0107/03)

Subject: Fight against drugs, international conventions and the death penalty

The 1961, 1971 and 1988 UN conventions on drugs prohibit and criminalise a whole series of drug-related activities (cultivation, production, export and import, consumption, sale, etc). Many states imposed the death penalty for these offences when they transposed the conventions into their national law. Those states include China, Malaysia, Vietnam, Singapore, Kuwait, Iran, Thailand, the Philippines and Indonesia.

Does the Commission not consider that it is necessary, and consistent with the European Union's international position on the death penalty, to review such international conventions as a matter of urgency in order to prohibit the death penalty for drug-related offences? If so, will the Commission raise this issue and table a proposal for an amendment by the EU Member States - all of which are signatories to the conventions - at the forthcoming UN meeting on drugs to be held in Vienna in April 2003?

Answer

(EN) The Union policy for the abolition of the death penalty is pursued actively by the Commission, together with Member States, in relations with third countries that maintain this punishment. The Union has specific guidelines for this action.

The Commission also pursues this policy through programmes with in particular non-governmental organisations (NGOs) under the European Initiative for Human Rights and Democracy. The Commission has recently decided to allocate approximately € 4,9 million to different projects in support of abolition of the death penalty.

The issue of amending the United Nations conventions on drugs of 1961, 1971 or 1988 does not appear on the agenda of the meeting of the committee on drugs to be held in Vienna between 8 and 17 April 2003. The Commission is not in a good position to exert an influence in this area, since it only has observer status in that United Nations committee.

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Question no 88 by Robert J.E. Evans (H-0110/03)

Subject: Betting and gaming in the internal market

How far does the Commission feel the single market currently extends to betting and gaming? What plans does it have for developments in this area?

Answer

(EN) The activities related to betting and gaming contain issues related to the free movement of goods and the free movement of services. Games, gambling machines and other similar goods are products to which Articles 28 and 30 of the EC Treaty apply. Furthermore, betting and gaming can be considered as services if they are provided for remuneration. When the services in question are cross-border services, e.g. when they are offered in a Member State other than that in which the operator is established, they fall within the ambit of Article 49 of the EC Treaty.

The Commission would like to underline that Member States may impose some restrictions on the cross-border provision of services and on the free movement of gambling machines within the Community to protect general interest objectives such as the protection of consumers or the maintenance of public order in society. In line with the European Court of Justice's jurisprudence such restrictions are compatible with the EC Treaty if they are non-discriminatory and proportionate to these objectives.

As regards new national laws seeking to regulate information society services that take the form of betting or gaming services or seeking to regulate gaming and gambling machines, these must be notified to the Commission and to Member States under Directive 98/34/EC of 22 June 1998[23] as modified by Directive 98/48/EC of 20 July 1998[24]. Commission and Member States can then react if the draft national regulation contains internal market problems.

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Question no 89 by Christos Folias (H-0114/03)

Subject: Commission representation in Thessaloniki

Political, economic and social developments in the Balkan countries over the last few years have opened up new prospects both for the EU and for these countries themselves, in particular the prospect of the future accession of some of them to the family of EU Member States. Northern Greece is particularly important, given the EU's prominent role in the Balkans.

One means of achieving this objective would be to set up a regional representation of the Commission in Thessaloniki. Such representations exist in other cities of the Member States, apart from the capitals.

Is there any prospect of setting up a regional representation of the Commission in Thessaloniki? If so, what procedure would Greece or the Commission have to adopt?

Answer

(FR) It is for the Commission alone to decide on opening regional representations. This can only be justified if the citizens of a particular region have a significant and clearly identified need for information on European issues. There must be no other way of meeting this need. Decentralisation of information then allows the need to be met effectively, by providing first-hand information appropriate to local conditions. Account is also taken of the specific geographical situation and of the considerable powers devolved to some regional administrations.

There are administrative and budgetary constraints on the policy of opening regional representations in Member States. In the context of administrative preparations for enlargement in 2004, new representations in each of the future Member

[23] OJ L204 of 21.7.1998
[24] OJ L217 of 5.8.1998

States have priority. The demands on administrative capacity and financial resources are such that it is not currently possible to contemplate opening a regional representation in Thessalonica.

Concerning this last point in particular, information centres constitute an alternative to regional representations. This has been the case in Thessalonica. In 1999 a European centre for communication, information and culture was established. It was the subject of a subsequent agreement between the Commission and the regional authorities, signed in 2002 and valid for three years.

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Question no 90 by María Rodríguez Ramos (H-0116/03)

Subject: Repayment charges for ERDF-funded hydraulic infrastructure works

The Spanish Ministry of the Environment has carried out works that were 65% ERDF-funded to channel and divert water from the Riaño reservoir. The Spanish administration has demanded that the Carrión irrigator community, which is the beneficiary of the canalisation work, pay a fee that will take the form of a repayment and cover 100% of the cost of the works, when the Spanish State only bore 25% of the expenses.

Since this is also an Objective 1 area, could the Commission indicate whether a Member State can, by way of operating charges like the one in question, recoup the cost of an investment that was financed to a large extent by the ERDF?

Do EU regulations permit Member States to charge citizens of Objective 1 areas, thus obliging them to meet the cost of ERDF investment in such areas?

Answer

(EN) The Commission is informed that the Spanish authorities apply taxes and levies to water infrastructures in order to support the operating maintenance costs and capital depreciation.

Council Regulation 1260/1999[25] laying down the general provisions for the Structural Funds does not include any provision or restriction regarding the measures that Member States may adopt regarding the financing of operating maintenance and depreciation costs for projects for which the initial investment was supported by the Funds.

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Question no 91 by Karin Riis-Jørgensen (H-0119/03)

Subject: Postal service monopoly

General Logistics Systems (GLS) is a subsidiary of the Royal Mail Group plc, which distributes parcels from non-EU countries throughout Europe.

In Germany, GLS is required to pay duty on the value of parcels before they can be forwarded to the various European destinations. This duty is not apparently imposed on equivalent parcels distributed by publicly owned postal services.

Is such discrimination between two suppliers (the national, publicly owned and the private) consistent with current EU law and, if not, what does the Commission intend to do to remedy this situation?

Answer

(EN) In accordance with the provisions of the Community Customs Code and the Common Customs Tariff, import duties are charged on the customs value of imported goods. With the exception of a minor rule[26] which deals only with the inclusion of certain postal charges in the customs value, there are no particular customs valuation rules which apply specifically to the import of goods in parcels.

[25] OJ L 161, 26.6.1999
[26] Article 165 of the Customs Code Implementing Provisions.

Import duties are chargeable at the time the goods are released for free circulation. In the case of the consignments sent by one private individual to another, they can benefit from duty relief for an amount up to € 45 [27] or from a flat import duty rate of 3.5% for an amount up to € 350 if certain conditions are fulfilled [28]. Therefore, there is no discrimination with regard to the amount of duty to be paid.

Under Community Customs law, a Member State's Post can be considered as the declarant, and where applicable, as the debtor[29]. Furthermore, goods brought into the Community need not be conveyed to the import customs office on condition that customs supervision and customs control possibilities are not jeopardised[30], and can move within the Community and be declared for release for free circulation under a CN22 or CN23 document as established by the Universal Postal Union[31]. The Commission is currently examining whether - and how - these procedural rules should be amended in order to provide a level playing field for all operators who import parcels.

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Question no 92 by Efstratios Korakas (H-0126/03)

Subject: Severe problems faced by Palestinian students living and working in the Member States of the EU

Palestinians studying in the Member States of the EU are facing particularly severe problems in surviving as their grants dwindle, making their already difficult situation even worse, at the same time as they are unable to return to Palestine because of the situation in the Middle East and the constant attacks on Palestinian territory by the persecutive Israeli authorities.

Will the Commission take the necessary steps to enable these students to complete their studies by providing them directly with financial assistance and giving them the opportunity to work in the countries in which they are resident?

Answer

(FR) Issues relating to student grants fall within the competence of Member States, not that of the Community. The reduction in the value of the grants referred to by the honourable Member therefore also falls within the competence of the Member States. The Commission cannot become involved in this matter.

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Question no 93 by Paul Rübig (H-0127/03)

Subject: Basle II impact study - availability of results

The Directorate-General for Research is actively involved in preparing the study concerning the consequences of the new Basle II regulations which is based on a decision by the Barcelona European Council, and in respect of which the Directorate-General for the Internal Market, as the unit responsible, issued an invitation to tender. Accordingly, and particularly in view of the extremely important consequences of Basle II for the research and development activities of small and medium-sized European firms, I should like to ask the Commission when the results of this study can be expected to be available. The planned publication of the Basle II impact study for the European Council in late autumn 2003 seems too late, in any event. It is very important that the results of the study should be available during Basle II's third consultation period, which runs from May to August 2003. Will the Commission be able to make at least provisional results from the Basle II impact study available during the third consultation period?

Answer

[27] Articles 29-31 of Council Regulation (EEC) n° 918/83.
[28] Section II D of the Preliminary provisions of the Combined Nomenclature (Council Regulation 2568/87, as last amended by EC Regulation 1832/2002).
[29] Article 237(2) of the Customs Code Implementing Provisions
[30] Article 38(4) of the Community Customs Code.
[31] Article 237(1)(A) of the Customs Code Implementing Provisions.

(EN) The European Council at its Meeting in Barcelona in 2002 requested the Commission 'to present a report on the consequences of the Basel deliberations for all sectors of the European economy with particular attention to small and medium-sized enterprises (SMEs).

The Commission has warmly welcomed the opportunity presented by this request. It considers it highly desirable and important to assess the likely consequences of the new capital requirements framework – which are of significant importance and potential benefit to the Union economy.

The issues concerned in such a report are of course very complex. The Commission developed a detailed and considered call for tenders which it launched in July 2002. The call evoked considerable interest.

The intention of the Commission has been consistently that the Consequences Report should be finalised and made available before the adoption of a Directive proposal by the Commission. This is necessary and desirable in order that it may inform the finalisation of the proposal and the subsequent legislative procedures. This should contribute significantly to the democratic process.

At an advanced stage in the tendering procedure, a formal irregularity was detected and as a consequence it was decided to close the call and launch a new tender. This is going ahead imminently and will take place using an accelerated tendering procedure.

It is the Commission's intention that the report should be finalised by the end of 2003. This will be only a short period behind the originally scheduled finalisation date of September 2003 and means that the report will, as planned, be available in advance of the adoption of a Directive proposal in the first part of 2004.

In all of this, it must be remembered that it is of great importance – as the Parliament itself has stated – that the new framework should be implemented in Member States in line with the Basel deadline of end-of-year 2006. This is necessary to ensure that the European financial services industry is not to be disadvantaged as compared with its global competitors.

It should also be mentioned that the Commission has just concluded a very successful 'Structured Dialogue' exercise with industry – including with SMEs. It is intended to make comments received during this exercise publicly available on the Commission's website in the near future.

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Question no 94 by Ioannis Patakis (H-0129/03)

Subject: Reduction in interest rates on deposits and adverse effects for small depositors

The reduction in interest rates on deposits has particularly adverse effects for small savers, especially in countries, such as Greece, where inflation remains high, resulting quite simply in a loss of resources. At the same time, the banks, whose earnings from the stock market are currently declining, are once again hitting ordinary people and, in an attempt to increase their profits, are 'widening the gap', maintaining high rates of interest on loans, particularly mortgages and consumer borrowing.

Will the Commission take the necessary measures within its competence to protect small depositors and small borrowers from the arbitrary actions of the banks, which exploit them by means of an oligopolist and dominant position in order to boost profits, using fluctuating interest rates to shift all the burdens brought about by the crisis on to them?

Answer

(EN) The Commission thanks the honourable Member for its question concerning the reduction in interest rates on deposits, particularly in Greece, and the adverse effect that this may have on small depositors.

The liberalisation of financial markets in the Community is largely achieved. The successful introduction of the euro has been a catalyst in this.

Within this context, financial markets are highly competitive ones and individual institutions, whilst being influenced by common factors such as a change in the market borrowing/lending rate, arrange the conditions applied to their customers according to their own individual strategy, balance sheet and other considerations.

Although there have from time to time been ad-hoc investigations into alleged collusion or coordination between institutions concerning conditions applied to customers, no evidence has so far been found of collusion or of an abuse of a collectively dominant position in Greece.

Therefore, at this stage there are no concrete indications for an infringement of Articles 81 or 82 of the Treaty. However, the Commission has brought this matter to the attention of the Greek competition authority which is best placed to monitor the retail banking market in Greece.

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Question no 95 by Rodi Kratsa-Tsagaropoulou (H-0131/03)

Subject: Investigation of National Emergency Aid Centre (EKAB)

Within the last 25 months, the National Emergency Aid Centre (EKAB) in Greece has had three air crashes claiming 14 lives, which has provoked a sense of indignation in the country. Numerous questions remain unanswered as to the causes of the accidents and the responsibility of government departments together with DRF and its subsidiary Helitalia, which were in charge of the operation of the rescue helicopters.

How much from Community resources has been spent on EKAB equipment, operations and personnel training? Following these tragic events, has the Commission asked to investigate whether EKAB complied with European flight safety rules? Does the Commission intend to finance the imminent purchase of EKAB's new helicopters and aircraft and what measures will it take (recommendations, inspections, etc.) to ensure that management and safety standards within EKAB are satisfactory?

Answer

(EN) According to the information received from the Greek authorities, two of the three helicopters that have crashed over the last months had been co-financed by the Community through the Community Support Framework 1994-1999 for Greece, in particular under the Operational Programme "Health and welfare". More precisely, the programme mentioned financed the procurement of five helicopters with a total cost of € 17.8 million, of which € 13.3 million were contributed by the Community. The delivery of helicopters began on 24 December 1999 (first helicopter) and was completed on 29 March 2000 (fifth helicopter).

According to Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents[32], every accident has to be investigated by an independent body established in each Member State with the sole objective of preventing future accident. A report containing, where appropriate, safety recommendations has to be published, if possible within one year of the accident, and a copy has to be sent to the Commission. It will be the exclusive responsibility of the Member State to enforce the possible safety recommendation to prevent re-occurrence of these accidents.

Moreover, in accordance with Article 3 of Commission Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field[33], if in the light of the circumstances of these accidents the Greek authorities conclude that the expenditure on helicopters constitutes an irregularity because of deficiencies in the tendering or contracting process (as distinct from operational issues), it is the Member State's responsibility to communicate to the Commission this irregularity, and this before the submission of the final payment claim for the related programme ("Health and welfare").

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[32] OJ L 319, 12.12.1994
[33] OJ L 178, 12.7.1994